



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

THURSDAY, NOVEMBER 12, 2015 AT 2.30 P.M

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 OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)**
(Chairperson, Committee on Legal Affairs and Human Rights)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 27th October, 2015)
(Division)

9. ****THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL, (SENATE BILL NO. 40 OF 2014)**
(Chairperson, Committee on National Security and Foreign Relations)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 4th November, 2015)
(Division)

10. ***THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL, (SENATE BILL NO. 7 OF 2015)**
(Sen. David Musila)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 10th November, 2015)
(Division)

...../Motion

11. **MOTION** – (Sen. Zipporah Kittony)
(Ministry of Transport and Infrastructure)

THAT, AWARE that traffic congestion in Nairobi Metropolitan Region is increasingly becoming worse leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities;

CONCERNED that the economic cost of the congestion is estimated to be Kshs.1 billion annually on account of wasted man-hours and wasted fuel due to vehicular queuing;

APPRECIATING the government's effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District;

The Senate now calls upon the Government to consider formulating additional policy interventions to mitigate the problem by:-

1. Enacting legislation to allow only high capacity public transport to operate in the city; and
2. Creating regulations to:-
 - a) Require all deliveries to business premises to be done at night;
 - b) Require construction on roads that are in use to be done at night; and
 - c) Reroute heavy commercial vehicles to use the bypasses.

(Resumption of Debate interrupted on Thursday, 29th October, 2015)
(Division)

12. **MOTION**- (Sen. Kiraitu Murungi)
(Department of Land)

GIVEN the clear provisions of Article 6 (1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

CONSIDERING the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

NOTING the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

FURTHER NOTING that the boundaries in counties have not been surveyed and no beacons have been fixed;

...../Motion

CONCERNED that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

THIS HOUSE urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey, mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31st March, 2016.

13. **MOTION**- (Sen. Elizabeth Ongoro)

THAT, AWARE that the Parliament of Kenya is an active member of the Inter-Parliamentary Union (IPU) which is the international organization of national Parliaments;

FURTHER AWARE that the IPU provides support to Parliaments in areas such as law and policy-making, as well as representation;

NOTING WITH APPRECIATION that, upon a request by the Speaker of the Senate, the IPU sent an expert delegation to Kenya from 12th to 16th July, 2015 to offer advice on the way forward in implementing the constitutional requirement on the two thirds gender rule;

NOW THEREFORE the Senate notes the report of the Inter-Parliamentary Union Expert Mission to Kenya on the framework to implement the constitutional provision of the two-thirds gender rule laid on the Table of the Senate on Thursday, 8th October, 2015 and extends its appreciation to the IPU for support on the matter.

14. **MOTION** – (Sen. Beatrice Elachi)
(Department of Interior and Coordination of National Government)

THAT, cognizant that Article 12 of the Constitution guarantees a right to citizenship; noting that it is the right of every Kenyan attaining 18 years to register and be issued with a National Identity Card ; further noting that the National Identity Card is at the core in determining the extent to which an individual enjoys his or her fundamental rights and freedoms; concerned that Orphans and Vulnerable Children attaining the age of 18 years in children's homes have difficulties obtaining the National Identity Cards, the Senate urges the National Government to take remedial, policy, administrative and legislative measures to improve and expedite the process of registration for National Identity Cards especially for the Orphans and Vulnerable Children who live in children's homes and have attained 18 years of age.

15. **MOTION** – (The Chairperson, Standing Committee on Roads and Transportation)
(Ministry of Roads and Infrastructure)

THAT, this House adopts the Report of the Standing Committee on Roads and Transportation on visits to Lamu and Nakuru Counties, laid on the table of the House on Wednesday, 29th July, 2015.

...../Motion

16. **MOTION** – (The Chairperson, Sessional Committee on Implementation)
(Ministry of Agriculture, Livestock and Fisheries)

THAT, this House adopts the report of the Sessional Committee on Implementation on its visit to Mombasa, Kilifi and Kwale Counties to follow up on the resolution of the House to support the coconut industry, undertaken between 25th and 28th April, 2015 laid on the table of the House on Wednesday, 29th July, 2015.

17. ***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)**
(Sen. Hassan Omar)

(Second Reading)

18. *****THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2013)**
(The Senate Majority Leader)

(Second Reading)

19. ****THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2015)**
(Chairperson, Standing Committee on Health)

(Second Reading)

KEY

■ Denotes a Majority /Minority Party Bill

■ Denotes a National Assembly Bill

■ Denotes a Committee Bill

■ Denotes any other Bill

NOTICE

The Senate resolved on 11th February, 2015 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.

...../Appendix

APPENDIX**1. PAPERS**

- a) The Business of the Senate for the coming week;
(The Senate Majority Leader)
- b) The Report of the Auditor General on the Financial Statements of the County Government of Nakuru for the sixteen (16) months period ended 30 June, 2014;
- c) The Report of the Auditor General on the Financial Statements of Samburu County Government for the sixteen (16) months period ended 30 June, 2014;
- d) The Report of the Auditor General on the Financial Operations of Nyeri County Assembly for the period 1 July, 2013 to 30 June, 2014;
(Chairperson, Sessional Committee on County Public Accounts and Investments)
- e) The Report of the Standing Committee on Health on the visit to the New Nyanza Provincial General Hospital, Kisumu County on 22nd May 2015;
- f) The Report of the Standing Committee on Health on the visit to the Kisii Level Five Hospital, Kisii County on 23rd May 2015;
- g) The Report of the Standing Committee on Health on the visit to the Kakamega Provincial General Hospital, Kakamega County on 22nd May 2015.
(Chairperson, Standing Committee on Health)

2. NOTICES OF MOTION

- a) **NOTICE OF MOTION** – (The Senate Majority Leader)

AWARE that pursuant to Article 124(1) of the Constitution and the Standing Orders of the Senate, at a Special Sitting of the Senate held on Monday, 15th June, 2015, the Senate resolved, to establish a Select Committee on Constitutional and Legal Review to inquire into legal issues arising following the re-allocation by the National Assembly of monies intended for key constitutional organs and institutions, including, the Judiciary, the Salaries and Remuneration Commission and the Senate.

FURTHER AWARE that on 23rd June, 2015, the Senate approved the names of Senators to serve in the said Select Committee whose terms of reference were as follows-

- (a) inquire into the design of the Legislature and in particular, the institutions set out in the Constitution with a view to protecting the interests of the counties and their governments and securing and safeguarding the system of devolved government established in the Constitution;*
- (b) inquire into the role of the Senate as set out under the Constitution and make recommendations on the appropriate role to be played by the Senate in-*
 - (i) the budget making process and revenue allocation;*
 - (ii) the legislative process;*
 - (iii) oversight over the National Government; and*
 - (iv) oversight over the County Governments;*
- (c) examine and make recommendations on the appropriate role to be played by the Senate in the approval of nominees for appointment to State office;*
- (d) examine and make recommendations on the appropriate inter linkage and interplay between-*
 - (i) the Senate and the National Government;*
 - (ii) the Senate and the National Assembly;*
 - (iii) the Senate and the County Governments; and*
 - (iv) the Senate and other constitutional offices and Commissions.*
- (e) recommend to the Senate such constitutional and legislative interventions as may be necessary to secure and safeguard the system of devolved government in the Constitution, including measures necessary to ensure the effective discharge by the Senate, of its legislative and oversight role under the Constitution; and*
- (f) examine and make recommendations on any other matter connected with or incidental to the foregoing.*

COGNIZANT OF THE FACT that the Committee tabled its report on 23rd September, 2015 which report was adopted by the Senate on 21st October, 2015;

NOTING that one of the recommendations in the report was that-
The Senate approves the appointment of a Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution.

NOW THEREFORE, pursuant to the resolution of the Senate during the Sitting held on 21st October, 2015, the Senate approves the appointment of the following Senators to the Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution-

1. Sen. Kipchumba Murkomen
2. Sen. Kiraitu Murungi
3. Sen. Naisula Lesuuda
4. Sen. (Eng.) Muriuki Karue
5. Sen. Billow Kerrow
6. Sen. James Orengo
7. Sen. (Dr.) Boni Khalwale
8. Sen. Mutula Kilonzo Junior, and
9. Sen. Halima Abdille

And that the committee reports back to the Senate within six months.

b) **NOTICE OF MOTION** - (Sen. Muriuki Karue)

AWARE THAT the Senate, on 30th July, 2015, resolved to establish a Select Committee consisting of nine (9) Senators to conduct an inquiry into the needs of the forty-seven counties for headquarter facilities and report back to the House within three months of its establishment;

REALIZING THAT the three months period lapsed on 30th October, 2015 but owing to the magnitude of the work involved the Committee was not able to complete its work within the duration;

NOTING THE NEED for more time to carry out a thorough inquiry into this matter;

NOW THEREFORE, the Senate resolves to renew the mandate of the Committee for a further period of forty-five (45) days to enable the Committee to complete its work and report to the House.

c) **NOTICE OF MOTION** (The Chairperson, Standing Committee on Health)

THAT, the Senate adopts the reports of the Standing Committee on Health on visits to the New Nyanza Provincial General Hospital, Kisumu County; the Kisii Level Five Hospital, Kisii County; and the Kakamega Provincial General Hospital, Kakamega County undertaken between 22nd and 23rd May, 2015, laid in the Senate on Thursday, 12th November, 2015.

3. STATEMENTS

- a) The Senate Majority Leader to issue a Statement on Business of the Senate for the coming week;
- b) The Chairperson of the Standing Committee on Finance, Commerce and Budget to issue a statement on the stability of Small Banks and alarming interest rates (Sen. Mutahi Kagwe);
- c) The Chairperson of the Standing Committee on National Security and Foreign Relations on Security of persons living with albinism in the Country (Sen. Godliver Omondi);
- d) The Chairperson of the Standing Committee on National Security and Foreign Relations on a banditry attack in Meru County (Sen. Kiraitu Murungi);
