



**REPUBLIC OF KENYA**

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**THE SENATE**

**PROGRAMME OF SENATE BUSINESS**

**WEEK COMMENCING TUESDAY, NOVEMBER 20, 2018**

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***\* 12<sup>TH</sup> PARLIAMENT \* 2<sup>ND</sup> SESSION***

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**REPUBLIC OF KENYA**

**THE SENATE**

**TWELFTH PARLIAMENT (SECOND SESSION)**

**PROGRAMME OF SENATE BUSINESS**

**FOR THE WEEK COMMENCING TUESDAY, NOVEMBER 20, 2018**

**TUESDAY:**           Communication from the Chair, Messages, Petitions, Papers, Notices of  
20/11/2018           Motion, Statements, Motions and Bills.

**A. \*\*\* 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, 14<sup>th</sup> November, 2018)*

*(Division)*

**B. \*\* 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, 15<sup>th</sup> November, 2018)*

*(Division)*

**C. 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 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, 15<sup>th</sup> November, 2018)*

*(Division)*

**D. 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.

**E. \*\*\*THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*

**F. \*THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**

(Sen. Fatuma Dullo, MP)

*(Second Reading)*

**G. \*\*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**

(Chairperson, Sessional Committee on Delegated Legislation)

*(Second Reading)*

**H. \*THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 25 OF 2018)**

(Sen. George Khaniri, MP)

*(Second Reading)*

**I. \*\*\*THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**

(Chairperson, Standing Committee on Education)

*(Second Reading)*

**J. \*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)*

**K. \*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 28 OF 2018)**

(Sen. Ledama Olekina, MP)

*(Second Reading)*

**L. REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON 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 (1<sup>ST</sup> JULY, 2013 – 30<sup>TH</sup> 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 (1<sup>st</sup> July, 2013 – 30<sup>th</sup> June, 2014).

**M. 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.

**N. 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;

**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.

**O. 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;

**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.

## **P. Any Other Business**

**WEDNESDAY:**                      **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements and Business that is not concluded on Tuesday, 20<sup>th</sup> November, 2018.**  
21/11/2018

### **A. \*THE LOCAL CONTENT BILL (SENATE BILL NO. 10 OF 2018)**

(Sen. Gideon Moi, MP)

*(Second Reading)*

### **B. COMMITTEE OF THE WHOLE**

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

(Sen. Ledama Olekina, MP)

### **C. COMMITTEE OF THE WHOLE**

#### **\*THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

### **D. COMMITTEE OF THE WHOLE**

#### **\*THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

### **E. COMMITTEE OF THE WHOLE**

**\*\*\*THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**  
(The Senate Majority Leader)

**F. COMMITTEE OF THE WHOLE**

**\*THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**  
(Sen. Amos Wako, MP)

**G. COMMITTEE OF THE WHOLE**

**\*\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**  
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

**H. COMMITTEE OF THE WHOLE**

**\*\*\*THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILLS NO. 47 OF 2017)**  
(The Senate Majority Leader)

**I. COMMITTEE OF THE WHOLE**

**\*\*\*THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2017)**  
(The Senate Majority Leader)

**J. COMMITTEE OF THE WHOLE**

**\*\*\*THE ENERGY BILL (NATIONAL ASSEMBLY BILLS NO. 50 OF 2017)**  
(The Senate Majority Leader)

**K. COMMITTEE OF THE WHOLE**

**\*\*\*THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**  
(The Senate Majority Leader)

**L. Any Other Business**

**THURSDAY:**      **Communication from the Chair, Messages, Petitions, Papers, Notices of  
22/11/2018      Motion, Statements, Motions and Bills.**

**A. MOTION- REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS AND 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 5<sup>th</sup> 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 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.

**B. MOTION - REPORT OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-AFRICAN PARLIAMENT.**

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

**THAT**, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan-African Parliament held in Midrand, South Africa, from 7<sup>th</sup> to 18<sup>th</sup> May, 2018, laid on the Table of the House on Tuesday, 24<sup>th</sup> July, 2018.

**C. MOTION – REPORT OF THE SENATE DELEGATION TO THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS’ FORUM**

(Sen. Moses Kajwang’, MP)

**THAT**, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians’ Forum held at the Westminster Palace, London, United Kingdom from 26<sup>th</sup> February to 1<sup>st</sup> March, 2018 laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

**D. MOTION - REPORT OF THE 138<sup>TH</sup> ASSEMBLY OF THE INTER – PARLIAMENTARY UNION (IPU)**

(Sen. Susan Kihika, MP)

**THAT**, this House notes the Report of the 138<sup>th</sup> Assembly of the Inter – Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22<sup>nd</sup> – 28<sup>th</sup> March, 2018 laid on the Table of the Senate on Thursday, 21<sup>st</sup> June, 2018.



**E. MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE**

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

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

**F. MOTION – REPORT OF THE 62<sup>ND</sup> SESSION OF THE COMMISSION ON THE STATUS OF WOMEN**

(Sen. Abshiro Halake, MP)

**THAT**, this House notes the Report of the 62nd Session of the Commission on the Status of Women laid on the Table of the House on Tuesday, 17th July, 2018.

**G. MOTION – REPORT OF THE 49<sup>TH</sup> SESSION OF THE AFRICAN CARIBBEAN PACIFIC PARLIAMENTARY ASSEMBLY AND INTER – SESSIONAL MEETING**

(Sen. (Prof.) Margaret Kamar, MP)

**THAT**, this House notes the Report of the 49<sup>th</sup> Session of the ACP Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held in Brussels from 20<sup>th</sup> – 22<sup>nd</sup> March, 2018, Belgium, laid on the Table of the House on Tuesday, 31<sup>st</sup> July, 2018.

**H. MOTION –REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE 2018 COMMONWEALTH GAMES**

(Sen. (Dr.) Alice Milgo, MP)

**THAT**, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold-Coast, Australia from 4<sup>th</sup> to 15<sup>th</sup> April, 2018, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> August, 2018.

**I. MOTION – REPORT OF THE SENATE DELEGATION TO THE CONFERENCE ON ENHANCING THE ROLE OF PARLIAMENTARIANS IN THE INTERLINKAGE BETWEEN POPULATION ISSUES AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT**

(Sen. Fredrick Outa, MP)

**THAT**, this House notes the Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable Development, held in New Delhi, India from 13<sup>th</sup> – 15<sup>th</sup> September, 2017, laid on the Table of the House on Thursday, 2nd August, 2018.

**J. MOTION – REPORT OF THE SENATE DELEGATION TO THE 39<sup>TH</sup> ANNUAL FORUM OF PARLIAMENTARIANS FOR GLOBAL ACTION**

(Sen. Mutula Kilonzo Jnr., MP)

**THAT**, the Senate notes the Report of the Kenya delegation to the 39<sup>th</sup> Annual Forum of Parliamentarians for Global Action laid on the Table of the House on Thursday 11.10.2018.

**K. MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC) HELD AT THE WORLD BANK HEADQUARTERS**

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

**THAT**, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16<sup>th</sup> to 17<sup>th</sup> April, 2018, laid on the Table of the House on Thursday, 12<sup>th</sup> July, 2018.

**L. Any Other Business**

**KEY**

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

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

**\*\* - Denotes a Committee Bill**

**\* - Denotes any other Bill**