



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER

THURSDAY, JUNE 02, 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
7. Statements (As listed in the Appendix)
8. *****THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2015)**
(The Senate Majority Leader)
(First Reading)
9. *****THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**
(The Senate Majority Leader)
(First Reading)
(Subject to Constitutional timeline of 27th August, 2016)
10. *****THE ACCESS TO INFORMATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2015)**
(The Senate Majority Leader)
(First Reading)
(Subject to Constitutional timeline of 27th August, 2016)
11. *****THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**
(The Senate Majority Leader)
(First Reading)
(Subject to Constitutional timeline of 27th August, 2016)
12. *****THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**
(The Senate Majority Leader)
(First Reading)
(Subject to Constitutional timeline of 27th August, 2016)

...../Bill

13. ***THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2015)
 (The Senate Majority Leader)
(First Reading)
(Subject to Constitutional timeline of 27th August, 2016)
14. ***THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)
 (The Senate Majority Leader)
(First Reading)
(Subject to Constitutional timeline of 27th August, 2016)
15. ***THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2016)
 (The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 31st May, 2016)
(Division)
16. ***THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)
 (The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 31st May, 2016)
(Division)
(Subject to Constitutional timeline of 27th August, 2016)
17. COMMITTEE OF THE WHOLE
 ***THE ANTI-DOPING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2016)
 (The Senate Majority Leader)
18. COMMITTEE OF THE WHOLE
 **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 3 OF 2016)
 (Chairperson, Standing Committee on Finance, Commerce and Budget)
19. ***THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)
 (The Senate Majority Leader)
(Second Reading)
(Subject to Constitutional timeline of 27th August, 2016)
20. ***THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO 14 OF 2015)
 (The Senate Majority Leader)
(Second Reading)
(Subject to Constitutional timeline of 27th August, 2016)
21. ***THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)
 (The Senate Majority Leader)
(Second Reading)
(Subject to Constitutional timeline of 27th August, 2016)

22. **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)

23. **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.

24. **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.

25. **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.

...../Motion

26. **MOTION** – (Sen. (Prof.) 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.

27. **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.

28. **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.

29. **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.

30. **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.

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

APPENDIX**1. PETITION**

- a) Petition by Mr. David O. Gesicho, for establishment of a Joint Parliamentary select committee to inquire into and investigate the rising occurrences of police and mob violence in Kenya;
- b) Petition by residents of Bungoma County, concerning corruption, breach of PFM laws and regulations, and other grievances against the County Government of Bungoma.

(The Speaker of the Senate)

2. PAPER

The Business of the Senate for the coming week.

(The Senate Majority Leader)

3. NOTICE OF 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.

4. STATEMENTS**(I) (To be requested)**

- a) The Senator for Vihiga County (Sen. George Khaniri) to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the campaign against the manufacture and consumption of second generation alcohol in the country;
- b) The Senator for Vihiga County (Sen. George Khaniri) to seek a statement from the Chairperson of the Standing Committee on Health regarding increased cases of Pneumonia and resultant mortality especially of children under five years and the elderly.

(II) (To Be Issued)

- a) The Chairperson, Standing Committee on Education to issue a statement on funds for Primary school and Secondary school infrastructural development (Sen. George Khaniri);
 - b) The Chairperson, Standing Committee on Education to issue a statement on delay in payment of teachers who marked KCPE and KCSE exams last year (Sen. George Khaniri);
 - c) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on Government plans to ban trade in second hand clothes (Sen. George Khaniri);
 - d) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on rehabilitation of the makutano- kapenguria road and bridge (Sen. (Prof) John Lonyangapuo);
 - e) The Chairperson, Standing Committee on Energy to issue a statement on frequent electrical power failure in Pokot North sub-county (Sen. (Prof) John Lonyangapuo);
 - f) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on regulatory and legal procedures for putting a bank under receivership (Sen. Mutahi Kagwe);
 - g) The Chairperson, Standing Committee on National Security and Foreign Relations on denial of a visa to China to a person living with disability (Sen. Godliver Omondi);
 - h) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on financing of the Jaramogi Oginga Odinga hospital in Kisumu County (Sen (Prof) Anyang' Nyong'o);
 - i) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on delayed public works at the Jaramogi Oginga Odinga Hospital in Kisumu County (Sen. (Prof.) Anyang' Nyong'o).
 - j) The Senate Majority Leader on Business of the Senate for the coming week.
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