



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (THIRD SESSION)**

**THE SENATE**

**ORDER PAPER**

**WEDNESDAY, SEPTEMBER 11, 2019 AT 2:30 PM**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
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 REGISTRATION OF PERSONS (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2019)**  
(Sen (Dr.) Isaac Mwaura, MP)  
*(First Reading)*
9. **\*THE KENYA SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**  
(Sen. (Dr.) Gertrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)  
*(First Reading)*
10. **MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2019)**  
(Chairperson, Mediation Committee)  

**THAT**, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bills No. 59 of 2019) laid on the Table of the Senate on Wednesday, 11<sup>th</sup> September, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders approves the mediated version of the said Bill.
11. **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)

...../Bill

12. **COMMITTEE OF THE WHOLE**

**\*THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**

(Sen. Ledama Olekina, MP)

13. **COMMITTEE OF THE WHOLE**

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

(Sen. Mary Seneta, MP)

14. **COMMITTEE OF THE WHOLE**

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

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

15. **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 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;

...../Motion

**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.

16. **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.

**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;

...../Motion

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

(Sen. Ledama Olekina, MP)

- (i) **NOTICE** is given that Sen. Johnson Sakaja, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2018, at the Committee Stage—

**CLAUSE 2**

Amendme nt of section 2 of Act No. 8 of 2015 **THAT** the Bill be amended by deleting clause 2 and substituting the following new clause—

Section 2 of the Retirement Benefits (Deputy President and Designated State Officers) Act, 2015, hereinafter referred to as the “principal Act”, is amended by—

- (a) inserting the following new definition immediately after the definition of the term “entitled person”—

“pensionable emoluments” means basic salary excluding housing, transport and any other allowances or fluctuating emoluments;

- (b) deleting the definition of the term “retired vice president” and substituting therefor the following new definition—

“retired Vice-President” means a person who, having held the office of the Vice President at any time after 1st January, 1993, has ceased to hold office as such in the manner specified in the Constitution;

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by—

- (a) renumbering the proposed new section 10 as subsection (1); and
- (b) inserting the following new subsection immediately after subsection (1)—

(2) Where an entitled person has no surviving spouse or an eligible child the benefits payable shall form part of the estate of the deceased for administration.

**CLAUSE 8**

**THAT** the Bill be amended by deleting clause 8.

**CLAUSE 9**

**THAT** the Bill be amended by deleting clause 9.

**CLAUSE 10**

**THAT** the Bill be amended by deleting clause 10.

**NEW CLAUSE**

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

Amendment of **7A**. The First Schedule of the principal Act is amended in First Schedule paragraph (h) by deleting the word “two” appearing at the of Act No. 8 of beginning of the paragraph.  
2015

- (ii) **NOTICE** is given that Sen. Farhiya Ali Haji, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Act, Senate Bills No. 2 of 2018, at the Committee Stage—

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended by inserting the following new paragraphs after paragraph (a)-

(aa) in subsection (1) by deleting the word“four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(ab) in subsection (1) by deleting the word“four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**THAT** the Bill be amended by introducing the following new clauses after clause 5

**CLAUSE 5A**

**THAT** section 5A of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5B**

**THAT** section 5B of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5C**

**THAT** section 6 of the Act be amended by-

- (a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.
- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5D**

**THAT** section 7 of the Act be amended by-

- (a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.
- (b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**B. \*THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**

(Sen. Ledama Olekina, MP)

**NOTICE** is given that Sen. Samson Cherarkey, the Chairperson of the Senate Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Election Laws (Amendment) Bill, Senate Bills No. 33 of 2018, at the Committee Stage-

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by deleting the proposed new paragraph (1FG).

**CLAUSE 4**

**THAT** the Bill be amended by deleting clause 4.

**CLAUSE 1**

**THAT** the Bill be amended by deleting clause 1 and substituting therefor the following new clause-

1. This Act may be cited as the Elections (Amendment) Act, 2018.

**C. \*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**  
(Sen. Mary Seneta, MP)

**NOTICE** is given that the Chairperson of the Standing Committee on Health, Senator Michael Mbito intends to move the following amendments to the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No. 38 of 2018) at the Committee Stage –

**CLAUSE 4**

**THAT** the Bill be amended by deleting clause 4 of the Bill and substituting therefor the following new clause—

Amendment **4.** Section 4 of the Principal Act is amended by deleting of section 4 subsection (2) and substituting therefor the following new of No. 20 of subsection—  
2013.

(2) The Cabinet Secretary may assist the Authority to determine the requirement of drugs and medical supplies in National Referral hospitals.

(2A) The County Government may assist the Authority to determine the requirement of drugs and medical supplies in the respective county health facilities.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 5 –

Insertion of section 6A in No. 20 of 2013 **5A.** The principal Act is amended by inserting the following new section immediately after section 6—

Headquarters **6A.** The headquarters of the Authority shall be in the capital city, but the Authority may establish such branches as it may consider necessary.

Amendment of section 8 of No. 20 of 2013 **5B.** Section 8 of the principal Act is amended—  
(a) in subsection (2) by deleting the words “or medicine” appearing at the end of paragraph (a) and substituting therefor the words “medicine, business management, finance, supply chain management, or any other related field from a recognized university”;



- (b) in subsection (3) by deleting paragraph (b);
- (c) in subsection (4) by inserting the words “upon satisfactory performance” immediately after the words “four years and”

Insertion of section 9A in No. 20 of 2013

**5C.** The principal Act is amended by inserting the following new section immediately after section 9—

Corporation Secretary

**9A.** (1) There shall be a corporation secretary of the Authority who shall be competitively recruited and appointed by the Board.

(2) The terms and conditions of service of the corporation secretary shall be determined in the instrument of appointment by the Board upon the advice of the Salaries and Remuneration Commission.

(3) A person is qualified for appointment under subsection (1) if the person—

- (a) holds a degree from a recognised university;
- (b) is registered as a Certified Public Secretary under the Certified Public Secretaries of Kenya Act;
- (c) is a member of good standing of the Institute of Certified Public Secretaries of Kenya;
- (d) has at least seven years’ experience in a senior management administration; and
- (e) satisfies the requirements of chapter six of the Constitution.

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(4) The Corporation Secretary shall be the secretary to the Board and shall —

- (a) provide guidance to the Board on their duties and responsibilities and on matters of governance;
- (b) be the custodian of the seal of the organisation and account to the Board for its use;
- (c) ensure timely preparation and circulation of Board and Committee papers and minutes;
- (d) maintain and update the register of conflicts of interest;
- (e) facilitate effective communication between the organisation and the shareholders; and
- (f) ensure that the annual returns and statutory documents required to be filed under any other law are promptly filed with the relevant authorities.

Amendment of section 13 of No. 20 of 2013 **5D.** Section 13 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairperson and the chief executive officer and any document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of both the chief executive officer and the corporation secretary.

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**APPENDIX**

1. **PETITIONS**

- (i) 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)*

- (ii) Petition to the Senate concerning challenges facing individuals with connective tissue disorders disease.

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

2. **PAPERS**

- (i) Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bills No. 59 of 2019)

*(Chairperson, Mediation Committee)*

- (ii) Report of the Sessional Committee on Delegated Legislation on the visits to Machakos and Kajiado counties.

*(Chairperson, Sessional Committee on Delegated Legislation)*

- (iii) End of term report for the Controller of Budget for the period 2011-2019.

*(The Senate Majority Leader)*

3. **NOTICES OF MOTION**

- (i) **ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2019)**

(Chairperson, Mediation Committee)

**THAT**, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bills No. 59 of 2019) laid on the Table of the Senate on Wednesday, 11<sup>th</sup> September, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders approves the mediated version of the said Bill.

- (ii) **FREE ADMINISTRATION OF THE SNAKE BITES ANTI-VENOM IN PUBLIC HEALTH FACILITIES**

(Sen. Beatrice Kwamboka, MP)

**THAT, AWARE THAT**, there is an abundance of snakes in various parts of the country namely; Kitui, Baringo, Wajir, Kajiado, Embu and Tana River Counties among others, which poses a high mortality rate of snake bites across these counties;

**FURTHER AWARE THAT**, all patients bitten by snakes should be assessed by medically-trained staff to determine the species responsible, the amount of venom

injected and the variable time course for development of signs, requiring that patients be kept under observation for at least 24 hours;

**CONCERNED THAT**, these incidences of snake bites are a neglected emergency in Kenya owing to the low awareness of snake bites as a public health problem in the country resulting to victims being maimed and even losing lives;

**FURTHER CONCERNED THAT**, poor infrastructure and poverty contribute to delays in seeking and receiving treatment for snake bites including the high cost of acquiring and storing the anti-venom;

**RECOGNIZING THAT**, it is essential for snakebite victims to get supportive care followed by the administration of the anti-venom as soon as possible following a snake bite;

**NOTING THAT**, Article 43 (1) (a) of the Constitution provides that every person has the right to the highest attainable standard of health;

**NOW THEREFORE**, the Senate urges the Ministry of Health in collaboration with the County governments to establish programs to sensitize people on the management of snake bites and to ensure timely supply and free administration of the anti-venom in public health facilities, concentrating on sub county health facilities in the affected counties, and further ensure that these facilities are equipped with the necessary infrastructure for the storage of the anti-venom.

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

- (i) 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.
- (ii) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on the state of repair and refurbishment of police stations.
- (iii) Nominated Senator (Sen. Naomi Shiyonga, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on the destruction caused by hippos in Kakamega County.

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