



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (FIRST SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
WEDNESDAY, NOVEMBER 08, 2017 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. **PROCEDURAL MOTION** - (The Senate Majority Leader)

THAT, Pursuant to Standing Order 128, this House resolves to reduce the publication period of the County Allocation of Revenue (Amendment) Bill (Senate Bills No. 9 of 2017), from Seven (7) days to One (1) day.

9. ******THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL**
(SENATE BILLS NO. 9 OF 2017)
(The Senate Majority Leader)

(First Reading)

10. **MOTION-** (The Senate Majority Leader)

THAT, Aware that the primary role of the Senate is to protect the interest of counties and their governments; as provided for in Article 96 of the Constitution of Kenya;

APPRECIATING that the Division of Revenue Act, 2017 (No. 16 of 2017) and the County Allocation of Revenue Act, 2017 (No. 23 of 2017) respectively provide for the sharing of revenue raised nationally between the National Government and County Governments and revenue raised nationally among County Governments, for financial year 2017/2018;

NOTING the need for an amendment to the County Allocation of Revenue Act, 2017 (No. 23 of 2017), to provide for a seamless disbursement of funds to County Governments to enable them effectively implement County Governments projects and programmes;

...../Motion

NOW THEREFORE, the Senate **resolves**–

- a) to establish an *Ad-hoc* Committee to be known as the **Ad-hoc Committee on the County Allocation of Revenue (Amendment) Bill 2017**, comprising not more than nine Senators, to undertake the functions of the Standing Committee on Finance and Budget, as contemplated under Standing Order 212 (3);
- b) that, the following Senators be appointed to the Committee;
 1. Sen. Njeru Ndwiga;
 2. Sen. Charles Reubenson Kibiru;
 3. Sen. Farhiya Ali Haji;
 4. Sen. (Dr.) Abdullahi Ibrahim Ali;
 5. Sen. Christine Zawadi Gona;
 6. Sen. Mutula Kilonzo Junior;
 7. Sen. George Khaniri
 8. Sen. Moses Kajwang' and
 9. Sen. Judith Pareno.
- c) that, the County Allocation of Revenue (Amendment) Bill (Senate Bills No. 9 of 2017) be committed to the *Ad-hoc* Committee; and
- d) that, the *Ad-hoc* Committee considers the County Allocation of Revenue (Amendment) Bill (Senate Bills No. 9 of 2017) and reports to the Senate on or before **Thursday, November 16, 2017**.

11. **MOTION** - (Sen. Fatuma Dullo)

(Ministry of Interior and Coordination of National Government)

AWARE that the right to adequate food is affirmed under Article 25 of the 1948 Universal Declaration of Human Rights, and Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights as part of the right to an adequate standard of living;

FURTHER AWARE THAT Article 43 (1) (c) and (d) of the Constitution of Kenya provides for economic and social rights for every person and in particular the right to be free from hunger, to have adequate food of acceptable quality, and to have clean and safe water in adequate quantities;

CONCERNED that this fundamental right is under threat as various Counties battle severe drought occasioned by successive failure in rainfall;

CONCERNED that over 3.4 million people including over 370,000 children are acutely malnourished and in urgent need of emergency assistance while millions of livestock have perished and the remaining are in extremely poor body condition as a result of the drought;

FURTHER CONCERNED that the situation in drought ravaged parts of the country poses a serious threat to Human dignity, peace, security and stability following loss of livelihoods leading to scramble for scarce resources by the affected communities;

...../Appendix

NOTING that Parliament enacted the National Drought Management Bill which was assented to on 1st April, 2016 and which seeks to comprehensively address the matter of persistent droughts in the country;

NOW THEREFORE, the Senate calls upon the Ministry of Interior and Coordination of National Government and relevant state agencies responsible including the National Drought Management Authority to-

1. Expeditiously implement the National Drought Management Authority Act, 2016 and set up the necessary infrastructure to mitigate against persistent droughts; and
2. Come up with efficient drought response strategies aimed at saving lives of both people and livestock.

NOTICE

The Senate resolved on 13th September, 2017 as follows:-

THAT, pursuant to Standing Order 100 (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

APPENDIX1. PAPERS

- i. The Controller of Budget Annual National Government Budget Implementation Review Report for Financial Year 2016/2017;
- ii. The Controller of Budget Annual County Governments Budget Implementation Review Report for Financial Year 2016/2017;
- iii. Report of the Auditor-General on the financial statements of the Nairobi Water and Sewerage Company for the year ended 30 June, 2016;
- iv. Report of the Auditor-General on the Marsabit County Executive Committee members Car Loan Scheme Fund for the year ended 30 June, 2016;
- v. Report of the Auditor-General on the financial statements of the Marsabit County Executive for the year ended 30 June, 2016;
- vi. Report of the Auditor-General on the financial statements of the Marsabit County Assembly for the year ended 30 June, 2016;
- vii. Report of the Auditor-General on the financial statements of the Garrissa County Executive for the year ended 30 June, 2016;
- viii. Report of the Auditor-General on the financial statements of the Garrissa County Assembly for the year ended 30 June, 2016;
- ix. Report of the Auditor-General on the financial statements of the Embu County Executive for the year ended 30 June, 2016;
- x. Report of the Auditor-General on the financial statements of the Embu County Assembly for the year ended 30 June, 2016;
- xi. Report of the Auditor-General on the financial statements of the Tharaka-Nithi County Executive for the year ended 30 June, 2016;
- xii. Report of the Auditor-General on the financial statements of the Tharaka-Nithi County Assembly for the year ended 30 June, 2016;
- xiii. Report of the Auditor-General on the financial statements of the Wajir County Executive for the year ended 30 June, 2016;
- xiv. Report of the Auditor-General on the financial statements of the Wajir County Assembly for the year ended 30 June, 2016;
- xv. Report of the Auditor-General on the financial statements of the Bungoma County Executive for the year ended 30 June, 2016;
- xvi. Report of the Auditor-General on the financial statements of the Bungoma County Assembly for the year ended 30 June, 2016;
- xvii. Report of the Auditor-General on the financial statements of the Isiolo County Executive for the year ended 30 June, 2016;
- xviii. Report of the Auditor-General on the financial statements of the Isiolo County Assembly for the year ended 30 June, 2016;

- xix. Report of the Auditor-General on the financial statements of the Meru County Executive for the year ended 30 June, 2016;
- xx. Report of the Auditor-General on the financial statements of the Meru County Assembly for the year ended 30 June, 2016;
- xxi. Report of the Auditor-General on the financial statements of the Kitui County Executive for the year ended 30 June, 2016;
- xxii. Report of the Auditor-General on the financial statements of the Kitui County Assembly for the year ended 30 June, 2016;
- xxiii. Report of the Auditor-General on the financial statements of the Kiambu County Executive for the year ended 30 June, 2016;
- xxiv. Report of the Auditor-General on the financial statements of the Kiambu County Assembly for the year ended 30 June, 2016;
- xxv. Report of the Auditor-General on the financial statements of the Narok County Executive for the year ended 30 June, 2016;
- xxvi. Report of the Auditor-General on the financial statements of the Narok County Assembly for the year ended 30 June, 2016;
- xxvii. Report of the Auditor-General on the financial statements of the Bomet County Executive for the year ended 30 June, 2016;
- xxviii. Report of the Auditor-General on the financial statements of the Bomet County Assembly for the year ended 30 June, 2016;
- xxix. Report of the Auditor-General on the financial statements of the Kisumu County Executive for the year ended 30 June, 2016;
- xxx. Report of the Auditor-General on the financial statements of the Kisumu County Assembly for the year ended 30 June, 2016;
- xxxi. Report of the Auditor-General on the financial statements of the Kirinyaga County Executive for the year ended 30 June, 2016;
- xxxii. Report of the Auditor-General on the financial statements of the Kirinyaga County Assembly for the year ended 30 June, 2016;
- xxxiii. Report of the Auditor-General on the financial statements of the Laikipia County Executive for the year ended 30 June, 2016;
- xxxiv. Report of the Auditor-General on the financial statements of the Laikipia County Assembly for the year ended 30 June, 2016;
- xxxv. Report of the Auditor-General on the financial statements of the Kisii County Executive for the year ended 30 June, 2016;
- xxxvi. Report of the Auditor-General on the financial statements of the Kisii County Assembly for the year ended 30 June, 2016;
- xxxvii. Report of the Auditor-General on the financial statements of the Nyandarua County Executive for the year ended 30 June, 2016;
- xxxviii. Report of the Auditor-General on the financial statements of the Nyandarua County Assembly for the year ended 30 June, 2016;

- xxxix. Report of the Auditor-General on the financial statements of the Nyeri County Assembly for the year ended 30 June, 2016;
- xl. Report of the Auditor-General on the financial statements of the Murang'a County Assembly for the year ended 30 June, 2016;
- xli. Report of the Auditor-General on the financial statements of the Mandera County Assembly for the year ended 30 June, 2016.

(The Senate Majority Leader)

2. NOTICES OF MOTION

a) **Notice of Motion- (The Senate Majority Leader)**

THAT, Aware that the primary role of the Senate is to protect the interest of counties and their governments; as provided for in Article 96 of the Constitution of Kenya;

APPRECIATING that the Division of Revenue Act, 2017 (No. 16 of 2017) and the County Allocation of Revenue Act, 2017 (No. 23 of 2017) respectively provide for the sharing of revenue raised nationally between the National Government and County Governments and revenue raised nationally among County Governments, for financial year 2017/2018;

NOTING the need for an amendment to the County Allocation of Revenue Act, 2017 (No. 23 of 2017), to provide for a seamless disbursement of funds to County Governments to enable them effectively implement County Governments projects and programmes;

NOW THEREFORE, the Senate **resolves**–

- a) to establish an *Ad-hoc* Committee to be known as the **Ad-hoc Committee on the County Allocation of Revenue (Amendment) Bill 2017**, comprising not more than nine Senators, to undertake the functions of the Standing Committee on Finance and Budget, as contemplated under Standing Order 212 (3);
- b) that, the following Senators be appointed to the Committee:
 - 1. Sen. Njeru Ndwiga;
 - 2. Sen. Charles Reubenson Kibiru;
 - 3. Sen. Farhiya Ali Haji;
 - 4. Sen. (Dr.) Abdullahi Ibrahim Ali;
 - 5. Sen. Christine Zawadi Gona;
 - 6. Sen. Mutula Kilonzo Junior;
 - 7. Sen. George Khaniri
 - 8. Sen. Moses Kajwang' and
 - 9. Sen. Judith Pareno.
- c) that, the County Allocation of Revenue (Amendment) Bill (Senate Bills No. 9 of 2017) be committed to the *Ad-hoc* Committee; and

...../Appendix

d) that, the *Ad-hoc* Committee considers the County Allocation of Revenue (Amendment) Bill (Senate Bills No. 9 of 2017) and reports to the Senate on or before **Thursday, November 16, 2017.**

b) **Notice of Motion** - (Sen. Fatuma Dullo)
(Ministry of Interior and Coordination of National Government)

AWARE that the right to adequate food is affirmed under Article 25 of the 1948 Universal Declaration of Human Rights, and Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights as part of the right to an adequate standard of living;

FURTHER AWARE THAT Article 43 (1) (c) and (d) of the Constitution of Kenya provides for economic and social rights for every person and in particular the right to be free from hunger, to have adequate food of acceptable quality, and to have clean and safe water in adequate quantities;

CONCERNED that this fundamental right is under threat as various Counties battle severe drought occasioned by successive failure in rainfall;

CONCERNED that over 3.4 million people including over 370,000 children are acutely malnourished and in urgent need of emergency assistance while millions of livestock have perished and the remaining are in extremely poor body condition as a result of the drought;

FURTHER CONCERNED that the situation in drought ravaged parts of the country poses a serious threat to Human dignity, peace, security and stability following loss of livelihoods leading to scramble for scarce resources by the affected communities;

NOTING that Parliament enacted the National Drought Management Bill which was assented to on 1st April, 2016 and which seeks to comprehensively address the matter of persistent droughts in the country;

NOW THEREFORE, the Senate calls upon the Ministry of Interior and Coordination of National Government and relevant state agencies responsible including the National Drought Management Authority to-

1. Exeditiously implement the National Drought Management Authority Act, 2016 and set up the necessary infrastructure to mitigate against persistent droughts; and
2. Come up with efficient drought response strategies aimed at saving lives of both people and livestock.

3. STATEMENTS

(I) TO BE REQUESTED

a) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) to seek a statement from the Senate Majority Leader on the Thwake Multi-purpose Dam Project;

- b) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) to seek a statement from the Senate Majority Leader on the delayed compensation for displaced persons during the construction of Mulima Dam-Mbooni Constituency-Makueni County;
- c) The Senator for Makueni County (Sen. Mutula Kilonzo Jnr.) to seek a statement from the Senate Majority Leader on the Inua Jamii Cash Programme.

(II) TO BE ISSUED

- a) The Senate Majority Leader to issue a statement on Status of Karebe Gold Mine Company in Nandi County (Sen. Samson Cherarkey);
- b) The Senate Majority Leader to issue a statement on alleged use of excessive force and police brutality at the University of Nairobi (Sen. Ledama Ole Kina);
- c) The Senate Majority Leader to issue a statement on the Ongoing strike by nurses in public health institutions (Sen. Sen. Petronila Were);
- d) The Senate Majority Leader to issue a statement on alleged dumping of asbestos in Kikumbulyu Ward, Kibwezi West in Makueni County in the year 2015 (Sen. Mutula Kilonzo Jnr.).
