



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, SEPTEMBER 20, 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 (as listed in the Appendix)
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **MOTION – 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)

THAT, the Senate adopts 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, laid on the Table of the Senate on Wednesday, 9th August, 2023.

(Resumption of debate interrupted on Thursday, 10th August, 2023)

9. **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

...../Motion

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.

10. ***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)***

11. ****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)***

12. ***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)**

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

(Second Reading)

***(Resumption of debate interrupted on 19th September, 2023)
(Division)***

13. **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)***

14. **COMMITTEE OF THE WHOLE**

***THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)**

(Sen. Crystal Asige, MP)

15. **COMMITTEE OF THE WHOLE**

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

(Sen. Enoch Wambua, MP)

16. **COMMITTEE OF THE WHOLE**
***THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**

(Sen. Crystal Asige, MP)

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

(The Senate Majority Leader)

(Second Reading)

18. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**

(Sen. Moses Kajwang' MP)

(Second Reading)

19. ***THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2023)**

(Sen. Beth Syengo, MP)

(Second Reading)

20. **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.

21. **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.

...../Motion

22. 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, 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 –

...../Notice of Amendments

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(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);

...../Notice of Amendments

- (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 –

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

B. *THE START-UP BILL (SENATE BILLS NO. 14 OF 2022)

(Sen. Crystal Asige, MP)

NOTICE is given that the Chairperson, Standing Committee on Trade, Tourism and Industrialization intends to move the following amendments to the Startup Bill (Senate Bills No. 14 of 2022), at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (f) —

(g) to ensure that all persons, irrespective of their gender, status or ethnicity, are afforded an equal opportunity to establish and benefit from their innovations.

CLAUSE 4

THAT clause 4 of the Bill be amended —

(a) in subclause (1) by inserting the words “between entities registered under this Act to achieve increased innovation, economic growth and better access to new technologies” immediately after the words “of technology innovation” appearing in paragraph (b);

(b) in subclause (2) by—

(i) deleting the words “incubators into the” appearing immediately after the words “and admission of” in paragraph (c) and substituting therefor the words “startups into”; and

(ii) deleting the words “entities from” appearing immediately after the words “enable access to” in paragraph (h) and substituting therefor the words “incubation programmes by”.

CLAUSE 5

THAT Clause 5 of the Bill be amended in subclause (2) by deleting the word “entities,” appearing immediately after the words “the evaluation of” in paragraph (c) and substituting therefor the words “startups, incubation”.

CLAUSE 8

THAT clause 8 of the Bill be amended —

(a) in subclause (1) by —

(i) deleting paragraph (b) and substituting therefor the following new paragraph —

(b) is newly registered or has been in existence for a period of not more than five years from the date of its incorporation or registration;

(ii) deleting the words “is wholly” appearing before the words “owned by one” in paragraph (g) and substituting therefor the words “has at least of ninety percent of its shares”;

(iii) deleting paragraph (i); and

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

(3) The registrar or county executive committee member, as the case may be, may waive the requirement for registration under subsection (1)(a) where —

(a) that person has an innovative product or service;

(b) that person exhibits that they do not have the financial capability to register an entity in compliance with subsection (1)(a); and

(c) the registrar is satisfied that the innovation is suitable for registration as a startup and will benefit from admission into an incubation programme.

CLAUSE 9

That Clause 9 be amended by inserting the following new subclause after subclause (2)—

(2A) A person eligible for admission into an incubation programme pursuant to section 8(3) shall not be required to provide the information under subsection (2)(a)(iv), (v), (vi) and (vii) and (2)(c).

CLAUSE 12

THAT clause 12 of the Bill be amended in subclause (1) by deleting the words “admission into an incubation programme” appearing immediately after the words “The certificate of” in the introductory clause and substituting therefor with the words “registration”.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (1) by deleting the words “an unlawful purpose or used for a purpose incompatible with public interest” appearing immediately after the words “be pursued for” in paragraph (d) and substituting thereof with the words “a purpose contrary to any written law”.

CLAUSE 22

THAT clause 22 of the Bill be amended in paragraph (b) by—

- (a) deleting the word “accounting” appearing immediately after word “maintain” and substituting therefor the words “financial records”; and
- (b) inserting the words “annual financial records and” immediately after the words “and submit its”.

CLAUSE 23

THAT clause 23 of the Bill be amended—

- (a) in paragraph (c) by inserting the words “physical and virtual” immediately before the words “facilities, suitable to” in subparagraph (i); and
- (b) by inserting the following new paragraphs immediately after paragraph (f)—
 - (g) meets the prescribed occupational safety conditions under the Occupational Safety and Health Act; and
 - (h) has no history of violation of human rights.

CLAUSE 24

THAT clause 24 of the Bill be amended in subclause (2) by inserting the words “owned by the incubator and the startups admitted to its incubation programme” immediately after the words “intellectual property rights” in paragraph (j)

CLAUSE 26

THAT clause 26 of the Bill be amended by—

- (a) deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) support startups that are developing or delivering innovative products or services that solve a specific problem or fulfil a market need;
 - (b) deleting paragraph (f) and substituting therefor the following new paragraph—

(f) equip startups with skills in raising capital and marketing their products;

(c) deleting paragraph (i) and substituting therefor the following new paragraph—

(i) support and facilitate the transfer of technology from research institutions and to the relevant startups;

(d) inserting the following new paragraph immediately after paragraph (i) —

(ia) provide remote support services to startups.

CLAUSE 27

THAT clause 27 of the Bill be amended—

(a) by renumbering the existing provision as subclause (1);

(b) in the renumbered subclause (1) by inserting the following new paragraph immediately after paragraph (e)—

(f) implement fiscal and non-fiscal incentives that target women, persons with disability and marginalized groups;

(c) by inserting the following new subclause immediately after the renumbered subclause (1)—

(2) The Cabinet Secretary responsible for finance shall, in consultation with the Cabinet Secretary, prescribe a mechanism for the provision and administration of fiscal and non-fiscal incentives under subsection (1) within one year from the commencement of this Act.

CLAUSE 28

THAT clause 28 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (c)—

(d) the prioritisation of women, marginalized groups and rural populations in the provision of financial support.

CLAUSE 30

THAT clause 30 of the Bill be amended in subclause (1) by inserting the words “relating to the startup’s product or service” immediately after the words “intellectual property rights”.

CLAUSE 32

THAT clause 32 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

(3) The Cabinet Secretary shall publish the regulations under subsection (1) within one year from the date of commencement of the Act.

CLAUSE 33

THAT clause 33 of the Bill be amended in sub-clause 2 by inserting the following new paragraph immediately after paragraph (k)—

(l) for registration of entities and admission into incubation programmes.

CLAUSE 2

THAT clause 2 of the Bill be amended—

(a) in the definition of the word “startup” by deleting the words “and a disruptive economic model” appearing immediately after the words “strong growth potential” and substituting therefor the words “intended to develop and deliver innovative products or services that solve a specific problem or fulfil a market need”;

(b) by deleting the definition of the word “startup incubator” appearing immediately after the definition of the word “cabinet secretary”; and

(c) by inserting the following new definition immediately after the definition of the word “non-governmental organization” –

“registrar” means a person appointed as a registrar under section 6(2) of this Act.

C. *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.

...../Notice of Amendments

- (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)
–

(5) 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.

...../Notice of Amendments

D. *THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)

(Sen. Crystal Asige, MP)

NOTICE is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Persons with Disabilities Bill (Senate Bills No. 7 of 2023), at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended by inserting the following paragraphs immediately after paragraph (m)—

(n) provide capacity building, funding and technical assistance to the county governments on all matters relating to persons with disabilities;

(o) consult county governments on any matter relating to persons with disabilities that affect the functions and powers of county governments; and

(p) develop programmes for care givers of persons with disabilities on specialised training, counselling and economic development.

CLAUSE 5

THAT clause 5 of the Bill be amended in subclause 2 (c) by deleting the word “establish” appearing in the introductory part of the subclause and substituting therefor the words “liaise with the Council to maintain”.

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (1) by inserting the words “free of charge” at the end of the subclause.

CLAUSE 20

THAT clause 20 (8) (c) of the Bill be amended by deleting subparagraph (vi) and substituting therefor the following paragraph—

(vi) introduction of Kenyan Sign language courses in all learning and training institutions.

CLAUSE 24

THAT clause 24 of the Bill be amended by—

(a) deleting subclause (7) and substituting therefor the following —

(7) The national and county governments shall ensure that all health institutions have an adequate number of Kenyan Sign language interpreters in their institutional structures; and

(b) inserting the following new subclause immediately after subclause (7)—

(7A) Every person with a disability has the right to access health care on the basis of free and informed consent.

CLAUSE 26

THAT clause 26 of the Bill be amended—

(a) in subclause (3) by inserting the words “and private” immediately after the word “Public”;

(b) in subclause (4) by inserting the words “and private” immediately after the word “public”;

(c) in subclause (5) by inserting the words “and private” immediately after the word “public”; and

(d) by deleting subclause (9) and substituting therefor the following subclause—

(9) All public and private institutions of higher learning shall have a common course in Kenyan Sign language.

CLAUSE 29

THAT clause 29 of the Bill be amended –

(a) in subclause (1) by inserting the words “at the” immediately after the words “cultural activities”; and

(b) by inserting the following new subclause immediately after subclause (1)—

(1A) Every person with disability shall be entitled to use recreational or sports facilities owned or operated by the national and county governments, free of charge.

CLAUSE 31

THAT clause 31 of the Bill be amended by inserting the following new subclause immediately after subclause (5)—

(5A) The Council shall consult and collaborate with the county governments and other government regulatory agencies in exercise of its functions under this section.

CLAUSE 60

THAT clause 60 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (j)—

(k) reasonable accommodation.

CLAUSE 62

THAT clause 62 of the Bill be amended by deleting subclause (2).

NEW CLAUSES

NEW CLAUSE 78A

THAT the Bill be amended by inserting the following new clause immediately after clause 78 —

Consultation between the National and county governments.	78A. (1) The national and county governments shall perform their functions and powers under this Act on the basis of consultation and cooperation. (2) The Council shall, in carrying out its functions under this Act, consult the council of county governors on any matter that affects the functions and powers of county governments.
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NEW CLAUSE 84A

THAT the Bill be amended by inserting the following new clause immediately after clause 84 —

Abolishment of the National Fund for the Disabled of Kenya.	84A. (1) The National Fund for the Disabled of Kenya established under the Trustees (Perpetual Succession) Act is hereby abolished. (2) Notwithstanding subsection (1), the National Fund for the Disabled of Kenya shall be merged with the National Development Fund for Persons with Disabilities established under section 32 of the Persons with Disabilities Act, No. 14 of 2003.
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...../Notice of Amendments

(3) The National Fund for the Disabled in Kenya shall continue to be administered by the Board of Trustees of the National Development Fund for Persons with Disabilities until the National Development Fund for Persons with Disabilities is reestablished by the Cabinet Secretary responsible for matters relating to finance through regulations made under the Public Finance Management Act, No. 18 of 2012.

(4) The provisions of section 84 (1) shall, with modifications, apply to the abolished National Fund for the Disabled of Kenya.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following definition immediately after definition of the term “assistive devices”—

"building" means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;

APPENDIX

1. PETITIONS

- i.) Petition to the Senate by Mr. Taratisio Ileri Kawe concerning introduction of an amendment to the Constitution of Kenya and other relevant laws on the election of the Deputy President and Deputy Governors.

(The Speaker of the Senate)

- ii.) Petition to the Senate by Mr. Lenox M. Mshila concerning discrimination in the payment of hardship allowance to teachers in Taita Taveta County.

(Sen. Johnes Mwaruma, MP)

2. PAPERS

- i.) The Architects and Quantity Surveyors (Amendment) By-Laws, Legal Notice No. 133 of 2023.
- ii.) Annual National Government Budget Implementation Review Report by the Office of the Controller of Budget for the financial Year 2022/2023.

(The Senate Majority Leader)

3. QUESTIONS AND STATEMENTS

STATEMENTS PURSUANT TO STANDING ORDER 53(1)

- i.) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the status of construction of stadiums in Vihiga County.
- ii.) The Senator for Meru County (Sen. Kathuri Murungi, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the designation of Kenya Association of the Bus Manufacturers (KABM) as a conformity assessment provider.
- iii.) The Senator for Nakuru County (Sen. Tabitha Karanja Keroche, MP) to seek a statement from the Standing Committee on Health regarding the state of healthcare in Nakuru County.

...../Appendix

(No. 080) WEDNESDAY, SEPTEMBER 20, 2023 (AFTERNOON SITTING) (1467)

- iv.) The Senator for Nakuru County (Sen. Tabitha Karanja Keroche, MP) to seek a statement from the Health concerning the unprocedural dismissal of healthcare workers in Nakuru County.
- v.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the construction of six interchanges on the Nairobi's Western Bypass.
- vi.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the status of rehabilitation and expansion of Airports and Airstrips in Kenya.
- vii.) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Education concerning the management of the Taita Taveta revolving education fund.
- viii.) The Senator for Lamu County (Sen. Joseph Githuku, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the security situation in Lamu County.
- ix.) The Senator for Lamu County (Sen. Joseph Githuku, MP) to seek a statement from the Standing Committee on Health concerning the status of healthcare provision in Mpeketoni Sub-County in Lamu County.
- x.) The Senator for Machakos County (Sen. Agnes Kavindu, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the incessant human-wildlife conflicts in Masinga Dam and Ol-Donyo Sabuk game reserve in Machakos County.
- xi.) The Senator for Kiambu County (Sen. Karungo Thangwa, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the status of exploration of the Turkana aquifers.

...../Notice Paper

NOTICE PAPER

Tentative Business for

Thursday, September 21, 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, September 21, 2023 (Afternoon Sitting).

A. BILLS AT SECOND READING STAGE

- i.) *THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)
(Sen. Beatrice Ogolla, MP)
- ii.) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
(Sen. James Kamau Murango, MP)
- iii.) *THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)

B. MOTIONS

DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES
(Sen. Crystal Asige, MP)
