



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
TUESDAY, NOVEMBER 26, 2019 AT 2:30 P.M.

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
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)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 20th November, 2019)
(Mover to Reply)
9. **MOTION – ADOPTION OF REPORT OF SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON ACCOUNTS OF COUNTY EXECUTIVES FOR FINANCIAL YEAR 2014/2015**
(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Baringo, Busia, Elgeyo Marakwet, Embu, Kajiado, Kericho, Kilifi, Kirinyaga, Kisii, Kwale, Lamu, Makuani, Marsabit, Meru, Nakuru, Narok, Nyamira, Uasin Gishu, Vihiga and West Pokot County Executives for Financial year 2014/2015 (1st July, 2014 to 30th June, 2015), laid on the Table of the Senate on Wednesday, 9th October, 2019.

(Resumption of debate interrupted on Wednesday, 6th November, 2019)
(Division)

...../Bill

10. ***THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)**
(Sen. Beatrice Kwamboka, MP)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 13th November, 2019)
(Division)

11. ***THE ALTERNATIVE DISPUTE RESOLUTION BILL (SENATE BILLS NO. 19 OF 2019)**
(Sen. (Arch.) Sylvia Kasanga, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 19th November, 2019)
(Division)

12. **COMMITTEE OF THE WHOLE**
***THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**
(Sen. Ledama Olekina, MP)

13. ***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**
(Sen. (Dr.) Getrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 20th November, 2019)

14. ***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 17 OF 2019)**
(Sen. Mercy Chebeni, MP)
(Second Reading)
(Resumption of debate interrupted on Thursday, 21st November, 2019)

15. *****THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILLS NO. 13 OF 2018)**
(The Senate Majority Leader)
(Second Reading)

16. *****THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2019)**
(The Senate Majority Leader)
(Second Reading)

17. ***THE ELECTION (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)**
(Sen. Ephraim Maina, MP)
(Second Reading)

18. **MOTION - ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE FINANCIAL OPERATIONS OF VARIOUS COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the Financial Year 2013/2014 (1st July, 2013-30th June, 2014), laid on the Table of the Senate on Thursday, 21st November, 2019.

19. **MOTION - EXERCISE BY THE DEPUTY COUNTY GOVERNORS OF THE POWERS AND FUNCTIONS VESTED IN THE OFFICE OF THE COUNTY GOVERNOR IN THE ABSENCE OF THE SUBSTANTIVE HOLDER OF THE OFFICE**

(Sen. Ledama Olekina, MP)

THAT, COGNIZANT THAT, Article 179(4) of the Constitution designates the County Governor and the Deputy County Governor as the chief executive and deputy chief executive of the County, respectively;

FURTHER COGNIZANT THAT, pursuant to Article 180(6) of the Constitution, a County Governor and Deputy County Governor are elected on a joint ticket, with Article 179(5) providing that, whenever the County Governor is absent, the Deputy County Governor shall act as the County Governor;

AWARE THAT, in several Counties, Deputy County Governors have had to serve as County Governors due to the absence of the substantive County Governors, arising from ill health, incapacity or orders emanating from the Courts barring the substantive Governor from accessing office;

ACKNOWLEDGING THAT, section 32(4) of the County Governments Act places limitations on the exercise, by the Deputy County Governor while acting as Governor, of the powers to nominate, appoint or dismiss that are assigned to the Governor under the Constitution or other written law;

NOTING THAT, other than the said limitations under section 32(4) of the County Governments Act, no other restraints are placed in law on the exercise, by the Deputy County Governor, of the powers and functions of the Governor whenever the Governor is absent;

AWARE THAT, in exercising the powers and functions of County Governor pursuant to Article 179(5) of the Constitution, Deputy County Governors face a myriad of legal, operational and administrative challenges, which hinder the effective functioning of county governments and the efficient delivery of services to the public;

NOW THEREFORE, the Senate directs that the National Treasury, the Controller of Budget, the Auditor General, and the respective County Assemblies and County Executive Committee Members, to work directly with the Deputy County Governor, while exercising the functions of County Governor, in order to facilitate the effective functioning of county governments and the efficient delivery of services to the public.

(Resumption of debate interrupted on Thursday, 14th November, 2019)

(Question to be Put)

...../Motion

20. **MOTION - 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.

21. **MOTION - CREATION OF COUNTY PARASPORTS ASSOCIATIONS IN THE 47 COUNTIES**

(Sen. (Dr.) Getrude Musuruve, MP)

THAT, AWARE THAT sport has the unique ability to transcend linguistic, cultural and social barriers, making it an excellent platform for inclusion and adaptation of different groups;

FURTHER AWARE THAT the universal popularity of sport and its physical, social and economic development benefits makes it an ideal tool for fostering the inclusion and well-being of persons with disabilities;

COGNIZANT of the fact that persons with disabilities often face societal barriers and disability evokes negative perceptions and discrimination in many societies and, as a result of the stigma associated with disability, persons with disabilities are generally excluded from education, employment and community life which deprives them of opportunities essential to their social development, health and well-being;

...../Motion

ACKNOWLEDGING that sport can help reduce the stigma and discrimination associated with disability by transforming community attitudes towards persons with disabilities by highlighting their skills and reducing the tendency to see the disability instead of the person;

FURTHER ACKNOWLEDGING that sport has become a career to many young people with talents, hence a source of income;

CONCERNED that there are many young talented youths with disabilities in the counties whose talent in sports has not been tapped, and that these young people are wallowing in poverty, which they have the potential to eliminate through sports and talent;

NOW THEREFORE, the Senate calls upon the Ministry of Sports, Culture and Heritage in partnership with the Council of Governors to ensure that county governments:

1. Create a parasports association in each of the 47 counties, affiliated to the National Paralympic Committee, and responsible for the development and promotion of para-sports within the counties; and
2. Submit an annual report to the Senate on the activities of the parasports associations, including the amounts of money spent on disability sports, and the number of paralympic games, teams and players sponsored by the county during the year.

NOTICE

The Senate resolved on 13th 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

NOTICE OF AMENDMENTS

***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.

APPENDIX

1. PAPERS

- (i) Report on the Twentieth Ordinary Session of the Executive Committee of the Forum of the Parliaments of the Member States of the International Conference of the Great Lakes Region (FP-ICGLR).

(Sen. Samuel Poghio, MP)

- (ii) Report of the Standing Committee on National Security, Defence and Foreign Relations on its consideration of the Registration of Persons (Amendment) Bill, (Senate Bills No. 14 of 2018).

(Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

2. NOTICE OF MOTION - REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS INQUIRY INTO PROJECTS UNDERTAKEN BY THE KENYA MARITIME AUTHORITY, KENYA FERRY SERVICES AND THE NATIONAL SOCIAL SECURITY FUND

(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 projects undertaken by the Kenya Maritime Authority, Kenya Ferry Services and the National Social Security Fund, laid on the Table of the Senate on Thursday, 21st November, 2019.

3. STATEMENTS

(i) Pursuant to Standing Order 47(1)

Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) to make a statement on the appointment of Sen. (Prof.) Margaret Kamar, MP as a trustee of the National Fund for the Disabled of Kenya.

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

- a) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to issue a statement relating to the activities of the Committee;
- b) The Chairperson, Standing Committee on Roads and Transportation to issue a statement relating to the activities of the Committee; and
- c) The Chairperson, Sessional Committee on County Public Accounts and Investments to issue a statement relating to the activities of the Committee.
