



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT - (THIRD SESSION)
THE SENATE
ORDER PAPER
THURSDAY, OCTOBER 08, 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 COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**
(Chairperson, Standing Committee on Delegated Legislation)
(First Reading)
9. ***THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**
(Sen. Wamatangi Kimani Paul)
(First Reading)
10. ***THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2015)**
(Sen. Godliver Omondi)
(First Reading)
11. **MOTION** - (The Chairperson of the Select Committee)

THAT, this House adopts the Report of the Select Committee of the Senate on Constitutional and Legal Review laid on the Table of the House on Wednesday, 23rd September, 2015.

...../Motion

12. **MOTION** – (Sen. Fatuma Dullo)

(Ministry of Interior and Coordination of National Government)

WHEREAS Article 51 of the Constitution of Kenya protects the rights of detained persons, persons held in custody and other imprisoned persons under the law, and requires Parliament to enact legislation to provide for the humane treatment of such persons with due regard to the relevant international human rights instruments;

OBSERVING that international instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Basic Principles for the Treatment of Prisoners set standards on the treatment of persons, including the right to be treated with respect; protection from discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

AWARE of the deplorable state of correctional services throughout the country including poor living conditions in the institutions of both officers and prisoners, the poor state of sanitation and nutrition, overcrowding, lack of proper medical attention, frequent outbreak of communicable diseases and frequent reports of deaths of inmates leading to a high rate of recidivism and the inability of former inmates to reintegrate into society;

APPRECIATING the urgent need to align the Prisons Act and Borstal Institutions Act with the Constitution of Kenya and the international instruments on the rights of detained persons;

NOW THEREFORE, the Senate resolves to establish a Select Committee to undertake an inquiry into the policy and legislation pertaining to the treatment of detained persons as well as the state of correctional institutions in Kenya, including prisons and Borstal institutions, and to submit a Report to the Senate within three months, with recommendations on such policy and legislative interventions as may be necessary to align the existing legislation on correctional services with the Constitution of Kenya and in compliance with international standards on the rights of detained persons and such other recommendations as may be necessary;

AND FURTHER that the Members of the Select Committee are-

1. Sen. Fatuma Dullo
2. Sen. (Dr.) Zipporah Kittony
3. Sen. (Dr.) Boni Khalwale
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Stewart Madzayo
6. Sen. Liza Chelule
7. Sen. Judith Sijeny
8. Sen. Mutula Kilonzo Jr.
9. Sen. Stephen Sang'
10. Sen. Joy Gwendu
11. Sen. Moses Kajwang'

...../Motion

13. **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;

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.

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 – ADDRESS TO PARLIAMENT BY H. E (DR) JAKAYA MRISHO KIKWETE, PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA**
(The Senate Majority Leader)

THAT, pursuant to the provisions of Standing Order 25 (3), the Thanks of the Senate be recorded for the Address to Parliament by the President of the United Republic of Tanzania delivered on Tuesday, 6th October, 2015.

...../Motion

16. ***THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL**
(SENATE BILL NO. 4 OF 2015)

(Sen. (Dr.) Wilfred Machage)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 7th October, 2015)
(Division)

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**1. PAPERS**

- a) The Business of the Senate for the coming week;
(The Senate Majority Leader)
- b) The Public Finance Management (State Officers and Public Officers Motor Car Loan Scheme Fund) Regulations, 2015;
(Chairperson, Standing Committee on Delegated Legislation)
- c) The Report of the Auditor-General on the Financial Operations of Kilifi County Assembly for the year ended 30 June 2014;
- d) The Report of the Auditor-General on the Financial statements of County Government of Taita Taveta for the sixteen (16) months period ended 30 June 2014;
- e) The Report of the Auditor-General on the financial statements of County Government of Bomet for the sixteen (16) months period ended 30 June 2014.
(Chairperson, Sessional Committee on County Public Accounts and Investments)
- f) The Report of the Inter-Parliamentary Union's Advisory Mission to Kenya in July 2015 on a Framework to implement the Constitutional provision of the two-thirds gender rule.
(Sen. Elizabeth Ongoro)
- g) Report of the 132nd IPU Assembly and related meetings held in Hanoi, Vietnam, 26th March – 1st April, 2015.
(Sen. Catherine Mukiite)

2. NOTICE OF MOTION – ADDRESS TO PARLIAMENT BY H. E (DR) JAKAYA MRISHO KIKWETE, PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA

(The Senate Majority Leader)

THAT, pursuant to the provisions of Standing Order 25 (3), the Thanks of the Senate be recorded for the Address to Parliament by the President of the United Republic of Tanzania delivered on Tuesday, 6th October, 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 National Security and Foreign Relations to issue a statement on demonstrations along Harambee avenue and violation of a section of citizens' rights to demonstrate and picket (Sen. Moses Wetang'ula)
- c) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on access to finances by youth, women and persons with disabilities to execute the government tenders (Sen. Liza Chelule)
- d) The Chairperson of the Standing Committee on Energy to issue a statement on the frequent power blackout in West Pokot County (Sen. (Prof) John Lonyangapuo)
