



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

TUESDAY, MAY 08, 2018 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. **MOTION – DEBATE ON THE ADDRESS BY H. E. THE PRESIDENT - (1st DAY)**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Wednesday, 2nd May, 2018 and further the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 8th May, 2018-

- (i) Report on the Measures Taken and the Progress Achieved in the Realization of National Values;
- (ii) Report on Progress made in fulfillment of the International Obligations of the Republic; and
- (iii) Report on the State of Security.

9. ***THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE BILLS NO. 7 OF 2017)**
(Sen. Mutula Kilonzo Jnr.)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 18th April, 2018)

10. ****THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

(Second Reading)

11. ****THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**
(Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

12. ***THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**
(Sen. Amos Wako)

(Second Reading)

13. ***THE COUNTY WARDS DEVELOPMENT EQUALIZATION FUND BILL (SENATE BILLS NO. 5 OF 2018)**
(Sen. Irungu Kang'ata)

(Second Reading)

14. **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)

15. **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.

16. **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 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.

17. **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

NOTICES

The Senate resolved on 14th February, 2018 as follows:-

- a) **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.

- b) **THAT**, pursuant to Standing Order 100 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

KEY

******** - Denotes a Majority /Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

APPENDIX**1. PETITION**

Petition by residents of West Pokot County concerning alleged deteriorating healthcare services in the County.

(The Speaker of the Senate)

2. PAPERS

- a) The State of the Nation Address by H.E. the President, delivered on Wednesday, 2nd May, 2018, at a Joint Sitting of Parliament;
- b) The 1st Annual Report on the Measures Taken and the Progress Achieved in the Realization of National Values;
- c) The 1st Annual Report on Progress made in Fulfillment of the International Obligations of the Republic;
- d) The 1st Annual Report on the State of Security;
- e) The Third Annual Report (2014/2015) of the Office of the Director of Public Prosecutions (ODPP);
- f) The Fourth Annual Report (2015/2016) of the Office of the Director of Public Prosecutions (ODPP);
- g) The National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2018;
- h) The Kenya National Bureau of Statistics report on women and men in Kenya (Facts and Figures) 2017;
- i) Report of the Kenya National Bureau of Statistics on the 2015/2016 Kenya Integrated Household Budget Survey (Basic Report);
- j) Report of the Kenya National Bureau of Statistics 2017 Statistical Abstract;
- k) Report of the Kenya National Bureau of Statistics on the 2015/2016 Kenya Integrated Household Survey (Labour Force Basic Report);
- l) Report of the Auditor-General on the Financial Statements of the Nairobi City County Assembly Service Board Car Loan Scheme Fund for the year ended 30 June, 2017;
- m) Report of the Auditor-General on the Financial Statements of the Nairobi City County Assembly Service Board Mortgage Scheme Fund for the year ended 30 June, 2017;
- n) Report of the Auditor-General on the Financial Statements of the Machakos County Assembly Housing Scheme Fund for the year ended 30 June, 2017;
- o) Report of the Auditor-General on the Financial Statements of the County Assembly of Bungoma Car Loan and Mortgage Scheme for the year ended 30 June, 2017;

- p) Report of the Auditor-General on the Financial Statements of Nairobi City Water and Sewerage Company Limited for the year ended 30 June, 2017.

(The Senate Majority Leader)

3. NOTICES OF MOTION

- a) **Notice of Motion – DEBATE ON THE ADDRESS BY H. E. THE PRESIDENT**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of H. E. the President delivered on Wednesday, 2nd May, 2018 and further that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the House on Tuesday, 8th May, 2018-

- (i) Report on the Measures Taken and the Progress Achieved in the Realization of National Values;
- (ii) Report on Progress made in Fulfillment of the International Obligations of the Republic; and
- (iii) Report on the State of Security.

- b) **Notice of Motion – NEED FOR STANDARD POLICY REGULATION FOR CONSTRUCTION AND MAINTENANCE OF RURAL ACCESS ROADS**
(Sen. Sylvia Kasanga)

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;

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.

4. STATEMENTS

(i) 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 National Cohesion, Equal Opportunity and Regional Integration to issue a statement on the alleged abuse of Human Rights of Persons with Disabilities (Sen. Getrude Musuruve).
- c) 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 to the Lake Basin Development Authority (LBDA) (Sen. Fredrick Outa).
- d) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on status of the Physical Development Plan for South C Estate in Nairobi City County (Sen. Rose Nyamunga).
- e) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on the status of construction of bridges in Isiolo County (Sen. Fatuma Dullo).
- f) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on the collapsing and cut-off of a section of Narok-Mai Mahiu road due to heavy rain (Sen. Beatrice Kwamboka).
- g) 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).
- h) 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).
- i) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on loans owed to the Agricultural Finance Corporation (AFC) by farmers in Kajiado County (Sen. Mary Seneta).

- j) The Chairperson of the Standing Committee on Information, Communication and Technology to issue a statement on the Government's decision to shut down three privately owned Television stations for seven days and attempted arrest of three journalists(Sen. Moses Wetang'ula).
- k) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on the status of the Kenya National Employment Authority (Sen. Mercy Chebeni);
- l) 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.)
- m) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on dumping of asbestos in Kikumbulyu Ward, Kibwezi West in Makueni County (Sen. Mutula Kilonzo Jnr).
- n) The Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to issue a statement on mainstreaming of learners with disabilities in the education curriculum(Sen. Getrude Musuruve).
- o) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on an estimated 63,000 acres of land owned by the Agricultural Development Corporation (ADC) in Laikipia County (Sen. Ledama Olekina).
- p) The Chairperson of the Standing Committee on Energy to issue a statement on the status of coal exploration in Mui Basin, Kitui County (Sen. Enoch Wambua).
- q) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on human wildlife conflict and livestock predation in Wajir County (Sen. (Dr.) Ali Abdullahi).
- r) 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).
- s) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the delayed compensation to persons displaced during the construction of Manooni dam in Makueni County (Sen. Mutula Kilonzo Jnr.).

- t) 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).
- u) The Chairperson of the Standing Committee on Health to issue a statement on the cancer situation in Marsabit County (Sen. Naomi Waqo).
- v) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on alleged use of excessive force and police brutality during peaceful demonstrations and picketing (Sen. Ledama Olekina).
- w) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on compensation to persons displaced from their land to pave way for the construction of the Standard Gauge Railway (SGR) (Sen. Mwinyihaji Mohamed Faki).
- x) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on the construction of apartment blocks on the banks of Nairobi River along Riverside Drive (Sen. Yusuf Haji).
- y) 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).
- z) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on sharing of revenue obtained from mining in Taita Taveta County between the Taita Taveta County and the National Government (Sen. Johnes M Mwaruma).
- aa) 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).
- bb) 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).
- cc) The Chairperson of the Standing Committee on Land, Environment and Natural Resources to issue a statement on alleged outstanding land dispute in Taita Taveta County between Taita Sisal Estate Limited and the local community over land parcel numbers LR No. 3880/5,11378,6924 and 9487 (Sen. Ledama Olekina).

- dd) 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).
- ee) The Chairperson of the Standing Committee on Tourism, Trade and Industrialization to issue a statement on relocation of twenty one (21) elephants from Laikipia to Tsavo National Park by the Kenya Wildlife Service (KWS) (Sen. Johnes Mwaruma).
- ff) 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).
- gg) 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).
- hh) 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, TaitaTaveta County (Sen. Johnes Mwaruma).
- ii) 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. Mpaayei Phillip Salau).
- jj) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on employment requirements for fresh graduates (Sen. (Dr.) Abdullahi Ali).
- kk) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on the operations of the Kenya Defence Forces (KDF) in Lamu County (Sen. Anuar Loitiptip).
- ll) 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).
- mm) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on youth unemployment in Kenya (Sen. Victor Prengei).
- nn) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on the benefits of the Standard Gauge Railway (SGR)(Sen. Naomi Waqo).

(ii) Statements due for issue pursuant to Standing Order No. 46 (2) (b) (Further Information)

- a) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on the status of the National Housing Corporation (NHC) project in Wote, Makueni County (Sen. Sylvia Kasanga).
- b) The Chairperson of the Standing Committee on Tourism, Trade and Industrialization to issue a statement on the management and operations of the Tsavo National Park (Sen. Johnes Mwaruma).
- c) The Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to issue a statement on the implementation of the constitutional two-thirds (2/3) gender rule in all counties (Sen. (Dr.) Alice Milgo).
- d) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on harassment of Opposition Leaders (Sen. Moses Wetang'ula).
- e) 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).
- f) 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).
- g) 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’).
- h) 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).
- i) 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).
- j) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on an alleged raid by armed bandits in Suyian area of Elbarta Ward in Samburu North Constituency on Thursday, 1st February, 2018 (Sen. Lelegwe Ltumbesi).
- k) 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).

- l) 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).

- m) The Chairperson of the Standing Committee on Energy to issue a statement on alleged discovery of gas in Kipeto village, Keekonyokie Ward in Kajiado West Constituency, Kajiado County (Sen. Mpaayei Phillip Salau).
