



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, APRIL 13, 2016 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (As Listed in the Appendix)
8. **MOTION – ADDRESS OF H. E THE PRESIDENT - (2nd DAY)**
(The Senate Majority Leader)

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday, 31st March, 2016.

(Resumption of Debate interrupted on Tuesday, 12th April, 2016)

9. **MOTION**– (Chairperson, Standing Committee on Finance, Commerce and Budget)
THAT, the Senate adopts the Report of the Standing Committee on Finance, Commerce and Budget on the second basis for equitable sharing of Revenue among the County Governments laid on the Table of the House on Wednesday, 30th March, 2016.
10. **MOTION**–(Chairperson, Mediation Committee)
THAT, the Senate adopts the Report of the Mediation Committee on the Statute Law (Miscellaneous Amendment) (No.2) Bill (National Assembly Bill No.33 of 2014) laid on the Table of the House on Wednesday, 30th March, 2016.

11. *****THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2016)**

(The Senate Majority Leader)

(Second Reading)

12. **COMMITTEE OF THE WHOLE**

***THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**

(Sen. Halima Abdille)

(Resumption of Debate interrupted on Tuesday, 15th March, 2016)

...../Bill

13. COMMITTEE OF THE WHOLE**** THE COUNTY ASSEMBLIES SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

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

14. COMMITTEE OF THE WHOLE**** THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 33 OF 2014)**

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

15. COMMITTEE OF THE WHOLE**** THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL (SENATE BILL NO. 40 OF 2014)**

(Chairperson, Standing Committee on National Security and Foreign Relations)

16. *** THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 4) BILL (SENATE BILL NO. 18 OF 2014)**

(Sen. Kipchumba Murkomen)

*(Second Reading)**(Resumption of Debate interrupted on Tuesday, 29th March, 2016)*

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

THAT, pursuant to Standing Order 100 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

■ Denotes a Majority /Minority Party Bill

■ Denotes a National Assembly Bill

■ Denotes a Committee Bill

■ Denotes any other Bill

NOTICE OF AMENDMENTS**A. *THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**

(Sen. Halima Abdille)

NOTICE is given that Senator Daniel Karaba, Chairperson to the Senate Standing Committee on Education, intends to move the following amendments to the Universities (Amendment) Bill, 2014, at the Committee Stage-

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 3-

Amendment
of section 14
of No. 42 of
2012.

3A. Section 14 of the principal Act is amended by inserting the following new sub-section immediately after subsection (3)-

(4) The Commission shall not issue to an applicant a letter of interim authority where that applicant is a public mid-level learning institution.

Amendment
of section 19
of No. 42 of
2012.

3B. Section 19 of the principal Act is amended-

(a) in subsection (1) by deleting paragraph (c) and substituting therefore the following new paragraph-

(c) reject the application if satisfied that the applicant-

(i) is a public mid-level learning institution; or

(ii) does not meet the requirements for the establishment of a university.

(b) by inserting the following new sub-section immediately after sub-section (3)-

(4) The President shall not grant a Charter where such a grant would result in the conversion of a public mid-level institution to a university.

Repeal of
section 25
of No. 42
of 2012.

3C. The principal Act is amended by deleting section 25.

NEW CLAUSE 1A

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

1A. The Universities Act, in this Act referred to as "the principal Act" is amended in section 2 by inserting the following new definition immediately after the definition of the word "institution"-

"mid-level institution" means a post-secondary school learning institution that offers a certification below that of a degree;

NEW CLAUSE 4 A

THAT the Bill be amended by inserting the following new clause immediately after clause 4-

Amendment of
section 36 of No.
42 of 2012.

4 A Section 36 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection-

...../Amendments

(2) A person shall be qualified for appointment as the chairperson of the council under subsection (1)(a) or as a member of the council under subsection (1)(d) if the person —

(a) holds a masters degree from a university recognized in Kenya;

(b) has—

(i) in the case of the chairperson of the council, ten years experience; and

(ii) in the case of a member of the council, five years experience;

in leadership, management or academia at a senior level; and

(c) is of high moral character and integrity and meets the requirements of Chapter Six of the Constitution and is capable of contributing to university education.

B. **THE COUNTY ASSEMBLIES SERVICES BILL (SENATE BILL NO. 27 OF 2014)

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

NOTICE is given that Sen. Amos Wako, the Chairperson to the Standing Committee on Legal Affairs and Human Rights, intends to move the following amendments to the County Assembly Services Bill, 2014, at the Committee Stage-

CLAUSE 8

THAT clause 8 of the Bill be amended by-

(a) deleting sub-clause (a);

(b) deleting sub-clause (c) and substituting therefor the following new sub-clause-

(c) community and cultural diversity of the county.

CLAUSE 9

THAT clause 9 of the Bill be amended in the introductory phrase by inserting the words "under section 12(3)(d) of the County Governments Act" immediately after the words "member of the Board".

CLAUSE 10

THAT clause 10 of the Bill be amended by deleting the words "A appointed" appearing at the beginning of the clause and substituting therefor the words "A person".

CLAUSE 12

THAT clause 12 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (a)-

(aa) sue and be sued;

CLAUSE 16

THAT clause 16 of the Bill be amended at subsection (2) by inserting the words "and the Board" immediately after the words "chairperson of the Board".

CLAUSE 30

THAT clause 30 of the Bill be deleted.

CLAUSE 43

THAT clause 43 of the Bill be deleted.

CLAUSE 46

THAT clause 46 of the Bill be amended at subsection (3) by deleting the words "Cabinet Secretary" appearing immediately after the words "the authority of the" and substituting therefor the word "Board".

NEW CLAUSE 14 A

THAT the Bill be amended by inserting the following new clause immediately after clause 14-

Allowances for
the members of
the Board

14A. Members of the Board shall be paid such allowances as the Salaries and Remuneration Commission may determine.

NEW CLAUSE 47 A

THAT the Bill be amended by inserting the following new clauses immediately after clause 47-

Amendment of
No. 17 of 2012

47 A. Section 12 of the County Governments Act is amended by-

(a) deleting subsection 3 and substituting therefor the following new subsections-

(3)The Board consists of—

- (a) the Speaker of the county assembly, as the chairperson;
- (b) a vice-chairperson elected by the Board from the members appointed under paragraph (c);
- (c) two members of the County Assembly nominated by the political parties represented in the county assembly according to their proportion of members in the county assembly; and
- (d) one man and one woman appointed by the county assembly from amongst persons who are experienced in public affairs, but are not members of the county assembly.

(b) inserting the following new sub-section immediately after subsection (3)-

(3A) The members of the Board appointed under section 12(3)(d) shall serve on a part-time basis.

(c) deleting subsection (c) of paragraph (5) and substituting therefor the following new subsection-

(c)if the person is the Speaker, when the person ceases to be such Speaker.

NEW CLAUSE

47 B

Transition and savings.

47 B. (1) Subject to subsection (2) each county assembly shall appoint the members of county assembly service board under sections 12(3)(b), (c) and (d) within thirty days after the commencement of this Act.

(2) Upon the commencement of this Act and before the first general elections held after the coming into force of this Act, a person, who immediately before the commencement of this Act served as a member of a county assembly services board appointed under section 12 (3)(d) of the County Governments Act in force before the commencement of this Act, shall continue to serve as a member of the Board, as one of the persons appointed under section 12 (3)(d).

FIRST SCHEDULE

That the First Schedule to the Bill be amended in paragraph 1 by inserting the words "under section 12(3)(d) of the County Governments Act" immediately after the words "in the membership of the Board".

SECOND SCHEDULE

That the Second Schedule to the Bill be amended -

(a) by deleting paragraph 8; and

(b) in paragraph 9 by deleting the expression "Subject to any regulations made under paragraph 7" appearing at the beginning of the paragraph.

C. ** THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 33 OF 2014)

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

NOTICE is given that Senator Stewart Madzayo, Chairperson to the Committee on Labour and Social Welfare, intends to move the following amendments to the County Hall of Fame Bill, 2014, at the Committee Stage-

NEW CLAUSE 6 A

THAT the Bill be amended by inserting the following new clause immediately after clause 6—

Vacancy. **6A.** (1) The office of a member of the Selection Committee nominated under section 6(d) shall become vacant if the member-

(a) is adjudged bankrupt;

- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent, without reasonable cause, from three consecutive meetings of the Selection Committee;
- (e) resigns in writing addressed to the Governor;
- (f) is removed from office by the Governor for -
 - (i) being unable to perform the functions of his office by reason of mental or physical infirmity; or
 - (ii) failing to declare his interest in any matter being considered or to be considered by the Selection Committee; or
- (g) dies.

(2) Before the removal of a member under subsection (1)(f), the Governor shall request the Committee to-

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

NEW CLAUSE 8 A

THAT the Bill be amended by inserting the following new clause immediately after clause 8—

Conflict of
interest.

8A. (1) If any person has a personal or fiduciary interest in any matter before the Selection Committee, and is present at a meeting of the Selection Committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

D. ****THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL**
(SENATE BILL NO. 40 OF 2014)

(Chairperson, Standing Committee on National Security and Foreign Relations)

NOTICE is hereby given that Sen. Fatuma Dullo intends to move the following amendment to the County Governments Disaster Management Bill, 2014, at the Committee Stage-

CLAUSE 7

THAT clause 7 be amended in sub-clause 2,by inserting the following new paragraph immediately after paragraph (h)-

(ha) set up an emergency command centre within the county;

APPENDIXSTATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on public private partnership projects (Sen. Sammy Leshore);
- b) The Chairperson, Standing Committee on Energy to issue a statement on compensation of land owners affected by the Kenya Electricity Transmission company electricity network expansion project in Samburu County (Sen. Sammy Leshore);
- c) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on allocation of Uwezo Fund and Youth Fund to Marsabit County (Sen. Hargura Godana);
- d) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on instances of members of the public being fatally shot or injured by police (Sen. James Orengo);
- e) The Chairperson, Sessional Committee on County Public Accounts and Investments to issue a statement on Report of the Special Committee on the proposed removal from office of Governor of Murang'a County (Sen. Kembi - Gitura);
- f) The Senate Majority Leader to issue a statement regarding Government cash transfers to the elderly (Sen. David Musila);
- g) The Chairperson, Standing Committee on Lands and Natural Resources to issue a statement on the management of community and public land in Machakos County (Sen. Johnson Muthama);
- h) The Chairperson, Sessional Committee on County Public Accounts and Investments to issue a statement on unremitted revenue by Mara Conservancy (Sen. Stephen ole Ntutu);
- i) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on Boat accidents in Kenyan Lakes (Sen. Beatrice Elachi).
- j) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on how the Council of Governors is funded (Sen. (Dr.) Boni Khalwale);
- k) The Chairperson, Standing Committee on Land and Natural Resources to issue a statement regarding the killing of two people in Kajiado County by marauding elephants (Sen. Peter Mositet);
- l) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement regarding misappropriation of public funds by the National Bank of Kenya (Sen. Moses Wetang'ula).
