



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
TUESDAY, JUNE 28, 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 NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL**
(SENATE BILL NO. 6 OF 2016)
(Sen. Beatrice Elachi)
(First Reading)
9. ***THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 7 OF 2016)**
(Sen. Mutula Kilonzo Jnr.)
(First Reading)
10. **COMMITTEE OF THE WHOLE**
*****THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**
(The Senate Majority Leader)
(Subject to Constitutional timeline of 27th August, 2016)
11. **COMMITTEE OF THE WHOLE**
****THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL, 2014**
(SENATE BILL NO.3 OF 2015)
(The Chairman Standing Committee on Health)
12. **COMMITTEE OF THE WHOLE**
*** KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (NO. 2) BILL, SENATE BILL NO. 14 OF 2015**
(Sen. Christopher Obure)

...../Bill

13. **COMMITTEE OF THE WHOLE****** THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL, SENATE BILL NO. 35 OF 2014**

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

14. *****THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)**

(The Senate Majority Leader)

*(Second Reading)*15. ***THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL (SENATE BILL NO. 2 OF 2016)**

(Sen. (Prof). Wilfred Lesan)

*(Second Reading)*16. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2015)**

(Sen. (Prof.) John Lonyangapuo)

*(Second Reading)*17. ***THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**

(Sen. Martha Wangari)

*(Second Reading)*18. *****THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**

(The Senate Majority Leader)

*(Second Reading)*19. **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.

(Resumption of Debate interrupted on Thursday, 28th April, 2016)

...../Motion

20. **MOTION-**(Sen. George Khaniri)
(Ministry of Education, Science and Technology)

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

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

KEY

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

NOTICE OF AMENDMENTS

A. *THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**
 (The Senate Majority Leader)

- a) **NOTICE** is given that Sen. Lenny Kivuti, the Chairperson of the Standing Committee on Lands and Natural Resources, intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, at the Committee Stage-

NEW CLAUSE 9A

THAT the Bill be amended by inserting the following new clause immediately after clause 9 —

Procedure for approval by Parliament.

9A. (1) The process of approval of an agreement shall commence in the National Assembly.

(2) The National Assembly shall consider an agreement within thirty days of its submission to the National Assembly and shall forward its resolution to the Senate for consideration.

(3) If within thirty days of submission of an agreement to the National Assembly, the National Assembly has not forwarded its resolution on the agreement to the Senate, the Senate shall commence its consideration of the agreement and shall forward its resolution to the National Assembly.

(4) If both Houses —

(a) approve the ratification of an agreement; or

(b) do not approve the ratification of an agreement;

the Speaker of the National Assembly shall, within seven days of the decision, notify the relevant Cabinet Secretary.

SCHEDULE

That the Schedule be amended by -

(a) deleting the tenth row that provides for "Genetic material"; and

(b) deleting the eleventh row that provides for "Genetic Resources".

- b) **NOTICE** is given that Sen. Mutula Kilinzo Junior, intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, at the Committee Stage-

SCHEDULE

- a) Deleting the tenth row that provides for "Genetic material"; and
- b) Deleting the eleventh row that provides for "Genetic resources".

B. **THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL, 2014
(SENATE BILL NO.3 OF 2015)

(The Chairperson, Standing Committee on Health)

NOTICE is given that Sen. (Dr.) Mohamed Kuti, Chairperson to the Standing Committee on Health, intends to move the following amendments to the Cancer Prevention and Control (Amendment) Bill, 2015 at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed new section 12(B) by—

- (a) deleting subsection (1) and substituting therefor the following new subsection—

(1) The persons appointed under section 12A(2)(a) and (d) shall be competitively recruited by the county public service board and appointed by the county governor by notice in the *county gazette* for a term of three years, renewable for one further term of three years.

- (b) inserting the following new subsections immediately after the proposed new subsection (1)—

(1A) A person qualifies for appointment under section 12A(2)(a) if such person is a trained health professional with knowledge and at least five years experience in matters relating to cancer prevention and control.

(1B) A person qualifies for appointment under section 12A(2)(c) and (d) if such person holds a certificate of secondary education and has knowledge and at least one year experience in matters relating to cancer prevention and control.

**C. * KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (NO. 2) BILL,
SENATE BILL NO. 14 OF 2015**

(Sen. Christopher Obure)

NOTICE is given that Senator Christopher Obure, intends to move the following amendments to the Kenya National Examinations Council (Amendment) Bill, 2015, at the Committee Stage-

Clause 3

THAT clause 3 of the Bill be amended by inserting the following new definition immediately before the definition of the term "Technical and Vocational Education and Training Authority"-

No. 14 of 2013. "County Director of Education" means a Director appointed under section 52 of the Basic Education Act.

Clause 4

THAT clause 4 of the Bill be amended

(a) in subsection 2 of the proposed new section 40A by-

(i) deleting the words "one person" appearing immediately before the words nominated jointly by the associations" and substituting therefor the words "two persons" in paragraph (b);

(ii) inserting the following new paragraph immediately after paragraph (b)-

(ba) one person having at least ten years' experience in marking examinations;

(iii) deleting paragraph (c);

(iv) deleting paragraph (d);

(b) deleting subsection (3) of the proposed new section 40A;

(c) by inserting the following new subsection immediately after subsection (5) in the proposed new section 40A-

(5A) A person shall not be eligible for appointment under section (5) if at the time of appointment the person is an employee of the Council or was the employee of the council five years before the date of appointment.

(d) in the proposed new section 40I-

- (i) by inserting the following new subsections immediately after subsection (1)-

(1A) Notwithstanding the provisions of subsection (1), an application made under subsection (1) may be made to the Tribunal through the County Director of Education in the county in which the applicant is resident.

(1B) The County Director shall transmit the Tribunal applications received pursuant to subsection (1A) within five days of receipt.

- (e) by deleting the proposed new section 40O and substituting therefor the following new section-

Rules and 40O. (1) The Tribunal shall make rules, procedures within ninety days of the coming into effect of the of this Act, for regulating the practice and Tribunal. procedure for the Tribunal.

(2) Notwithstanding the provisions of subsection (1), the Rules regulating the practice and procedure of the Tribunal shall not provide for the payment of any fees by any of the parties to an appeal under this Part.

D. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL, SENATE BILL NO. 35 OF 2014

(The Chairperson, committee on Legal Affairs and Human Rights)

NOTICE is given that Sen. Amos Wako, the Chairperson to the Committee on Legal Affairs and Human Rights, intends to move the following amendments to the Petition to County Assemblies (Procedure) Bill, 2014, at the Committee Stage-

CLAUSE 5

THAT clause 5 of the Bill be amended in sub-clause (3) by deleting the words "facilitate public participation" appearing immediately after the words "the county assembly shall" and substituting therefor the words "conduct public hearings".

APPENDIX

1. PAPERS

- a) The Report of the Parliamentary Sports Team to the East African Community (EAC) Inter-Parliamentary Games held in Kigali-Rwanda on 4th to 11th December 2015;

(Sen. Isaac Melly)

- b) Annual Report and Financial Statements of the Kenya National Commission on Human Rights for the year 2014/2015.

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

2. STATEMENTS

i) To be requested

- a) A Nominated Senator (Sen. Beatrice Elachi) to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding delayed promotion of Administration Police officers.
- b) The Senator for Kirinyaga County (Sen. Daniel Karaba) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding Wanguru Airstrip in Mwea.

ii) To be issued

- a) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on Makutano-Ngurubani-Kimbimbi-Samson corner road (Sen. Daniel Karaba);
- b) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on renovation of the Sagana-Kagio-Kutus road (Sen. Daniel Karaba);
- c) The Chairperson, Standing Committee on Energy to issue a statement on the last mile electricity connectivity project (Sen. (Prof) John Lonyangapuo);
- d) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on the equalization fund (Sen. (Prof) John Lonyangapuo);
- e) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement regarding harassment of *bodaboda* operators by police in Kakamega County (Sen. Boni Khalwale).
