



REPUBLIC OF KENYA  
**TWELFTH PARLIAMENT – (THIRD SESSION)**  
**THE SENATE**  
**ORDER PAPER**

**TUESDAY, SEPTEMBER 10, 2019 AT 2.30 P.M.**

**PRAYERS**

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. Statements (as listed in the Appendix)
8. **\*THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)**  
(Sen. Beatrice Kwamboka, MP)  
*(First Reading)*
9. **\*\*\*THE STATUTE LAW MISCELLANEOUS (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)**  
(The Senate Majority Leader)  
*(Second Reading)*
10. **\*\*\*\*THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2019)**  
(The Senate Majority Leader)  
*(Second Reading)*
11. **\*THE CONTROL OF STRAY DOGS BILL (SENATE BILLS NO. 4 OF 2019)**  
(Sen. Mary Seneta, MP)  
*(Second Reading)*
12. **\*THE ESTABLISHMENT OF CHILDREN'S HOMES BILL (SENATE BILLS NO. 12 OF 2019)**  
(Sen. (Dr.) Agnes Zani, MP)  
*(Second Reading)*

...../Motion

13. **MOTION - CREATION OF SUPPORT SERVICES FOR MEMBERS OF THE DISCIPLINED FORCES AND THEIR FAMILIES**

(Sen. George Khaniri, MP)

**THAT, APPRECIATING** the commitment and sacrifice by members of the disciplined forces in protecting our country from both internal and external aggression;

**AWARE** of the risky and stressful environment that the officers are exposed to daily in the line of duty, combined with the increased terrorism threats at home, and abroad;

**NOTING** that members of the disciplined forces, and by extension, their families are exposed to traumatic incidents both at home and abroad that manifest as living in constant fear, debilitating depression, nightmares, crippling anxiety and thoughts of suicide commonly referred to as Post Traumatic Stress Disorder (PTSD) leaving them exposed to the stigma of society and unable to care for themselves and their families the way they could before;

**RECOGNIZING** that there is no structured national comprehensive program for post-traumatic stress counseling either for active or returning soldiers and their families;

**NOW THEREFORE** the Senate calls upon the Ministry of Interior and Co-ordination of National Government, in partnership with the Ministry of Defence, to establish counseling and support centers in all premises housing disciplined forces, and provide mandatory counseling to all service personnel and the families of those currently serving, and those who may have been killed in the line of duty.

*(Resumption of debate interrupted on Wednesday, 7<sup>th</sup> August, 2019)  
(Balance of Time – 2 hours 29 minutes)*

14. **MOTION - PLANTING OF TREES ALONG MAJOR INFRASTRUCTURE PROJECTS IN KENYA**

(Sen. Charles Kibiru, MP)

**THAT, AWARE** of the numerous benefits that trees play in environmental conservation, combating climate change, air and water purification, carbon sequestration, flood control, prevention of soil erosion, human and wildlife sustenance, urban planning, as well as other social and economic benefits;

**NOTING THAT** Kenya has and continues to implement various infrastructure projects across the country, among them railways, roads and highways, airports, sea and inland ports, pipelines, dams, among others;

**CONCERNED** by the extent of environmental degradation that takes place when undertaking such infrastructure projects, entailing clearance of trees, foliage, soils, rocks, excavation of quarries, interference with forests, wetlands, rivers, drainage systems and other embankments, as well as human and wildlife displacement along the paths of the infrastructure projects;

**ACKNOWLEDGING THAT** the Environmental Management and Coordination Act (No. 8 of 1999) and the Guidelines issued thereon require an environmental audit to

...../Motion

be undertaken before any infrastructure projects are undertaken, with a view to identifying potential environmental impacts of the proposed projects, assessing the significance of those impacts, and proposing mitigation measures to address the negative impacts of the said projects on the environment;

**CONCERNED HOWEVER THAT** the implementation of these provisions has failed to comprehensively address the continued large-scale environmental degradation that takes place during construction of these infrastructure projects, and that the mitigation measures undertaken thereon have failed to compensate for the damage done to the environment as well as the negative effects to human and wildlife populations along the infrastructure project paths;

**AWARE THAT** the National Government has launched an ambitious plan to plant 1.8 billion trees by the year 2022, with a view to enhancing the country’s tree cover from 6.2% to the globally accepted minimum of 10%, and that this entails, among others, planting at least 1 million trees annually in each of the forty-seven Counties;

**UNDERSCORING** the need to balance between development and sustainable environmental management, for the benefit of present and future generations, as enshrined in the preamble to the Constitution of Kenya;

**NOTING** that planting of tree buffers alongside and around major infrastructure projects in the country would help offset the carbon footprint of these projects, enhance the beauty and aesthetics of the projects, create safe spaces for human recreation and for wildlife to thrive, and help in meeting the target of 10% national tree cover by the year 2022;

**NOW THEREFORE**, the Senate resolves that the National Government, together with the County Governments, formulate a policy mandating the planting of trees alongside and around all major infrastructure projects across the country, setting out the roles of various actors at both the national and county levels, and outlining incentives and penalties to ensure that the policy is complied with, in ensuring a balance is attained between development and environmental conservation.

15. **MOTION - LEGAL AND POLICY INTERVENTIONS FOR CAREGIVERS OF PERSONS WITH PERMANENT MOTOR AND NEUROLOGICAL DISORDERS**

(Sen. Millicent Omanga, MP)

**THAT, AWARE** that Cerebral palsy, Down syndrome, Autism and other permanent motor and neurological disorders are birth defects characterised by, among others, disturbances of sensation, perception, cognition, hearing loss, congenital heart defects, lower than average IQ, impairment in social interaction, and rigid, repetitive behaviors.

**COGNIZANT** that persons born with these and other permanent motor and neurological disorders face considerable difficulties in the social and behavioral aspects of their lives, including discrimination, physical challenges, mental and emotional health issues, and problems with inclusion and social isolation.

**ACKNOWLEDGING** the critical role that parents and caregivers of persons with permanent motor and neurological disorders play in ensuring that they realize their potential to the fullest extent possible and that they have long, healthy, and satisfying lives.

...../Motion

**RECOGNIZING** that, in taking care of these persons, caregivers make considerable sacrifices in the pursuit of education, employment, investment, and other opportunities for their own advancement and, in some cases, spend the most productive years of their lives taking care of persons with these disorders;

**NOTING** that most caregivers lack the training, tools and psychosocial support required in taking care of persons with these permanent disorders, are often subjected to the same stigma as the persons they take care of, and are exposed to stresses and pressure that have an adverse impact on their mental and physical wellbeing;

**CONCERNED** that, while a lot of progress has been made in taking care of other vulnerable and disadvantaged members of the society, equivalent efforts have not been made to recognize the important role that caregivers play, to create, through policy and legislation, a conducive environment for the provision of adequate, safe and informed care to persons with these disorders;

**NOW THEREFORE**, the Senate resolves that the Ministry of Labour, Social Security and Services, together with the County Governments, formulate a policy framework for the recognition, training, empowerment and protection for caregivers of persons with permanent motor and neurological disorders, including: -

- a) provision of financial assistance and incentives to caregivers, including inclusion in the list of beneficiaries under the *Inua Jamii* Cash Transfer Programmes;
- b) provision of appropriate tax reliefs and exemptions to caregivers, equivalent to those advanced to other Persons with Disabilities (PWDs);
- c) exemption from taxes on goods and services required for the care and protection of persons with the disorders; and
- d) provision of the specialized training, psychosocial and other support necessary to engage in income-generating activities for caregivers of persons with permanent motor and neurological disorders, including accessing the quota set aside in law for vulnerable groups for the supply of goods and services to government entities.

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**NOTICE**

The Senate resolved on 13<sup>th</sup> February, 2019 as follows:-

**THAT**, pursuant to Standing Order 106 (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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**APPENDIX**

1. **MESSAGE**

Message from the National Assembly on the decision of the National Assembly on Senate Amendments to the Division of Revenue Bill (No.2) Bill (National Assembly Bills No. 59 of 2019).

*(The Speaker of the Senate)*

2. **PETITIONS**

a) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Petition concerning challenges facing small scale tea growers in the Kenya Tea Development Agency (KTDA).

*(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

b) Petition to the Senate concerning challenges facing individuals with connective tissue disorders disease.

*(Sen. (Dr.) Isaac Mwaura, MP)*

3. **PAPERS**

(i) Report of the Parliament of Kenya Delegation to the Second Ordinary Session of the Fifth Parliament of the Pan-African Parliament held in Midrand, South Africa from 6<sup>th</sup> to 18<sup>th</sup> May 2019.

*(Sen. (Dr.) Abdullahi Ali, MP)*

(ii) Report of the Auditor-General of County Governments for the year 2017/2018 Volume I – County Executives.

(iii) Report of the Auditor -General of County Governments for the year 2017/2018 Volume II – County Assemblies.

(iv) Report of the Auditor-General of summary for the County Governments for the year 2017/2018.

(v) Report of the Auditor-General on the Financial Statements of Kisumu County Women, Youth and People with Disabilities Fund for the Year ended 30<sup>th</sup> June 2018.

(vi) Report of the Auditor-General on the Financial Statements of Nandi County Executive Education Fund for the Year ended 30<sup>th</sup> June 2018.

(vii) Report of the Auditor-General on the Financial Statements of Homabay County Executive Car and Mortgage Fund for the Year ended 30<sup>th</sup> June 2018.

(viii) Report of the Auditor-General on the Financial Statements of Kisii County Executive Loans and Mortgage Fund for the Year ended 30<sup>th</sup> June 2018.

(ix) Report of the Auditor-General on the Financial Statements of Kisii County Assembly Car Loan and Mortgage Fund for the Year ended 30<sup>th</sup> June 2016.

(x) Report of the Auditor-General on the Financial Statements of Kisumu County Trade Fund for the Year ended 30<sup>th</sup> June 2018.

...../Appendix

- (xi) Report of the Auditor-General on the Financial Statements of Lodwar Water and Sanitation Company Ltd for the Year ended 30<sup>th</sup> June 2018.
- (xii) Report of the Auditor-General on the Financial Statements of Nyandarua County Assembly Staff Car Loan and Mortgage for the Year ended 30<sup>th</sup> June 2018.
- (xiii) Report of the Auditor-General on the Financial Statements of Nyandarua County Assembly Members (MCAs) Car Loan and Mortgage for the year ended 30<sup>th</sup> June 2018.
- (xiv) Report of the Auditor General on the Financial Statements of Nyandarua County Government Emergency Fund for the year ended 30<sup>th</sup> June 2018.
- (xv) Report of the Auditor General on the Financial Statements of County Assembly of Tana River Car Loan and Mortgage Loan Fund for the year ended 30<sup>th</sup> June 2018.
- (xvi) Report of the Auditor General on the Financial Statements of Bomet County Assembly Car Loan and Mortgage Scheme Fund for the year ended 30<sup>th</sup> June 2018.
- (xvii) Report of the Auditor General on the Financial Statements Samburu County Assembly Car Loan and Mortgage Revolving Fund for the year ended 30<sup>th</sup> June 2018.
- (xviii) Report of the Auditor General on the Financial Statements of Migori County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2018.

*(The Senate Majority Leader)*

4. **NOTICE OF MOTION - REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE SECOND ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT, HELD IN MIDRAND, SOUTH AFRICA FROM 6<sup>TH</sup> TO 18<sup>TH</sup> MAY, 2019**

(Sen. (Dr.) Abdullahi Ali, MP)

**THAT**, this House notes the Report of the Parliament of Kenya Delegation to the Second Ordinary Session of the Fifth Parliament of the Pan-African Parliament, held in Midrand, South Africa from 6<sup>th</sup> to 18<sup>th</sup> May, 2019 laid on the Table of the Senate on Tuesday, 10<sup>th</sup> September, 2019.

5. **STATEMENTS PURSUANT TO STANDING ORDER 48(1)**

- a) Nominated Senator (Sen. Naomi Shiyonga, MP) to seek a statement from the Standing Committee on Roads and Transportation on safety of road users specifically pedestrians and Persons Living with Disability (PWDs); and
- b) Nominated Senator (Sen. (Dr.) Isaac Mwaura, MP) to seek a statement from the Standing Committee on Health on the stalled construction of Thogoto Level 4 Hospital in Kiambu County.

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