



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SIXTH SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, FEBRUARY 16, 2022 AT 10.00 A.M.

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. ***THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 29 OF 2020)**
(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP)
(Second Reading)
9. ***THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 34 OF 2021)**
(Sen. (Arch.) Sylvia Kasanga, MP)
(Second Reading)
10. ***THE COUNTY E-HEALTH BILL (SENATE BILLS NO. 39 OF 2021)**
(Sen. Judith Pareno, MP)
(Second Reading)
11. ***THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 45 OF 2021)**
(Sen. Rose Nyamunga, MP)
(Second Reading)
12. ***THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2021)**
(Sen. Kipchumba Murkomen, MP)
(Second Reading)

...../Bills

13. ***THE ELECTIONS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 43 OF 2021)**

(Sen. Ledama Olekina, MP)

(Second Reading)

14. *** THE ELECTIONS (AMENDMENT) (NO. 3) BILL (SENATE BILLS NO. 48 OF 2021)**

(Sen. Ephraim Maina, MP)

(Second Reading)

15. ***THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2021)**

(Sen. Enoch Wambua, MP)

(Second Reading)

16. ***THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 52 OF 2021)**

(Sen. Rose Nyamunga, MP)

(Second Reading)

17. ***THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2021)**

(Sen. Samson Cherarkey, MP)

(Second Reading)

18. **COMMITTEE OF THE WHOLE**

****THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 37 OF 2021)**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

(Resumption of debate interrupted on Wednesday, 22nd December, 2021 – Morning Sitting)

(Division)

...../Notice

NOTICE

NOTICE is given that, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A (4).

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KEY

- ****- Denotes a Majority / Minority Party Bill
- ***- Denotes a National Assembly Bill
- ** - Denotes a Committee Bill
- *- Denotes any other Bill

...../Notice of Amendments

A. THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2021
(SENATE BILLS NO. 37 OF 2021)

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

- i.) **NOTICE** is given that the Chairperson, Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the Intergovernmental Relations (Amendment) Bill, 2021, at the Committee Stage –

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new paragraph immediately after the proposed paragraph (n) –

(na) conditions for the termination of the agreement.

CLAUSE 3

THAT clause 3 of the Bill be amended by inserting the following new section immediately after the proposed section 26F –

Role of Technical Committee in transfer or delegation of powers, functions and competencies.	26G. The Technical Committee shall, in undertaking duties under this Part –
	(a) witness the execution of a transfer or delegation of a power, function or competency;
	(b) provide administrative support to the parties to the transfer agreement during the transfer process; and
	(c) prepare and maintain an inventory of assets and liabilities of the transferred functions.

- ii.) **NOTICE** is given that Sen. Erick Okong'o Mogeni intends to move the following amendments to the Intergovernmental Relations (Amendment) Bill, Senate Bills No. 37 of 2021, at the Committee Stage

NEW CLAUSE 1A

THAT the Bill be amended by inserting the following new clause immediately after clause 1 –

Amendment of section 2 of No. 2 of 2012. **1A.** Section 2 of the Intergovernmental Relations Act, hereinafter referred to as the “principal Act”, is amended by inserting the following new definition immediately after the definition of the word “Council” —

...../Amendments

“Council Secretariat” means the Secretariat to the Council of County Governors established under section 23A.

NEW CLAUSE 1B

THAT the Bill be amended by inserting the following new clause immediately after new clause 1A –

Amendment **1B.** The principal Act is amended by deleting section of section 12 12 and substituting therefor the following new section – of No. 2 of 2012.

Functions of
the Technical
Committee.

12. The Technical Committee shall—

- (a) be responsible for the day-to-day administration of the Summit and in particular—
 - (i) facilitate the activities of the Summit; and
 - (ii) implement the decisions of the Summit;
- (b) take over the residual functions of the transition entity established under the law relating to transition to devolved government after dissolution of such entity; and
- (c) perform any other function as may be assigned to it by the Summit or any other law.

NEW CLAUSE 1C.

THAT the Bill be amended by inserting the following new clause immediately after new clause 1B –

Amendment **1C.** Section 14 of the principal Act is amended in of section 14 paragraph (b) by deleting the words “and to the Council” of No. 2 of appearing immediately after the words “to the Summit”. 2012.

NEW CLAUSE 1D

THAT the Bill be amended by inserting the following new clause immediately after new clause 1C –

...../Amendments

Amendment of section 15 of No. 2 of 2012. **1D.** Section 15 of the principal Act is amended in subsection (5) by –

- (a) deleting the words “the Council” appearing immediately after the words “of the Summit” in paragraph (a);
- (b) deleting the words “the Council” appearing immediately after the words “of the Summit” in paragraph (e); and
- (c) deleting the words “the Council” appearing immediately after the words “by the Summit” in paragraph (f).

NEW CLASUE 1E

THAT the Bill be amended by inserting the following new clause immediately after new clause 1D –

Amendment of section 17 of No. 2 of 2012. **1E.** Section 17 of the principal Act is amended by deleting the words “the Council” appearing immediately after the words “the Technical Committee”.

NEW CLAUSE 1F

THAT the Bill be amended by inserting the following new clause immediately after the new clause 1E –

Insertion of new section 23A in No. 2 of 2012. **1F.** The principal Act is amended by inserting the following new section immediately after section 23 –

The Council Secretariat. **23A.** (1) There shall be a Secretariat of the Council of County Governors to be known as the Council Secretariat.

(2) The Council Secretariat shall be headed by a chief executive officer and comprise such other staff as may be determined by the Council.

(3) The chief executive officer shall be competitively recruited and appointed by the Council.

...../Amendments

(4) A person is qualified to be appointed as a chief executive officer if that person-

- (a) holds a degree from a university recognised in Kenya;
- (b) has at least five years relevant professional experience;
- (c) has demonstrable competence of not less than five years in an administrative position; and
- (d) satisfies the requirements of leadership and integrity provided for under Chapter Six of the Constitution.

(5) The chief executive officer shall be –

- (a) the secretary to the Council;
- (b) the accounting officer of the Council Secretariat; and
- (c) responsible to the Council for the day-to-day administration of the affairs of the Council Secretariat and the implementation of the decisions arising from the Council.

(6) Without prejudice to the generality of the provisions of subsection (5), the chief executive officer shall be responsible for-

- (a) the implementation of the decisions of the Council;
- (b) the establishment and development of an efficient administration of the Council Secretariat;

...../Amendments

- (c) the organisation, control and management of staff of the Council Secretariat;
- (d) maintaining accurate records of all affairs of the Council, including records on financial matters and resource use;
- (e) ensuring the preparation and approval of the budget for the required funding of the operational expenses of the Council;
- (f) providing technical support to the sectoral working groups or committees of the Council; and
- (g) performing such other functions as may be assigned by the Council, this Act or any other legislation.

(7) The chief executive officer shall be appointed for a single term of six years and shall not be eligible for reappointment.

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the introductory clause and substituting therefor the following new introductory clause –

2. Section 26 of the principal Act is amended —

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...../Appendix

APPENDIX**1. PAPERS**

- i.) Report of the Auditor General on the financial statement of Kakamega County Agricultural Inputs Fund for the year ended 30th June, 2019;
- ii.) Report of the Auditor General on the financial statement of Kakamega County Maternal Child Health and Family Planning Fund for the year ended 30th June, 2019;
- iii.) Report of the Auditor General on the financial statement of Bungoma County Bursary Fund for the year ended 30th June, 2019;
- iv.) Report of the Auditor General on the financial statement of Bungoma County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2019;
- v.) Report of the Auditor General on the financial statement of Turkana County Emergency Fund for the year ended 30th June, 2019;
- vi.) Report of the Auditor General on the financial statement of Turkana County Youth and Women Empowerment Fund for the year ended 30th June, 2019;
- vii.) Report of the Auditor General on the financial statement of Kericho County Executive Staff Car Loan Scheme Fund for the year ended 30th June, 2019;
- viii.) Report of the Auditor General on the financial statement of Kericho County Assembly Members Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2019;
- ix.) Report of the Auditor General on the financial statement of Kericho County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2019;
- x.) Report of the Auditor General on the financial statement of Kisii County Bursary Fund for the year ended 30th June, 2019;
- xi.) Report of the Auditor General on County Assembly of Nakuru Car Loan and Mortgage Fund for the year ended 30th June, 2019;
- xii.) Report of the Auditor General on the financial statement of Kirinyaga County Executive Alcoholic Drinks Control Fund for the year ended 30th June, 2019;

...../Appendix

- xiii.) Report of the Auditor General on the financial statement of Laikipia County Enterprise Fund for the year ended 30th June, 2019;
- xiv.) Report of the Auditor General on the financial statement of Laikipia County Co-operative Fund for the year ended 30th June, 2019;
- xv.) Report of the Auditor General on the financial statement of Baringo County Small and Medium Enterprise Fund for the year ended 30th June, 2019;
- xvi.) Report of the Auditor General on the financial statement of Lamu County Bursary and Scholarship Fund for the year ended 30th June, 2019;
- xvii.) Report of the Auditor General on the financial statement of Vihiga County Executive Car Loan and Mortgage Fund for the year ended 30th June, 2019;
- xviii.) Report of the Auditor General on the financial statement of Vihiga County Assembly Car Loan and Mortgage Fund for the year ended 30th June, 2019;
- xix.) Report of the Auditor General on the financial statement of Vihiga County Education Fund for the year ended 30th June, 2019;
- xx.) Report of the Auditor General on the financial statement of Uasin Gishu County Enterprise Development Fund for the year ended 30th June, 2019;
- xxi.) Report of the Auditor General on the financial statement of West Pokot County Assembly staff Car Loan and Mortgage Fund for the year ended 30th June, 2019;
- xxii.) Report of the Auditor General on the financial statement of Trans Nzoia County Executive Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2019;
- xxiii.) Report of the Auditor General on the financial statement of Kiambu County Executive Staff Mortgage Scheme Fund for the year ended 30th June, 2019;
- xxiv.) Report of the Auditor General on the financial statement of Siboi Water and Sanitation Company Limited for the year ended 30th June, 2019;
- xxv.) Report of the Auditor General on the financial statement of Kisumu Water and Sanitation Company Limited for the year ended 30th June, 2019;

- xxvi.) Report of the Auditor General on the financial statement of County Executive of Elgeyo Marakwet for the year ended 30th June, 2020;
- xxvii.) Report of the Auditor General on the financial statement of County Assembly of Elgeyo Marakwet for the year ended 30th June, 2020;
- xxviii.) Report of the Auditor General on the financial statement of County Executive of Nandi for the year ended 30th June, 2020;
- xxix.) Report of the Auditor General on the financial statement of County Assembly of Nandi for the year ended 30th June, 2020;
- xxx.) Report of the Auditor General on the financial statement of County Executive of Mombasa for the year ended 30th June, 2020;
- xxxi.) Report of the Auditor General on the financial statement of County Assembly of Mombasa for the year ended 30th June, 2020;

(The Senate Majority Leader)

2. STATEMENTS

i.) Pursuant to Standing Order 47(1)

Nominated Senator (Sen. Abshiro Halake, MP) to make a Statement regarding the cyber-crime and data insecurity in the country.

ii.) Pursuant to Standing Order 48(1)

Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP) to seek a Statement from the Standing Committee on Health regarding the provision of mental health and psychosocial services in the counties.

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...../Notice Paper

NOTICE PAPER**Tentative Business for****Wednesday (Afternoon), February 16, 2022***(Published pursuant to Standing Order 38 (1))*

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday (Afternoon), February 16, 2022.

- A. ***THE PRESERVATION OF HUMAN DIGNITY AND PROTECTION OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 21 OF 2021)**
(Sen. Abshiro Halake, MP)

*(Second Reading)**(Division)*

- B. *****THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2021)**
(The Senate Majority Leader)

*(Second Reading)**(Division)*

- C. *****THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)**
(The Senate Majority Leader)

*(Second Reading)**(Division)*

- D. ***THE SPECIAL NEEDS EDUCATION BILL (SENATE BILLS NO. 44 OF 2021)**
(Sen. (Dr.) Getrude Musuruve and Sen. (Prof.) Margaret Kamar, MP)

*(Second Reading)**(Division)*

- E. **COMMITTEE OF THE WHOLE**

- i.) ***The Heritage and Museums Bill (Senate Bills No. 22 of 2021)**
(Sen. (Dr.) Alice Milgo, MP)

(Division)

- ii.) ***The County Oversight and Accountability Bill (Senate Bills No. 17 of 2021)**
(Sen. Ledama Olekina, MP)

(Division)

...../Notice Paper

iii.) ***The County Governments (Amendment) Bill (Senate Bills No. 38 of 2021)**

(Sen. Moses Kajwang', MP)

(Division)

iv.) ***The Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 53 of 2021)**

(Sen. Naomi Shiyonga, MP)
