



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, MAY 17, 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 (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **\*\*THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 11 OF 2018)**  
(Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 16<sup>th</sup> May, 2018)*

*(Division)*

9. **\*\*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)*
10. **\*\*THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**  
(Chairperson, Standing Committee on Labour and Social Welfare)

*(Second Reading)*

...../Motion

**11. MOTION- ADJOURNMENT OF THE SENATE**

(The Senate Majority Leader)

**THAT**, pursuant to Standing Orders 29(4) and 54 (b), the Senate resolves to alter its Calendar (Regular Sessions), adopted on Tuesday, 20<sup>th</sup> February, 2018, in respect of the Second Part, to proceed on a Recess from Friday, 18<sup>th</sup> to Monday, 28<sup>th</sup> May, 2018, to afford Senators an opportunity to participate in the Third Annual Legislative Summit scheduled to be held from 20<sup>th</sup> to 25<sup>th</sup> May, 2018, and to resume its sittings on Tuesday, 29<sup>th</sup> May, 2018.

**12. 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)*

**13. 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;

...../Motion

**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.

*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> May, 2018)*

*(Balance of Time - 2hrs 13 mins)*

14. 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

...../Motion

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

15. **MOTION – NEED FOR STANDARD POLICY REGULATION FOR CONSTRUCTION AND MAINTENANCE OF RURAL ACCESS ROADS**

(Sen. Sylvia Kasanga)

**THAT 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.

...../Notice

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

**APPENDIX**

**1. PAPERS**

- a) Report of the Auditor-General on the Financial Statements of Machakos County Assembly Car Loan Scheme Fund for the year ended 30<sup>th</sup> June 2017.
- b) Report of the Auditor-General on the Financial Statements of Kajiado County Emergency Fund for the fifteen months period ended 30<sup>th</sup> June 2017.

*(Senate Majority Leader)*

**2. NOTICES OF MOTION**

**Notice of Motion - REPORT OF THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS' FORUM**

(Sen. Moses Kajwang')

**THAT**, this House notes the Report of the inaugural Commonwealth Parliamentarians' Forum held at the Westminster, London, United Kingdom from 26<sup>th</sup> February to 1<sup>st</sup> March, 2018 laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

**3. STATEMENT OF THE SENATE MAJORITY LEADER PURSUANT TO STANDING ORDER NO. 46 (2)(C)**

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 29<sup>th</sup> May, 2018.

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