



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
THURSDAY, APRIL 21, 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 ANTI-DOPING BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2016)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Wednesday, 20th April, 2016)
(Division)

9. **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.
(Resumption of Debate interrupted on Wednesday, 20th April, 2016)
(Division)

10. **COMMITTEE OF THE WHOLE**
*****THE ANTI-DOPING BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2016)**
(The Senate Majority Leader)
(Resumption of Debate interrupted on Thursday, 21st April, 2016 – Morning Sitting)

11. **MOTION** - (Chairperson, Mediation Committee)
THAT, the Senate adopts the Report of the Mediation Committee on the Climate Change Bill (National Assembly Bill No.1 of 2014) laid on the Table of the House on Thursday, 14th April, 2016.

12. *****THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2016)**
(The Senate Majority Leader)
(Second Reading)

...../Motion

13. **MOTION** – (The Senate Majority Leader)

AWARE that pursuant to Article 124(1) of the Constitution and the Standing Orders of the Senate, at a Special Sitting of the Senate held on Monday, 15th June, 2015, the Senate resolved, to establish a Select Committee on Constitutional and Legal Review to inquire into legal issues arising following the re-allocation by the National Assembly of monies intended for key constitutional organs and institutions, including, the Judiciary, the Salaries and Remuneration Commission and the Senate.

FURTHER AWARE that on 23rd June, 2015, the Senate approved the names of Senators to serve in the said Select Committee whose terms of reference were as follows-

- (a) inquire into the design of the Legislature and in particular, the institutions set out in the Constitution with a view to protecting the interests of the counties and their governments and securing and safeguarding the system of devolved government established in the Constitution;*
- (b) inquire into the role of the Senate as set out under the Constitution and make recommendations on the appropriate role to be played by the Senate in-
 - (i) the budget making process and revenue allocation;*
 - (ii) the legislative process;*
 - (iii) oversight over the National Government; and*
 - (iv) oversight over the County Governments;**
- (c) examine and make recommendations on the appropriate role to be played by the Senate in the approval of nominees for appointment to State office;*
- (d) examine and make recommendations on the appropriate inter linkage and interplay between-
 - (i) the Senate and the National Government;*
 - (ii) the Senate and the National Assembly;*
 - (iii) the Senate and the County Governments; and*
 - (iv) the Senate and other constitutional offices and Commissions.**
- (e) recommend to the Senate such constitutional and legislative interventions as may be necessary to secure and safeguard the system of devolved government in the Constitution, including measures necessary to ensure the effective discharge by the Senate, of its legislative and oversight role under the Constitution; and*
- (f) examine and make recommendations on any other matter connected with or incidental to the foregoing.*

COGNIZANT OF THE FACT that the Committee tabled its report on 23rd September, 2015 which report was adopted by the Senate on 21st October, 2015;

NOTING that one of the recommendations in the report was that-

The Senate approves the appointment of a Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution.

...../Motion

NOW THEREFORE, pursuant to the resolution of the Senate during the Sitting held on 21st October, 2015, the Senate approves the appointment of the following Senators to the Select Committee to spearhead the processing of the General Suggestion for the Draft Constitution of Kenya (Amendment) Bill, 2015 through popular initiative in terms of Article 257 of the Constitution-

1. Sen. Murkomen Kipchumba
2. Sen. (Prof.) Lonyangapuo John
3. Sen. Chiaba Abu Mohamed
4. Sen. Wangari Martha
5. Sen. Kiraitu Murungi
6. Sen. James Orengo
7. Sen. (Dr.) Boni Khalwale
8. Sen. Hassan Omar
9. Sen. Halima Abdille

And that the committee reports back to the Senate within six months.

14. **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.

15. **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.

16. **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.

17. **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; Also noting the substantial resources invested by the national and county governments, parents, sponsors and

...../Motion

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.

18. **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.

19. **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.

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
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APPENDIX**1. PAPERS**

- a) Report of the Standing Committee on Land and Natural Resources on the Petition on Olmorogi parcel of land – P.No.21400;
(Chairperson, Standing Committee on Land and Natural Resources)
- b) Report of the Mediation Committee on the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014);
(Chairperson, Mediation Committee)
- c) Report on the Petition on the alleged violation by the National Registration Bureau (NRB) of the right of the residents of Vihiga County to registration and issuance of National Identity Cards;
(Chairperson, Standing Committee on National Security and foreign Relations)
- d) The Business of the Senate for the coming week.
(The Senate Majority Leader)

2. STATEMENTS TO BE ISSUED

- a) The Senate Majority Leader to issue a statement on the status of compensation of IDPs including integrated IDPs in the former Nyanza, Coast, Western, Turkana and Trans Nzoia regions (Sen. Moses Wetang'ula);
 - b) 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);
 - c) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement regarding non-payment of suppliers of goods and services by County Governments (Sen. (Prof.) Lonyangapuo);
 - d) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement regarding the participation of officers from the Criminal Investigations Department (CID) in vetting of applicants of national identity cards (Sen. Henry Ndiema);
 - e) The Senate Majority Leader on Business of the Senate for the coming week.
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