



REPUBLIC OF KENYA  
ELEVENTH PARLIAMENT – (FOURTH SESSION)  
THE SENATE  
**ORDER PAPER**  
THURSDAY, FEBRUARY 25, 2016 AT 2.30 P.M

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (As Listed in the Appendix)
5. Papers (As Listed in the Appendix)
6. Notices of Motion (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. **\*\* THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL**  
**(SENATE BILL NO. 20 OF 2014)**  
(Chairperson, Standing Committee on Labour and Social Welfare)  
(Third Reading)  
*(Resumption of Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016)*  
*(Division)*
9. **\*THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL**  
**(SENATE BILL NO. 4 OF 2015)**  
(Sen. (Dr.) Wilfred Machage)  
(Third Reading)  
*(Resumption of Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016)*  
*(Division)*
10. **\*THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO. 7**  
**OF 2014)**  
(Sen. (Eng.) Muriuki Karue)  
(Third Reading)  
*(Resumption of Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016)*  
*(Division)*

...../Motion

11. **MOTION** – (Vice – Chairperson, Mediation Committee)

**THAT**, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) laid on the table of the House on Thursday, 3<sup>rd</sup> December, 2015.

*(Resumption of Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016)  
(Division)*

12. **MOTION** – (Chairperson, Ad-Hoc Select Committee on County Headquarters)

**THAT**, this House adopts the Report of the Ad-Hoc Select Committee on County Headquarters laid on the Table of the Senate on Thursday, 3<sup>rd</sup> December, 2015;

*(Resumption of Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016)  
(Division)*

13. **COMMITTEE OF THE WHOLE**

**\*THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL,  
(SENATE BILL NO. 7 OF 2015)**  
(Sen. David Musila)

*(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> February, 2016)  
(Division)*

14. **\*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL  
NO. 13 OF 2015)**  
(Sen. Godliver Omondi)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 24<sup>th</sup> February, 2016)*

15. **\*THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL  
NO. 12 OF 2015)**  
(Sen. Kimani Wamatangi)

*(Second Reading)*

16. **\*THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT)  
BILL (SENATE BILL NO. 15 OF 2015)**  
(Sen. (Dr.) Zipporah Kittony)

*(Second Reading)*

17. **\*\*THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF  
2015)**  
(Chairperson, Sessional Committee on Delegated Legislation)

*(Second Reading)*

...../Motion

18. **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.

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### **KEY**

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

**NOTICE OF AMENDMENTS****\*THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL,  
(SENATE BILL NO. 7 OF 2015)**

(Sen. David Musila)

**NOTICE** is hereby given that Sen. David Musila, Senator for Kitui County, intends to move the following amendments to the Kenya National Examinations Council (Amendment) Bill, (Senate Bill No. 7 of 2015) at the Committee Stage-

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the words "Section 2 of" immediately before the words "The Kenya National".

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by deleting the proposed new section 45A and substituting therefor the following new sections –

Issuance of result  
slip.

**45A.** (1) The Council shall, upon releasing the Kenya Certificate of Primary Education or the Kenya Certificate of Secondary Education examination results, transmit the result slips of all candidates to the respective examination centres within a period of one month from the date of release of the results.

(2) A head-teacher or principal of an examination centre shall release to the respective candidates, the result slip received under subsection (1).

Issuance  
of  
certificates.

**45AA.** (1) The Council shall, within a period of two months from the date of release of the Kenya Certificate of Primary Education or the Kenya Certificate of Secondary Education examination results, transmit to the examination centres, the certificates of the respective candidates who sat for the examinations.

(2) The head-teacher or principal of an examination centre shall not withhold the certificate awarded to a candidate under this Act.

(3) A candidate shall, in collecting his or her certificate, verify the accuracy of the particulars as set out in the certificate including –

(a) the candidate's name and index number;

(b) the name and code of the examination centre; and

(c) the grades of the respective subjects and the mean score.

(4) A candidate who identifies a discrepancy in the certificate issued shall notify the Council of such discrepancy within thirty days of the receipt of the certificate.

...../Amendments

(5) The Council shall rectify any discrepancy notified by a candidate under subsection (4) within a period of thirty days from the date of such notification.

(6) The Council shall meet the costs of rectifying any discrepancy notified by a candidate under subsection (4).

(7) A person who contravenes the provisions of this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

**NEW CLAUSE**

**THAT** the following new clause be inserted immediately after clause 2-

**2A.** The principal Act is amended in section 10 by inserting the following new subsection immediately after subsection (2)-

(3) A person who contravenes the provisions of subsection (1)(b) commits an offence and shall be liable, upon conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

APPENDIX**1. PETITION**

Petition by some residents of Vihiga County concerning the state of affairs of the county and grievances against the County Executive and County Assembly of Vihiga.

*(Sen. George Khaniri)*

**2. PAPERS**

- a) The Report of Standing Committee on Energy on the fact finding visit to Makueni County on the matter of a statement sought on the Kenya Pipeline Company oil spillage into River Thange, Kibwezi, Makueni County;

*(Chairperson, Standing Committee on Energy)*

- b) The Report of the Joint Parliamentary Committee on Broadcasting and Library on the proposed amendments to the Standing Orders of Parliament to regulate media related activities within the precincts of Parliament.

*(Vice Chairperson, Joint Parliamentary Committee on Broadcasting and Library)*

- c) Report of the Standing Committee on Education on the Kenya National Examinations Council (Amendment) Bill (Senate Bill No. 7 of 2015)

*(Chairperson, Standing Committee on Education)*

- d) The Business of the Senate for the coming week;

*(The Senate Majority Leader)*

**3. NOTICES OF MOTION**

- a) **NOTICE OF MOTION** (Sen. Peter Mositot)

(Department of 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;

...../Appendix

**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.

**b) NOTICE OF MOTION** (Sen. George Khaniri)

(Ministry of Devolution and Planning)

**THAT WHEREAS** the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act makes provision for the prevention, protection and provision of assistance to internally displaced persons and affected communities and gives effect to the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons, and the United Nations Guiding Principles on Internal Displacement;

**OBSERVING** that the Act establishes the National Consultative Coordination Committee on Internally Displaced persons whose mandate is to inter alia, ensure registration of internally displaced persons and maintain a data base of such persons and advise the Cabinet Secretary for Devolution and National Planning on the exercise of his or her powers and functions under the Act;

**CONCERNED** that the Statement delivered to the Senate on 30<sup>th</sup> September, 2015 by the Chairperson of the Standing Committee on Labour and Social Welfare as a response to inquiries on the status of IDPs resettlement points to the fact that the distribution of the Internally Displaced Persons Fund, which was approximately kshs15 billion, was done in a discriminatory manner and the criterion for profiling the IDPs was skewed;

**NOW THEREFORE**, the Senate resolves to establish a Select Committee to investigate the operations of the Ministry of Devolution and National Planning and the National Consultative Coordination Committee on Internally Displaced Persons as far as resettlement process and criteria used to profile and pay IDPs is concerned and further determine whether the Kshs15 billion was used for the intended purpose and report back to the Senate within three months;

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

1. Sen. Boy Juma Boy
2. Sen. Stephen Sang'
3. Sen. Muriuki Karue
4. Sen. Anyang' Nyong'o
5. Sen. Peter Mositet
6. Sen. George Khaniri
7. Sen. Naisula Lesuuda
8. Sen. Janet Ong'era
9. Sen. Emma Mbura

c) **NOTICE OF 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.

#### **4. STATEMENTS**

- a) The Senator for Kakamega County (Sen. Boni Khalwale) to seek a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget regarding pending bills of all 47 counties as at the end of the Financial Year 2014/2015;
- b) The Senator for Machakos County (Sen. Johnson Muthama) to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign relations regarding the harassment of residents of Machakos County by the Police;
- c) The Senator for Machakos County (Sen. Johnson Muthama) to seek a statement from the Chairperson of the Standing Committee on Land and Natural Resources regarding the management of community and public land in Machakos County;
- d) The Senator for Turkana County (Sen. John Munyes) to seek a statement from the Chairperson of the Standing Committee on Roads and Transport regarding the status of the renovation of the Lokichoggio International Airport (HKLK);
- e) The Chairperson, Standing Committee on National security and Foreign Relations to issue a statement on the alleged assault of a police officer by captain Allister Brown in Kinangop, Nyandarua County (Sen. (Dr.) Zipporah Kittony)
- f) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on the upgrading of the Kenol-Makutano-Marua road (Sen. Daniel Karaba).
- g) The Senate Majority Leader to issue a Statement on Business of the Senate for the coming week.

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