



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (FIRST SESSION)
THE SENATE
THURSDAY, NOVEMBER 30, 2017 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As Listed in the Appendix)
6. Notices of Motion
7. Statements (As Listed in the Appendix)
8. ***THE COUNTY BOUNDARIES BILL (SENATE BILL NO.6 OF 2017)**
(Sen. Mutula Kilonzo Jr.)

(First Reading)

9. ******THE WAREHOUSE RECEIPTS SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)**
(The Senate Majority Leader)

(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.

*(Resumption of Debate interrupted on Wednesday, 29th November, 2017)
(Balance of Time 58 Minutes)*

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.

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

(Ministry of Land, Housing and Urban Development)

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.

13. **MOTION - THE NATIONAL IRRIGATION POLICY, 2017** - (The Senate Majority Leader)

(Ministry of Water and Irrigation)

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

...../Motion

14. **MOTION – SESSIONAL PAPER NO. 2 OF 2016 ON THE NATIONAL SLUM UPGRADING AND PREVENTION POLICY** - (The Senate Majority Leader)
(Ministry of Land, Housing and Urban Development)

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.

15. **MOTION - 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, there the Senate calls upon the Ministry of Education, Science and Technology in conjunction with TSC 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.

16. **MOTION -- 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;

...../Motion

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 his category of people;

NOW THEREFORE, there 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.

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. PAPERS**

- a) Report of the Auditor-General on the financial statements of the Vihiga County Executive for the year ended 30 June, 2016;
- b) Report of the Auditor-General on the financial statements of the Vihiga County Assembly for the year ended 30 June, 2016;
- c) Report of the Auditor-General on the financial statements of the Kakamega County Executive for the year ended 30 June, 2016;
- d) Report of the Auditor-General on the financial statements of the Murang'a County Executive for the year ended 30 June, 2016;
- e) Report of the Auditor-General on the financial statements of the Taita Taveta County Assembly Revolving Car Loan Scheme for the year ended 30 June, 2016;
- f) Report of the Auditor-General on the financial statements of the Lamu Water and Sewerage Company Limited for the year ended 30 June, 2016;
- g) Report of the Auditor-General on the financial statements of Kajiado County Emergency Fund for the Fifteen Months Period ended 30 June, 2015;
- h) The Business of the Senate for the coming week.

(The Senate Majority Leader)

2. STATEMENTS**(I) TO BE REQUESTED**

- a) Nominated Senator (Sen. Sylvia Kasanga) to seek a statement from the Senate Majority Leader on the status of the Nairobi - Mombasa Highway.
- b) The Senator for Vihiga County (Sen. George Khaniri) to seek a statement from the Senate Majority Leader on the rising incidence of collapsing buildings in the country;
- c) 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;

(II) TO BE ISSUED

- a) The Senator for Vihiga County (Sen. George Khaniri) to issue a statement pursuant to Standing Order 46 (2) (a), regarding alleged continued brutality meted out on Kenyans by members of the National Police Service during peaceful demonstrations and the 2017 elections in Nairobi, Nyanza, Western and Coast regions;
- b) The Senate Majority Leader to issue a statement on the *Inua Jamii* Cash Transfer Programme (Sen. Mutula Kilonzo Jnr.);

...../Appendix

- c) The Senate Majority Leader to issue a statement on the Status of Karebe Gold Mine Company in Nandi County (Sen. Samson Cherarkey);
- d) 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);
- e) The Senate Majority Leader to issue a statement on the Thwake Multi-purpose Dam Project (Sen. Mutula Kilonzo Jnr.);
- f) The Senate Majority Leader to issue a statement on access to procurement opportunities in Government by People With Disabilities (PWD), Women and Youth (Sen. (Dr.) Getrude Musuruve);
- g) The Senate Majority Leader to issue a statement on alleged use of excessive force and police brutality at the University of Nairobi (Sen. Ledama Ole Kina);
- h) The Senate Majority Leader to issue a statement on Business of the Senate for the coming week.
