



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, OCTOBER 05, 2016 AT 2.30 P.M

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
7. Statements (As listed in the Appendix)
8. *****THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**
(Senate Majority Leader)
(First Reading)
9. *****THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**
(Senate Majority Leader)
(First Reading)
10. ***THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2016)**
(Sen. Fatuma Dullo)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)
11. ***THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**
(Sen. Martha Wangari)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)

12. *****THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2014)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 4th October, 2016)
(Division)
13. **COMMITTEE OF THE WHOLE**
***THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 11 OF 2015)**
(Sen. Mutula Kilonzo Jnr.)
(Resumption of Debate interrupted on Tuesday, 19th July, 2016)
(Division)
14. **COMMITTEE OF THE WHOLE**
***THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2015)**
(Sen. Martha Wangari)
(Resumption of Debate interrupted on Thursday, 21st July, 2016)
(Division)
15. **COMMITTEE OF THE WHOLE**
***THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)**
(Sen. Joy Gwendu)
(Resumption of Debate interrupted on Thursday, 21st July, 2016)
(Division)
16. **COMMITTEE OF THE WHOLE**
***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)**
(Sen. Daniel Karaba)
17. **COMMITTEE OF THE WHOLE**
*****THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILL NO.4 OF 2014)**
(The Senate Majority Leader)
18. **COMMITTEE OF THE WHOLE**
***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)**
(Sen. Hassan Omar)
19. **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)

20. **MOTION** - (Sen. Fatuma Dullo)

THAT, AWARE that the Senate resolved to establish a select Committee comprising eleven (11) Senators to inquire into the policy and legislation on the treatment of prisoners and detained persons in correctional facilities in Kenya on 22nd October, 2015;

APPRECIATING, that the mandate of the Select Committee lapsed and the Senate extended the same for forty five days on 7th April, 2016;

REGRETING, that due to heavy workload and sheer magnitude of the assignment, the Committee is yet to table its report in the House and requires more time to conduct a further and thorough inquiry into the subject matter of its mandate;

NOW THEREFORE, the Senate resolves to renew the mandate of the committee by a further period of thirty (30) days to enable it conclude its work and table its report in the House.

21. **MOTION** – (Sen. (Eng.) Muriuki Karue, MP)
(Ministry of Interior and Coordination of National Government)

THAT,

CONCERNED about the numerous reports of the arbitrary arrests of innocent people by the police;

FURTHER CONCERNED that a large number of those arrested are allegedly locked up in police cells without being recorded either in the Occurrence Book or elsewhere;

DEEPLY CONCERNED that some of the arrested people disappear without a trace and that many who are subsequently traced are found dead away from where they were known to have been locked up;

ALARMED by the recent incident where three young men were locked up for hours at Syokimau Police Post without any record indicating they had been at the police post, only for them to be found days later, in another area far from the police post, having been brutally killed;

APPRECIATING that the Closed Circuit Television (CCTV) system installed by the Government in Nairobi has helped a lot in criminal investigations;

NOW THEREFORE the Senate calls upon the National Government to-

- a) install CCTV cameras in all police stations and police posts in order to record each and every person going in and out of the station;
- b) have the CCTV system designed in such a way that it is capable of capturing the Occurrence Book entries every twelve hours; and
- c) ensure the CCTV system is connected to a central depository in order to minimize chances of subsequent tampering.

..... /Notice

NOTICE

The Senate resolved on 10th February, 2016 as follows:-

THAT, pursuant to Standing Order 100 (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

NOTICE OF AMENDMENTS**A. *THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 11 OF 2015)**

(Sen. Mutula Kilonzo Jnr.)

NOTICE is given that Senator Mutula Kilonzo Junior, the Vice-chairperson of the Committee on Information and Technology, intends to move the following amendments to the County Outdoor Advertising Control Bill, 2015, at the Committee Stage-

CLAUSE 3

THAT clause 3(1) of the Bill be amended in paragraph (d) by deleting subparagraph (ii) and substituting therefor the following new sub-paragraphs-

- (ii) relating to the location or direction of a religious institution;
- (iia) relating to a public education institution or public medical institution;

CLAUSE 4

THAT clause 4 of the Bill be amended in sub-clause (1) by-

- (a) inserting the words "and who shall be the chairperson" immediately after the word "writing" appearing in paragraph (a);
- (b) inserting the words "nominated by the Kenya National Chamber of Commerce and Industry and" immediately after the words "business community in the county" appearing in paragraph (c);
- (c) inserting the following new paragraph immediately after paragraph (c)-
 - (ca) one person nominated by the most representative association of outdoor advertisers and appointed by the Governor; and

CLAUSE 5

THAT clause 5 of the Bill be amended

- (a) in sub-clause (1) by deleting the word "a" appearing immediately after the words "application for" and substituting therefor the words "an outdoor advertising"; and
- (b) in sub-clause (2)-
 - (i) by deleting the word "registration" appearing immediately after the words "an application for" and substituting therefor the words "an outdoor advertising license" appearing in the introductory phrase;
 - (ii) by inserting the word "application" immediately after the words "the prescribed" appearing in paragraph (a);
 - (iii) deleting paragraph (c); and
 - (iv) deleting paragraph (d).

...../Amendments

CLAUSE 7

THAT clause 7 of the Bill be amended-

(a) by inserting the following new sub-clause immediately after sub-clause (1)-

(1A) Where the committee receives more than one application for the same advertisement space, the committee shall consider the applications in the order of presentation of the applications.

(b) in subsection (2) by deleting the word "fourteen" appearing immediately after the words "under subsection (1) within" and substituting therefor the word "seven";

(c) by deleting subsection (3);

CLAUSE 9

THAT clause 9 of the Bill be amended in paragraph (a) by inserting the words "and upon payment of the prescribed outdoor advertisement fee" immediately after the words "which it is issued".

CLAUSE 11

THAT clause 11 of the Bill be amended-

(a) in sub-clause (1) by deleting the words "the holder of an outdoor advertising license" at the beginning of the sub-clause and substituting therefor the words "The licensee"; and

(b) in sub-clause (3) by inserting the word "application" immediately after the words "pay the prescribed".

CLAUSE 14

THAT the Bill be amended in the introductory phrase of clause 14 by deleting the words "the owner of an advertisement" appearing at the beginning of the phrase and substituting therefor the words "The licensee".

CLAUSE 15

THAT clause 15 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause-

(1) The committee shall cause a notice of an application made under section 4 to be published in the prescribed form on the county website and a place accessible to the public at the premises of the committee.

CLAUSE 2

THAT clause 2 of the Bill be amended -

(a) in the definition of the term "advertisement" by inserting the words "including advertisements projected on screens carried on motor vehicles" immediately after the words "whether illuminated or not";

(b) deleting the definition of the term "county executive committee member"; and

(c) inserting the following new definition immediately after the definition of the term "hoarding" -

...../Amendments

"licensee" means a person who has been licensed to carry out outdoor advertising under this Act;

NEW CLAUSE 13

THAT the Bill be amended by inserting the following new clause immediately after clause 13-

Removal of advertisement. **13A.** A licensee shall remove an advertisement within seven days of the revocation or expiry of an outdoor advertising license.

NEW CLAUSE 16

THAT the Bill be amended by inserting the following new clause immediately after clause 16-

Vandalism of advertisement **16A.** Any person who willfully or recklessly destroys or damages any advertisement belonging to another person commits the offence of vandalism and is liable, upon conviction -

- (a) in the case of a first offence, to imprisonment for a term not exceeding nine months, or to a fine not exceeding two hundred thousand shillings, or to both; and
- (b) for any subsequent offence, to imprisonment for a term not exceeding two years, or to a fine not exceeding five hundred thousand shillings, or to both.

B. *THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2015)

(Sen. Martha Wangari)

NOTICE is given that Senator Stewart Madzayo, the Chairperson of the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Employment (Amendment) Bill, 2015, at the Committee Stage-

Clause 2

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

Insertion of new section 29A **2.** The principal Act is amended by inserting the following new section immediately after section 29-

Pre-adoption leave. **29A.** (1) Where pursuant to section 157 of the Children Act, a child is to be placed in the continuous care and control of an applicant who is an employee under this Act-

...../Amendments

(a) the employee shall be entitled to three consecutive months pre-adoption leave with full pay from the date of the placement of the child;

(b) in the case of a female employee who is married, the employee shall be entitled to three consecutive months pre-adoption leave with full pay from the date of the placement of the child; and

(c) in the case of a male employee who is married, the employee shall be entitled to two weeks pre-adoption leave with full pay.

(2) An employee eligible for leave under subsection (1) shall notify the employer in writing of the intention of the adoption society to place the child in the custody of the employee at least fourteen days before the placement of the child.

(3) A notice under subsection (2) shall be accompanied by documentation evidencing the intention of the adoption society to place the child in the custody of the employee, including a custody agreement between the employee and the adoption society and an exit certificate.

(4) Subsections (2), (3) and (7) of section 29 shall, with necessary modifications, apply to an employee eligible to leave under subsection (1).

New clause

That the Bill be amended by inserting the following new clause immediately after clause 1-

Amendment 1A. Section 2 of the Employment Act, in this Act referred to section 2 to as the "principal Act", is amended by inserting the of cap. 141 following new definition immediately after the definition of the term "employer"-

"exit certificate" means written authority given by a registered adoption society to a prospective adoptive parent to take the child from the custody of the adoption society;

...../Amendments

C. *THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)

(Sen. Joy Gwendu)

NOTICE is given that Senator Stewart Madzayo, the Chairperson of the Standing Committee on Labour and Social Welfare intends to move the following amendment to the County Library Services Bill, at the Committee Stage-

Clause 2

That clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the term "county executive committee member" -

"electronic resources" means any publication in electronic form;

D. *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)

(Sen. Daniel Karaba)

NOTICE is given that Senator Danson Mwazo intends to move the following amendment to the County Governments (Amendment) Bill, 2016, at the Committee Stage-

CLAUSE 2

THAT clause 2 of the Bill be deleted and substituted with the following new clause-

Amendment
to the Third
Schedule of
No.17 of 2012

2. The Third Schedule of the County Governments Act is amended-
 - a) in paragraph 6 by deleting the words "Wundanyi Urban Area" and substituting therefor the words, "Mwatate Urban Area".
 - b) in paragraph 20 by deleting the words "Kerugoya Urban Area" and substituting therefor the words, "Kutus Urban Area".

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

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

NOTICE is given that Sen. Amos Wako, the Chairperson to the Committee on Legal Affairs and Human Rights, intends to move the following amendments to the Petition to County Assemblies (Procedure) Bill, 2014, at the Committee Stage-

CLAUSE 5

THAT clause 5 of the Bill be amended in sub-clause (3) by deleting the words "facilitate public participation" appearing immediately after the words "the county assembly shall" and substituting therefor the words "conduct public hearings".

APPENDIX**1. PETITIONS**

- a) Petition by Dr. Evans Kidero, Governor of Nairobi City County, concerning payment due to the Nairobi City County on account of a parcel of land in Embakasi allocated to the Department of Defence;
- b) Petition by Gideon Kiprotich Keter, a resident of Kericho County, concerning the mode of distribution of subsidized fertilizer and free seeds to farmers;
- c) Petition by members of SOCATT- Kenya for annulment of regulations 25(1)(f), 37 and 38 of the Public Finance Management (County Governments) Regulations, 2015;
- d) Petition by members of the Garissa County Assembly on the rejected Garissa County Government Budget Estimates for the financial year 2016/2017;
- e) Petition by Reuben Kibegwa Mageuzi on alleged corruption in appointment, promotion and redesignation of staff in Nyamira County.

(The Speaker of the Senate)

2. PAPERS

- a) Report of the Controller of Budget on the County Revenue Baseline Study, 2015;

(Chairperson, Standing Committee on Finance, Commerce and Budget)

- b) The 2015/2016 Annual Report of the Independent Electoral and Boundaries Commission.

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

3. STATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on street families and urchins in Kenya (Sen. Sammy Leshore);
- b) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on Kenya's compliance with the European Union-Economic Partnership Programs ahead of the 1st October, 2016 deadline (Sen. Mutahi Kagwe);
- c) The Chairperson, Standing Committee on Education to issue a statement on fees levied by secondary schools, teacher training colleges and medical training colleges (Sen. (Prof.) John Lonyangapuo).
