



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER II
AFTERNOON SITTING
WEDNESDAY, SEPTEMBER 27, 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. **THE PRIMARY HEALTH CARE BILL (SENATE BILLS NO. 44 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 27th September, 2023 – Morning Sitting)

9. **COMMITTEE OF THE WHOLE**
***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)
10. **COMMITTEE OF THE WHOLE**
******THE FACILITIES IMPROVEMENT FINANCING BILL (SENATE BILLS NO. 43 OF 2023)**
(The Senate Majority Leader)
11. **COMMITTEE OF THE WHOLE**
******THE PRIMARY HEALTH CARE BILL (SENATE BILLS NO. 44 OF 2023)**
(The Senate Majority Leader)

...../Bills

12. *****THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

13. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**

(Sen. Moses Kajwang' MP)

(Second Reading)

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

(Sen. James Murango, 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.

B. **THE FACILITIES IMPROVEMENT FINANCING BILL (SENATE BILLS NO. 43 OF 2023)**

(The Senate Majority Leader)

- i.) **NOTICE** is given that the Chairperson, Standing Committee Standing Committee on Health, intends to move the following amendments to the Facility Improvement Financing Bill, 2023, (Senate Bills No. 43 of 2023), at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended in paragraph (c) by deleting the word “retained” appearing immediately after the words “and use of” and substituting therefor the word “budgeted”.

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting the word “up” appearing immediately after the words “shall apply to” and substituting therefor the words “level 1”.

CLAUSE 9

THAT clause 9 of the Bill be amended by deleting the introductory clause and substituting therefor the following new clause –

The Cabinet secretary responsible for matters relating to health shall provide a policy framework for the administration of facility improvement financing by –

CLAUSE 10

THAT clause 10 of the Bill be amended by deleting the words “respective county government shall in accordance with health functions set out under the Fourth Schedule to the Constitution and other written law” appearing immediately after the word “The” in the introductory clause and substituting therefor the words “county executive committee member shall”.

CLAUSE 11

THAT clause 11 of the Bill be amended in subclause (2) by deleting the word “all” appearing immediately after the words “medical superintendents of” in paragraph (d) and substituting therefor the word “the”.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (2) by deleting the word “Medical” appearing immediately after the word “the” in paragraph (a) and substituting therefor the word “health”.

CLAUSE 21

THAT clause 21 of the Bill be amended in subclause (1) by deleting the words “special purpose” appearing immediately after the words “and operated a” and substituting thereof the word “bank”.

ii.) NOTICE is given that (Sen. Enoch Wambua, MP) intends to move the following amendments to the Facilities Improvement Financing Bill, 2023, (Senate Bills No. 43 of 2023), at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting the words “up to level 5” appearing immediately after the words ‘shall apply to” and substituting therefor the word “all”.

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 9

THAT clause 9 of the Bill be amended by—

- (a) deleting the words “National Government, through the Ministry responsible for health” appearing immediately after the word “The” and substituting therefor the words “Cabinet Secretary responsible for matters related to health, in consultation with the Council of County Governors”;
- (b) deleting paragraph (f); and
- (c) deleting paragraph (g).

iii.) NOTICE is given that (Sen. George Mbugua, MP) intends to move the following amendments to the Facilities Improvement Financing Bill, 2023, (Senate Bills No. 43 of 2023), at the Committee Stage—

CLAUSE 18

THAT clause 18 of the Bill be amended—

- (a) in subclause (1) by inserting the words “one of whom shall be a person with disability” immediately after the words “and marginalized communities.” appearing in paragraph (g); and
- (b) by deleting subclause (3) and substituting therefor the following new subclause –

(3) In constituting the Committee, the county executive committee member shall ensure that –

- (a) at least one third of the total membership of the Committee shall be from the opposite gender;
- (b) the membership includes persons from marginalized communities; and
- (c) the interests of diverse groups in the catchment area are represented.

iv.) NOTICE is given that (Sen. Godfrey Osotsi, MP) intends to move the following amendments to the Facility Improvement Financing Bill, 2023, (Senate Bills No. 43 of 2023), at the Committee Stage—

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 19

THAT clause 19 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (h)—

- (ha) implement the recommendations of the Auditor-General made pursuant to section 31(3)(a) of the Public Audit Act;
- (hb) implement the recommendations of the Senate and the respective county assembly on the relevant report of the Auditor-General; and
- (hc) implement the relevant recommendations of the Controller of Budget on the facility.

NEW CLAUSE 23A

THAT the Bill be amended by inserting the following new clause immediately after clause 23—

| | |
|-------------------|---|
| Annual reporting. | <p>23A. Within three months after the end of each financial year, the accounting officer of a public health facility shall —</p> <ul style="list-style-type: none">(a) submit the facility’s financial statements to the Auditor-General in accordance with the Public Audit Act; and(b) submit a copy of the facility’s financial statements to the Controller of Budget and the Commission on Revenue Allocation. |
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CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definition in its proper alphabetical sequence—

“receivables” means monies raised by a county health facility, monies appropriated by a county government, conditional grants, donations and gifts.

- v.) NOTICE** is given that (Sen. Edwin Sifuna, MP) intends to move the following amendments to the Facility Improvement Financing Bill, 2023, (Senate Bills No. 43 of 2023), at the Committee Stage—

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 9

THAT clause 9 of the Bill be amended by deleting the words “National Government, through the Ministry responsible for health, shall provide policy and regulatory direction in” appearing immediately after the word “The” in the introductory clause and substituting therefor the words “Cabinet secretary responsible for matters relating to health shall provide a policy framework for”.

CLAUSE 19

THAT clause 19 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (h)—

- (ha) implement the recommendations of the Auditor-General made pursuant to section 31(3)(a) of the Public Audit Act;
- (hb) implement the recommendations of the Senate and the respective county assembly on the relevant report of the Auditor-General; and
- (hc) implement the relevant recommendations of the Controller of Budget on the facility.

CLAUSE 23

THAT clause 23 of the Bill be amended in subclause (9) by deleting the words “returns/accounts in the prescribed format” appearing immediately after the words “expected to file” and substituting therefor the words “returns and financial accounts in the format prescribed by county legislation”.

CLAUSE 29

THAT the Bill be amended by deleting clause 29 and substituting therefor the following new clause—

...../Notice of Amendments

County **29.** A county government may enact legislation to give further effect to the provisions of this Act in the respective county.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 23—

Annual **23A.** Within three months after the end of each reporting. financial year, the accounting officer for a county health facility shall—

(c) submit the facility’s financial statements to the Auditor-General in accordance with the Public Audit Act; and

(d) submit a copy of the facility’s financial statements to the Controller of Budget and the Commission on Revenue Allocation.

vi.) NOTICE is given that (Sen. Danson Mungatana, MP) intends to move the following amendments to the Facilities Improvement Financing Bill, 2023, (Senate Bills No. 43 of 2023), at the Committee Stage—

CLAUSE 8

THAT clause 8 of the Bill be amended by inserting the following new paragraph immediately after paragraph (g)—

(h) fund ambulance services for the transfer of patients from one health facility to another.

CLAUSE 11

THAT clause 11 of the Bill be amended—

(a) in subclause (2) by inserting the following new paragraphs immediately after paragraph (d)—

(e) one man and one woman representing the local community; and

(f) one youth representing the local community.

(b) by inserting the following new subclause after subclause (2) —

(3) The county executive committee member shall ensure that at least one of the persons appointed under subsection (2)(e) and (f) has knowledge or experience in matters relating to health.

...../Notice of Amendments

CLAUSE 13

THAT clause 13 of the Bill be amended—

(a) in subclause (2) by inserting the following new paragraphs immediately after paragraph (d)-

(e) one man and one woman representing the local community;

(f) one youth representing the local community.

(b) by inserting the following new subclause after subclause (2)-

(3) The county executive committee member shall ensure that at least one of the persons appointed under subsection (2)(e) and (f) has knowledge or experience in matters relating to health.

CLAUSE 15

THAT the Bill be amended by deleting clause 15 and substituting therefor the following new clause-

The hospital management team.

15.(1) A hospital in the county shall have a hospital management team which shall consist of-

- (a) the medical superintendent;
- (b) the hospital administrator;
- (c) the hospital accountant;
- (d) the hospital procurement officer;
- (e) all department heads
- (f) one man and one woman representing the local community appointed by the county executive committee member; and
- (g) one youth representing the local community county executive committee member.

(2) The county executive committee member shall ensure that at least one of the persons appointed under subsection (1)(f) and (j) has knowledge or experience in matters relating to health.

C. ****THE PRIMARY HEALTH CARE BILL (SENATE BILLS NO. 44 OF 2023)
(The Senate Majority Leader)

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—

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”.

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.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding reports of abuse in care homes for the elderly.
- vi.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding dumping of textile, plastic and synthetic waste in Kenya.
- vii.) 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.
- viii.) 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.
- ix.) 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.
- 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 status of construction of the Lodwar court building in Turkana County.
- xi.) 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.
- xii.) 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.

NOTICE PAPER

Tentative Business for

Thursday, September 28, 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 Thursday, September 28, 2023

A. BILLS AT THE SECOND READING STAGE

- i.) *THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 24 OF 2023)
(Sen. Moses Kajwang', MP)

 - ii.) *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
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