



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE SENATE
ORDER PAPER
TUESDAY, MARCH 13, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
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, 8th March, 2018)
(The Mover to Reply)
9. ***THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)**
(Sen. Paul Kimani Wamatangi)
(Second Reading)
(Resumption of Debate interrupted on Thursday, 8th March, 2018)
10. ******THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)**
(The Senate Majority Leader)
(Second Reading)

11. **MOTION – REPORT OF THE 8TH ORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF MEMBER STATES OF THE INTERNATIONAL ON THE GREAT LAKES REGION (FP-IGCLR)**

(Sen. Samuel Poghiso)

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 in the Central African Republic on 5th – 7th December, 2017, laid on the Table of the House on Tuesday, 20th February, 2018.

(Resumption of Debate interrupted on Tuesday, 6th March, 2018)

(Balance of Time – 2hrs 19 mins)

12. **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)

13. **MOTION - ESTABLISHMENT OF AN AD HOC COMMITTEE TO INVESTIGATE THE CHALLENGES IN THE TEA SECTOR AND PROPOSE SOLUTIONS**

(Sen. Aaron Cheruiyot)

THAT AWARE that Kenya is the third leading producer of black tea in the world accounting for about 10% of the total world tea production;

COGNIZANT that tea contributes 4% of Kenya's GDP and 26% of the country's export earnings;

FURTHER AWARE THAT the tea industry in Kenya supports close to six hundred thousand small scale farmers and provides direct or indirect employment to over two million Kenyans;

REALIZING that despite tea being Kenya's most important cash crop, the Kenyan tea farmers, who are mainly small scale farmers spread over fourteen counties, continue to receive a disproportionate return for the resources and time they put in tea production;

FURTHER ACKNOWLEDGING that the sector continues to face numerous other challenges which require urgent intervention to ensure that this critical sector thrives for the benefit of our economy;

CONCERNED that the current situation, if left unchecked, may lead to the collapse of this critical sector of Kenya's economy and great loss to the nation, investors and the Kenyan taxpayers;

...../Motion

NOW, THEREFORE, the Senate resolves to establish a Select Committee to conduct an inquiry into the challenges facing the tea sector in Kenya and to submit a Report to the Senate within five months, with specific legislative and policy interventions to address the problems facing the tea sector in Kenya;

AND FURTHER that the following Senators be appointed to the Select Committee:-

1. Sen. Irungu Kang'ata, MP;
2. Sen. (Dr.) Christopher Lang'at, MP;
3. Sen. Samson Cherarkei, MP;
4. Sen. Cleophas Malalah, MP;
5. Sen. (Prof.) Sam Ongeru, EGH, MP;
6. Sen. Njeru Ndwiga, EGH, MP;
7. Sen. George Khaniri, MGH, MP;
8. Sen. Aaron Cheruiyot, MP; and
9. Sen. Mercy Chebeni, MP.

14. **MOTION- REPORTS OF THE 47TH AND 48TH SESSIONS OF THE AFRICAN CARIBBEAN AND PACIFIC (ACP) PARLIAMENTARY ASSEMBLY**

(Sen. (Prof.) Margaret Kamar)

THAT, this House notes the Reports of the 47th and 48th Sessions of the African, Caribbean and Pacific (ACP) Parliamentary Assembly and the Inter-Sessional meeting and the 34th Session of the African, Caribbean and Pacific – European Union (ACP-EU) Joint Parliamentary Assembly held in Brussels on 9th to 12th October, 2017 and Haiti on 13th to 20th December, 2017, respectively, laid on the Table of the House on Wednesday, 28th February, 2018.

15. **MOTION -ESTABLISHMENT OF OFFICES OF THE COMMISSION ON ADMINISTRATIVE JUSTICE AT THE COUNTY LEVEL**

(Sen. Petronilla Were Lokorio)

THAT 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;

...../Motion

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.

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

(Sen. (Dr.) Getrude Musuruve)

THAT 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 Inquiry 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;

...../Motion

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 14th February, 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

STATEMENTS TO BE ISSUED

- a) The Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to issue a statement on the implementation of the constitutional two-thirds (2/3) gender rule in all counties (Sen. (Dr.) Alice Milgo).
- b) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on the status of the Kenya National Employment Authority (Sen. Mercy Chebeni).
- c) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the ongoing recruitment exercise by the Kenya Defence Forces (Sen. Beth Mugo)
- d) The Chairperson of the 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).
- e) The Chairperson of the 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)
- f) The Chairperson of the 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’).
- g) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement regarding over 63,000 Acres of land owned by the Agricultural Development Corporation (ADC) in Laikipia County (Sen. Ledama Olekina).
- h) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on the status of the National Housing Corporation (NHC) project in Wote, Makueni County (Sen. Sylvia Kasanga).
- i) The Chairperson of the Standing Committee on Education to issue a statement on publication and distribution of books and other educational materials to public primary and secondary schools (Sen. (Dr.) Alice Milgo).
- j) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on compensation to persons displaced during the construction of the Standard Gauge Railway (SGR) (Sen. Mwinyihaji Mohamed Faki).
- k) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on provision of water to Kitengela Township and its environs (Sen. Mary Seneta).

- l) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on climate change and its effects on the livelihood of pastoralists and livestock (Sen. Mary Seneta).
- m) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the construction of a 15 storey apartment blocks on the banks of Nairobi River along Riverside Drive (Sen. Yusuf Haji).
- n) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on alleged murder of Ms. Mary Natembea by her husband on 14th February, 2018 (Sen. Getrude Musuruve).
- o) The Chairperson of the Standing Committee on Tourism, Trade and Industrialization to issue a statement on liquor licensing in the country and coordination of liquor - related laws (Sen. Mary Seneta).
- p) The Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to issue a statement on an alleged derogatory song by two musicians against the Kamba Community (Sen. Enoch Wambua).
