



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (SECOND SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, MARCH 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
6. Notices of Motion (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. ***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 Tuesday, 13th March, 2018)
(Mover to Reply)
9. ******THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS**
NO. 11 OF 2017)
(The Senate Majority Leader)
(Second Reading)
10. **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)

...../Motion

11. **MOTION – SUPPORTING THE BUILDING OF BRIDGES TO ANCHOR INCLUSIVITY AND ENSURE COHESION IN KENYA**

(Sen. James Orengo)

THAT, acknowledging that the meeting between His Excellency, the President, the Hon. Uhuru Kenyatta and His Excellency Raila Odinga on Friday, 9th March, 2018 putting aside political differences through building bridges marked an important and historic moment for the country;

AWARE that this extraordinary opportunity will enable Kenyans to face and address the challenges currently faced, and openly and honestly discuss successes and failures and finally formulate and implement the necessary corrective measures for the country to move forward;

RECOGNIZING the fundamental values encapsulated in the Constitution of Kenya on the aspirations of all Kenyans for a government based on the fundamental principles of human rights, social justice, the rule of law and a shared prosperity for all;

COMMITTED to the determination of all Kenyans to live in peace as one indivisible sovereign nation;

RECOGNIZING the need to put structures and build bridges towards the re-birth of a new all inclusive and cohesive nation as agreed by the two leaders on 9th March, 2018 will require the support and the goodwill from all arms of government and relevant institutions;

FURTHER RECOGNIZING that there is need to roll out and implement programmes on a shared vision and objectives in a bi-partisan manner as was agreed by the two distinguished leaders;

NOW THEREFORE the Senate–

- i) Commends the two leaders for providing leadership in the patriotic task of promoting unity, peace and harmony in the country;
- ii) Commits itself to support and advance, within its mandate, the aims and objectives of this initiative as contained in the memorandum signed by the two leaders titled '*Building Bridges to a new Kenyan nation*' and to act appropriately on any incidental and consequential draft legislation or the execution of legal instruments.

...../Motion

12. **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;

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 Cherarkey, 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.

13. **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

...../Motion

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.

14. **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;

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 Uasin Gishu;

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.

...../Notice

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

1. PETITION

Petition by Mr. Taratisio Ireri Kawe on the enactment of a single legislation on the protection and sustainable management of water resources, water sources and riparian zones in Kenya.

(The Speaker)

2. NOTICE OF MOTION – SUPPORTING THE BUILDING OF BRIDGES TO ANCHOR INCLUSIVITY AND ENSURE COHESION IN KENYA

(Sen. James Orengo)

THAT, acknowledging that the meeting between His Excellency, the President, the Hon. Uhuru Kenyatta and His Excellency Raila Odinga on Friday, 9th March, 2018 putting aside political differences through building bridges marked an important and historic moment for the country;

AWARE that this extraordinary opportunity will enable Kenyans to face and address the challenges currently faced, and openly and honestly discuss successes and failures and finally formulate and implement the necessary corrective measures for the country to move forward;

RECOGNIZING the fundamental values encapsulated in the Constitution of Kenya on the aspirations of all Kenyans for a government based on the fundamental principles of human rights, social justice, the rule of law and a shared prosperity for all;

COMMITTED to the determination of all Kenyans to live in peace as one indivisible sovereign nation;

RECOGNIZING the need to put structures and build bridges towards the re-birth of a new all inclusive and cohesive nation as agreed by the two leaders on 9th March, 2018 will require the support and the goodwill from all arms of government and relevant institutions;

FURTHER RECOGNIZING that there is need to roll out and implement programmes on a shared vision and objectives in a bi-partisan manner as was agreed by the two distinguished leaders;

NOW THEREFORE the Senate–

- iii) Commends the two leaders for providing leadership in the patriotic task of promoting unity, peace and harmony in the country;
- iv) Commits itself to support and advance, within its mandate, the aims and objectives of this initiative as contained in the memorandum signed by

the two leaders titled *'Building Bridges to a new Kenyan nation'* and to act appropriately on any incidental and consequential draft legislation or the execution of legal instruments.

3. NOTICE OF MOTION – DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL DISASTER RISK FINANCING - (Sen. George Khaniri)
(Ministry of Devolution & Planning)

THAT, WHEREAS Kenya's disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

FURTHER WHEREAS the government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

COGNIZANT of the fact that government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

AWARE that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

RECOGNIZING, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

OBSERVING, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

NOTING that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions and assistance, in any form, from individuals, public authorities and private bodies;

APPRECIATING, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

FURTHER AWARE that emergency fund is a substantial proportionate Vote Head in both the national and county government budgets;

CONCERNED, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

NOW THEREFORE, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

4. STATEMENTS**I. TO BE REQUESTED**

- a) Nominated Senator (Sen. Rose Nyamunga) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the status of the Physical Development Plan for South C Estate in Nairobi County.
- b) Nominated Senator (Sen. Rose Nyamunga) to seek a statement from the Chairperson of the Standing Committee on Education on mushrooming of schools in Nairobi residential estates, particularly South C Estate.

II. TO BE ISSUED

- a) 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).
- b) 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).
- c) 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).
- d) 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).
- e) 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).
- f) The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations to issue a statement on severe persistent drought in Isiolo County (Sen. Fatuma Dullo).
- g) The Chairperson of the Standing Committee on Education to issue a statement on registration of schools and inadequate school facilities in primary and secondary schools in the country (Sen. (Dr.) Alice Milgo).
- h) The Chairperson of the Standing Committee on Health to issue a statement on missing patient from the Coptic Hospital, Nairobi City County (Sen. Philip Mpaayei Salau).

- i) The Chairperson of the 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).
- j) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on Registration of births and deaths in Kenya (Sen. Samson Cherarkey).
- k) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the On-going recruitment by the Kenya Defence Forces (Sen. Samson Cherarkey).
- l) The Chairperson of the Standing Committee on Education to issue a statement on violence that broke out on 23rd January, 2018 in Jamhuri High School, Nairobi County (Sen. Mercy Chebeni).
- m) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the Shooting of residents in Luanda Market, Vihiga County (Sen. George Khaniri).
- n) The Chairperson of the Standing Committee on Energy to issue a statement on compensation to persons affected by the Sultan Hamud – Mwingi KETRACO High Voltage Power Line Project (Sen. Mutula Kilonzo Jnr.).
