



**REPUBLIC OF KENYA**

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**THE SENATE**

**PROGRAMME OF SENATE BUSINESS**

**WEEK COMMENCING TUESDAY, MAY 28, 2019**

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***\* 12<sup>TH</sup> PARLIAMENT \* 3<sup>RD</sup> SESSION***

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**REPUBLIC OF KENYA**  
**THE SENATE**  
**TWELFTH PARLIAMENT (THIRD SESSION)**  
**PROGRAMME OF SENATE BUSINESS**  
**FOR THE WEEK COMMENCING TUESDAY, MAY 28, 2019**

**TUESDAY:** Communication from the Chair, Messages, Petitions, Papers, Notices of  
28/05/2019 Motion, Statements, Motions and Bills.

**A. \*THE NATIONAL MUSEUM AND HERITAGE (AMENDMENT) BILL (SENATE BILLS NO. 7 OF 2019)**

(Sen. (Dr.) Alice Milgo, MP)

*(First Reading)*

**B. \*THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO. 9 OF 2019)**

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

*(First Reading)*

**C. \*THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 35 OF 2018)**

(Sen. Judith Pareno, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> May, 2019)*

**D. \*THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)**

(Sen. (Arch.) Sylvia Kasanga, MP)

*(Second Reading)*

**E. \*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**

(Sen. Mary Seneta, MP)

*(Second Reading)*

**F. \*\*\*\*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**

(The Senate Majority Leader)

*(Second Reading)*

**G. \*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)**

(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP)  
*(Second Reading)*

**H. COMMITTEE OF THE WHOLE**

**\*\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

**I. COMMITTEE OF THE WHOLE**

**\*THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SEN. BILLS NO. 20 OF 2018)**

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

**J. COMMITTEE OF THE WHOLE**

**\*\*\*THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)**

(The Senate Majority Leader)

*(Consideration of National Assembly Amendments)*

**K. COMMITTEE OF THE WHOLE**

**\*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)**

(Sen. Abshiro Halake, MP)

**L. MOTION - ADDRESSING THE PLIGHT OF STREET FAMILIES IN URBAN CENTRES**

(Sen. Beatrice Kwamboka, MP)

**AWARE THAT** the Street Families Rehabilitation Trust Fund (SFRTF) was established on 11<sup>th</sup> March, 2003 by the then Ministry of Local Government to address the concerns of all homeless, destitute and vulnerable persons in urban areas, and was registered as a body Corporate in August, 2010 under the Trustees (perpetual succession) Cap 164, Laws of Kenya;

**FURTHER AWARE THAT** the mandate of SFRTF includes coordinating rehabilitation activities for street families; conducting public education on street families issues; mobilizing resources and fundraising as well as receiving donations and funding street families rehabilitation programmes; managing donations for the rehabilitation of street families through a trust fund; monitoring expenditure and disbursement of donations; and advising the government and other relevant agencies on matters relating to rehabilitation of street families;

**NOTING THAT** Article 43 (1) of the Constitution of Kenya provides for the right to every person to the highest attainable standard of health, accessible and adequate housing, adequate food of acceptable quality, clean and safe water in adequate quantities, education, and social security;

**CONCERNED THAT** the street family phenomenon has persisted despite the existence of the SFRTF and street families do not enjoy the rights enshrined in the Constitution due to lack

of a national policy on the rehabilitation of street families, with women and children being the primary victims;

**COGNIZANT THAT** the Ministry of Devolution and ASAL Areas through the SFRTF supports children and youth through charitable and community based organizations which are vetted and approved for funding under the rescue, rehabilitation and reintegration of street families programme;

**NOTING THAT** both the National and County Governments have a role to play in addressing the plight of street families across the Country;

**NOW THEREFORE** the Senate resolves that Ministry of Devolution and ASAL Areas in collaboration with the Council of Governors-

- 1) conducts a census of street families in all urban centres in the country to determine their numbers and demographics;
- 2) develops a clear policy on street families rehabilitation and reintegration at county level; and
- 3) tables an audit report of how funds allocated to the SFRTF have been utilized since the Fund was established, indicating the impact of the rehabilitation exercise.

*(Resumption of debate interrupted on Thursday, 23<sup>rd</sup> May, 2019)*

*(Balance of Time – 2 hour 30 minutes)*

**M. MOTION - COMPLETION OF ALL STALLED PROJECTS UNDER COUNTY GOVERNMENTS THROUGH BUDGETARY MANAGEMENT**

(Sen. Charles Reubenson Kibiru, MP)

**THAT, AWARE THAT** Kenya has had a development blueprint of Vision 2030 since 2008 which has guided planning and development for the last decade, with a focus to making Kenya an industrialized middle income economy with a higher per capita income for its citizens;

**FURTHER AWARE THAT**, the development planning of the country is funded from the Consolidated Fund through the annual budget whereby revenues generated by Kenyans through taxes, levies, and fees that are supplemented with support of development partners in the form of outright loans, conditional loans, grants and/or unconditional grants to support growth and development across the country;

**COGNIZANT THAT**, any diversion from the Vision 2030 blueprint as well as the President's "Big Four" Agenda, would negatively impact the development trajectory that seeks to ensure a long term microeconomic stability resulting in a revision of targets on the goals for socio-economic, cultural, environmental, technological and political transformation;

**NOTING THAT**, whereas the National Government's Budget is based on Vision 2030 and "Big Four" Agenda, the County Governments' Budgets are based on their respective County Integrated Development Plans, (CIDPs) which are expected to dovetail with the overall national development blueprint;

**CONCERNED THAT**, there are glaring discrepancies in progress made in development among counties, particularly among the 14 devolved functions caused by lack of accountability, integrity, professionalism and remaining a blemish on the successes of devolution;

**ACKNOWLEDGING**, the tribulations, ridicule, pecuniary embarrassment and negative socio-economic impact that pending bills have had on the local business community who supplied or undertook a service for the county governments, and the attendant slowdown in actual project completion, the rise in stalled projects dotting counties, with County Governors prioritizing new projects instead of the completion of those which have stalled;

**FURTHER ACKNOWLEDGING THAT**, the National Treasury in its circular No. 9/2018 detailed the five hundred and forty five (545) projects which have stalled in the 47 Counties, and their status of completion, collectively amounting to an estimated project cost of three hundred and sixty six (366) Billion Kenya shillings;

**NOW THEREFORE**, the Senate recommends that the National Treasury in partnership with the Controller of Budget, Commission on Revenue Allocation, the Council of Governors and the County Assemblies Forum to-

1. Ensure that all the County Integrated Development Plans (CIDP's) and Annual Development Plans (ADP's) are aligned to Vision 2030 with an implementation, monitoring, and evaluation framework in place;
2. Address Pending Bills by prioritizing their payment, creating clear timeframes for payment and publishing a schedule of payment of the same; and
3. Prioritize the completion of stalled development projects prior to undertaking or funding new projects.

**N. MOTION - ESTABLISHMENT OF NATION-WIDE CENTRES AND SATELLITE CLINICS FOR SICKLE CELL DISEASE AT COUNTY, SUB-COUNTY AND WARD LEVELS.**

(Sen. Naomi Masitsa Shiyonga, MP)

**THAT WHEREAS** Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

**AND WHEREAS** Parliament enacted the Health Act (2017) whose objects encompass the need to establish a national health system at the national and county levels, as well as to facilitate, in a progressive and equitable manner, the highest attainable standards of health services;

**NOTING THAT** the Health Act (2017) further has the object to protect, respect, promote and fulfil the health rights of all persons in Kenya to the progressive realization of their right to the highest attainable standard of health, including reproductive health care and the right to emergency medical treatment;

**ACKNOWLEDGING** that Sickle Cell Disease, and other blood disorders are a 'silent' problem with devastating effects on populations in many parts of Kenya;

**FURTHER ACKNOWLEDGING** the need for comprehensive information and care programs for Sickle Cell Disease and other blood disorders;

**CONCERNED** at the low levels of public awareness, lack of routine health data and nationally recognised treatment guidelines;

**FURTHER CONCERNED** at the lack of national screening programmes for Sickle Cell Disease and other blood disorders despite the serious health problems they cause, and their contribution to excessive childhood deaths in Kenya;

**NOW, THEREFORE**, the Senate urges the Kenya Government through county governments to establish nation-wide centres of excellence and satellite clinics for sickle cell disease and other blood disorders at the county, sub-county and ward levels.

**O. Any Other Business**

**WEDNESDAY:**      **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions and Bills and Business that is not concluded on Tuesday, 28<sup>th</sup> May, 2019.**  
29/05/2019

**A. \*THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)**  
(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP)

*(Second Reading)*  
*(Resumption of debate interrupted on Wednesday, 22<sup>nd</sup> May, 2019)*  
*(Division)*

**B. MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE ANNUAL REPORT OF THE COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR FINANCIAL YEAR 2017/2018**  
(Chairperson, Standing Committee on Finance and Budget)

**THAT**, this House adopts the Report of the Standing Committee on Finance and Budget on the Annual Report of the County Governments Budget Implementation Review for Financial Year 2017/2018, laid on the Table of the Senate on Wednesday, 27<sup>th</sup> March, 2019.

*(Resumption of debate interrupted on Thursday, 23<sup>rd</sup> May, 2019)*  
*(Division)*

**C. COMMITTEE OF THE WHOLE**

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

**D. COMMITTEE OF THE WHOLE**

**\*THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**  
(Sen. Gideon Moi, MP)

**E. COMMITTEE OF THE WHOLE**

**\*THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS) BILL  
(SENATE BILLS NO. 18 OF 2018)**

(Sen. Ledama Olekina, MP)

**F. COMMITTEE OF THE WHOLE**

**\*THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS  
NO. 19 OF 2018)**

(Sen. Samuel Poghio, MP)

**G. Any Other Business**

**THURSDAY:**

30/05/2019

**Communication from the Chair, Messages, Petitions, Papers,  
Notices of Motion, Statements, Motions and Bills and Business that is not  
concluded on Tuesday, 28<sup>th</sup> May, 2019 and Wednesday, 29<sup>th</sup> May, 2019.**

**A. MOTION- (The Senate Majority Leader)**

**THAT** pursuant to Standing Order 159, the amendments of the National Assembly to the County Governments (Amendment) (No.2) Bill (Senate Bills No. 7 of 2017) be now considered.

**B. COMMITTEE OF THE WHOLE**

**\*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED  
STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. Ledama Olekina, MP)

**C. COMMITTEE OF THE WHOLE**

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

(Sen. Aaron Cheruiyot, MP)

**D. MOTION - CREATION OF SUPPORT SERVICES FOR THE DISCIPLINED  
FORCES & 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.

**E. MOTION - WAIVER OF INTEREST ON HELB LOANS FOR GRADUATES**

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

**THAT, AWARE THAT** Higher Education Loans Board (HELB) has, for over the last two decades, become the leading financier of higher education in Kenya whose mandate is to source funds and lend them as affordable loans, bursaries and scholarship to students pursuing higher education in recognized institution;

**COGNIZANT THAT**, the Ministry of Education announced that the government has lost Kshs. 7.2b through people defaulting payment on loans issued by HELB translating to 74,692 graduates who have defaulted the loans payment;

**NOTING THAT**, measures were taken to enhance the HELB loan recovery process which included a six month waiver of accumulated interest and penalties, and working with law enforcement officers to make sure the defaulters who are employed payback the loans;

**CONCERNED THAT**, there are graduates from institutions of higher learning who have not been gainfully employed for many years after graduation, and are therefore burdened with loans that have accumulated interest and penalties that they have no means to repay;

**FURTHER CONCERNED THAT**, when beneficiaries fail to remit their monthly instalments for more than three months, HELB reports them to the Credit Reference Bureaus (CRB) preventing them from accessing loan facilities with any financial institution in Kenya, accessing employment opportunities in the government and major private and publicly listed companies and the loan guarantors are pursued and forced to service the HELB loan;

**NOW THEREFORE**, the Senate recommends that the Ministry of Education and HELB –

1. institutes a six (6) month full waiver of all the interest and penalties accrued, including the lifting of Credit Reference Bureau blacklisting, for defaulters who are willing to repay their loans in entirety, within the six (6) month period; and
2. embarks on a forty-five (45) day sensitization exercise preceding the waiver, no later than ninety (90) days after the passage of this motion.

**F. MOTION - IMPROVING ALLOCATION OF RESEARCH FUNDS TOWARDS HIGHER LEARNING**

(Sen. (Arch.) Sylvia Kasanga, MP)

**AWARE THAT**, early childhood education and village polytechnics are a function of the County Governments. Secondary schools, Universities, Tertiary institutions and other



institutions of research are a function of the National Government under the Fourth Schedule of the Constitution;

**FURTHER AWARE THAT**, institutions of higher learning have two basic functions, teaching and conducting research;

**CONCERNED THAT**, such institutions largely concentrate on “teaching” rather than “research”, as a method of enhancing and imparting the practical application of skills, attitude and knowledge by learners;

**NOTING THAT**, funds allocated towards community and development oriented academic research are neither sustainable nor adequate;

**ACKNOWLEDGING THAT**, various national policies on research and innovation are available, but fragmentation in the sector has short-changed the vision of a progressive national research agenda, thereby emboldening low science culture among the population, low global competitiveness ranking, inadequate funding, and poor linkages between academic research and commercial industry;

**NOW THEREFORE**, the Senate urgently calls upon the Ministry of Education, Science and Technology:

- (i) To provide a comprehensive report from all institutions of higher learning on the status and performance of Research & Innovation Programs in the Country;
- (ii) Re-assess Sector Policies, and Develop new work-plans towards:
  - a. Improving allocation of funds for Academic as well as Sustainable Community Based Research to public institutions of higher learning.
  - b. Providing subsidies, and frameworks for partnerships between public & private institutions of higher learning to enable collaboration and better organization in research and innovations for community/county development Projects.

**G. MOTION –REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 50<sup>TH</sup> SESSION OF AFRICAN CARIBBEAN PARLIAMENTARY (ACP) ASSEMBLY AND THE 35<sup>TH</sup> SESSION OF THE ACP – EU JOINT PARLIAMENTARY ASSEMBLY**

(Sen. (Prof.) Margaret Kamar, MP)

**THAT**, this House notes the Report of the Parliament of Kenya delegation to the 50<sup>th</sup> Session of the ACP Parliamentary Assembly and the 35<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium, from 13<sup>th</sup> to 20<sup>th</sup> June, 2018.

**H. MOTION –REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE GLOBAL SUMMIT ON OPEN GOVERNANCE PARTNERSHIP**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

**THAT**, this House notes the Report on the Global Summit on Open Governance Partnership held in Tbilisi, Georgia, from 17<sup>th</sup> to 19<sup>th</sup> July, 2018, laid on the Table of the House on Wednesday, 20<sup>th</sup> February, 2019.

**I. MOTION-REPORTS OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-AFRICAN PARLIAMENT AND THE FIRST ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT**

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

**THAT**, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7<sup>th</sup> to 18<sup>th</sup> May, 2018, laid on the Table of the House on Tuesday, 24<sup>th</sup> July, 2018; and, the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18<sup>th</sup> October to 3<sup>rd</sup> November, 2018, laid on the Table of the House on Tuesday, 12<sup>th</sup> March, 2019.

**J. MOTION - REPORT ON THE 3RD STATUTORY MEETING OF THE COMMITTEE ON ECONOMIC DEVELOPMENT, REGIONAL INTEGRATION AND NATURAL RESOURCES OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION (FP-CGLR)**

(Sen. Samuel Poghisio, MP)

**THAT**, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) held in Bujumbura, Burundi, 13th – 14th March, 2019 laid on the Table of the House on Tuesday, 21st May, 2019.

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**KEY**

**\*\*\*\*\* - Denotes a Majority /Minority Party Bill**

**\*\*\* - Denotes a National Assembly Bill**

**\*\* - Denotes a Committee Bill**

**\* - Denotes any other Bill**