



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

WEDNESDAY, OCTOBER 07, 2020 AT 2.30 P.M.

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. ****THE GEOLOGISTS BILL (SENATE BILLS NO. 17 OF 2020)**
(Chairperson, Standing Committee on Land, Environment and Natural Resources)
(First Reading)
9. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 5 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 6th October, 2020)
(Division)
10. **MOTION – ALTERATION OF THE SENATE CALENDAR (REGULAR SESSIONS) FOR THE FOURTH SESSION, 2020**
(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 27th February, 2020 (approval of the Senate Calendar) and on 15th September, 2020 (alteration of the Senate Calendar), and pursuant to Standing Order 29(4), the Senate resolves to further alter its Calendar (Regular Sessions) for the Fourth Session, 2020, in respect of Part IV, to proceed on Recess starting on Friday, 9th October, 2020, until Monday, 2nd November, 2020, and thereafter resume sittings on Tuesday, 3rd November, 2020, as set out under Part V of the Calendar, and that the Senate Calendar (Regular Sessions) for the Fourth Session, 2020, be altered accordingly.

...../Motion

11. **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.

12. *****THE EQUALIZATION FUND BILL (NATIONAL ASSEMBLY BILLS NO. 43 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 6th October, 2020)

13. **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.

14. **COMMITTEE OF THE WHOLE**

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

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

15. **COMMITTEE OF THE WHOLE**

*****THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

(The Senate Majority Leader)

16. **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)

17. **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)

18. **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)

19. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2019)**

(Sen. Johnes Mwaruma, MP)

(Second Reading)

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

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

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

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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 Poghio, 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”.

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”.

B. *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)**

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

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.

(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.

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.

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

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—

(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”;

(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”;

(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.

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.

E. *THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Land, Environment and Natural Resources, intends to move the following amendment to the Sectional Properties Bill, National Assembly Bills No. 23 Of 2019 at the Committee Stage –

CLAUSE 12

THAT clause 12 of the Bill be amended by deleting subclause (5) and substituting therefor the following new subclause –

(5) Before registering a proposed sectional plan of sub-division or consolidation, the Registrar shall amend, in the manner prescribed by the regulations, the original sectional plan as endorsed by a surveyor.

APPENDIX

1. MESSAGE

Message from the National Assembly on the Passage by the National Assembly, of the County Allocation of Revenue Bill (Senate Bills No.7 of 2020)

(Speaker of the Senate)

2. PAPER

Report of the Standing Committee on Information and Technology on the 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)

3. STATEMENTS

a) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Petronilla Were, MP) to seek a statement from the Standing Committee on Finance and Budget regarding allegations of money laundering against the Kenya Commercial Bank (KCB) Limited.
- ii) Nominated Senator (Sen. Petronilla Were, MP) to seek a statement from the Standing Committee on Tourism, Trade and Industrialization concerning the state of affairs at the Harambee SACCO Limited.
- iii) The Senator for Bomet County (Sen. (Dr.) Christopher Lang'at, MP) to seek a statement from the Standing Committee on Roads and Transportation regarding the stalled construction works on two major bridges in Bomet County.
- iv) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding human rights violations in Kenya.
- v) Seneta wa Kaunti ya Mombasa (Sen. Mohamed Faki, MP) kuomba taarifa kutoka kwa Kamati ya Kudumu ya Barabara na Uchukuzi kuhusu hali ya barabara ya Nairobi – Mombasa, hususan maeneo ya karibu na Dongo Kundu.
- vi) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Education on the state of affairs at Technical and Vocational Education and Training (TVET) centres across the country and issues affecting trainers employed by respective Boards of Governors in the institutions.
- vii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Education regarding the non-payment of teachers serving under the School Boards of Management in Nandi County.

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

- i) The Chairperson, Standing Committee on Health to make a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Information and Technology to make a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to make a statement relating to the activities of the Committee.
- iv) The Chairperson, Standing Committee on Land, Environment and Natural Resources to make a statement relating to the activities of the Committee.
