



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

THURSDAY, NOVEMBER 15, 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 (as listed in the appendix)
7. Statements (as listed in the appendix)
8. ****THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 29 OF 2018)**
(Chairperson, Standing Committee on Finance and Budget)
(Second Reading)
9. **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) Act, Cap 164, Laws of Kenya;

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

...../Motion

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 the 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.

10. **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 5th 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;

...../Motion

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.

11. **MOTION - REPORT OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-
AFRICAN PARLIAMENT.**

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

THAT, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018.

12. **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 26th February to 1st March, 2018 laid on the Table of the House on Thursday, 10th May, 2018.

13. **MOTION - REPORT OF THE 138TH ASSEMBLY OF THE INTER-
PARLIAMENTARY UNION (IPU)**

(Sen. Susan Kihika, MP)

THAT, this House notes the Report of the 138th Assembly of the Inter – Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22nd – 28th March, 2018 laid on the Table of the Senate on Thursday, 21st June, 2018.

14. **MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN
PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC)
CONFERENCE**

(Sen. (Dr.) Isaac Mwaura, MP)

THAT, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17th – 18th March, 2018, laid on the Table of the House on Tuesday, 19th June, 2018.

15. **MOTION - REPORT OF THE 62ND SESSION OF THE COMMISSION ON THE
STATUS OF WOMEN**

(Sen. Abshiro Halake, MP)

THAT, this House notes the Report of the 62nd Session of the Commission on the Status of Women laid on the Table of the House on Tuesday, 17th July, 2018.

...../Motion

16. **MOTION – REPORT OF THE 49TH 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 49th Session of the ACP Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20th – 22nd March, 2018 in Brussels, Belgium, laid on the Table of the House on Tuesday, 31st July, 2018.

17. **MOTION – REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE 2018 COMMONWEALTH GAMES**

(Sen. (Dr.) Alice Milgo, MP)

THAT, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold-Coast, Australia from 4th to 15th April, 2018, laid on the Table of the Senate on Wednesday, 1st August, 2018.

18. **MOTION – REPORT OF THE SENATE DELEGATION TO THE CONFERENCE ON ENHANCING THE ROLE OF PARLIAMENTARIANS IN THE INTERLINKAGE BETWEEN POPULATION ISSUES AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT**

(Sen. Fredrick Outa, MP)

THAT, this House notes the Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable Development, held in New Delhi, India from 13th – 15th September, 2017, laid on the Table of the House on Thursday, 2nd August, 2018.

19. **MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC) HELD AT THE WORLD BANK HEADQUARTERS**

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

THAT, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16th to 17th April, 2018, laid on the Table of the House on Thursday, 12th July, 2018.

20. **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 5th 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.

NOTICE

The Senate resolved on 14th 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

APPENDIX

1. PAPERS

- a) Report of the Standing Committee on Land, Environment and Natural Resources on the Land Value Index Laws (Amendment) Bill (National Assembly Bills No. 3 of 2018).

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

- b) Report of the Standing Committee on Finance and Budget on the Public Private Partnerships (Amendment) Bill (National Assembly Bills No. 52 of 2017).

(Chairperson of the Standing Committee on Finance and Budget)

2. NOTICES OF MOTION

- a) **SUPPORT OF DYSLEXIC PEOPLE OF ALL AGES TO REACH THEIR FULL POTENTIAL**

(Sen. (Dr.) Getrude Musuruve, MP)

THAT WHEREAS Article 43 (1)(f) of the Constitution of Kenya explicitly provides for the right to education for all;

AND WHEREAS Article 24 of the Convention of the Rights of Persons with Disability (CRPD) recognizes the right of persons with disabilities to education without discrimination and on the basis of equal opportunity and that State Parties shall ensure an inclusive education system at all levels and lifelong learning directed to among others, the full development of the dignity and human potential of persons with disabilities;

NOTING THAT Dyslexia is a form of disability that involves difficulty in learning to read or interpret words, letters, and other symbols, but does not affect general intelligence;

COGNIZANT THAT with the appropriate intervention, dyslexic children have talents that can be nurtured in an inclusive setting;

DEEPLY CONCERNED THAT lack of appropriate curriculum for dyslexic learners in public schools disadvantages such learners resulting to failure to maximize their full potential;

NOW THEREFORE the Senate calls upon the national government through the Ministry of Education to:

1. ensure that educational needs of dyslexic learners are catered for in all public schools;
2. ensure a differentiated curriculum for dyslexic children is developed and accommodated within the regular curriculum;
3. allocate funds for purpose of developing Special Needs Education (SNE) support materials and resources for dyslexic children in regular public schools; and,
4. ensure that an inclusive mechanism is put in place to facilitate economic empowerment of dyslexic children as they transit from school to the work place.

b) **REVIVAL OF THE POSTAL CORPORATION OF KENYA**

(Sen. Cleophas Malalah, MP)

THAT AWARE THAT the Postal Corporation of Kenya is a state-owned Corporation established by the Postal Corporation of Kenya Act, (CAP 411) and operates as a commercial public enterprise;

FURTHER AWARE that the Corporation's mandate includes provision of accessible, affordable and reliable Postal Services to all parts of the country in line with its Mission to deliver innovative superior communication, distribution and financial solutions to its customers and create value to stakeholders;

NOTING THAT the corporation has remained the most accessible, affordable and effective communications platform in Kenya with a total of 623 outlets spread across the country;

CONCERNED THAT that the Corporation has very attractive and innovative services and a developed infrastructure that is underutilized, hampering efforts to carry out its mandate as enshrined in the Act;

ACKNOWLEDGING THAT the Corporation would see a much needed revival if included in the Government connectivity project through the National Optic Fibre Backbone project (NOFBI), aimed at ensuring connectivity in all the 47 counties of Kenya whose implementation aims to ease communication across counties as well as improve government service delivery to the citizens such as application of national identity cards, passports and registration of births and deaths;

NOW THEREFORE, the Senate calls upon the Ministry of Information, Communication and Technology in collaboration with the National Treasury, to:

- a) ensure fair distribution of postal outlets throughout the country with at least ten (10) functional Postal outlets in each of the 47 counties of Kenya;
- b) channel Government cash disbursements like the women fund, youth fund and the fund for senior citizens through the Corporation to enable the Corporation earn revenue through commissions charged;
- c) channel Government mail delivery, and clearing and forwarding services to the Corporation; and,
- d) channel Government Courier and logistical services through the Corporation.

3. STATEMENTS

Statements Pursuant to Standing Order No. 48 (1)

- a) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Roads and Transportation on the Corporate Social Responsibility projects and programmes under the Standard Gauge Railway by the Kenya Railways.
- b) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on the division of revenue obtained from mining in Taita Taveta County between the County and National Government.

Statement Pursuant to Standing Order No. 52 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 20th November, 2018.
