



**REPUBLIC OF KENYA**  
**ELEVENTH PARLIAMENT – (FOURTH SESSION)**  
**THE SENATE**  
**SUPPLEMENTARY ORDER PAPER**  
**THURSDAY, MARCH 24, 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**, pursuant to the provisions of Standing Order 28 (4), the Senate resolves to alter its Calendar in respect of the First Part of the Fourth Session for the recess to commence on Friday, 1<sup>st</sup> April and sittings to resume on Tuesday, 12<sup>th</sup> April, 2016.

9. **\*\*\*THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**

(The Senate Majority Leader)

*(Second Reading)*

***(Resumption of Debate interrupted on Wednesday, 23<sup>rd</sup> March, 2016)***  
***(Division)***

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

(Sen. Kipchumba Murkomen)

*(Second Reading)*

***(Resumption of Debate interrupted on Wednesday, 23<sup>rd</sup> March, 2016)***

11. **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, 15<sup>th</sup> 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;

...../Motion

**FURTHER AWARE** that on 23<sup>rd</sup> 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 23<sup>rd</sup> September, 2015 which report was adopted by the Senate on 21<sup>st</sup> 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;

**NOW THEREFORE**, pursuant to the resolution of the Senate during the Sitting held on 21<sup>st</sup> 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-

...../Motion

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.

12. **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.

13. **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.

14. **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

15. **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.

16. **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;

Also 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.

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

**NOTICE**

The Senate resolved on 10<sup>th</sup> 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. PAPER**

The Business of the Senate for the coming week.

*(The Senate Majority Leader)*

**2. NOTICE OF MOTION – (The Senate Majority Leader)**

**THAT**, pursuant to the provisions of Standing Order 28 (4), the Senate resolves to alter its Calendar in respect of the First Part of the Fourth Session for the recess to commence on Friday, 1<sup>st</sup> April and sittings to resume on Tuesday, 12<sup>th</sup> April, 2016.

**3. STATEMENTS 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 Labour and Social Welfare to issue a statement regarding Government cash transfers to the elderly (Sen. David Musila);
- c) The Chairperson, Standing Committee on Lands and Natural Resources to issue a statement on weather forecasts made by the meteorological department (Sen. Kennedy Mong'are);
- d) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on collection of levies by MCSK and KAMP-PRISK from business premises and public transport vehicles for playing music (Sen. Daisy Kanainza);
- 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 Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on acute food shortage in West Pokot County (Sen. (Prof.) John Lonyangapuo);
- g) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on registration of persons with disability (Sen. George Khaniri);
- h) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on supply of fertilizer and other farm inputs by the NCPB to farmers ahead of the planting season (Sen. (Prof.) John Lonyangapuo);
- i) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on expenditure of money set aside to mitigate the effects of el-nino rains across the country in 2015/16 (Sen. George Khaniri);
- j) The Senate Majority Leader on Business of the Senate for the coming week.

-----