



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

ORDER PAPER

THURSDAY, JUNE 03, 2021 AT 2.30 P.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 (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 28 OF 2020)**
(Sen. (Arch.) Sylvia Kasanga, MP)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 18th May, 2021 –
Afternoon Sitting)***

(Division)

9. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)**
(Sen. Johnes Mwaruma, MP)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 2nd June, 2021)
(Division)***

...../Bills

10. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 30 OF 2021)**

(Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

***(Resumption of debate interrupted on Wednesday, 2nd June, 2021)
(Division)***

11. **COMMITTEE OF THE WHOLE
THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 30 OF 2021)**

(Chairperson, Standing Committee on Finance and Budget)

12. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON INQUIRY INTO ALLEGATIONS OF IRREGULARITIES BY THE KENYA MEDICAL SUPPLIES AUTHORITY IN PROCUREMENT OF PHARMACEUTICAL EQUIPMENT**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into allegations regarding irregularities in the procurement of various pharmaceutical equipment and products by the Kenya Medical Supplies Authority (KEMSA), laid on the Table of the Senate on Tuesday, 30th March, 2021.

13. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 PANDEMIC SITUATION IN KENYA**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the First Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation in Kenya, laid on the Table of the Senate on Tuesday, 30th March, 2021.

14. **THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 34 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

15. **THE INVESTMENT PROMOTION (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2021)**

(Sen. (Dr.) Alice Milgo, MP)

(Second Reading)

...../Bills

16. **THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

17. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS, CONCERNING THE IMPASSE ON THE BUDGETARY ESTIMATES FOR FINANCIAL YEAR 2020/2021 FOR KIRINYAGA COUNTY BETWEEN THE COUNTY EXECUTIVE AND THE COUNTY ASSEMBLY**

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations, on the impasse on the budgetary estimates for financial year 2020/2021 for Kirinyaga County, between the County Executive and the County Assembly, laid on the Table of the Senate on Tuesday, 25th May, 2021.

18. **MOTION – ADJOURNMENT OF THE SENATE**

(The Senate Majority Leader)

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 6th July, 2021.

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...../Notice

NOTICE

1. **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).
2. The Senate resolved on 10th February, 2021, as follows:-

THAT, notwithstanding the provisions of Standing Order 106 (1), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put; Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

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KEY

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

***- Denotes a National Assembly Bill

** - Denotes a Committee Bill

*- Denotes any other Bill

...../Amendments

NOTICE OF AMENDMENTS

NOTICE is given that the Chairperson, Committee on Finance and Budget, intends to move the following amendments to the County Allocation of Revenue Bill (Senate Bills No. 30 of 2021) at the Committee Stage-

CLAUSE 5

THAT clause 5 of the Bill be amended by -

- (a) renumbering the existing provision as subclause (1); and
- (b) inserting the following new subclause immediately after the new subclause (1)-

(2) The Controller of Budget shall approve withdrawals from the county revenue fund with respect to recurrent expenditure in accordance with the ceilings set out in the Second Schedule.

(3) The Controller of Budget shall not approve withdrawals from the county revenue fund to settle pending bills unless the county executive committee member responsible for finance has ascertained the amount of pending bills and transmitted supporting documents to the Controller of Budget.

CLAUSE 6

THAT clause 6 of the Bill be amended by inserting the following new subclauses immediately after subclause (3)-

(4) The Cabinet Secretary shall prepare quarterly reports in respect of the expenditure of funds transferred to the national government under subsection (3).

(5) A report prepared under subsection (4) shall -

(a) contain information on the financial and non-financial performance of the entity; and

(b) be in the form prescribed by the Accounting Standards Board.

(6) A report prepared under subsection (4) shall be submitted to the Senate, the Controller of Budget, the Auditor-General and the respective county assembly.

...../Amendments

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 10-

Consequential amendment. 11. Section 130 of the Public Finance Management Act is amended by inserting the following No. 18 of new subsections immediately after 2012. subsection (2)-

(3) In preparing the annual appropriation Bill under subsection (2), the county executive committee member responsible for finance shall include, in the allocation to the county assembly any unspent funds that had been appropriated to the county assembly in the immediate preceding financial year.

(4) Where an Appropriation Bill is passed before the beginning of the financial year to which it relates and does not contain unspent funds allocated to the county assembly in the immediate preceding financial year, the county executive committee member for finance shall prepare and submit to the county assembly a Supplementary Appropriation Bill allocating the unspent funds.

(5) A Bill prepared under subsection (4) shall be introduced in the county assembly within two months of the commencement of the financial year.

...../Amendments

(6) Failure by the county

executive committee member for finance to prepare a Supplementary Appropriation Bill under subsection (4) shall constitute an additional indicator of a serious or persistent material breach under section 94.

SECOND SCHEDULE

THAT the Bill be amended by deleting the Second Schedule and substituting therefor the following new Schedule-

SECOND SCHEDULE (s.5)

Schedule II: County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2021/2022 (Figures are in Kenya Shillings)					
No.	County	County Assembly Ceilings		County Executive Ceilings	
		FY 2020/21	FY 2021/22	FY 2020/21	FY 2021/22
1	Baringo	687,926,864	746,019,020	569,787,017	569,787,017
2	Bomet	606,321,526	648,066,449	552,531,315	552,531,315
3	Bungoma	852,697,315	890,983,497	621,554,119	621,554,119
4	Busia	738,972,659	801,409,679	587,042,718	587,042,718
5	Elgeyo/Marakwet	572,974,781	593,254,972	535,275,615	535,275,615
6	Embu	580,057,624	595,875,448	535,275,615	535,275,615
7	Garissa	758,771,695	829,101,968	569,787,017	569,787,017
8	Homa Bay	852,232,576	931,868,578	604,298,418	604,298,418
9	Isiolo	421,383,160	448,252,685	463,713,275	463,713,275
10	Kajiado	666,147,523	765,404,524	527,830,690	527,830,690
11	Kakamega	1,066,936,774	1,189,967,209	673,321,221	673,321,221
12	Kericho	692,058,978	728,813,928	569,787,017	569,787,017
13	Kiambu	1,085,527,936	1,206,180,907	673,321,221	673,321,221
14	Kilifi	756,635,440	797,062,541	587,042,718	587,042,718
15	Kirinyaga	569,393,333	634,065,925	522,925,302	522,925,302
16	Kisii	919,508,597	990,572,876	621,554,119	621,554,119
17	Kisumu	701,921,494	745,033,801	587,042,718	587,042,718
18	Kitui	836,025,472	886,616,229	604,298,418	604,298,418
19	Kwale	591,895,413	618,445,792	535,275,615	535,275,615
20	Laikipia	452,388,054	470,108,195	493,319,288	493,319,288
21	Lamu	405,697,936	418,152,304	463,713,275	463,713,275
22	Machakos	841,145,156	907,790,391	604,298,418	604,298,418
23	Makueni	703,984,829	756,641,539	569,787,017	569,787,017
24	Mandera	726,834,897	811,048,184	578,963,987	578,963,987
25	Marsabit	640,182,991	715,654,362	535,275,615	535,275,615
26	Meru	914,997,229	988,437,598	621,554,119	621,554,119
27	Migori	836,834,225	863,486,098	604,298,418	604,298,418
28	Mombasa	658,609,194	679,254,392	569,787,017	569,787,017
29	Murang'a	735,143,240	761,307,014	587,042,718	587,042,718
30	Nairobi City	1,409,977,879	1,545,872,087	759,599,725	759,599,725
31	Nakuru	983,219,236	1,049,146,986	656,065,520	656,065,520
32	Nandi	649,760,252	669,452,972	569,787,017	569,787,017

33	Narok	709,598,198	769,346,518	569,787,017	569,787,017
34	Nyamira	596,107,510	612,444,433	535,275,615	535,275,615
35	Nyandarua	633,970,935	664,643,697	552,531,315	552,531,315
36	Nyeri	676,085,232	717,305,285	569,787,017	569,787,017
37	Samburu	490,297,034	518,009,214	480,968,975	480,968,975
38	Siaya	666,308,584	686,651,724	569,787,017	569,787,017
39	Taita/Taveta	601,130,595	631,282,421	535,275,615	535,275,615
40	Tana River	486,497,243	588,396,752	505,669,601	505,669,601
41	Tharaka -Nithi	423,104,928	455,222,064	493,319,288	493,319,288
42	Trans Nzoia	628,139,110	676,650,593	552,531,315	552,531,315
43	Turkana	767,192,392	821,950,164	569,787,017	569,787,017
44	Uasin Gishu	686,014,946	707,791,808	569,787,017	569,787,017
45	Vihiga	621,955,167	659,609,764	552,531,315	552,531,315
46	Wajir	760,194,403	853,341,593	560,610,046	560,610,046
47	West Pokot	584,824,909	610,173,508	535,275,615	535,275,615
	Total	33,247,585,463	35,656,167,687	26,708,080,067	26,708,080,067

...../Appendix

APPENDIX

1. PAPERS

- i) Report of the Auditor General on the Financial Statements of Nairobi City County Executive for the year ended 30th June, 2019.
- ii) Report of the Auditor General on the Financial Statements of Nairobi City County Assembly for the year ended 30th June, 2019.
- iii) Report of the Auditor General on the Financial Statements of Kiambu County Executive for the year ended 30th June, 2019.
- iv) Report of the Auditor General on the Financial Statements of Kiambu County Assembly for the year ended 30th June, 2019.

(The Senate Majority Leader)

- v) Report of the Standing Committee on Health on the Mental Health (Amendment) Bill (Senate Bills No. 28 of 2020).
- vi) Report of the Standing Committee on Health concerning the stalemate between the Government of Kenya and the United States Agency for International Development (USAID), on HIV/AIDS commodities.

(Chairperson, Standing Committee on Health)

- vii) Report of the Standing Committee on Land, Environment and Natural Resources on the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 30 of 2020)

(Chairperson, Standing Committee on Land, Environment and Natural Resources)

2. NOTICE OF MOTION – ADOPTION OF REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE STALEMATE BETWEEN THE GOVERNMENT OF KENYA AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID), ON HIV/AIDS COMMODITIES.

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health concerning the stalemate between the Government of Kenya and the United States Agency for International Development (USAID) on, HIV/AIDS commodities, laid on the Table of the Senate on Thursday, 3rd June, 2021.

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3. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) The Senator for Vihiga County, (Sen. George Khaniri, MP) to make a statement concerning the third wave of the COVID-19 global pandemic and concerns raised about its vaccine.
- ii) The Senator for Vihiga County, (Sen. George Khaniri, MP) to make a statement concerning the increasing rate of unemployment caused by the COVID-19 global pandemic.
- iii) The Senator for Vihiga County (Sen. George Khaniri, MP) to make a statement regarding exports of raw bananas and broccoli to South Korea.
- iv) Nominated Senator (Sen. (Arch.) Sylvia Kasanga, MP) to make a statement regarding the activities of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) for 2020.
- v) Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) to make a statement concerning menstrual health management.

b) Pursuant to Standing Order 48 (1)

- i) The Senator for Lamu County, (Sen. Anuar Loitiptip, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign relations regarding the maritime border dispute in the Indian Ocean between Kenya and Somalia.
- ii) The Senator for Murang'a County (Sen. Irungu Kang'ata, MP) to seek a statement from the Standing Committee on Health regarding the cancellation of tender for the supply, delivery, installation and commissioning of enterprise resource planning (ERP) and claims management system.
- iii) The Senator for Murang'a County (Sen. Irungu Kang'ata, MP) to seek a statement from the Standing Committee on Finance and Budget regarding the use of the Kenya Ports Authority (KPA) as collateral to M/S China Exim Bank in the financing of the Standard Gauge Railway (SGR).
- iv) Nominated Senator, (Sen. Judith Pareno, MP) to seek a statement from the Standing Committee on Energy regarding the KenGen wind power project in Ngong Hills.

...../Appendix

- v) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Roads and Transportation regarding the state of road maintenance in Kenya.
- vi) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Education regarding the death of a Grade 2 pupil at Mama Lucy Kibaki Hospital in Nairobi City County.
- vii) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the registration of Community Lands under the Community Land Act, 2016.
- viii) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the establishment of Disease-Free-Zones in arid regions.
- ix) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) to seek a statement from the Standing Committee on Energy regarding the establishment of off-grid energy facilities in Marsabit County.
- x) The Senator for Marsabit County (Sen. (Eng.) Godana Hargura, MP) to seek a statement from the Standing Committee on Roads and Transportation regarding the improvement of the Laisamis – Maligs road section (D371) to Bitumen standards, under the Low- Volume-Sealed-Roads Programme.

c) Pursuant to Standing Order 51(1)(b)

- i) The Chairperson, Standing Committee on Energy to make a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Finance and Budget to make a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Health to make a statement relating to the activities of the Committee.

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