



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (SECOND SESSION)**  
**THE SENATE**  
**ORDER PAPER**  
**TUESDAY, NOVEMBER 27, 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. **REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON THE INQUIRY INTO POSSIBLE LOSS OF FUNDS THROUGH THE ACQUISITION OF LAND LR. NO.7879/4 (PART) BY THE NATIONAL LAND COMMISSION**

(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 possible loss of funds through the acquisition of Land LR. No.7879/4 (part) by the National Land Commission, for use by two public schools (Ruaraka High School and Drive-In Primary School), Nairobi City County, laid on the Table of the House on Wednesday, 8th August, 2018.

***(Resumption of debate interrupted on Thursday, 15<sup>th</sup> November, 2018)***  
***(Division)***

9. **\*THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**

(Sen. Fatuma Dullo, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Wednesday, 21<sup>st</sup> November, 2018)***

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

(Sen. Gideon Moi, MP)

*(Second Reading)*

11. **\*\*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**

(Chairperson, Sessional Committee on Delegated Legislation)

*(Second Reading)*

...../Bill

12. **\*THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 25 OF 2018)**

(Sen. George Khaniri, MP)

*(Second Reading)*

13. **\*\*THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**

(Chairperson, Standing Committee on Education)

*(Second Reading)*

14. **\*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)*

15. **\*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 28 OF 2018)**

(Sen. Ledama Olekina, MP)

*(Second Reading)*

16. **\*THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**

(Sen. Samuel Poghio, MP)

*(Second Reading)*

17. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KIAMBU, BUSIA, KWALE, TANA RIVER, TRANS NZOIA, NYANDARUA, MIGORI, KISUMU, SAMBURU, KERICHO, BOMET, BUNGOMA, GARISSA, ISIOLO, KITUI, LAMU, MAKUENI, MANDERA, MARSABIT, MERU, MOMBASA, NYAMIRA, TAITA TAVETA, UASIN GISHU, VIHIGA AND WAJIR COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014 (1<sup>ST</sup> JULY, 2013 - 30<sup>TH</sup> JUNE, 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 Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives 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 Wednesday, 14<sup>th</sup> November, 2018.

18. **MOTION - THE FIDUCIARY RISK REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

(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 Fiduciary Risk regarding issues raised by the Auditor General on public financial management by County Governments for Financial Years 2013/14 - 2015/16, laid on the Table of the House on Wednesday, 14<sup>th</sup> November, 2018.

**19. 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;

**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 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

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**APPENDIX**

**1. PAPER**

The Report of the Assumption of the Office of President Committee pursuant to Section 19 of the Assumption of the Office of President Act.

*(The Senate Majority Leader)*

**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**

a) **Statement Pursuant to Standing Order No. 47 (1)**

The nominated Senator (Sen. Mercy Chebeni, MP) to make a statement on 16 days of activism.

b) **Statements Pursuant to Standing Order No. 48 (1)**

- i) The Senator for Turkana County (Sen. Imana Malachy Ekal, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on the invasion and take – over of a Constituency Development Fund, National Government Project, namely the Kapetadiye dam, by pastoralists from a neighbouring country.

- ii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Health on the unlawful establishment of various offices under the Health docket in Nandi county.

c) **Statements Pursuant to Standing Order No. 51 (1) (b)**

- i) The Chairperson, Standing Committee on Energy to issue a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Health to issue a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Information and Technology to issue a statement relating to the activities of the Committee.
- iv) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to issue a statement relating to the activities of the Committee.
- v) The Chairperson, Ad-hoc Committee on Tea to issue a statement relating to the activities of the Committee.

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