



REPUBLIC OF KENYA  
TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

**ORDER PAPER**

TUESDAY, JULY 31, 2018 AT 2.30 PM

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements

8. **\*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**  
(Sen. Ledama Olekina, MP)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 17<sup>th</sup> July, 2018)*  
*(Division)*

9. **\*THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**  
(Sen. (CPA) Farhiya Ali Haji, MP)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 17<sup>th</sup> July, 2018)*  
*(Division)*

10. **\*\*THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**

(Chairperson, Standing Committee on Finance and Budget)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 18<sup>th</sup> July, 2018)*  
*(Division)*

11. **\*\*\*THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**  
(The Senate Majority Leader)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 25<sup>th</sup> July, 2018)*  
*(Division)*

...../Motion

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

(The Senate Majority Leader)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 17<sup>th</sup> July, 2018)*

*(Division)*

13. **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.

*(Resumption of Debate interrupted on Thursday, 26<sup>th</sup> July, 2018)*

*(Division)*

14. **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.

*(Resumption of Debate interrupted on Thursday, 26<sup>th</sup> July, 2018)*

*(Division)*

15. **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.

*(Resumption of Debate interrupted on Thursday, 26<sup>th</sup> July, 2018)*

*(Division)*

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

(Sen. Aaron Cheruiyot, MP)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 25<sup>th</sup> July, 2018)*

17. **\*THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**

(Sen. Gideon Moi, MP)

*(Second Reading)*

...../Motion

18. **MOTION – REPORT OF THE SELECT COMMITTEE ON THE SOLAI DAM TRAGEDY**

(Chairperson, Select Committee on Solai Dam Tragedy)

**THAT**, this House adopts the Report of the Select Committee on the Solai Dam tragedy, laid on the Table of the House on Thursday, 26<sup>th</sup> July, 2018.

19. **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.

***(Resumption of Debate interrupted on Thursday, 26<sup>th</sup> July, 2018)  
(Balance of Time 2hrs)***

...../Motion

20. 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, THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

(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.

21. 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-

- i. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
- ii. 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.

22. 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;

...../Motion

**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.

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

1. PETITIONS

- a) Petition by residents of Gilgil Township concerning alleged grabbing of public utility and private land at Leleshwa, Gilgil Township, Nakuru County.
- b) Petition by Mr. Ahmed Shahame Mwindani, OGW, concerning the status of Mkomani Clinic Society trading as Bomu Hospital in Mombasa County.

*(The Speaker of the Senate)*

- c) Report of the Standing Committee on Land, Environment and Natural Resources on a Petition to vary the boundaries of Nyangweta Forest to avail land for the establishment of a sugar complex in South Mugirango Sub County, Kisii County.

*(Chairperson, Standing Committee on Land, Environment and Natural Resources)*

2. PAPERS

- a) The Traffic (Driving Schools, Driving Instructors and Driving Licenses Rules, 2018).

*(The Senate Majority Leader)*

- b) Report of the 49<sup>th</sup> Session of the African Caribbean Pacific Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20<sup>th</sup> – 22<sup>nd</sup> March, 2018 in Brussels, Belgium.

*(Sen. (Prof.) Margaret Kamar, MP)*

3. NOTICE OF MOTION – REPORT OF THE 49<sup>TH</sup> SESSION OF THE AFRICAN CARIBBEAN PACIFIC PARLIAMENTARY ASSEMBLY AND INTER – SESSIONAL MEETING

(Sen. (Prof.) Margaret Kamar, MP)

**THAT**, this House notes the Report of the 49<sup>th</sup> Session of the ACP Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20<sup>th</sup> – 22<sup>nd</sup> March, 2018 in Brussels, Belgium, laid on the Table of the House on Tuesday, 31<sup>st</sup> July, 2018.

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