



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

THURSDAY, SEPTEMBER 28, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **COMMITTEE OF THE WHOLE**
***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)
9. **COMMITTEE OF THE WHOLE**
******THE PRIMARY HEALTH CARE BILL (SENATE BILLS NO. 44 OF 2023)**
(The Senate Majority Leader)
10. *****THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)**
(The Senate Majority Leader)
(Second Reading)
11. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang' MP)
(Second Reading)

12. ***THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2023)**

(Sen. James Murango, MP)

(Second Reading)

13. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 24 OF 2023)**

(Sen. Moses Kajwang', MP)

(Second Reading)

14. ***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)**

(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

KEY

******- Denotes a Majority /Minority Party Bill**

*****- Denotes a National Assembly Bill**

****- Denotes a Committee Bill**

***- Denotes any other Bill**

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A. *THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)

(Sen. Mariam Sheikh Omar, MP)

NOTICE is given that the Chairperson, Standing Committee on Trade, Tourism and Industrialization, intends to move the following amendments to the County Licensing (Uniform Procedures) Bill, (Senate Bills No. 32 of 2020), at the Committee Stage-

CLAUSE 4

THAT clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

- (e) establishing and implementing a system that designates different codes for the different categories of licences issued by that authority.

CLAUSE 6

THAT clause 6 of the Bill be amended by—

- (a) inserting the words “producers, suppliers and service providers” immediately after the words “rights of consumers” appearing in paragraph (a); and
- (b) inserting the following new paragraph immediately after paragraph (e)—
 - (f) ensure that each category of the licences offered by the county government is designated a unique code.

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (a)—

- (aa) the code of the category of the licence.

CLAUSE 23

THAT clause 23 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (b)—

- (c) make the register accessible to the public online.

CLAUSE 24

THAT clause 24 of the Bill be amended by inserting the following new subclause immediately after subclause (5)—

(6) Pursuant to section 20(1)(a) and (c) of the Intergovernmental Relations Act, the Council of County Governors shall provide a platform for consultation and collaboration by county governments in –

- (a) establishing a system to facilitate the effective implementation of this Act; and
- (b) establishing and implementing harmonised processes for issuance of licences and imposition of fees where goods are transported across different counties.

CLAUSE 28

THAT clause 28 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (c)—

- (ca) a coding system for all categories of licences issued by the county government.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 26—

Breach of the Act.	26A. A person who contravenes a provision of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both.
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B. **THE PRIMARY HEALTH CARE BILL (SENATE BILLS NO. 44 OF 2023)**
(The Senate Majority Leader)

- (i) **NOTICE** is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Primary Health Care Bill, 2023, (Senate Bills No. 44 of 2023), at the Committee Stage—

CLAUSE 5

THAT clause 5 of the Bill be amended in subclause (2) by deleting the word “and” appearing immediately after the words “of first aid” in paragraph (e) and substituting therefor the word “for”.

CLAUSE 13

THAT clause 13 of the Bill be amended by deleting the introductory clause and substituting therefor the following new introductory clause—

...../Notice of Amendments

The Cabinet Secretary Shall—

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (2) by-

(a) deleting paragraph (f) and substituting therefor the following paragraph—

(f) the Director of the Kenya Medical College or their representative;

(b) inserting the following new paragraph immediately after paragraph (g)—

(ga) the chief executive officer of the Kenya Health Professional Oversight Authority or their representative;

CLAUSE 15

THAT clause 15 of the Bill be amended in paragraph (c) by deleting the words “and remuneration” appearing immediately after the words “for the facilitation”.

CLAUSE 19

THAT clause 19 of the Bill be amended in subclause (1) by deleting the words “in accordance with the Kenya Community Health Policy” appearing at the end of the subclause.

CLAUSE 20

THAT clause 20 of the Bill be amended—

(a) in subclause (1) by deleting the words “special interest” appearing immediately after the words “a representative of” in paragraph (c) and substituting therefor the word “vulnerable”; and

(b) in subclause (3) by inserting the words “renewable once” at the end of the subclause.

CLAUSE 21

THAT clause 21 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(3) Despite section 9, a person appointed as a community health volunteer at the commencement of this Act shall be deemed to be appointed as a community health promoter under this Act.

CLAUSE 23

THAT clause 23 of the Bill be amended by inserting the words “in consultation with county governments” immediately after the words “Cabinet Secretary shall”.

(ii) NOTICE is given that (Sen. Eddy Oketch, MP) intends to move the following amendments to the Primary Health Care Bill, 2023, (Senate Bills No. 44 of 2023), at the Committee Stage—

CLAUSE 13

THAT clause 13 of the Bill be amended –

(a) by deleting the heading to Part IV and substituting therefor the following new heading –

PART IV – ROLE OF NATIONAL GOVERNMENT IN PRIMARY HEALTH CARE POLICY

(b) by renumbering the existing provision as subclause (1);

(c) in subclause (1) -

(i) by deleting the introductory clause and substituting therefor the following new clause –

The Cabinet Secretary shall provide policy direction for the effective provision of primary health care services by county governments and shall, for this purpose -

(ii) by deleting the word “counties” appearing immediately after the words “data from the” in paragraph (c) and substituting therefor the words “respective county primary health care advisory committee”;

(iii) in paragraph (e) by deleting the words “and technical assistance and monitor implementation” appearing immediately after the words “provide capacity development”; and

(iv) by deleting paragraph (f); and

(d) by inserting the following new subclause immediately after subclause (1)

–

(2) The National Government shall appropriate and transfer to the county revenue fund of respective county governments such monies as shall be required for the effective performance of their functions under this Act.

CLAUSE 14

THAT the Bill be amended by deleting clause 14.

CLAUSE 15

THAT clause 15 of the Bill be amended by inserting the following new heading immediately after clause 14 –

PART IVA – MANAGEMENT OF PRIMARY HEALTH CARE SERVICES

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (3) by deleting paragraph (m).

CLAUSE 2

THAT the Bill be amended by deleting the word “community health promoter” wherever it appears and substituting therefor the word “community health volunteer”.

(iii) **NOTICE** is given that (Sen. Danson Mungatana, MP) intends to move the following amendments to the (Primary Health Care Bill, 2023), Senate Bills No. 44 of 2023, at the Committee Stage—

CLAUSE 12

THAT clause 12 of the Bill be amended by inserting the words “at least once a year” immediately after the word “training” appearing in paragraph (a).

CLAUSE 13

THAT clause 13 of the Bill be amended -

(a) by renumbering the existing provision as subclause (1);

(b) by deleting the introductory clause and substituting therefor the following new clause –

The Cabinet Secretary shall provide policy direction for the effective provision of primary health care services by county governments and shall, for this purpose -

(c) by inserting the following new provision immediately after subclause (1)
-

(2) The National Government shall appropriate and transfer to the county revenue fund of respective county governments such monies as shall be required for the effective performance of their functions under this Act.

CLAUSE 14

THAT the Bill be amended by deleting clause 14.

NEW CLAUSE 9A

THAT the Bill be amended by inserting the following new clause immediately after clause 9 —

Public participation in the selection of community health promoters.

9A. (1) In conducting the public participation forum under section 9, the county executive committee member shall –

(a) publish and publicize, through the mechanisms established by a county government under section 95(1) of the County Governments Act, a notice of the proposed selection process, at least seven days before the conduct of the process;

(b) avail to the residents of the county, information regarding the –

(i) agenda with respect to the selection process and any other issue connected to the selection process;

(ii) criteria for selection as a community health promoter;

(iii) the process of submitting their nomination for selection; and

(iv) such other information as the committee member may consider necessary for the effective participation and conduct of the selection process;

No. 17 of 2012.

- (c) ensure that the information circulated under paragraph (b) is provided in format that is simple to understand and is also available in the prevailing local language;
- (d) take measures to ensure the participation of all persons required to participate in the process including persons with disabilities and marginalized communities within the county;
- (e) provide, where necessary, interpretation services for persons who are not conversant with the national language, where the national language is the principle language of communication during the conduct of the public participation forum;
- (f) keep and maintain an attendance register of all persons attending the selection process;
- (g) ensure that all persons attending the public participation forum signify their attendance by signing the attendance register;
- (h) keep a record of the minutes of the selection process; and
- (i) publicise the decision regarding the persons selected during the public participation forum through the mechanism established under section 95(1) of the County Governments Act.

(2) The conduct of public participation forum shall be guided by the following principles –

- (a) principles of citizen participation in counties under section 87 of the County Governments Act;
- (b) provision of effective mechanisms for the involvement of the public including special interest groups who would be affected by or be interested in a decision;
- (c) participants’ equitable access to the information they need to participate in a meaningful manner;
- (d) establishment of an appropriate feedback mechanism;
- (e) adherence to the national values under Article 10 of the Constitution;

- (f) adherence to the principles of public participation as may be prescribed by any written law; and
- (g) ensuring that the needs and interests of all persons participating in the process are taken into account.

(3) The county executive committee member shall prescribe, in county legislation, provisions regarding –

- (a) the quorum required for the holding of the public participation which shall not be less than seventy adults residents within the respective county;
- (b) the keeping of records prepared with respect to a public participation forum conducted under this Act;
- (c) the process of the conduct of the selection process including the voting, decision making, quorum and recording of information with respect to the process; and
- (d) such other guidelines as may be necessary for the effective conduct of the public participation forum.

(iv) NOTICE is given that Sen. Godfrey Osotsi, MP intends to move the following amendments to the Primary Health Care Bill, 2023, Senate Bills No. 44 of 2023, at the Committee Stage—

CLAUSE 9

THAT clause 9 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause –

(1) A community health care promoter shall be selected in manner prescribed in legislation enacted by the respective county governments.

- (b) in subclause (4) by deleting the word “guidelines” appearing immediately after the words “the county legislation” and substituting therefor the words “ and regulations approved by the respective county assembly”.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (3) by deleting paragraph (f).

CLAUSE 13

THAT clause 13 of the Bill be amended by deleting paragraph (f).

CLAUSE 14

THAT the Bill be amended by deleting clause 14.

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (3) by—

- (a) deleting the words “promote oversight” appearing before the words “monitor and evaluate” in paragraph (a); and
- (b) deleting paragraph (m).

CLAUSE 20

THAT clause 20 of the Bill be amended –

- (a) in subclause (3) by inserting the words “with the approval of the County Assembly” immediately after the words “executive committee member”; and
- (b) in subclause (4) by deleting the words “and oversight” appearing immediately after the words “provide leadership” in paragraph (a).

CLAUSE 21

THAT clause 21 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(3) Despite section 9, a person appointed as a community health volunteer or community health worker at the commencement of this Act shall be deemed to be appointed as a community health promoter under this Act.

CLAUSE 22

THAT clause 22 of the Bill be amended in subclause (1) by inserting the words “political or any” immediately after the words “engage in” appearing in paragraph (i).

NEW CLAUSE 13A

THAT the Bill be amended by inserting the following new clause immediately after clause 13 –

Financing
of primary
health care
functions.

13A. (1) The National Government may, in accordance with the law relating to county governments additional allocations, provide such resources as may be necessary for the effective performance of the functions of county governments under this Act.

(2) The additional resources allocated under subsection (1) shall be a supplement, and not a substitute, to the resources allocated by the respective county government in respect to the delivery of primary health care services in the county.

(v) NOTICE is given that Sen. William Cheptumo intends to move the following amendments to the Primary Health Care Bill, 2023, Senate Bills No. 44 of 2023, at the Committee Stage—

CLAUSE 9

THAT clause 9 of the Bill be amended in subclause (2) by deleting the word “or” appearing immediately after the words “the national languages” in paragraph (f) and substituting therefor the word “ and”.

APPENDIX

1. PETITIONS

- i.) Petition to the Senate by the Cultural Environmental Care Society (CECARE) concerning the conversion of Land LR NO. 209/2378/1 Pumwani Majengo, from public to private land.

(The Speaker of the Senate)

- ii.) Petition to the Senate by Muindi Mbingu Memorial Ngelani Association concerning historical injustices suffered by residents of Ngelani area in Machakos County during the colonial period.

(Sen. Agnes Kavindu, MP)

2. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52 (1)

- i.) The Senator for Bungoma County (Sen. David Wafula Wakoli, MP) to make a statement concerning the plight of Kenyans who are stranded in Malaysia.
- ii.) The Senator for Turkana County (Sen. James Lomenen, MP) to make a statement concerning the untapped potential of Lake Turkana's blue economy.
- iii.) Nominated Senator (Sen. Catherine Mumma, MP) to make a statement concerning the sustainable exploitation of natural resources in Turkana County.

b) Pursuant to Standing Order 53(1)

- i.) The Senator for Nyeri County (Sen. Wahome Wamatinga, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism concerning the regulation of the scrap metal industry in Kenya.
- ii.) The Senator for Nyeri County (Sen. Wahome Wamatinga, MP) to seek a statement from the Standing Committee on Education concerning the circumstances leading to the death of Master Caleb Odanga while on a school trip.

- iii.) The Senator for Nyeri County (Sen. Wahome Wamatinga, MP) to seek a statement from the Standing Committee on Health regarding the institution of measures to safeguard families of patients suffering from brain stem death.
- iv.) Nominated Senator (Sen. George Mbugua, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the leasing of idle public land to farmers.
- v.) The Senator for Kiambu County (Sen. Karungo Thangwa, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the mitigation efforts by government to control the overflow of Karimenu II dam.
- vi.) The Senator for Baringo County (Sen. William Cheptumo, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the settlement of outstanding compensation claims for deaths and injuries caused by snake bites.
- vii.) Nominated Senator (Sen. Catherine Mumma, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding measures put in place to address the state of insecurity in Turkana County.
- viii.) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of the Lodwar court building in Turkana County.
- ix.) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a statement from the Standing Committee on Education concerning the burning of schools in Turkana County by suspected armed bandits.
- x.) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning the state of rural roads in Turkana County.

c) Pursuant to Standing Order 57(1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 3rd October, 2023.

...../Notice Paper

NOTICE PAPER

Tentative Business for

Tuesday, October 03, 2023

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Tuesday, October 03, 2023

A. BILLS AT THE SECOND READING STAGE

- i.) ****THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (SENATE BILLS NO. 22 OF 2023)
- ii.) ***THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)
(The Senate Majority Leader)
- iii.) **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- iv.) *THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)
(Sen. Samson Cherarkey, MP)

B. MOTION

DROUGHT MITIGATION PROGRAMME IN PUBLIC SCHOOLS
(Sen. Enoch Wambua, MP)
