



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER

TUESDAY, MAY 21, 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 (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. ***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019)**
(Sen. (Dr.) Agnes Zani, MP)
(First Reading)
9. ***THE CONTROL OF STRAY DOGS BILL (SENATE BILLS NO. 4 OF 2019)**
(Sen. Mary Seneta, MP)
(First Reading)
10. ***THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)**
(Sen. (Dr.) Agnes Zani, MP)
(First Reading)
11. ***THE COMMISSION ON ADMINISTRATIVE JUSTICE (AMENDMENT) BILL (SENATE BILL NO. 6 OF 2019)**
(Sen. Petronilla Were Lokorio, MP)
(First Reading)

...../Bill

- 12. ***THE ELECTION LAWS (AMENDMENT) BILL (SENATE BILLS NO. 33 OF 2018)**
 (Sen. Ledama Olekina, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 14th May, 2019)
(Division)

- 13. ***THE ELECTION LAWS (AMENDMENT) (NO. 2) BILL (SENATE BILLS NO. 37 OF 2018)**
 (Sen. (Dr.) Agnes Zani, MP)
(Second Reading)
(Resumption of debate interrupted on Thursday, 16th May, 2019)
(Division)

- 14. **MOTION – ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)**
 (Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the Warehouse Receipt System Bill (Senate Bills No. 10 of 2017) laid on the Table of the Senate on Tuesday, 14th May, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161 (3) of the Senate Standing Orders approves the mediated version of the Bill.

(Resumption of debate interrupted on Wednesday, 15th March, 2019)
(Division)

- 15. ***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)
(Resumption of debate interrupted on Wednesday, 3rd April, 2019)

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

- 17. ***THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 35 OF 2018)**
 (Sen. Judith Pareno, MP)
(Second Reading)

- 18. ***THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILLS NO. 38 OF 2018)**
 (Sen. Mary Seneta, MP)
(Second Reading)

- 19. ******THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**
 (The Senate Majority Leader)
(Second Reading)

...../Bill

- 20. ***THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)**
(Sen. Aaron Cheruiyot, MP and Sen. Isaac Mwaura, MP)
(*Second Reading*)
- 21. **COMMITTEE OF THE WHOLE**
****THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)
- 22. **COMMITTEE OF THE WHOLE**
***THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SEN. BILLS NO. 20 OF 2018)**
(Sen. Naomi Jilo Waqo, MP)
- 23. **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.

24. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE ANNUAL REPORT OF THE COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW FOR FINANCIAL YEAR 2017/2018**

(Chairperson, Standing Committee on Finance and Budget)

THAT, this House adopts the Report of the Standing Committee on Finance and Budget on the Annual Report of the County Governments Budget Implementation Review for Financial Year 2017/2018, laid on the Table of the Senate on Wednesday, 27th March, 2019.

25. **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;

...../Motion

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

NOTICE

The Senate resolved on 13th February, 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

****THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**

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

NOTICE is given that Sen. Samson Kiprotich Cherarkey, Chairperson to the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Impeachment Procedure Bill, Senate Bills No. 15 of 2018, at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of the National Assembly who intends to move a motion for the removal of the President by impeachment shall submit a copy of the proposed motion to the Clerk of the National Assembly together with a list of the members of the National Assembly who support the motion.

(b) by inserting the following new subclause immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

CLAUSE 9

THAT clause 9 of the Bill be amended—

(a) by deleting subclause (2) and substituting therefor the following new subclause—

(1) A member of the National Assembly who proposes a motion for the removal of a Cabinet Secretary under subsection (1) shall submit to the Clerk of the National Assembly a copy of the proposed motion for the removal of the Cabinet Secretary together with a list of the members of the National Assembly who support the motion.

(b) by inserting the following new subclause immediately after the new subclause (2)—

(2A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (1) by deleting the word “afford” appearing at the beginning of paragraph (b)(i) and substituting therefor the word “accord”.

CLAUSE 11

THAT clause 11 of the Bill be amended in paragraph (a) by deleting the word “promptly” appearing immediately after the words “the speaker shall” and substituting therefor the words “within three days,”.

CLAUSE 14

THAT clause 14 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of a county assembly who intends to move a motion under section 13 shall submit to the Clerk of the county assembly the motion together with a list of the members of the county assembly who support the motion.

(b) by inserting the following new subclauses immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule.

(1B) The Clerk of the county assembly shall confirm that the proposed motion—

- (a) specifies the grounds and particulars upon which the proposed motion is made;
- (b) is signed by the member; and
- (c) is signed in support by at least a third of all the members of the county assembly.

(1C) The Clerk of the county assembly shall, within three days of receipt of the proposed motion, submit the motion to the Speaker advising the Speaker of the determination made under subclause (1B).

(c) in subclause (2) by inserting the words “in writing” immediately after the words “for the refusal” appearing in paragraph (b); and

(d) in subclause (6) by deleting the word “five” appearing immediately after the words “the governor within” in paragraph (b) and substituting therefor the word “seven”.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (2) by deleting the words “appointment of a special committee” appearing immediately after the words “days of the” and substituting therefor the words “determination of the special committee under section 16 (2) that section 14 was complied with”.

CLAUSE 28

THAT clause 28 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) A member of a county assembly who intends to move a motion under section 27 shall submit to the Clerk of the county assembly the motion together with a list of the members of the county assembly who support the motion.

(b) by inserting the following new subclauses immediately after the new subclause (1)—

(1A) The list of members under subclause (1) shall be in the form prescribed in the Schedule

(1B) The Clerk of the county assembly shall confirm that the proposed motion—

- (a) specifies the grounds and particulars upon which the proposed motion is made;
- (b) is signed by the member; and
- (c) is signed in support by at least a third of all the members of the county assembly.

(1C) The Clerk of the county assembly shall, within three days of receipt of the proposed motion, submit the motion to the Speaker advising the Speaker of the determination made under subclause (1B).

CLAUSE 33

THAT the Bill be amended by deleting clause 33.

APPENDIX

1. PETITIONS

Petition by Residents of Lumumba and Kibuye Estates in Kisumu County concerning the National Housing Policy.

(Speaker of the Senate)

2. PAPERS

- (i) Parliament of Kenya Delegation Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the FP-ICGLR held in Bujumbura, Burundi, 13th – 14th March, 2019.

(Sen. Samuel Poghiso, MP)

- (ii) Report of the Auditor-General on the Financial Statements of Bungoma County Assembly - MCAs Car Loan and Mortgage Fund for the Year ended 30th June, 2018.

(The Senate Majority Leader)

3. NOTICE OF MOTION - REPORT ON THE 3RD STATUTORY MEETING OF THE COMMITTEE ON ECONOMIC DEVELOPMENT, REGIONAL INTEGRATION AND NATURAL RESOURCES OF THE FP-ICGLR

(Sen. Samuel Poghiso, MP)

THAT, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the FP-ICGLR held in Bujumbura, Burundi, 13th – 14th March, 2019 laid on the Table of the House on Tuesday, 21st May, 2019.

4. STATEMENT

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

- a) Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Affairs regarding the preparedness for the cyclic drought and floods in the country; and
- b) Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee on Trade, Tourism and Industrialization regarding fraudulent Sacco societies in Kenya.

(ii) Pursuant to Standing Order No. 51 (1)(b)

- a) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement relating to the activities of the Committee;
- b) The Chairperson, Standing Committee on Devolution and Intergovernmental Affairs to issue a statement relating to the activities of the Committee;
- c) The Chairperson, Standing Committee on Education to issue a statement relating to the activities of the Committee;

- d) The Chairperson, Standing Committee on Energy to issue a statement relating to the activities of the Committee;
- e) The Chairperson, Standing Committee on Finance and Budget to issue a statement relating to the activities of the Committee; and
- f) The Chairperson, Standing Committee on Health to issue a statement relating to the activities of the Committee.
