



REPUBLIC OF KENYA

THE SENATE

PROGRAMME OF SENATE BUSINESS

WEEK COMMENCING TUESDAY, MAY 15, 2018

** 12TH PARLIAMENT * 2ND SESSION*

Printed and Published by the
Clerk of the Senate
Parliament Buildings
NAIROBI

REPUBLIC OF KENYA

THE SENATE

TWELFTH PARLIAMENT (SECOND SESSION)

PROGRAMME OF SENATE BUSINESS

FOR THE WEEK COMMENCING TUESDAY, MAY 15, 2018

TUESDAY: Communication from the Chair, Messages, Petitions, Papers, Notices of
15/5/2018 Motion, Statements, Motions and Bills

**A. *THE COUNTY WARDS DEVELOPMENT EQUALIZATION FUND BILL
(SENATE BILLS NO. 5 OF 2018)**

(Sen. Irungu Kang'ata)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 10th May, 2018)

**B. *THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE
BILLS NO. 7 OF 2017)**

(Sen. MutulaKilonzo Jnr.)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 10th May, 2018)

**C. **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)

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

(Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

E. *THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)

(Sen. Amos Wako)

(Second Reading)

F. MOTION - REPORT OF THE SENATE DELEGATION TO THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT

(Sen. (Dr.) Alice Milgo)

THAT, this House adopts the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit, held in Reyjavik, Iceland from 28th -30th November, 2017, laid on the Table of the House on Wednesday, 14th February, 2018.

(Resumption of Debate interrupted on Thursday, 22nd February, 2018)

(Balance of Time – 2hrs 57mins)

G. MOTION- REPORTS OF THE 47TH AND 48TH SESSIONS OF THE AFRICAN CARIBBEAN AND PACIFIC (ACP) PARLIAMENTARY ASSEMBLY

(Sen. (Prof.) Margaret Kamar)

THAT, this House notes the Reports of the 47th and 48th Sessions of the African, Caribbean and Pacific (ACP) Parliamentary Assembly and the Inter-Sessional meeting and the 34th Session of the African, Caribbean and Pacific – European Union (ACP-EU) Joint Parliamentary Assembly held in Brussels on 9th to 12th October, 2017 and Haiti on 13th to 20th December, 2017, respectively, laid on the Table of the House on Wednesday, 28th February, 2018.

H. MOTION-ESTABLISHMENT OF OFFICES OF THE COMMISSION ON ADMINISTRATIVE JUSTICE AT THE COUNTY LEVEL

(Sen. Petronilla Were Lokorio)

THAT WHEREAS Article 59 of the Constitution establishes the Kenya National Human Rights and Equality Commission to among other functions investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct;

AND WHEREAS Parliament enacted the Commission on Administrative Justice Act (No.23 of 2011) to restructure the Kenya National Human Rights and Equality Commission and to establish the Commission on Administrative Justice pursuant to Article 59(4) of the Constitution to provide for the membership, powers and functions of the Commission on Administrative Justice and for connected purposes;

AWARE that the function of the Commission on Administrative Justice among others is to investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice; including investigating complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;

FURTHER AWARE that the Commission is expected to carry out its mandate in accordance with the values and principles set out in the Constitution and other laws of Kenya;

COGNIZANT that the right to access public service and fair administrative actions is critical to delivery of services to the people both at the National and the county levels of

CONCERNED that the Commission has its headquarters in Nairobi with satellite offices in the counties of Mombasa, Kisumu, Isiolo and UasinGishu;

FURTHER CONCERNED that the absence of the Commission offices in the rest of the Counties has made it difficult for members of the public to report allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;

NOW THEREFORE, the Senate calls upon the Commission on Administrative Justice to urgently establish satellite offices in all other remaining counties to decentralize its services to facilitate members of the public to interact with the Commission and report allegations of maladministration in the public service with ease.

I. MOTION- TEACHING OF KISWAHILI LANGUAGE TO LEARNERS WITH HEARING DISABILITY

(Sen. (Dr.) Getrude Musuruve)

THAT AWARE that Article 27 of the Constitution of Kenya guarantees equality of every person in enjoyment of all rights and fundamental freedoms and prohibits discrimination against any person on any ground including disability and language;

FURTHER AWARE that Article 24 (2) (a) of the United Nations Convention on the Rights of Persons With Disabilities prohibits persons with disabilities from exclusion from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

ACKNOWLEDGING that Article 7 of the Constitution of Kenya provides for the national language of the Republic as Kiswahili and the official languages of the republic as Kiswahili and English;

APPRECIATING that the Report of the Commission of Inquiry into Education in Kenya (the Ominde Commission of 1965) proposed that Kiswahili language be taught as a compulsory subject both in primary and secondary schools in Kenya with the aim of making the language a vehicle for literacy works relevant to community work of various kinds;

COGNIZANT that Kiswahili language has been recognized as a unifying language in the East African Community, hence making it a *lingua franca* in the region;

CONCERNED that under the new curriculum of education in Kenya that is being piloted, learners with hearing disability are not offered Kiswahili language in primary schools, secondary schools and primary teachers training colleges;

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology and other relevant state agencies to:

1. offer Kiswahili language as a core subject to learners with hearing disability in primary schools, secondary schools and primary teacher colleges;
2. come up with an elaborate syllabus for teaching Kiswahili as a core subject to deaf learners in primary, secondary and teacher training colleges; and

3. come up with an elaborate syllabus for teaching Kenya Sign Language (KSL) as an optional subject for learners who have no hearing disability and for deaf learners.

J. Any Other Business

WEDNESDAY: Communication from the Chair, Messages, Petitions, Papers, Notices of 16/5/2018 Motion, Statements, Motions and Bills

A. **THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 18th April, 2018)

(Division)

B. *THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 7 OF 2017)

(Sen. Mutula Kilonzo Jnr.)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 10th May, 2018)

C. *THE COUNTY WARDS DEVELOPMENT EQUALIZATION FUND BILL (SENATE BILLS NO. 5 OF 2018)

(Sen. Irungu Kang'ata)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 10th May, 2018)

D. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 11 OF 2018)

(Chairperson, Standing Committee on Finance and Budget)

(Second Reading)

E. COMMITTEE OF THE WHOLE

***THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL**

(SENATE BILLS NO. 1 OF 2018)

(Sen. Paul Kimani Wamatangi)

F. COMMITTEE OF THE WHOLE

***THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL**

(SENATE BILLS NO. 8 OF 2017)

(Sen. Mutula Kilonzo Junior)

G. **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)

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

(Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

I. *THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)

(Sen. Amos Wako)

(Second Reading)

J. MOTION- REPORT OF THE SENATE DELEGATION TO THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT

(Sen. (Dr.) Alice Milgo)

THAT, this House adopts the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit, held in Reyjavik, Iceland from 28th -30th November, 2017, laid on the Table of the House on Wednesday, 14th February, 2018.

(Resumption of Debate interrupted on Thursday, 22nd February, 2018)

(Balance of Time – 2hrs 57mins)

K. MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)

(Sen. George Khaniri)

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;

AWARE THAT medical services are now a devolved function;

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;

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.

A. MOTION-REPORT OF THE SENATE DELEGATION TO THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT

(Sen. (Dr.) Alice Milgo)

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B. MOTION-REPORTS OF THE 47TH AND 48TH SESSIONS OF THE AFRICAN CARIBBEAN AND PACIFIC (ACP) PARLIAMENTARY ASSEMBLY

(Sen. (Prof.) Margaret Kamar)

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C. MOTION - DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL DISASTER RISK FINANCING

(Sen. George Khaniri)

THAT, WHEREAS Kenya's disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

FURTHER WHEREAS the government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

COGNIZANT of the fact that government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

AWARE that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

RECOGNIZING, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

OBSERVING, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

NOTING that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions and assistance, in any form, from

APPRECIATING, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

FURTHER AWARE that emergency fund is a substantial proportionate Vote Head in both the national and county government budgets;

CONCERNED, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

NOW THEREFORE, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

D. MOTION – CURRENT FLOOD SITUATION IN THE COUNTRY

(Sen. Fatuma Dullo)

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;

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 the three months of the adoption of this motion.

E. MOTION – ON THE NEED TO REVIEW AND EVALUATE THE STATUS OF EDUCATION IN NORTHERN KENYA

(Sen. (Dr.) Abdullahi Ali)

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
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how this 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.

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

(Sen. Sylvia Kasanga)

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.

G. Any Other Business

KEY

*** * * *- Denotes a Majority /Minority Party Bill**

***** - Denotes a National Assembly Bill**

**** - Denotes a Committee Bill**

***- Denotes any other Bill**