



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE SENATE
ORDER PAPER
TUESDAY, MARCH 06, 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
7. Statements (As Listed in the Appendix)
8. ***THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)**
(Sen. Mutula Kilonzo Jr.)
(Second Reading)
(Resumption of Debate interrupted on Thursday, 1st March, 2018)
9. ***THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL**
(SENATE BILL NO. 1 OF 2018)
(Sen. Paul Kimani Wamatangi)
(Second Reading)
10. **MOTION –REPORT OF THE 8TH ORDINARY SESSION OF THE FORUM OF**
PARLIAMENTS OF MEMBER STATES OF THE
INTERNATIONAL CONFERENCE ON THE GREAT LAKES
REGION
(Sen. Samuel Poghisi)

THAT, this House adopts the Report of the 8th Ordinary Session of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held on 5th – 7th December, 2017, in the Central African Republic, laid on the Table of the House on Tuesday, 20th February, 2018.

(Resumption of Debate interrupted on Thursday, 22nd February, 2018)
(Balance of Time – 2hrs 44 mins)

11. **MOTION – REPORT OF THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT**

(Sen. (Dr.) Alice Milgo)

THAT, this House adopts the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit, held in Reyjavik, Iceland from 28th - 30th November, 2017, laid on the Table of the House on Wednesday, 14th February, 2018.

*(Resumption of Debate interrupted on Thursday, 22nd February, 2018)
(Balance of Time – 2hrs 57 mins)*

12. **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 themembership, 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.

13. **MOTION- TEACHING OF KISWAHILI LANGUAGE TO LEARNERS WITH HEARING DISABILITY**

(Sen. (Dr.) Getrude Musuruve)

AWARE that Article 27 of the Constitution of Kenya guarantees equality of every person in enjoyment of all rights and fundamental freedoms and prohibits discrimination against any person on any ground including disability and language;

FURTHER AWARE that Article 24 (2) (a) of the United Nations Convention on the Rights of Persons With Disabilities prohibits persons with disabilities from exclusion from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

ACKNOWLEDGING that Article 7 of the Constitution of Kenya provides for the national language of the Republic as Kiswahili and the official languages of the republic as Kiswahili and English;

APPRECIATING that the Report of the Commission of Enquiry into Education in Kenya (the Ominde Commission of 1965) proposed that Kiswahili language be taught as a compulsory subject both in primary and secondary schools in Kenya with the aim of making the language a vehicle for literacy works relevant to community work of various kinds;

COGNIZANT that Kiswahili language has been recognized as a unifying language in the East African Community, hence making it a *lingua franca* in the region;

CONCERNED that under the new curriculum of education in Kenya that is being piloted, learners with hearing disability are not offered Kiswahili language in primary schools, secondary schools and primary teachers training colleges;

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology and other relevant state agencies to:

1. offer Kiswahili language as a core subject to learners with hearing disability in primary schools, secondary schools and primary teacher colleges;
2. come up with an elaborate syllabus for teaching Kiswahili as a core subject to deaf learners in primary, secondary and teacher training colleges; and
3. come up with an elaborate syllabus for teaching Kenya Sign Language (KSL) as an optional subject for learners who have no hearing disability and for deaf learners.

NOTICE

The Senate resolved on 14thFebruary, 2018 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. PETITIONS

- a) Petition by residents of Murang'a County regarding alleged impropriety in procurement of medical covers for staff working in County Governments;
- b) Petition on the proposed Mitubiri sanitary landfill project.

(Sen. Irungu Kang'ata)

2. PAPER

The Report of the Controller of Budget on County Governments Budget Implementation Review for the First Quarter of Financial Year 2017/2018.

(Chairperson, Standing Committee on Finance and Budget)

3. STATEMENTS

(I) To Be Requested

- a) The Senator for Narok County (Sen. Ledama Olekina) to seek a statement from the Chairperson, Standing Committee on Land, Environment and Natural Resources, regarding alleged long outstanding land dispute between Taita Sisal Estate and the local community within Taita Taveta County over land parcel numbers: LR No. 3880/5,11378,6924 and 9487;
- b) The Senator for Kwale County (Sen. Boy Issa Juma) to seek a statement from the Chairperson, Standing Committee on Land, Environment and Natural Resources, on titanium mining by Base Titanium Limited Company (Kenya), Base Resource Ltd Austria and other mining companies in Kwale County.

(II) To Be Issued

- a) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations, to issue statement on raiding of Mr. Miguna Miguna's home by police, abducting and confining him in police cells and deporting him to Canada (Sen. Moses Wetang'ula);
- b) The Chairperson, Standing Committee on Land, Environment and Natural Resources, to issue a statement on delayed compensation to persons displaced during the construction of Mulima Dam in Mbooni Constituency, Makueni County (Sen. Mutula Kilonzo Junior);
- c) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, to issue a statement on the implementation status of the Fisheries Management and Development Act (Sen. Moses Kajwang');
- d) The Chairperson, Standing Committee on Finance and Budget, to issue a statement on alleged delay in release of funds to County Governments for the Financial Year 2017/2018 (Sen. George Khaniri);
- e) The Chairperson, Standing Committee on Energy, to issue a statement on coal exploration at Mui Basin, Kitui County (Sen. Enoch Wambua);

- f) The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, to issue a statement on alleged abuse of Human Rights of Persons with Disabilities (Sen. Getrude Musuruve);
- g) The Chairperson, Standing Committee on Tourism, Trade and Industrialization, to issue a statement on the state of tourism in Kenya specifically in Malindi, Kilifi County (Sen. Christine Zawadi);
- h) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations, to issue a statement on raid by armed bandits in Suyian area of Elbarta Ward in Samburu North Constituency on Thursday 1st February, 2018 (Sen. Lelegwe Ltumbesi);
- i) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations, to issue a statement on alleged use of excessive force and police brutality during peaceful demonstrations and picketing (Sen. Ledama Olekina);
- j) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations, to issue a statement on severe and persistent drought in Isiolo County (Sen. Fatuma Dullo).
