



REPUBLIC OF KENYA

THE SENATE

NOTICE PAPER

WEEK COMMENCING TUESDAY, JULY 05, 2016

**** 11TH PARLIAMENT * 4TH SESSION***

Printed and Published by the
Clerk of the Senate
Parliament Buildings
NAIROBI

REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT - (FOURTH SESSION)

NOTICE PAPER

FOR THE WEEK COMMENCING TUESDAY, JULY 05, 2016

TUESDAY: **Communication from the Chair, Messages, Petitions, Papers, and**
05/07/2016 **Statements**

A. MOTION – (The Senate Majority Leader)

THAT:

ACKNOWLEDGING that the sovereign power of the People of Kenya may be exercised directly or indirectly through their democratically elected representatives and that the People's sovereign power shall be exercised only in accordance with the Constitution;

RECOGNIZING that through pronouncements, sections of the Kenyan society have raised issues on the credibility, impartiality, integrity and independence of the Independent Electoral and Boundaries Commission, the electoral processes and the electoral law;

APPRECIATING the need to have the August 2017 general elections conducted by a body enjoying the broad confidence of most Kenyans;

NOW THEREFORE in accordance with the provisions of Article 1(1) and (2) of the Constitution of Kenya and Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the Senate **RESOLVES** that:-

1. The two Houses of Parliament establish a joint select committee consisting of fourteen (14) members, seven (7) each from the two Coalitions in Parliament.
2. The mandate of the said joint select committee shall be to:
 - (a) Inquire into the allegations against the Independent Electoral and Boundaries Commission (IEBC) Commissioners and the Secretariat;
 - (b) On the findings of (a) above may recommend legal mechanisms for the vacation from office of the current Commissioners of the Independent Electoral and Boundaries Commission and Secretariat in accordance with the Constitution;
 - (c) Recommend legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission and improve the electoral system and

processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and

- (d) On the basis of the findings and recommendations in (a), (b) & (c) prepare a report and a draft Bill or draft Bills.

THE SENATE FURTHER RESOLVES THAT:-

3. The joint select committee shall report to Parliament within 30 days;
4. The leaders of the two coalitions agree to issue statements separately to support the final report and Draft Bill or Bills;
5. The Majority and Minority leaders in parliament will signify the approval of the final report and draft Bill or Bills by affixing their signatures thereon prior to presentation to Parliament;
6. The joint select committee shall have two Co-chairs each appointed by the respective Coalitions;
7. The Coalitions shall provide joint rapporteurs to the Joint Select Committee, but the official record will be the parliamentary hansard;
8. The joint select committee and each coalition may engage experts, professionals and such other technical resource persons as they may deem necessary;
9. The parliamentary Clerk's office shall provide secretarial services in accordance with the Standing Orders;
10. The Committee shall receive views from experts, members of the public, the business community, civil society, religious groups, political parties, county governments and any other persons on matters relating to the Independent Electoral and Boundaries Commission and the electoral process;
11. Each member of the joint select committee shall have one vote. Decisions in the select committee shall be made by two-thirds majority vote;
12. The Committee shall formulate its own rules of procedure; and
13. The Joint Select Committee shall comprise the following members drawn from the two Coalitions in Parliament:
 1. Sen. Kiraitu Murungi (Co-chair)
 2. Sen. James Orengo (Co-chair)
 3. Sen. Kipchumba Murkomen
 4. Sen. Beatrice Elachi
 5. Sen. Johnson Muthama
 6. Sen. Mutula Kilonzo Jr
 7. Sen. (Dr.) Boni Khalwale

8. Hon. (Dr.) Naomi Shaban
9. Hon. Jimmy Angwenyi
10. Hon. Moses Kuria
11. Hon. (Eng.) Mohamud Mohamed Maalim

12. Hon. Junet Mohammed
13. Hon. Mishi Mboko
14. Hon. (Dr.) David Eseli Simiyu

**B. *THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL
(SENATE BILL NO. 2 OF 2016)**

(Sen. (Prof). Wilfred Lesan)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 29th June, 2016)

(Division)

C. COMMITTEE OF THE WHOLE

*****THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT
TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**

(The Senate Majority Leader)

(Resumption of Debate interrupted on Tuesday, 28th June, 2016)

(Division)

(Subject to Constitutional timeline of 27th August, 2016)

D. COMMITTEE OF THE WHOLE

****THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL,
(SENATE BILL NO.3 OF 2015)**

(The Chairman, Standing Committee on Health)

(Resumption of Debate interrupted on Tuesday, 28th June, 2016)

(Division)

E. COMMITTEE OF THE WHOLE

*** KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (NO. 2)
BILL (SENATE BILL NO. 14 OF 2015)**

(Sen. Christopher Obure)

(Resumption of Debate interrupted on Wednesday, 29th June, 2016)

(Division)

F. COMMITTEE OF THE WHOLE

*****THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL
(NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**

(The Senate Majority Leader)

(Resumption of Debate interrupted on Thursday, 30th June, 2016)

(Division)

G. *THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY**

(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)

(The Senate Majority Leader)

(Second Reading)

H. *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2015)

(Sen. (Prof.) John Lonyangapuo)

(Second Reading)

I. *THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**

(The Senate Majority Leader)

(Second Reading)

J. MOTION – (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 Homa-Bay County Executive for the Financial year 2013/2014 laid on the Table of the House on Wednesday, 4th November, 2015.

(Resumption of Debate interrupted on Thursday, 28th April, 2016)

K. MOTION-(Sen. George Khaniri)
(Ministry of Education, Science and Technology)

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

L. Any Other Business

WEDNESDAY: Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions and Bills
06/07/2016

A. COMMITTEE OF THE WHOLE

*****THE REPRODUCTIVE HEALTH CARE BILL (SENATE BILL NO. 17 OF 2014)**

(Sen. Judith Sijeny)

(Resumption of Debate interrupted on Thursday, 30th June, 2016)

B. COMMITTEE OF THE WHOLE

*****THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

(The Senate Majority Leader)

(Subject to Constitutional timeline of 27th August, 2016)

C. COMMITTEE OF THE WHOLE

*****THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)**

(The Senate Majority Leader)

(Subject to Constitutional timeline of 27th August, 2016)

D. COMMITTEE OF THE WHOLE

*****THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)**

(The Senate Majority Leader)

(Subject to Constitutional timeline of 27th August, 2016)

E. COMMITTEE OF THE WHOLE

*****THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Senate Majority Leader)

(Subject to Constitutional timeline of 27th August, 2016)

F. COMMITTEE OF THE WHOLE

*****THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**

(The Senate Majority Leader)

(Subject to Constitutional timeline of 27th August, 2016)

G. COMMITTEE OF THE WHOLE

*****THE PETROLEUM (EXPLORATION, DEVELOPMENT, AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**

(The Senate Majority Leader)

(Subject to Constitutional timeline of 27th August, 2016)

H. COMMITTEE OF THE WHOLE

*****THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Senate Majority Leader)

(Subject to Constitutional timeline of 27th August, 2016)

I. *****THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2014)**

(The Senate Majority Leader)

(Second Reading)

J. ***THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL, (SENATE BILL NO. 9 OF 2015)**

(Sen. Martha Wangari)

(Second Reading)

K. ***THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL, (SENATE BILL NO. 12 OF 2015)**

(Sen. Paul Kimani Wamatangi)

(Second Reading)

L. Any Other Business

THURSDAY: **Communication from the Chair, Messages, Petitions, Papers, Notices of
07/07/2016 Motion, Statements, Motions and Bills**

A. COMMITTEE OF THE WHOLE

**** THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL
(SENATE BILL NO. 35 OF 2014)**

(The Chairperson, Standing Committee on Legal Affairs and Human Rights)

B. MOTION – (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 Homa-Bay County Executive for the Financial year 2013/2014 laid on the Table of the House on Wednesday, 4th November, 2015.

(Resumption of Debate interrupted on Thursday, 28th April, 2016)

C. MOTION – (Sen. Joy Gwendu)

THAT, the Senate notes the Report of the Commonwealth Women Parliamentarians Regional Capacity Building Workshop held in Dar Es Salaam, Tanzania on 20th – 23rd January, 2016 laid on the Table of the House on Thursday, March 17, 2016.

(Resumption of Debate interrupted on Thursday, 30th June, 2016)

D. MOTION – (Chairperson, Standing Committee on National Security and Foreign Relations)

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

E. MOTION (Sen. Peter Mositet)

(Standing Committee on Education)

AWARE that Article 43 (1) (f) of the Constitution of Kenya provides that every person has the right to education and that Article 53 (1) (b) of the Constitution provides that every child has the right to free and compulsory basic education;

COGNIZANT that Article 54 (1) (b) of the Constitution provides that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;

RECOGNIZING that education in Kenya is a shared function of both the county and national governments;

CONCERNED that while significant gains have been made under the Free Education Programme introduced in the year 2003, access and participation of children with special needs is generally low across the country and their needs have not been specifically addressed;

NOW THEREFORE the Senate directs the Standing Committee on Education to inquire into the performance of the Ministry of Education, Science and Technology in the implementation of the policy statements and strategies made in the National Special Needs Education Policy Framework, 2009 and report back to the Senate within three months.

F. MOTION – (Sen. (Prof.) John Lonyangapuo)
(Department of Education)

THAT, whereas Article 53 (1)(b) of the Constitution provides that every child in Kenya has the right to free and compulsory basic education;

RECOGNIZING the importance of education in the alleviation of the main challenges facing Kenya's sovereignty identified at independence, namely; poverty, illiteracy and disease;

APPRECIATING the gains made following the implementation of the free primary education program in 2003 and cognizant of the principles set out in the Basic Education Act of 2013 whose objectives include promotion and regulation of free and compulsory basic education besides providing for accreditation, registration and management of basic education institutions;

NOTING the substantial resources invested by the national and county governments, parents, sponsors and development partners in the provision of basic education;

FURTHER NOTING that pursuant to the Basic Education Act, the County Director of Education is vested with numerous responsibilities including facilitation of auditing of all basic educational institutions in the respective county thereby leaving fundamental gaps of governance especially in the management of the available resources;

NOW THEREFORE, the House recommends to the Cabinet Secretary for Education to facilitate the creation of the office of an auditor to specifically audit the basic education institutions' funds to enhance transparency and accountability and improve governance in the management of these institutions.

G. MOTION – (Chairperson, Standing Committee on Information and Technology)

THAT, the Senate adopts the Report of the Standing Committee on Information and Technology on the County Oversight and Networking Engagement (CONE) to Migori, Bomet and Narok Counties laid on the Table of the Senate on 3rd March, 2016.

H. MOTION – (Chairperson, Standing Committee on National Security and Foreign Relations)

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15th March, 2016.

I. MOTION–(Sen. (Dr.) Agnes Zani)

THAT, the Senate notes the Report of the 3rd Global Open Government Partnership (OGP) summit held in Mexico City, from 25th October to 1st November 2015 laid on the Table of the House on Tuesday, April 19, 2016.

J. MOTION–(Sen. George Khaniri)
(Ministry of Education, Science and Technology)

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

K. Any Other Business

KEY

- * * * *** - Denotes a Majority /Minority Party Bill
- ***** - Denotes a National Assembly Bill
- **** - Denotes a Committee Bill
- *** - Denotes any other Bill