



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (FIRST SESSION)

THE SENATE

**ORDER PAPER**

TUESDAY, NOVEMBER 07, 2017 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (As Listed in the Appendix)
5. Papers (As Listed in the Appendix)
6. Notices of Motion (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. **\*\*\*\*THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2017)**  
(The Senate Majority Leader)  
*(First Reading)*
9. **\*\*\*\*THE IRRIGATION BILL (SENATE BILLS NO. 5 OF 2017)**  
(The Senate Majority Leader)  
*(First Reading)*
10. **MOTION** – (Sen. Susan Kihika)  
(Ministry of Environment & Natural Resources)

**THAT**, aware that cities, towns and urban areas in Kenya are increasingly getting overpopulated leading to overstretching of services and amenities; concerned that improper management of waste has become a major cause of pollution of neighborhoods, water sources and other natural resources leading to rise of environment-related diseases which cause many deaths; further concerned that in most urban areas, waste is dumped in an uncontrolled manner posing a great challenge to the wellbeing of urban dwellers, particularly those living near dumpsites; acknowledging that the problem continues to rise despite the efforts made to mitigate the problem through various statutory bodies, private entities and communities; the Senate calls upon the National Government to take immediate steps to develop effective waste management regulations and put in place proper disposal facilities, including for harmful waste and that this be done in consultation with all key stakeholders.

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11. **MOTION** – (Sen. Getrude Musuruve)  
(Ministry of Education, Science and Technology)

**AWARE THAT** Article 27 (4) of the Constitution of Kenya provides for equality and freedom from discrimination and in particular freedom from direct and indirect discrimination on the basis of disability;

**FURTHER AWARE THAT** Article 43 (1) (f) provides for economic and social rights for every person and in particular the right to education;

**ACKNOWLEDGING** that Article 54 of the Constitution provides for the rights of persons with disabilities and in particular the right to access education institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person and the right to access materials and devices to overcome constraints arising from the person's disability;

**AWARE THAT** all but one subject in schools in Kenya are taught and examined in English language;

**COGNIZANT** of the fact that persons with disabilities and especially persons with hearing impairment have linguistic challenges and especially in mastering essentials of the english language;

**NOTING THAT** schools for persons with hearing impairment require Sign Language Instructional Materials that would facilitate the learners to master essentials of the english language;

**CONCERNED THAT** the Government does not provide the said Sign Language Instructional Materials to schools for use by learners with hearing impairment thereby affecting the performance of the said learners;

**NOW THEREFORE,** the Senate urges the Government to urgently make available the Sign Language Instructional Materials to schools for learners with hearing impairment.

12. **MOTION** - (Sen. Fatuma Dullo)  
(Ministry of Interior and Coordination of National Government)

**AWARE** that the right to adequate food is affirmed under Article 25 of the 1948 Universal Declaration of Human Rights, and Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights as part of the right to an adequate standard of living;

**FURTHER AWARE THAT** Article 43 (1) (c) and (d) of the Constitution of Kenya provides for economic and social rights for every person and in particular the right to be free from hunger, to have adequate food of acceptable quality, and to have clean and safe water in adequate quantities;

**CONCERNED** that this fundamental right is under threat as various Counties battle severe drought occasioned by successive failure in rainfall;

**CONCERNED** that over 3.4 million people including over 370,000 children are acutely malnourished and in urgent need of emergency assistance while

...../Motion

millions of livestock have perished and the remaining are in extremely poor body condition as a result of the drought;

**FURTHER CONCERNED** that the situation in drought ravaged parts of the country poses a serious threat to Human dignity, peace, security and stability following loss of livelihoods leading to scramble for scarce resources by the affected communities;

**NOTING** that Parliament enacted the National Drought Management Bill which was assented to on 1<sup>st</sup> April, 2016 and which seeks to comprehensively address the matter of persistent droughts in the country;

**NOW THEREFORE**, the Senate calls upon the Ministry of Interior and Coordination of National Government and relevant state agencies responsible including the National Drought Management Authority to-

1. Expeditiously implement the National Drought Management Authority Act, 2016 and set up the necessary infrastructure to mitigate against persistent droughts; and
2. Come up with efficient drought response strategies aimed at saving lives of both people and livestock.

**NOTICE**

The Senate resolved on 13<sup>th</sup> September, 2017 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

**APPENDIX****1. PETITION**

Petition by Hon. Governor Stephen K. Sang', Governor of Nandi County, concerning alleged historical injustices suffered by the Talai Clan of Nandi County.

*(The Speaker of the Senate)*

**2. PAPERS**

- i. 2017 Budget Review and Outlook paper for the Financial Year 2018/19 Medium Term Budget;
- ii. The Annual Report on the State of the Judiciary and Administration of Justice (SOJAR) for Financial Year 2015/2016;
- iii. Report of the Auditor-General on the financial statements of Siaya County Executive for the year ended 30 June, 2016;
- iv. Report of the Auditor-General on the financial statements of the Siaya County Assembly for the year ended 30 June, 2016;
- v. Report of the Auditor-General on the financial statements of the Kilifi County Executive for the year ended 30 June, 2016;
- vi. Report of the Auditor-General on the financial statements of the Kilifi County Assembly for the year ended 30 June, 2016.
- vii. Report of the Auditor-General on the financial statements of the Baringo County Executive for the year ended 30 June, 2016;
- viii. Report of the Auditor-General on the financial statements of the Baringo County Assembly for the year ended 30 June, 2016;
- ix. Report of the Auditor-General on the financial statements of the Makueni County Executive for the year ended 30 June, 2016;
- x. Report of the Auditor-General on the financial statements of the Makueni County Assembly for the year ended 30 June, 2016;
- xi. Report of the Auditor-General on the financial statements of the Kajiado County Executive for the year ended 30 June, 2016;
- xii. Report of the Auditor-General on the financial statements of the Kajiado County Assembly for the year ended 30 June, 2016;
- xiii. Report of the Auditor-General on the financial statements of the Machakos County Executive for the year ended 30 June, 2016;
- xiv. Report of the Auditor-General on the financial statements of the Machakos County Assembly for the year ended 30 June, 2016;
- xv. Report of the Auditor-General on the financial statements of the Nairobi County Executive for the year ended 30 June, 2016;
- xvi. Report of the Auditor-General on the financial statements of the Nairobi County Assembly for the year ended 30 June, 2016;

- xvii. Report of the Auditor-General on the financial statements of the Homa-Bay County Executive for the year ended 30 June, 2016;
- xviii. Report of the Auditor-General on the financial statements of the Homa-Bay County Assembly for the year ended 30 June, 2016;
- xix. Report of the Auditor-General on the financial statements of the Migori County Executive for the year ended 30 June, 2016;
- xx. Report of the Auditor-General on the financial statements of the Migori County Assembly for the year ended 30 June, 2016;
- xxi. Report of the Auditor-General on the financial statements of the Nyamira County Executive for the year ended 30 June, 2016;
- xxii. Report of the Auditor-General on the financial statements of the Nyamira County Assembly for the year ended 30 June, 2016;
- xxiii. Report of the Auditor-General on the financial statements of the Elgeyo Marakwet County Executive for the year ended 30 June, 2016;
- xxiv. Report of the Auditor-General on the financial operations of the Elgeyo Marakwet County Assembly for the year ended 30 June, 2016;
- xxv. Report of the Auditor-General on the financial statements of the Nandi County Executive for the year ended 30 June, 2016;
- xxvi. Report of the Auditor-General on the financial operations of the Nandi County Assembly for the year ended 30 June, 2016;
- xxvii. Report of the Auditor-General on the financial statements of the Turkana County Executive for the year ended 30 June, 2016;
- xxviii. Report of the Auditor-General on the financial operations of the Turkana County Assembly for the year ended 30 June, 2016;
- xxix. Report of the Auditor-General on the financial statements of the West Pokot County Executive for the year ended 30 June, 2016;
- xxx. Report of the Auditor-General on the financial operations of the West Pokot County Assembly for the year ended 30 June, 2016;
- xxxi. Report of the Auditor-General on the financial statements of the Trans Nzoia County Executive for the year ended 30 June, 2016;
- xxxii. Report of the Auditor-General on the financial operations of the Trans Nzoia County Assembly for the year ended 30 June, 2016;
- xxxiii. Report of the Auditor-General on the financial statements of the Nakuru County Executive for the year ended 30 June, 2016;
- xxxiv. Report of the Auditor-General on the financial statements of the Nakuru County Assembly for the year ended 30 June, 2016;
- xxxv. Report of the Auditor-General on the financial statements of the Uasin Gishu County Executive for the year ended 30 June, 2016;
- xxxvi. Report of the Auditor-General on the financial operations of the Uasin Gishu County Assembly for the year ended 30 June, 2016;

- xxxvii. Report of the Auditor-General on the financial statements of the Samburu County Executive for the year ended 30 June, 2016;
- xxxviii. Report of the Auditor-General on the financial statements of the Samburu County Assembly for the year ended 30 June, 2016;
- xxxix. Report of the Auditor-General on the financial statements of the Kericho County Executive for the year ended 30 June, 2016;
  - xl. Report of the Auditor-General on the financial statements of the Kericho County Assembly for the year ended 30 June, 2016;
  - xli. Report of the Auditor-General on the financial statements of the Taita Taveta County Executive for the year ended 30 June, 2016;
  - xlii. Report of the Auditor-General on the financial operations of the Taita Taveta County Assembly for the year ended 30 June, 2016;
  - xliii. Report of the Auditor-General on the financial statements of the Kwale County Executive for the year ended 30 June, 2016;
  - xliv. Report of the Auditor-General on the financial operations of the Kwale County Assembly for the year ended 30 June, 2016;
  - xlv. Report of the Auditor-General on the financial statements of the Tana River County Executive for the year ended 30 June, 2016;
  - xlvi. Report of the Auditor-General on the financial operations of the Tana River County Assembly for the year ended 30 June, 2016;
  - xlvii. Report of the Auditor-General on the financial statements of the Mombasa County Executive for the year ended 30 June, 2016;
  - xlviii. Report of the Auditor-General on the financial operations of the Mombasa County Assembly for the year ended 30 June, 2016;
  - xliv. Report of the Auditor-General on the financial statements of the Lamu County Executive for the year ended 30 June, 2016;
    - l. Report of the Auditor-General on the financial operations of the Lamu County Assembly for the year ended 30 June, 2016;

*(The Senate Majority Leader)*

### **3. NOTICES OF MOTION**

- a) **Notice of Motion** – (Sen. Getrude Musuruve)  
(Ministry of Education, Science and Technology)

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#### **4. STATEMENTS**

##### **(I) TO BE REQUESTED**

- a) The Nominated Senator (Sen. Beatrice Kwamboka Makori) to seek a statement from the Senate Majority Leader regarding the status of female prisoners and children held in prisons and remand facilities in Kenya;
- b) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) to seek a statement from the Senate Majority Leader on the Thwake Multi-purpose Dam Project;
- c) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) to seek a statement from the Senate Majority Leader on the delayed compensation for displaced persons during the construction of Mulima Dam-Mbooni Constituency-Makueni County;
- d) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) to seek a statement from the Senate Majority Leader on the Inua Jamii Cash Programme.

##### **(II) TO BE ISSUED**

- a) The Senate Majority Leader to issue a statement on alleged delay in disbursement of funds to County Governments (Sen. George Khaniri);
- b) The Senate Majority Leader to issue a statement on alleged clashes between members of the Maa Community and the Kipsigis Community in Esoit Naibor area in Kimintent Ward in Narok County (Sen. Ledama Ole Kina);
- c) The Senate Majority Leader to issue a statement on alleged withdrawal of security officers attached to the former Prime Minister and the former Vice President (Sen. Ledama Ole Kina);
- d) The Senate Majority Leader to issue a statement on alleged use of excessive force and police brutality at the University of Nairobi (Sen. Ledama Ole Kina);
- e) The Senate Majority Leader to issue a statement on alleged dumping of asbestos in Kikumbulyu Ward, Kibwezi West in Makueni County in the year 2015. (Sen. Mutula Kilonzo Jnr.);
- f) The Senate Majority Leader to issue a statement on the ongoing strike by nurses in public health institutions (Sen. Petronila Were).

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