



REPUBLIC OF KENYA

THE SENATE

NOTICE PAPER

WEEK COMMENCING TUESDAY, APRIL 26, 2016

**** 11TH PARLIAMENT * 4TH SESSION***

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REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT - (FOURTH SESSION)

NOTICE PAPER

FOR THE WEEK COMMENCING TUESDAY, APRIL 26, 2016

TUESDAY: Communication from the Chair, Messages, Petitions, Papers, and
26/04/2016 Statements

A. *THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2016)**

(The Senate Majority Leader)

(Resumption of Debate interrupted on Thursday, 21st April, 2016 – Afternoon Sitting)
(Division)

B. COMMITTEE OF THE WHOLE

***THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**

(Sen. Halima Abdille)

(Resumption of Debate interrupted on Tuesday, 15th March, 2016)

C. COMMITTEE OF THE WHOLE

**** THE COUNTY ASSEMBLIES SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

(Chairperson, Standing Committee on Legal Affairs and Human Rights)

D. COMMITTEE OF THE WHOLE

**** THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 33 OF 2014)**

(Chairperson, Standing Committee on Legal Affairs and Human Rights)

E. COMMITTEE OF THE WHOLE

****THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL (SENATE BILL NO. 40 OF 2014)**

(Chairperson, Standing Committee on National Security and Foreign Relations)

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

(Sen. Kipchumba Murkomen)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 29th March, 2016)

G. *THE ORDER OF PRECEDENCE AND TITLES BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2014)**

(The Senate Majority Leader)

(Second Reading)

H. *THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)

(Sen. Kimani Wamatangi)

(Second Reading)

I. *THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2015)

(Sen. Martha Wangari)

(Second Reading)

J. *THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2013)**

(The Senate Majority Leader)

(Second Reading)

K. 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.

L. Any Other Business

WEDNESDAY: **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions and Bills**
27/04/2016

A. 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.

(Resumption of Debate interrupted on Thursday, 21st April, 2016 – Afternoon Sitting)
(Division)

B. COMMITTEE OF THE WHOLE

*****THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2016)**

(The Senate Majority Leader)

C. COMMITTEE OF THE WHOLE

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(Sen. Halima Abdille)

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

(Sen. Kipchumba Murkomen)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 29th March, 2016)

H. 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.

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.

I. *THE ORDER OF PRECEDENCE AND TITLES BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2014)**

J. *THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)

(Sen. Kimani Wamatangi)

(Second Reading)

K. *THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2013)**

(The Senate Majority Leader)

(Second Reading)

L. *THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2015)

(Sen. Martha Wangari)

(Second Reading)

M. Any Other Business

THURSDAY: **Communication from the Chair, Messages, Petitions, Papers, Notices of Motion, Statements, Motions and Bills**
28/04/2016

A. 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.

B. 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.

C. 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 30th 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

D. 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.

E. 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.

F. 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 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.

G. 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.

H. 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.

I. 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.

J. 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 on 25th October to 1st November 2015 laid on the Table of the House on Tuesday, April 19, 2016.

K. Any Other Business

KEY

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