



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

TUESDAY, SEPTEMBER 19, 2023 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 (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements (as listed in the Appendix)
8. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF SPECIFIED BILLS**
(The Senate Majority Leader)

THAT, pursuant to the provisions of Standing Order 139, the Senate resolves to reduce the publication period of the following Bills that were published on 15th September, 2023, from fourteen (14) days to four (4) days –

- (i) The Facilities Improvement Financing Bill (Senate Bills No. 43 of 2023); and,
 - (ii) The Primary Health Care Bill (Senate Bills No. 44 of 2023).
9. ****THE EQUALIZATION FUND APPROPRIATION BILL (SENATE BILLS NO. 30 OF 2023)**
(The Chairperson, Standing Committee on Finance and Budget)
(First Reading)
 10. *****THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)**
(The Senate Majority Leader)
(First Reading)

...../Bills

11. *****THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**

(The Senate Majority Leader)

(First Reading)

12. ******THE FACILITIES IMPROVEMENT FINANCING BILL (SENATE BILLS NO. 43 OF 2023)**

(The Senate Majority Leader)

(First Reading)

13. ******THE PRIMARY HEALTH CARE BILL (SENATE BILLS NO. 44 OF 2023)**

(The Senate Majority Leader)

(First Reading)

14. ***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)

15. ****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 Wednesday, 9th August, 2023 – Afternoon Sitting)

(Division)

16. **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)

(Resumption of debate interrupted on 9th August, 2023)

(Division)

17. *****THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2023)**

(The Senate Majority Leader)

(Second Reading)

18. ***THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)**

(Sen. Wakili Hillary Sigei, MP)

(Second Reading)

- 19. ***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)**
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

(Second Reading)

- 20. ****THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)**
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

(Second Reading)

- 21. **MOTION - REPORT OF THE 146TH ASSEMBLY OF THE INTER - PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11TH TO 15TH MARCH, 2023**
(Sen. Kathuri Murungi, MP)

THAT, the Senate notes the Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023, laid on the Table of the Senate on Tuesday 2nd May, 2023.

- 22. **MOTION - REPOSSESSION OF MOVABLE ASSETS BY LENDING INSTITUTIONS DUE TO NON-PERFORMING LOANS**
(Sen. Wahome Wamatinga, MP)

THAT AWARE THAT the high unemployment rate in Kenya has pushed many Kenyans to seek loans from Saccos, Microfinance Institutions and Banks to start Small and Medium Enterprises (SMEs) to sustain their livelihoods;

NOTING THAT the youth in particular have invested in movable assets, including vehicles and motorcycles, to start business in the transport industry and most of them have signed up to the ride hailing apps including but not limited to Uber, Taxify, Bolt and Little cab;

COGNIZANT THAT the Banking Act 2015 CAP 488 does not provide for renegotiation on the loan repayment agreement whenever the business environment becomes unfavorable as a result of the high cost of living, lowered earnings from the App providers and high interest rates;

NOW THEREFORE the Senate urges the National Treasury and Economic Planning to come up with a policy framework to review the Banking Act in order to renegotiate the repayment terms of the loans and provide cushion for Kenyans with non-performing loans and prevent the loss of their movable assets.

NOTICE

The Senate resolved on 15th February, 2023 as follows:-

THAT, pursuant to Standing Order 111 (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**

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NOTICE OF AMENDMENTS

***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, 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.
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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

—

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

APPENDIX

1. MESSAGES

- i.) Message from the National Assembly on the passage, by the National Assembly, of the Food and Feed Safety Control Coordination Bill (National Assembly Bills No. 21 of 2023)
- ii.) Message from the National Assembly on the passage, by the National Assembly, of the Water (Amendment) Bill (National Assembly Bills No. 33 of 2023).
- iii.) Message from the National Assembly on the rejection, by the National Assembly of the Senate Amendments to the Public Finance Management (Amendment) Bill, 2023 (National Assembly Bills No. 16 of 2023).
- iv.) Message from the National Assembly on the approval, by the National Assembly of a nominee for appointment to the position of Chairperson of the Board of the Central Bank of Kenya.

(The Speaker of the Senate)

2. PAPERS

- i.) Report of the Auditor General on the financial statements of the Kiambu County Government Revenue Fund for the year ended 30th June, 2022.

(The Senate Majority Leader)

- ii.) Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate on the approval hearing for Mr. Andrew Mukite Musangi, nominee for appointment to the position of Chairperson of of the Board of Directors of the Central Bank of Kenya.

(The Chairperson, Standing Committee on Finance and Budget)

3. NOTICE OF MOTION - CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE CENTRAL BANK OF KENYA

(The Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the vetting of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 19th September, 2023, and that pursuant to section 11(2A) of the Central Bank of Kenya Act and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate approves the appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of the Central Bank of Kenya.

...../Appendix

4. QUESTIONS AND STATEMENTS

STATEMENTS

a) Statements pursuant to Standing Order 53(1)

- i.) Nominated Senator (Sen. Beth Syengo, MP) to seek a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration concerning the promotion of lesbians, gays, bisexual, transgender, queer, intersex and asexual (LGBTQIA) agenda in the country.
- ii.) The Senator for Embu County (Sen. Alexander Mundigi, MP) to seek a statement from the Standing Committee on Education concerning capitation and disbursement of funds for the Free Day Secondary Education (FDSE) Programme.
- iii.) The Senator for Nakuru County (Sen. Tabitha Karanja Keroche, MP) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the recruitment process of Board Members for Municipalities in Nakuru County.
- iv.) Nominated Senator (Sen. Crystal Asige, MP) to seek a statement from the Standing Committee on Education regarding the status of recognition of special needs education diploma programmes, by the Teachers Service Commission (TSC).
- v.) Nominated Senator (Sen. George Mbugua, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the state of preparedness for mitigation against the effects of El-Nino rains, by the Government.
- vi.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged claims of hire of corpses from mortuaries, during the anti-tax demonstrations held in June and July, 2023.
- vii.) The Senator for Nairobi City County (Sen. Edwin Sifuna, MP) to seek a statement from the Standing Committee on Health concerning alleged unfair hiring and promotion of nurses in hospitals within Nairobi City County.
- viii.) Nominated Senator (Sen. Tabitha Mutinda, MP) to seek a statement from the Standing Committee on Information, Communication and Technology concerning the state of digital skills literacy in Kenya.

- ix.) Nominated Senator (Sen. Beatrice Ogola, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the loss of an AK-47 rifle at Ndhiwa Police Station.

NOTICE PAPER I**Tentative Business for****Wednesday, September 20, 2023 (Morning Sitting)***(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 Wednesday, September 20, 2023 (Morning Sitting).

A. QUESTIONS

The following Parliamentary Questions have been scheduled by the Senate Business Committee for reply by the relevant Cabinet Secretaries on Wednesday, 20th September, 2023, at 9:30 am:-

QUESTION No.	SENATOR	SUBJECT	MINISTRY
018	Sen. James Lomenen, MP	Inaction of the Kenyan Government to hasten the release of the Turkana pastoralists arrested in Uganda	Foreign and Diaspora Affairs
019	Sen. George Mbugua, MP	Accessibility of health facilities and services to Persons With Disabilities (PWDs)	Health
020	Sen. George Mbugua, MP	Compliance with the Persons With Disabilities Act with regard to the reservation of employment to PWDs	Labour and Social Protection

B. MOTIONS

- i.) REGULATION OF ELECTRONIC CIGARETTES IN KENYA
(Sen. Catherine Mumma, MP)
- ii.) DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES
(Sen. Crystal Asige, MP)
- iii.) 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)

NOTICE PAPER II

Tentative Business for

Wednesday, September 20, 2023 (Afternoon Sitting)

(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 Wednesday, September 20, 2023 (Afternoon Sitting).

A. BILLS AT COMMITTEE OF THE WHOLE

- i.) *THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)
(Sen. Crystal Asige, MP)
- ii.) *THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)
(Sen. Enoch Wambua, MP)
- iii.) *THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)
(Sen. Crystal Asige, MP)

B. BILLS AT THE SECOND READING STAGE

- i.) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)
(Sen. Moses Kajwang' MP)
- ii.) *THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2023)
(Sen. Beth Syengo, MP)

C. MOTIONS

- i.) ADOPTION OF THE REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY, ON ITS OWN MOTION, INTO CONDUCT OF SENATOR GLORIA ORWOBA, MP AND TO ESTABLISH IF THE CONDUCT CONSTITUTED BREACH OF PARLIAMENTARY PRIVILEGE.
(The Chairperson, Committee of Powers and Privileges)
- ii.) 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)
- iii.) 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)

- iv.) 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)
