



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**ORDER PAPER**

**TUESDAY, MAY 15, 2018 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 WARDS DEVELOPMENT EQUALIZATION FUND BILL  
(SENATE BILLS NO. 5 OF 2018)**  
(Sen. Irungu Kang'ata)  
*(Second Reading)*  
***(Resumption of Debate interrupted on Thursday, 10<sup>th</sup> May, 2018)***
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 Thursday, 10<sup>th</sup> May, 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. **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 28<sup>th</sup> - 30<sup>th</sup> November, 2017, laid on the Table of the House on Wednesday, 14<sup>th</sup> February, 2018.

***(Resumption of Debate interrupted on Thursday, 22<sup>nd</sup> February, 2018)***

***(Balance of Time – 2hrs 57 mins)***

14. **MOTION-REPORTS OF THE 47<sup>TH</sup> AND 48<sup>TH</sup> SESSIONS OF THE AFRICAN CARIBBEAN AND PACIFIC (ACP) PARLIAMENTARY ASSEMBLY**

(Sen. (Prof.) Margaret Kamar)

**THAT**, this House notes the Reports of the 47<sup>th</sup> and 48<sup>th</sup> Sessions of the African, Caribbean and Pacific (ACP) Parliamentary Assembly and the Inter-Sessional meeting and the 34<sup>th</sup> Session of the African, Caribbean and Pacific – European Union (ACP-EU) Joint Parliamentary Assembly held in Brussels on 9<sup>th</sup> to 12<sup>th</sup> October, 2017 and Haiti on 13<sup>th</sup> to 20<sup>th</sup> December, 2017, respectively, laid on the Table of the House on Wednesday, 28<sup>th</sup> February, 2018.

15. **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

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.

16. **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

**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. PAPERS**

- a) 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) in Kinshasa, Democratic Republic of Congo from 19<sup>th</sup> – 20<sup>th</sup> March, 2018.

*(Sen. Samuel Poghio)*

- b) Report of the proceedings of the Inter-Parliamentary hearings at the United Nations, New York, USA from 22<sup>nd</sup> – 23<sup>rd</sup> February, 2018.

*(Sen. Naomi Shiyonga)*

**2. STATEMENTS**

**(i) Statements requests pursuant to Standing Order No. 46 (2) (b)**

- a) The Senator for Turkana County (Sen. Imana Malachy Ekal) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding Kainuk-Nadapal Road, Lodwar – Lokitang Road and Lodwar – Lokiriana Road in Turkana County.
- b) The Senator for Turkana County (Sen. Imana Malachy Ekal) to seek a statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations on the killing of four people (One man and three school children) in Ameyan near Kapedo, Turkana County on Friday, 4<sup>th</sup> May, 2018 by bandits suspected to be from a neighbouring county.
- c) The Senator for Garissa County (Sen. Mohamed Yusuf Haji) to seek a statement from the Chairperson of the Standing Committee on Education regarding the status of scholarships awarded to the Government of Kenya.
- d) Nominated Senator (Sen. Beatrice Kwamboka) to seek a statement from the Chairperson of the Standing Committee on Health regarding the death of a 30 year old expectant woman (Ms. Subira Hamisi) who was in labour at the gate of Gombato Dispensary in Kwale County.
- e) Nominated Senator (Sen. Beatrice Kwamboka) to seek a statement from the Chairperson of the Standing Committee on Land, Environment and Natural Resources regarding the state of Mihango's estate in Nairobi County.
- f) Nominated Senator (Sen. Beatrice Kwamboka) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the state of Outering Road in Nairobi City County.

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

- a) 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

- b) 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).
- c) 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).
- d) 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).
- e) 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).
- f) 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).
- g) 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).
- h) 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).
- i) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on contingency plan to mitigate the adverse effects of the heavy downpour on our infrastructure mainly roads and drainage system (Sen. Johnson Sakaja).
- j) 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).
- k) 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).
- l) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on Licensing of liquor and coordination of liquor related laws in the country (Sen. Mary Seneta).

- m) 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).
- n) The Chairperson of the Standing Committee on Health to issue a statement on the cancer situation in Marsabit County (Sen. Naomi Waqo).
- o) 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).
- p) 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).
- q) 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).
- r) 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).
- s) 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).
- t) The Chairperson of the Standing Committee on Education to issue a statement on mushrooming of schools in residential estates in Nairobi City County, particularly in South C Estate. (Sen. Rose Nyamunga).
- u) The Chairperson of the Standing Committee on Finance and Budget to issue a statement on Kshs. 65 billion allegedly owed by the National Government to the Nairobi City County Government (Sen. Johnson Sakaja).
- v) The Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights to issue a statement on compensation of victims of 8<sup>th</sup> August, 2017 and 26<sup>th</sup> October, 2017 Post Elections chaos (Sen. Johnson Sakaja).
- w) The Chairperson of the Standing Committee on Energy to issue a statement on status of connectivity to electricity in Isiolo County (Sen. Fatuma Dullo).
- x) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on state of Ethiopian refugees in Kenya (Sen. Naomi Waqo).
- y) The Chairperson of the Standing Committee on Health to issue a statement on management of the Public Health services in Lamu County (Sen. Anuar Loititip).

- z) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on delayed development of roads in high insecurity areas in Isiolo County (Sen. Fatuma Dullo).
- aa) The Chairperson of the Standing Committee on National Security, Defence and Foreign Relations to issue a statement on status of citizenship for Mr. Miguna Miguna (Sen. Beatrice Kwamboka).
- bb) The Chairperson of the Standing Committee on Roads and Transportation to issue a statement on awarding of construction contracts to foreign companies (Sen. Sylvia Kasanga).

**(iii) 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 Agriculture, Livestock and Fisheries to issue a statement on the implementation status of the Fisheries Management and Development Act (Sen. Moses Kajwang’).
- g) 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).
- h) 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).



- i) 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, 1<sup>st</sup> February, 2018 (Sen. Lelegwe Ltumbesi).
- j) 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).
- k) 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).
- l) 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).

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