



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
TUESDAY, JULY 28, 2020 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
7. Statements (as listed in the Appendix)
8. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 3 OF 2020)**
(Sen. (CPA) Farhiya Haji, MP and Sen. Sakaja Johnson, MP)

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 23rd June, 2020 –
Afternoon Sitting)***

9. **MOTION – PROVISION OF CEMETERY, FUNERAL PARLOURS AND
CREMATORIA IN ALL COUNTIES**
(Sen. (Dr.) Alice Milgo, MP)

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

...../Motion

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

*(Resumption of debate interrupted on Thursday, 12th March, 2020)
(Division)*

10. **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)

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

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

12. **COMMITTEE OF THE WHOLE**
*** THE KENYA SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**

(Sen. (Dr.) Gertrude Musuruve and Sen. (Prof.) Margaret Kamar)

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

(Sen. Johnes Mwaruma, MP)

(Second Reading)

14. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2020)**

(Sen. Abshiro Halake, MP)

(Second Reading)

15. ***THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 2 OF 2020)**

(Sen. Rose Nyamunga, MP)

(Second Reading)

- 16. *****THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**
(The Senate Majority Leader)
(Second Reading)
- 17. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 5 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
(Second Reading)
- 18. *****THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 51 OF 2017)**
(The Senate Majority Leader)
(Second Reading)
- 19. *****THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2019)**
(The Senate Majority Leader)
(Second Reading)
- 20. *****THE EQUALIZATION FUND BILL (NATIONAL ASSEMBLY BILLS NO. 43 OF 2019)**
(The Senate Majority Leader)
(Second Reading)

----XXX----

...../Notice

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

NOTICE OF AMENDMENTS

A. *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, 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 words “informal trader”;
- (b) by deleting the definition of the word “market”;
- (c) by inserting the following new definitions in the correct 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) paragraph (e) by deleting the words “within major infrastructure areas in the country” appearing immediately after the words “street vending zones”.

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 be liable, on conviction, to a term of imprisonment not exceeding six months and a fine not exceeding ten thousand shillings, or to such fine and imprisonment” 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 paragraph immediately after paragraph (a)-

(aa) the approximate value of the goods;

(ab) the reasons for confiscation

(b) by inserting the following new subclauses immediately after subclause (2)-

(2a) Notwithstanding the provisions of subsection (1), an authorized officer may confiscate goods where-

(i) one carries out street vending 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) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to a term of imprisonment not exceeding one year and a fine not exceeding two hundred thousand shillings, or to such fine and imprisonment.

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 and a fine not exceeding two hundred thousand shillings, or to such fine and imprisonment.

CLAUSE 28

THAT clause 28 of the Bill be amended in subsection (2) by deleting paragraph (c).

NEW CLAUSE

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 such fine and imprisonment.

B. *THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)
(Sen. Ephraim Maina)

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

APPENDIX

1. PETITIONS

- i. Report of the Standing Committee on Justice, Legal Affairs and Human Rights on consideration of a Petition to the Senate by Bernard Waheire and Jacqueline Mutere on implementation of the report of the Truth, Justice and Reconciliation Commission (TJRC)

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

- ii. Petition to the Senate by Support staff in Nandi County concerning alleged non-payment of salaries by the Nandi County Government.

(Sen. Samson Cherarkey, MP)

- iii. Petition to the Senate by Mr. Salim Mwidadi and others, concerning alleged historical land injustices involving Plot No. 162/V/M.N.CR 1070, in Mombasa County.

(The Speaker of the Senate)

2. PAPERS

- i) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Elections (Amendment) Bill (Senate Bills No. 18 of 2019)

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

- ii) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019)

(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

3. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) to make a statement regarding the appointment of Sen (Dr.) Gertrude Musuruve Inimah, MP, to the position of Co-chair of the International Parliamentary Network on Education.

b) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning pollution of the environment by industrial emissions.

- ii) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) to seek a statement from the Standing Committee on Finance and Budget concerning the proposed increase of Excise Duty on beer made from sorghum, millet and cassava.
- iii) The Senator for Nairobi County (Sen. Johnson Sakaja, MP) to seek a statement from the Sessional Committee on County Public Accounts and Investments concerning the source and utilization of funds on the beautification and “ng’arisha jiji” programme by Nairobi City County government.

c) Pursuant to Standing Order 51 (1) (a)

The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to make a statement relating to matters for which the Committee is responsible.

d) Pursuant to Standing Order 52 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 4th August, 2020.
