



REPUBLIC OF KENYA  
ELEVENTH PARLIAMENT – (THIRD SESSION)  
THE SENATE

**ORDER PAPER**

THURSDAY, SEPTEMBER 24, 2015 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (As Listed in the Appendix)
8. **\*\*THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 11 OF 2015)**  
(Chairperson, Standing Committee on Information and Technology)  
(First Reading)
9. **\*\*THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 35 OF 2014)**  
(Chairperson, Standing Committee on Legal Affairs and Human Rights)  
(Second Reading)  
  
(Resumption of Debate interrupted on Tuesday, 22<sup>nd</sup> September, 2015)  
(Division)
10. **\*THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF 2014)**  
(Sen. Stephen Sang)  
(Second Reading)  
  
(Resumption of Debate interrupted on Wednesday, 23<sup>rd</sup> September, 2015)  
(Division)
11. **COMMITTEE OF THE WHOLE**  
**\*\*\*THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)**  
(The Senate Majority Leader)

...../Motion

12. COMMITTEE OF THE WHOLE  
\*\*THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL)  
BILL (SENATE BILL NO. 20 OF 2014)  
(Chairperson of the Standing Committee on Labour and Social Welfare)
13. COMMITTEE OF THE WHOLE  
\*\*THE COUNTY EARLY CHILDHOOD EDUCATION BILL, (SENATE  
BILL NO. 32 OF 2014)  
(Chairperson, Standing Committee on Education)
14. MOTION – (Sen. Beatrice Elachi)  
(Department of Interior and Coordination of National Government)

**THAT**, cognizant that Article 12 of the Constitution guarantees a right to citizenship; noting that it is the right of every Kenyan attaining 18 years to register and be issued with a National Identity Card ; further noting that the National Identity Card is at the core in determining the extent to which an individual enjoys his or her fundamental rights and freedoms; concerned that Orphans and Vulnerable Children attaining the age of 18 years in children's homes have difficulties obtaining the National Identity Cards, the Senate urges the National Government to take remedial, policy, administrative and legislative measures to improve and expedite the process of registration for National Identity Cards especially for the Orphans and Vulnerable Children who live in children's homes and have attained 18 years of age.

15. MOTION – (Sen. Fatuma Dullo)  
(Ministry of Interior and Coordination of National Government)

**WHEREAS** Article 51 of the Constitution of Kenya protects the rights of detained persons, persons held in custody and other imprisoned persons under the law, and requires Parliament to enact legislation to provide for the humane treatment of such persons with due regard to the relevant international human rights instruments;

**OBSERVING** that international instruments, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the United Nations Basic Principles for the Treatment of Prisoners set standards on the treatment of persons, including the right to be treated with respect; protection from discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

**AWARE** of the deplorable state of correctional services throughout the country including poor living conditions in the institutions of both officers and prisoners, the poor state of sanitation and nutrition, overcrowding, lack of proper medical attention, frequent outbreak of communicable diseases and frequent reports of deaths of inmates leading to a high rate of recidivism and the inability of former inmates to reintegrate into society;

...../Motion

**APPRECIATING** the urgent need to align the Prisons Act and Borstal Institutions Act with the Constitution of Kenya and the international instruments on the rights of detained persons;

**NOW THEREFORE**, the Senate resolves to establish a Select Committee to undertake an inquiry into the policy and legislation pertaining to the treatment of detained persons as well as the state of correctional institutions in Kenya, including prisons and Borstal institutions, and to submit a Report to the Senate within three months, with recommendations on such policy and legislative interventions as may be necessary to align the existing legislation on correctional services with the Constitution of Kenya and in compliance with international standards on the rights of detained persons and such other recommendations as may be necessary;

**AND FURTHER** that the Members of the Select Committee are-

1. Sen. Fatuma Dullo
2. Sen. (Dr.) Zipporah Kittony
3. Sen. (Dr.) Boni Khalwale
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Stewart Madzayo
6. Sen. Liza Chelule
7. Sen. Judith Sijeny
8. Sen. Mutula Kilonzo Jr.
9. Sen. Stephen Sang'
10. Sen. Joy Gwendu
11. Sen. Moses Kajwang'

16. **MOTION-** (Sen. Mutula Kilonzo Jnr)  
(Department of Lands)

**THAT, WHEREAS** the National Land Commission was established following the enactment of the National Land Commission Act, 2012 to, among others, give effect to the objects and principles of devolved government in land management and administration;

**NOTING** the principles of land policy as set out in Article 60 of the Constitution including equitable access to land and encouragement of communities to settle land disputes through recognized local community initiatives consistent with the Constitution;

**RECOGNIZING** that land ownership and utilization is at the centre of many interpersonal and community conflicts in the country since independence;

**ALSO NOTING** that section 15 of the National Land Commission Act mandates the Commission to recommend to Parliament appropriate legislation to provide for investigation and adjudication of claims arising out of historical land injustices for the purposes of Article 67 (2) (e) of the Constitution;

**FURTHER NOTING** with concern that the envisaged legislation has not been enacted five years after promulgation of the Constitution;

...../Motion

**AND NOTING** that historical injustices on land matters was among the main justifications for the new Constitution;

This Senate urges the National Land Commission to urgently recommend to the Senate a Bill to address historical land injustices to provide a framework to ensure that land is properly utilized for the economic benefit of the affected communities.

17. **MOTION-** (Sen. Kiraitu Murungi)  
(Department of Land)

**GIVEN** the clear provisions of Article 6 (1) and the First Schedule which establishes the 47 counties of the Republic of Kenya;

**CONSIDERING** the clear provisions of the Districts and Provinces Act (Cap 105 A) of 1992 which specifically delineates the geographical boundaries of each county;

**NOTING** the provisions of Article 188 of the Constitution, which clearly state that the boundaries of a county may be altered only by a resolution of an Independent Commission set up for that purpose by Parliament and with the support of at least two-thirds members of the National Assembly and two-thirds of the county delegations in the Senate;

**FURTHER NOTING** that the boundaries in counties have not been surveyed and no beacons have been fixed;

**CONCERNED** that failure by the National Government to mark and fix the county boundaries has led to endless and sometimes violent conflicts, in which innocent Kenyans have been killed and their property destroyed, and is generally perpetuating poverty and underdevelopment in counties;

**THIS HOUSE** urges the Office of the President and the Ministry of Land, Housing and Urban Development to urgently establish a Task Force to survey, mark and fix beacons for all the county boundaries and to submit a report of the said Task Force to this House on or before 31<sup>st</sup> March, 2016.

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**KEY**

- \*\*\*\*** ■ Denotes a Majority /Minority Party Bill
- \*\*\*** ■ Denotes a National Assembly Bill
- \*\*** ■ Denotes a Committee Bill
- \*** ■ Denotes any other Bill

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**NOTICE**

The Senate resolved on 11<sup>th</sup> February, 2015 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.

**NOTICES OF AMENDMENTS****A. \*\*\*THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)**

**NOTICE** is given that Senator Lenny Kivuti, Chairperson to the Committee on Land and Natural Resources, intends to move the following amendments to the Climate Change Bill, 2014, at the Committee Stage-

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in subclause (2) by inserting the word "and" immediately after the word "intergenerational" appearing in paragraph (e).

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended –

(a) in subclause (2) by –

- (i) deleting paragraph (g);
  - (ii) inserting the words "nominated by the body representing the largest number of institutions in the private sector" immediately after the words "private sector" appearing in paragraph (f);
  - (iii) inserting the words "who has knowledge and experience in matters relating to indigenous knowledge" immediately after the words "of the Constitution" appearing in paragraph (h);
- (b) in subclause (3) by deleting the words "(2)(f), (g) and (h)" appearing immediately after the words "under subsection" and substituting therefor the words "(2)(f), (g),(h) and (i)"; and
- (c) in subclause (4) by inserting the words "and the Senate" immediately after the words "the National Assembly".

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended in subclause (4) by inserting the words "of the Action Plan" immediately after the words "for mainstreaming".

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended in subclause (1) by inserting the words "and mitigation against" immediately after the words "adaptation to" appearing in paragraph (a).

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended in subclause (1) by deleting the word "give" appearing immediately after the words "with instructions" in paragraph (b) and substituting therefor the word "prescribed".

**CLAUSE 32**

**THAT** clause 32 of the Bill be amended in subclause (1) by deleting the word "one" appearing immediately after the words "fine not exceeding" at the end of the subclause and substituting therefor the word "ten".

**CLAUSE 35**

**THAT** clause 35 of the Bill be amended in subclause (1) by deleting the word "may" appearing immediately after the words "Cabinet Secretary" and substituting therefor the word "shall".

**NEW CLAUSE 25A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 25 –

Incentives  
for the  
promotion  
of climate  
change  
initiatives.

**25A.** (1) The Cabinet Secretary shall, in accordance with the appropriate law, and in consultation with the Cabinet Secretary responsible for finance, grant to persons who –

- (a) encourage and put in place measures for the elimination of climate change including reduction of green house emissions and use of renewable energy;
- (b) put in place measures to mitigate against the adverse effects of climate change;
- (c) are involved in the conduct of accredited training in programmes that are aimed at eliminating climate change;

such incentives as may be necessary for the advancement of the elimination of and mitigation against climate change and the effects of climate change.

(2) The Cabinet Secretary shall, for the purpose of subsection (1), in regulations set out the nature of the incentives, the conditions for the grant or withdrawal of such incentives and such other matter as may be necessary for the exercise of the power conferred under subsection (1).

(3) In granting incentives under subsection (1), the Cabinet Secretary shall take into account international standards and best practice.

(4) The Cabinet Secretary shall make the regulations specified under subsection (2) within a period of twelve months from the commencement of this Act.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended in the definition of the word "Cabinet Secretary" by deleting the words "Cabinet affairs" appearing immediately after the words "responsible for" and substituting therefor the words "matters relating to climate change".

**B. \*\* THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL)**  
**BILL (SENATE BILL NO. 20 OF 2014)**

(Chairperson of the Standing Committee on Labour and Social Welfare)

**NOTICE** is given that the Chairperson of the Committee on Labour and Social Welfare, intends to move the following amendments to the Public Appointments (County Assembly Approval) Bill, 2014, at the Committee Stage-

**Clause 5**

**THAT** the Bill be amended by deleting clause 5 and substituting therefor the following new clause –

(1) An advertisement inviting applications for nomination for appointment to an office to which this Act applies shall specify that the candidate shall be required to appear before a committee of the relevant County Assembly.

(2) An applicant shall not be required to appear before the committee of a County Assembly pursuant to a notice issued under subsection (1) within a period of less than twenty-one days.

**Clause 6**

**THAT** clause 6 of the Bill be amended by inserting the following new subclause immediately after subclause (1) –

(1A) An appointing authority shall, in issuing a notice under subsection (1), notify the members of the public on the proposed nomination through such media and platforms established under section 91 of the County Governments Act as it considers appropriate.

**Clause 7**

**THAT** clause 7 of the Bill be amended –

(a) in subclause (2) by –

- (i) deleting the word "seven" appearing immediately after the words "later than" and substituting therefor the words "fourteen days";
- (ii) inserting the words "Subject to subsection (2A)" at the beginning of subclause (2).

(b) inserting the following new subclause immediately after subclause (2) –

(2A) The approval hearings shall be held in a public place and shall be conducted during working hours.

...../Amendment



(c) in subclause (4) by deleting the word "two newspapers" appearing immediately after the words "in at least" and substituting therefor the words "one newspaper";

(d) by inserting the following new subclause immediately after clause 10 –

(10A) A candidate shall have a right to be heard on any statement or evidence submitted to the Clerk contesting the suitability of the candidate to hold the office to which the candidate has been nominated.

#### **Clause 9**

**THAT** clause 9 of the Bill be amended in subclause (1) by deleting the word "fourteen" appearing immediately after the words "decision within" and substituting therefor the word "twenty-one".

#### **Clause 10**

**THAT** clause 10 of the Bill be amended –

(a) by renumbering the existing clause as subclause (1);

(b) in subclause (1) by deleting the word "may" appearing after the words "appointing authority" and substituting therefor the word "shall";

(c) by inserting the following new subclause immediately after subclause (1) –

(2) A nominating authority shall not resubmit the name of a candidate whose nomination has been rejected by the County Assembly unless the circumstances relied on for the rejection of the appointment of the candidate did not exist or ceased to exist at the time of rejecting the nomination of the candidate.

#### **First schedule**

**THAT** the First Schedule be amended –

(a) by deleting item 4. and substituting therefor the following new items –

4. **(a) Date of birth:**

**(b) Place of Birth:**

(b) by deleting items 6 and 7 and substitute the following new items –

6. **Mobile phone number:**

(c) by inserting the following new phrase immediately after item 21 (d)

(Attach clearance letter from the Ethics and Anti-Corruption Commission)

(d) by deleting item 25 and substituting therefor with the following new item –

25. **Tax status:** (Attach your Kenya Revenue Authority Clearance Certificate)

(e) in item 31 by inserting the following new phrase immediately after the words "your nomination?"

If yes, explain: \_\_\_\_\_

...../Amendment

**C. \*\* THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)**

(Chairperson, Standing Committee on Education)

**NOTICE** is given that the Chairperson of the Standing Committee on Education, intends to move the following amendments to the County Early Childhood Education Bill, 2014, at the Committee Stage-

**Clause 5**

**THAT** clause 5 of the Bill be amended in subclause (1) by inserting the words "in a public education centre" immediately after the words "childhood education".

**Clause 6**

**THAT** clause 6 of the Bill be amended-

(a) in paragraph (a) by inserting the words "in public education centres" immediately after the words "childhood education";

(b) by inserting the following new paragraph immediately after paragraph (a)-

(aa) establish such public education centres as may be necessary for the provision of free and compulsory early childhood education within the county;

(c) by deleting paragraph (c);

(d) in paragraph (d) by deleting the word "develop" appearing immediately before the words "in consultation with" and substituting therefor the word "implement"; and

(e) by inserting the following new paragraph immediately after paragraph (k)-

(l) develop a best classroom model for early childhood education centres within the respective county in accordance with the specifications set out in the First Schedule.

**Clause 7**

**THAT** clause 7 of the Bill be amended-

(a) in subclause (1) by deleting the words "a pre-primary education institution" appearing immediately after the words "may be, to" and substituting therefor the words "an education centre"; and

(b) in subclause (2) by deleting the words "one hundred" appearing immediately after the words "not exceeding" and substituting therefor the word "ten".

**Clause 8**

**THAT** clause 8 of the Bill be amended-

(a) in subclause (1) by inserting the words "in collaboration with the village administrator" immediately after the words "principal shall"; and

(b) in subclause (3) by deleting the words "five hundred" appearing immediately after the words "not exceeding" and substituting therefor the word "ten".

...../Amendment

**Clause 20**

**THAT** clause 20 of the Bill be amended in subclause (2) by deleting the word “principal” appearing immediately after the words “whether or not the” and substituting therefor the word “proprietor”.

**Clause 27**

**THAT** clause 27 of the Bill be amended in subclause (1) by deleting the words “and sponsored public education centres” appearing immediately after the words “public education centres” at the beginning of paragraph (b).

**Clause 29**

**THAT** clause 29 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause-

(3) Where an education centre exists or is established in an existing institution of basic education, the management board of the education centre shall comprise of the principal of the early education centre in addition to the members set out under No.14 of section 56(1) of the Basic Education Act. 2013.

**Clause 35**

**THAT** clause 35 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (c)-

(ca) academic progress assessment reports in relation to each child who is registered in the education centre;

(cb) a record of the immunizations administered with respect to each child who is registered in the education centre;

**Clause 36**

**THAT** clause 36 of the Bill be amended-

(a) in subclause (1) by-

(i) deleting the words “and recruited as a teacher or caregiver by the early childhood education recruitment committee” appearing immediately after the words “Teachers Service Commission” in paragraph (c);

(ii) deleting paragraph (e);

(b) in subclause (2) by-

(i) deleting the words “and recruited as a teacher or caregiver by the early childhood education recruitment committee” appearing immediately after the words “Teachers Service Commission” in paragraph (b);

(ii) deleting paragraph (c);

(c) in subclause (3) by deleting all the words appearing immediately after the words "within the county";

(d) by deleting subclause (4) and substituting therefor the following new subclause-

(4) The County Government shall pay to early childhood education teachers employed in public education centres within the county, such remuneration as it shall, in consultation with the Salaries and Remuneration Commission, determine.

(e) by deleting subclause (5).

#### **Clause 37**

**THAT** the Bill be amended by deleting clause 37.

#### **Clause 39**

**THAT** the Bill be amended by deleting clause 39 and substituting therefor the following new clause-

Recruitment of early childhood teachers. **39.** The Teachers Service Commission shall, in consultation with the Council of County Governors, be responsible for the-

(a) recruitment, training and discipline of early childhood education teachers; and

(b) maintenance of a register of early childhood education teachers recruited by it under paragraph (a).

#### **Clause 40**

**THAT** clause 40 of the Bill be amended in subclause (2) by inserting the words "and the respective Parents Teachers Association" immediately after the words "County Education Board" appearing in paragraph (b).

#### **Clause 42**

**THAT** clause 42 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) A child who has attained the age of three years and who is not more than six years of age shall be eligible for admission in an education centre.

(b) by inserting the following new subclause immediately after subclause (1)-

(1A) Notwithstanding the provisions of subsection (1), the principal of an education centre may, where the principal considers it appropriate, admit a child who is more than six years of age.

...../Amendment

**Clause 43**

**THAT** clause 43 of the Bill be amended by deleting the words "A public" appearing immediately before the words "education centre" and substituting therefor the word "An".

**Clause 45**

**THAT** clause 45 of the Bill be amended-

- (a) in subclause (2) by deleting the words "subject to subsection (3)" appearing immediately after the words "centre shall"; and
- (b) by deleting subclause (3).

**Clause 47**

**THAT** clause 47 of the Bill be amended-

- (a) by deleting subclause (2) and substituting therefor the following new subclauses-

(2) The Kenya Institute of Curriculum Development shall review the curriculum framework to be administered by all licensed education centres within the county in consultation with the county executive committee member-

- (a) within a period of five years after the development of the curriculum under subsection (1); and
- (b) subsequently every five years after each review.

(2A) The Kenya Institute of Curriculum Development shall, in carrying out the review under subsection (2), take into account the specific or special needs of children within the respective county.

- (b) in subclause (3) by deleting paragraph (b); and
- (c) in subclause (4) by deleting the words "county executive committee member" appearing immediately after the words "unless the" and substituting therefor the words "Kenya Institute of Curriculum Development".

**Clause 49**

**THAT** clause 49 of the Bill be amended in subclause (2) by inserting the words "and the respective Parent Teachers Association" immediately after the words "County Education Board" appearing in paragraph (b).

**Clause 51**

**THAT** clause 51 of the Bill be amended by inserting the words "on weekends" immediately after the words "school holidays".

**Clause 52**

**THAT** the Bill be amended by deleting clause 52 and substituting therefor the following new clause-

Feeding programmes in education centres

**52.** The county executive committee member shall, in consultation with the County Education Board, implement school feeding programmes in early childhood education centres within the respective county and shall for this purpose-

- (a) issue guidelines and facilitate the implementation of the feeding programmes; and
- (b) provide adequate nutritious foods taking into account the physiological and regional demands of children in the early childhood centre within the respective county.

**Clause 56**

**THAT** clause 56 of the Bill be amended by inserting the following new subclause immediately after subclause (1)-

(1A) An education centre shall submit the application made under subsection (1) together with a certificate from the Kenya Institute of Curriculum Development containing a statement that the foreign curriculum adheres to the set curriculum for early childhood education.

**Clause 68**

**THAT** clause 68 of the Bill be amended in subclause (1) by deleting the words "subsection (1)" appearing immediately after the words "specified under" and substituting therefor the words "subsection (2)"

**Clause 69**

**THAT** clause 69 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (c)-

(ca) implement emergency response capacity building programmes for all members of staff working in education centres within the county;

**Clause 71**

**THAT** clause 71 of the Bill be amended in subclause (1) by deleting the words "the relevant period for registration" appearing immediately after the words "licensed for" and substituting therefor the words "a period of one year after the commencement of this Act".

...../Amendment

**Clause 73**

**THAT** clause 73 of the Bill be amended in subclause (1) by deleting the words "County Education Board" appearing immediately after the words "consultation with the" and substituting therefor the words "Council of County Governors".

**First Schedule**

**THAT** the First Schedule to the Bill be amended in item 2 by deleting the word "fifteen" appearing immediately after the words "not more than" and substituting therefor the word "forty".

**Clause 2**

**THAT** clause 2 of the Bill be amended-

- (a) in the definition of the term "early childhood education "by inserting the words "pre-primary" immediately after the words "education means the";
- (b) by deleting the definition of the term early childhood education recruitment committee;
- (c) by inserting the following new definitions immediately after the definition of the word "sponsor"-

"teacher" means a person registered as a teacher by the Teachers Service Commission;

"Teachers Service Commission" means the Teachers Service Commission established under Article 237(1) of the Constitution;

APPENDIXSTATEMENTS

- a) The Chairperson of the Standing Committee on Health to issue a statement on administration of wrong or expired drugs on children at Busia Hospital (Sen. (Dr.) Wilfred Machage);
- b) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on the cost of fertilizer for tea farmers ( Sen. (Prof.) Wilfred Lesan);
- c) The Chairperson of the Standing Committee on Legal Affairs and Human Rights to issue a statement on status of IEBC's preparations for the next general election including voter registration (Sen. Chris Obure);
- d) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on access to finances by youth, women and persons with disabilities to execute the government tenders (Sen. Liza Chelule);
- e) The Chairperson of the Standing Committee on National Security and Foreign relations to issue a statement on rising insecurity in Nandi County and other Counties affected by '*bodaboda*' crime (Sen. Stephen Sang).

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