



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE SENATE
ORDER PAPER
TUESDAY, DECEMBER 04, 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 (as listed in the appendix)
8. ***THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**
(Sen. Fatuma Dullo, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 27th November, 2018)
(Division)
9. ****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**
(Chairperson, Sessional Committee on Delegated Legislation)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 28th November, 2018)
(Division)
10. ***THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 25 OF 2018)**
(Sen. George Khaniri, MP)
(Second Reading)
(Resumption of debate interrupted on Wednesday, 28th November, 2018)
(Division)

11. ****THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**
 (Chairperson, Standing Committee on Education)
(Second Reading)
(Resumption of debate interrupted on Thursday, 29th November, 2018)
(Division)

12. **COMMITTEE OF THE WHOLE**
***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)**
 (Sen. Aaron Cheruiyot, MP)
(Resumption of debate interrupted on Wednesday, 21st November, 2018)
(Division)

13. **COMMITTEE OF THE WHOLE**
*****THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO. 4 OF 2017)**
 (The Senate Majority Leader)
(Consideration of the National Assembly Amendments)

14. *****THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**
 (Senate Majority Leader)
(Second Reading)
(Resumption of debate interrupted on Thursday, 29th November, 2018)

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)**
 (Chairperson, Sessional Committee on Delegated Legislation)
(Second Reading)

17. **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, 14th November, 2018.

...../Motion

18. **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;
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

NOTICES OF AMENDMENTS

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

(Sen. Aaron Cheruiyot, MP)

NOTICE is hereby given that Sen. Kinyua Nderitu, Chairperson of the Senate Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Governments (Amendment) Bill, 2018, at the Committee Stage -

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause -

Amendment of section 58 of No. 17 of 2012.

2. Section 58 of the County Governments Act is amended in—

- (a) subsection (1) by -
 - (i) deleting paragraph (c) and substituting therefor the following new paragraph -

(c) the secretary to the board who shall be nominated and appointed by the governor with the approval of the county assembly.

- (ii) inserting the following new subsections immediately after subsection (1) -

(1A) The secretary to the board shall be an *ex-officio* member of the Board and shall have no right to vote at any meeting of the Board.

(1B) In nominating or appointing a person as a member of the Board, the Governor shall—

- (a) observe the principles of gender equity, ethnic and other diversities of the people of Kenya, and shall provide an equal opportunity for persons with disabilities; and

(b) take into account the national values and principles set out in Articles 10, 27 and 232 of the Constitution.

- (b) subsection (3) by deleting paragraph (c) and substituting therefor the following new paragraph -

(c) in the case of the chairperson -

- (i) possesses a minimum of a bachelors degree from a university recognised in Kenya;
- (ii) is registered as a human resource management professional of good standing under the Human Resource Management Professionals Act; and

No. 52 of 2012.

(iii) has at least ten years working experience in a managerial position either in the public or private sector.

B. *THE URBAN AREAS AND CITIES (AMENDMENT) BILL (SENATE BILLS NO.4 OF 2017)**

(The Senate Majority Leader)

(Consideration of the National Assembly Amendments)

CLAUSE 19

THAT, Clause 19 of the Bill be amended in the proposed new FIRST SCHEDULE under the heading marked “City” by inserting the following new services immediately after

“Organised Public Transport”-

“Information, Communication and Technology services”

“Telecommunication services”.

APPENDIX

1. **PETITION**

Petition to the Senate by Hon. Shakeel Shabbir Ahmed, MP, concerning environmental degradation and irregular dumping at landfill in Kajulu, Kisumu East.

(Speaker of the Senate)

2. **PAPER**

Report of the Auditor-General on the Financial Statements of Lamu Water and Sewerage Company Limited for the Year ended 30 June 2017.

(The Senate Majority Leader)

3. **STATEMENTS**

i) Statements Pursuant to Standing Order No. 48 (1)

- a) 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.
- b) Nominated Senator (Sen. Mary Seneta, MP) to seek a statement from the Standing Committee on Roads and Transportation on the status of Kajiado-Mashuuru-Isara Road in Kajiado County.

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

- a) The Chairperson, Standing Committee on Roads and Transportation to issue a statement relating to the activities of the Committee.
- b) The Chairperson, Sessional Committee on County Public Accounts and Investments to issue a statement relating to the activities of the Committee.
- c) The Chairperson, Sessional Committee on Delegated Legislation to issue a statement relating to the activities of the Committee.
