



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**ORDER PAPER**

**AFTERNOON SITTING**

**WEDNESDAY, JULY 17, 2024 AT 2.30 PM**

**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. Questions and Statements (as listed in the Appendix)
8. **MOTION – THE CURRENT STATE OF THE NATION**  
(The Senate Majority Leader and the Senate Minority Leader)

**RECOGNIZING** the State of the nation at this moment; the ongoing protests following the passing of the Finance Bill (National Assembly Bills No. 30 of 2024) on 25<sup>th</sup> June, 2024 by the National Assembly; the loss of lives, maiming and loss of property that has been occasioned following these protests;

**COGNIZANT THAT** pursuant to Article 115(1)(b) of the Constitution His Excellency the President of the Republic of Kenya declined to assent to the Bill and referred it back to the National Assembly with recommendations to delete all clauses of the Bill;

**ACKNOWLEDGING THAT** the conversation on the Finance Bill has triggered the broader important public conversation on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions including Parliament;

...../Motion

**FURTHER ACKNOWLEDGING** the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state and public appointments, opulent lifestyles of public officers, unemployment and high cost of living amongst other issues bedeviling the economy;

**NOW THEREFORE**, the Senate–

1. calls upon–

- i) the National Assembly to expeditiously consider the presidential memorandum pursuant to Article 115(2)(a);
- ii) all government ministries, departments and agencies, and constitutional commissions, including Parliament, to put in place austerity measures in undertaking their respective functions;
- iii) the Ethics and Anti-Corruption Commission (EACC) and other government multi sector agencies in the governance, justice, law and order sector to upscale and make concerted efforts to fight corruption;
- iv) the National Police Service to cease abductions, unlawful arrests, extra judicial killings and exercise restraint in dealing with peaceful and unarmed demonstrators;
- v) release of all persons arrested for planning and participating in peaceful demonstrations relating to the enactment of the Finance Bill;
- vi) the government to waive hospital bills for persons who have been injured and defray funeral expenses for those who lost their lives, during the demonstrations; and
- vii) the Judiciary to prioritize and expedite all court cases relating to the enactment of the Finance Bill and the resultant demonstrations.

2. considers all the challenges facing the country and makes necessary recommendations to address them.

***(Resumption of debate interrupted on Thursday, 11<sup>th</sup> July, 2024)***

9. **MOTION - REPORT OF THE SELECT COMMITTEE ON DELEGATED LEGISLATION ON ITS CONSIDERATION OF THE SOCIAL HEALTH INSURANCE (GENERAL) REGULATIONS, 2024 AND THE SOCIAL HEALTH INSURANCE (TRIBUNAL PROCEDURE) RULES, 2024**

(The Chairperson, Select Committee on Delegated Legislation)

**THAT**, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal

...../Motion

Procedure) Rules, 2024, laid on the Table of the Senate on Tuesday, 2<sup>nd</sup> July, 2024; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul: -

- i. the Social Health Insurance (General) Regulations, 2024 (Legal Notice No. 49 of 2024);and
- ii. the Social Health Insurance (Tribunal Procedure) Rules, 2024, (Legal Notice No. 48 of 2024).

***(Resumption of debate interrupted on Wednesday, 10<sup>th</sup> July, 2024 –  
Afternoon Sitting)  
(Division)***

10. **\*\*\*THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL  
(NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)**  
(The Senate Majority Leader)

*(Second Reading)*  
***(Resumption of debate interrupted on Tuesday, 28<sup>th</sup> May, 2024)  
(Division)***

11. **\*THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE  
BILLS NO. 40 OF 2023)**  
(Sen. Hamida Ali Kibwana, MP)

*(Second Reading)*  
***(Resumption of debate interrupted on Thursday, 30<sup>th</sup> May, 2024)  
(Division)***

12. **\*THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE  
BILLS NO. 41 OF 2023)**  
(Sen. Esther Anyieni Okenyuri, MP)

*(Second Reading)*  
***(Resumption of debate interrupted on Thursday, 11<sup>th</sup> July, 2024)  
(Division)***

13. **\*THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO.  
2023)**  
(Sen. Veronica Maina, MP)

*(Second Reading)*  
***(Resumption of debate interrupted on Tuesday, 16<sup>th</sup> July, 2024)  
(Division)***

14. **\*THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (SENATE  
BILLS NO. 52 OF 2023)**  
(Sen. Raphael Chimera, MP)

*(Second Reading)*  
***(Resumption of debate interrupted on Thursday, 30<sup>th</sup> May, 2024)  
...../Bills***

15. **COMMITTEE OF THE WHOLE**  
**\*\*\*THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**  
(The Senate Majority Leader)  
  
*(Resumption of debate interrupted on Wednesday, 15<sup>th</sup> May, 2024 –  
Afternoon Sitting)  
(Division)*
16. **COMMITTEE OF THE WHOLE**  
**\*THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**  
(Sen. Wakili Hillary Sigei, MP)
17. **COMMITTEE OF THE WHOLE**  
**\*THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**  
(Sen. Beatrice Ogolla, MP)
18. **COMMITTEE OF THE WHOLE**  
**\*\*\*\*THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**  
(The Senate Majority Leader)
19. **COMMITTEE OF THE WHOLE**  
**\*\*\*THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**  
(The Senate Majority Leader)
20. **\*THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**  
(Sen. Johnes Mwaruma, MP)  
  
*(Second Reading)*
21. **\*THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**  
(Sen. Lenku Ole Kanar Seki, MP)  
  
*(Second Reading)*
22. **\*\*THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)**  
(The Chairperson, Standing Committee on Energy)  
  
*(Second Reading)*
23. **\*THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)**  
(Sen. Mariam Sheikh Omar, MP)  
  
*(Second Reading)*

24. **THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)**

(Sen. Eddy Oketch, MP)

*(Second Reading)*

25. **\*THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)**

(Sen. Mohamed Abass Sheikh, MP)

*(Second Reading)*

26. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON ITS CONSIDERATION OF THE REPORTS OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THARAKA NITHI, HOMA BAY, KAKAMEGA, KIRINYAGA, MAKUENI, MERU, BOMET, MURANG'A, NANDI, NYAMIRA, NYERI, SIAYA, VIHIGA, WAJIR AND SAMBURU COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2019/2020**

(The Chairperson, County Public Accounts Committee)

**THAT**, the Senate adopts the Report of the Select Committee on County Public Accounts on its consideration of the Reports of the Auditor General on the Financial Statements of Tharaka Nithi, Homa Bay, Kakamega, Kirinyaga, Makueni, Meru, Bomet, Murang'a, Nandi, Nyamira, Nyeri, Siaya, Vihiga, Wajir and Samburu County Executives for the Financial Year 2019/2020 laid on the table of the Senate on Tuesday, 5<sup>th</sup> March, 2024.

27. **MOTION - REPORTS OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF VARIOUS WATER SERVICE COMPANIES FOR THE FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021**

(The Chairperson, Committee on County Public Investments and Special Funds)

**THAT**, the Senate adopts the Reports of the Select Committee on County Public Investments and Special Funds on its consideration of the Audit Reports for the Financial Years 2018/2019 (Volume IV), 2019/2020 (Volume V) and 2020/2021 (Volume VI), for the following Water Service Companies laid on the table of the Senate on Wednesday, 29<sup>th</sup> May, 2024;

- i) Busia Water and Sewerage Services Company Limited;
- ii) Iten- Tambach Water and Sewerage Company Limited;
- iii) Kirinyaga Water and Sanitation Company Limited;
- iv) Malindi Water and Sewerage Company Limited;
- v) Mandera Water and Sewerage Company Limited;
- vi) Migori Water and Sanitation Company Limited;
- vii) Mombasa Water and Sanitation Company Limited;
- viii) Nanyuki Water and Sanitation Company Limited; and
- ix) Nithi Water and Sanitation Company Limited.

...../Motion

28. **MOTION - ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA**  
(Sen. Wahome Wamatinga, MP)

**THAT, AWARE THAT** on 29<sup>th</sup> March 2021, a presidential taskforce was formed to review power purchase agreements between the Government and Independent Power Producers, during which a moratorium was imposed on Kenya Power and Lighting Company (KPLC), preventing KPLC from signing new agreements or renewing existing ones with Independent Power Producers, which moratorium was lifted by the Cabinet in March 2023;

**FURTHER AWARE THAT** the National Assembly, vide a Motion adopted on 19th April, 2023 placed a moratorium, restricting KPLC from signing and renewing power purchase agreements (PPAs) with Independent Power Producers (IPPs) pending a report of inquiry by the Departmental Committee on Energy and the consequent House resolution on the report;

**CONCERNED THAT** Kenya imports 17% of its electricity from neighboring countries and faces a challenge as the growing demand for electricity is conflicted with the lengthy process of developing power plants, which usually takes 6-10 years from conception to generation, leading to electricity shortage and load shedding which impedes economic growth;

**COGNIZANT** of the Senate resolution of 28th February, 2024 on a Motion by the Standing Committee on Energy on inquiry into the high cost of electricity in the country calling upon the Ministry of Energy to, among others, create a one stop IPP office that comprises all the stakeholders required for approval of power plants and that the Ministry, through KPLC and Independent Power Producers renegotiate the current power purchase agreements within 12 months of adoption of the report;

**NOW THEREFORE** notwithstanding the resolution of the National Assembly that imposed a moratorium on Kenya Power whose timeline has lapsed, the Senate, in order to cushion Kenyans from the high cost of electricity, resolves:

- i. that the Ministry of Energy and Petroleum and Kenya Power and Lighting Company be allowed to enter into new power purchase agreements or renew existing power purchase agreements with Independent Power Producers; and
- ii. that the Energy and Petroleum Regulatory Authority (EPRA) fast tracks the acquisition of necessary licenses required by Independent Power Producers with valid power purchase agreements for setting up power plants.

...../Motion

29. **MOTION - STOPPAGE OF FUNDS TO ISIOLO COUNTY DUE TO THE FAILURE BY THE GOVERNOR TO HONOUR SENATE SUMMONSES**  
(Sen. Fatuma Dullo, MP)

**THAT AWARE THAT**, pursuant to Article 96 of the Constitution, the Senate represents the counties and serves to protect the interests of the counties and their governments, and that the Senate exercises oversight over national revenue allocated to the county governments;

**FURTHER AWARE THAT**, Article 124 of the Constitution establishes Committees to carry out specific mandates and that Article 125 of the Constitution gives any Committee the power to summon any person to appear before it for the purpose of giving evidence or providing information;

**WHEREAS**, the Senate Standing Committee on Health invited and later summoned the Governor of Isiolo County, Hon. Abdi Ibrahim Hassan, to respond to questions relating to, among others, the ongoing crisis at Isiolo Morgue, NHIF deductions and remittance status and total amount of pending bill owed to the county hospital, which invitation he failed to honour on 21<sup>st</sup> May, 2024 and similarly failed to honour the summonses on 28<sup>th</sup> May, 2024 and 10<sup>th</sup> June, 2024;

**AND WHEREAS** the Governor of Isiolo County failed to honour an invitation by the County Public Investments and Special Funds Committee to respond to issues raised in the Auditor-General's Reports on Isiolo County Bursary Fund, the Isiolo County Emergency Fund and the Isiolo County Youth, Women and People with Disability Fund for the Financial Years 2019/2020, 2020/2021 and 2021/2022 on 28<sup>th</sup> May, 2024;

**AND FURTHER WHEREAS** the Governor of Isiolo County failed to honour five (5) invitations on diverse dates between 28<sup>th</sup> March, 2023 and 8<sup>th</sup> March, 2024 by the County Public Accounts Committee to respond to queries raised by the Auditor General in the Financial Statement of the County Executive of Isiolo for the Financial Years 2019/2020 and 2020/2021;

**CONCERNED THAT** following the numerous incidents of failure and or refusal by the Governor of Isiolo County to honour invitations and summonses, the County Public Accounts Committee scheduled for a meeting at Isiolo County offices on 8<sup>th</sup> March, 2024 which the Governor failed to attend;

**FURTHER CONCERNED THAT** the committees of the Senate, pursuant to Article 179 (4) of the Constitution, invited Governor Abdi Ibrahim Hassan in his capacity as the Chief Executive Officer of the County, and he failed and/or refused to appear before the committees to answer the respective audit queries raised by the Auditor-General with respect to whether or not public monies have been applied lawfully and in an effective manner by the county government;

...../Motion

**NOW THEREFORE, THE SENATE RESOLVES THAT -**

- 1) pursuant to Article 228 (4) and (5) of the Constitution, the Controller of Budget should not authorize any withdrawal of public funds by the County Government of Isiolo until the Governor has responded to the issues raised in the summonses to the satisfaction of the Senate; and
- 2) the National Treasury, pursuant to Article 225 of the Constitution and Section 96 of the Public Finance Management Act, stops forthwith the transfer of funds to the County Government of Isiolo.

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**NOTICE**

The Senate resolved on 14<sup>th</sup> February, 2024 as follows: -

**THAT**, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner: -

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

**KEY**

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

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

**\*\*- Denotes a Committee Bill**

**\*- Denotes any other Bill**

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**NOTICE OF AMENDMENTS**

**A. \*\*\*THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS NO. 70 OF 2023)**

(The Senate Majority Leader)

- i) NOTICE** is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage—

**CLAUSE 5**

**THAT** clause 5 of the Bill is amended by inserting the following new paragraphs immediately after paragraph (e)—

- (ea) develop and implement county legislation on betting and other forms of gambling;
- (eb) license prize competitions within a county;
- (ec) license amusement machines;
- (ed) issue trade permits for betting premises;
- (ee) license and issue pool table permits within the county;
- (ef) license and supervise county lotteries;
- (eg) issue trade permits for premises for totalisators;

**CLAUSE 7**

**THAT** clause 7 (1) of the Bill be amended by-

- (a) deleting paragraph (d) and substituting therefor the following new paragraph—
  - (d) three persons, not being public officers, appointed by the Cabinet Secretary, being persons with a background in finance, law, betting and lotteries or business management, provided that—
    - (i). one shall represent persons with disabilities;
    - (ii). one shall represent the youth; and
    - (iii). one shall represent faith based organisations;
- (b) deleting paragraph (e) and substituting therefor the following new paragraph—
  - (e) three persons nominated by the Council of Governors and appointed by the Cabinet Secretary; and
- (c) deleting paragraph (f)

...../Notice of Amendments

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended—

- (a) by deleting paragraph (c);
- (b) in paragraph (f) by inserting the words “in consultation with county governments” immediately after the word “maintain” and
- (c) in paragraph (g) by inserting the words “beneficial owners” immediately after the word “directors” .

**CLAUSE 66**

**THAT** clause 66 of the Bill be amended by deleting the words “shall ensure that its” appearing immediately after the word “Authority” and substituting therefor the words “and county governments shall ensure that their”.

**CLAUSE 87**

**THAT** clause 87 (2) of the Bill be amended in paragraph (e) by deleting the word “six” appearing immediately after the words “ radio between” and substituting therefor the word “five”.

**CLAUSE 119**

**THAT** clause 119 (2) be amended by deleting—  
(a) paragraph (d); and  
(b) paragraph (g).

**CLAUSE 123**

**THAT** clause 123 of the Bill be amended by renumbering the current provision as sub clause (1) and inserting therefor the following new sub clauses immediately after the new clause (1)—

Cap 269 (2) The Kenya Revenue Authority Act, is amended in Part II of the First Schedule, by deleting paragraph 7 and substituting therefor the following new paragraph—

7. The Gambling Control Act.

No. 20 of 2023 (3) The National Lottery Act, is amended by inserting the following new clause immediately after clause 52—

Regulations 53. (1) The Cabinet Secretary may in consultation with the Board, make regulations generally for the better carrying into effect of any provisions under this Act.

(2) Without prejudice to the foregoing, regulations made under this section may provide for—

- (a) the procedure to be followed by the Board in exercising any powers conferred upon it by this Act;
- (b) the conduct of a national lottery;
- (c) apportionment of the proceeds of the national lottery;
- (d) procedure for the sale of tickets, prizes of tickets and payment of prizes;
- (e) announcement and protection of winners of the national lottery;
- (f) the circumstances under which the national lottery may be advertised; and
- (g) the places where, circumstances or manner in which signs relating to a national lottery may be displayed.

**NEW CLAUSE 117A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 117—

Operating hours      117A. A licensed betting, gambling, lottery or gaming premise shall operate between ten o’ clock in the evening and five o’ clock in the morning.

**ii) NOTICE** is given that the Senator for Nairobi City County (Sen. Edwin Sifuna, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage.

**CLAUSE 69**

**THAT** Bill be amended by deleting clause 69 and substituting therefor the following new clause—

Online gambling transaction.      69. An online gambling transaction shall commence when a player deposits money into his or her gaming account and shall conclude when a player withdraws money from his or her gaming account.

**iii) NOTICE** is given that the Senator for Nandi County (Sen. Samson Cherarkey, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023), at the Committee Stage –

**CLAUSE 28**

**THAT** clause 28 of the Bill be amended—

- (a) in subclause (2) by deleting paragraphs (o), (p) and (q); and

(b) by deleting subclause (4).

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended in subclause (3) by deleting the word “twelve” appearing immediately after the words “a period of” and substituting therefor the word “thirty six”.

**CLAUSE 64**

**THAT** clause 64 of the Bill be amended in subclause (5) by deleting the word “twenty shillings” appearing at the end of the subclause and substituting therefor the words “one shilling”.

**CLAUSE 71**

**THAT** clause 71 of the Bill be amended in subclause (3) by deleting the words “five million” appearing immediately after the words “not less than” and substituting therefor the words “fifty thousand”.

**THIRD SCHEDULE**

**THAT** the Third Schedule of the Bill be amended in—

- (a) paragraph (b) by deleting the amount “200, 000, 000” and substituting therefor the amount “20,000, 000”; and
- (b) paragraph (c) by deleting the amount “200, 000, 000” and substituting therefor the amount “20,000, 000”.

**iv) NOTICE** is given that the Senator for Bomet County (Sen. Wakili Hillary Sigei, MP) intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023) at the Committee Stage—

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended by inserting the following new paragraph immediately after paragraph (n)—

- (na) collaborate with the Kenya Revenue Authority, established under section 3 of the Kenya Revenue Authority Act, to establish a monitoring system for tax compliance under this Act.

**CLAUSE 87**

**THAT** clause 87 of the Bill be amended—

- (a) in subclause (2) by deleting paragraph (e); and

(b) by deleting subclause (4) and substituting therefor the following subclause—

(4) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

**B. \*THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**

(Sen. Wakili Hillary Sigei, MP)

**NOTICE** is given that, the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Tea Bill (Senate Bills No. 1 of 2023) at the Committee Stage—

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended in paragraph (b) by deleting the words “in subsection (2) by deleting subsection (1)” appearing at the beginning of the paragraph and substituting therefor the words “by deleting subsection (2)”

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended in the proposed new section 36A by inserting the words “an agent” immediately after the words “A licenced factory” in subclause (1).

**CLAUSE 12**

**THAT** Bill be amended by deleting clause 12 and substituting therefor the following new clause—

<p>12. Section 37 of the principal Act is amended—</p> <p>(a) in subsection (1) by deleting the word “Board” appearing immediately after the words “register with the” and substituting therefor the words “respective county government”; and</p> <p>(b) by deleting subsection(3) and substituting therefore the following new subsection-</p> <p>(3) A county executive committee member responsible for matters relating to agriculture shall, in their respective county, prescribe in county legislation the procedure for registration of commercial green leaf transporters and the appeal process in case of denial of registration.</p>	<p>Amendment of Section 37 of Cap 343</p>
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**CLAUSE 13**

**THAT** clause 13 of the Bill be amended –

- (a) in paragraph (a) in the proposed new subclause (2) by deleting the words “three shillings, eighty-five cents” appearing immediately after the words “rate not exceeding” and substituting therefor the word “two shillings”
- (b) in paragraph (c) in the proposed new subsection (5) by deleting paragraph (d) and substituting therefor the following new paragraph–
  - (d) ten per centum shall be allocated on pro rata basis to tea growing counties to be utilized on infrastructure development.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended in paragraph (b) in the proposed new subsection (2) by deleting the word “immovable” appearing immediately after the word “All”

**NEW CLAUSE 2A**

**THAT** section 5 of the principal of the Act is amended in paragraph (e) by deleting the words “commercial green leaf transporters,” appearing immediately after the words “commercial tea nurseries”.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended –

- (a) in paragraph (b) by deleting the word “enterprise” appearing immediately after the words “Special Economic Zone” in the definition of the term “import”;
- (b) in paragraph (e) –
  - (i) in the definition of the term “direct sales” by inserting the words “or its agent” immediately after the words “between a factory”
  - (ii) in the definition of the term “tea factory limited company” by inserting the words “or medium scale tea growers” appearing immediately after the words “scale tea growers”.

**C. \*THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**

(Sen. Beatrice Ogolla, MP)

- i) **NOTICE** is given that the Chairperson, Standing Committee on Health, intends to move the following amendments to the Maternal, Newborn and Child Health Bill (Senate Bills No. 17 of 2023), at the Committee Stage—

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended in subclause (1) by deleting the word “agencies” appearing immediately after the words “to adoption services” in paragraph (e) and substituting therefor the words “that comply with Part XIV of the Children Act”.

**CLAUSE 7**

**THAT** 7 of the Bill be amended in subclause (2) by—

- a) deleting the words “licensed agencies if indicated” appearing immediately after the words “adoption services at” in paragraph (d) and substituting therefor the words “an adoption society registered under section 208 of the Children Act”; and
- b) inserting the following new paragraph immediately after paragraph (f)—
  - (fa) mental health care services from prenatal to twelve months after birth.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) Where the child under subsection (1) is an intersex child, the health care provider shall provide the appropriate specialised medical treatment and care to that child.



**CLAUSE 14**

**THAT** clause 14 of the Bill be amended by inserting the words “and traditional” immediately after the words “programmes for skilled” appearing in paragraph (h).

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended—

- a) deleting the words “who serve pregnant women” appearing immediately after the words “health care providers” in paragraph (a); and
- b) by deleting the word “workers” appearing immediately after the words “community health” in paragraph (c) and substituting therefor the word “promoters”.

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended in subclause (3) by inserting the words “and published in an accessible format” immediately after the words “easily accessible” appearing in paragraph (a).

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended—

- a) in the definition of the term “maternal” by deleting the words “morbidity” means illness” appearing immediately after the words “days after childbirth”;
- b) by deleting the definition of the term “unborn child”;
- and
- c) by inserting the following new definitions in the proper alphabetical sequence—

“community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act; and

“intersex child” means a child with a congenital condition in which the biological sex characteristics cannot be exclusively categorised in the common binary of female or male due to inherent and mixed anatomical patterns, which could be apparent prior to, at birth, or in childhood.

- ii) **NOTICE** is given that (Sen. Hamida Kibwana, MP) intends to move the following amendments to the Maternal, Newborn and Child Health Bill, 2023, Senate Bills No. 17 of 2023, at the Committee Stage—

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by—

- (a) inserting the following new subclause immediately after subclause (2)—

(2A) Where the child under subsection (1) has special needs, the health care provider shall ensure that the child receives—

- (a) health care services, as may be prescribed, that are responsive to the needs of a child with the relevant special needs; and  
(b) respectful and dignified care.

- (b) deleting subclause (4) and substituting therefor the following new subclause—

(4) The Cabinet Secretary shall—

- (a) prescribe standards for the delivery of the neonatal and child care services to the various categories of children up to the age of twelve years; and  
(b) prescribe guidelines and standards for the provision of the highest available standards of health services that are responsive to the needs of children with special needs.

- (c) inserting the following new subclause immediately after subclause (5)—

(6) For purposes of this Act, a child with special needs includes a child with disability, a child with mental illness and a child in a marginalized area.

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended in the introductory clause by inserting the words “physical and mental” immediately after the words “maternal, neonatal and”.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)—

- (da) ensure that all national referral health facilities that offer maternal healthcare designate resources within the respective facility for provision of physical and mental healthcare to women who have lost children through stillbirth or during delivery;
- (db) facilitate the provision of mental healthcare to maternal women in national referral health facilities.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended by—

- (a) inserting the following new paragraph immediately after paragraph (h)—
  - (ha) put in place measures to facilitate training of health care providers in the provision of physical and mental health care services;
- (b) inserting the following new paragraph immediately after paragraph (i)—
  - (ia) ensure that all county health facilities that offer maternal healthcare designate resources within the respective facilities for the provision of physical and mental healthcare to women who have lost children through stillbirth or during delivery;
  - (ib) put in place measure to facilitate the provision of mental healthcare to maternal women in county health facilities;
- (c) inserting the words “in the provision physical and mental health care services” immediately after the words “in the county” appearing in paragraph (m);

**CLAUSE 2**

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

“community health promoter” has the meaning assigned to it under section 2 of the Primary Health Care Act.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 25—

Amendme **26.** Section 226 of the Penal Code is amended  
nt to renumbering the existing provision as subsection (1)  
section inserting the following new subsection after  
226 of renumbered subsection (1)—  
Cap. 63.

(2) Subsection (1) shall not apply to a woman  
undergoing postpartum care under the Mater  
Newborn and Child Health Act.

**D. \*\*\*\*THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**  
(The Senate Majority Leader)

**NOTICE** is given that the Chairperson Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Meteorology Bill, 2023 (Senate Bills No. 45 of 2023), at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by numbering the introductory paragraph as sub clause (1) and inserting the following new subclause immediately after the proposed subclause (1):

(2) For purposes of this section—

“commercial purposes” means the use of meteorological information acquired from the Authority for the purpose of generating income;

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in subclause (2) by deleting paragraph (j) and substituting therefor the following new paragraph —

(j) set standards, develop curricula, provide training in meteorology, operational hydrology and related sciences, examine and award diploma and certification in line with the World Meteorological Organization and other standards.

**CLAUSE 36**

**THAT** clause 36 of the Bill be amended in subclause (1) by deleting the words “any person” appearing immediately after the words “designate and appoint” and substituting therefor the words “an employee of the authority”.

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended by deleting—

(a) subclause (1) and substituting therefor the following new subclause —

(1) The Authority shall retain the intellectual property rights on any meteorology data and advisory services, computer programs, inventions, discoveries and improvements generated by the Authority.

(b) subclause (2) and substituting therefor the following new subclause —

(2) A person who obtains any meteorological data, information and other meteorological services from the Authority as a private good shall not, without the consent of the Authority, provide the same to a third party or cause it to be distributed.

**CLAUSE 40**

**THAT** clause 40 of the Bill be amended in subclause (2) by deleting paragraph (g).

**SECOND SCHEDULE**

**THAT** the Second Schedule of the Bill be amended by inserting the following new paragraph immediately after paragraph (5)—

(5A) The provision of meteorological services and information to the general public upon request.

**NEW CLAUSES**

That the Bill be amended by inserting the following new clauses immediately after clause 8—

Regulatory powers of Authority. **8A.** (1) The Authority shall regulate meteorological services in Kenya.  
(2) Without prejudice to the generality of subsection (1) the Authority shall—  
(a) ensure compliance with—  
    (i) international standards and practices in meteorological services; and  
    (ii) standards in installation and maintenance of meteorological instruments;  
(b) approve and register meteorological stations; and  
(c) monitor and supervise functions of meteorological operators.

Permit. **8B.** Any person who intends to undertake meteorological observations, weather forecasting activities or weather modification activities shall apply to the Authority for a permit as provided in the Regulations.

...../Notice of Amendments

Prohibition of meteorological activities.

**8C.** (1) No person shall engage in any meteorological observations, weather forecasting activities or weather modification activities unless that person obtains a permit from the Authority.

(2) A person who engages in any meteorological observations, weather forecasting activities or weather modification activities without a permit commits an offence and shall be liable upon conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both such fine and imprisonment.

**E. \*\*\*THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL**  
**(NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**

(The Senate Majority Leader)

**NOTICE** is hereby given that the Chairperson Standing Committee on Roads, Housing and Transportation, intends to move the following amendment to the National Construction Authority (Amendment) Bill (National Assembly Bills No. 59 of 2022) at the Committee Stage –

**NEW CLAUSE 1A**

Amendment  
of section 2  
of Cap. 18.

**THAT** the National Construction Authority Act be amended in Section 2 by inserting the following new definition immediately after the definition “Registrar” –  
“start up” means an entity seeking to be registered under section 17 in the category NCA 6, NCA 7 or NCA 8;

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**APPENDIX**

**1. PAPERS**

- i) Report of the Fifth Parliamentary Dialogue and General Assembly Meeting of the East African Legislative Assembly held in Nairobi, Kenya from 15<sup>th</sup> to 17<sup>th</sup> October, 2023.
- ii) Report of the Committee on General Purpose of the East African Legislative Assembly on the Assessment of the Implementation of the East African Community (EAC) Budget for the Financial Year 2023/2024.
- iii) The East African Community Appropriation Bill, 2024.
- iv) The East African Community Supplementary Appropriation Bill, 2024.
- v) Report of the Committee on General Purpose of the East African Legislative Assembly on the Supplementary Budget request and the East African Community (EAC) Supplementary Appropriation Bill, 2024.
- vi) Report of the Committee on General Purpose of the East African Legislative Assembly on the East African Community Budget Estimates for Revenue and Expenditure for the Financial Year 2024/2025.
- vii) Report of the Committee on Agriculture, Tourism and Natural Resources of the East African Legislative Assembly on the onspot assessment of the implementation of projects and plans by the Lake Victoria Basin Commission and Lake Victoria Fisheries Organisation.
- viii) Report of the Committee on Regional Affairs and Conflict Resolution of the East African Legislative Assembly on the Oversight Activity to assess the processes, regulations and challenges of conducting national general election.
- ix) Resolution of the East African Legislative Assembly paying tribute to the Late Honourable (Dr. ) Shogo Richard Mlozi.
- x) Report of the Auditor General on Financial Statement of the County Government of Murang'a Small Traders Empowerment Programme Fund for the year ended 30<sup>th</sup> June, 2021.
- xi) Report of the Auditor General on Financial Statement of the County Government of Murang'a Small Traders Empowerment Programme Fund for the year ended 30<sup>th</sup> June, 2022.

...../Appendix

- xii) Report of the Auditor General on Financial Statement of the County Government of Murang'a Small Traders Empowerment Programme Fund for the year ended 30<sup>th</sup> June, 2023.

*(The Senate Majority Leader)*

**2. QUESTIONS AND STATEMENTS**

**Request for Statements pursuant to Standing Order 53(1)**

- i) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the level of disaster preparedness in Kisumu County.
- ii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the cause of violence to traders at Kibuye Market in Kisumu County.
- iii) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism regarding the management of the operations of Kibuye Market in Kisumu County.
- iv) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the regulatory and management framework for Master Operators in Kisumu County.

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## NOTICE PAPER

### Tentative Business for Thursday, July 18, 2024

*(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, July 18, 2024.

#### **A. BILLS AT THE SECOND READING STAGE**

- i) \*THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2024)  
(Sen. Kathuri Murungi, MP)
- ii) \*\*\*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)  
(The Senate Majority Leader)
- iii) \*\*\*THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)  
(The Senate Majority Leader)
- iv) \*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)  
(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)
- v) \*THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)  
(Sen. Esther Okenyuri, MP)
- vi) \*THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)  
(Sen. Ali Ibrahim Roba, MP)
- vii) \*\*\*\*THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)  
(The Senate Majority Leader)
- viii) \*\*\*\*THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)  
(The Senate Majority Leader)

#### **B. MOTIONS**

- i) MOTION – ESTABLISHMENT OF NATIONAL TEACHING AND REFERRAL HOSPITALS IN KENYA  
(Sen. Johnes Mwaruma, MP)

- ii) MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA  
(Sen. Catherine Mumma, MP)
  
- iii) MOTION - COUNTY GOVERNMENTS TO SET ASIDE LAND FOR THE PLANTING OF INDIGENOUS TREES  
(Sen. Richard Onyonka, MP)

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