



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

THURSDAY, OCTOBER 01, 2020 AT 2.30 P.M.

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **MOTION - EXTENSION OF MANDATE OF THE AD-HOC COMMITTEE ON THE COVID – 19 SITUATION IN KENYA**
(Chairperson Ad-hoc Committee on the COVID-19 Situation in Kenya)

THAT, AWARE that at its sitting held on Tuesday, 31st March, 2020, the Senate, by Resolution, established an Ad Hoc Committee on the COVID-19 Situation, with the mandate to oversight actions and measures taken by the national and county governments in addressing the spread and effects of the COVID-19 pandemic in Kenya;

APPRECIATING that the mandate of the Select Committee is due to lapse on Wednesday, 30th September, 2020;

ACKNOWLEDGING that the Committee has undertaken a tremendous amount of work in the execution of its mandate and has regularly tabled in the Senate progress reports on its work;

AWARE that the Committee directed the Auditor-General to undertake a special audit on the utilization of funds allocated to and appropriated by the forty-seven (47) County Governments in responding to the COVID-19 pandemic and that the report thereon, once received, will require to be considered by the Committee;

NOTING that the COVID-19 situation in the country continues to evolve;

...../Motion

NOW THEREFORE, the Senate resolves to renew the mandate of the Ad Hoc Committee on the COVID-19 Situation in Kenya by a further period not exceeding thirty (30) days of this resolution, to enable the Committee continue to monitor and oversight the evolving COVID-19 situation in the country and to table its final report in the Senate.

9. *****THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 30th September, 2020)
(Division)
10. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 5 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 30th September, 2020)
11. *****THE EQUALIZATION FUND BILL (NATIONAL ASSEMBLY BILLS NO. 43 OF 2019)**
(The Senate Majority Leader)
(Second Reading)
12. **MOTION – ADOPTION OF THE NINTH PROGRESS REPORT OF THE AD-HOC COMMITTEE ON THE COVID-19 SITUATION IN KENYA**
(Chairperson, Ad-hoc Committee on the COVID-19 Situation in Kenya)

THAT, the Senate adopts the Ninth Progress Report of the Ad-hoc Committee on the COVID-19 Situation in Kenya, laid on the table of the Senate on Tuesday, 29th September, 2020.
13. **COMMITTEE OF THE WHOLE**
CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)
(Chairperson, Standing Committee on Information and Technology)
14. **COMMITTEE OF THE WHOLE**
*****THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)**
(Chairperson, Standing Committee on Tourism, Trade and Industrialization)
15. **COMMITTEE OF THE WHOLE**
***THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)**
(Sen. (Eng.) Ephraim Maina, MP)
16. **COMMITTEE OF THE WHOLE**
*** THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**
(Sen. (Dr.) Gertrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)

- 17. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2019)**
(Sen. Johnes Mwaruma, MP)

(Second Reading)

- 18. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2020)**
(Sen. Abshiro Halake, MP)

(Second Reading)

- 19. ***THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 2 OF 2020)**
(Sen. Rose Nyamunga, MP)

(Second Reading)

- 20. *****THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2019)**
(The Senate Majority Leader)

(Second Reading)

- 21. **MOTION - RECOGNIZING AND APPRECIATING THE ELDERLY BY COUNTY GOVERNMENTS**
(Sen. Rose Nyamunga, MP)

THAT, AWARE that in 2006, the National Government initiated the Older Persons Cash Transfer (OPCT) Programme, popularly known as *Pesa ya Wazee*, which is an unconditional cash transfer programme to destitute elderly persons above the age of 65 years to cater for their subsistence needs;

NOTING THAT the beneficiaries receive a monthly stipend of Kshs. 2,000, delivered every two months through appointed payment agents, and also entitled to medical insurance through the National Health Insurance Fund (NHIF);

CONCERNED HOWEVER THAT the programme’s credibility is marred by issues of delayed payments to beneficiaries, difficulties in processing of payments through the stipulated agents and payments to unregistered persons;

NOW THEREFORE, the Senate recommends that the County Governments complement the efforts of the National Government and assist in resolving these challenges by:-

1. Developing legislation and policies to protect the elderly including ensuring all elderly persons in their counties are registered in the OPCT programme; and
2. Organise value addition mechanisms such as financial training to help the beneficiaries of the programme to efficiently utilise this allowance.

...../Motion

- 22. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS INQUIRY INTO THE**

OPERATIONALIZATION OF THE NATIONAL CONSTRUCTION AUTHORITY (DEFECTS LIABILITY) REGULATIONS, 2020.

(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on its inquiry into the operationalization of National Construction Authority (Defects Liability) Regulations, 2020, laid on the table of the Senate, on Thursday, 24th September, 2020.

23. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON ITS INQUIRY INTO THE DEATH OF A PATIENT AT THE M. P. SHAH HOSPITAL, NAIROBI, DUE TO NEGLIGENCE.**

(Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on its inquiry into the death of a patient at the M.P. Shah Hospital allegedly due to negligence, laid on the table of the Senate, on Thursday, 24th September, 2020.

---**XXX**---

...../Notice

The Senate resolved on 18th February, 2020 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

A. *THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)
(Sen. Samuel Poghisiu, MP)

(Consideration of the National Assembly amendments)

Schedule of amendments to the Bill, as passed by the National Assembly on Thursday, June 25, 2020

CLAUSE 2

Clause 2 of the Bill be amended by inserting the following definition in its proper alphabetical sequence—

“rate card” means a document containing prices and descriptions for various advertisement placement options available from a service sector, which sets out the minimum and maximum price of a service.

CLAUSE 3

Clause 3 of the Bill be amended—

- (a) by deleting the expression “(1)”;
- (b) in paragraph (c) by inserting the words “that has a licence from another county” immediately after the words “a moving vehicle” appearing in subparagraph (vi).

CLAUSE 4

Clause 4 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph--

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent”.

CLAUSE 10

Clause 10 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent”.

...../Amendments

CLAUSE 15

Clause 15 of the Bill be amended by inserting the words “regulate and” immediately after the words “government entity shall”.

CLAUSE 21

Clause 21 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) a rate card that shall be reviewed every seven years stating the fees and charges to be paid in respect of any matter required for the purposes of this Act”.

...../Amendments

NOTICE is given that the Chairperson, Standing Committee on Tourism, Trade and Industrialization intends to move the following amendments to the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 10 of 2019), at the Committee Stage-

CLAUSE 2

THAT clause 2 of the Bill be amended-

- (a) by deleting the definition of the word “informal trader”;
- (b) by deleting the definition of the word “market”;
- (c) by inserting the following new definitions in the proper alphabetical sequence-

“market” means an area designated by the county government under the respective county legislation for the sale and purchase of goods and services;

“street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built-up structure, and includes a hawker, peddler and all synonymous terms of the word.

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (2) by deleting the words “within major infrastructure areas in the country” appearing immediately after the words “street vending zones” in paragraph (e).

CLAUSE 8

THAT clause 8 of the Bill be amended-

- (a) by inserting the following new subclause immediately after subclause (1)-

(1A) For purposes of subsection (1), the county executive committee member shall take into consideration the commercial viability of an area proposed to be designated as a street vending zone.

...../Amendments

- (b) in subclause (6) by inserting the words “and is liable, on conviction, to a term of imprisonment not exceeding three months or to a fine not exceeding ten thousand shillings, or to both” immediately after the words “commits an offence”.

CLAUSE 22

THAT clause 22 of the Bill be amended in subclause (1) by inserting the word “as may be determined by the county executive member” immediately after the words “adjacent areas”.

CLAUSE 23

THAT clause 23 of the Bill be amended-

(a) in subclause (2) by inserting the following new paragraphs immediately after paragraph (a)-

- (aa) the name and contact details of the street vendor;
- (ab) the nature and brief description of the goods;
- (ac) the approximate value of the goods;
- (ad) the reasons for confiscation of the goods;
- (ae) the full name, designation and contact details of the officer;

(b) by inserting the following new subclauses immediately after subclause (2)-

(2a) Notwithstanding subsection (1), an authorized officer may confiscate goods where-

- (i) a person carries out street vending activities without a licence;
- (ii) breaches a condition of a licence issued under this Act or county legislation;
- (iii) carries out vending activities in a no-vending zone; or
- (iv) carries out vending activities in a manner contrary to any conditions imposed for vending in a restricted vending zone.

(2b) An authorized officer who contravenes the provisions of this section commits an offence and is liable, on conviction, to a term of imprisonment not exceeding one year or to a fine not exceeding two hundred thousand shillings, or to both.

...../Amendments

CLAUSE 24

THAT clause 24 of the Bill be deleted and substituted therefor with the following new clause-

Protection from harassment	24. (1) An officer of the national or respective county government shall not harass a street
----------------------------------	--

vendor in the course of conducting their vending activity.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a term of imprisonment not exceeding one year or to a fine not exceeding two hundred thousand shillings, or to both.

CLAUSE 28

THAT clause 28 of the Bill be amended in subsection (2) by deleting paragraph (c).

NEW CLAUSE 28A

THAT the Bill be amended by inserting the following new clause immediately after clause 28-

General penalty. **28A.** A person who contravenes the provisions of this Act is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year, or to both.

...../Amendments

C. *THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)

(Sen. (Eng.) Ephraim Maina, MP)

NOTICE is given that the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Elections (Amendment) Bill (Senate Bills No. 18 of 2019), at the Committee Stage—

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

Amendment of section 2 of No. 24 of 2011. 2. Section 2 of the Elections Act, in this Act referred to as “the principal Act”, is amended by inserting the following new definitions in their proper alphabetical sequence—

“popular name” a name by which a candidate is known to the public, but which does not appear in the candidate’s national identity card or passport; and

“party primary” means the process by which a political party elects or selects a candidate for a forthcoming general election or by-election.

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed new section 32A by—

- (a) deleting the expression “32(1)(a)” appearing immediately after the words “symbol under section” in subclause (2)(b) and substituting therefor the expression “32(1) and (1A)”; and
- (b) inserting the words “in relation to that nomination or election” immediately after the words “or the Commission” in subclause (4)(b)(iii).

CLAUSE 4

THAT clause 4 of the Bill be amended by inserting the following new paragraph immediately before paragraph (a)—

- (aa) in subsection 1 by inserting the following new paragraph immediately after paragraph (c)—
 - (ca) prescribe the criteria for the use of a popular name during a party primary or an election.

...../Amendments

D. * THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)

(Sen. (Dr.) Gertrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)

NOTICE is given that the Chairperson, Standing Committee on Education, intends to move the following amendments to the Kenya Sign Language Bill (Senate Bills No. 15 of 2019), at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (1) by deleting the word “Kenya” appearing immediately after the word “The” and substituting therefor the word “Kenyan”.

PART II

THAT the Heading to Part II of the Bill be amended by deleting the word “KENYA” and substituting therefor the word “KENYAN”.

CLAUSE 5

THAT clause 5 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “Kenya” appearing immediately after the words “and promotion of” and substituting therefor the word “Kenyan”;
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph—
- (b) the Kenyan Sign language is used in the provision of government services and information to the public;
- (c) in paragraph (d) by deleting the word “Kenya” appearing immediately after the words “appropriate means including” and substituting therefor the word “Kenyan”.

CLAUSE 6

THAT clause 6 of the Bill be amended—

- (a) in subclause (1) by –

deleting the introductory clause and substituting therefor the following new clause—

...../Amendments

- (1) A person whose first or preferred language is the Kenyan Sign language may use the Kenyan Signed English language where the person is—

(ii) deleting the words “Kenya Sign” appearing immediately after the words “officer to use” in paragraph (d) and substituting therefor the words “Kenyan Signed”;

(b) in subclause (2) by deleting the word “Kenya” appearing immediately after the words “subsection (1) to use” and substituting therefor the word “Kenyan”;

(c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) The presiding officer shall make a determination as to the accuracy of any interpretation from the Kenyan sign language into spoken or written language or from spoken or written language into the Kenyan signed English language.

(d) in subclause (4) by deleting the word “Kenya” appearing immediately after the words “be followed where” and substituting therefor the word “Kenyan”;

(e) in subclause (5) by deleting the word “Kenya” appearing immediately after the words “right to use” and substituting therefor the word “Kenyan”.

INSERTION OF A NEW HEADING

THAT the Bill be amended by inserting the following new heading immediately after clause 6—

PART III—USE OF THE KENYAN SIGN LANGUAGE IN AN EDUCATIONAL SETTING

CLAUSE 7

THAT clause 7 of the Bill be amended—

(a) in paragraph (b) by deleting the word “Kenya” appearing immediately after the words “including ensuring that” and substituting therefor the word “Kenyan”;

...../Amendments

(b) by deleting paragraph (e) and substituting therefor the following new paragraph—

- (e) ensure that all digital learning material and resources for learners who are deaf or hard of hearing contain inscriptions in standard English;
- (c) in paragraph (g) by deleting the word “Kenya” appearing immediately after the words “curriculum courses on” and substituting therefor the word “Kenyan”;
- (d) in paragraph (i) by deleting the word “Kenya” appearing immediately after the words “the provision of” in the introductory clause and substituting therefor the word “Kenyan”;
- (e) by inserting the following new paragraphs immediately after paragraph (i)—
 - (j) provide a Kenyan Sign language interpreter in a formal or informal education setting where no teacher who is proficient in Kenyan sign language or Kenyan Signed English exists;
 - (k) ensure that there are an adequate number of educational interpreters available for deaf or hard of hearing students attending training in a mainstream education setting;
 - (l) ensure that Kenyan signed English is used during English lessons with respect to learners who are deaf;
 - (m) effect the use of Kenyan Signed English for teaching of other subjects while Kenyan Signed language is used to support explanation and understanding of difficult concepts; and
 - (n) ensure that the teacher to pupil ratio in institutions serving learners who are deaf meets the prescribed criteria.

CLAUSE 9

THAT clause of the Bill be amended—

- (a) in subclause (1) by deleting the word “Kenya” appearing immediately after the words “and procedures for” and substituting therefor the word “Kenyan”;

...../Amendments

- (b) in subclause (2) by—

- i) deleting the word “Kenya” appearing immediately after the words “the provision of” in paragraph (a) and substituting therefor the word “Kenyan”;

- ii) deleting the word “Kenya” appearing immediately after the words “for registration of” in paragraph (b) and substituting therefor the word “Kenyan”;
- iii) deleting the word “Kenya” appearing immediately after the words “a register of” in paragraph (c) and substituting therefor the word “Kenyan”; and
- iv) deleting the word “Kenya” appearing immediately after the words “registered as a” in paragraph (d) and substituting therefor the word “Kenyan”.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (1) by deleting the word “Kenya” appearing immediately after the words “wishes to provide” and substituting therefor the word “Kenyan”.

CLAUSE 11

THAT clause 11 of the Bill be amended in subclause (1) by deleting the word “Kenya” appearing immediately after the words “as the registrar” and substituting therefor the words “of Kenyan”.

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (1) by—

- (a) deleting the word “Kenya” appearing immediately after the words “use of basic” in paragraph (a) and substituting therefor the word “Kenyan”;
- (b) deleting the word “Kenya” appearing immediately after the words “the promotion of” in paragraph (b) and substituting therefor the word “Kenyan”; and
- (c) deleting the word “Kenya” appearing immediately after the words “use of the” in paragraph (c) and substituting therefor the word “Kenyan”.

...../Amendments

CLAUSE 17

THAT clause 17 of the Bill be amended—

- (a) by deleting subclause (1)”;
- (b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) The National and county governments shall put in place measures to promote —

- (a) the provision, by institutions of basic education and training, of Kenyan Sign language as a discipline of study; and
- (b) the conduct, by institutions of higher learning of continuous research in the use and development of Kenyan Sign language.
- (c) by deleting subclause (3).

CLAUSE 18

THAT clause 18 of the Bill be amended in subclause (1) by deleting the words “Kenya Sign Language Action Plan six months” appearing immediately after the words “Governors develop a” and substituting therefor the words “Kenyan Sign Language Action Plan within one year”.

NEW CLAUSE 7A

THAT the Bill be amended by inserting the following new clause immediately after clause 7—

Role of the Teachers Service Commission.

7A. The Teachers Service Commission established under Article 237 of the Constitution shall put in place measures to ensure that —

- (a) teachers assigned to teach deaf or hard of hearing children are trained to assist learners to acquire sufficient competence in the use of the English and Kiswahili language;
- (b) the teacher to learners’ ratio in institutions serving learners who are deaf is as recommended by the Ministry responsible for matters relating to education;
- (c) teachers of deaf or hard of hearing learners are competent in both Kenyan Sign Language and Kenyan signed English at an advanced level; and
- (d) there is in place an adequate number of educational interpreters for deaf and hard of hearing learners attending mainstream and inclusive education settings.

...../Amendments

CLAUSE 2

THAT clause 2 of the Bill be amended by—

- (a) deleting the definition of the expression “Kenya Sign Language” and substituting therefor the following new definition—
“Kenyan Sign Language” means the sign language used by the deaf community as a medium of communication;

(b) deleting the definition of the word “public university” and substituting therefor the following new definition—

“public university” has the meaning assigned to it under section 2 of the Universities Act;

(c) deleting the definition of the word “recognized schools” and substituting therefor the following new definition—

“recognised school” means a school registered under the Basic Education Act, the Technical and Vocational Education and Training Act or the Universities Act;

(d) inserting the following new definitions in their proper alphabetical sequence —

“deaf” means a person with any type or degree of hearing loss;

“hard of hearing” means a person who has a permanent or fluctuating hearing loss that is less severe than the hearing loss of a person who is deaf and that generally permits the use of the auditory channel as the primary means of developing speech and language skills;

“registrar” means the person appointed as the registrar of Kenyan Sign Language Interpreters under section 11;

“sign language interpreter” means a person who is registered under section 10 to offer sign language interpretation services; and

“university” has the meaning assigned to it under section 2 of the Universities Act.

APPENDIX

1. PETITION

Petition to the Senate by Mr. Nashon Ojana concerning the boundary dispute between Kisumu, Siaya and Vihiga Counties around Maseno area.

(The Speaker of the Senate)

2. STATEMENTS

a) Pursuant to Standing Order 48 (1)

Nominated Senator (Sen. Isaac Mwaura, MP) to seek a statement from the Standing Committee on Health on the operationalization status of the Counsellors and Psychologists Act, 2014.

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

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

c) Pursuant to Standing Order 52 (1)

The Senate Majority Leader to issue a Statement on the business of the Senate for the week commencing Tuesday, 6th October, 2020.
