



REPUBLIC OF KENYA  
TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

**ORDER PAPER**

THURSDAY, SEPTEMBER 20, 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. MOTION – APPROVAL OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FISCAL YEAR 2018/19

(Chairperson, Standing Committee on Finance and Budget)

**THAT**, pursuant to Standing Order 183, the Senate approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Fiscal Year 2018/2019, laid on the Table of the House on Thursday, 13<sup>th</sup> September, 2018.

*(Resumption of Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018)*

*(Division)*

9. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE NAKURU COUNTY EXECUTIVE FOR FY 2013/2014

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Nakuru County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Resumption of Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018)*

*(Division)*

...../Motion

10. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KILIFI COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Kilifi County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Resumption of Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018)*

*(Division)*

11. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE HOMABAY COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Homabay County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Resumption of Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018)*

*(Division)*

12. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KISII COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Kisii County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

*(Resumption of Debate interrupted on Wednesday, 19<sup>th</sup> September, 2018)*

*(Division)*

13. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO POSSIBLE LOSS OF FUNDS THROUGH ACQUISITION OF LAND FOR PUBLIC USE**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into possible loss of funds through the acquisition of Land LR. No.7879/4 (part) by the National Land Commission, for use by two public schools (Ruaraka High School and Drive-In Primary School), Nairobi City County, laid on the Table of the House on Wednesday, 8<sup>th</sup> August, 2018.

14. **MOTION - ENFORCEMENT OF THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015**

(Sen. (Arch.) Sylvia Kasanga, MP)

**AWARE** that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

...../Motion

**FURTHER AWARE** that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

**COGNIZANT** that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

**NOW THEREFORE**, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development: -identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations; in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations; submits a Report to the Senate within ninety(90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

*(Resumption of Debate interrupted on Thursday, 13<sup>th</sup> September, 2018)*

15. **MOTION - DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL DISASTER RISK FINANCING STRATEGY**

(Sen. George Khaniri, MP)

**THAT, WHEREAS** Kenya's disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

**FURTHER WHEREAS** the government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

**COGNIZANT** of the fact that government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

**AWARE** that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

**RECOGNIZING**, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

**OBSERVING**, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

**NOTING** that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions and assistance, in any form, from individuals, public authorities and private bodies;

**APPRECIATING**, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

...../Motion

**FURTHER AWARE** that emergency fund is a substantial proportionate Vote Head in both the national and county government budgets;

**CONCERNED**, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

**NOW THEREFORE**, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

16. **MOTION- HUMAN- WILDLIFE CONFLICT**

(Sen. Johnes Mwaruma, MP)

**AWARE THAT** tourism is amongst key sectors of Kenya’s economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

**FURTHER AWARE THAT** Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

**NOTING THAT** cases of human-wildlife conflict are on the rise as a result of many factors, key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

**FURTHER NOTING THAT** there is need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space, given the importance of wildlife not only to our economy but ecology as well;

**CONCERNED THAT** victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of means of livelihood due to failure of the Treasury to allocate adequate fund for this purpose, contrary to the Wildlife Compensation Management Act, 2013;

**FURTHER CONCERNED THAT** the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of wildlife tourism in the area;

**NOW, THEREFORE**, the Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;
2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims;
3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

...../Motion

17. **MOTION- REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS & INSTANCES OF INSECURITY**

(Sen. (Arch.) Sylvia Kasanga, MP)

**THAT, AWARE** that Article 43(1)(f) of the Constitution of Kenya provides that every person has a right to education and Article 53(1)(b) of the Constitution states that every child has the right to free and compulsory basic education;

**COGNIZANT** that on 5<sup>th</sup> January, 2018 during the flagging off of national delivery of core course books for schools at Cemastea Karen, His Excellency the President Uhuru Kenyatta stated that his administration has focused on initiatives that ensure every Kenyan has access to quality education, so they can acquire appropriate skills and knowledge that make our country globally competitive;

**FURTHER AWARE** that recently the country has suffered floods in many parts of the country leading to deaths and people being displaced and rendered homeless;

**DEEPLY CONCERNED** that some schools have also remained closed even after other schools reopened while others have been closed as a result of floods and instances of insecurity;

**FURTHER NOTING** that closure of schools due to the said floods as well as insecurity places students and pupils in those schools at a disadvantage as they are unable to access education which is their right, while some of the students in those schools are expected to sit for their national exams at the end of the year and their performance risks being negatively affected by the lost time out of school;

**NOW THEREFORE,** the Senate resolves that the Committee on Education investigates this matter with a view to: -

1. identifying strategies to ensure that the affected students are able to access education as soon as possible;
2. outlining preventative measures to ensure that more students are not affected by the floods and insecurity; and,
3. Submitting a Report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

18. **MOTION - REPORT OF THE 138<sup>TH</sup> ASSEMBLY OF THE INTER - PARLIAMENTARY UNION (IPU)**

(Sen. Susan Kihika, MP)

**THAT,** this House notes the Report of the 138<sup>th</sup> Assembly of the Inter - Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22<sup>nd</sup> - 28<sup>th</sup> March, 2018 laid on the Table of the Senate on Thursday, 21<sup>st</sup> June, 2018.

*...../Motion*

19. **MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE**

(Sen. (Dr.) Isaac Mwaura, MP)

**THAT**, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17<sup>th</sup> – 18<sup>th</sup> March, 2018, laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

20. **MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE 20<sup>TH</sup> COMMONWEALTH EDUCATION MINISTERS CONFERENCE**

(Chairperson, Standing Committee on Education)

**THAT**, this House notes the Report of the Standing Committee on Education on the 20<sup>th</sup> Conference of Commonwealth Education Ministers (20CCEM) held in Nadi, Fiji from 19-23 February, 2018, laid on the Table of the House on Thursday, 12<sup>th</sup> July, 2018.

21. **MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC) HELD AT THE WORLD BANK HEADQUARTERS**

(Sen. (Dr.) Abdullahi Ali, MP)

**THAT**, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16<sup>th</sup> to 17<sup>th</sup> April, 2018, laid on the Table of the House on Thursday, 12<sup>th</sup> July, 2018.

22. **MOTION -REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE 2018 COMMONWEALTH GAMES**

(Sen. (Dr.) Alice Milgo, MP)

**THAT**, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold-Coast, Australia from 4<sup>th</sup> to 15<sup>th</sup> April, 2018, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> August, 2018.

23. **MOTION -REPORT OF THE KENYA DELEGATION TO THE SIXTH ORDINARY SESSION OF THE PAN AFRICAN PARLIAMENT**

(Sen. (Dr.) Abdullahi Ali, MP)

**THAT**, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7<sup>th</sup> to 18<sup>th</sup> May, 2018, laid on the Table of the House on Tuesday, 24<sup>th</sup> July, 2018.

24. **MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE TVET CONFERENCE**

(Sen. (Dr.) Christopher Lang'at, MP)

**THAT**, this House notes the Report of the Standing Committee on Education on the TVET Conference held in Victoria, Canada from 27<sup>th</sup> April – 2<sup>nd</sup> May, 2018, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> August, 2018.

*...../Motion*

NOTICE

The Senate resolved on 14<sup>th</sup> February, 2018 as follows:-

**THAT**, pursuant to Standing Order 106 (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. PAPER LAID**

Report of the Auditor-General on the financial statements of the Nyamira County Education Support Fund for the year ended 30 June, 2017.

*(The Senate Majority Leader)*

**2. STATEMENTS**

**a) Statements Pursuant To Standing Order No. 48**

- a) Nominated Senator (Sen. (CPA) Farhiya Haji, MP) to seek a statement from the Chairperson, Standing Committee on National Security, Defence and Foreign Relations, regarding land and property belonging to the National Police Service.
- b) Nominated Senator (Sen. Judith Pareno, MP) to seek a statement from the Chairperson, Standing Committee on Agriculture and Fisheries on the hazardous Ipomoea weed which has invaded agricultural land in Kajiado County.
- c) Nominated Senator (Sen. Judith Pareno, MP) to seek a statement from the Chairperson, Standing Committee on Tourism, Trade and Industrialization concerning the state of the East African Portland Cement Company (EAPCC).

**b) Statement Pursuant To Standing Order No. 52 (1)**

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 25<sup>th</sup> September, 2018.

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