



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (THIRD SESSION)

THE SENATE

ORDER PAPER

THURSDAY, MARCH 21, 2019 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
7. Statements (as listed in the Appendix)
8. ****THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL (SENATE BILLS NO. 34 OF 2018)**
(Chairperson, Standing Committee on Finance and Budget)
(*Second Reading*)
(*Resumption of debate interrupted on Wednesday, 20th March, 2019*)
9. ***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*)
10. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS' INFRASTRUCTURE PROJECTS**
(Chairperson, Standing Committee on Finance and Budget)

THAT, this House adopts the Report of the Standing Committee on Finance and Budget on the County Governments' infrastructure projects comprising County Executive Headquarter offices, Assembly Chambers and offices and County State officers' residences, laid on the Table of the Senate on Thursday, 29th November, 2018.

...../Motion

11. **MOTION – REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE GLOBAL SUMMIT ON OPEN GOVERNANCE PARTNERSHIP**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

THAT, this House notes the Report on the Global Summit on Open Governance Partnership in Tbilisi, Georgia, 17th to 19th July, 2018 laid on the Table of the House on Wednesday, 20th February, 2019.

12. **MOTION-REPORTS OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-AFRICAN PARLIAMENT AND THE FIRST ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT**

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

THAT, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018; and, the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18th October to 3rd November, 2018, laid on the Table of the House on Tuesday, 12th March, 2019.

13. **MOTION - RENAMING OF MURANG’A UNIVERSITY OF TECHNOLOGY TO KENNETH MATIBA UNIVERSITY OF TECHNOLOGY.**

(Sen. Isaac Mwaura, MP)

THAT AWARE THAT, Murang’a University of Technology (MUT) is a Chartered University established under Section 13 of the Universities Act, 2012, and is positioning itself to develop a distinctive profile as a progressive and international Technical University, growing its enrolment strategically;

FURTHER AWARE that the University is located in Murang’a County, the home County of the late politician Kenneth Njindo Matiba, who died a patriotic and political hero, with numerous achievements spanning four decades;

NOTING THAT, the late Matiba was a prolific industrialist in the hospitality and education sector, and an accomplished public servant having served as the first indigenous African Permanent Secretary for Education in 1963; Permanent Secretary for Commerce; Chairperson of the Kenya Football Federation from 1974-78; a member of parliament for Kiharu constituency; Cabinet Minister for Health; Culture & Social Services; and Transport & Communications;

...../Motion

FURTHER NOTING THAT, the late Matiba was part of the opposition alliance that led the liberation struggle for the restoration of multi-party democracy through the Forum for the Restoration of Democracy (FORD), later founding FORD –Asili under which he ran for presidency in 1992 general election;

COGNIZANT that under the Heroes Act, 2014, the state is obliged to confer recognition to the late statesman for his cardinal contributions to the political and economic growth of this country;

FURTHER COGNIZANT that other patriotic Kenyans like Jomo Kenyatta, Daniel arap Moi, Masinde Muliro, Dedan Kimathi and Jaramogi Oginga Odinga have been accorded such recognition;

NOW THEREFORE, the Senate urges the National Government in remembrance of Matiba’s contribution to our Nation, to rename Murang’a University of Technology to Kenneth Matiba University of Technology.

14. **MOTION - CREATION OF SUPPORT SERVICES FOR THE DISCIPLINED FORCES & THEIR FAMILIES**

(Sen. George Khaniri, MP)

THAT APPRECIATING the commitment and sacrifice by members of the disciplined forces in protecting our country from both internal and external aggression;

AWARE of the risky and stressful environment that the officers are exposed to daily in the line of duty, combined with the increased terrorism threats at home, and abroad;

NOTING that members of the disciplined forces, and by extension, their families are exposed to traumatic incidents both at home and abroad that manifest as living in constant fear, debilitating depression, nightmares, crippling anxiety and thoughts of suicide commonly referred to as Post Traumatic Stress Disorder (PTSD) leaving them exposed to the stigma of society and unable to care for themselves and their families the way they could before;

RECOGNIZING that there is no structured national comprehensive program for post-traumatic stress counseling either for active or returning soldiers and their families;

...../Motion

NOW THEREFORE the Senate calls upon the Ministry of Interior and Co-ordination of National Government, in partnership with the Ministry of Defence, to establish counseling and support centers in all premises housing disciplined forces, and provide mandatory counseling to all service personnel and the families of those currently serving, and those who may have been killed in the line of duty.

15. **NOTICE OF MOTION - COMPLETION OF ALL STALLED PROJECTS UNDER COUNTY GOVERNMENTS THROUGH BUDGETARY MANAGEMENT**

(Sen. Charles Reubenson Kibiru, MP)

THAT, AWARE THAT Kenya has had a development blueprint of Vision 2030 since 2008 which has guided planning and development for the last decade, with a focus to making Kenya an industrialized middle income economy with a higher per capita income for its citizens;

FURTHER AWARE THAT, the development planning of the country is funded from the Consolidated Fund through the annual budget whereby revenues generated by Kenyans through taxes, levies, and fees that are supplemented with support of development partners in the form of outright loans, conditional loans, grants and/or unconditional grants to support growth and development across the country;

COGNIZANT THAT, any diversion from the Vision 2030 blueprint as well as the President’s “Big Four” Agenda, would negatively impact the development trajectory that seeks to ensure a long term microeconomic stability resulting in a revision of targets on the goals for socio-economic, cultural, environmental, technological and political transformation;

NOTING THAT, whereas the National Government’s Budget is based on Vision 2030 and “Big Four” Agenda, the County Governments’ Budgets are based on their respective County Integrated Development Plans, (CIDPs) which are expected to dovetail with the overall national development blueprint;

CONCERNED THAT, there are glaring discrepancies in progress made in development among counties, particularly among the 14 devolved functions caused by lack of accountability, integrity, professionalism and remaining a blemish on the successes of devolution;

ACKNOWLEDGING, the tribulations, ridicule, pecuniary embarrassment and negative socio-economic impact that pending bills have had on the local business community who supplied or undertook a service for the county governments, and the attendant slowdown in actual project completion, the rise in stalled projects

dotting counties, with County Governors prioritizing new projects instead of the completion of those which have stalled;

...../Motion

FURTHER ACKNOWLEDGING THAT, the National Treasury in its circular No. 9/2018 detailed the five hundred and forty five (545) projects which have stalled in the 47 Counties, and their status of completion, collectively amounting to an estimated project cost of three hundred and sixty six (366) Billion Kenya shillings;

NOW THEREFORE, the Senate recommends that the National Treasury in partnership with the Controller of Budget, Commission on Revenue Allocation, the Council of Governors and the County Assemblies Forum to-

1. Ensure that all the County Integrated Development Plans (CIDP's) and Annual Development Plans (ADP's) are aligned to Vision 2030 with an implementation, monitoring, and evaluation framework in place;
2. Address Pending Bills by prioritizing their payment, creating clear timeframes for payment and publishing a schedule of payment of the same; and
3. Prioritize the completion of stalled development projects prior to undertaking or funding new projects.

NOTICE

The Senate resolved on 13thFebruary, 2019 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

APPENDIX**1. PAPERS**

- a) Report of the Auditor-General on the Financial Statements of County Assembly of Machakos for the Year ended 30th June 2018;
- b) Report of the Auditor-General on the Financial Statements of Kitui County Assembly for the Year ended 30th June 2018;
- c) Report of the Auditor-General on the Financial Statements of Siaya County Assembly for the Year ended 30th June 2018;
- d) Report of the Auditor-General on the Financial Statements of Turkana County Assembly for the Year ended 30th June 2018;
- e) Report of the Auditor-General on the Financial Statements of Homa-Bay County Assembly for the Year ended 30th June 2018;
- f) Report of the Auditor-General on the Financial Statements of County Executive of Uasin-Gishu Enterprise Development Fund for the Year ended 30th June 2018;
- g) Report of the Auditor-General on the Marsabit County Enterprise Fund for the Year ended 30th June 2017;
- h) Report of the Auditor-General on the Financial Statements of Meru County Assembly Staff Car Loan and Housing Fund for the Year ended 30th June 2018;
- i) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Executive Mortgage and Car loan scheme for the Year ended 30th June 2018;
- j) Report of the Auditor-General on the Financial Statements of County Assembly of Kitui members car and Mortgage Loan Scheme for the Year ended 30th June 2017;
- k) Report of the Auditor-General on the Financial Statements of Murang'a South Water and Sanitation Company Limited for the Year ended 30th June 2017;
- l) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Assembly Mortgage and Car Loans Scheme Fund for the year ended 30th June 2017;
- m) Report of the Auditor-General on the Financial Statements of Murang'a South Water and Sanitation company Limited for the Year ended 30th June 2016;
- n) Report of the Auditor-General on the Financial Statements of County Assembly of Narok for the Year ended 30th June 2018;

- o) Report of the Auditor-General on the Financial Statements of Meru Water and Sewerage Services Registered Trustees for the Year ended 30th June 2017;
- p) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Bursary and Skills Development Fund for the Year ended 30th June 2018;
- q) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Alcoholic Drinks Control Fund for the Year ended 30th June 2018;
- r) Report of the Auditor-General on the Financial Statements of Elgeyo Marakwet Alcoholic Drinks Control Fund for the year ended 30th June, 2016;and
- s) Report of the Auditor-General on the Financial Statements of Uasin Gishu County Executive Emergence Fund for the year ended 30th June, 2018.

(The Senate Majority Leader)

2. STATEMENTS

i. Statement Pursuant to Standing Order No. 47 (1)

- (a) The Senator for Kakamega County (Sen. Cleophas Malala, MP) to make a statement on an issue of National concern on the renewed war against corruption by the Multi-Agency Anti-Graft team; and
- (b) Seneta anayewakilisha Kaunti ya Mombasa (Sen. Mohamed Faki, MP) kutoa taarifa kuhusu hali ya uchumi wa Kaunti ya Mombasa na Kaunti jirani za Kilifi, Kwale, Taita Taveta, Makeni, Kajiado na Machakos.

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

- (a) 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 transfer of functions to counties;
- (b) Nominated Senator (Sen. (Dr.) Agnes Zani, MP) to seek a statement from the Standing Committee on Education on the status of implementation of the 100% transition policy to secondary schools and to Technical and Vocational Education Training (TVET);
- (c) Nominated Senator (Sen. Mary Seneta, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries on the impact of devolution on livestock farming.
- (d) The Senator for Migori County (Sen. (Dr.) Ochilo Ayacko, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the mining activities in Migori County;

- (e) The Senator for Migori County (Sen. (Dr.) Ochilo Ayacko, MP) to seek a statement from the Standing Committee on National Security and Foreign Relations on the criminal activities of the "*Sangwenya*" gang in Migori County;and
- (f) Nominated Senator (Sen. Mary Seneta, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries on the current status of Emali holding ground in Kajiado County.

iii. 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, 26th March, 2019.
