



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, AUGUST 02, 2023 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. ***THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)**
(Sen. Miraj Abdillahi Abdulrahman, MP)

(First Reading)

9. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS (EQUITABLE SHARE) CASH DISBURSEMENT SCHEDULE FOR THE FINANCIAL YEAR 2023/2024 AND APPROVAL OF THE COUNTY GOVERNMENT CASH DISBURSEMENT (EQUITABLE SHARE) SCHEDULE FOR THE FINANCIAL YEAR 2023/2024**
(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024, laid on the Table of the Senate on Thursday, 27th July, 2023 and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate **approves** the County Governments (Equitable Share) Cash Disbursement Schedule for Financial year 2023/2024.

(Resumption of debate interrupted on Tuesday, 1st August, 2023)

...../Bills

(No. 069) WEDNESDAY, AUGUST 02, 2023 (AFTERNOON SITTING) (1314)

10. ****THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

(Resumption of debate interrupted on Thursday, 27th July, 2023)

11. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)**

(Sen. Mariam Sheikh Omar, MP)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 23rd May, 2023)

(Division)

12. **COMMITTEE OF THE WHOLE**

***THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)**

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

13. **COMMITTEE OF THE WHOLE**

***THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)**

(Sen. Enoch Wambua, MP)

14. ****THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**

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

(Second Reading)

15. ***THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)**

(Sen. Samson Cherarkey, MP)

(Second Reading)

16. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the death of Late Edward Otiemo Onyango, due to alleged medical negligence, laid on the table of the Senate on Wednesday, 31st May, 2023.

...../Motion

17. **MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the death of the late Maureen Anyango at Mama Lucy Kibaki Hospital due to alleged medical negligence, laid on the table of the Senate on Wednesday, 31st May, 2023.

18. **MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL**

(The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the Report of the Standing Committee on Health on inquiry into the circumstances that led to the death of the late Master Travis Maina at Kenyatta National Hospital, laid on the table of the Senate on Wednesday, 31st May, 2023.

KEY

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

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

**** - Denotes a Committee Bill**

***- Denotes any other Bill**

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NOTICE OF AMENDMENTS

A. *THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

NOTICE is hereby given that the Chairperson of the Standing Committee on Education, intends to move the following amendments to the Learners with Disabilities Bill (Senate Bills No. 4 of 2023), at the Committee Stage –

CLAUSE 3

THAT clause 3 of the Bill be amended in paragraph (a) by inserting the words “at all levels of education” immediately after the words “right to education”.

CLAUSE 4

THAT clause 4 be amended in paragraph (c) by deleting the words “cultural and” appearing immediately after the words “sensitive to the”.

CLAUSE 5

THAT clause 5 of the Bill be amended –

- (a) by deleting paragraph (b);
- (b) in paragraph (c) by inserting the words “augmentative and alternative communication” immediately after the words “Kenyan sign language”;
- (c) in paragraph (e) by deleting the words “institution of learning” appearing immediately after the words “to any” and substituting therefor the words “educational institution”;
- (d) in paragraph (f) by inserting the word “appropriate” immediately after the words “equal access to”; and
- (e) inserting the following new paragraph immediately after paragraph (f) –
 - (fa) protection from any form of discrimination.

CLAUSE 6

THAT clause 6 of the Bill be amended –

(a) in subclause (1) by deleting paragraph (a) and substituting therefor the following new paragraph –

(a) present their child for admission to a school as the case may be, for the purposes of completion of the child’s education; and

(b) in subclause (3) by –

(i) deleting the word “and” appearing immediately after the words “such parent” and substituting therefor the word “or”; and

(ii) deleting the words “a school or institution of basic education” appearing immediately after the words “absence of the learner” and substituting therefor the words “an educational institution”.

CLAUSE 7

THAT clause 7 of the Bill be amended in subclause (2) by –

(a) deleting the word “necessary” appearing immediately after the words “put in place the” in paragraph (c) and substituting therefor the words “appropriate and adequate”;

(b) deleting the word “learning” appearing immediately after the words “with disabilities in” in paragraph (c) and substituting therefor the words “educational”;

(c) deleting the words “at such intervals as may be necessary a” appearing immediately after the word “conduct” in paragraph (d) and substituting therefor the words “an annual”; and

(d) deleting paragraph (h) and substituting therefor the following new paragraph –

(h) ensure that educational institutions, parents and guardians have the necessary tools to support learners with disabilities.

CLAUSE 8

THAT clause 8 of the Bill be amended –

(a) in subclause (1) by deleting the word “learning” appearing immediately after the words “with respect to the” and substituting therefor the word “educational”;

(b) in subclause (2) by –

- (i) deleting the words “learners with” appearing immediately after the words “the needs of” in paragraph (e);
- (ii) deleting the word “learning” appearing immediately after the words “existing public” and substituting therefor the word “educational” in paragraph (g); and
- (iii) deleting the word “learning” appearing immediately after the words “them in the” and substituting therefor the word “educational” in paragraph (i).

CLAUSE 9

THAT clause 9 of the Bill be amended in subclause (1) by inserting the words “and private” immediately after the words “public” in paragraph (a).

CLAUSE 12

THAT clause 12 of the Bill be amended in subclause (1) by deleting the words “early childhood education or technical and vocational training centre” appearing immediately after the word “An” in the introductory clause and substituting therefor the words “educational or training institution”.

CLAUSE 13

THAT the Bill be amended by deleting clause 13.

CLAUSE 14

THAT the Bill be amended by deleting clause 14.

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (2) by –

- (a) deleting the words “board of management” appearing immediately after the words “shall assist the” in the introductory clause and substituting therefor the words “governing body”; and
- (b) deleting the words “parent-child-teacher” appearing immediately after the words “positive approach in” in paragraph (b) and substituting therefor the words “parent-learner-teacher”.

CLAUSE 23

THAT the Bill be amended by deleting clause 23.

CLAUSE 24

THAT clause 24 of the Bill be amended in –

- (a) subclause (2) by deleting the words “shadow teachers” appearing immediately after the word “providing” in paragraph (c) and substituting therefor the words “learner support assistants”; and
- (b) subclause (3) by deleting the words “disabled children” appearing immediately after the words “supportive services to” in paragraph (c) and substituting therefor the words “children with disabilities”.

CLAUSE 25

THAT clause 25 of the Bill be amended in –

- (a) paragraph (b) by deleting the words “learning institutions in the country are friendly” appearing immediately after the words “amenities in” and substituting therefor the words “educational institutions in the country are accessible and appropriate”; and
- (b) paragraph (c) by deleting the word “learning” appearing immediately after the words “amenities in” and substituting therefor the word “educational”.

CLAUSE 26

THAT clause 26 of the Bill be amended in subclause (1) by deleting the words “special equipment” appearing immediately after the words “and distribution of” and substituting therefor the words “assistive devices”.

CLAUSE 28

THAT the Bill be amended by deleting clause 28 and substituting therefor the following new clause –

Training
of
auxiliary
staff.

28. Every special needs education institution shall ensure that its auxiliary staff and any person providing special needs services within its premises are qualified in their special areas.

CLAUSE 29

THAT clause 29 of the Bill be amended in paragraph (a) by deleting the word “fast” appearing immediately after the words “the redress of” and substituting therefor the word “vast”.

CLAUSE 30

THAT clause 30 of the Bill be amended in subclause (4) by deleting the words “The board of management of a special education” appearing at the beginning of the clause and substituting therefor the words “The governing body of a special needs educational institution”.

CLAUSE 35

THAT clause 35 of the Bill be amended in subclause (1) by deleting the word “education” appearing immediately after the words “of the special” in paragraph (c) and substituting therefor the words “needs educational”.

CLAUSE 39

THAT clause 39 of the Bill be amended in subclause (1) by deleting the word “education” appearing immediately after the words “public special” and substituting therefor the words “needs educational”.

CLAUSE 41

THAT clause 41 of the Bill be amended by –

- (a) deleting the word “centre” appearing immediately after the words “research or training” in subclause (1) and substituting therefor the word “institution”; and
- (b) deleting the word “education” appearing immediately after the words “to be a public special” and substituting therefor the words “needs educational”.

CLAUSE 42

THAT clause 42 of the Bill be amended –

- (a) in subclause (2) by –
 - (i) deleting the word “education” appearing immediately after the words “curriculum at special” in paragraph (b)(i) and substituting therefor the words “needs educational”; and

(ii) deleting the word “education” appearing immediately after the words “provided at special” in paragraph (b)(ii) and substituting therefor the words “needs educational”.

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

(3) Any person authorized by the County Education Board shall be entitled to have access, at any reasonable time, to a home under this section in order to monitor the special educational provision made under subsection (1).

CLAUSE 45

THAT clause 45 of the Bill be amended in subclause (1) by deleting the word “education” appearing immediately after the words “conducts a special” in paragraph (a) and substituting therefor the words “needs educational”.

CLAUSE 2

THAT clause 2 of the Bill be amended –

(a) by deleting the definition of the term “special needs education” and substituting therefor the following new definition —

“special needs education” includes education and training for gifted or talented learners as well as learners with disability and includes education which provides appropriate curriculum differentiation in terms of content, pedagogy, instructional materials, alternative media of communication or duration to address the special needs of learners and to eliminate social, mental, intellectual, physical or environmental barriers to learners;

(b) by deleting the definition of the term “special needs school”;

(c) by deleting the definition of the words “special service providers” and substituting therefor the following new definition —

“special service providers” means any person providing specialized, supplementary and related services to learners with special education needs and includes braille readers and technicians, sign language instructors and interpreters, orientation and mobility specialists, physiotherapists, occupational therapists, speech and language pathologists and therapists, counsellors, behaviour specialists, sensory integration therapists, psychologists, nutritionists, social workers and learner support assistants.

(d) by inserting the following new definitions in the proper alphabetical sequence –

“special needs educational institution”
No. 3 of means an institution that is specially organized to
2021. make special educational provision for learners
No. 14 of with disabilities and is for the time being registered
2013. or accredited as an educational institution under
No. 29 of the Early Childhood Education Act, the Basic
2013. Education Act, the Technical and Vocational
No. 42 of Education and Training Act, the Universities Act or
2012. any other Act of Parliament; and

“reasonable accommodation” means
necessary and appropriate modification and
adjustments not imposing a disproportionate or
undue burden, where needed in a particular case,
to ensure learners with disabilities the enjoyment
or exercise on an equal basis with others of all
human rights and fundamental freedoms;

B. *THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)
(Sen. Enoch Wambua, MP)

NOTICE is given that the, Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Mung Beans Bill, (Senate Bills No. 13 of 2022) at the Committee Stage—

CLAUSE 7

THAT clause 7 of the Bill be amended in sub-clause (1) by inserting the words “in consultation with the Council of County Governors,” immediately after the words “Cabinet Secretary”.

CLAUSE 10

THAT clause 10 of the Bill be deleted and substituted therefor with the following new clause—

County licensing committee 10. (1) Each county executive committee member responsible for matters relating to trade shall, for the effective performance of section 9, establish a county licensing committee.

(2) A county licensing committee shall consist of —

- (a) a chairperson;
- (b) one person representing growers of mung beans in the respective county;
- (c) one public officer in the department responsible for agriculture with relevant experience in matters relating to agriculture; and
- (d) two public officers in the department responsible for trade with relevant experience in matters relating to trade and finance.

(3) The chairperson and the member under subsection (2)(b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.

(4) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the gazette.

CLAUSE 11

THAT clause 11 of the Bill be amended in paragraph (a) by inserting the words “in agriculture, trade or finance” immediately after the words “holds a degree”.

CLAUSE 13

THAT clause 13 of the Bill be amended in sub-clause (1) by inserting the words “responsible for matters relating to trade” immediately after the words “ committee member”.

CLAUSE 15

THAT clause 15 of the Bill be amended in sub-clause (3)(d) by inserting the words “responsible for matters relating to trade” immediately after the words “ committee member”.

CLAUSE 16

THAT clause 16 of the Bill be amended-

- (a) by re-numbering the introductory clause as sub-clause (1);
- (b) by inserting the words “responsible for matters relating to trade” immediately after the words “ committee member” in the new re-numbered sub-clause (1).
- (c) in subclause (2) by inserting the words “responsible for matters relating to trade” immediately after the words “ committee member”.
- (d) in subclause (3) by inserting the words “responsible for matters relating to trade” immediately after the words “ committee member”.
- (e) in subclause (4) by inserting the words “responsible for matters relating to trade” immediately after the words “ committee member”.

CLAUSE 19

THAT clause 19 of the Bill be amended-

- (a) in sub-clause (2) by inserting the words “responsible for matters relating to trade” immediately after the words “ committee member”.
- (b) by deleting sub-clause (3) and substituting therefor the following new subclause-

(3) A county executive committee member shall furnish the Authority with information on all growers registered in the county, on the fifth day of every month.

- (c) by inserting the following new sub-clause immediately after sub-clause (3) -

(4) A county executive committee member responsible for matters relating to trade shall furnish the Authority with information on licences issued, cancelled or renewed in the county, on the fifth day of every month.

NEW CLAUSE 22A

THAT the Bill be amended by inserting the following new clause immediately after clause 22-

Safeguard
measures

22A. (1) Subject to the regional and international trade agreements to which Kenya is a party, all mung beans imports into the country shall be subject to the prevailing import duties, taxes and other tariffs and such imports shall be controlled by the Authority.

(2) The Cabinet Secretary shall implement such safeguard measures as may be necessary to protect the industry from unfair trade practices.

APPENDIX

1. PETITION

Petition to the Senate by Mr. Benard Muchere, concerning public money allegedly stolen through the Standard Gauge Railway (SGR) project.

(Sen. Andrew Omtatah Okoiti, MP)

2. QUESTIONS AND STATEMENTS

STATEMENTS

a) Statements pursuant to Standing Order 52(1)

Nominated Senator (Sen. Hezema Lemaletian, MP) to make a statement regarding the incessant suppression and clawback of democracy in Kenya.

b) Statements pursuant to Standing Order 53(1)

- i.) Nominated Senator (Sen. Raphael Chimera, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the status of registration of the Universities Academic Staff Union (UASU).
- ii.) Nominated Senator (Sen. Beatrice Ogola, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding pollution in Lake Victoria.
- iii.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Information, Communication and Technology concerning sexual exploitation of minors online.
- iv.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Health regarding alleged medical negligence at Kiambu County Referral Hospital.
- v.) Nominated Senator (Sen. Hamida Kibwana, MP) to seek a statement from the Standing Committee on Health regarding the status of medical care at Mathari Mental Hospital.

c) Pursuant to Standing Order 56(1) (b)

- i.) The Chairperson, Standing Committee on Trade, Industrialization and Tourism to make a statement relating to the activities of the Committee for the period April to June, 2023.

...../Appendix

(No. 069) WEDNESDAY, AUGUST 02, 2023 (AFTERNOON SITTING) (1328)

- ii.) The Chairperson, Standing Committee on Roads, Transportation and Housing to make a statement relating to the activities of the Committee for the period April to June, 2023.
- iii.) The Chairperson, Sessional Committee o County Public Accounts to make a statement relating to the activities of the Committee for the period April to June, 2023.

NOTICE PAPER

Tentative Business for

Thursday, August 03, 2023

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Thursday, August 03, 2023.

A. BILL AT THE SECOND READING STAGE

*THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT) BILL
(SENATE BILLS NO. 13 OF 2023)

(Sen. James Murango, MP)

B. BILL AT THE COMMITTEE OF THE WHOLE

*THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL
(SENATE BILLS NO. 12 OF 2022)

(Sen. Maureen Tabitha Mutinda, MP)

C. MOTIONS

i.) REGULATION OF ELECTRONIC CIGARETTES IN KENYA
(Sen. Catherine Mumma, MP)

ii.) REPORT OF THE SENATE DELEGATION TO THE 67TH SESSION OF
THE COMMISSION ON THE STATUS OF WOMEN (CSW 67) HELD IN
NEW YORK, FROM 6TH TO 17TH MARCH 2023.

(Sen. Fatuma Dullo, MP)
