



REPUBLIC OF KENYA  
TWELFTH PARLIAMENT - (SECOND SESSION)  
THE SENATE  
**ORDER PAPER**  
TUESDAY, NOVEMBER 13, 2018 AT 2.30 PM

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
7. Statements
8. **\*\*\*** THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)  
(The Senate Majority Leader)  
*(First Reading)*
9. **\*\*\*** THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)  
(The Senate Majority Leader)  
*(Second Reading)*  
*(Resumption of Debate interrupted on Wednesday, 7<sup>th</sup> November, 2018)*
10. **\*** THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)  
(Sen. Samuel Poghiso, MP)  
*(Second Reading)*
11. **\*\*\*** THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)  
(The Senate Majority Leader)  
*(Second Reading)*

...../Bill

12. **\*\*\*THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**  
(The Senate Majority Leader)  
*(Second Reading)*
13. **\*THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**  
(Sen. Samuel Poghisi, MP)  
*(Second Reading)*
14. **\*THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**  
(Sen. Fatuma Dullo, MP)  
*(Second Reading)*
15. **\*\*\*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**  
(Chairperson, Sessional Committee on Delegated Legislation)  
*(Second Reading)*
16. **\*THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 25 OF 2018)**  
(Sen. George Khaniri, MP)  
*(Second Reading)*
17. **\*\*\*THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**  
(Chairperson, Standing Committee on Education)  
*(Second Reading)*
18. **\*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)**  
(Sen. Abshiro Halake, MP)  
*(Second Reading)*
19. **MOTION - REHABILITATION OF STREET FAMILIES**  
(Sen. Beatrice Kwamboka, MP)

**THAT, AWARE THAT** the Street Families Rehabilitation Trust Fund (SFRTF) was established on 11th March, 2003 by the then Ministry of Local Government to address the concerns of all homeless, destitute and vulnerable persons in urban areas, and was registered as a body Corporate in August, 2010 under the Trustees (perpetual succession) Cap 164, Laws of Kenya;

**FURTHER AWARE THAT** the mandate of SFRTF includes coordinating rehabilitation activities for street families; conducting public education on street

...../Motion

families issues; mobilizing resources and fundraising as well as receiving donations and funding street families rehabilitation programmes; managing donations for the rehabilitation of street families through a trust fund; monitoring expenditure and disbursement of donations; and advising the government and other relevant agencies on matters relating to rehabilitation of street families;

**NOTING THAT** Article 43 (1) of the Constitution of Kenya provides for the right to every person to the highest attainable standard of health, accessible and adequate housing, adequate food of acceptable quality, clean and safe water in adequate quantities, education, and social security;

**CONCERNED THAT** the street family phenomenon has persisted despite the existence of the SFRTF and street families do not enjoy the rights enshrined in the Constitution due to lack of a national policy on the rehabilitation of street families, with women and children being the primary victims;

**COGNIZANT THAT** the Ministry of Devolution and ASAL Areas through the SFRTF supports children and youth through charitable and community based organizations which are vetted and approved for funding under the rescue, rehabilitation and reintegration of street families programme;

**NOTING THAT** both the National and County Governments have a role to play in addressing the plight of street families across the Country;

**NOW THEREFORE** the Senate resolves that Ministry of Devolution and ASAL Areas in collaboration with the Council of Governors-

1. conducts a census of street families in all urban centres in the country to determine their numbers and demographics;
2. develops a clear policy on street families rehabilitation and reintegration at county level; and
3. tables an audit report of how funds allocated to the SFRTF have been utilized since the Fund was established, indicating the impact of the rehabilitation exercise.

20. **MOTION- REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS AND 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;

...../Motion

**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.

21. **MOTION - ZERO RATING OF DUTY AND EXEMPTION FROM V.A.T ON LOCALLY MANUFACTURED SANITARY TOWELS**

(Sen. Abshiro Halake, MP)

**THAT, WHEREAS** Menstrual Health management among women and girls in Kenya has been a major issue particularly for the low income earners with about 65% of women and girls in the country who can barely afford sanitary towels each month;

**AWARE** that many girls and women are severely affected during menstrual cycle and are not able to consistently attend and concentrate in class and school work leading to poor performance;

**FURTHER AWARE** that if not handled appropriately menstruation can cause infections of the urinary tract and pelvic inflammatory diseases as well as bad odour, soiled garments and embarrassment, ultimately leading to infringement on the girls' dignity and other health related complications;

**COGNIZANT** that Menstrual Health Management (MHeM) is a health as well as an education issue and therefore a critical developmental hindrance in Kenya with statistics indicating that one in ten adolescent girls miss school and eventually drop out of school due to menstruation-related issues;

**RECOGNIZING** menstrual hygiene and affordable access to menstrual hygiene products is inextricably linked to rights to health, sanitation, education and dignity among other rights;

...../Motion

**NOTING** that the Basic Education Act, No.14 of 2013 obligates the government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty;

**CONCERNED** that the cost of sanitary towels is too high and out of reach for many girls and women who are out of basic education institutions;

**FURTHER CONCERNED** that classifying and taxing raw materials for locally produced sanitary towels, as luxury items, is counter-productive to the government policies on enhancing the manufacturing sector and distribution of sanitary towels to schools;

**NOW THEREFORE**, the Senate resolves that the Government-

- a. prioritises gender sensitive budgeting as a way of addressing issues affecting women and girls; specifically menstrual health matters;
- b. initiates measures to ensure zero rating of duty on raw materials used for locally manufactured sanitary towels and zero rating Value Added Tax (VAT) on locally manufactured sanitary towels, to ensure affordability for the many poor households in Kenya; and
- c. advance further tax incentives to manufacturers for cheaper production of sanitary towels.

-----

**NOTICE**

The Senate resolved on 14<sup>th</sup> February, 2018 as follows:-

**THAT**, pursuant to Standing Order 106 (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

APPENDIXPAPERS

- a) Report of the Auditor General on the Financial Statements of County Executive of Laikipia for the year ended 30<sup>th</sup> June 2017;
- b) Report of the Auditor General on the Financial Statements of County Executive of Kiambu for the year ended 30<sup>th</sup> June 2017;
- c) Report of the Auditor General on the Financial Statements of County Executive of Nyeri for the year ended 30<sup>th</sup> June 2017;
- d) Report of the Auditor General on the Financial Statements of County Executive of Kirinyaga for the year ended 30<sup>th</sup> June 2017;
- e) Report of the Auditor General on the Financial Statements of County Executive of Murang'a for the year ended 30<sup>th</sup> June 2017;
- f) Report of the Auditor General on the Financial Statements of County Executive of Nyandarua for the year ended 30<sup>th</sup> June 2017;
- g) Report of the Auditor General on the Financial Statements of County Executive of Baringo for the year ended 30<sup>th</sup> June 2017;
- h) Report of the Auditor General on the Financial Statements of County Executive of Bomet for the year ended 30<sup>th</sup> June 2017;
- i) Report of the Auditor General on the Financial Statements of County Executive of Samburu for the year ended 30<sup>th</sup> June 2017;
- j) Report of the Auditor General on the Financial Statements of County Executive of Narok for the year ended 30<sup>th</sup> June 2017;
- k) Report of the Auditor General on the Financial Statements of County Executive of Nakuru for the year ended 30<sup>th</sup> June 2017;
- l) Report of the Auditor General on the Financial Statements of County Executive of Kericho for the year ended 30<sup>th</sup> June 2017;
- m) Report of the Auditor General on the Financial Statements of Homa Bay County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2016;
- n) Report of the Auditor General on the Financial Statements of Homa Bay County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2017;
- o) Report of the Auditor General on the Financial Statements of Homa Bay County Executive Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2017;

...../Appendix

- p) Report of the Auditor General on the Financial Statements of Homa Bay County Assembly Car Loan and Mortgage Fund for fourteen (14) months period ended 30<sup>th</sup> June 2015;
- q) Report of the Auditor General on the Financial Statements of Bungoma County Women Empowerment Fund for the year ended 30<sup>th</sup> June 2017;
- r) Report of the Auditor General on the Financial Statements of County Assembly of Siaya Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2017;
- s) Report of the Auditor General on the Financial Statements of Garissa County Executive for the year ended 30<sup>th</sup> June 2017;
- t) Report of the Auditor General on the Financial Statements of Embu County Executive for the year ended 30<sup>th</sup> June 2017;
- u) Report of the Auditor General on the Financial Statements of Kitui County Executive for the year ended 30<sup>th</sup> June 2017;
- v) Report of the Auditor General on the Financial Statements of Mandera County Executive for the year ended 30<sup>th</sup> June 2017;
- w) Report of the Auditor General on the Financial Statements of Wajir County Executive for the year ended 30<sup>th</sup> June 2017;
- x) Report of the Auditor General on the Financial Statements of Marsabit County Executive for the year ended 30<sup>th</sup> June 2017;
- y) Report of the Auditor General on the Financial Statements of Meru County Executive for the year ended 30<sup>th</sup> June 2017; and
- z) Report of the Auditor General on the Financial Statements of Isiolo County Assembly for the year ended 30<sup>th</sup> June 2017.

*(The Senate Majority Leader)*