



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SECOND SESSION)

THE SENATE

ORDER PAPER

WEDNESDAY, FEBRUARY 14, 2018 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. **PROCEDURAL MOTION - LIMITATION OF DEBATE ON MOTIONS**
(The Senate Majority Leader)

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.

...../Procedural Motion

9. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON ADJOURNMENT MOTION**

(The Senate Majority Leader)

THAT, notwithstanding the provisions of Standing Order 100 (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.

10. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTION ON THE ADDRESS BY THE PRESIDENT**

(The Senate Majority Leader)

THAT, pursuant to Standing Order 100 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

11. **MOTION – APPROVAL OF SENATORS TO SERVE IN THE PROCEDURE AND RULES COMMITTEE**

(The Senate Majority Leader)

THAT, pursuant to Standing Order No. 179 (2) (d), the Senate approves the following Senators nominated to serve in the Procedure and Rules Committee, in addition to Senators specified in Standing Order 179 (2) (a), (b) and (c)-

1. Sen. Christopher Lang'at, MP
2. Sen. Beth Mugo, EGH, MP
3. Sen. (Dr) Agnes Zani, MP

12. **MOTION – APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES**

(The Senate Majority Leader)

THAT, pursuant to Standing Orders No. 183, 212 and 213, the Senate approves the following Senators, nominated to serve in Select Committees of the Senate as follows-

A. COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION

Sen. Fredrick Outa, MP to replace Sen. Beatrice Kwamboka, MP

...../ *Motion*

B. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS

1. Sen. Fatuma Dullo, CBS, MP
2. Sen. Kimani Wamatangi, MP
3. Sen. Mithika Linturi, MP
4. Sen. Kibiru Charles Reubenson, MP
5. Sen. Omanga Millicent, MP
6. Sen. Mohamed Faki, MP
7. Sen. Ledama Olekina, MP
8. Sen. Moses Kajwang', MP
9. Sen. (Prof.) Sam Ongeru, EGH, MP

C. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Kang'ata Irungu, MP
2. Sen. Prengei Victor, MP
3. Sen. Haji Farhiya Ali, MP
4. Sen. Poghisio Samuel Losuron, EGH, MP
5. Sen. Omanga Millicent, MP
6. Sen. Judith Pareno, MP
7. Sen. Mutinda Kabaka, MP
8. Sen. Okong'o Omogeni, MP
9. Sen. Mohamed Faki, MP

13. MOTION – APPROVAL OF SENATORS TO SERVE IN THE COMMITTEE ON POWERS AND PRIVILEGES

(The Senate Majority Leader)

THAT, Pursuant to section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order 183, the Senate approves the following Senators nominated to serve in the Committee on Powers and Privileges, in addition to the Speaker of the Senate, who, pursuant to Section 15 (1) (b) (i) of the Parliamentary Powers and Privileges Act, shall be the Chairperson of the Committee.

1. Sen. Falhada Iman, MP
2. Sen. Kimani Wamatangi, MP
3. Sen. Millicent Omanga, MP
4. Sen. Kang'ata Irungu, MP
5. Sen. Rose Nyamunga, MP
6. Sen. Sylvia Kasanga, MP

14. **THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

15. **THE IRRIGATION BILL (SENATE BILLS NO. 5 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

...../ **Bill**

KEY

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

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

****** - Denotes a Committee Bill

***** - Denotes any other Bill

APPENDIX**1. PETITIONS**

- a) Petition by Mr. Isaac Aluoch Polo Aluochier regarding usage of the word '**HARAMBEE**' in the Coat of Arms and the Public Seal;
- b) Petition by the Governor of Kisii County, Hon. James Ongwae for variation of the Boundaries of Nyangweta Forest in South Mugirango Sub-County, Kisii County.

(The Speaker of the Senate)

2. PAPERS

- a) Report of the 8th Ordinary Session of Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), 5th – 7th December, 2017, Central African Republic;

(Sen. Samuel Poghio)

- b) The Report of the Senate Delegation to the women political leaders Annual Global Summit held in Reyjavik, Iceland from 28th -30th November, 2017;

(Sen. (Dr.) Alice Milgo)

- c) Annual Report of the State of the Judiciary and Administration of Justice Report (SOJAR) 2016/2017;

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

- d) Annual Report of the Public Service Commission for the Financial Year 2016/2017;

- e) Annual Report and Financial Statements of the Commission on Revenue Allocation for the Financial Year 2015/2016;

- f) The End of Term Report (2011 – 2017) of the Salaries and Remuneration Commission;

- g) The recommendations of the Commission on Revenue Allocation on the Recurrent Expenditure Ceilings for County Assemblies and County Executives for financial year 2018/2019.

(Chairperson, Standing Committee on Finance and Budget)

3. NOTICES OF MOTION

- a) **Notice of Motion – APPROVAL OF SENATORS TO SERVE IN THE PROCEDURE AND RULES COMMITTEE**

(The Senate Majority Leader)

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1. Sen. Christopher Lang'at, MP
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...../Appendix

b) **Notice of Motion – APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES**

(The Senate Majority Leader)

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6. Sen. Judith Pareno, MP
7. Sen. Mutinda Kabaka, MP
8. Sen. Okong'o Omogeni, MP
9. Sen. Mohamed Faki, MP

c) **Notice of Motion – (The Senate Majority Leader)**
APPROVAL OF SENATORS TO SERVE IN THE
COMMITTEE ON POWERS AND PRIVILEGES

THAT, Pursuant to section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order 183, the Senate approves the following Senators nominated to serve in the Committee on Powers and Privileges, in addition to the Speaker of the Senate, who, pursuant to Section 15 (1) (b) (i) of the Parliamentary Powers and Privileges Act, shall be the Chairperson of the Committee.

...../Appendix

1. Sen. Falhada Iman, MP
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3. Sen. Millicent Omanga, MP
4. Sen. Kang'ata Irungu, MP
5. Sen. Rose Nyamunga, MP
6. Sen. Sylvia Kasanga, MP

d) **Notice of Motion – ON THE ESTABLISHMENT OF OFFICES OF THE COMMISSION ON ADMINISTRATIVE JUSTICE AT THE COUNTY LEVEL**

(Sen. Petronilla Were Lokorio)

WHEREAS Article 59 of the Constitution establishes the Kenya National Human Rights and Equality Commission to among other functions investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct;

AND WHEREAS Parliament enacted the Commission on Administrative Justice Act (No.23 of 2011) to restructure the Kenya National Human Rights and Equality Commission and to establish the Commission on Administrative Justice pursuant to Article 59(4) of the Constitution to provide for the membership, powers and functions of the Commission on Administrative Justice and for connected purposes;

AWARE that the function of the Commission on Administrative Justice among others is to investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice; including investigating complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;

FURTHER AWARE that the Commission is expected to carry out its mandate in accordance with the values and principles set out in the Constitution and other laws of Kenya;

COGNIZANT that the right to access public service and fair administrative actions is critical to delivery of services to the people both at the National and the county levels of government and in other related public institutions;

CONCERNED that the Commission has its headquarters in Nairobi with satellite offices in the counties of Mombasa, Kisumu, Isiolo and UasinGishu;

FURTHER CONCERNED that the absence of the Commission offices in the rest of the Counties has made it difficult for members of the public to report allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;

NOW THEREFORE, the Senate calls upon the Commission on Administrative Justice to urgently establish satellite offices in all other remaining counties to decentralize its services to facilitate members of the public to interact with the Commission and report allegations of maladministration in the public service with ease.

...../Appendix

4. STATEMENTS TO BE REQUESTED

- a) Nominated Senator (Sen. Naomi Shiyonga Masitsa) to seek a statement from the Chairperson, Standing Committee on Roads and Transportation regarding the rampant road accidents on the Nakuru – Eldoret Highway;
- b) Nominated Senator (Sen. Mercy Chebeni) to seek a statement from the Chairperson, Standing Committee on Labour and Social Welfare regarding the Kenya National Employment Authority;
- c) Nominated Senator (Sen. Mercy Chebeni) to seek a statement from the Chairperson, Standing Committee on Finance and Budget regarding the move by the state to merge six Government financial agencies to form a mega development bank ;
- d) The Senator for Makueni County (Sen. Mutula Kilonzo Junior) to seek a statement from the Chairperson, Standing Committee on Land, Environment and Natural Resources on the delayed compensation for persons displaced during the construction of Mulima dam in Mbooni Constituency;
- e) The Senator for Makueni County (Sen. Mutula Kilonzo Junior) to seek a statement from the Chairperson, Standing Committee on Land, Environment and Natural Resources on the oil spillage that occurred at Thange in Kibwezi East Constituency, Makueni County in the year 2015;
- f) The Senator for Makueni County (Sen. Mutula Kilonzo Junior) to seek a statement from the Chairperson, Standing Committee on Energy on the Kenya Electricity Transmission Company (KETRACO) (Sultan Hamud-Mwingi) High Voltage Power-line Project;
- g) The Senator for Makueni County (Sen. Mutula Kilonzo Junior) to seek a statement from the Chairperson, Standing Committee on Land, Environment and Natural Resources on the dumping of asbestos at Ngulu-Kikumbulyu ward in Makueni County.
