



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (SECOND SESSION)
THE SENATE
ORDER PAPER
TUESDAY, NOVEMBER 20, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
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 LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 14th November, 2018)
(Division)
9. ****THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 29 OF 2018)**
(Chairperson, Standing Committee on Finance and Budget)
(Second Reading)
(Resumption of debate interrupted on Thursday, 15th November, 2018)
(Division)
10. **REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO POSSIBLE LOSS OF FUNDS THROUGH THE ACQUISITION OF LAND LR. NO.7879/4 (PART) BY THE NATIONAL LAND COMMISSION**
(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on County Public

...../Motion

Accounts and Investments on the inquiry into possible loss of funds through the acquisition of Land LR. No.7879/4 (part) by the National Land Commission, for use by two public schools (Ruaraka High School and Drive-In Primary School), Nairobi City County, laid on the Table of the House on Wednesday, 8th August, 2018.

*(Resumption of debate interrupted on Thursday, 15th November, 2018)
(Division)*

11. **NATIONAL ASSEMBLY AMENDMENTS TO THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO.4 OF 2017)**
(The Senate Majority Leader)
THAT the amendment by the National Assembly to the Urban Areas and Cities (Amendment) Bill (Senate Bills No.4 of 2017) be now considered.
12. *****THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**
(The Senate Majority Leader)
(Second Reading)
13. ***THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**
(Sen. Fatuma Dullo, MP)
(Second Reading)
14. ****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**
(Chairperson, Sessional Committee on Delegated Legislation)
(Second Reading)
15. ***THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 25 OF 2018)**
(Sen. George Khaniri, MP)
(Second Reading)
16. ****THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**
(Chairperson, Standing Committee on Education)
(Second Reading)
17. ***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)**
(Sen. Abshiro Halake, MP)
(Second Reading)
18. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 28 OF 2018)**
(Sen. Ledama Olekina, MP)
(Second Reading)

...../Motion

19. **REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KIAMBU, BUSIA, KWALE, TANA RIVER, TRANS NZOIA, NYANDARUA, MIGORI, KISUMU, SAMBURU, KERICHO, BOMET, BUNGOMA, GARISSA, ISIOLO, KITUI, LAMU, MAKUENI, MANDERA, MARSABIT, MERU, MOMBASA, NYAMIRA, TAITA TAVETA, UASIN GISHU, VIHIGA AND WAJIR COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014 (1ST JULY, 2013 - 30TH JUNE, 2014).**

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

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the Financial Year 2013/2014 (1st July, 2013 - 30th June, 2014).

20. **THE FIDUCIARY RISK REPORT OF THE SENATE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

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

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on Fiduciary Risk regarding issues raised by the Auditor General on public financial management by County Governments for Financial Years 2013/14 - 2015/16.

21. **MOTION -REHABILITATION OF STREET FAMILIES**

(Sen. Beatrice Kwamboka, MP)

THAT, AWARE THAT the Street Families Rehabilitation Trust Fund (SFRTF) was established on 11th March, 2003 by the then Ministry of Local Government to address the concerns of all homeless, destitute and vulnerable persons in urban areas, and was registered as a body Corporate in August, 2010 under the Trustees (perpetual succession) Cap 164, Laws of Kenya;

FURTHER AWARE THAT the mandate of SFRTF includes coordinating rehabilitation activities for street families; conducting public education on street families issues; mobilizing resources and fundraising as well as receiving donations and funding street families rehabilitation programmes; managing donations for the rehabilitation of street families through a trust fund; monitoring expenditure and disbursement of donations; and advising the government and other relevant agencies on matters relating to rehabilitation of street families;

NOTING THAT Article 43 (1) of the Constitution of Kenya provides for the right to every person to the highest attainable standard of health, accessible and adequate housing, adequate food of acceptable quality, clean and safe water in adequate quantities, education, and social security;

...../Motion

CONCERNED THAT the street family phenomenon has persisted despite the existence of the SFRTF and street families do not enjoy the rights enshrined in the Constitution due to lack of a national policy on the rehabilitation of street families, with women and children being the primary victims;

COGNIZANT THAT the Ministry of Devolution and ASAL Areas through the SFRTF supports children and youth through charitable and community based organizations which are vetted and approved for funding under the rescue, rehabilitation and reintegration of street families programme;

NOTING THAT both the National and County Governments have a role to play in addressing the plight of street families across the Country;

NOW THEREFORE the Senate resolves that Ministry of Devolution and ASAL Areas in collaboration with the Council of Governors-

1. conducts a census of street families in all urban centres in the country to determine their numbers and demographics;
2. develops a clear policy on street families rehabilitation and reintegration at county level; and
3. tables an audit report of how funds allocated to the SFRTF have been utilized since the Fund was established, indicating the impact of the rehabilitation exercise.

22. **MOTION - ZERO RATING OF DUTY AND EXEMPTION FROM V.A.T ON LOCALLY MANUFACTURED SANITARY TOWELS**

(Sen. Abshiro Halake, MP)

THAT, WHEREAS Menstrual Health management among women and girls in Kenya has been a major issue particularly for the low income earners with about 65% of women and girls in the country who can barely afford sanitary towels each month;

AWARE that many girls and women are severely affected during menstrual cycle and are not able to consistently attend and concentrate in class and school work leading to poor performance;

FURTHER AWARE that if not handled appropriately menstruation can cause infections of the urinary tract and pelvic inflammatory diseases as well as bad odour, soiled garments and embarrassment, ultimately leading to infringement on the girls' dignity and other health related complications;

COGNIZANT that Menstrual Health Management (MHeM) is a health as well as an education issue and therefore a critical developmental hindrance in Kenya with statistics indicating that one in ten adolescent girls miss school and eventually drop out of school due to menstruation-related issues;

RECOGNIZING menstrual hygiene and affordable access to menstrual hygiene products is inextricably linked to rights to health, sanitation, education and dignity among other rights;

...../Motion

NOTING that the Basic Education Act, No.14 of 2013 obligates the government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty;

CONCERNED that the cost of sanitary towels is too high and out of reach for many girls and women who are out of basic education institutions;

FURTHER CONCERNED that classifying and taxing raw materials for locally produced sanitary towels, as luxury items, is counter-productive to the government policies on enhancing the manufacturing sector and distribution of sanitary towels to schools;

NOW THEREFORE, the Senate resolves that the Government-

- a. prioritises gender sensitive budgeting as a way of addressing issues affecting women and girls; specifically menstrual health matters.
- b. initiates measures to ensure zero rating of duty on raw materials used for locally manufactured sanitary towels and zero rating Value Added Tax (VAT) on locally manufactured sanitary towels, to ensure affordability for the many poor households in Kenya; and
- c. advance further tax incentives to manufacturers for cheaper production of sanitary towels.

NOTICE

The Senate resolved on 14th February, 2018 as follows:-

THAT, pursuant to Standing Order 106 (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

*****THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO.4 OF 2017)**

(The Senate Majority Leader)

Clause 19

THAT, Clause 19 of the Bill be amended in the proposed new FIRST SCHEDULE under the heading marked "City" by inserting the following new services immediately after "Organised Public Transport"-

"Information, Communication and Technology services"

"Telecommunication services"

APPENDIX

1. PAPERS

- a) Report of the Auditor General on the Financial Statements of County Executive of Kwale for the year ended 30th June 2017.
- b) Report of the Auditor General on the Financial Statements of County Executive of Mombasa for the year ended 30th June 2017.
- c) Report of the Auditor General on the Financial Statements of County Executive of Lamu for the year ended 30th June 2017.
- d) Report of the Auditor General on the Financial Statements of County Executive of Elgeyo Marakwet for the year ended 30th June 2017.
- e) Report of the Auditor General on the Financial Statements of County Executive of Uasin Gishu for the year ended 30th June 2017.
- f) Report of the Auditor General on the Financial Statements of County Executive of West Pokot for the year ended 30th June 2017.
- g) Report of the Auditor General on the Financial Statements of County Executive of Turkana for the year ended 30th June 2017.
- h) Report of the Auditor General on the Financial Statements of County Executive of Nandi for the year ended 30th June 2017.
- i) Report of the Auditor General on the Financial Statements of County Executive of Trans Nzoia for the year ended 30th June 2017.
- j) Report of the Auditor General on the Financial Statements of County Executive of Tana River for the year ended 30th June 2017.
- k) Report of the Auditor General on the Financial Statements of County Executive of Taita Taveta for the year ended 30th June 2017.

(The Senate Majority Leader)

2. NOTICES OF MOTION

a) **SUPPORT OF DYSLEXIC PEOPLE OF ALL AGES TO REACH THEIR FULL POTENTIAL**

(Sen. (Dr.) Getrude Musuruve, MP)

THAT WHEREAS Article 43 (1)(f) of the Constitution of Kenya explicitly provides for the right to education for all;

...../Appendix

AND WHEREAS Article 24 of the Convention of the Rights of Persons with Disability (CRPD) recognizes the right of persons with disabilities to education without discrimination and on the basis of equal opportunity and that State Parties shall ensure an inclusive education system at all levels and lifelong learning directed to among others, the full development of the dignity and human potential of persons with disabilities;

NOTING THAT Dyslexia is a form of disability that involves difficulty in learning to read or interpret words, letters, and other symbols, but does not affect general intelligence;

COGNIZANT THAT with the appropriate intervention, dyslexic children have talents that can be nurtured in an inclusive setting;

DEEPLY CONCERNED THAT lack of appropriate curriculum for dyslexic learners in public schools disadvantages such learners resulting to failure to maximize their full potential;

NOW THEREFORE the Senate calls upon the national government through the Ministry of Education to:

1. ensure that educational needs of dyslexic learners are catered for in all public schools;
2. ensure a differentiated curriculum for dyslexic children is developed and accommodated within the regular curriculum;
3. allocate funds for purpose of developing Special Needs Education (SNE) support materials and resources for dyslexic children in regular public schools; and,
4. ensure that an inclusive mechanism is put in place to facilitate economic empowerment of dyslexic children as they transit from school to the work place.

b) **REVIVAL OF THE POSTAL CORPORATION OF KENYA**
(Sen. Cleophas Malalah, MP)

THAT AWARE THAT the Postal Corporation of Kenya is a state-owned Corporation established by the Postal Corporation of Kenya Act, (CAP 411) and operates as a commercial public enterprise;

FURTHER AWARE that the Corporation's mandate includes provision of accessible, affordable and reliable Postal Services to all parts of the country in line with its Mission to deliver innovative superior communication, distribution and financial solutions to its customers and create value to stakeholders;

NOTING THAT the corporation has remained the most accessible, affordable and effective communications platform in Kenya with a total of 623 outlets spread across the country;

CONCERNED THAT that the Corporation has very attractive and innovative services and a developed infrastructure that is underutilized, hampering efforts to carry out its mandate as enshrined in the Act;

ACKNOWLEDGING THAT the Corporation would see a much needed revival if included in the Government connectivity project through the National Optic Fibre Backbone project (NOFBI), aimed at ensuring connectivity in all the 47 counties of Kenya whose implementation aims to ease communication across counties as well as improve government service delivery to the citizens such as application of national identity cards, passports and registration of births and deaths;

NOW THEREFORE, the Senate calls upon the Ministry of Information, Communication and Technology in collaboration with the National Treasury, to:

- a) ensure fair distribution of postal outlets throughout the country with at least ten (10) functional Postal outlets in each of the 47 counties of Kenya;
- b) channel Government cash disbursements like the women fund, youth fund and the fund for senior citizens through the Corporation to enable the Corporation earn revenue through commissions charged;
- c) channel Government mail delivery, and clearing and forwarding services to the Corporation; and,
- d) channel Government Courier and logistical services through the Corporation.

3. STATEMENT PURSUANT TO STANDING ORDER NO. 48 (1)

The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Standing Committee on Health on the policy and the implementation of the Universal Health Care in Counties.