



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER
THURSDAY, FEBRUARY 28, 2019 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
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. ******THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2019)**
(The Senate Majority Leader)
(First Reading)
9. **MOTION – THE REPORT OF THE AD-HOC COMMITTEE ON THE MAIZE CRISIS IN KENYA.**
(Chairperson, Ad-Hoc Committee on Maize)

THAT, this House adopts the Report of the Ad-hoc Committee on the Maize crisis in Kenya laid on the Table of the House on Tuesday, 27th November, 2018 subject to the following amendments to the report-

- (a) by inserting the words " *and the Inter-Ministerial Committee on Food Security*" immediately after the words "*The Cabinet Secretary, the National Treasury & Planning and the Cabinet Secretary, MOALF&I*" appearing in paragraph 3 on page 11 of the report;
- (b) by inserting the words " *and the Inter-Ministerial Committee on Food Security*" immediately after the words "*The CS National Treasury and CS, MOALF&I*" appearing in column 1 of recommendation 7 on page 111 of the report; and

...../Motion

(c) by inserting the words " and the Inter-Ministerial Committee on Food Security" immediately after the words "CS, National Treasury, CS, Agriculture" appearing in column 3 of recommendation 7 on page 111 of the report.

***(Resumption of debate interrupted on Wednesday, 27th February, 2019)
(Division)***

10. **MOTION - ADOPTION OF THE REPORT ON THE 2019 BUDGET POLICY STATEMENT**

(Chairperson, Standing Committee on Finance and Budget)

THAT, pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 180 (7) of the Senate, this House adopts the Report of the Standing Committee on Finance and Budget on the 2019 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 26thFebruary, 2019.

***(Resumption of debate interrupted on Wednesday, 27th February, 2019)
(Division)***

11. **MOTION - CREATION OF DISABILITY INCLUSIVE SCHOOL CLUBS IN ALL PUBLIC SCHOOLS**

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

THAT, WHEREAS Article 19 of the Convention on the Rights of Persons with Disabilities (CRPD) affirms the equal right of all persons with disabilities to live in a community, with choices equal to others, equal access to services and facilities that are responsive to their needs;

AWARE THAT societal perception of disability is negative, mainly due to lack of socialization and integration during the formative years;

COGNIZANT THAT participation in school clubs provides important life skills that prepare children holistically for their future and plays a major role in transforming students' lives as they transit to various professions in adulthood;

CONCERNED THAT no policy exists addressing inclusivity in school clubs for persons with disability in the public school system;

NOW THEREFORE the Senate calls upon the coordinated effort of the National Government through the Ministry of Education, and the County Governments through the Council of Governors to develop policy that would ensure inclusiveness of special needs learners in school clubs in public schools beginning at the Early Childhood Development (ECD) level up to and including Secondary School level.

***(Resumption of debate interrupted on Thursday, 21st February, 2019)
(Balance of Time – 2hrs 52mins)***

12. **MOTION - THE REALIZATION OF GENDER EQUITY IN ELECTIVE AND APPOINTIVE POSITIONS IN KENYA**

(Sen. (Canon) Naomi Waqo Jilo, MP)

AWARE THAT, the Constitution of Kenya recognizes dignity, economic, social and cultural rights, education, housing and the right to health including reproductive health; and that the principle of equality and non-discrimination is established as a core value of

...../Motion

leadership and the national values and principles of governance include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of marginalized groups, among others;

FURTHER AWARE THAT, the Constitution of Kenya has very progressive articles that indicate commitment to the international and regional obligations arising from treaties and conventions and other Commitments signed or ratified;

COGNIZANT that Kenya has ratified the Convention on Elimination of all forms of discrimination against Women and the Protocol to the African Charter on Human and People's Rights of the Right of Women which are international instruments that are key to promoting women's rights;

RECALLING that policy framework to enhance gender equality has also been developed, and include the National Gender and Development Policy 2000, the Kenya Vision 2030, Sessional paper No. 2, of 2006, the National Land Policy, the National Policy for Response to Gender Based Violence, and the National Policy for the Abandonment of Female Genital Mutilation;

NOTING THAT, despite there being sound constitutional provisions and elaborate policy framework to realise gender equity, both national government and county governments have not done enough to realise the achievement of gender equality;

CONCERNED that women in Kenya experience hardships when it comes to elective offices, and are underrated by society with most opportunities for elective and appointive offices being awarded to men;

NOW THEREFORE, THE SENATE RESOLVES

- 1) that Parliament fast track the enactment of the law that shall give effect to the one third gender rule; and,
- 2) that pursuant to Article 81 of the Constitution both the National and County governments observe the principle of equality, and empowers the female gender by increasing the appointive position to at least fifty per cent.

13. **MOTION - REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 49TH COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA) AFRICA REGION CONFERENCE**

(Sen. Petronilla Were Lokorio, MP)

THAT this House notes the Report of the Parliament of Kenya delegation to the 49th Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Gaborone, Botswana, 13th – 22nd August, 2018 laid on the Table of the House on Wednesday, 20th February, 2019.

14. **MOTION -REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO 50TH SESSION OF AFRICAN CARIBBEAN PACIFIC (ACP) AND 35TH SESSION OF THE ACP - EU JOINT PARLIAMENTARY ASSEMBLY**

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

THAT this House notes the Report of the Parliament of Kenya delegation to the 50th Session of the ACP Parliamentary Assembly and the 35th Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium, 13th to 20th June, 2018.

...../Motion

15. MOTION - ADDRESSING THE PLIGHT OF STREET FAMILIES IN URBAN CENTRES

(Sen. Beatrice Kwamboka, MP)

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.

16. *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)

(Resumption of debate interrupted on Tuesday, 26th February, 2019)

...../Bill

- 17. ****THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**
 (Chairperson, Sessional Committee on Delegated Legislation)
(Second Reading)

- 18. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 28 OF 2018)**
 (Sen. Ledama Olekina, MP)
(Second Reading)

- 19. ***THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL(SENATE BILLS NO. 30 OF 2018)**
 (Sen. Mutula Kilonzo Jnr. MP and Sen. Sakaja Johnson, MP)
(Second Reading)

- 20. ***THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO 31 OF 2018)**
 (Sen. (Dr.) Agnes Zani, MP)
(Second Reading)

- 21. ***THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)**
 (Sen. (Arch.) Sylvia Kasanga, MP)
(Second Reading)

- 22. **MOTION** - (The Senate Majority Leader)
THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 12th March, 2019.

NOTICES

The Senate resolved on 13thFebruary, 2019 as follows:-

- a) **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.

- b) **THAT**, notwithstanding the provisions of Standing Order 106 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

KEY

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

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

****** - Denotes a Committee Bill

***** - Denotes any other Bill

APPENDIX

1. PETITION

Report on the Petition from Residents of Isiolo County regarding agreement between Living Goods and County Government of Isiolo.

(Chairperson, Standing Committee on Health)

2. STATEMENTS

(i) Statements Pursuant to Standing Order No. 48(1)

- a) Nominated Senator (Sen. Millicent Omanga, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on the compulsory management of copyright and other related rights.
- b) Nominated Senator (Sen. (Dr.) Agnes Zani, MP) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations on the Policy on the Devolved System of Government.
- c) Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Standing Committee on Finance and Budget on pending bills in Isiolo County.

(ii) Statement Pursuant to Standing Order No. 52 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 12th March, 2019.
