



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, NOVEMBER 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 (as listed in the Appendix)
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. *****THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)**
(The Senate Majority Leader)

(First Reading)

9. **PROCEDURAL MOTION - ALTERATION OF THE HOURS OF MEETING FOR TUESDAY, 7TH AND WEDNESDAY, 8TH NOVEMBER, 2023**
(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023, and on 29th March, 2023 pursuant to Standing Order 32 on the approval of the Senate Calendar (Regular Sessions) for the Second Session, 2023 and pursuant to Standing Order 34 (4) (b), the Senate resolves to alter its hours of meeting on Tuesday, 7th November, 2023 and Wednesday, 8th November, 2023 as follows-

- i. morning sittings at 9.00 am to 1.00 pm; and
- ii. afternoon sittings at 2.30 pm until conclusion of Business listed in the Order Paper of the day;

in order to investigate the proposed removal from office by impeachment of the Honourable Kawira Mwangaza, the Governor of Meru County.

...../Bills

- 10. **MOTION – REPORT OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET**
(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, September 20, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

*(Resumption of debate interrupted on Thursday 19th October, 2023)
(Mover to Reply)*

- 11. ***THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)**
(Sen. Miraj Abdillahi Abdulrahman, MP)

(Second Reading)

*(Resumption of debate interrupted on Wednesday, 1st November, 2023 –
Afternoon Sitting)
(Mover to Reply)*

- 12. ****THE EQUALIZATION FUND APPROPRIATION BILL, (SENATE BILLS NO. 30 OF 2023)**
(The Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

*(Resumption of debate interrupted on Wednesday 18th October, 2023 –
Afternoon Sitting)
(Division)*

- 13. **COMMITTEE OF THE WHOLE**
***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**
(Sen. Mariam Sheikh Omar, MP)

- 14. **COMMITTEE OF THE WHOLE**
***THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILLS NO. 12 OF 2022)**
(Sen. Maureen Tabitha Mutinda, 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 START-UP BILL (SENATE BILLS NO. 14 OF 2022)**
(Sen. Crystal Asige, MP)
- 17. **COMMITTEE OF THE WHOLE**
***THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**
(Sen. Crystal Asige, MP)
- 18. **COMMITTEE OF THE WHOLE**
***THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 9 OF 2023)**
(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)
- 19. ***THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)**
(Sen. Samson Cherarkey, MP)

(Second Reading)

(Resumption of debate interrupted on Wednesday, 1st November, 2023 – Afternoon Sitting)
- 20. *****THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILLS, 2023 (NATIONAL ASSEMBLY BILLS NO. 21 OF 2023)**
(The Senate Majority Leader)

(Second Reading)
- 21. **THE WATER (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILLS NO. 33 OF 2023)**
(The Senate Majority Leader)

(Second Reading)
- 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;

...../Motion

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.

(Resumption of debate interrupted on Wednesday, 1st November, 2023 – Morning Sitting – Balance of time – 2hrs)

23. **MOTION - DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA**

(Sen. Catherine Mumma, MP)

AWARE THAT the Constitution has entrenched a strong Bill of Rights in Chapter 4, which recognizes human rights including socio-economic rights and the principle of equality and non-discrimination;

FURTHER AWARE THAT Kenya lacks a policy for guiding the management of these Social Risks in the design and implementation of infrastructure projects;

CONCERNED THAT inadequate attention to social risks in the planning and implementation of development projects at both national and county levels makes them unacceptable and end up costing the taxpayer colossal sums of money in suits filed before the courts and tribunals by local communities and affected interest groups seeking protection from such social risks;

NOW, THEREFORE, the Senate resolves that:

1. The National and County Governments develop a Social Risk Management Policy that outlines the standards, guidelines and procedures for guiding infrastructure and other development projects both at the national and county governments; and
2. The national executive establishes an independent multi-sectoral agency under the authority of the Cabinet secretary in charge of Social Security and Protection to design a mechanism that can factor in the inclusion of Social Impact Assessments standards and monitor their implementation in infrastructure and other development projects in Kenya.

...../Motion

24. **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.

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

A. *THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)

(Sen. Mariam Sheikh Omar, MP)

NOTICE is given that the Chairperson, Standing Committee on Trade, Tourism and Industrialization, intends to move the following amendments to the County Licensing (Uniform Procedures) Bill, (Senate Bills No. 32 of 2020), at the Committee Stage-

CLAUSE 4

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

(e) establishing and implementing a system that designates different codes for the different categories of licences issued by that authority.

CLAUSE 6

THAT clause 6 of the Bill be amended by—

(a) inserting the words “producers, suppliers and service providers” immediately after the words “rights of consumers” appearing in paragraph (a); and

(b) inserting the following new paragraph immediately after paragraph (e)—

(f) ensure that each category of the licences offered by the county government is designated a unique code.

CLAUSE 16

THAT clause 16 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (a)—

(aa) the code of the category of the licence.

CLAUSE 23

THAT clause 23 of the Bill be amended in subclause (3) by inserting the following new paragraph immediately after paragraph (b)—

(c) make the register accessible to the public online.

CLAUSE 24

THAT clause 24 of the Bill be amended by inserting the following new subclause immediately after subclause (5)—

(6) Pursuant to section 20(1)(a) and (c) of the Intergovernmental Relations Act, the Council of County Governors shall provide a platform for consultation and collaboration by county governments in –

- (a) establishing a system to facilitate the effective implementation of this Act; and
- (b) establishing and implementing harmonised processes for issuance of licences and imposition of fees where goods are transported across different counties.

CLAUSE 28

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

(ca) a coding system for all categories of licences issued by the county government.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 26—

Breach of the Act. of **26A.** A person who contravenes a provision of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months or to both.

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

(Sen. Maureen Tabitha Mutinda, MP)

NOTICE is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Agricultural and Livestock Extension Services Bill, (Senate Bills No. 12 of 2022) at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended in paragraph (e) by deleting the words “services industry” appearing immediately after the words “in the extension” and substituting therefor the word “service”.

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) In developing the National Extension Services Policy, the Cabinet Secretary shall have regard to—

- (a) the need for an effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the extension services;
- (b) adequate capacity development by imparting skills, knowledge and practices in support of players in the extension services sector;
- (c) the effective participation of stakeholders and communities at the national and county levels of government;
- (d) the development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of extension services;
- (e) the need to have a mechanism to monitor and evaluate the implementation of the policy in the development and regulation of the extension services;
- (f) the resources required at the national and county levels of government for the effective implementation of the policy; and
- (g) the capacity building programmes and strategies needed to be carried out to ensure that extension services providers are able to respond to the needs identified for the implementation of the policy.

CLAUSE 5

THAT clause 5 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclauses —

(1) Each county executive committee member shall formulate and publish, in the *Gazette*, a county specific extension services strategy.

(2) in formulating the strategy take into account the national agricultural and livestock policy formulated by the Cabinet Secretary under section 4.

CLAUSE 8

THAT clause 8 of the Bill be deleted and substituted therefor with the following new clause—

Functions of **8.** (1) The functions of the Service shall be to—
the service.

- (a) enhance the competitiveness of the agriculture and livestock industry in Kenya in an increasingly competitive environment;
- (b) increase the long-term productivity of agriculture and livestock industry in Kenya while maintaining and enhancing the natural resource base on which the national and county government’s agricultural economy depend on;
- (c) develop new uses and products for agricultural commodities and develop alternative production methods for the production of new crops; and
- (d) improve risk management in the agriculture and livestock industry in Kenya.

(2) In the performance of its functions under subsection (1), the Service shall—

- (a) support the provision of agricultural research on extension services to promote economic opportunities in rural communities and meet the demand for information and technology transfer throughout the agriculture industry in Kenya;
- (b) collaborate with county governments in —
 - (i) improving the coordination and planning of agricultural research, extension and training programs;
 - (ii) identifying needs and establishing priorities for programs under subparagraph (i);
 - (iii) realising the implementation of national agricultural research, extension and training objectives in the respective counties; and

- (iv) ensuring that the results of agricultural research are effectively communicated and demonstrated to users including farmers, processors, handlers, consumers who can benefit from them;
- (c) maintain and disseminate information on standards for the supply of nutritious and safe food by the county governments;
- (d) facilitate the transfer of technology;
- (e) encourage the use of information communication and technology by developing and packaging information in simple, easily accessible digital systems;
- (f) collaborate with international entities in order to leverage on resources, priority food and agricultural interests including addressing emerging plant and animal diseases, improving crop varieties and animal breeds and developing safe, efficient and nutritious food systems;
- (g) mobilise resources at the national level of government for investment in development and implementation of extension service programs in the counties;
- (h) develop and coordinate intergovernmental relation mechanisms in the delivery of services related to extension services;
- (i) provide technical assistance and capacity building to the county governments on matters relating to extension services;
- (j) approve institutions for the training of extension services; and
- (k) establish, approve and accredit programs for continuing professional development programs.

CLAUSE 10

THAT clause 10 of the Bill be amended —

- (i) in subclause (2) by inserting the expression “(a)” immediately after the words “under subsection (1)”;
- (ii) by renumbering subclause (4) as subclause (3).

CLAUSE 11

THAT clause 11 of the Bill be amended in subclause (1) by—

- (i) inserting the expression “(a)” immediately after the words “under section 10(1)” appearing in the introductory clause; and
- (ii) inserting the words “in agriculture or a related field” immediately after the words “holds a degree” appearing at the beginning of paragraph (b).

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (1)(i) by deleting the word “sector” appearing immediately after the words “players in the” and substituting therefor the word “industry”.

CLAUSE 26

THAT clause 26 of the Bill be amended in –

(a) subclause (1) by–

- (i) deleting the word “sector” appearing immediately after the words “the extension services” in paragraph (a);
- (ii) deleting the word “industry” appearing immediately after the words “on extension services” in paragraph (c);
- (iii) deleting the word “sector” appearing immediately after the words “the extension services” in paragraph (e); and

(b) subclause (2) by deleting the words “the permits” appearing immediately after the words “applications for” in paragraph (b) and substituting therefor the word “registration”.

CLAUSE 30

THAT clause 30 of the Bill be amended in—

- (a) subclause (1) by deleting the word “yearly” appearing immediately after the words “year and the” and substituting therefor the word “annual”; and
- (b) subclause (2) by deleting the words “to him” appearing immediately after the words “and statements submitted”.

CLAUSE 33

THAT clause 33 of the Bill be amended by—

- (a) renumbering the existing provision as subclause (1); and
- (b) inserting the following new subclause immediately after subclause (1).
 - (2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may prescribe the minimum standards with regard to the —
 - (a) training of extension services officers;
 - (b) professional qualifications of extension services officers;
 - (c) certification and registration with respect to extension services; and
 - (d) remuneration of extension services officers.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 26—

CLAUSE 26A

26A. (1) A county public service board shall competitively recruit and appoint such extension services officers as it may consider necessary for the proper and efficient implementation of this Act. Recruitment of extension services officers

(2) In recruiting the extension services officers under subsection (1), the county service board shall ensure that sufficient officers are recruited and deployed at the grassroot level.

(3) Each county government shall provide the necessary infrastructure and funds necessary for the implementation of extension services within the county.

CLAUSE 26B

26B (1) A person is qualified for employment as an extension services officer if the person holds a certificate in an extension services related course from a tertiary institution recognized in Kenya. Qualification for extension services officers.

(2) A County government may through legislation, prescribe additional qualifications as it may deem necessary.

CLAUSE 26C

26C. (1) An extension services officer or a private entity that intends to provide extension services, shall register with the respective county government in which they intend to provide the services. Registration of extension services officers.

(2) An extension service officer or private entity shall furnish the officer appointed under section 26D(3) with change of details within seven days of the occurrence of the change.

CLAUSE 26D

26D. (1) Each county executive committee member shall keep and maintain a register of — Register of extension services providers.

(a) extension service officers registered in the respective county; and

(b) private entities providing extension services in the respective county.

(2) The register under subsection (1) shall include the following—

...../Notice of Amendments

- (a) in the case of an extension service officer-
 - (i) name
 - (ii) identification details as per the identification document;
 - (iii) contact details;
 - (iv) qualifications;
 - (v) information on current status of employment; and
 - (vi) such other information as the county executive committee member shall prescribe in county legislation.
- (b) in the case of a private entity-
 - (i) name of the entity;
 - (ii) number and details of extension officers employed by the entity;
 - (iii) area of specialty; and
 - (iv) location of the office headquarters and branches if any.

(3) The County executive committee member shall designate a public officer within the county public service as a registrar to keep and maintain the register under subsection (1).

CLAUSE 26E

26E. (1) Each county executive committee member shall publish on a website maintained by the county government and on such other platform as the committee member may consider appropriate, information on the — Publicizing extension services.

- (a) extension services available in the county; and
- (b) extension services officers delivering the services within the county.
- (2) The information published under subsection (1) shall include-
 - (a) emerging pest and diseases that may affect crops and livestock in the county;
 - (b) the major challenges faced by farmers and the action required to prevent or mitigate such challenges;
 - (c) the preventive and curative measures available to the farmers;
 - (d) information about resources available to support farmers within the County; and
 - (e) such other information relating to extension services that the county executive committee member may consider necessary.

(3) The information under subsection (1) shall be accessible to the residents of the county and shall be published in a format that is easy to understand.

NEW CLAUSE 32A

THAT the Bill be amended by inserting the following new clause immediately after clause 32—

32A. A person offering extension services shall adhere to such procedures, standards, code of ethics and guidelines as may be prescribed under this Act or any other written law.

...../Notice of Amendments

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 licensing matters relating to trade shall, for the effective performance of committee 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) –
 - (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.

D. *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.

E. 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. |
|---|--|

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. |
|--|---|

(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;

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

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

NOTICE is hereby given that the Chairperson of the Senate Standing Committee on Education, intends to move the following amendments to the Kenyan Sign Language Bill, (Senate Bills No. 9 of 2023) at the Committee Stage –

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (2) by deleting the words “The community of deaf persons” appearing at the beginning of the subclause and substituting therefor the words “The Deaf community”.

CLAUSE 6

THAT clause 6 of the Bill be amended –

- (a) in subclause (1) by deleting the words “Signed English” appearing immediately after the words “to use Kenyan” in paragraph (d) and substituting therefor the words “Sign Language”; and
- (b) in subclause (2) by deleting the words “signed English” appearing immediately after the words “to use Kenyan” and substituting therefor the words “Sign Language”.

CLAUSE 7

THAT clause 7 of the Bill be amended in –

- (a) paragraph (f) by deleting the words “institutions of education for the deaf cater for” appearing at the beginning of the paragraph and substituting therefor the words “ensure that educational institutions for the Deaf provide”; and
- (b) paragraph (h) by deleting the word “recognized” appearing immediately after the words “who are attending” and substituting therefor the word “public”.

CLAUSE 9

THAT the Bill be amended by deleting clause 9.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (1) by deleting the words “National Accreditation Agency” appearing immediately after the words “with the Kenya” and substituting therefor the word “Accreditation Service”.

CLAUSE 12

THAT the Bill be amended in clause 12 by deleting subclause (2) and substituting therefor the following new subclause –

- (2) A person shall be nominated as a registrar under subsection (1) if that person –
 - (a) is a citizen of Kenya;
 - (b) holds a degree in social sciences or its equivalent from a university recognized in Kenya;
 - (c) has at least five years experience in Kenyan sign language proficiency; and
 - (d) meets the requirements of Chapter Six of the Constitution.

CLAUSE 19

THAT the Bill be amended by deleting clause 19 and substituting therefor the following new clause –

Action plan. **19.** (1) The Cabinet Secretary shall, in consultation with the most representative registered association for the Deaf, National Council for Persons with Disabilities and the Council of County Governors develop a Kenyan Sign language action plan twelve months upon the commencement of this Act.

- (2) A plan developed under subsection (1) shall include –
 - (a) an assessment of the accessibility of National and county government services by members of the Deaf community; and
 - (b) a statement on the actions proposed to be taken by National and county governments so as to take into consideration the needs of the Deaf community in delivery of services.

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting –

- (a) the definition of the term “Kenya signed English”; and
- (b) the definition of the term “Kenya sign language” and substituting therefor the following new definition —

“Kenyan Sign Language” means the sign language used by the Deaf community and includes other types of language like Kenyan Signed English, pidgin, cued speech, contact sign language for the Deaf blind and other sign language based medium of communication as may emerge from time to time to meet unique needs of the Deaf community.

APPENDIX

1. PETITIONS

- i.) Petition to the Senate by Hon. Simon Lenguiya, a resident of Narok County and a Member of the Narok County Assembly concerning academic qualifications required to be a Speaker of either a County Assembly, the Senate or the National Assembly.

(The Speaker of the Senate)

- ii.) Report of the Standing Committee on Roads, Transportation and Housing on a Petition to the Senate by Mr. John Tsuma and other residents of Buxton estate regarding eviction from and demolition of Buxton estate in Mvita Constituency of Mombasa County.

(The Chairperson, Standing Committee on Roads, Transportation and Housing)

2. PAPER

Report of the Auditor General on the financial statements of the Kombewa County Hospital, County Government of Kisumu for the year ended 30th June, 2022.

(The Senate Majority Leader)

3. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52(1)

Nominated Senator (Sen. Esther Okenyuri, MP) to make a statement concerning the state visit to Kenya by His Majesty King Charles III and Her Majesty Queen Camilla of the United Kingdom.

b) Pursuant to Standing Order 53(1)

- i.) Seneta wa Kaunti ya Bungoma (Sen. David Wakoli, Mb) kuomba kauli kutoka kwa Kamati ya Kudumu ya Elimu kuhusu ongezeko la visa vya mimba za mapema kwa wanafunzi wa shule za upili katika Kaunti ya Bungoma.
- ii.) Seneta wa Kaunti ya Bungoma (Sen. David Wakoli, Mb) kuomba kauli kutoka kwa Kamati ya Kudumu ya Barabara, Uchukuzi na Makao kuhusu hali ya ujenzi wa barabara pacha kutoka makutano ya Sang'alo hadi Kanduyi katika Kaunti ya Bungoma.
- iii.) The Senator for Migori County (Sen. Eddy Oketch, MP) to seek a statement from the Standing Committee on Labour and Social Welfare concerning the position of 'Advisor' in the Public Service.

...../Appendix

- iv.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the handover of unfinished projects from the Third to the Fourth County Governments of Turkana.
- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the sale of affordable units under the Marsabit Housing Project in Marsabit County.
- vi.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the upgrade to bitumen standard of the Odda-Bute-Danaba road in Wajir and Marsabit Counties.
- vii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of Korongo road in Karen, Nairobi City County.

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

The Chairperson, Standing Committee on Roads, Transportation and Housing to make a statement on the progress made on the consideration of the following six Statements-

- i. Statement by Sen, Crystal Asige, MP regarding retesting of Public Service Vehicles (PSV) upon expiry of their driving licenses;
- ii. Statement sought by Sen. Joseph Kamau, MP regarding the construction status of the road connecting Lake Kenyatta Primary School to Uziwa Junction, Lamu County;
- iii. Statement sought by Sen. Kathuri Murungi. MP on the progress of the evaluation of tenders and the commencement of dualling works of Meru Town Roads B66/A9 project Phase One;
- iv. Supplementary information to a Statement on the illegal diversion of staff training funds from the accounts of the Kenya Maritime Authority;
- v. Statement by Sen. James Kamau Murango, MP regarding speeding by drivers transporting *miraa* in parts of Kirinyaga County; and
- vi. Supplementary information to a Statement by Sen. Beatrice Ogolla, MP regarding death of boda boda riders and their passengers by sugarcane trailers of a local sugar miller (Sukari Industry) in Ndhiwa Constituency.

d) Pursuant to Standing Order 57(1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 7th November, 2023.

NOTICE PAPER

Tentative Business for

Tuesday, November 07, 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 Tuesday, November 07, 2023.

A. BILLS AT THE SECOND READING STAGE

- i.) *THE TEA (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2023)
(Sen. Wakili Hillary Sigei, MP)
- ii.) *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)
(Sen. Moses Kajwang' MP)
- iii.) **THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)
(The Chairperson, Standing Committee on Labour and Social Welfare)
- iv.) **THE COFFEE BILL (SENATE BILLS NO. 10 OF 2023)
(The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

B. MOTIONS

REPORT OF THE AD-HOC COMMITTEE TO INVESTIGATE THE PROLIFERATION OF RELIGIOUS ORGANISATIONS AND CIRCUMSTANCES LEADING TO MORE THAN 95 DEATHS IN SHAKAHOLA, KILIFI COUNTY.
(Chairperson of the Ad-Hoc Committee)
