



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

TUESDAY, OCTOBER 08, 2024 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **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, 15th May, 2024 –
Afternoon Sitting)
(Division)*
9. **COMMITTEE OF THE WHOLE**
***THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**
(Sen. Beatrice Ogolla, MP)
10. **COMMITTEE OF THE WHOLE**
******THE METEOROLOGY BILL (SENATE BILLS NO. 45 OF 2023)**
(The Senate Majority Leader)
11. **COMMITTEE OF THE WHOLE**
*****THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2022)**
(The Senate Majority Leader)

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12. **COMMITTEE OF THE WHOLE**
*****THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**
(Sen. Samson Cherarkey, MP – Co- Sponsor)

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

14. **COMMITTEE OF THE WHOLE**
***THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILLS NO. 55 OF 2023)**
(Sen. Mohamed Abass Sheikh, MP)

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

16. ******THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 26 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)

(Second Reading)

(Resumption of debate interrupted on Thursday, 3rd October, 2024)

17. ******THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 28 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)
- (Second Reading)*
18. ****** THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 29 OF 2024)**
(The Senate Majority Leader and the Senate Minority Leader)

(Second Reading)

19. ****THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)**
(The Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

20. ***THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2023)**
(Sen. Beth Syengo, MP)

(Second Reading)

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

(Second Reading)

- 22. ***THE PUBLIC HOLIDAYS (AMENDMENT) BILL, (SENATE BILLS NO. 31 OF 2023)**
(Sen. Karungo Thang’wa, MP)

(Second Reading)

- 23. ***THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO. 34 OF 2023)**
(Sen. Mohamed Chute, MP)

(Second Reading)

- 24. ***THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL (SENATE BILLS NO. 39 OF 2023)**
(Sen. Kathuri Murungi, MP)

(Second Reading)

- 25. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 46 OF 2023)**
(Sen. Johnes Mwaruma, MP)

(Second Reading)

- 26. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 49 OF 2023)**
(Sen. Lenku Ole Kanar Seki, MP)

(Second Reading)

- 27. **MOTION - REPORT OF THE SELECT COMMITTEE ON COUNTY PUBLIC INVESTMENTS AND SPECIAL FUNDS ON ITS CONSIDERATION OF THE AUDIT REPORTS OF THE WATER SERVICE PROVIDERS FOR THE YEAR ENDED 30TH JUNE, 2019, 30TH JUNE, 2020 AND 30TH JUNE, 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 year ended, 30th June, 2019, 30th June, 2020 and 30th June, 2021 of the following Water Service Providers-

- i.) Amatsi Water Services Company Limited - Vihiga County;
- ii.) Bomet Water Company Limited – Bomet County;

...../Motion

- iii.) Gusii Water and Sanitation Company Limited – Kisii/Nyamira Counties;
- iv.) Kisumu Water and Sanitation Company Limited –Kisumu County;
- v.) Kwale Water and Sewerage Company Limited – Kwale County; and
- vi.) Nyeri Water and Sanitation Company Limited – Nyeri County.

and the Audit Report of the Wajir Water and Sewerage Company Limited for the year ended 30th June, 2021, laid on the Table of the Senate on Thursday, 23rd November, 2023

28. **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, 5th March, 2024.

29. **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, 29th 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

30. **MOTION - ADDRESSING THE CHALLENGE OF POWER PURCHASE AGREEMENT RENEWALS AND ELECTRICITY SUPPLY IN KENYA**

(The Chairperson, Standing Committee on Energy)

THAT, AWARE THAT on 29th 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.

...../Notice

NOTICE

The Senate resolved on 14th 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 Senate Majority Leader intends to move the following amendments to the Gambling Control Bill (National Assembly Bills No. 70 of 2023) at the Committee Stage—

CLAUSE 123

THAT clause 123 of the Bill be amended by renumbering the current clause as subclause (1) and inserting the following new subclauses—

(2) The Excise Duty Act, Cap. 472, is amended in the First Schedule, Part II, by deleting paragraphs 4A, 4B, 4C and 4D.

(3) The Income Tax Act, Cap. 470, is amended—

(a) by deleting section 10 (1) (g); and

(b) in the Third Schedule, Head B, by deleting—

(i) paragraph 3 (i); and

(ii) paragraph 5 (i).

II. 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)

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.

III. 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.

...../Notice of Amendments

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.

IV. 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”.

...../Notice of Amendments

V. 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 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—

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

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

III. NOTICE is given that (Sen. (Dr.) Boni Khalwale, MP), 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 words “planning services” appearing after the word “family” in paragraph (a) and substituting therefor the words “health education”.

CLAUSE 9

THAT clause 9 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) The Cabinet Secretary shall put in place mechanisms to ensure that adolescents undergoing postpartum care receive counselling services to encourage them to maintain and care for their children.

CLAUSE 11

THAT clause 11 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (c)—

- (ca) counselling services for pregnant women who intend or are considering not carrying their pregnancies to term;
- (cb) post abortion health care services; and
- (cc) counselling services for adolescents undergoing postpartum care to encourage them to maintain and care for their children.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (b)—

(ba) maternal and neonatal deaths recorded in each county.

CLAUSE 14

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

NEW CLAUSE

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

Amendment to section 17 of Cap. 258A. **26.** Section 2 of the Social Assistance Act is amended in the definition of the term “social assistance” by inserting the following new paragraph immediately after paragraph (d)—

(da) care and welfare of children;

27. Section 17 care and welfare of children of the Social Assistance Act is amended in subsection (b) by inserting the following new paragraph immediately after paragraph (b)—

(ba) poor women caring for their children.

IV. NOTICE is given that (Sen. Andrew Omtatah Okoiti, MP) 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 5

THAT clause 5 of the Bill be amended—

(a) in subclause (1) by—

(i) inserting the following new paragraph immediately after paragraph (a)—

(aa) reasonable and affordable fee, if any, for health services and which does not impede access to health care;

(ii) inserting the following new paragraph immediately after paragraph (c)—

(ca) treatment with respect and the provision of information necessary to make informed decisions;

(b) in subclause (3) by—

(i) inserting the words “including in remote areas and” immediately after the words “child health services” appearing in paragraph (e);

(ii) inserting the following new paragraph immediately after paragraph (e)—

(ea) ensure provision of specialized services and facilities for persons with special needs; and

(iii) inserting the following new paragraph immediately after paragraph (f)—

(fa) train traditional birth attendants and integrate them in the delivery of prenatal, postpartum and neonatal health care.

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (1) by—

(a) inserting the words “including hormonal profiling and the provision of prenatal vitamins” immediately after the words “preconception care services” appearing in paragraph (b); and

(b) inserting the words “as may be prescribed by the Cabinet Secretary” immediately after the words “appropriate counselling services” appearing in paragraph (c).

CLAUSE 7

THAT clause 7 of the Bill be amended in subclause (2)(b) by inserting the words “as may be prescribed by the Cabinet Secretary” immediately after the words “free prenatal care”.

CLAUSE 8

THAT clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (3)—

(3A) The consent under subsection (3) shall not be required where—

(c) there is a documented report of child abuse by the parent or guardian who is required to provide consent;

(d) the parent or guardian required to provide consent practises religious or cultural practices that risk the health of the child; or

- (e) the parent or guardian required to provide consent has been diagnosed with mental incapacity.

CLAUSE 9

THAT clause 9 of the Bill be amended—

- (a) in subclause (2) by inserting the following new paragraph immediately after paragraph (b)—
 - (ba) ensure that persons with special needs have access to specialized facilities that accommodate their needs
- (b) by deleting subclause (4).

CLAUSE 12

THAT clause 12 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—

- (ba) develop standards and guidelines for the effective delivery of specialised maternal, newborn and child health services to persons with special needs.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (b)—

- (ba) maternal and neonatal deaths recorded in each county with an analysis of root causes and recommended interventions to address the causes.

CLAUSE 14

THAT clause 14 of the Bill be amended—

- (a) in paragraph (h) by inserting the words “and traditional” immediately after the words “programmes for skilled”;
- (b) by inserting the following new paragraph immediately after paragraph (h)—
 - (ha) develop and implement training programmes for the care of women with special needs for skilled and traditional birth attendants; and
- (c) by inserting the following new paragraphs immediately after paragraph (i)—
 - (ia) ensure that there are sufficient ambulances to provide emergency prenatal, postpartum and neonatal evacuation services within the county;
 - (ib) ensure that respective health facilities are accessible and can provide specialised care to persons with special needs

CLAUSE 15

THAT clause 15 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

- (e) religious organisations.

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (b)—

- (ba) develop and implement public awareness and community participation campaigns targeting persons with special needs and informing them of their rights under the Act;
- (bb) promote awareness of the rights under this Act and the bodies responsible for effecting and protecting the rights.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (3)(d) by deleting the words “translated to the local language and disseminated” appearing immediately after the words “where necessary” and substituting therefor the words “be translated to the respective local languages and disseminated to media outlets and”.

CLAUSE 19

THAT clause 19 of the Bill be amended—

- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Annual reporting by the county executive committee member.

- (e) in subclause (2) by—

- (i) inserting the words “medications and supplements” immediately after the words “of health facilities” appearing in paragraph (b);
- (ii) deleting paragraph (c) and substituting therefor the following new paragraph (c)—
 - (c) the number of health care providers in respective health facilities within the county and measures taken to enhance their number;
- (iii) inserting the following new paragraph immediately after paragraph (c)—

- (ca) maternal and neonatal deaths recorded in each county facility with an analysis of root causes and recommended interventions to address the causes;
- (f) by inserting the following new subclause immediately after subclause (5)—
 - (6) The county executive member shall submit the report under subsection (1) to the Cabinet Secretary within three months of the close of every financial year.

CLAUSE 21

THAT clause 21 of the Bill be amended in subclause (2) by—

- (a) deleting the word “periodic” appearing at the beginning of paragraph (a) and substituting therefor the words “a quarterly”;
- (b) deleting the words “regularly undertake” appearing at the beginning of paragraph (b) and substituting therefor the word “quarterly”; and
- (c) deleting the words “regularly collect and analyse” appearing at the beginning of paragraph (c) and substituting therefor the words “in each quarter, the collection and analysis of”;
- (d) deleting the word “undertake” appearing at the beginning of paragraph (d); and
- (e) deleting the word “identify” appearing at the beginning of paragraph (e) and substituting therefor the words “the identification of”.

CLAUSE 24

THAT clause 24 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(2A) The county executive committee member, the Kenya Medical Practitioners and Dentists Council, the Clinical Officers Council, the Nursing Council of Kenya and the Kenya Health Professions Oversight Authority shall, where they suspect a person to have committed an offence under subsection (2), refer the matter to the Directorate of Criminal Investigations for investigation.

CLAUSE 25

THAT clause 25 of the Bill be amended in subclause (2) by—

- (a) inserting the words “and neonatal” immediately after the words “reporting of maternal” appearing in paragraph (b); and
- (b) inserting the following new paragraphs immediately after paragraph (e)—

- (ea) prenatal health services;
- (eb) prenatal, postpartum and neonatal counselling health services;
- (ec) prenatal, postpartum and neonatal check-ups and follow-ups; and
- (ed) referral of persons in prenatal, postpartum and neonatal care to referral health facilities.

CLAUSE 2

THAT clause 2 of the Bill be amended by—

- (a) deleting the definition of the word “person with special needs” and substituting therefor the following new definition—

“person with special needs” means an individual with additional health needs and requires assistance above the regular health needs of the general population, occasioned by physical, medical, mental, psychological or financial challenges and includes a person from a marginalised area, registered refugee and internally displaced person; and

- (b) inserting the following new definition immediately after the definition of the term “Cabinet Secretary”—

“consent” means the voluntary agreement by a patient to undergo a specific medical procedure or treatment after being fully informed of the risks, benefits, alternatives and potential outcomes.

C. **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.

D. *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;

E. *THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2022)**
(Sen. Samson Cherarkey, MP – Co- Sponsor)

NOTICE is given that the Chairperson, Standing Committee on Health, intends to move the following amendment to the Cancer Prevention and Control (Amendment) (No. 2) Bill (National Assembly Bills No. 45 of 2022), at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill be amended in the proposed new definition of the word “e-health” by inserting the words “including telemedicine” immediately after the words “and information technology”.

F. *THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 40 OF 2023)

(Sen. Hamida Ali Kibwana, MP)

NOTICE is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Public Finance Management (Amendment) Bill (Senate Bills No. 40 of 2023), at the Committee Stage-

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefore the following new clause-

Insertion of new sections in Cap. 412A **2.** The principal Act is amended by inserting the following new sections immediately after section 160 —

Establish a Revenue Collection System Committee which shall consist of-

- e.
 - (a) the Cabinet Secretary or a person designated in writing;
 - (b) the Principal Secretary for matters related to Devolution;
 - (c) the Controller of Budget or a person designated in writing;
 - (d) the Commissioner General of the Kenya Revenue Authority or a person designated in writing; and
 - (e) two persons nominated by the Council of Governors.

(2) The Committee shall, within nine months of the coming into force of this Act, design, develop and coordinate integrated county revenue system which shall—

- (a) be transparent, efficient, effective and verifiable;
- (b) ensure data accuracy and protection;

...../Notice of Amendments

(c) respect and promote the distinctiveness of the national and county governments;

(d) be adequately secure to prevent any fraud, losses or leakages; and

(e) provide for separate accounting and reporting

(3) Within three months of the development of the system under subsection (3), each county government shall adopt and implement the integrated county revenue management system

Reports.

160B. (1) A county treasury shall prepare and submit a quarterly report on the status of the adoption and implementation of the integrated county revenue management system.

(2)A report under subsection (1) shall be submitted to the respective county assembly, the Senate and the Controller of Budget.

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed new section 191F (1) by inserting the words “in consultation with the respective county executive committee member” immediately after the words “Cabinet Secretary shall”.

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

(Sen. Mohamed Abass Sheikh, MP)
(The Senate Majority Leader)

NOTICE is given that the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the Fire and Rescue Services Professionals Bill 2023 (Senate Bills No. 55 of 2023) at the Committee Stage

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor the following new clause –

Objects of 3. The objects of this Act are to –
the Act

- (a) provide a framework for standards for professional practice and their enforcement;
- (b) facilitate the delivery of quality fire and rescue professional services;
- (c) promote the delivery of quality professional training and education for fire and rescue service professionals;
- (d) protect the public from unethical professional practice in fire and rescue services; and
- (e) promote realization of the right to the highest attainable standard of health for every person in relation to prevention, response and mitigation of unintentional injuries resulting from fire, accidents, emergencies, disasters and calamities.

CLAUSE 4

THAT the Bill be amended in clause 4 -

- (a) by deleting the heading to Part II and substituting therefor the following new heading—

PART II – ADMINISTRATION

(b) in subclause (1) by inserting the word “professionals” immediately after the words “and rescue services”.

CLAUSE 5

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause –

Composition of **5.** (1) The Board shall comprise of -
the Board

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry responsible for matters relating to fire and rescue services or their representative appointed in writing by the Principal Secretary;
- (c) the Principal Secretary in the Ministry responsible for finance or their representative appointed in writing by the Principal Secretary;
- (d) the Principal Secretary in the Ministry responsible for technical and vocational education and training or their representative appointed in writing by the Principal Secretary;
- (e) three persons nominated by the Council of County Governors;
- (f) two persons nominated by the association representing the largest number of professional firefighters in Kenya, one of whom shall be a representative of volunteer firefighters in Kenya;
- (g) one person nominated by the umbrella body of emergency responders in Kenya;
- (h) one person representing private sector organizations in Kenya; and

(i) the registrar who shall be an ex-officio member and who shall have no vote.

(2) The persons nominated under subsection (1) (e), (f), (g) and (h) above shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

CLAUSE 6

THAT the Bill be amended in clause 6 by deleting the words “and it may establish branches in other counties” appearing immediately after the words “be in Nairobi”.

CLAUSE 7

THAT the Bill be amended in clause 7 by –

(a) renumbering the existing introductory phrase as sub-clause (1); and

(a) insering the following new sub cause (2) immediately after paragraph (n) –

(2) collaborate with each county government in the performance of its functions.

CLAUSE 14

THAT clause 14 of the Bill be amended by deleting subclause (4) and substituting therefor the following subclause –

(4) A person shall not be appointed as a Registrar unless such person –

(a) is registered as a fire and rescue services professional under this Act;

(b) is in good professional standing;

(c) has at least a degree from a university recognized in Kenya in fire management or fire and rescue management, disaster management, engineering, operations, logistics, medicine, para-medicine, sociology, law, psychology, project management, safety and security, environment, health and safety, architecture, physical planning, or any other relevant qualification;

- (d) has at least ten years’ experience in the field of fire and rescue;
- (e) has at least five years’ experience in leadership in the public or private sector;
- (f) has knowledge and experience in policy formulation;
- (g) meets the requirements of Chapter Six of the Constitution

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (1) by deleting the words “carrying on” appearing immediately after the words “the course of” and substituting thereof with words “carrying out”.

CLAUSE 17

THAT the Bill be amended by deleting clause 17 and substituting therefor the following new clause –

Registration of
Fire and
Rescue
Services
Professionals

17. (1) A person shall not practice as a fire and rescue service professional, manage a fire and rescue services consulting firm or provide fire and rescue consultancy and advisory services unless they are registered in accordance with this Act.

(2) In this section, practice as a fire and rescue service professional includes –

- (a) providing fire and rescue professional services such as fire prevention, operating fire equipment for purposes of extinguishing fire where such a process requires a rescue professional, fire investigation, fire risk assessment, audit and inspection or rescue operation;
- (b) carrying out or holding oneself as a fire and rescue service professional; or
- (c) certifying or authorizing any process where a fire and rescue service professional is required under any law or administrative procedure to certify or authorize.

CLAUSE 18

THAT clause 18 of the Bill be amended by deleting paragraph (b) and replacing it with the following -

(b) has undertaken and received practical and experiential learning in fire and rescue service practice for a period of at least one year in a recognized institution.

CLAUSE 20

THAT the Bill be amended in clause 22 by inserting the following new proviso immediately after sub-clause (7) —

Provided that any person or entity that intends to carry on the business of a fire and rescue service consulting firm or fire brigade firm shall apply for and obtain a trade licence from the respective County Government.

CLAUSE 36

THAT clause 36 of the Bill be amended in subclause (2) by deleting paragraph (f) and substituting therefor the following new paragraph—

(f) the training of fire and rescue services professionals.

CLAUSE 37

THAT the Bill be amended by deleting Clause 37 and substituting therefor the following new clause—

Transitional provision.

37. (1) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and does not hold the prescribed academic qualifications for registration under this Act shall, within one year of the commencement of the Act, comply with the requirements of this Act.

(2) A person who prior to the date of commencement of this Act was practicing as a fire and rescue service practitioner and holds the required academic qualifications under this Act shall apply for registration by the Board within one year of coming into force of this Act.

CLAUSE 2

THAT the Bill be amended in clause 2 by -

(a) deleting the definition of “fire and rescue services consulting firm” and substituting therefor the following new definition –

“fire and rescue services consulting firm” means a private organization or company registered by the Board and licensed by the County Governments to engage in the business of provision of consultancy and advisory services pertaining to fire and rescue services

(b) deleting the definition of the word “fire brigade”

(c) deleting the definition of the words “fire and rescue services professional” and substituting therefor the following new definition –

fire and rescue service professional” means a person registered under section 17.

(d) Inserting a new definition of the word “private fire brigade firm”

“private fire brigade firm” means a private organization or company registered by the Board and licensed by a County Government to put out fires and rescue people from fires.

LONG TITLE

THAT the Bill be amended by deleting the long title and substituting therefor the following new title –

AN ACT of Parliament to provide for the promotion, development and regulation of the fire and rescue service profession, to provide for the establishment of institutional and regulatory framework for representation, participation, training and regulation of fire and rescue service professional practice, and for connected purposes.

H. *THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL**
(NATIONAL ASSEMBLY BILLS NO. 44 OF 2023)

(The Senate Majority Leader)

NOTICE is given that the Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Houses of Parliament (Bicameral Relations) Bill 2023 (National Assembly Bills No. 44 of 2023) at the Committee Stage —

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor with the following new clause –

- | | |
|-------------------|---|
| Object of the Act | 3. The object of this Act is to provide – |
| | (a) a framework for determining the nature of a Bill; and |
| | (b) for the procedure for determining whether a Bill concerns counties. |

CLAUSE 4

THAT the Bill be amended –

- (a) by deleting the heading to Part II appearing immediately before clause 4; and
- (b) by deleting clause 4.

CLAUSE 5

THAT the Bill be amended by deleting clause 5.

CLAUSE 6

THAT the Bill be amended –

- (a) by deleting the words “of a question” appearing immediately after the words “joint resolution” in the heading to Part III; and
- (b) by deleting clause 6 and substituting therefor the following new clauses –
 - Procedure upon publication.

...../Notice of Amendments

6. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall, pursuant to Article 110(3) of the Constitution, invite the Speaker of the other House to jointly resolve the question on whether the Bill is —

- (a) a Bill concerning counties; and
- (b) a special or an ordinary Bill.

(2) The Speaker to whom the request is sent under subsection (1) shall respond to the request within a period of seven days from the date of receipt of the request.

(3) Where the Speakers fail to agree on the nature of a Bill, each Speaker shall, within seven days from the date of receipt of the response under subsection (2), appoint three members from amongst members of the respective House to constitute an advisory team to assist the Speakers resolve the question under subsection (1).

(4) The advisory team shall, within fourteen days from the date of the first sitting, prepare and submit its advisory on the question under subsection (1) to the Speakers.

(5) The Speakers shall, within seven days from the date of receipt of the advisory under subsection (4), resolve the question under subsection (1).

(6) Where the Speakers, having taken into account the advisory of the advisory team, fail to agree on the question under subsection (1), the Bill shall not be introduced in either House of Parliament.

Determinati
on of the
nature of a
Bill.

6A. (1) The Speakers shall, in making a determination under section 6(1) and (2), take into account the criteria set out under sections 7 and 7A.

...../Notice of Amendments

(2) The advisory team shall, in assisting the Speakers under section 6(4), take into account the criteria set out under sections 7 and 7A.

CLAUSE 7

THAT the Bill be amended by deleting clause 7 and substituting therefor the following new clauses –

Criteria for a Bill concerning county government

7. (1) A Bill is a Bill containing provisions affecting the functions of a county government under Article 110(1)(a) of the Constitution if the Bill –

- (a) directly or indirectly affects the operations of the county governments;
- (b) will have a direct or indirect impact on the functions of county governments under Part 2 of the Fourth Schedule to the Constitution;
- (c) would have an impact on the exercise by any person upon whom a function or power is conferred under the Bill on any institution or office of the county government, the finances of the county government or the property held by or vested in the county government;
- (d) contains provisions which the county governments are required to implement or are binding on county governments;
- (e) confers a function or power on a person that would affect the exercise of the functions and the powers of the county governments under the Fourth Schedule to the Constitution;
- (f) seeks to transfer a function or power between the National Government and the county governments under Article 187 of the Constitution;

...../Notice of Amendments

- (g) that affects the ability of the Senate to carry out its functions under Article 96 of the Constitution; or
- (h) provides for any other matter that would directly or indirectly affect the functions and powers of the county governments.

(2) A Bill is a Bill affecting the finances of a county government under Article 110(1)(c) of the Constitution if –

- (a) the Bill provides for –
 - (i) the equitable sharing of revenue under Article 202(1) of the Constitution;
 - (ii) the additional allocation of funds from the National Government’s share of revenue to county governments under Article 202(2) of the Constitution;
 - (iii) the additional allocation of funds to county governments under Article 190(1) of the Constitution including proceeds of loans and grants from development partners;
 - (iv) a matter relating to the appropriation and administration of the Equalisation Fund under Article 204 of the Constitution;
 - (v) the sharing of revenue or any financial matter concerning county governments as contemplated in Article 205(1) of the Constitution;
 - (vi) the transfer of equitable share to the county governments pursuant to Article 219 of the Constitution;

- (vii) the withdrawal of money from the Consolidated Fund under Article 206 of the Constitution that affects the finances of county governments;
- (viii) the withdrawal of money from a County Revenue Fund;
- (ix) the establishment of public funds by counties and the management of those funds;
- (x) the establishment of a fund by Parliament for the benefit of a county government or a county government entity;
- (xi) advances from the Contingencies Fund under Article 208 of the Constitution that affect the finances of county governments;
- (xii) the imposition of a tax, duty or charge under Article 209(3)(c) of the Constitution;
- (xiii) borrowing by the National Government under Article 211 of the Constitution;
- (xiv) public debt under Article 214 of the Constitution that is to be charged on a public fund established for the benefit of county governments;
- (xv) borrowing by counties including the terms and conditions under which the National Government may guarantee a loan under Article 212(a) of the Constitution;

...../Notice of Amendments

- (xvi) any matter concerning the Commission on Revenue Allocation under Articles 215 and 216 of the Constitution;
- (xvii) the form, content and timing of budgets for National and county governments prepared pursuant to Article 220 of the Constitution;
- (xviii) estimates for expenditure from the Equalisation Fund prepared pursuant to Article 221(2)(a);
- (xix) an appropriation under Article 223(4) of the Constitution that affects the finances of a county government;
- (xx) the form and procedure for processing county budgets and appropriation Bills prepared pursuant to Article 224 of the Constitution;
- (xxi) financial control measures and mechanisms under Article 225 of the Constitution;
- (xxii) the keeping of financial records and auditing of accounts of county governments and the designation of accounting officers in the county governments under to Article 226 of the Constitution;
- (xxiii) the procurement of public goods and services under Article 227 of the Constitution;

(xxiv) the powers and functions of the Salaries and Remuneration Commission to set, review and advise on the remuneration and benefits of public officers in the county governments under Article 230(4) of the Constitution; or

(xxv) any other matter referred to in Chapter Twelve of the Constitution affecting the finances of county governments; or

(b) the Bill is –

(i) the annual Division of Revenue Bill under Article 218(1)(a) of the Constitution;

(ii) the annual County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or

(iii) the annual County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

Criteria for determining a special or ordinary Bill.

7A. A Bill is a special Bill if the Bill –

(a) relates to, affects or concerns the election of members of a county assembly or a county executive including-

(i) the continuous registration of citizens as voters under Articles 82(1)(c) and 88(4)(a) of the Constitution;

(ii) the review of the names and boundaries of the constituencies and wards by the Independent Electoral and Boundaries Commission under Articles 82(1)(a) and 89 of the Constitution;

...../Notice of Amendments

- (iii) the monitoring of compliance with the legislation required by Article 82(1)(b) relating to nomination of candidates by parties under Article 88(4)(k) of the Constitution;
- (iv) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections under 82(1)(d) of the Constitution;
- (v) the registration as voters of citizens residing outside Kenya under Article 82(1)(e) of the Constitution;
- (vi) the establishment of mechanisms for electoral disputes under Article 87(1) of the Constitution;
- (vii) the functions of the Independent Electoral and Boundaries Commission under Article 88 of the Constitution directly or indirectly affecting the election of members of a county assembly;
- (viii) the conduct and supervision of elections for the members of county assemblies under 177(1)(b) and (c) of the Constitution conducted by the Independent Electoral and Boundaries Commission under Article 90(2) of the Constitution;
- (ix) the allocation of airtime to political parties under Article 92(a) of the Constitution;
- (x) the regulation of freedom to broadcast for fair election campaigning under Article 92(b) of the Constitution;

- (xi) the regulation of political parties under Article 92(c) of the Constitution;
- (xii) the roles and functions of political parties under Article 92(d) of the Constitution;
- (xiii) the registration and supervision of political parties under Article 92(e) of the Constitution;
- (xiv) the establishment and management of a political party fund under Article 92(f) of the Constitution;
- (xv) the accounts and audit of political parties under Article 92(g) of the Constitution;
- (xvi) restrictions on the use of public resources to promote the interests of political parties under Article 92(h) of the Constitution; and
- (xvii) any other matter affecting the management of political parties; or

(b) is a –

- (i) County Allocation of Revenue Bill under Article 218(1)(b) of the Constitution; or
- (ii) County Governments Additional Allocations Bill under Article 202(2) of the Constitution.

PART IV – RESOLUTION UNDER ARTICLE 114 OF THE CONSTITUTION

Joint resolution on money Bill.

7B. (1) Before a Bill is read a First Time in the House originating the Bill, the Speaker of that House shall seek the opinion of the Speaker of the other House on whether the Bill is a money Bill.

...../Notice of Amendments

(2) Sections 6 and 19 shall apply, with necessary modification, in the resolution of any question as to whether a Bill is a money Bill.

Criteria for determining a money Bill.

7C. (1) A Bill is a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions dealing only with –

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or
- (e) matters incidental to any of the matters specified under paragraphs (a) to (d).

(2) A Bill is not a money Bill within the definition of Article 114 of the Constitution if the Bill contains provisions that –

- (a) concern county governments as set out in section 7A;
- (b) the imposition of taxes by a county government;
- (c) provides for the appropriation of funds by Parliament but does not appropriate money;
- (d) the imposition of charges on a public fund or the variation or repeal of such charges by a county government;
- (e) the appropriation, receipt, custody, investment or issue of public money by a county government; or
- (f) the raising or guaranteeing of any loan or its repayment by a county government.

Consideration of a money Bill. **7D.** (1) A Bill that meets the criteria under section 7C(1) may be introduced only in the National Assembly in accordance with Article 109(5) of the Constitution.

(2) A Bill that meets the criteria under section 7C(2) may be introduced in the National Assembly or the Senate and passed by both Houses in accordance with Articles 110 to 113, Articles 122 and 123 and 109(4) of the Constitution and the Standing Orders of the respective Houses.

Concurrent determination. **7E.** The determination of the nature of a Bill under section 6(1) shall be concurrent to the determination of the nature of a Bill under section 7B(1).

CLAUSE 8

THAT the Bill clause be amended by deleting clause 8.

CLAUSE 9

THAT the Bill clause be amended by deleting clause 9.

CLAUSE 10

THAT the Bill clause be amended by deleting clause 10.

CLAUSE 11

THAT the Bill clause be amended by deleting clause 11.

CLAUSE 12

THAT the Bill clause be amended by deleting clause 12.

CLAUSE 13

THAT the Bill clause be amended by deleting clause 13.

CLAUSE 14

THAT the Bill be amended –

- (a) by deleting the heading to Part IV appearing immediately before clause 14; and
- (b) by deleting clause 14.

CLAUSE 15

THAT the Bill clause be amended by deleting clause 15.

CLAUSE 16

THAT the Bill clause be amended by deleting clause 16.

CLAUSE 17

THAT the Bill clause be amended by deleting clause 17

CLAUSE 18

THAT the Bill clause be amended by deleting clause 18.

CLAUSE 19

THAT clause 19 of the Bill be amended –

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

PART IV – JOINT RESOLUTION

- (b) by deleting clause 19 and substituting therefor the following new clause

Joint resolution on the nature of a Bill.

19. (1) Where the Speakers agree on the nature of a Bill in terms of Articles 109(5), 110(3) and 114 of the Constitution, the Bill shall be introduced in the originating House in accordance with the Constitution and the standing orders of the respective House.

(2) Where the Speakers fail to agree on the nature of a Bill the Bill shall not be introduced in either House of Parliament.

CLAUSE 20

THAT the Bill be amended by deleting clause 20 and substituting therefor the following new clause –

...../Notice of Amendments

Presidential assent. **20.** A Bill presented for presidential assent shall be accompanied by a certificate of joint resolution signed by the Speakers of the National Assembly and the Senate in the form set out in the Schedule.

NEW CLAUSE 3A

THAT the Bill be amended by inserting the following new clause immediately after clause 3 –

Application . **3A.** This Act applies to all Bills originating in the National Assembly and the Senate.

FIRST SCHEDULE

THAT the Bill be amended by deleting the First Schedule and substituting therefor the following new schedule –

SCHEDULE
(s.20)

CERTIFICATE OF JOINT RESOLUTION

FORM A: Where the Bill concerns county governments

I certify that this]printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is a Bill concerning county governments.

Clerk of the [originating House]

Speaker of the [originating House]

Clerk of the [other House]

Speaker of the [other House]

...../Notice of Amendments

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

FORM B: Where the Bill does not concern county governments

I certify that this printed impression is a true copy of the Bill as passed by the [Originating House] onand by the [other House] on and that the Speakers jointly resolved the question, pursuant to Article 110(3) of the Constitution, that this is not a Bill concerning county governments in terms of Article 110(1) of the Constitution.

Clerk of the [originating House]

Speaker of the [originating House]

Clerk of the [other House]

Speaker of the [other House]

Presented for assent in accordance with the provisions of the Constitution of Kenya on theday of at the hour of

Speaker of the [originating House]

SECOND SCHEDULE

THAT the Bill clause be amended by deleting the Second Schedule.

CLAUSE 2

THAT clause 2 of the Bill be amended by –

- (a) deleting the definition of the word “Bill concerning county governments”;
- (b) deleting the definition of the word “Bill not concerning county governments”;
- (c) deleting the definition of the word “Houses of Parliament” and substituting therefor the following new definition –

...../Notice of Amendments

- “House” means the National Assembly or the Senate;
- (d) deleting the definition of the word “mediation committee”;
- (e) deleting the definition of the word “money Bill”; and
- (f) deleting the definition of the word “second house”.

PREAMBLE

THAT the Bill be amended by deleting the preamble.

LONG TITLE

THAT the Bill be amended by deleting the long title to the Bill and substituting therefor the following new title –

**AN ACT of Parliament to give effect to Articles 109(5),
110(3) and 114 of the Constitution; to provide
the procedure for the Speakers of the National
Assembly and the Senate to determine the
nature of a Bill; and for connected purposes.**

CLAUSE 1

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause –

The Bicameral Legislative (Procedure) Bill, 2023.

APPENDIX

1. MESSAGE

Resolution of the County Assembly of Kericho on the proposed removal from office, by impeachment, of Hon. (Dr.) Erick Kipkoech Mutai, the Governor of Kericho County.

(The Speaker of the Senate)

2. PETITION

Petition to the Senate by Mr. Laban Omusundi regarding introduction of a framework for recalling of nominated Members of the County Assemblies (MCAs).

(The Speaker of the Senate)

3. PAPERS

- i.) Report of the National Treasury and Economic Planning Annual Public Debt Management for 2023/2024.
- ii.) Report of the Controller of Budget (COB) Annual National Government Budget Implementation Review for financial year 2023/2024.

(The Senate Majority Leader)

- iii.) Report of the Standing Committee on Finance and Budget on its consideration of the National Assembly amendments to the County Governments Additional Allocations Bill (Senate Bills No. 19 of 2024).

(The Chairperson, Standing Committee on Finance and Budget)

- iv.) Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by Teachers Service Commission (TSC) on payment of hardship allowance and enhanced house allowance to some teachers in Kilifi County.

- v.) Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by Teachers Service Commission (TSC) on payment of hardship allowance and enhanced house allowance to some teachers in Taita Taveta County.

(The Chairperson, Standing Committee on Education)

4. NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON A PETITION TO THE SENATE REGARDING THE DISCRIMINATION BY TEACHERS SERVICE COMMISSION (TSC) ON PAYMENT OF HARDSHIP AND ENHANCED HOUSE ALLOWANCES TO SOME TEACHERS IN KILIFI AND TAITA TAVETA COUNTIES

(The Chairperson, Standing Committee Education)

THAT, the Senate adopts the Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by Teachers Service Commission (TSC) on payment of hardship and enhanced house allowances to some teachers in Kilifi and Taita Taveta counties, laid on the Table of the Senate on Tuesday, 8th October, 2024.

5. QUESTIONS AND STATEMENTS

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

- i) The Senator for Kisii County (Sen. Richard Onyonka, MP) to seek a Statement from the Standing Committee on Health regarding the operationalization of the Social Health Authority healthcare infrastructure on a unified platform.
- ii) The Senator for Garissa County (Sen. Haji Abdul Mohammed, MP) to seek a Statement from the Standing Committee on Finance and Budget regarding the financial operations of County Public Service Boards (CPSBs).

NOTICE PAPER I**Tentative Business for Wednesday, October 09, 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 Wednesday, October 09, 2024 (Morning Sitting).

A. QUESTIONS

QUESTION NO.	SENATOR	SUBJECT	MINISTRY
091	Sen. Julius Murgor, MP	Socio-economic activities carried out by the Kerio Valley Development Authority (KVDA) in West Pokot County	East African Community (EAC), the ASALS and Regional Development
099	Sen. Edwin Sifuna, MP	Staffing levels at Kenya Diplomatic Missions in the United States of America	Foreign and Diaspora Affairs
049	Sen. George Mbugua, MP	Agreement between Kenya and Cuba concerning the exchange programme for doctors	Health
075	Sen. Peris Tobiko, MP	Status of Linda Mama initiative, the Edu Afya insurance scheme and services available to NHIF members.	Health
076	Sen. Jackson Mandago, EGH, MP	Shortage of childhood vaccines in the country	Health
086	Sen. Agnes Kavindu, MP	Roll-out of a medical programme for subsidized treatment to surviving Kenyan Victims of the 1998 bombing of the United States of America Embassy in Nairobi	Health

087	Sen. Joyce Korir, MP	Early diagnosis and proper treatment of endometriosis in Kenya	Health
105	Sen. Hamida Kibwana, MP	Welfare of medical interns	Health

B. MOTIONS

- i) REPORT OF THE 9TH INTER-PARLIAMENTARY UNION (IPU) GLOBAL CONFERENCE OF YOUNG PARLIAMENTARIANS HELD IN HANOI, VIETNAM FROM 15TH TO 17TH SEPTEMBER, 2023
(Sen. John Methu, MP)
- ii) REPORT OF THE 147TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN LUANDA, ANGOLA ON 23RD TO 27TH OCTOBER, 2023
(Sen. Catherine Mumma, MP)
- iii) REPORT OF THE KENYA DELEGATION TO THE 148TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN GENEVA, SWITZERLAND FROM 23RD TO 27TH MARCH, 2024
(Sen. Catherine Mumma, MP)
- iv) REPORT OF THE KENYA DELEGATION TO THE EXTRAORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT (PAP) HELD AT THE GALLAGHER CONVENTION CENTRE, MIDRAND, SOUTH AFRICA, FROM 20TH TO 27TH MARCH, 2024
(Sen. Danson Mungatana, MP)
- v) REPORT OF THE 14TH ORDINARY SESSION OF THE PLENARY ASSEMBLY AND RELATED MEETINGS OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION, HELD IN LIVINGSTONE, ZAMBIA, FROM 15TH TO 19TH APRIL, 2024
(Sen. Ali Ibrahim Roba, MP)
- vi) REPORT OF THE PARLIAMENTARY DELEGATION TO THE 2024 JOINT UNITED NATIONS – INTER-PARLIAMENTARY UNION PARLIAMENTARY HEARING HELD AT THE UNITED NATIONS HEADQUARTERS IN NEW YORK, UNITED STATES OF AMERICA FROM 8TH TO 9TH FEBRUARY, 2024
(Sen. Veronica Maina, MP)
- vii) REPORT OF THE KENYAN DELEGATION TO THE 64TH SESSION OF THE OACPS PARLIAMENTARY ASSEMBLY AND THE 1ST SESSION OF THE ORGANIZATION OF AFRICAN, CARRIBEAN AND PACIFIC STATES (OACPS) – EUROPEAN UNION (EU) JOINT PARLIAMENTARY ASSEMBLY HELD IN LUANDA, ANGOLA FROM 17TH TO 21ST FEBRUARY, 2024
(Sen. Kathuri Murungi, MP)

- viii) REPORT OF THE PROCEEDINGS OF THE PARLIAMENTARIANS' DIALOGUE AT THE AFRICA CLIMATE SUMMIT, 2023 HELD IN THE NATIONAL ASSEMBLY CHAMBER, PARLIAMENT BUILDINGS, NAIROBI ON 3RD – 6TH SEPTEMBER, 2023
(Sen. Moses Kajwang', MP)

- ix) ESTABLISHMENT OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES
(Sen. Crystal Asige, MP)

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

NOTICE PAPER II

Tentative Business for Wednesday, October 09, 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 Wednesday, October 09, 2024 (Afternoon Sitting).

A. BILLS AT COMMITTEE OF THE WHOLE STAGE

- i) *THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL (SENATE BILLS NO. 38 OF 2023)
(Sen. (Dr.) Boni Khalwale, MP)
- ii) *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 41 OF 2023)
(Sen. Esther Anyieni Okenyuri, MP)
- iii) **THE LOCAL CONTENT BILL (SENATE BILLS NO. 50 OF 2023)
(The Chairperson, Standing Committee on Energy)
- iv) *THE EARLY CHILDHOOD EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2023)
(Sen. Eddy Oketch, MP)
- v) ***THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 40 OF 2022)
(The Senate Majority Leader)
- vi) ****THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2024)
(The Senate Majority Leader)
- vii) *THE ENERGY (AMENDMENT) BILL (SENATE BILLS NO. 42 OF 2023)
(Sen. Edwin Sifuna, MP)
- viii) ***THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)
(The Senate Majority Leader)
- ix) *THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 53 OF 2023)
(Sen. Mariam Sheikh Omar, MP)

B. 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 COUNTY GOVERNMENTS ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2024)
(Sen. Crystal Asige, MP)
- iii) *THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 3 OF 2024)
(Sen. Ledama Olekina, MP and Sen. William Kisang, MP)
- iv) *THE COUNTY CIVIC EDUCATION BILL (SENATE BILLS NO. 4 OF 2024)
(Sen. Esther Okenyuri, MP)
- v) *THE COUNTY STATISTICS BILL (SENATE BILLS NO. 5 OF 2024)
(Sen. Ali Ibrahim Roba, MP)
- vi) *THE PROVISION OF SANITARY TOWELS BILL (SENATE BILLS NO. 7 OF 2024)
(Sen. Gloria Orwoba, MP)
- vii) ***THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2024)
(The Senate Majority Leader)
- viii) ****THE COUNTY ASSEMBLIES PENSIONS SCHEME BILL (SENATE BILLS NO. 14 OF 2024)
(The Senate Majority Leader)
- ix) *THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 17 OF 2024)
(Sen. Crystal Asige, MP)

C. MOTIONS

- i) CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (SENATE BILLS NO. 19 OF 2024)
(The Chairperson, Standing Committee on Finance and Budget)
- ii) REPORT OF THE STANDING COMMITTEE ON ENERGY ON ITS INQUIRY INTO THE LIQUEFIED PETROLEUM GAS (LPG) EXPLOSION IN MRADI AREA, EMBAKASI, NAIROBI CITY COUNTY
(The Chairperson, Standing Committee on Energy)

- iii) REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE INQUIRY ON THE WELFARE OF WORKERS IN THE EXPORT PROCESSING ZONES (EPZS) IN MOMBASA AND KILIFI COUNTIES
(The Chairperson, Standing Committee of Labour and Social Welfare)
- iv) REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO PERSONAL SECURITY CONCERNS RAISED BY HON. PHILOMENA KAPKORY, DEPUTY GOVERNOR, TRANS NZOIA COUNTY
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)
- v) REPORTS OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON ITS INQUIRY INTO THE STATE OF MARKETS IN VIHIGA AND BUNGOMA COUNTIES ARISING FROM A STATEMENT SOUGHT BY SEN. GODFREY OSOTSI, MP AND SEN. DAVID WAKOLI, MP
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)
- vi) DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA
(Sen. Catherine Mumma, MP)
- vii) CONSOLIDATION OF BURSARY FUNDS FOR EQUITABLE ACCESS TO EDUCATION IN KENYA
(Sen. Karungo Thangwa, MP)
