



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 24, 2019 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

- i. **Decision of The National Assembly on The Senate Amendments to The Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017) and the County Governments Retirement Scheme Bill (National Assembly Bill No. 10 Of 2018)**

“Honourable Senators,

As you may recall, the Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017) was published vide Kenya Gazette Supplement No. 142 of 18th September, 2017 as a Bill proposing to amend the Copyright Act, 2001.

Further as you are aware, the County Governments Retirement Scheme Bill (National Assembly Bill No. 10 of 2018) was published vide Kenya Gazette Supplement No. 33 of 10th April, 2018 as a Bill seeking to establish the County Governments Retirement Scheme for employees in the service of the county governments and to provide for retirement benefits of those employees.

Honourable Senators,

The National Assembly considered and passed the said Bills with amendments on Tuesday, 25th July, 2018 and Wednesday, October 17, 2018 respectively and referred the Bills to the Senate for consideration in accordance with the provisions of Article 110 (4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders.

Honourable Senators,

The Senate considered the two Bills and passed them with amendments; the Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017) was passed on 20th February, 2019 and the County Governments Retirement Scheme Bill (National Assembly Bill No. 10 of 2018) on 31st July, 2019. The two Bills were thereafter referred back to the National Assembly.

Honourable Senators,

The National Assembly Considered the Senate amendments to the two Bills on Thursday, 12th September, 2019 and passed them without amendments.

Therefore, in accordance with Article 112 of the Constitution, the Bills are being processed for Assent by His Excellency the President.

I thank you”.

ii. Open Government Partnership (OGP)

“Honourable Senators,

As you may be aware, Open Government Partnership (OGP) is an initiative that seeks to secure commitments from national and sub-national governments on the promotion of open government, citizen empowerment, good governance, and the fight against corruption.

The Senate, in collaboration with the (OGP) Secretariat in Kenya intends to host a breakfast meeting to familiarize Senators on OGP, the role of the Senate in OGP and Kenya’s commitments in this area.

The meeting is scheduled to take place tomorrow, Wednesday, 25th September, 2019 at 7.30 am in the Senate Chamber.

All Honourable Senators are invited to this event. The meeting will be preceded by breakfast in the Dining Hall, New Wing, Main Parliament Buildings.

I thank you”.

4. **MESSAGE FROM THE NATIONAL ASSEMBLY ON THE PASSAGE OF THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 63 OF 2019)**

The Speaker conveyed the following Message from the National Assembly: -

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I have received the following message from the Speaker of the National Assembly

regarding the passage of the Public Finance Management (Amendment) Bill (National Assembly Bills No. 63 Of 2019) –

“PURSUANT to the provisions of Standing Order 41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Public Finance Management (Amendment) Bill (National Assembly Bills No. 63 Of 2019), was published vide Kenya Gazette Supplement No. 135 of 2nd August, 2019;

AND WHEREAS the Public Finance Management (Amendment) Bill (National Assembly Bills No. 63 Of 2019) was passed by the National Assembly on Wednesday, 18th September, 2019 without amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”

Honourable Senators,

Pursuant to Standing Order 157 which requires that a Bill originating in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 139, I direct that the Bill be listed for First Reading on Wednesday, 25th September, 2019.

I thank you.”

5. **PAPERS LAID**

The following Paper was laid on the Table of the Senate-

The County Government’s Cash Disbursement Schedules for Financial Year 2019/2020.

(Sen. Mutula Kilonzo Junior, MP, on behalf of the Chairperson, Standing Committee on Finance and Budget)

6. **STATEMENT PURSUANT TO STANDING ORDER 48(1)**

Nominated Senator (Sen. Abshiro S. Halake, MP) sought a statement from the Standing Committee on Lands, Environment and Natural Resource regarding an eviction notice served on residents of Isiolo by the Department of Defence to pave way for expansion of Kenya Defence Forces (KDF) training camp in the County.

7. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO.39 OF2018)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the County Hall of Fame Bill (Senate Bills No. 39 of 2019) be now read a Second Time.

(The Senate Majority Leader - 06.08.2019)

Debate interrupted on Tuesday, 6th August 2019 resumed;

There being no other Senator wishing to contribute;

Raising a point of order Nominated Senator (Sen. Millicent Omanga, MP) requested that the putting of the question be deferred to a later date pursuant to Standing Order 61 (3).

And the Deputy Speaker, acceding to the request, nominated Wednesday, 25th September 2019 as the date when the Question shall be put.

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

Order deferred.

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

Order read;

Motion made and Question proposed;

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;

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.

(Sen. Millicent Omanga, MP – 19.09.2019)

Debate interrupted on Thursday 19th September, 2019 resumed;

And the time being thirty minutes past six o'clock, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

10. **SENATE ROSE** – at thirty minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, September 25, 2019 at 2.30 p.m.*

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