



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE SENATE

ORDER PAPER

TUESDAY, MARCH 27, 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 OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)
(First Reading)
9. ****THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**
(Chairperson, Standing Committee on Labour and Social Welfare)
(First Reading)
10. ******THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Thursday, 22nd March, 2018)
11. ******THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2018)**
(The Senate Majority Leader)
(Second Reading)

12. **MOTION - REPORT OF THE SENATE DELEGATION TO 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- 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.

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.

15. **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;

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**(I) Request pursuant to Standing Order No. 46 (2) (b)**

The Senator for Lamu County (Sen. Anuar Loititip) to seek a statement from the Chairperson, Standing Committee on Health regarding the management of the Public Health services in Lamu County.

(II) Statements due for issue pursuant to Standing Order No. 46 (2) (b)

- a) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on Incessant and ever increasing insecurity around ADC Ndabibi Farm LR. 20591/86 managed by Agricultural Development Corporation (ADC) (Sen. Susan Kihika).
- b) The Chairperson of the Standing Committee on Education to issue a statement on the transfer of teachers from Northern Kenya, specifically Wajir County (Sen. Farhiya Haji).
- c) The Chairperson of the 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).
- d) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the use and management of riparian areas in Kenya (Sen. Mary Seneta).
- e) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the spillage of oil substance in Thange area, Kibwezi East Constituency, in Makueni County (Sen. Mutula Kilonzo Jnr.)
- f) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on frequent inter-clan clashes and terror attacks in Wajir County (Sen. Farhiya Ali).
- g) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on the management of the Kenya Ports Authority (KPA) (Sen. Mwinyihaji Mohamed Faki).
- h) 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).
- i) The Chairperson of the Standing Committee on National Security, Defence and Foreign to issue a statement on the operations of the Kenya Defence Forces (KDF) in Lamu County (Sen. Anuar Loititip).
- j) The Chairperson of the Standing Committee on Health to issue a statement on an alleged missing patient from the Coptic Hospital, Nairobi City County (Sen. Philip Mpaaye).

- k) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on delay in upgrading of the Lamu – Garsen Road (Sen. Anuar Loitiptip).
- l) The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations to issue a statement on delay in handing over of the Lake Basin Mall in Kisumu City County to the Lake Basin Development Authority (LBDA) (Sen. Fredrick Outa).
- m) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on alleged encroachment on private land by the Kenya Airports Authority (KAA) at Ikanga, Taita Taveta County (Sen. Johnes Mwaruma).
- n) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the status of community ranches in Taita Taveta County (Sen. Johnes Mwaruma).
- o) 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).
- p) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on destruction of forests in Kenya (Sen. Ephraim Maina Kirinyaga).
- q) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on titanium mining by Base Titanium Company (Kenya) Limited, Base Resource Ltd Austria and other mining companies in Kwale County (Sen. Boy Issa Juma).
- r) The Chairperson of the Standing Committee on Education to issue a statement on irregular registration of primary and secondary schools with inadequate facilities in the country (Sen. (Dr.) Alice Milgo).
- s) The Chairperson of the Standing Committee on Tourism, Trade and Industrialization to issue a statement on Licensing of liquor and coordination of liquor related laws in the country (Sen. Mary Seneta).
- t) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the division of revenue obtained from mining in Taita Taveta County between Taita Taveta County and the National Government (Sen. Johnes M Mwaruma).
- u) The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations to issue a statement on severe and persistent drought in Isiolo County (Sen. Fatuma Dullo).
- v) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the shooting of residents by the police in Luanda Market, Vihiga County (Sen. George Khaniri).

- w) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the invasion by illegal settlers, and the illegal subdivision, of the Kenya Agricultural and Livestock Research Organization (KALRO) land at Bachuma, in Taita Taveta County (Sen. Johnes Mwaruma).
 - x) 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).
 - y) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the auctioning of 1,325 heads of cattle belonging to Kenyan herders by the Tanzanian Government (Sen. Judith Pareno).
 - z) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the status of women and girls held in prisons and remand facilities in Kenya (Sen. Beatrice Kwamboka).
 - aa) 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’).
 - bb) 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 Jnr).
 - cc) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on frequent road accidents along the Nakuru – Eldoret Highway (Sen. Naomi Masitsa).
 - dd) 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).
 - ee) 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).
-