



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
THURSDAY, JUNE 16, 2016 AT 2.30 P.M

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. **MOTION** - (The Senate Majority Leader)

THAT, the thanks of the Senate be recorded for the Address of the Chief Justice of the Republic of Kenya, the Hon. (Dr.) Willy Mutunga delivered on Wednesday, 15th June, 2016.

(Resumption of Debate interrupted on Wednesday, 15th June, 2016)

9. **MOTION** - (The Senate Majority Leader)

THAT, pursuant to Standing Order 247, the Senate approves the Report of the Rules and Business Committee on amendment to the Standing Orders laid on the Table of the House on Tuesday, 7th June, 2016.

10. **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)

11. **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.

...../Motion

12. **MOTION** -(Sen. Kembi-Gitura)

THAT, the Senate notes the Report of the ACP Parliamentary Assembly and the 29th Session of the ACP-EU Joint Parliamentary Assembly held at the Grand Pacific Hotel, Suva, Fiji from 10th to 17th June, 2015, laid on the Table of the House on Wednesday, 25th November, 2015.

13. **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.

14. **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;

...../Motion

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.

15. **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.

16. **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.

17. **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.

18. **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.

19. **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;

...../Motion

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.

20. **MOTION** - (The Senate Majority Leader)

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 28th June, 2016.

KEY

******** ■ Denotes a Majority /Minority Party Bill

******* ■ Denotes a National Assembly Bill

****** ■ Denotes a Committee Bill

***** ■ Denotes any other Bill

APPENDIX1. PAPERS

- a) The Business of the Senate for the coming week.
(The Senate Majority Leader)
- b) The sixth Bi-annual Report of NACADA on Alcohol and Drug Abuse control status for the period April-September, 2015;
(Chairperson, Standing Committee on National Security and Foreign Relations)
- c) Annual Report and Financial Statements of the Commission on Revenue Allocation for FY 2014/2015;
- d) Newsletter by Commission on Revenue Allocation on Promoting an Equitable Society;
(Chairperson, Standing Committee on Finance, Commerce and Budget)
- e) Annual Report of the Salaries and Remuneration Commission for FY 2014/2015;
(Chairperson, Standing Committee on Labour and Social Welfare)
- f) The Traffic (Registration Plates) Rules – 2016;
- g) The Public Finance Management (Senate Monitoring and Evaluation) Regulations, 2015.
(Chairperson, Sessional Committee on Delegated Legislation)

2. NOTICE OF MOTION - (The Senate Majority Leader)

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 28th June, 2016.

3. STATEMENTSi) To be requested

- a) The Senator for Kirinyaga County (Sen. Daniel Karaba) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the construction of the Kirinyaga Sewerage Plant;
- b) The Senator for Kirinyaga County (Sen. Daniel Karaba) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the ongoing renovation of the Sagana-Kagio-Kutus road;
- c) The Senator for Kirinyaga County (Sen. Daniel Karaba) to seek a statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding delayed payment of French bean farmers in Kirinyaga County by Value Pak Food Limited;

ii) To be issued

- a) The Chairperson, Standing Committee on Energy to issue a statement on frequent electrical power failure in Pokot North sub-county (Sen. (Prof) John Lonyangapuo);
- b) The Chairperson of the Standing Committee on National Security and Foreign Relations to issue a statement on the campaign against manufacture and consumption of second generation alcohol in the country (Sen. George Khaniri);
- c) The Chairperson, Standing Committee on Energy to issue a statement on the funding of low cost public primary boarding schools (Sen. (Prof) John Lonyangapuo);
- d) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on the equalization fund (Sen. (Prof) John Lonyangapuo);
- e) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on street families and urchins in Kenya (Sen. Sammy Leshore)
- f) The Chairperson, Standing Committee on Health to issue a statement on free maternity care by Government hospitals (Sen. Judy Sijeny).
- g) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement regarding the status of the National Security communication system (Sen. Moses Kajwang');
- h) The Chairperson, Standing Committee on Education to issue a statement on the Management of Masinde Muliro University (Sen. Beatrice Elachi);
- i) The Chairperson, Standing Committee on Health to issue a statement regarding the declining state of health services in Nandi County (Sen. Stephen Sang');
- j) The Chairperson, Standing Committee on Health to issue a statement regarding increased cases of pneumonia and resultant mortality of children under five and the elderly (Sen. George Khaniri);
- k) The Chairperson, Standing Committee on Education to issue a statement regarding alleged misappropriation of money meant for text books under the Free Primary and Day Secondary Education Programmes (Sen. George Khaniri).
- l) The Senate Majority Leader on Business of the Senate for the coming week.
