



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

AFTERNOON SITTING

WEDNESDAY, OCTOBER 04, 2023 AT 2.30 PM

PRAYER

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***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)
9. **COMMITTEE OF THE WHOLE**
****THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)**
(The Chairperson, Standing Committee on Finance and Budget)
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***THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)**
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***THE PERSONS WITH DISABILITIES BILL (SENATE BILLS NO. 7 OF 2023)**
(Sen. Crystal Asige, MP)
15. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2023)**
(Sen. Moses Kajwang' MP)

(Second Reading)

16. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE EDWARD OTIENO ONYANGO DUE TO ALLEGED MEDICAL NEGLIGENCE**
(The Chairperson, Standing Committee on Health)

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

17. **MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE DEATH OF THE LATE MAUREEN ANYANGO AT MAMA LUCY KIBAKI HOSPITAL DUE TO ALLEGED MEDICAL NEGLIGENCE**
(The Chairperson, Standing Committee on Health)

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

18. **MOTION- ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE CIRCUMSTANCES THAT LED TO THE DEATH OF THE LATE MASTER TRAVIS MAINA AT KENYATTA NATIONAL HOSPITAL**
(The Chairperson, Standing Committee on Health)

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

...../*Motion*

19. **MOTION – ADOPTION OF THE 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.

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

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

(b) in subclause (3) by –

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

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

CLAUSE 7

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

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

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

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

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

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

CLAUSE 8

THAT clause 8 of the Bill be amended –

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

(b) in subclause (2) by –

(i) deleting the words “learners with” appearing immediately after the words “the needs of” in paragraph (e);

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

CLAUSE 9

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

CLAUSE 12

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

CLAUSE 13

THAT the Bill be amended by deleting clause 13.

CLAUSE 14

THAT the Bill be amended by deleting clause 14.

CLAUSE 15

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

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

CLAUSE 23

THAT the Bill be amended by deleting clause 23.

CLAUSE 24

THAT clause 24 of the Bill be amended in –

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

CLAUSE 25

THAT clause 25 of the Bill be amended in –

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

CLAUSE 26

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

CLAUSE 28

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

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

CLAUSE 29

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

CLAUSE 30

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

CLAUSE 35

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

CLAUSE 39

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

CLAUSE 41

THAT clause 41 of the Bill be amended by –

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

CLAUSE 42

THAT clause 42 of the Bill be amended –

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

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

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

CLAUSE 45

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

CLAUSE 2

THAT clause 2 of the Bill be amended –

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

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

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

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

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

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

—

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

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

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

(The Chairperson, Standing Committee on Finance and Budget)

NOTICE is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Equalisation Fund (Administration) Bill, (Senate Bills No. 14 of 2023), at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) provide for completion of projects under policies developed by the Commission on Revenue Allocation under Article 216(4) of the Constitution.

CLAUSE 6

THAT clause 6 of the Bill be amended by-

(a) in paragraph (f) by deleting the words “one person” appearing immediately before the words “nominated by the Council” and substituting therefor the words “two persons”;

(b) by deleting paragraph (h) and substituting therefor the following new paragraph-

(h) one person representing persons with disabilities appointed by the cabinet secretary;

(c) by deleting subclause (3) and substituting therefor the following new subclause-

(3) The persons appointed under subsection (1)(d),(e), (f) and (h) shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.

CLAUSE 8

THAT the Bill be amended by deleting clause 8.

...../Notice of Amendments

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (1) by deleting the words “these Guidelines” appearing immediately after the words “Revenue Allocation and” in paragraph (g) and substituting therefor the words “this Act”.

CLAUSE 11

THAT clause 11 of the Bill be amended by deleting the expression “CS” appearing immediately after the word “The” and substituting therefor the words “Cabinet Secretary”.

CLAUSE 12

THAT clause 12 of the Bill be amended-

- (a) in paragraph (a) by deleting the words “these Guidelines” appearing immediately after the words “its power under” and substituting therefor the words “this Act”;
- (b) in paragraph (c) by deleting the words “these Guidelines” appearing immediately after the words “the Board under” and substituting therefor the words “this Act”.

CLAUSE 13

THAT clause 13 of the Bill be amended by inserting the following new subclause immediately after subclause (3)-

- (4) Subsection (3) shall come into force and be applicable with respect to the financial year in which this Act comes into force and shall not apply with respect to preceding financial years.

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (2) by deleting paragraph (b) and substituting therefor the following new paragraph-

- (b) has at least ten years’ experience at a senior management level in financial management, business administration, economics or law.

CLAUSE 17

THAT clause 17 of the Bill be amended-

- (a) in the introductory clause by deleting the words “Each County Commissioner of an eligible county shall” appearing immediately before the words “establish and convene” and substituting therefor the words “The Board shall, in every eligible county”;
- (b) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) the County Commissioner and the Governor who shall be co-chairpersons;

(c) by deleting paragraph (e) and substituting therefor the following new paragraph-

(e) a public officer employed in the respective county government with technical expertise in areas that the prioritized projects fall; and

(d) by deleting paragraph (f).

CLAUSE 19

THAT clause 19 of the Bill be amended –

(a) in the introductory clause by deleting the words “The County Commissioner of an eligible county shall” appearing immediately before the words “establish a sub-county” and substituting therefor the words “The Board shall, in every eligible county”;

(b) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) the deputy county commissioner and the sub-county administrator who shall be co-chairpersons;

(c) by deleting paragraph (b) and substituting therefor the following new paragraphs-

(b) not more than two public officers designated by the county executive committee member with technical expertise in the areas of the prioritized projects;

(ba) not more than two public officers appointed by the Cabinet Secretary with technical expertise in the areas of the prioritized projects;

CLAUSE 21

THAT clause 21 of the Bill be amended in the introductory clause by deleting the words “The County Commissioner of an eligible county shall” appearing immediately before the words “establish a Project Identification” and substituting therefor the words “The Board shall, in every eligible county”.

CLAUSE 25

THAT clause 25 of the Bill be amended by deleting subclause (4).

NEW CLAUSE 13A

THAT the Bill be amended by inserting the following new clause immediately after clause 13-

- Conduct of the Board. **13A.** (1) The Board shall conduct its affairs in accordance with the Schedule.
- (2) Except as provided in the Schedule, the Board may regulate its own procedure.

SCHEDULE

THAT the Bill be amended by inserting the following new schedule

SCHEDULE (13A)

PROVISIONS RELATING TO MEETINGS OF THE ADVISORY BOARD

1. The Board shall meet at least once in every three months to conduct the business of the Board of Authority.
2. The chairperson may on his or her own motion, or upon request by a member, call a special meeting of the Board at any time, where he or she considers it expedient for the transaction of the business of the Board.
3. Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board of the Authority shall be given to every member of the Board by the secretary.
4. The quorum at a meeting of the Board of the Authority shall be half of the members.
5. The chairperson shall preside at the meetings of the Board of the Authority and in the absence of the chairperson, the vice-chairperson or a member of the Board elected by the members present from among their number shall preside.
6. The matters of the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

...../Notice of Amendments

7. The proceedings of the Board of the Authority shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

8. At the first meeting of the Board, the members shall elect a vice-chairperson, not being an *ex-officio* member, from among its members.

9. Subject to the provisions of this Schedule, the Board may determine its own procedure and the procedure for any committee of the Board and for attendance of any other persons at the meetings of the Board.

CLAUSE 2

THAT clause 2 of the Bill be amended by-

- (a) inserting the following new definition immediately after the definition of the word “eligible county”-

“First Policy” means the first policy determined by the Commission on Revenue Allocation under Article 216(4) of the Constitution in identifying marginalized areas for purposes of Article 204(2) of the Constitution;

- (b) by deleting the definition of the word “revenue” and substituting therefor the following new definition-

“revenue” means the total revenue collected by the National Government including ordinary revenue and Appropriations in Aid.

C. *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. **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.

D. *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 4

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

- (1) 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 industry;
 - (b) adequate capacity development and support for stakeholders in the extension services industry;
 - (c) the 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 the extension services industry;
 - (e) the need to have in place a framework to monitor and evaluate the implementation of the policy in the development and regulation of the extension services industry;
 - (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 sub-clause (1) and substituting therefor the following new clause —

- (1) Each county executive committee member shall formulate and publish, in the *Gazette*, a county specific extension services strategy and shall, 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 world 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 Counties and the National Government agricultural economy depend on;
- (c) develop new uses and new products for agricultural commodities and come up with alternative production methods to develop new crops; and
- (d) improve risk management in the agriculture and livestock industry in Kenya.

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

- (a) support agricultural research on extension services to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the agriculture industry in Kenya;
- (b) collaborate with the county governments in —
 - (i) improving the coordination and planning of agricultural research, extension, and teaching programs;
 - (ii) identifying needs and establishing priorities for these programs;

- (iii) ensuring that national agricultural research, extension, and teaching objectives are fully achieved; and
 - (iv) ensuring that the results of agricultural research are effectively communicated and demonstrated to farmers, processors, handlers, consumers, and all other users who can benefit from them.
- (c) maintain and disseminate information on standards for supply of nutritious and safe food by the county governments;
- (d) facilitate transfer of technology;
- (e) encourage the use of information communication 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 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 in subclause (2) by inserting the expression “(a)” immediately after the words “under section 11(1)”.

CLAUSE 11

THAT clause 11 of the Bill be amended in subclause (1) by inserting the expression “(a)” immediately after the words “under section 11(1)”.

CLAUSE 14

THAT clause 14 of the Bill be amended in sub-clause (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) –

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

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

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”.

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

(Sen. Enoch Wambua, MP)

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

CLAUSE 7

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

CLAUSE 10

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

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

(2) A county licensing committee shall consist of —

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

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

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

CLAUSE 11

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

CLAUSE 13

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

CLAUSE 15

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

CLAUSE 16

THAT clause 16 of the Bill be amended-

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

CLAUSE 19

THAT clause 19 of the Bill be amended-

- (a) in sub-clause (2) by inserting the words “responsible for matters relating to trade” immediately after the words “ committee member”.
- (b) by deleting sub-clause (3) and substituting therefor the following new subclause-
 - (3) A county executive committee member shall furnish the Authority with information on all growers registered in the county, on the fifth day of every month.
- (c) by inserting the following new sub-clause immediately after sub-clause (3) –
 - (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.

F. *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)—

...../Notice of Amendments

- (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.

G. 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—

...../Notice of Amendments

(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 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;

APPENDIX

1. PETITIONS

- i.) Petition to the Senate by Mr. Laban Omusundi on behalf of residents of Nakuru County concerning the enactment of a clause in the electoral laws that will make sure that all nominated Members of the County Assembly (MCAs) are voters and residents of respective counties.

(The Speaker of the Senate)

- ii.) Petition to the Senate by the residents of Changara in Teso North Sub-County, Busia County concerning the Changara Water Pan, a World Bank- funded project.

(Sen. Okoiti Andrew Omtatah, MP)

2. PAPERS

- i.) Annual Report of the Public Service Commission (PSC) for Financial Year 2022/2023.
- ii.) Annual Report of the National Cohesion and Integration Commission (NCIC) for Financial Year 2021/2022.
- iii.) Office of the Controller of Budget (CoB) Annual County Governments Budget Implementation Review Report for Financial Year 2022/2023.

(The Senate Majority Leader)

- iv.) The Lake Ol Bolossat Catchment Protection Area Order, Legal Notice No. 116 of 2023.
- v.) The Karai Wetland Conservation Area Order, Legal Notice No. 117 of 2023.
- vi.) The Mwangea Hills Catchment Protection Area Order, Legal Notice No. 118 of 2023.
- vii.) The Lari Swamp Catchment Protection Area Order, Legal Notice No. 119 of 2023.

(The Chairperson, Select Committee on Delegated Legislation)

3. QUESTIONS AND STATEMENTS

STATEMENTS

a) Pursuant to Standing Order 52 (1)

- i.) Nominated Senator (Sen. Karen Nyamu, MP) to make a statement concerning the World Breast cancer awareness month and the state of cancer disease in Kenya.

...../Appendix

- ii.) The Senator for Turkana County (Sen. James Lomenen, MP) to make a statement concerning the effects of climate change and the mitigation strategies in Turkana County.

b) Pursuant to Standing Order 53(1)

- i.) The Senator for Kirinyaga County (Sen. James Murango, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the mismanagement of farmers' cooperative Societies in Turkana County.
- ii.) The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the distribution of maize dryers to farmers to avert post-harvest losses.
- iii.) The Senator for Trans Nzoia County (Sen. Allan Chesang, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the subsidization of farm inputs by the government.
- iv.) The Senator for West Pokot County (Sen. Julius Murgor, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the safeguarding of the stability of the agricultural sector.
- v.) Nominated Senator (Sen. Beatrice Ogola, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding promotion of LGBTQ agenda within Kakuma Refugee Camp in Turkana County.
- vi.) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning the status of construction of the Lodwar court building in Turkana County.
- vii.) The Senator for Turkana County (Sen. James Lomenen, MP) to seek a statement from the Standing Committee on Education concerning the burning of schools in Turkana County by suspected armed bandits.

NOTICE PAPER

Tentative Business for

Thursday, October 05, 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, October 05, 2023.

A. BILLS AT THE SECOND READING STAGE

- i.) *THE MATERNAL, NEWBORN AND CHILD HEALTH BILL (SENATE BILLS NO. 17 OF 2023)
(Sen. Beatrice Ogolla, MP)
- ii.) *THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 18 OF 2023)
(Sen. Miraj Abdillahi Abdulrahman, MP)
- iii.) *THE RICE BILL (SENATE BILLS NO. 19 OF 2023)
Sen. James Kamau Murango, MP
- iv.) *THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 24 OF 2023)
(Sen. Moses Kajwang', MP)
- v.) *THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 29 OF 2023)
Sen. Miraj Abdillahi Abdulrahman, MP)

B. MOTION

DEVELOPMENT OF A POLICY AND LAW FOR SOCIAL RISK MANAGEMENT IN INFRASTRUCTURE DEVELOPMENT PROJECTS IN KENYA

(Sen. Catherine Mumma, MP)
