



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

ORDER PAPER

SPECIAL SITTING

WEDNESDAY, DECEMBER 22, 2021 AT 2:30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions
5. Papers
6. Notices of Motion
7. Statements
8. ***** THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILLS NO.3 OF 2021)**
(The Senate Majority Leader)
(First Reading)
9. *****THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILLS NO. 20 OF 2021)**
(The Senate Majority Leader)
(First Reading)
10. **COMMITTEE OF THE WHOLE**
***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2021)**
(Sen. (Dr.) Getrude Musuruve, MP and Sen. (Prof.) Margaret Kamar, MP)

11. **COMMITTEE OF THE WHOLE**
***THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**
(Sen. Kipchumba Murkomen, MP)
12. **COMMITTEE OF THE WHOLE**
***THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL**
(SENATE BILLS NO. 33 OF 2021)
(Sen. (Dr.) Irungu Kang'ata, MP)
13. **COMMITTEE OF THE WHOLE**
***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS**
NO. 17 OF 2021)
(Sen. Ledama Olekina, MP)

(Resumption of debate interrupted on Wednesday, 22nd December, 2021
– Morning Sitting)
(Division)
14. **COMMITTEE OF THE WHOLE**
***THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**
(Sen. (Dr.) Alice Milgo, MP)

(Resumption of debate interrupted on Wednesday, 22nd December, 2021
– Morning Sitting)
(Division)
15. **COMMITTEE OF THE WHOLE**
***THE COUNTY GOVERNMENTS (AMENDMENT) BILL, (SENATE BILLS NO.**
38 OF 2021)
(Sen. Moses Kajwang', MP)

(Resumption of debate interrupted on Wednesday, 22nd December, 2021
– Morning Sitting)
(Division)
16. **COMMITTEE OF THE WHOLE**
****THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL,**
(SENATE BILLS NO. 37 OF 2021)
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

(Resumption of debate interrupted on Wednesday, 22nd December, 2021
– Morning Sitting)
(Division)
17. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE**
ON FINANCE AND BUDGET ON THE 2022 BUDGET POLICY STATEMENT
AND THE MEDIUM TERM DEBT MANAGEMENT STRATEGY
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the 2022 Budget Policy Statement and the Medium Term Debt

...../Motion

Management Strategy, laid on the Table of the Senate on Tuesday, 21st December, 2021, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 180 (7) of the Senate approves the 2022 Budget Policy Statement.

***(Resumption of debate interrupted on Tuesday, 21st December, 2021 –
Afternoon Sitting)
(Division)***

NOTICE

NOTICE is given that, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A (4).

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KEY

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

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

****** - Denotes a Committee Bill

***** - Denotes any other Bill

A. THE KENYA SIGN LANGUAGE BILL, SENATE BILLS NO. 5 OF 2021

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

NOTICE is given by the Chairperson, Standing Committee on Education, intends to move the following amendments to the Kenya Sign Language Bill, Senate Bills No. 5 of 2021, at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended—

- (a) in paragraph (d) by inserting the word “training” immediately after the words “provide for the”; and
- (b) by inserting the following new paragraphs immediately after paragraph (g) —
 - (h) ensure that there is compliance in the development, recognition, promotion and integration of sign language as a language in Kenya; and
 - (i) promote and recognize deaf culture in Kenya.

HEADING TO PART II

THAT the heading to Part II of the Bill be amended by deleting the word “KENYA” and substituting therefor the word “KENYAN”.

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (1) by deleting the word “Kenya” appearing immediately after the word “The” and substituting therefor the word “Kenyan”.

CLAUSE 5

THAT clause 5 of the Bill be amended —

- (a) by deleting the marginal note and substituting therefor the following new marginal note –

Role of the National and county governments.

- (b) in paragraph (a) by deleting the word “Kenya” appearing immediately after the words “and promotion of” and substituting therefor the word “Kenyan”;

- (c) in paragraph (b) by deleting the word “Kenya” appearing at the beginning of the paragraph and substituting therefor the word “Kenyan”;
- (d) in paragraph (c) by deleting the word “Kenya” appearing immediately after the words “interpretation in the” and substituting therefor the word “Kenyan”;
- (e) in paragraph (d) by deleting the word “Kenya” appearing immediately after the words “appropriate means including” and substituting therefor the word “Kenyan”.

CLAUSE 6

THAT clause 6 of the Bill be amended—

(a) in subclause (1) by –

- (i) deleting the introductory clause and substituting therefor the following clause—

(1) A person whose first or preferred language is the Kenyan sign language is entitled to use the Kenyan sign language where the person is-

- (ii) deleting paragraph (d) and substituting therefor the following new paragraph—

(d) is given leave by the judicial officer to use Kenyan Sign English.;

(b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) A judicial officer in a legal proceeding shall ensure that a competent and recognized interpreter is available to a person entitled under subsection (1) to use Kenyan signed English.

(c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) The judicial officer shall make a determination as to the accuracy of any interpretation from the Kenyan sign language into spoken or written language or from spoken to written language into the Kenyan sign language.

- (d) in subclause (4) by deleting the word “Kenya” appearing immediately after the words “be followed where” and substituting therefor the word “Kenyan” and
- (e) in subclause (5) by deleting the word “Kenya” appearing immediately after the words “right to use” and substituting therefor the word “Kenyan”.

CLAUSE 7

THAT clause 7 of the Bill be amended—

- (a) in paragraph (b) by deleting the word “Kenya” appearing immediately after the words “including ensuring that” and substituting therefor the word “Kenyan”;
- (b) in paragraph (e) by deleting the word “Kenya” appearing immediately after the words “ensure that” and substituting therefor the word “Kenyan”;
- (c) in paragraph (g) by deleting the word “Kenya” appearing immediately after the words “curriculum courses on” and substituting therefor the word “Kenyan”;
- (d) in paragraph (i) by deleting the word “Kenya” appearing immediately after the words “the provision of” and substituting therefor the word “Kenyan”; and
- (e) by inserting the following new paragraph immediately after paragraph (i)—
 - (j) ensure that there are in place adequate reading materials in the English and Kiswahili languages for the educational support of, and that are accessible by members of the deaf community.

CLAUSE 9

THAT the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

Standards,
accreditation
and procedures

No. 17 of 2019

9. (1) The Cabinet Secretary shall, in consultation with the Kenya National Accreditation Agency established under section 4 of the Kenya Accreditation Act and members of the deaf community, develop a national system of standards, accreditation and procedures for Kenyan sign language interpretation.

(2) For purposes of subsection (1) the Cabinet Secretary shall-

- (a) regulate the provision of Kenyan sign language interpretation;
- (b) establish additional procedures and criteria for registration of Kenyan sign language interpreters;
- (c) establish and maintain a register of Kenyan sign language interpreters; and
- (d) determine the education, training and qualifications required for a person to be registered as a Kenyan sign language interpreter.

CLAUSE 10

THAT clause 10 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) A person who wishes to provide Kenyan sign language interpretation services shall apply for registration by the Ministry responsible for matters relating to education in accordance with such criteria and procedures as may be prescribed by the Cabinet Secretary.

CLAUSE 16

THAT clause 16 be amended in subclause (1)-

- (a) in paragraph (a) by deleting the word “Kenya” appearing immediately after the words “use of basic” and substituting therefor the word “Kenyan”;
- (b) in paragraph (b) by deleting the word “Kenya” appearing immediately after the words “the promotion of” and substituting therefor the word “Kenyan”;
- (c) in paragraph (c) by deleting the word “Kenya” appearing immediately after the words “use of the” and substituting therefor the word “Kenyan”; and
- (d) by inserting the following new paragraph immediately after paragraph (d) —
 - (e) subsidize the acquisition of hearing aids and other ancillary services to the deaf community.

CLAUSE 17

THAT clause 17 of the Bill be amended—

- (a) in the marginal note by deleting the word “Kenya” appearing immediately after the words “Promotion of” and substituting therefor the word “Kenyan”; and
- (b) in subclause (2) by inserting the words “and centres” immediately after the words “institutions public colleges”.

NEW CLAUSE 8A

THAT the Bill be amended by inserting the following new clause immediately after clause 8—

Development of action plan.

8A. (1) The Cabinet Secretary shall, in consultation with the National Council for Persons with Disabilities and the Council of Governors develop a Kenyan sign language action plan within one year upon the commencement of this Act.

(2) The Cabinet Secretary shall, in developing the Kenyan sign language action plan undertake public participation.

CLAUSE 2

THAT clause 2 of the Bill be amended —

(a) by deleting the definition of the word “deaf community” and substituting therefor the following new definition-

“deaf community” means a socio-linguistical cultural group who use Kenyan Sign Language in their everyday communications and as a native or mother tongue, first or preferred language;

(b) by inserting the following new definition immediately after the definition of the word “deaf community”—

“deaf culture” means the way deaf people interact and includes a set of social beliefs, behaviours, art, literary traditions, history, values and shared institutions of communities that are influenced by deafness.

B. COUNTY HALL OF FAME BILL, 2021, SENATE BILLS NO. 9 OF 2021

(Sen. Kipchumba Murkomen, MP)

NOTICE is given that the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendment to the County Hall of Fame Bill, 2021, Senate Bills No. 9 of 2021, at the Committee Stage—

CLAUSE 9

THAT clause 9 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years, or to both.

C. THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL, 2021 (SENATE BILLS NO. 17 OF 2021)

(Sen. Lekama Olekina, MP)

NOTICE is hereby given, Chairperson, Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Oversight and Accountability Bill, Senate Bills No. 17 of 2021, at the Committee Stage –

CLAUSE 5

THAT clause 5 of the Bill be amended –

- (a) in subclause (1) by deleting the word “shall” appearing immediately after the words “each county government” and substituting therefor the word “may”;
- (b) in subclause (2) by deleting the word “shall” appearing immediately after the words “A county government” and substituting therefor the word “may”;

CLAUSE 17

THAT clause 17 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause –

- (1) A Senator may facilitate public participation through public awareness campaigns in the respective county.

CLAUSE 19

THAT clause 19 of the Bill be amended in subclause (2) by deleting the words “County Assembly” appearing immediately after the words “The Clerk of the” and substituting therefor the word “Senate”.

D. THE COUNTY GOVERNMENTS (AMENDMENT) BILL, 2021 (SENATE BILLS NO. 38 OF 2021)

(Sen. Moses Kajwang’ MP)

NOTICE is hereby given that, Chairperson, Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Governments (Amendment) Bill, Senate Bills No. 38 of 2021, at the Committee Stage –

CLAUSE 4

THAT clause 4 of the Bill be amended –

- (a) in the proposed new section 91A(1) by deleting paragraph (h); and

(b) in the proposed new section 91B by deleting the word “determine” appearing at the beginning of the paragraph (a) and substituting therefor the words “consult on”.

E. THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, 2021 (SENATE BILLS NO. 37 OF 2021)

(Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

NOTICE is hereby given that, Chairperson, Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the Intergovernmental Relations (Amendment) Bill, 2021, at the Committee Stage –

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new paragraph immediately after the proposed paragraph (n) –

(na) conditions for the termination of the agreement.

CLAUSE 3

THAT clause 3 of the Bill be amended by inserting the following new section immediately after the proposed section 26F –

Role of
Technical
Committee in
transfer or
delegation of
powers,
functions and
competencies.

26G. The Technical Committee shall, in undertaking duties under this Part –

- (a) witness the execution of a transfer or delegation of a power, function or competency;
- (b) provide administrative support to the parties to the transfer agreement during the transfer process; and
- (c) prepare and maintain an inventory of assets and liabilities of the transferred functions.

APPENDIX

MESSAGES

- i.) Message from the National Assembly on the passage, by the National Assembly, of the Landlord and Tenant Bill (National Assembly Bill No.3 of 2021).
- ii.) Message from the National Assembly on the passage, by the National Assembly, of the Community Groups Registration Bill (National Assembly Bill No. 20 of 2021).
- iii.) Message from the National Assembly on the passage, by the National Assembly, of the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021)

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