



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE SENATE
ORDER PAPER
TUESDAY, SEPTEMBER 11, 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
7. Statements
8. ***THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS) BILL (SENATE BILLS NO 18 OF 2018)**
(Sen. Ledama Olekina, MP)
(First Reading)
9. ***THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**
(Sen. Samuel Poghio, MP)
(First Reading)
10. ***THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2018)**
(Sen. (Canon) Naomi Waqo Jilo, MP)
(First Reading)
11. *****THE ENERGY BILL (NATIONAL ASSEMBLY BILLS NO. 50 OF 2017)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Thursday, 9th August, 2018)
(Division)
12. ***THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**
(Sen. Gideon Moi, MP)
(Second Reading)

- 13. ****THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**
 (Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)
(Second Reading)
- 14. ****THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**
 (Chairperson, Standing Committee on Information, Communication and Technology)
(Second Reading)
- 15. ***THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**
 (Sen. Aaron Cheruiyot, MP)
(Second Reading)
- 16. ****THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**
 (The Senate Majority Leader)
(Second Reading)
- 17. **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;

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, 2nd August, 2018)

...../Motion

18. **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 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

19. **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 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

20. **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 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

21. **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 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

22. **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 19th - 20th March, 2018, laid on the Table of the Senate on Tuesday, 15th May, 2018.

...../Motion

23. **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;

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.

24. **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.

NOTICE

The Senate resolved on 14th 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 to the Senate by Mr. John Kimeu Mukai concerning compensation of residents and restoration of the Thange River Basin.
- b) Petition to the Senate by Mr. Vincent Ombaka concerning disruption of local trade by Government action and sanctions.
- c) Petition to the Senate by Mr. Kevin Ndoho Macharia concerning the review of laws relating to the business premises.

(The Speaker of the Senate)

2. PAPERS LAID

- a) The County Government Cash Disbursement Schedule for Fiscal Year 2018/2019.
- b) The National Cohesion and Integration Commission Annual Report for Financial Year 2016/2017.
- c) Report of the Auditor-General on the financial statements of the Wote Water and Sewerage Company Limited for the year ended 30 June, 2017.
- d) Report of the Auditor-General on the financial statements of the Kwale County Bursary Fund for the year ended 30 June, 2015.
- e) Report of the Auditor-General on the financial statements of the Kwale County Bursary Fund for the year ended 30 June, 2017.
- f) Report of the Auditor-General on the financial statements of the Kwale County Youth, Women and Persons with Disabilities Revolving Fund for the year ended 30 June, 2017.
- g) Report of the Auditor-General on the financial statements of the Kwale County Youth, Women and Persons with Disabilities Revolving Fund for the year ended 30 June, 2016.
- h) Report of the Auditor-General on the financial statements of the Kwale Water & Sewerage Company Limited for the year ended 30 June, 2017.
- i) Report of the Auditor-General on the financial statements of the Kwale County Trade Revolving Fund for the year ended 30 June, 2015.
- j) Report of the Auditor-General on the financial statements of the Kwale County Trade Revolving Fund for the year ended 30 June, 2017.
- k) Report of the Auditor-General on the financial statements of the Kwale County Assembly Members and Staff Loan Scheme Fund for the year ended 30 June, 2017.
- l) Report of the Auditor-General on the financial statements of the Kilifi County Ward Scholarship Fund for the year ended 30 June, 2014.

- m) Report of the Auditor-General on the financial statements of the Lamu County Fisheries Development Agency for the year ended 30 June, 2016.
- n) Report of the Auditor-General on the financial statements of the Lamu County Fisheries Development Agency for the year ended 30 June, 2017.
- o) Report of the Auditor-General on the financial statements of the Isiolo County Assembly for the year ended 30 June, 2017.
- p) Report of the Auditor-General on the financial statements of the Taita Taveta County Assembly Revolving Car Loan Scheme Fund for the year ended 30 June, 2017.
- q) Report of the Auditor-General on the financial statements of the Taita Taveta County Government Result Based Financing for the year ended 30 June, 2017.

(The Senate Majority Leader)
