



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

TUESDAY, JUNE 19, 2018 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
8. MOTION – SITTINGS OF THE SENATE OUTSIDE THE PARLIAMENT BUILDINGS, NAIROBI
(The Senate Majority Leader)

THAT AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out in Article 96 of the Constitution, is to represent and serve the interests of the counties and their governments;

FURTHER AWARE that the Senate plays a critical role in the linkage of the devolved governments and the national government;

NOTING that since its inception the Senate has held its sittings in Nairobi with its committees occasionally visiting the devolved governments on fact finding missions;

COGNIZANT of the need to enhance the interaction between the Senate and county governments as a means of bringing the Senate closer to the counties and the general public;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, in order to-

- i) provide an opportunity to members and staff of county assemblies to learn and borrow best practices from the Senate;
- ii) promote the role and work of the Senate;

...../Motion

- iii) highlight existing opportunities for people to get involved in the work of the Senate; and
- iv) develop and strengthen partnerships at the county level and enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and Standing Order 31 (1) of the Senate Standing Orders, the Senate resolves that its plenary and committees sittings be held in Uasin Gishu County from 24th to 28th September, 2018.

- 9. ***THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**
(Sen. Amos Wako, MP)
(Second Reading)
- 10. ***THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**
(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP)
(Second Reading)
- 11. ***THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**
(Sen. Ledama Olekina, MP)
(Second Reading)
- 12. ***THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**
(Sen. (CPA) Farhiya Ali Haji, MP)
(Second Reading)
- 13. ***THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**
(Sen. Gideon Moi, MP)
(Second Reading)
- 14. ****THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2017)**
(The Senate Majority Leader)
(Second Reading)
- 15. ****THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**
(The Senate Majority Leader)
(Second Reading)
- 16. ****THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILLS NO. 47 OF 2017)**
(Senate Majority Leader)
(Second Reading)
- 17. **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;

...../Motion

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;

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.

(Resumption of Debate interrupted on Thursday, 7th June, 2018)

(Balance of time: 1hr 48 minutes)

18. **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;

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;

...../Motion

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-

- i) developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
- ii) 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.

19. **MOTION – MANAGEMENT OF CONSTRUCTION CONTRACTORS**

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

THAT, AWARE that Section 15 of the National Construction Authority (NCA) Act prescribes the requirements for registration as a contractor;

ALSO AWARE that Section 18 of the Act mandates the NCA Board to accredit firms incorporated outside Kenya to carry out construction works in Kenya for a prescribed period;

CONCERNED that a large number of registered local contractors cannot perform up to the expected standard leading to collapsed buildings, poor county roads and infrastructure and incomplete contracts;

APPRECIATING that there is still a good number of local contractors that has demonstrated capacity to perform and deliver projects as required;

DEEPLY CONCERNED that foreign contractors are now engaging in projects that local contractors have equal capacity and skill to perform, especially in the counties;

RECOGNIZING THAT there is need to grow our local industries by giving job opportunities to Kenyan citizens and building their technical capacities;

NOW THEREFORE, the Senate calls upon the Government through the NCA to-

1. conduct a fresh registration drive of all building and infrastructure contractors in order to weed out all non-performing ones and to identify those who demonstrate compliance;
2. enforce strict oversight on foreign contractors and institute a mechanism to handle complaints raised against contractors;
3. ensure that foreign contractors are only awarded contracts that local contractors cannot handle and require them to include technology transfer to locals; and

...../Motion

4. require both local and foreign contractors to undertake corporate social responsibility activities in the counties where they operate.

20. **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-

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

...../Motion

- 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.

21. **MOTION - REPORT OF THE SENATE DELEGATION TO THE FIRST EXTRAORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL 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 14th February, 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

APPENDIX

1. PETITIONS

- a) Petition to the Senate concerning the settlement of awards to Ex-Kenya Air force officers and servicemen by the courts.

(The Speaker)

- b) Petition by members of the Abasuba community in Western Kenya for the protection of their language, culture and heritage.

(Sen. Samson Cherarkey, MP)

2. PAPERS

- a) Report of the Auditor-General on the Financial Statements of the Meru County Revenue Board for the year ended 30 June, 2017.

- b) Report of the Auditor-General on the Financial Statements of the Kajiado County Assembly Car Loan and Mortgage Fund for the year ended 30 June, 2017.

(The Senate Majority Leader)

- c) Report of the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17th to 18th March, 2018.

(Sen. (Dr.) Isaac Mwaura, MP)

- d) Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Nakuru County Executive for the Financial Year 2013/2014 (1st July, 2013 to 30th June, 2014).

- e) Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Kilifi County Executive for the Financial Year 2013/2014 (1st July, 2013 to 30th June, 2014).

- f) Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Homabay County Executive for the Financial Year 2013/2014 (1st July, 2013 to 30th June, 2014).

- g) Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of the Kisii County Executive for the Financial Year 2013/2014 (1st July, 2013 to 30th June, 2014).

(Chairperson, Sessional Committee on County Public Accounts and Investments)

3. NOTICES OF MOTION**a) Notice of Motion - REPORT OF THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE**

(Sen. (Dr.) Isaac Mwaura, MP)

THAT, this House notes the Report of the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17th – 18th March, 2018, laid on the Table of the House on Tuesday, 19th June, 2018.

b) Notice of Motion - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE NAKURU COUNTY EXECUTIVE FOR FY 2013/2014

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Nakuru County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

c) Notice of Motion - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KILIFI COUNTY EXECUTIVE FOR FY 2013/2014

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Kilifi County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

d) Notice of Motion - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE HOMABAY COUNTY EXECUTIVE FOR FY 2013/2014

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Homabay County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

e) Notice of Motion - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KISII COUNTY EXECUTIVE FOR FY 2013/2014

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Kisii County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.
