



REPUBLIC OF KENYA

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**ORDER PAPER**

**THURSDAY, SEPTEMBER 21, 2023 AT 2.30 PM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers
6. Notices of Motion
7. Questions and Statements (as listed in the Appendix)
8. **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, 19<sup>th</sup> 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.

***(Resumption of debate interrupted on Wednesday, 20<sup>th</sup> September, 2023 – Afternoon Sitting)***

9. **\*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)***

...../Motion

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

(The Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 9<sup>th</sup> August, 2023 – Afternoon Sitting)***

***(Division)***

11. **\*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 19<sup>th</sup> September, 2023)***

***(Division)***

12. **COMMITTEE OF THE WHOLE**

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

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

***(Resumption of debate interrupted on 9<sup>th</sup> August, 2023)***

***(Division)***

13. **\*THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)**

(Sen. Beatrice Ogolla, MP)

*(Second Reading)*

14. **\*THE RICE BILL (SENATE BILLS NO. 19 OF 2023)**

(Sen. James Kamau Murango, MP)

*(Second Reading)*

15. **\*THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)**

(Sen. Miraj Abdillahi Abdulrahman, MP)

*(Second Reading)*

16. **MOTION - DESIGNATION OF A MONTHLY CAR FREE DAY AND COUNTY CAR FREE ZONES**

(Sen. Crystal Asige, MP)

**THAT AWARE THAT,** Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

...../Bills

**NOTING THAT** the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions which if uncontrolled, will result to negative impact of climate change that will adversely affect millions of Kenyans;

**CONCERNED THAT** the number of private vehicles has significantly grown leading to increased road accidents, carbon emission and vehicle congestion costs which are in excess of Kshs. 100 billion in GDP per year;

**NOW THEREFORE** the Senate urges the Ministry of Roads and Transport, in collaboration with the Council of Governors, and the National Climate Change Council to;

- i.) identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas;
- ii.) provide affordable, safe and efficient public transport including but not limited to development of Bus Rapid Transport (BRT) in the urban areas;
- iii.) encourage the use of electric hybrid buses and provide appropriate incentives for their use; and
- iv.) design an infrastructure that can support non – motorized transport facilities such as pedestrian and bicycle access within urban centers; and
- v.) ensure inter-modal connectivity among the various transport modes.

17. **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, 31<sup>st</sup> May, 2023.

...../Motion

18. **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, 31<sup>st</sup> May, 2023.

19. **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, 31<sup>st</sup> May, 2023.

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...../Notice

NOTICE

The Senate resolved on 15<sup>th</sup> 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 –

...../Notice of Amendments

(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.	<b>28.</b> 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”  
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;

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**APPENDIX**

**1. PETITION**

Report of the Standing Committee on Devolution and Intergovernmental Relations on its consideration of a Petition by Ms. Ann Gitau on behalf of Kajiado Municipality Clothes Market Traders regarding the refurbishment and expansion of Kajiado Municipality Market by the County Government of Kajiado.

*(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)*

**2. QUESTIONS AND STATEMENTS**

**STATEMENTS**

**a) Pursuant to Standing Order 53(1)**

- i.) 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).
- ii.) Nominated Senator (Sen. Esther Okenyuri, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the drugging of revelers in entertainment spots.
- iii.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Education concerning the plight of Early Childhood Development Education (ECDE) teachers in Nandi County.
- iv.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding the sustainability of Kenya Airways.

**b) 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, 26<sup>th</sup> September, 2023.

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# NOTICE PAPER

## Tentative Business for

**Tuesday, September 26, 2023**

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*(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, September 26, 2023.

### **A. BILLS AT SECOND READING STAGE**

- i.) \*\*\*\*THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (SENATE BILLS NO. 22 OF 2023)  
(The Senate Majority Leader)
  
- ii.) \*\*THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 8 OF 2023)  
(The Chairperson, Standing Committee on Labour and Social Welfare)
  
- iii.) \*THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO.12 OF 2023)  
(Sen. Samson Cherarkey, MP)

### **B. MOTIONS**

DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS  
(Sen. William Cheptumo, MP)

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