



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (FIRST SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
THURSDAY, NOVEMBER 09, 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. ******** THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL
(SENATE BILLS NO. 9 OF 2017)
(The Senate Majority Leader)
(Second Reading)
9. COMMITTEE OF THE WHOLE
******** THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL
(SENATE BILLS NO. 9 OF 2017)
(The Senate Majority Leader)
10. MOTION - ESTABLISHMENT OF A PARLIAMENTARY JOINT SELECT
COMMITTEE ON THE ELECTION OF MEMBERS TO THE EAST
AFRICAN LEGISLATIVE ASSEMBLY
(The Senate Majority Leader)

THAT,

ACKNOWLEDGING that the East Africa Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community's legislative matters;

RECOGNIZING that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years;

...../Motion

FURTHER aware that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly;

RECALLING THAT the process of electing new Members to the East African Legislative Assembly was commenced by the Eleventh Parliament in April, 2017 but could not be concluded by the end of the term of that Parliament;

NOTING THAT the term of the previous East African Legislative Assembly lapsed on 4th June, 2017;

COGNIZANT of the need to urgently conclude the election process for the East African Legislative Assembly to commence transacting business of the East African Community;

NOW THEREFORE, in accordance with the provisions of Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the Senate resolves to establish a *Joint Select Committee* consisting of five (5) Members from each House of Parliament to undertake the functions contemplated under the *East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017*, and report to the House within the timelines stipulated in the said Rules and that-

- a. the Offices of the Clerks of Houses of Parliament provides secretariat services in accordance with the Standing Orders; and,
- b. the following Members represent the Senate in the Joint Select Committee:
 1. Sen. Aaron Cheruiyot;
 2. Sen. (Dr.) Abdulahi Ibrahim Ali;
 3. Sen. Millicent Omanga;
 4. Sen. Mutula Kilonzo Junior; and
 5. Sen. Rose Nyamunga.

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;

...../Motion

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. 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.

12. **MOTION – ALTERATION OF THE CALENDER OF THE SENATE**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 29 (4), the Senate resolves to alter its Calendar in respect of the Fourth Part of the First Session, in order to proceed on a recess from Friday 10th November, 2017 to Monday 27th November, 2017.

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

APPENDIX

1. MESSAGE

Establishment of a Joint Parliamentary Select Committee on Election of Members to the East African Legislative Assembly (EAIA).

(The Speaker of the Senate)

2. PAPERS

- a) The National Cohesion and Integration Commission Annual Report 2016;
- b) The Annual Report on the Kenya Law Reform Commission for Financial Year 2016/2017;
- c) Report of the Auditor-General on the financial statements of the Busia County Executive for the year ended 30 June, 2016;
- d) Report of the Auditor-General on the financial statements of the Busia County Assembly for the year ended 30 June, 2016;
- e) Report of the Auditor-General on the financial statements of the Kakamega County Assembly for the year ended 30 June, 2016;
- f) Report of the Auditor-General on the financial statements of the Machakos County Assembly Car Loan Scheme Fund for the year ended 30 June, 2016;
- g) Report of the Auditor-General on the financial statements of the Kajiado County Emergency Fund for the year ended 30 June, 2016;
- h) The Business of the Senate for the coming week.

(The Senate Majority Leader)

3. NOTICES OF MOTION

- a) Notice of Motion – ESTABLISHMENT OF A PARLIAMENTARY JOINT SELECT COMMITTEE ON THE ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY

(The Senate Majority Leader)

THAT,

ACKNOWLEDGING that the East Africa Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community's legislative matters;

RECOGNIZING that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years;

FURTHER aware that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly;

RECALLING THAT the process of electing new Members to the East African Legislative Assembly was commenced by the Eleventh Parliament in April, 2017 but could not be concluded by the end of the term of that Parliament;

NOTING THAT the term of the previous East African Legislative Assembly lapsed on 4th June, 2017;

COGNIZANT of the need to urgently conclude the election process for the East African Legislative Assembly to commence transacting business of the East African Community;

NOW THEREFORE, in accordance with the provisions of Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the Senate resolves to establish a *Joint Select Committee* consisting of five (5) Members from each House of Parliament to undertake the functions contemplated under the *East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017*, and report to the House within the timelines stipulated in the said Rules and that-

- a. the Offices of the Clerks of Houses of Parliament provides secretariat services in accordance with the Standing Orders; and,
- b. the following Members represent the Senate in the Joint Select Committee:
 1. Sen. Aaron Cheruiyot;
 2. Sen. (Dr.) Abdulahi Ibrahim Ali;
 3. Sen. Millicent Omanga;
 4. Sen. Mutula Kilonzo Junior; and
 5. Sen. Rose Nyamunga.

b) **Notice of Motion – ALTERATION OF THE CALENDER OF THE SENATE**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 29 (4), the Senate resolves to alter its Calendar in respect of the Fourth Part of the First Session, in order to proceed on a recess from Friday 10th November, 2017 to Monday 27th November, 2017.

4. STATEMENTS

(I) TO BE REQUESTED

The Senator for Kitui County (Sen. Enoch Wambua) to seek a statement from the Senate Majority Leader on the state of insecurity in Ngomeni Ward, Mwingi North Constituency in Kitui County.

(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 the ongoing strike by nurses in public health institutions (Sen. Petronila Were).
- c) The Senate Majority Leader to issue a statement on Spillage of substance in Thange area, Kibwezi East Constituency, in Makueni County in the year 2015 (Sen. Mutula Kilonzo Jnr.);

- d) The Senate Majority Leader to issue a statement on Non compliance with Article 100 of the Constitution on the promotion of representation of marginalized groups as well as status of inclusion of Persons With Disability (PWD) in the Public Service (Sen. (Dr.) Getrude Musuruve);
- e) The Senate Majority Leader to issue a statement on Business of the Senate for the coming week.
