



REPUBLIC OF KENYA  
TWELFTH PARLIAMENT – (FIRST SESSION)  
THE SENATE  
**SUPPLEMENTARY ORDER PAPER**  
THURSDAY, DECEMBER 14, 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) BILL (SENATE BILLS NO. 11 OF 2017)**  
(The Senate Majority Leader)  
*(First Reading)*
9. **ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY**
10. **MOTION – APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FISCAL YEAR 2017/18**  
(The Senate Majority Order)

**THAT**, notwithstanding the provisions of the Standing Order 177 (2) and (3), the Senate approves the County Governments Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14<sup>th</sup> December, 2017.

11. **MOTION** – (Senate Majority Leader)

**THAT**, Pursuant to Standing Order 247, the Report of the Procedure and Rules Committee, laid on the table of the Senate today, Thursday, 14<sup>th</sup> December, 2017, **be approved.**

...../*Motion*

12. **MOTION – APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES**

(Senate Majority Leader)

**THAT**, pursuant to Standing Orders No. 183, 212 and 213, the Senate approves the following Senators, to serve in Select Committees of the Senate as follows-

**A. COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES**

1. Sen. Ndwiga Peter Njeru
2. Sen. Lelegwe Steve Ltumbesi
3. Sen. Waqo Naomi Jillo
4. Sen. Mbito Michael Malinga
5. Sen. Wario Golich Juma
6. Sen. (Prof.) Malachy Ekal
7. Sen. Naomi Shiyonga
8. Sen. Moses Kajwang
9. Sen. Ben Oluoch Okello

**B. COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS**

1. Sen. Nderitu John Kinyua
2. Sen. Wario Golich Juma
3. Sen. Ephraim Mwangi Maina
4. Sen. Cherarkey Samson
5. Sen. Iman Falhada Dekow
6. Sen. Sitswila Amos Wako
7. Sen. James Orengo
8. Sen. Boniface Mutinda Kabaka
9. Sen. Boy Issa Juma

**C. COMMITTEE ON EDUCATION**

1. Sen. Langat Christopher Andrew
2. Sen. (Prof.) Kamar Margaret
3. Sen. Mohamed Yusuf Haji
4. Sen. Nderitu John Kinyua
5. Sen. Seneta Mary Yiane
6. Sen. (Dr.) Gertrude Musuruve Inimah
7. Sen. (Dr.) Agnes Zani
8. Sen. (Prof.) Samson Kegengo Ongeru
9. Sen. Okongo Omogeni

**D. COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY**

1. Sen. Moi Gideon Kipsielei
2. Sen. Aaron Cheruiyot
3. Sen. Poghio Samuel Losuron
4. Sen. (Dr.) Milgo Alice Chepkorir
5. Sen. Ephraim Mwangi Maina

...../*Motion*

6. Sen. Enoch Wambua
7. Sen. Moses Kajwang'
8. Sen. (Prof.) Imana Malachy Ekal
9. Sen. Issa Boy Juma

**E. COMMITTEE ON ROADS AND TRANSPORTATION**

1. Sen. Wamatangi Kimani Paul
2. Sen. Godana Hargura
3. Sen. Mpayeei Philip Salau
4. Sen. Gona Christine Zawadi
5. Sen. Lelegwe Steve Ltumbesi
6. Sen. Sylvia Kasanga
7. Sen. Stewart Madzayo
8. Sen. Cleophas Malala
9. Sen. Enoch Wambua

**F. COMMITTEE ON ENERGY**

1. Sen. Aaron Cheruiyot
2. Sen. Mithika Linturi
3. Sen. Ephraim Mwangi Maina
4. Sen. Seneta Mary Yiane
5. Sen. Susan Wakarura Kihika
6. Sen. (Prof.) Imana Malachy Ekal
7. Sen. Ledama Olekina
8. Sen. Mwaruma Johnes
9. Sen. Mercy Chebeni

**G. COMMITTEE ON FINANCE AND BUDGET**

1. Sen. Mohamed Maalim Mahamud
2. Sen. Isaac Mwaura
3. Sen. Cheruiyot Aaron
4. Sen. Farhiya Haji
5. Sen. Philip Mpaayei
6. Sen. Wetang'ula Moses Masika
7. Sen. Mutula Kilonzo Jnr
8. Sen. Boniface Mutinda Kabaka
9. Sen. Rose Nyamunga

**H. COMMITTEE ON HEALTH**

1. Sen. Mbito Michael Malinga
2. Sen. (Dr.) Ali Abdullahi Ibrahim
3. Sen. Beth Mugo
4. Sen. Nderitu John Kinyua
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6. Sen. Okong'o Omogeni
7. Sen. Petronilla Were Lokorio
8. Sen. Masitsa Naomi Shiyonga
9. Sen. Ben Oluoch Okello

**I. COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS**

1. Sen. Dullo Fatuma
2. Sen. Cherarkey Samson
3. Sen. Mithika Linturi
4. Sen. Kang'ata Irungu
5. Sen. Susan Wakarura Kihika
6. Sen. Wako Sitswila Amos
7. Sen. Kilonzo Mutula Jnr.
8. Sen. James Orengo
9. Sen. Faki Mohamed

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6. Sen. Beatrice Kwamboka
7. Sen. (Dr.) Gertrude Musuruve Inimah
8. Sen. Petronilla Were Lokorio
9. Sen. Stewart Madzayo

**K. COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES**

1. Sen. Mwangi Paul Githiomi
2. Sen. Prengei Victor
3. Sen. Godana Hargura
4. Sen. Ndwiga Peter Njeru
5. Sen. Halake Abshiro
6. Sen. George Khaniri
7. Sen. Mwaruma Johnes
8. Sen. Slyvia Kasanga
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**L. COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION**

1. Sen. Moi Gideon Kipsielei
2. Sen. Gona Christine Zawadi
3. Sen. Anuar Loititip
4. Sen. Mpaayei Philip Salau
5. Sen. Waqo Naomi Jillo
6. Sen. Ben Oluoch Okello
7. Sen. Enoch Wambua
8. Sen. Beatrice Kwamboka
9. Sen. Judith Pareno

...../*Motion*

**M. COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS**

1. Sen. Mohamed Haji Yusuf
2. Sen. Dullo Fatuma
3. Sen. Susan Wakarura Kihika
4. Sen. Sakaja Johnson Arthur
5. Sen. Anuar Loititip
6. Sen. Fred Outa
7. Sen. Beatrice Kwamboka
8. Sen. Judith Pareno
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**O. COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENT**

1. Sen. Fatuma Dullo
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5. Sen. Omanga Millicent
6. Sen. Mohamed Faki
7. Sen. Ledama Olekina
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**P. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Kang'ata Irungu
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5. Sen. Omanga Millicent
6. Sen. Judith Pareno
7. Sen. Mutinda Kabaka
8. Sen. Okong'o Omogeni
9. Sen. Mohamed Faki

13. **MOTION – ADOPTION OF THE 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 the 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<sup>th</sup>, 2017.

14. **MOTION – AUDIT ON DISTRIBUTION OF TEACHERS IN ALL PUBLIC SCHOOLS ACROSS THE COUNTRY**

(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 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.

15. **MOTION** - (The Senate Majority Leader)

**THAT**, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 13<sup>th</sup> February, 2018.

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NOTICES

The Senate resolved on 13<sup>th</sup> September, 2017 as follows:-

- a) **THAT**, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the Calendar of the Senate, shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

- b) **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. Isaac Aluoch Polo Aluochier regarding usage of the word '**HARAMBEE**' in the Coat of Arms and the Public Seal;
- b) Petition by the Governor of Kisii County, Hon. James Ongwae for variation of the Boundaries of Nyangweta Forest in South Mugirango Sub-County, Kisii County.

*(The Speaker of the Senate)*

**2. PAPERS**

- a) The County Governments Cash Disbursement Schedule for Fiscal Year 2017/18;
- b) Report of the Procedure and Rules Committee, on the review of the Senate Standing Orders;
- c) The Annual Report of the Independent Electoral and Boundaries Commission (IEBC) for Financial Year 2016/17.

*(The Senate Majority Leader)*

**3. NOTICES OF MOTION**

- a) **Notice of Motion** – **APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FISCAL YEAR 2017/18**

*(The Senate Majority Order)*

**THAT**, notwithstanding the provisions of the Standing Order 177 (2) and (3), the Senate approves the County Governments Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14<sup>th</sup> December, 2017;

- b) **Notice of Motion** – (Senate Majority Leader)

**THAT**, Pursuant to Standing Order 247, the Report of the Procedure and Rules Committee, laid on the table of the Senate today, Thursday, 14<sup>th</sup> December, 2017, **be approved**.

- c) **Notice of Motion** – **APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES**

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- 7. Sen. Mutinda Kabaka
- 8. Sen. Okong'o Omogeni
- 9. Sen. Mohamed Faki

d) **Notice of Motion – ON THE ESTABLISHMENT OF OFFICES OF THE COMMISSION ON ADMINISTRATIVE JUSTICE AT THE COUNTY LEVEL**

(Sen. Petronilla Were Lokorio)

**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 UasinGishu;

**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.

#### **4. STATEMENTS TO BE ISSUED**

- a) 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.);
- b) 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.);
- c) 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.);
- d) 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.);
- e) The Senate Majority Leader to issue a statement on non-compliance with Article 54 (2) of the Constitution on the promotion of representation of marginalized groups as well as the status of inclusion of Persons with Disability (PWD) in the Public Service (Sen. (Dr.) Getrude Musuruve);

...../Appendix

- f) The Senate Majority Leader to issue a statement on alleged abuse of the Human Rights of Persons With Disabilities (PWDs) (Sen. (Dr.) Getrude Musuruve);
  - g) The Senate Majority Leader to issue a statement on mainstreaming of learners with disability in the school curriculum (Sen. (Dr.) Getrude Musuruve);
  - h) 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);
  - i) The Senate Majority Leader to issue a statement on alleged displacement of Samburu pastoralists in Ratia, Laikipia County (Sen. Ledama Olekina);
  - j) The Senate Majority Leader to issue a statement on the status of over 63,000 acres of land, owned by the Agricultural Development Corporation (ADC) in Laikipia County (Sen. Ledama Olekina);
  - k) 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);
  - l) 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);
  - m) The Senate Majority Leader to issue a statement on the status of female prisoners and children held in prisons and remand facilities in Kenya (Sen. Beatrice Kwamboka);
  - n) The Senate Majority Leader to issue a statement on alleged delay by the National Treasury to release funds to the County Assemblies (Sen. Boniface Kabaka);
  - o) The Senate Majority Leader to issue a statement on Business of the Senate for the coming week.
-