



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SECOND SESSION)

THE SENATE

ORDER PAPER

WEDNESDAY, JUNE 06, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
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4. Petition (as listed in the appendix)
5. Papers (as listed in the appendix)
6. Notices of Motion (as listed in the appendix)
7. Statements
8. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)**
(Sen. Mutula Kilonzo Jnr., MP)
(Second Reading)
(Resumption of Debate interrupted on Wednesday, 7th March, 2018)
(The mover to reply)
9. ****THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2018)**
(Chairperson, Standing Committee on Finance and Budget)
(Second Reading)
10. **COMMITTEE OF THE WHOLE**
***THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2018)**
(Chairperson, Standing Committee on Finance and Budget)
11. **COMMITTEE OF THE WHOLE**
***THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)**
(Sen. Paul Kimani Wamatangi, MP)

...../Bill

12. COMMITTEE OF THE WHOLE

***THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILLS NO. 8 OF 2017)**

(Sen. Mutula Kilonzo Jnr., MP)

13. ****THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**

(Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 5th June, 2018)

14. ****THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

(Second Reading)

15. ***THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**

(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP)

(Second Reading)

16. ***THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**

(Sen. Petronila Were Lokorio, MP)

(Second Reading)

17. ***THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. Ledama Olekina, MP)

(Second Reading)

18. **MOTION - REPORT OF THE SENATE DELEGATION TO THE INTER-PARLIAMENTARY UNION (IPU) HEARINGS AT THE UNITED NATIONS**

(Sen. Naomi Shiyonga Masitsa, MP)

THAT, this House notes the Report of the proceedings of the Inter-Parliamentary Union hearings at the United Nations, New York, USA from 22nd – 23rd February, 2018 laid on the Table of the House on Tuesday, 15th May, 2018.

19. **MOTION - FLOOD SITUATION IN THE COUNTRY**

(Sen. Fatuma Dullo, MP)

THAT, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

...../Motion

NOTING with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

CONCERNED that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

COGNIZANT that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

ALSO CONCERNED that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

NOW THEREFORE, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

1. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
2. preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within three months of the adoption of this Motion.

20. **MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)**

(Sen. George Khaniri, MP)

THAT, AWARE THAT the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

FURTHER AWARE THAT registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

ALSO AWARE THAT persons living with disabilities are estimated to be about 10% of any given population;

COGNIZANT THAT for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

CONCERNED THAT of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

AWARE THAT medical services are now a devolved function;

FURTHER CONCERNED THAT without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

...../Motion

ALSO CONCERNED THAT owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

NOW THEREFORE, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

21. **MOTION – NEED TO REVIEW AND EVALUATE THE STATE OF EDUCATION IN NORTHERN KENYA**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, AWARE that Article 43 (f) of the Constitution of Kenya stipulates that every person has the right to education, and Article 53(1)(b) provides that every child has the right to free and compulsory basic education;

ALSO AWARE that education is a basic need and a tool for intellectual empowerment and social-political development;

FURTHER AWARE that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

COGNISANT that both levels of Government complement each other in promoting sustainable education;

CONCERNED that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

FURTHER CONCERNED that both the school completion rate and the national examination outcomes in region are poor and that the number of students from Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

NOTING WITH CONCERN that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

CONCERNED THAT, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

NOW THEREFORE, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

...../Motion

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;
2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how these disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

22. **MOTION – NEED FOR STANDARD POLICY REGULATION FOR CONSTRUCTION AND MAINTENANCE OF RURAL ACCESS ROADS**

(Sen. (Arch.) Sylvia Kasanga, MP)

THAT, AWARE that infrastructure development and specifically, construction of roads is a key pillar of Kenya's vision 2030 whose objective is to spur movement of people and goods, promote trade and economic activities, encourage development and attract investments;

NOTING that there is a very strong correlation between a country's economic development and the quality of its road network;

CONCERNED that Government's efforts to expand the roads infrastructure are mainly focused on the urban and peri-urban areas of the country thus leaving rural areas with dilapidated or no access roads;

FURTHER CONCERNED that fifty-five years since independence and over five years after institutionalization of devolution, the Country's roads infrastructure is to a large extent still underdeveloped with only slightly above 9,000 kilometres of the about 178,000 kilometres of roads paved;

COGNISANT that, Part Two of the Fourth Schedule to the Constitution of Kenya (2010) mandates County Governments to manage county transport, including; roads, street lighting, traffic and parking, amongst other county public transport matters;

DEEPLY CONCERNED that, County Governments are continuously prioritizing routine maintenance works over sustainable and durable road quality works due to budgetary constraints;

NOW THEREFORE the Senate calls upon the Ministry of Transport, Infrastructure, Housing and Urban Development to develop and adopt standard policy regulations prescribing modern, eco-friendly and inexpensive technologies to

be applied across the 47 counties for construction, upgrading and maintenance of rural access roads in order to ensure durability and sustainability of the access roads and also to reduce maintenance expenses.

...../Motion

23. MOTION - REPORT OF THE SENATE DELEGATION TO THE CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR) HELD IN KINSHASA, THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

(Sen. Samuel Poghio, MP)

THAT, this House adopts the Report of the proceedings of the First Extraordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) held in Kinshasa, Democratic Republic of Congo from 19th – 20th March, 2018, laid on the Table of the Senate on Tuesday, 15th May, 2018.

NOTICE

The Senate resolved on 14thFebruary, 2018 as follows:-

THAT, pursuant to Standing Order 100 (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

...../Notice of Amendments

NOTICES OF AMENDMENTS

A. *THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)

(Sen. Paul Kimani Wamatangi)

a) **NOTICE** is hereby given that the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations intends to move the following amendments to the Assumption of the Office of County Governor Bill, 2018, at the Committee Stage –

CLAUSE 5

THAT clause 5 of the Bill be amended –

(a) by deleting sub clause (2) and substituting therefor the following new sub clause–

(2) The Committee shall be an *ad hoc* committee and shall comprise –

- (a) the County Secretary who shall be the chairperson;
- (b) the officer in charge of legal matters in the county;
- (c) the chief officer in the department responsible for matters relating to county public service;
- (d) the chief officer in the department responsible for matters relating to information and communication;
- (e) the chief officer in the department responsible for matters relating to finance;
- (f) the chief officer in the department responsible for matters relating to culture and social services;
- (g) the County Commissioner;
- (h) a representative of the National Intelligence Service at the county level;
- (i) a representative of the National Police Service at the county level;
- (j) the Clerk of the county assembly;
- (k) a representative of the Judiciary at the county level; and
- (l) two persons, one man and one woman nominated by the Governor-elect.

(b) by deleting sub clause (4) and substituting therefor the following new sub clause—

(4) The members referred to in subsection 2(h) and (i) shall be the members serving as members of the County Policing Authority established under the National Police Service Act.

...../Amendments

(c) by inserting the following new sub clauses immediately after sub clause (4) -

(4A) The members referred to in subsection 2(l) shall be nominated upon the declaration of the final results of the election of the Governor.

(4B) The chairperson of the Committee shall convene the first meeting of the Committee thirty days before the date of the general elections.

(4C) In the absence of the chairperson, the members of the Committee shall elect a chairperson from among the members appointed under subsections (2)(b) to (f) to preside over the meeting

(d) in the proposed new sub clause (7) by deleting the words “section 16” appearing at the end of the subsection and substituting therefor the words “section 21”;

CLAUSE 6

THAT clause 6 of the Bill be amended -

(a) in sub clause (1) by -

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

(b) ensure and coordinate the provision of security services to the Governor-elect;

(ii) deleting paragraph (d) and substituting therefor the following new paragraph -

(d) co-ordinate the briefings of the Governor-elect by the relevant county public officers including submission of the following information —

- (i) an up to date assets register;
- (ii) an up to date register of liabilities;
- (iii) a complete list of all bank accounts and reconciled balances;
- (iv) a report of staff establishment per department;
- (v) a comprehensive report on county entities or corporations and agencies containing information outlined in (i) to (iv);
- (vi) a report of all ongoing projects including donor funded projects;
- (vii) an up to date report on all pending legal cases; and

(viii) county source of funding.

- (iii) inserting the following new paragraph immediately after paragraph (f) —
 - (fa) prepare the oath and the certificate of inauguration; and

...../Amendments

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

(3) The information to be provided during the briefings referred to under section 6(1)(d) shall be submitted in the form set out in the Second Schedule and shall be information for a period of up to thirty days before the date of the general elections.

CLAUSE 7

THAT clause 7 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clause —

(2) The Committee may co-opt into a sub-committee established under subsection (1), not more than two persons whose knowledge and skills are necessary for the effective functioning of the Committee.

CLAUSE 9

THAT clause 9 of the Bill be amended by inserting the word "of" immediately after the words "results of the election";

CLAUSE 11

THAT the Bill be amended by deleting clause 11;

CLAUSE 12

THAT the Bill be amended by deleting clause 12;

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 the Bill be amended by deleting clause 15 and substituting therefor the following new clause –

Swearing in ceremony. **15.** (1) The Committee shall publish, by notice in the Kenya *Gazette* and the county *Gazette*, the date, time and place for the conduct of the swearing-in ceremony.

...../Amendments

(2) The County Governor-elect shall be sworn-in on the first Thursday after the tenth day following the declaration of the final results of the election of the County Governor by the Commission.

(3) The swearing-in of the County Governor-elect shall be conducted in a public ceremony before a High Court Judge.

CLAUSE 16

THAT clause 16 of the Bill be amended –

(a) in sub clause (1) by deleting the words “or affirmation” appearing immediately after the words “subscribe to the oath” and substituting therefor the words “or affirmation”;

(b) by deleting sub clause (3) and substituting therefor the following new sub clause –

(3) Upon taking or subscribing to the oath or affirmation under subsection (1), the County Governor shall sign a certificate of inauguration in the presence of the High Court Judge who conducts the swearing in ceremony under section 15.

CLAUSE 17

THAT clause 17 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (a) —

(aa) the county coat of arms;

CLAUSE 23

THAT clause 23 of the Bill be amended -

(a) in sub clause (2) by inserting the following new paragraphs immediately after paragraph (a) —

(aa) the applicant has failed to satisfy the confidentiality requirements to the Committee; or

(ab) payment of the prescribed fee has not been made.

(b) in sub clause (3) by deleting the words "subsection (2)." appearing immediately after the words "specified under" and substituting therefor the words "this section."

NEW CLAUSE 19A

THAT the Bill be amended by inserting the following new clause immediately after clause 19 —

...../Amendments

Swearing
in of
Deputy
Governor
who
assumes
office of
County
Governor.

19A. The provisions of this Act relating to the swearing in ceremony of a County Governor-elect shall apply, with the necessary modifications –

- (a) to the swearing in ceremony of a Deputy Governor who assumes the office of the County Governor; or
- (b) to the swearing in ceremony of a Deputy Governor who is nominated to fill in a vacancy in the office of the Deputy Governor upon assumption by the Deputy Governor of the office of the County Governor.

NEW CLAUSE 23A

THAT the Bill be amended by inserting the following new clause immediately after clause 23 —

Funding.

23A. The funding for the assumption of office of a governor shall be borne by the respective county government.

NEW SCHEDULE

THAT the Bill be amended by-

- (a) renaming the existing schedule as the First Schedule; and
- (b) inserting the following new schedule immediately after the First Schedule —

SECOND SCHEDULE

(s. 6(2A))

FORMAT FOR COUNTY INFORMATION

1. County Assets - Paragraph 1(d)(i)

A summary of assets currently held by the county government derived from an up-to-date assets registers in conformity with the provisions of the Public Finance Management Act, 2012, the Public Finance Management (County Government) Regulations 2015 and Guidelines issued by the Public Sector Accounting Standards

Board; the Public Procurement and Asset Disposal Act, 2015 and the Public Procurement Regulations 2006.

Assets should include those inherited from the defunct local authorities, those transferred from the National Government and those acquired by the county government since 2013 including all assets that have disputes or outstanding unresolved matters.

...../Amendments

No.	Category of Assets	Quantity	Status	Ownership Documents	Remarks
1.	Land				
	Categories				
	(i) Residential estates (rental)				
	(ii) Staff housing				
	(iii) Office Blocks				
	(iv) Learning institutions				
	(v) Farm land				
	(vi) Rented premises				
	(vii) Undeveloped				
	(viii) Others				
2.	Motor Vehicles				
3.	Plant and Equipment				
4.	Furniture and Fittings				
5.	ICT equipment, computers and computer accessories				
6.	Intangible assets (software)				
7.	Heritage and cultural assets				
8.	Biological assets				
9.	Investments				
10.	Debtors including outstanding imprests, salary advances, car loan, mortgages and any other recoverable and advances, unpaid rent (detailed				

	listings to be attached)				
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Note:

- (a) Land and buildings - indicate whether titles are available or not;
- (b) Motor vehicles - indicate whether the log books are available or not;
- (c) Plant and equipment – indicate whether the log books or certificates are available or not; and
- (d) Intangible assets (software) - indicate whether contracts or licenses are available or not.

...../Amendments

2. County Liabilities - Paragraph 1(d)(ii)

Summary of liabilities currently owed by the county government derived from an up-to date schedule of liabilities. Supporting documents should be prepared and availed for scrutiny.

No.	Category of liabilities	Amount	Status	Remarks
1.	Loans and overdrafts (including accrued interest)			
2.	Creditors			
3.	Unremitted statutory deductions (including penalties)			
4.	Unpaid personnel emoluments			
5.	Legal liabilities			
6.	Contingent liabilities			
7.	Any other			

3. County Bank Accounts and Reconciled Balances - Paragraph 1(d)(iii)

Summary of all bank accounts and reconciled balances currently owned by the county government. Bank statements and certificates must be availed. For Cash on hand a cash survey should be conducted.

No.	Account name	Account No.	Bank	Amount	Remarks
1.					
2.					
3.					
4.					
5.					

4. County Staff Establishment per Department - Paragraph 1(d)(iv)

Summary of human resource information of the county government derived from an up-to-date personnel records in conformity with the provisions of Constitution of Kenya (2010), County government Act 2012, Public Service (Values and Principles) Act 2015 and any other legislation and guidelines issued from time to time on human resource management in the public service.

...../Amendments

No.	Department	Authorized Establishment	In post		Variance	Pensionable	Contract	Casuals	No. of Persons with Disability	Management	Annual Wage Bill	Remarks
			Male	Female								
1.												
2.												
3.												
4.												
5.												

5. County Entities, Corporations and Agencies - Paragraph 1(d)(v)

Summary of Entities, Corporations and Agencies either partially or wholly owned by the County Government.

No.	Name of Entity	Function	Shareholding (%)	Directorship	Remarks
1.					
2.					
3.					
4.					
5.					

6. Ongoing/multiyear projects and donor funded projects in the County - Paragraph 1(d)(vi)

Summary of all on ongoing/multiyear projects and donor funded projects in the

County indicating whether the projects are active, stalled, abandoned, terminated or rescaled on the remarks column.

...../Amendments

No.	Project	Source of Funding	Contract Value	Expenditure to Date	Implementati on Status (%)	Remarks
1.						
2.						
3.						
4.						
5.						

7. Pending litigations - Paragraph 1(d)(vii)

Summary of all cases where the county government is a party either as a plaintiff/applicant or defendant/respondent. It should also include proceedings under alternative dispute resolution mechanism (ADR) and cases instituted by or against the Council of Governors. Specific details on each case number, place of suing, parties, advocates on record, relief sought, status, legal fees (paid and outstanding) and any other relevant information to be prepared and availed for scrutiny.

No .	Nature of Case	Total No. of Cases	No. of cases where County is the Plaintiff /Applicant	No. of cases where County is the Defendant/ Respondent	Remarks
1.					
2.					
3.					
4.					
5.					

8. County Sources of Funding for Preceding Five Financial Years - Paragraph 1(d)(viii).

Summary of all sources of funds for the preceding five financial years and the projections for the upcoming financial year.

...../Amendments

No.	Revenue Source	FY 20...../20..... (Actual)	FY 20...../20..... (Actual)	FY 20...../20..... (Actual)	FY 20...../20..... (Actual)	FY 20...../20..... (Actual)	FY 20...../20..... (Actual)	Remarks
1.	Equitable share							
2.	Conditional grants							
3.	Own source revenue							
4.	Unconditional grants							
5.	Development partners							
6.	Borrowings							
7.	Other sources							

b) **NOTICE** is hereby given that Sen. Farhiya Ali intends to move the following amendments to the Assumption of the Office of County Governor Bill, 2018, at the Committee Stage –

NEW CLAUSE 24A

THAT the Bill be amended by inserting the following new clause immediately after clause 24 —

Consequential amendments. No. 24 of 2011.

24A. The Elections Act is amended in section 86 by inserting the following new subsection immediately after subsection (1) -

(1A) Upon the nullification of an election of a county governor, the Commission shall upon receipt of certification under sub section (1), publish a notice in the Gazette within seven days –

(1B) The notice referred to in subsection (2) shall

- (a) indicate that the election of the county governor has been invalidated; and
- (b) announce the date for election of a county governor pursuant to Article 182(5) of the Constitution.

...../Amendments

B. *THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILLS NO. 8 OF 2017)
 (Sen. Mutula Kilonzo Jnr., MP)

NOTICE is given that Sen. Mutula Kilonzo Jnr., intends to move the following amendments to the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 8 of 2017), at the Committee Stage-

CLAUSE 4

THAT clause 4 of the Bill be amended in the proposed new section 4B(1) by inserting the words "or any other day designated by the Cabinet Secretary in the gazette" immediately after the words "during a public holiday"

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 4 -

Amendment of section 5 of Cap. 99 **4A.** Section 5 of the principal Act is amended in subsection (1) by deleting the words "local authority" appearing immediately after the words "the area of a" and substituting therefor the words "county government".

Repeal of section 6 of Cap. 99 **4B.** The principal Act is amended by repealing section 6.

...../Appendix

APPENDIX

1. **PETITION**

Petition by Rev. David Muganda on behalf of the Kibera Internally Displaced Persons (IDPs).

(The Speaker)

2. **PAPERS**

a) Annual Report of the office of the Auditor-General for the Financial year 2016/2017.

b) The Kenya Institute for Public Research and Analysis (KIPPRA) Publications on:

(i) Measuring Social Cohesion Index;

(ii) Implication of Trade Facilitation on Foreign Direct Investment in Kenya;

(iii) Inequality in Healthcare Service Delivery in Kenya; and

(iv) Harnessing Kenya’s Demographic Dividend.

(The Senate Majority Leader)

3. **NOTICE OF MOTION- REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS & INSTANCES OF INSECURITY**

(Sen. (Arch.) Sylvia Kasanga, MP)

THAT, AWARE that Article 43(1)(f) of the Constitution of Kenya provides that every person has a right to education and Article 53(1)(b) of the Constitution states that every child has the right to free and compulsory basic education;

COGNIZANT that on 5th January, 2018 during the flagging off of national delivery of core course books for schools at Cemastea Karen, His Excellency the President Uhuru Kenyatta stated that his administration has focused on initiatives that ensure every Kenyan has access to quality education, so they can acquire appropriate skills and knowledge that make our country globally competitive;

FURTHER AWARE that recently the country has suffered floods in many parts of the country leading to deaths and people being displaced and rendered homeless;

DEEPLY CONCERNED that some schools have also remained closed even after other schools reopened while others have been closed as a result of floods and instances of insecurity;

FURTHER NOTING that closure of schools due to the said floods as well as insecurity places students and pupils in those schools at a disadvantage as they are unable to access education which is their right, while some of the students

...../Appendix

in those schools are expected to sit for their national exams at the end of the year and their performance risks being negatively affected by the lost time out of school;

NOW THEREFORE, the Senate resolves that the Committee on Education, investigates this matter with a view to: -

1. identifying strategies to ensure that the affected students are able to access education as soon as possible;
2. outlining preventative measures to ensure that more students are not affected by the floods and insecurity; and,
3. Submitting a Report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

4. **STATEMENT PURSUANT TO STANDING ORDER NO. 46 (2) (A)**

Nominated Senator (Sen. Beatrice Kwamboka) to make a statement regarding the rise in number of collapsing buildings in the country.
