



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, OCTOBER 17, 2018 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Deputy Speaker.
3. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication from the Chair –

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting Members and staff from the County Assembly of Bungoma, Committee on Delegated Legislation.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

- |                            |   |  |
|----------------------------|---|--|
| 1. Hon. Stephen Wafula     | - | Chairperson, Committee on Delegated Legislation      |
| 2. Hon. Nathaniel Asenaka  | - | Vice Chairperson, Committee on Delegated Legislation |
| 3. Hon. Mitrine Nangalama  | - | Member   |
| 4. Hon. Sospeter Nyongesa  | - | Member   |
| 5. Hon. Reba N. Wabwile    | - | Member   |
| 6. Hon. Sophia Marumbu     | - | Member   |
| 7. Hon. Rose Imbega        | - | Member   |
| 8. Hon. Sitati Makhandia   | - | Member   |
| 9. Mr. Oscar N. Sifuna     | - | Committee Clerk                                      |
| 10. Mr. Nicholas Maghas    | - | Research Officer                                     |
| 11. Ms. Celestine Moshongo | - | Legal Clerk  |
| 12. Mr. Elvis Werunga      | - | Hansard Reporter                                     |

14. Mr. Benedict Kimwei - Serjeant-At-Arms

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.”

4. **PETITION**

Sen. Wario Golich Juma, MP, on behalf of the Chairperson Standing Committee on Tourism, Trade and Industrialization, presented the report of the Standing Committee on the Petition on the fight against counterfeit and contraband goods, which had been presented by Sen. Johnson Sakaja, MP, on behalf of members of Nairobi Importers and Traders Association;

The Deputy Speaker allowed comments and observations from Senators, in relation to the report, pursuant to Standing Order 232 (2).

5. **PAPERS LAID**

The following Papers were laid on the Table of the Senate: -

- a) Report of the Auditor General on the financial statements of Vihiga County Community empowerment fund for the year ended 30<sup>th</sup> June, 2017;
- b) Report of the Auditor General on the financial statements of County Assembly of Kakamega – car loans and mortgage fund for the year ended 30<sup>th</sup> June, 2017;
- c) Report of the Auditor General on the financial statements of Busia County Cooperative Enterprise Development Fund for the year ended 30<sup>th</sup> June, 2017.

*(The Senate Majority Leader)*

- d) Report of the Standing Committee on Tourism, Trade and Industrialization on a Petition on the fight against counterfeit and contraband goods, presented by Sen. Johnson Sakaja, MP, on behalf of members of Nairobi Importers and Traders Association;
- e) Report of the Standing Committee on Tourism, Trade and Industrialization on a fact finding mission on the Management and Operations of National Parks in Taita Taveta, Isiolo and Samburu counties; 18<sup>th</sup> - 19<sup>th</sup> May and 10<sup>th</sup> -13<sup>th</sup> August, 2018;
- f) Report of the Standing Committee on Tourism, Trade and Industrialization on the inquiry into the fall of Nakumatt and Uchumi supermarkets in Kenya.

*(Sen. Golich Wario Juma on behalf of the Chairperson, Standing Committee on Tourism, Trade and Industrialization)*

6. **THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

(Second Reading)

*Resumption of Debate interrupted on Tuesday, 9<sup>th</sup> October, 2018)*

*(Division)*

Order deferred.

7. **THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2018)**

(Sen. (Canon) Naomi Waqo Jilo, MP)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 16<sup>th</sup> October, 2018)*

*(Division)*

Order deferred.

8. **COMMITTEE OF THE WHOLE**

**THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**

(Sen. Petronila Were Lokorio, MP)

*(Resumption of Debate interrupted on Wednesday, 3<sup>rd</sup> October, 2018)*

*(Division)*

Order deferred.

9. **COMMITTEE OF THE WHOLE**

**THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**

(Chairperson Standing Committee on Finance and Budget)

Order deferred.

10. **COMMITTEE OF THE WHOLE**

**THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**

(Chairperson, Standing Committee on Labour and Social Welfare)

Order deferred.

11. **COMMITTEE OF THE WHOLE**

**THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**

(The Senate Majority Leader)

Order deferred.

12. COMMITTEE OF THE WHOLE

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Pareno) – in the Chair)

**The Disaster Risk Management Bill (Senate Bills No. 8 of 2018)**

Clause 3 - amendment proposed

**THAT** clause 3 of the Bill be amended in sub-clause (2) by deleting paragraph (c).

*(Sen. Mutula Kilonzo Jnr.)*

Clause 3 - vote deferred

Clause 4 - amendment proposed

**THAT** clause 4 of the Bill be amended by deleting sub clause (2).

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 4 - vote deferred

Clause 5 - amendment proposed

**THAT** clause 5 of the Bill be amended-  
(a) in paragraph (a) by inserting the words “and inter-ministerial” immediately after the word “inter-agency”;  
(b) in paragraph (f) by inserting the words “in coordination with the Bureau of Statistics,” at the beginning of the paragraph;

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 5 - vote deferred

Further amendment proposed

**THAT** clause 5 of the Bill be amended—

- (a) in paragraph (b) by inserting the word “national” immediately after the words “serve as the central”;
- (b) in paragraph (e) by deleting the words “and county” appearing immediately after the words “implementation of a national”;
- (c) in paragraph (g) by deleting the words “and county” appearing immediately after the words “implement a national”;
- (d) in paragraph (h) by inserting the words “at the national level” immediately after the words “disaster risk management”;

- (e) in paragraph (m) by inserting the words “in collaboration with the relevant county committees, at” immediately after the words “at national and”;
- (f) by deleting paragraph (o) and substituting therefore the following new paragraph—
  - (o) lead and coordinate mainstreaming of disaster risk management in national government strategies, policies and plans;

*(Sen. Mutula Kilonzo Jnr.)*

Clause 5 - vote deferred

Clauses 6 - amendment proposed

**THAT** clause 6 of the Bill be amended by inserting the following new paragraph immediately after paragraph (f) –

- (g) enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 6 - vote deferred

Clause 7 - amendment proposed

**THAT** clause 7 of the Bill be amended-

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

(1) There shall be a Board of the Authority which shall comprise—

- (a) a chairperson, who shall be appointed by the Cabinet Secretary;
- (b) the Principal Secretary in the Ministry responsible for matters relating to disaster risk management;
- (c) the Principal Secretary in the Ministry responsible for finance;
- (d) the Principal Secretary in the Ministry responsible for internal security;
- (e) a representative of the Kenya Red Cross Society;
- (f) one person nominated by the Council of County Governors;
- (g) one person appointed by the Cabinet Secretary from amongst three persons nominated by the

Kenya Private Sector Alliance;

- (h) one person appointed by the Cabinet Secretary from amongst three persons nominated by the Kenya Medical Association; and
- (i) the Director-General of the Authority who shall be an *ex-officio* member and who shall have no vote.

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clauses –

(3) A person shall qualify for appointment as the chairperson of the Board if that person —

- (a) holds a degree from a university recognised in Kenya;
- (b) has knowledge and experience in matters related to disaster management; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3A) A person shall qualify for nomination under paragraph (1) (g) and (h) if that person —

- (a) holds a degree in a relevant field from a university recognised in Kenya; and
- (b) meets the requirements of Chapter Six of the Constitution.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 7 - vote deferred

Further amendment proposed

**THAT** clause 7 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) –

(ca) the Principal Secretary in the Ministry responsible for environment.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 7 - vote deferred

Clause 8 - amendment proposed

**THAT** clause 8 of the Bill be amended in paragraph (d) by deleting the words “that violates” appearing immediately after the words “an offence” and substituting therefor the words “that constitutes a serious violation of”.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 8 - vote deferred

Clause 9

Motion made and Question proposed;

**THAT**, Clause 9 be part of the Bill.

Clause 9 - vote deferred

Clause 10 - amendment proposed

**THAT** clause 10 of the Bill be amended by inserting the words “shall serve on a part time basis and” immediately after the words “members of the Board”.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 10 - vote deferred

Clause 11

Motion made and Question proposed;

**THAT**, Clause 11 be part of the Bill.

Clause 11 - vote deferred

Clause 12 - amendment proposed

**THAT** clause 12 of the Bill be amended by deleting subclause (2) and substituting therefor the following new sub-clauses-

(2) A person shall qualify for appointment under this section where such person —

- (a) holds a relevant degree from a university recognised in Kenya;
- (b) has at least five years’ managerial experience; and
- (c) meets the requirements of Chapter Six of the Constitution.

(2A) The Director-General shall hold office for a term of five years which may be renewed once.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 12 - vote deferred

Clause 13 - amendment proposed

**THAT** clause 13 of the Bill be amended by deleting the word “co-opt” appearing immediately after the word “the board may” and substituting therefor the word “engage”.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 13 - vote deferred

Clause 14 - amendment proposed

**THAT** clause 14 of the Bill be amended in subclause (1)-

- (a) by inserting the words “in coordination with the Bureau of Statistics” at the beginning of the introductory phrase to paragraph (b);
- (b) by inserting the word “county” immediately after the words “national and” in the introductory phrase to paragraph (d);
- (c) in paragraph (d) by inserting the following new sub-paragraph immediately after sub-paragraph (vi)-
  - (vii) any other critical infrastructure including power stations, power distribution networks and water reservoirs.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 14 - vote deferred

Further amendment proposed

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

- (a) in paragraph (b) of subsection (1) by deleting the word “indigenous” appearing at the beginning of sub-paragraph (viii) and substituting therefor the word “traditional”;
- (b) in paragraph (d) of subsection (1) by deleting the word “response” appearing immediately after the word “emergency” and substituting therefor the words “preparedness, response and recovery”.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 14 - vote deferred

Clauses 15 - amendment proposed

**THAT** clause 15 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) –

(1A) The national disaster risk management plan and strategy shall include information on –



- (a) measures to be taken for the prevention and response to disasters and the mitigation of their effects;
- (b) measures to be taken for preparedness and capacity building to effectively respond to any impending disaster;
- (c) minimum requirements for the provision of shelter, food, drinking water, medical services and sanitation in relief camps;
- (d) roles and responsibilities of different Ministries, county governments, and relief agencies in respect of measures specified in paragraph (a), (b), and (c); and
- (e) any other matter relevant to disaster risk management.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 15 - vote deferred

Clauses 16-17

Motion made and Question proposed;

**THAT**, Clauses 16 and 17 be part of the Bill

Clauses 16-17 - vote deferred

Clause 18 - amendment proposed

**THAT** clause 18 of the Bill be amended in subclause (1) by-

- (a) deleting the word “commandant” appearing at the end of paragraph (d) and substituting therefor the word “commander”;
- (b) by deleting paragraph (g) and substituting therefor the following new paragraph-
  - (g) one person, with experience in disaster management, who is a resident of the county, appointed in writing by the chairperson of the most representative private sector association in the county;
- (c) inserting the following new paragraph immediately paragraph (h)-
  - (i) one person, with experience in disaster management, nominated appointed by the governor from the faith-based organizations in the county;

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 18 - vote deferred

Clause 19 - amendment proposed

**THAT** clause 19 of the Bill be amended in subsection (1) by—

- (a) inserting the following new paragraphs immediately after paragraph (a)—
  - (aa) serve as the central agency in the implementation of disaster risk management activities in the respective county;
  - (ab) establish and implement a county early warning and emergency communication strategy that is in line with the national early warning and emergency communication strategy;
- (b) deleting paragraph (k).

*(Sen. Mutula Kilonzo Jnr.)*

Clause 19 - vote deferred

Clause 20 - amendment proposed

**THAT** clause 20 of the Bill be amended in the introductory clause by deleting the word “Authority” appearing immediately after the words “foregoing the” and substituting therefor the word “Committee”.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Further amendment proposed

**THAT** clause 20 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) –

- (d) to enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 20 - vote deferred

Clause 21 - amendment proposed

**THAT** clause 21 of the Bill be amended in paragraph (d) by deleting the words “that violates” appearing immediately after the words “an offence” and substituting therefor the words “that constitutes a serious violation of”

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 21 - vote deferred

Clause 22

Motion made and Question proposed;

**THAT**, Clause 22 be part of the Bill.

Clause 22 - vote deferred

Clause 23 - amendment proposed

**THAT** clause 23 of the Bill be amended in sub-clause (1) by deleting the words “applicable contingency” and substituting therefor the words “county disaster risk management”.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 23 - vote deferred

Clauses 24 – 29

Motion made and Question proposed;

**THAT**, Clauses 24 - 29 be part of the Bill.

Clauses 24 - 29 - vote deferred

Clause 30 - amendment proposed

**THAT** clause 30 of the Bill be amended-

- (a) in subclause (1) by deleting the word “Authority” appearing immediately after the words “administered by the” and substituting therefor the word “Board”;
- (b) in subclause (4) inserting the word “prevention” immediately after the words “used for disaster”.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 30 - vote deferred

Clauses 31 - 35

Motion made and Question proposed;

**THAT**, Clauses 31 - 35 be part of the Bill.

Clauses 31 - 35 - vote deferred

Clause 36 - amendment proposed

**THAT** clause 36 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (g)-  
(ga) the administration and management of the Fund;

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 36 - vote deferred

Clause 37 - amendment proposed

**THAT** clause 37 of the Bill be deleted and substituted therefor the following new clause —

**37.** (1) A Person who, immediately before the commencement of this Act, was an employee of the National Disaster Operations Centre or the National Disaster Management Unit shall on the commencement of this Act be deemed to be seconded to the Authority to serve for a period of not more than one year.

(2) Despite subsection (1), a person who was an employee of the National Disaster Operations Centre or the National Disaster Management Unit immediately before the commencement of this Act shall be given an option to either –

(a) return to the institution that seconded that person to the National Disaster Operations Centre or the National Disaster Management Unit; or

(b) apply for employment to the Authority.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 37 - vote deferred

Clause 38 - amendment proposed

**THAT** clause 38 of the Bill be amended by—

(i) inserting the word “and” immediately after the words “Operations Centre”;

(ii) deleting the words “and the Department of Special Programmes” appearing immediately after the words “National Disaster Management Unit”.

*(Sen. Mutula Kilonzo Jnr.)*

Clause 38 - vote deferred

Clauses 39 - 40

Motion made and Question proposed;

**THAT,** Clause 39 - 40 be part of the Bill.

Clauses 39 - 40 - vote deferred

New Clause 25A - New Clause proposed

**25A.** (1) Each county executive committee member shall be responsible for the development and implementation of a fire disaster management system and shall for this purpose –

- (a) establish an effective fire management system for the prevention and management of fire disasters in the respective county;
- (b) ensure the provision of adequate personnel and equipment for the prevention and management of fire disasters in the county;
- (c) provide adequate information and carry out sensitization programmes on the prevention and management of fire disasters;
- (d) put in place an effective mechanism for fire rescue services; and
- (e) do such other thing necessary for the effective implementation of a fire disaster management system.

(2) The county executive committee member shall, in the performance of the functions under subsection (1) –

- (a) adopt a multi-disciplinary and multi-sectoral approach in firefighting;
- (b) factor in climate variations into firefighting;
- (c) disseminate information on firefighting;
- (d) establish and encourage volunteer community firefighting initiatives; and
- (e) be guided by the national values and principles of governance as set out under Article 10 of the Constitution.

(3) Each county government shall enact legislation for the implementation of fire disaster management system in the respective county

*(Sen. Mutula Kilonzo Jnr.)*

Motion made and Question proposed;

**THAT** New Clause 25A be now read a Second Time.

*(Sen. Mutula Kilonzo Jnr.)*

New Clause 25A - vote deferred

The First Schedule - amendment proposed

**THAT** the Bill be amended by deleting the First Schedule.

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

The First Schedule - vote deferred

Clause 2 - amendment proposed

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

- (a) in the definition of the word “disaster” by inserting the words “and impacts” immediately after the words “environmental losses”;
- (b) in the definition of the word “disaster risk management” by inserting the words “multi-sectoral” immediately after the words “capacities to implement”;
- (c) in the definition of the word “hazard” by deleting the words “damaging physical event” appearing immediately after the words “means a” and substituting therefore the word “process”;
- (d) in the definition of the word “preparedness” by inserting the words “imminent” immediately after the words “impacts of likely”;
- (e) by deleting the definition of the word “prevention” and substituting therefor the following new definition-
 

“prevention” means the activities and measures taken to avoid existing and new disasters;
- (f) in the definition of the word “recovery” by inserting the words “prevent or” immediately after the words “including efforts to”;
- (g) by deleting the definition of the word “response” and substituting therefor the following new definition-
 

“response” means actions taken before, during or immediately after a disaster to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the affected persons;
- (h) by deleting the definition of the word “vulnerability” and substituting therefor the following new definition-
 

“vulnerability” means the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of a hazard;
- (i) by inserting the following new definition immediately after the

definition of the word “hazard”-

“Bureau of Statistics” means the Kenya National Statistics established under section 3 of the Stat

*(Vice Chairperson, Standing Committee on National Security, Defence and Foreign Relations)*

Clause 2 - vote deferred

The Title and Clause 1

Motion made and Question proposed;

**THAT** the Title and Clause 1 be part of the Bill.

The Title and Clause 1 - vote deferred

### **Progress Report**

Motion made;

**THAT**, the Committee of the Whole do report progress on its consideration of the Disaster Risk Management Bill (Senate Bills No. 8 of 2018) and seek leave to sit again tomorrow.

*(Sen. Mutula Kilonzo Jnr.)*

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. Pareno) ruled that the Question did not affect counties;

Question put and agreed to.

13. **HOUSE RESUMED** - Temporary Speaker (Sen. Nyamunga) - in the Chair

14. **THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**

### **Progress reported;**

Motion made and Question proposed-

**THAT** the House do agree with the Committee in the said report.

*(Sen. Mutula Kilonzo Jr.)*

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. Nyamunga) ruled that the question did not affect counties;

Question put and **agreed to**.

15. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**

Order for Second reading read;

Motion made and Question proposed;

**That** the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) be now read a Second Time.

*(Sen. Judith Pareno, MP – 16.10.2018)*

Debate interrupted on Tuesday, 16<sup>th</sup> October, 2018 resumed;

And there being no other Senator wishing to contribute;

Mover Replied;

Before the Question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Prof.) Margaret Kamar) informed the House that the Motion affected Counties;

Raising a point of order, the Mover requested that the putting of the Question be deferred to a later date, pursuant to Standing Order 61(3);

And the Temporary Speaker, (Sen. (Prof.) Margaret Kamar) acceding to the request, nominated Thursday, 18<sup>th</sup> October, 2018, as the day when the Question shall be put.

16. **THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**  
(Chairperson, Standing Committee on Information and Technology)

*(Second Reading)*

Order deferred.

17. **THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*

Order deferred.

18. **THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*

Order deferred.

19. **THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**

(The Senate Majority Leader)

*(Second Reading)*

Order deferred.



20. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**

(Sen. Fatuma Dullo, MP)

*(Second Reading)*

Order deferred.

21. **MOTION – ENFORCEMENT OF NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015**

Motion made and Question proposed: -

**AWARE** that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

FURTHER AWARE that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

COGNIZANT that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

NOW THEREFORE, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development: -

1. identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations;
2. in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations;
3. submits a Report to the Senate within ninety (90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

*(Sen. (Arch.) Sylvia Kasanga, MP – 13.09.2018)*

Resumption of debate interrupted on Tuesday, 13<sup>th</sup> September, 2018

Order Deferred.

22. **MOTION – USAGE OF SIGNING EXACT ENGLISH (SEE) AS A MODE OF INSTRUCTION FOR PERSONS WITH HEARING IMPAIRMENT.**

Motion made and Question proposed;

**THAT, AWARE** that Article 43 (f) of the Constitution stipulates that every person has a right to education;

**FURTHER AWARE** that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the

parties undertook to ensure that persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

**ACKNOWLEDGING** that hearing impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English;

**COGNIZANT** that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

**NOW THEREFORE**, the Senate calls upon the Ministry of Education, Science and Technology to-

1. ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. develop SEE instructional materials for learners with hearing impairment;
3. work with linguists and researchers to develop sign language resources; and
4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

*(Sen. (Dr.) Getrude Musuruve, MP – 11.10.2018)*

Debate interrupted on Thursday, 11<sup>th</sup> October, 2018 resumed;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Rose Nyamunga) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

23. **SENATE ROSE** – at thirty minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Thursday, October 18, 2018 at 2.30 p.m.*

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