



**REPUBLIC OF KENYA**

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**THE SENATE**

**PROGRAMME OF SENATE BUSINESS**

**WEEK COMMENCING TUESDAY, JULY 03, 2018**

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***\* 12<sup>TH</sup> PARLIAMENT \* 2<sup>ND</sup> SESSION***

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**REPUBLIC OF KENYA**

**THE SENATE**

**TWELFTH PARLIAMENT (SECOND SESSION)**

**PROGRAMME OF SENATE BUSINESS**

**FOR THE WEEK COMMENCING TUESDAY, JULY 03, 2018**

**TUESDAY:** Communication from the Chair, Messages, Petitions, Papers, Notices of 03/7/2018 Motion, Statements, Motions and Bills

- A. **\*\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**  
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)  
*(First Reading)*
- B. **\*\*THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**  
(Chairperson, Standing Committee on Information, Communication and Technology)  
*(First Reading)*
- C. **\*THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**  
(Sen. Amos Wako, MP)  
*(Second Reading)*
- D. **\*THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**  
(Sen. Mutula Kilonzo Jnr, MP and Sen. Sakaja Johnson, MP)  
*(Second Reading)*
- E. **\*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**  
(Sen. Ledama Olekina, MP)  
*(Second Reading)*
- F. **\*THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**  
(Sen. (CPA) Fathiya Ali Haji, MP)  
*(Second Reading)*
- G. **\*\*THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILLS NO. 34 OF 2017)**  
(The Senate Majority Leader)  
*(Second Reading)*

**H. \*\*THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*

**I. \*\*THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILLS NO. 47 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*

**J. \*\*THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)**

(Sen. Aaron Cheruiyot, MP)

*(Second Reading)*

**K. MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)**

(Sen. George Khaniri, MP)

**THAT AWARE THAT** the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

**FURTHER AWARE THAT** registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

**ALSO AWARE THAT** persons living with disabilities are estimated to be about 10% of any given population;

**COGNIZANT THAT** for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

**AWARE THAT** medical services are now a devolved function;

**CONCERNED THAT** of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

**FURTHER CONCERNED THAT** without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

**ALSO CONCERNED THAT** owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

**NOW THEREFORE,** the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

*(Resumption of Debate interrupted on Thursday, 7<sup>th</sup> June, 2018)*

*(Balance of time: 1hr 48 minutes)*

## **L. MOTION – FLOOD SITUATION IN THE COUNTRY**

(Sen. Fatuma Dullo, MP)

**THAT**, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

**NOTING** with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

**CONCERNED** that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

**COGNIZANT** that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

**ALSO CONCERNED** that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

**NOW THEREFORE**, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

1. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
2. preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within three months of the adoption of this Motion.

## **M. MOTION – NEED TO REVIEW AND EVALUATE THE STATE OF EDUCATION IN NORTHERN KENYA**

Sen. (Dr.) Abdullahi Ali, MP)

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

**ALSO AWARE** that education is a basic need and a tool for intellectual empowerment and social-political development;

**FURTHER AWARE** that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

**COGNISANT** that both levels of Government complement each other in promoting sustainable education;

**CONCERNED** that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

**FURTHER CONCERNED** that both the school completion rate and the national examination outcomes in region are poor and that the number of students from Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

**NOTING WITH CONCERN** that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

**CONCERNED THAT**, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

**NOW THEREFORE**, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;
2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how these disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

## **N. MOTION – MANAGEMENT OF CONSTRUCTION CONTRACTORS**

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

**THAT, AWARE** that Section 15 of the National Construction Authority (NCA) Act prescribes the requirements for registration as a contractor;

**ALSO AWARE** that Section 18 of the Act mandates the NCA Board to accredit firms incorporated outside Kenya to carry out construction works in Kenya for a prescribed period;

**CONCERNED** that a large number of registered local contractors cannot perform up to the expected standard leading to collapsed buildings, poor county roads and infrastructure and incomplete contracts;

**APPRECIATING** that there is still a good number of local contractors that has demonstrated capacity to perform and deliver projects as required;

**DEEPLY CONCERNED** that foreign contractors are now engaging in projects that local contractors have equal capacity and skill to perform, especially in the counties;

**RECOGNIZING THAT** there is need to grow our local industries by giving job opportunities to Kenyan citizens and building their technical capacities;

**NOW THEREFORE**, the Senate calls upon the Government through the NCA to-

1. conduct a fresh registration drive of all building and infrastructure contractors in order to weed out all non-performing ones and to identify those who demonstrate compliance;
2. enforce strict oversight on foreign contractors and institute a mechanism to handle complaints raised against contractors;
3. ensure that foreign contractors are only awarded contracts that local contractors cannot handle and require them to include technology transfer to locals; and
4. require both local and foreign contractors to undertake corporate social responsibility activities in the counties where they operate.

**O. MOTION – REPORT OF THE SENATE DELEGATION TO THE FIRST EXTRAORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR) HELD IN KINSHASA, DEMOCRATIC REPUBLIC OF CONGO**

(Sen. Samuel Poghiso, MP)

**THAT** this House adopts the 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) held in Kinshasa, Democratic Republic of Congo from 19<sup>th</sup> – 20<sup>th</sup> March, 2018, laid on the Table of the Senate on Tuesday, 15<sup>th</sup> May, 2018.

**P. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KAJIADO 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 County Public Accounts and Investments on the inquiry into the Financial operations of Kajiado 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 Thursday, 10<sup>th</sup> May, 2018.

**Q. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE NAROK 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 Narok 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 Thursday, 10<sup>th</sup> May, 2018.

**R. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE TURKANA 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 Turkana 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 Thursday, 10<sup>th</sup> May, 2018.

**S. Any Other Business**

**WEDNESDAY: Communication from the Chair, Messages, Petitions, Papers, Notices of 04/7/2018 Motion, Statements, Motions and Bills**

**A. COMMITTEE OF THE WHOLE**

**\*THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)**

(Sen. Mutula Kilonzo Jnr., MP)

**B. COMMITTEE OF THE WHOLE**

**\*\*\*THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**

(The Senate Majority Leader)

**C. COMMITTEE OF THE WHOLE**

**\*\*THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**

(Chairperson, Standing Committee on Labour and Social Welfare)

**D. COMMITTEE OF THE WHOLE**

**\*THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**

(Sen. Petronila Were Lokorio, MP)

**E. COMMITTEE OF THE WHOLE**

**\*\*THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

**F. \*THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**

(Sen. Amos Wako, MP)

*(Second Reading)*

**G. \*THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**

(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson)

*(Second Reading)*

## **H. MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)**

(Sen. George Khaniri, MP)

**THAT AWARE THAT** the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

**FURTHER AWARE THAT** registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

**ALSO AWARE THAT** persons living with disabilities are estimated to be about 10% of any given population;

**COGNIZANT THAT** for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

**AWARE THAT** medical services are now a devolved function;

**CONCERNED THAT** of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

**FURTHER CONCERNED THAT** without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

**ALSO CONCERNED THAT** owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

**NOW THEREFORE,** the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

*(Resumption of Debate interrupted on Thursday, 7<sup>th</sup> June, 2018)*

*(Balance of time: 1hr 48 minutes)*

## **I. MOTION – FLOOD SITUATION IN THE COUNTRY**

(Sen. Fatuma Dullo, MP)

**THAT,** aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

**NOTING** with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

**CONCERNED** that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

**COGNIZANT** that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

**ALSO CONCERNED** that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian



reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

**NOW THEREFORE**, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

1. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
2. preventing and regulating the construction of informal settlements, and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within the three months of the adoption of this motion.

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

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

**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.

## K. Any Other Business

**THURSDAY:** Communication from the Chair, Messages, Petitions, Papers, Notices of  
05/7/2018 Motion, Statements, Motions and Bills

### **A. MOTION – FLOOD SITUATION IN THE COUNTRY**

(Sen. Fatuma Dullo, MP)

**THAT**, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

**NOTING** with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

**CONCERNED** that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

**COGNIZANT** that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

**ALSO CONCERNED** that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

**NOW THEREFORE**, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

1. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
2. preventing and regulating the construction of informal settlements, and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within the three months of the adoption of this motion.

### **B. MOTION - REPORT OF THE SENATE DELEGATION TO THE FIRST EXTRAORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR) HELD IN KINSHASA, DEMOCRATIC REPUBLIC OF CONGO**

(Sen. Samuel Poghio, MP)

**THAT** this House adopts the 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) held in Kinshasa, Democratic Republic of Congo from 19<sup>th</sup> – 20<sup>th</sup> March, 2018, laid on the Table of the Senate on Tuesday, 15<sup>th</sup> May, 2018.

**C. MOTION – REPORT OF THE SENATE DELEGATION TO THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS’ FORUM**

(Sen. Moses Kajwang’, MP)

**THAT**, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians’ Forum held at the Westminster Palace, 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.

**D. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KAJIADO 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 County Public Accounts and Investments on the inquiry into the Financial operations of Kajiado 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 Thursday, 10<sup>th</sup> May, 2018.

**E. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE NAROK 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 Narok 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 Thursday, 10<sup>th</sup> May, 2018.

**F. MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE TURKANA 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 Turkana 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 Thursday, 10<sup>th</sup> May, 2018.

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

(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;

**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.

#### **H. MOTION – ON THE NEED TO REVIEW AND EVALUATE THE STATE OF EDUCATION IN NORTHERN KENYA**

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

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

**ALSO AWARE** that education is a basic need and a tool for intellectual empowerment and social-political development;

**FURTHER AWARE** that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

**COGNISANT** that both levels of Government complement each other in promoting sustainable education;

**CONCERNED** that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

**FURTHER CONCERNED** that both the school completion rate and the national examination outcomes in region are poor and that the number of students from Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

**NOTING WITH CONCERN** that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

**CONCERNED THAT**, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

**NOW THEREFORE**, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;
2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how this disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

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

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

**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.

#### **J. 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.

**K. 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.

**L. 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.

**M. 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.

**N. 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.

**O. MOTION –IMPROVEMENT OF KENYA’S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX**

(Ledama Olekina)

**THAT, AWARE** that the Ministry of Tourism have developed and published the Kenya National Tourism Blueprint 2030 in May 2017;

**FURTHER AWARE** that Kenya Tourism Agenda 2018 – 2022, launched in April 2018, establishes the foundation for the National Tourism Blueprint 2030 and is the tool for initiating the components of the Blue Print;

**ALSO AWARE** that the contribution of travel and tourism to Kenyan GDP stood at 9.7 % in 2017, up from the 9.3 % previous year;

**COGNIZANT** that in the next 10 years every industry will be changed by technology;

**ALSO AWARE** that Kenya Tourism Board has partnered with Google, Safaricom, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

**CONCERNED** that Kenya tourism industry’s potential is underutilized;

**AWARE** that Kenya’s position in World Economic Forum’s Travel & Tourism Competitiveness Index Ranking is 80 out of 136 in 2017, having improved by 2 points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

**FURTHER CONCERNED** that majority of the solutions proposed by the tourism agenda are brick and mortar type and not addressing the trends; noting that in less than two years, the share of online booking globally has grown from 9% to almost 33% and the lucrative and fast-growing segment of business tourism;

**ALSO CONCERNED** that Kenya will continue to attract only beach and park type tourists ignoring the large number of conference and business travellers, who largely never leave Nairobi and are offered minimal exposure to Kenya;

**NOW THEREFORE**, the Senate calls upon the Ministry of Tourism to approach tourism sector with modern innovation and implement tangible, measurable and impactful solutions, resulting in improvement of Kenya’s ranking in the World Economic Forum Travel & Tourism Competitiveness Index 2019 by 6 positions and improve the lowest score of cultural resources and business travel by 1 point.

**P. MOTION –ON PAYMENT OF A ONE-OFF HONORARIUM AND MONTHLY PENSION TO FORMER COUNCILORS**

(Sen. John Kinyua, MP)

**THAT AWARE** that National Forum of Former Councilors petitioned the Senate regarding the need for legislative interventions to address the plight and welfare of former Councilors;

**FURTHER AWARE** that the Senate Standing Committee on Labour and Social Welfare considered the Petition and tabled its report on Tuesday, 16<sup>th</sup> February, 2016;



**ACKNOWLEDGING** that the Committee’s report on the Petition made five recommendations among them that-

1. one-off honorarium of Kshs1.5 Million be paid to former councilors who served a minimum of one term since independence; and
2. monthly pension of at least Kshs30,000 be paid to former councilors.

**APPRECIATING** that the recommendations were based on the fact that former Councilors did not receive fixed emoluments and experienced disparities with regard to access to pension services and terms and conditions of pension schemes over the years, which made it difficult to fairly and equitably determine each councilor’s rightful benefits retrospectively;

**CONCERNED** that the State Department for Social Services and Security, State Department for Devolution and the National Treasury have to date not implemented the Committee’s recommendations on the Petition;

**NOW THEREFORE**, the Senate calls upon the Principal Secretaries to the said State Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

**Q. 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.

**R. Any Other Business**

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**KEY**

**\* \* \* \*** - Denotes a Majority /Minority Party Bill

**\*\*\*** - Denotes a National Assembly Bill

**\*\*** - Denotes a Committee Bill

**\*** - Denotes any other Bill