



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (FIRST SESSION)
THE SENATE

WEDNESDAY, NOVEMBER 29, 2017 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 (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. *** THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL**
(SENATE BILLS NO. 7 OF 2017)
(Sen. Mutula Kilonzo Junior)
(First Reading)
9. ***THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL**
(SENATE BILLS NO. 8 OF 2017)
(Sen. Mutula Kilonzo Junior)
(First Reading)
10. **MOTION - OPERATIONALIZATION OF THE NATIONAL DROUGHT**
MANAGEMENT AUTHORITY ACT - (Sen. Fatuma Dullo)
(Ministry of Interior and Coordination of National Government)
AWARE that the right to adequate food is affirmed under Article 25 of the 1948 Universal Declaration of Human Rights, and Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights as part of the right to an adequate standard of living;
FURTHER AWARE THAT Article 43 (1) (c) and (d) of the Constitution of Kenya provides for economic and social rights for every person and in particular the right to be free from hunger, to have adequate food of acceptable quality, and to have clean and safe water in adequate quantities;
CONCERNED that this fundamental right is under threat as various Counties battle severe drought occasioned by successive failure in rainfall;

...../Motion

CONCERNED that over 3.4 million people including over 370,000 children are acutely malnourished and in urgent need of emergency assistance while millions of livestock have perished and the remaining are in extremely poor body condition as a result of the drought;

FURTHER CONCERNED that the situation in drought ravaged parts of the country poses a serious threat to human dignity, peace, security and stability following loss of livelihoods leading to scramble for scarce resources by the affected communities;

NOTING that Parliament enacted the National Drought Management Bill which was assented to on 1st April, 2016 and which seeks to comprehensively address the matter of persistent droughts in the country;

NOW THEREFORE, the Senate calls upon the Ministry of Interior and Coordination of National Government and relevant state agencies responsible including the National Drought Management Authority to-

1. Expeditiously implement the National Drought Management Authority Act, 2016 and set up the necessary infrastructure to mitigate against persistent droughts; and
2. Come up with efficient drought response strategies aimed at saving lives of both people and livestock.

11. **MOTION - CONTROLLER OF BUDGET ANNUAL COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW REPORT FOR FINANCIAL YEAR 2016/2017** - (The Senate Majority Leader)
(The National Treasury)

THAT, the Senate notes the Controller of Budget Annual County Governments Budget Implementation Review Report for Financial Year 2016/2017, laid on the table of the House on Wednesday, 8th November, 2017.

NOTICE

The Senate resolved on 13th September, 2017 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 Mr. Sammy Gwada Ogot seeking decriminalization of the *Cannabis Sativa* plant and its derivatives;
- b) Petition by Universities Academic Staff Union (UASU) regarding the 2013 – 2017 Collective Bargaining Agreement (CBA) for Universities Academic Staff.

(The Speaker of the Senate)

2. PAPERS

- a) The Kenya National Commission on Human Rights Preliminary Report of the General Election 2017;
- b) The Bi-Annual Report for the Commission on Administrative Justice for the period January – June, 2017;
- c) Report of the Auditor-General on the financial statements of the Bungoma County Executive for the year ended 30 June, 2016;
- d) Report of the Auditor-General on the financial statements of the Nyeri County Executive for the year ended 30 June, 2016;
- e) Report of the Auditor-General on the financial statements of Olkejuado Water and Sewerage Company Limited for the year ended 30 June, 2016;
- f) The National Cohesion and Integration Commission, Annual Report 2016;
- g) The Commission on Administrative Justice (CAJ) Commissioners' Exit Report, titled '*Laying the Foundation for Administrative Justice in Kenya: Six years later*'.

(The Senate Majority Leader)

3. NOTICES OF MOTION

- i) **CONTROLLER OF BUDGET ANNUAL COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW REPORT FOR FINANCIAL YEAR 2016/2017**
(The Senate Majority Leader)

THAT, the Senate notes the Controller of Budget Annual County Governments Budget Implementation Review Report for Financial Year 2016/2017, laid on the table of the House on Wednesday, 8th November, 2017.

- ii) **SESSIONAL PAPER NO. 6 OF 2016 ON THE NATIONAL URBAN DEVELOPMENT POLICY**
(The Senate Majority Leader)

THAT, this House adopts Sessional Paper No. 6 of 2016 on the National Urban Development Policy, laid on the Table of the House on Tuesday, October 10, 2017.

- iii) **THE NATIONAL IRRIGATION POLICY, 2017**
(The Senate Majority Leader)

THAT, this House adopts the National Irrigation Policy, laid on the Table of the House on Tuesday, October 10, 2017./Appendix

- iv) **SESSIONAL PAPER NO. 2 OF 2016 ON THE NATIONAL SLUM UPGRADING AND PREVENTION POLICY**
(The Senate Majority Leader)

THAT, this House adopts Sessional Paper No. 2 of 2016 on the National Slum Upgrading and Prevention Policy, laid on the Table of the House on Tuesday, October 10, 2017.

- v) **AUDIT ON DISTRIBUTION OF TEACHERS** - (Sen. George Khaniri)
(Ministry of Education, Science and Technology)

THAT WHEREAS Article 43 (1)(f) of the Constitution of Kenya explicitly provides for the right to education for all;

AND WHEREAS it is the responsibility of the State to ensure that the right to education is enjoyed by all;

OBSERVING THAT that the Teachers Service Commission (TSC) is the constitutionally mandated body to handle matters of employment, deployment, remuneration and discipline of teachers in all public schools;

APPRECIATING efforts made by the national government through the Teachers Service Commission (TSC) to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

CONCERNED THAT currently there exists great disparities in the distribution of teachers in schools across the country, with major teacher shortage being experienced in rural and marginalized areas;

FURTHER CONCERNED that there is major inequality in the distribution and allocation of teachers among schools across the country leading to either oversupply or undersupply of teachers in some public schools;

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology through the Teachers Service Commission to conduct a countrywide audit on the distribution of teachers in all public schools across the Country and report to the Senate within three months.

- vi) **REGISTRATION OF PERSONS WITH DISABILITY** - (Sen. George Khaniri)
(Ministry of East African Community, Labour and Social Protection)

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;

COGNISANT 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;

AWARE THAT medical services are now a devolved function;

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;

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.

4. STATEMENTS

(I) TO BE REQUESTED

- a) The Senator for Makueni County (Sen. Mutula Kilonzo Junior) to seek a statement from the Senate Majority Leader on the delayed compensation for persons displaced during the construction of Manooni dam-Makueni County;
- b) Nominated Senator (Sen. Sylva Kasanga) to seek a statement from the Senate Majority Leader on the status of the Nairobi - Mombasa Highway.

II) TO BE ISSUED

- a) The Senate Majority Leader to issue a statement on Status of Karebe Gold Mine Company in Nandi County (Sen. Samson Cherarkey);
- b) The Senate Majority Leader to issue a statement on alleged murder of Milcah Kiplimo and Stanley Kipchirchir at Chesuwe Trading Centre, Kilibwoni ward, Nandi County (Sen. Samson Cherarkey);
- c) The Senate Majority Leader to issue a statement on the ongoing strike by nurses in public health institutions (Sen. Petronila Were);
- d) The Senate Majority Leader to issue a statement on alleged dumping of asbestos in Kikumbulyu Ward, Kibwezi West in Makueni County (Sen. Mutula Kilonzo Jnr.);

- e) The Senate Majority Leader to issue a statement on spillage of substance in Thange area, Kibwezi East Constituency, in Makueni County in the year 2015 (Sen. Mutula Kilonzo Jnr.);
- f) The Senate Majority Leader to issue a statement on the Thwake Multi-purpose Dam Project (Sen. Mutula Kilonzo Jnr.);
- g) The Senate Majority Leader to issue a statement on the delayed compensation for displaced persons during the construction of Mulima Dam-Mbooni Constituency-Makueni County (Sen. Mutula Kilonzo Jnr.);
- h) The Senate Majority Leader to issue a statement on Compensation to persons affected by the Sultan Hamud-Mwingi KETRACO High Voltage Power Line Project (Sen. Mutula Kilonzo Jnr.);
- i) The Senate Majority Leader to issue a statement on non compliance with Article 100 of the Constitution on the promotion of representation of marginalized groups as well as status of inclusion of Persons With Disability (PWD) in the Public Service (Sen. (Dr.) Getrude Musuruve);
- j) The Senate Majority Leader to issue a statement on access to procurement opportunities in Government by PWDs, Women and Youth (Sen. (Dr.) Getrude Musuruve);
- k) The Senate Majority Leader to issue a statement on alleged abuse of the Human Rights of Persons Living with Disabilities (PWDs) (Sen. (Dr.) Getrude Musuruve);
- l) The Senate Majority Leader to issue a statement on Mainstreaming of learners with disability in the school curriculum (Sen. (Dr.) Getrude Musuruve);
- m) The Senate Majority Leader to issue a statement on alleged shooting and killing of livestock during a security operation in Laikipia County (Sen. Steve Lelegwe);
- n) The Senate Majority Leader to issue a statement on alleged use of excessive force and police brutality at the University of Nairobi (Sen. Ledama Olekina);
- o) The Senate Majority Leader to issue a statement on alleged displacement of Samburu pastoralists in Ratia, Laikipia County (Sen. Ledama Olekina);
- p) The Senate Majority Leader to issue a statement on the status of over 63000 acres of land owned by the Agricultural Development Cooperation (ADC) in Laikipia County (Sen. Ledama Olekina);
- q) The Senate Majority Leader to issue a statement on alleged invasion by bandits and insecurity in Ngomeni Ward, Mwingi North Constituency, in Kitui County (Sen. Enoch Wambua);
- r) The Senate Majority Leader to issue a statement on the position of Kenya on the Hague Convention on the Civil Aspects of International Child Abduction (Sen. Abshiro Halake);
