



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SECOND SESSION)

THE SENATE

**ORDER PAPER**

THURSDAY, JUNE 07, 2018 AT 2.30 PM

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petition
5. Papers
6. Notices of Motion (as listed in the appendix)
7. Statements (as listed in the appendix)
8. **\*\*THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 14 OF 2018)**  
(Chairperson, Standing Committee on Finance and Budget)  
(*Second Reading*)  
(*Resumption of Debate interrupted on Wednesday, 6<sup>th</sup> June, 2018*)
9. **\*THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)**  
(Sen. Mutula Kilonzo Jnr., MP)  
(*Second Reading*)  
(*Resumption of Debate interrupted on Wednesday, 6<sup>th</sup> June, 2018*)  
(*Division*)
10. **MOTION - REPORT OF THE SENATE DELEGATION TO THE INTER-PARLIAMENTARY UNION (IPU) HEARINGS AT THE UNITED NATIONS**  
(Sen. Naomi Shiyonga Masitsa, MP)

**THAT**, this House notes the Report of the proceedings of the Inter-Parliamentary Union hearings at the United Nations, New York, USA from 22<sup>nd</sup> – 23<sup>rd</sup> February, 2018 laid on the Table of the House on Tuesday, 15<sup>th</sup> May, 2018.

...../Motion

11. MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)

(Sen. George Khaniri, MP)

**THAT, AWARE** that the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

**FURTHER AWARE** that registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

**ALSO AWARE** that persons living with disabilities are estimated to be about 10% of any given population;

**COGNIZANT** that for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

**CONCERNED** that of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

**AWARE** that medical services are now a devolved function;

**FURTHER CONCERNED** that without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

**ALSO CONCERNED** that owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

**NOW THEREFORE**, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

12. MOTION –FLOOD SITUATION IN THE COUNTRY

(Sen. Fatuma Dullo, MP)

**THAT**, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

**NOTING** with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

**CONCERNED** that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

**COGNIZANT** that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that

...../Motion

the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

**ALSO CONCERNED** that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

**NOW THEREFORE**, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

1. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
2. preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within three months of the adoption of this Motion.

13. **MOTION - NEED FOR STANDARD POLICY REGULATION FOR CONSTRUCTION AND MAINTENANCE OF RURAL ACCESS ROADS**

(Sen. (Arch.) Sylvia Kasanga, MP)

**THAT, AWARE** that infrastructure development and specifically, construction of roads is a key pillar of Kenya's vision 2030 whose objective is to spur movement of people and goods, promote trade and economic activities, encourage development and attract investments;

**NOTING** that there is a very strong correlation between a country's economic development and the quality of its road network;

**CONCERNED** that Government's efforts to expand the roads infrastructure are mainly focused on the urban and peri-urban areas of the country thus leaving rural areas with dilapidated or no access roads;

**FURTHER CONCERNED** that fifty-five years since independence and over five years after institutionalization of devolution, the Country's roads infrastructure is to a large extent still underdeveloped with only slightly above 9,000 kilometres of the about 178,000 kilometres of roads paved;

**COGNISANT** that, Part Two of the Fourth Schedule to the Constitution of Kenya (2010) mandates County Governments to manage county transport, including; roads, street lighting, traffic and parking, amongst other county public transport matters;

**DEEPLY CONCERNED** that, County Governments are continuously prioritizing routine maintenance works over sustainable and durable road quality works due to budgetary constraints;

...../Motion

**NOW THEREFORE** the Senate calls upon the Ministry of Transport, Infrastructure, Housing and Urban Development to develop and adopt standard policy regulations prescribing modern, eco-friendly and inexpensive technologies to be applied across the 47 counties for construction, upgrading and maintenance of rural access roads in order to ensure durability and sustainability of the access roads and also to reduce maintenance expenses.

14. **MOTION – NEED TO REVIEW AND EVALUATE THE STATE OF EDUCATION IN NORTHERN KENYA**

(Sen. (Dr.) Abdullahi Ali, MP)

**THAT, AWARE** that Article 43 (f) of the Constitution of Kenya stipulates that every person has the right to education, and Article 53(1)(b) provides that every child has the right to free and compulsory basic education;

**ALSO AWARE** that education is a basic need and a tool for intellectual empowerment and social-political development;

**FURTHER AWARE** that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

**COGNISANT** that both levels of Government complement each other in promoting sustainable education;

**CONCERNED** that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

**FURTHER CONCERNED** that both the school completion rate and the national examination outcomes in region are poor and that the number of students from Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

**NOTING WITH CONCERN** that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

**CONCERNED THAT**, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

**NOW THEREFORE**, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

...../Motion

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;
2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how these disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

15. **MOTION - REPORT OF THE SENATE DELEGATION TO THE CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR) HELD IN KINSHASA, THE DEMOCRATIC REPUBLIC OF CONGO (DRC)**

(Sen. Samuel Poghio, MP)

**THAT**, this House adopts the Report of the proceedings of the First Extraordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) held in Kinshasa, Democratic Republic of Congo from 19<sup>th</sup> – 20<sup>th</sup> March, 2018, laid on the Table of the Senate on Tuesday, 15<sup>th</sup> May, 2018.

16. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF KAJIADO COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial operations of Kajiado County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

17. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF NAROK COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Narok County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

...../Motion

18. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF TURKANA COUNTY EXECUTIVE FOR FY 2013/2014

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Turkana County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

NOTICE

The Senate resolved on 14<sup>th</sup>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. NOTICE OF MOTION – MANAGEMENT OF CONSTRUCTION CONTRACTORS  
(Sen. Sylvia Kasanga)

**AWARE** that Section 15 of the National Construction Authority (NCA) Act prescribes the requirements for registration as a contractor;

**ALSO AWARE** that Section 18 of the Act mandates the NCA Board to accredit firms incorporated outside Kenya to carry out construction works in Kenya for a prescribed period;

**CONCERNED** that a large number of registered local contractors cannot perform up to the expected standard leading to collapsed buildings, poor county roads and infrastructure and incomplete contracts;

**APPRECIATING** that there is still a good number of local contractors that has demonstrated capacity to perform and deliver projects as required;

**DEEPLY CONCERNED** that foreign contractors are now engaging in projects that local contractors have equal capacity and skill to perform, especially in the counties;

**RECOGNIZING THAT** there is need to grow our local industries by giving job opportunities to Kenyan citizens and building their technical capacities;

**NOW THEREFORE**, the Senate calls upon the Government through the NCA to-

1. conduct a fresh registration drive of all building and infrastructure contractors in order to weed out all non-performing ones and to identify those who demonstrate compliance;
2. enforce strict oversight on foreign contractors and institute a mechanism to handle complaints raised against contractors;
3. ensure that foreign contractors are only awarded contracts that local contractors cannot handle and require them to include technology transfer to locals; and
4. require both local and foreign contractors to undertake corporate social responsibility activities in the counties where they operate.

2. STATEMENT PURSUANT TO STANDING ORDER NO. 46 (2) (A)

Nominated Senator (Sen. Rose Nyamunga) to make a statement on the alleged importation, by the Government of Kenya, of buses from South Africa.

3. STATEMENT OF THE SENATE MAJORITY LEADER PURSUANT TO STANDING ORDER NO. 46 (2)(C)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 29<sup>th</sup> May, 2018.

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