



**REPUBLIC OF KENYA**

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**THE SENATE**

**PROGRAMME OF SENATE BUSINESS**

**WEEK COMMENCING TUESDAY, JULY 19, 2016**

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***\* 11<sup>TH</sup> PARLIAMENT \* 4<sup>TH</sup> SESSION***

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**REPUBLIC OF KENYA**

**THE SENATE**

**ELEVENTH PARLIAMENT - (FOURTH SESSION)**

**PROGRAMME OF SENATE BUSINESS**

**FOR THE WEEK COMMENCING TUESDAY, JULY 19, 2016**

**TUESDAY:**            Communication from the Chair, Messages, Petitions, Papers, and  
19/07/2016            Statements

**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, 30<sup>th</sup> June, 2016)*

**B. COMMITTEE OF THE WHOLE**

**\*THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 11 OF 2015)**

(Sen. Mutula Kilonzo Jnr.)

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

(Sen. (Prof.) John Lonyangapuo)

*(Second Reading)*

*(Resumption of Debate interrupted on Thursday, 14<sup>th</sup> July, 2016)*

**D. \*THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL NO. 16 2015)**

(Sen. Judith Sijeny)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 10<sup>th</sup> February, 2016)*

**E. \*\*\* THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILL NO.4 OF 2014)**

(The Senate Majority Leader)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> April, 2014)*

**F. \*THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**

(Sen. Martha Wangari)

*(Second Reading)*

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

(The Senate Majority Leader)

*(Second Reading)*

**H. 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, 4<sup>th</sup> November, 2015.

*(Resumption of Debate interrupted on Thursday, 28<sup>th</sup> April, 2016)*

**I. 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 20<sup>th</sup> – 23<sup>rd</sup> January, 2016 laid on the Table of the House on Thursday, March 17, 2016.

*(Resumption of Debate interrupted on Thursday, 30<sup>th</sup> June, 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**

**A. COMMITTEE OF THE WHOLE**

**\*\*\*THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL (SENATE BILL NO.5 OF 2014)**

(The Senate Majority Leader)

*(Resumption of Debate interrupted on Wednesday, 6<sup>th</sup> May, 2015)*

**B. COMMITTEE OF THE WHOLE**

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

(Sen. Kipchumba Murkomen)

**C. 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)

**D. 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)

**E. COMMITTEE OF THE WHOLE**

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

(Sen. Martha Wangari)

**F. COMMITTEE OF THE WHOLE**

**\*THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)**

(Sen. (Dr.) Zipporah Kittony)

**G. COMMITTEE OF THE WHOLE**

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

(Sen. Joy Gwendu)

**H. COMMITTEE OF THE WHOLE**

**\*\*\*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2013)**

(The Senate Majority Leader)

**I. \*\*\*THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL (SENATE BILL NO.4 OF 2014)**

(The Senate Majority Leader)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 19<sup>th</sup> July, 2016)*

- J. \*\*\***THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2014)**  
(The Senate Majority Leader)  
*(Second Reading)*
- K. \***THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2015)**  
(Sen. Martha Wangari)  
*(Second Reading)*
- L. \*\*\***THE PARLIAMENTARY POWERS AND PRIVILEGES BILL, (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**  
(Senate Majority Leader)  
*(Second Reading)*
- M. \*\*\***THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**  
(The Senate Majority Leader)  
*(Second Reading)*
- N. \***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2016)**  
(Sen. Daniel Karaba)  
*(Second Reading)*
- O. \*\***THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2016)**  
(Chairperson, Standing Committee on National Security and Foreign Relations)  
*( Second Reading)*

#### **P. Any Other Business**

**THURSDAY:**      **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions and Bills**  
21/07/2016

**A. 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, 4<sup>th</sup> November, 2015.

***(Resumption of Debate interrupted on Thursday, 28<sup>th</sup> April, 2016)***

**B. 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 20<sup>th</sup> – 23<sup>rd</sup> January, 2016 laid on the Table of the House on Thursday, March 17, 2016.

***(Resumption of Debate interrupted on Thursday, 30<sup>th</sup> June, 2016)***

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

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

**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 19<sup>th</sup> January and 5<sup>th</sup> February, 2015 and laid on the Table of the House on Wednesday, 29<sup>th</sup> 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 3<sup>rd</sup> 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, 15<sup>th</sup> March, 2016.

**I. MOTION** – (Sen. (Dr.) Agnes Zani)

**THAT**, the Senate notes the Report of the 3<sup>rd</sup> Global Open Government Partnership (OGP) summit held in Mexico City, from 25<sup>th</sup> October to 1<sup>st</sup> 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. 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.

**L. Any Other Business**

### **KEY**

**\* \* \* \*** - Denotes a Majority /Minority Party Bill

**\*\*\*** - Denotes a National Assembly Bill

**\*\*** - Denotes a Committee Bill

**\*** - Denotes any other Bill