



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, MARCH 30, 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 BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**
(The Senate Majority Leader)
(First Reading)
9. *****THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)**
(The Senate Majority Leader)
(First Reading)
10. **MOTION** – (Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the Mining Bill (National Assembly Bill No. 9 of 2014) laid on the Table of the House on Tuesday, 15th March, 2016.

(Resumption of Debate interrupted on Tuesday, 29th March, 2016)
(Division)
11. *****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, 23rd March, 2016)
(Division)

12. **MOTION** – (The Senate Majority Leader)

THAT, pursuant to Standing Order Nos. 177(3) & 179(1), the Senate approves the following Senators nominated by the Rules and Business Committee, to be members of the following committees:-

- i) **Standing Committee on Land and Natural Resources-**
Sen. George Khaniri
- ii) **Standing Committee on Roads and Transportation-**
Sen. Aaron Kipkirui Cheruiyot to replace former Sen. Charles Keter
- iii) **Standing Committee on Information and Technology-**
Sen. Aaron Kipkirui Cheruiyot to replace Sen. (Prof.) Wilfred Lesan
- iv) **Standing Committee on Finance, Commerce and Budget-**
Sen. Aaron Kipkirui Cheruiyot to replace Sen. James Mungai
- v) **Joint Committee on Parliamentary Broadcasting and Library**
Sen. George Khaniri
- vi) **Joint Committee on National Cohesion and Equal Opportunity**
Sen. James Mungai Kiarie to replace Sen. Stephen Sang’.

13. **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)

14. **COMMITTEE OF THE WHOLE**

- **THE COUNTY ASSEMBLIES SERVICES BILL (SENATE BILL NO. 27 OF 2014)**
(Chairperson, Standing Committee on Legal Affairs and Human Rights)

15. **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)

16. **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)

17. **COMMITTEE OF THE WHOLE**

- **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 35 OF 2014)**
(Chairperson, Standing Committee on Legal Affairs and Human Rights)

...../Bill

18. COMMITTEE OF THE WHOLE***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)**

(Sen. Hassan Omar)

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

(Sen. Kipchumba Murkomen)

*(Second Reading)****(Resumption of Debate interrupted on Tuesday, 29th March, 2016)***20. 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.*

...../Motion

- (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.

21. *****THE ORDER OF PRECEDENCE AND TITLES BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2014)**
(The Senate Majority Leader)
(Second Reading)
22. ***THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**
(Sen. Kimani Wamatangi)
(Second Reading)
23. ***THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2015)**
(Sen. Martha Wangari)
(Second Reading)

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

(The Senate Majority Leader)

(Second Reading)

25. **MOTION** - (The Senate Majority Leader)

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 12th April, 2016.

NOTICE

The Senate resolved on 10th February, 2016 as follows:-

THAT, notwithstanding the provisions of Standing Order 100 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

**** - Denotes a Majority /Minority Party Bill

*** - Denotes a National Assembly Bill

** - Denotes a Committee Bill

* - Denotes any other Bill

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

(Sen. Halima Abdille)

NOTICE is given that Senator Daniel Karaba, Chairperson to the Senate Standing Committee on Education, intends to move the following amendments to the Universities (Amendment) Bill, 2014, at the Committee Stage-

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 3-

Amendment
of section 14
of No. 42 of
2012.

3A. Section 14 of the principal Act is amended by inserting the following new sub-section immediately after subsection (3)-

(4) The Commission shall not issue to an applicant a letter of interim authority where that applicant is a public mid-level learning institution.

Amendment
of section 19
of No. 42 of
2012.

3B. Section 19 of the principal Act is amended-

(a) in subsection (1) by deleting paragraph (c) and substituting therefore the following new paragraph-

(c) reject the application if satisfied that the applicant-

(i) is a public mid-level learning institution; or

(ii) does not meet the requirements for the establishment of a university.

(b) by inserting the following new sub-section immediately after sub-section (3)-

(4) The President shall not grant a Charter where such a grant would result in the conversion of a public mid-level institution to a university.

Repeal of
section 25
of No. 42
of 2012.

3C. The principal Act is amended by deleting section 25.

NEW CLAUSE 1A

THAT the Bill be amended by inserting the following new clause immediately after clause 1-

1A. The Universities Act, in this Act referred to as "the principal Act" is amended in section 2 by inserting the following new definition immediately after the definition of the word "institution"-

"mid-level institution" means a post-secondary school learning institution that offers a certification below that of a degree;

NEW CLAUSE 4 A

THAT the Bill be amended by inserting the following new clause immediately after clause 4-

Amendment of
section 36 of No.
42 of 2012.

4 A Section 36 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection-

...../Amendments

(2) A person shall be qualified for appointment as the chairperson of the council under subsection (1)(a) or as a member of the council under subsection (1)(d) if the person —

(a) holds a masters degree from a university recognized in Kenya;

(b) has—

(i) in the case of the chairperson of the council, ten years experience; and

(ii) in the case of a member of the council, five years experience;

in leadership, management or academia at a senior level; and

(c) is of high moral character and integrity and meets the requirements of Chapter Six of the Constitution and is capable of contributing to university education.

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

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

NOTICE is given that Sen. Amos Wako, the Chairperson to the Standing Committee on Legal Affairs and Human Rights, intends to move the following amendments to the County Assembly Services Bill, 2014, at the Committee Stage-

CLAUSE 8

THAT clause 8 of the Bill be amended by-

(a) deleting sub-clause (a);

(b) deleting sub-clause (c) and substituting therefor the following new sub-clause-

(c) community and cultural diversity of the county.

CLAUSE 9

THAT clause 9 of the Bill be amended in the introductory phrase by inserting the words "under section 12(3)(d) of the County Governments Act" immediately after the words "member of the Board".

CLAUSE 10

THAT clause 10 the Bill be amended by deleting the words "A appointed" appearing at the beginning of the clause and substituting therefor the words "A person".

CLAUSE 12

THAT clause 12 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (a)-
 (aa) sue and be sued;

CLAUSE 16

THAT clause 16 of the Bill be amended at subsection (2) by inserting the words "and the Board" immediately after the words "chairperson of the Board".

CLAUSE 30

THAT clause 30 of the Bill be deleted.

CLAUSE 43

THAT clause 43 of the Bill be deleted.

CLAUSE 46

THAT clause 46 of the Bill be amended at subsection (3) by deleting the words "Cabinet Secretary" appearing immediately after the words "the authority of the" and substituting therefor the word "Board".

NEW CLAUSE 14 A

THAT the Bill be amended by inserting the following new clauses immediately after clause 14-

Allowances for
the members of
the Board

14A. Members of the Board shall be paid such allowances as the Salaries and Remuneration Commission may determine.

NEW CLAUSE 47 A

THAT the Bill be amended by inserting the following new clauses immediately after clause 47-

- 47 A.** Section 12 of the County Governments Act is amended by-
- Amendment of
No. 17 of 2012
- (a) deleting subsection 3 and substituting therefor the following new subsections-
 - (3) The Board consists of—
 - (a) the Speaker of the county assembly, as the chairperson;
 - (b) a vice-chairperson elected by the Board from the members appointed under paragraph (c);
 - (c) two members of the County Assembly nominated by the political parties represented in the county assembly according to their proportion of members in the county assembly; and

- (d) one man and one woman appointed by the county assembly from amongst persons who are experienced in public affairs, but are not members of the county assembly.

(b) inserting the following new sub-section immediately after subsection (3)-

(3A) The members of the Board appointed under section 12(3)(d) shall serve on a part-time basis.

(c) deleting subsection (c) of paragraph (5) and substituting therefor the following new subsection-

(c)if the person is the Speaker, when the person ceases to be such Speaker.

NEW CLAUSE

47 B

Transition and savings.

47 B. (1) Subject to subsection (2) each county assembly shall appoint the members of county assembly service board under sections 12(3)(b), (c) and (d) within thirty days after the commencement of this Act.

(2) Upon the commencement of this Act and before the first general elections held after the coming into force of this Act, a person, who immediately before the commencement of this Act served as a member of a county assembly services board appointed under section 12 (3)(d) of the County Governments Act in force before the commencement of this Act, shall continue to serve as a member of the Board, as one of the persons appointed under section 12 (3)(d).

FIRST SCHEDULE

That the First Schedule to the Bill be amended in paragraph 1 by inserting the words "under section 12(3)(d) of the County Governments Act" immediately after the words "in the membership of the Board".

SECOND SCHEDULE

That the Second Schedule to the Bill be amended -

- (a) by deleting paragraph 8; and
- (b) in paragraph 9 by deleting the expression "Subject to any regulations made under paragraph 7" appearing at the beginning of the paragraph.

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

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

NOTICE is given that Senator Stewart Madzayo, Chairperson to the Committee on Labour and Social Welfare, intends to move the following amendments to the County Hall of Fame Bill, 2014, at the Committee Stage-

NEW CLAUSE 6 A

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

Vacancy.

6A. (1) The office of a member of the Selection Committee nominated under section 6(d) shall become vacant if the member-

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent, without reasonable cause, from three consecutive meetings of the Selection Committee;
- (e) resigns in writing addressed to the Governor;
- (f) is removed from office by the Governor for -
 - (i) being unable to perform the functions of his office by reason of mental or physical infirmity; or
 - (ii) failing to declare his interest in any matter being considered or to be considered by the Selection Committee; or
- (g) dies.

(2) Before the removal of a member under subsection (1)(f), the Governor shall request the Committee to-

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

NEW CLAUSE 8 A

THAT the Bill be amended by inserting the following new clause immediately after clause 8—

...../Amendments

Conflict of
interest.

8A. (1) If any person has a personal or fiduciary interest in any matter before the Selection Committee, and is present at a meeting of the Selection Committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

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

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

NOTICE is hereby given that Sen. Fatuma Dullo intends to move the following amendment to the County Governments Disaster Management Bill, 2014, at the Committee Stage-

CLAUSE 7

THAT clause 7 be amended in sub-clause 2, by inserting the following new paragraph immediately after paragraph (h)-

(ha) set up an emergency command centre within the county;

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

(Chairperson, Standing 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. PETITION

Petition by residents of Turkana County, concerning embezzlement of funds, financial impropriety and skewed employment in Turkana County.

(Sen. John Munyes)

2. PAPER

The Business of the Senate for the coming week.

(The Senate Majority Leader)

3. NOTICE OF MOTION – (The Senate Majority Leader)

THAT, pursuant to Standing Order Nos. 177(3) & 179(1), the Senate approves the following Senators nominated by the Rules and Business Committee, to be members of the following committees:-

i) Standing Committee on Land and Natural Resources-

Sen. George Khaniri

ii) Standing Committee on Roads and Transportation-

Sen. Aaron Kipkirui Cheruiyot to replace former Sen. Charles Keter

iii) Standing Committee on Information and Technology-

Sen. Aaron Kipkirui Cheruiyot to replace Sen. (Prof.) Wilfred Lesan

iv) Standing Committee on Finance, Commerce and Budget-

Sen. Aaron Kipkirui Cheruiyot to replace Sen. James Mungai

v) Joint Committee on Parliamentary Broadcasting and Library

Sen. George Khaniri

vi) Joint Committee on National Cohesion and Equal Opportunity

Sen. James Mungai Kiarie to replace Sen. Stephen Sang'.

4. STATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on Education to issue a statement on the development and review of curricula and curriculum support materials for early childhood, pre-primary, primary and secondary education (Sen. (Dr.) Agnes Zani);
- b) 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);

- c) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on allocation of Uwezo Fund and Youth Fund to Marsabit County (Sen. Hargura Godana);
- d) The Chairperson, Standing Committee on Lands and Natural Resources to issue a statement on human-wildlife conflict around the Kigio Wildlife Conservancy in Gilgil, Nakuru County (Sen. Martha Wangari);
- e) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on the delay by the National Treasury in disbursement of funds to county governments (Sen. Christopher Obure);
- f) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on Boat accidents in Kenyan Lakes (Sen. Beatrice Elachi);
- g) The Senate Majority Leader on Business of the Senate for the coming week.
