



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
TUESDAY, JULY 05, 2016 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. **MOTION** – (The Senate Majority Leader)

THAT:

ACKNOWLEDGING that the sovereign power of the People of Kenya may be exercised directly or indirectly through their democratically elected representatives and that the People's sovereign power shall be exercised only in accordance with the Constitution;

RECOGNIZING that through pronouncements, sections of the Kenyan society have raised issues on the credibility, impartiality, integrity and independence of the Independent Electoral and Boundaries Commission, the electoral processes and the electoral law;

APPRECIATING the need to have the August 2017 general elections conducted by a body enjoying the broad confidence of most Kenyans;

NOW THEREFORE in accordance with the provisions of Article 1(1) and (2) of the Constitution of Kenya and Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the Senate **RESOLVES** that:-

1. The two Houses of Parliament establish a joint select committee consisting of fourteen (14) members, seven (7) each from the two Coalitions in Parliament.

...../Motion

2. The mandate of the said joint select committee shall be to:
 - (a) Inquire into the allegations against the Independent Electoral and Boundaries Commission (IEBC) Commissioners and the Secretariat;
 - (b) On the findings of (a) above may recommend legal mechanisms for the vacation from office of the current Commissioners of the Independent Electoral and Boundaries Commission and Secretariat in accordance with the Constitution;
 - (c) Recommend legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission and improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and
 - (d) On the basis of the findings and recommendations in (a), (b) & (c) prepare a report and a draft Bill or draft Bills.

THE SENATE FURTHER RESOLVES THAT:-

3. The joint select committee shall report to Parliament within 30 days;
4. The leaders of the two coalitions agree to issue statements separately to support the final report and Draft Bill or Bills;
5. The Majority and Minority leaders in parliament will signify the approval of the final report and draft Bill or Bills by affixing their signatures thereon prior to presentation to Parliament;
6. The joint select committee shall have two Co-chairs each appointed by the respective Coalitions;
7. The Coalitions shall provide joint rapporteurs to the Joint Select Committee, but the official record will be the parliamentary hansard;
8. The joint select committee and each coalition may engage experts, professionals and such other technical resource persons as they may deem necessary;
9. The parliamentary Clerk's office shall provide secretarial services in accordance with the Standing Orders;
10. The Committee shall receive views from experts, members of the public, the business community, civil society, religious groups, political parties, county governments and any other persons on matters relating to the Independent Electoral and Boundaries Commission and the electoral process;
11. Each member of the joint select committee shall have one vote. Decisions in the select committee shall be made by two-thirds majority vote;
12. The Committee shall formulate its own rules of procedure; and
13. The Joint Select Committee shall comprise the following members drawn from the two Coalitions in Parliament:

...../Motion

1. Sen. Kiraitu Murungi (Co-chair)
2. Sen. James Orengo (Co-chair)
3. Sen. Kipchumba Murkomen
4. Sen. Beatrice Elachi
5. Sen. Johnson Muthama
6. Sen. Mutula Kilonzo Jnr
7. Sen. (Dr.) Boni Khalwale
8. Hon. (Dr.) Naomi Shaban
9. Hon. Jimmy Angwenyi
10. Hon. Moses Kuria
11. Hon. (Eng.) Mohamud Mohamed Maalim
12. Hon. Junet Mohammed
13. Hon. Mishi Mboko
14. Hon. (Dr.) David Eseli Simiyu

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

(Sen. (Prof). Wilfred Lesan)

(Second Reading)

***(Resumption of Debate interrupted on Wednesday, 29th June, 2016)
(Division)***

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)

***(Resumption of Debate interrupted on Tuesday, 28th June, 2016)
(Division)***

(Subject to Constitutional timeline of 27th August, 2016)

11. **COMMITTEE OF THE WHOLE**

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

(The Chairman, Standing Committee on Health)

***(Resumption of Debate interrupted on Tuesday, 28th June, 2016)
(Division)***

12. **COMMITTEE OF THE WHOLE**

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

(Sen. Christopher Obure)

***(Resumption of Debate interrupted on Wednesday, 29th June, 2016)
(Division)***

13. **COMMITTEE OF THE WHOLE**

*****THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL
ASSEMBLY BILL NO. 18 OF 2014)**

(The Senate Majority Leader)

***(Resumption of Debate interrupted on Thursday, 30th June, 2016)
(Division)***

...../Bill

14. ***THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)
(The Senate Majority Leader)
(Second Reading)
15. *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2015)
(Sen. (Prof.) John Lonyangapuo)
(Second Reading)
16. ***THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)
(The Senate Majority Leader)
(Second Reading)
17. 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)

18. 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.

...../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 Kilonzo 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".
- c) **NOTICE** is given that Sen. Godana Hargura, intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, at the Committee Stage-

SCHEDULE

THAT the Schedule be amended by inserting the following new rows immediately after the eleventh row-

<i>Resource</i>	<i>Transaction requiring Parliament Ratification</i>
Solar energy	Solar power generation of more than fifty megawatts.
Wind power	Wind power generation of more than fifty megawatts.

- d) **NOTICE** is given that Sen. David Musila, 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 sixty days of its submission to the National Assembly and shall forward its resolution to the Senate for consideration.
- (3) 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.
- (4) Where either the National Assembly or the Senate votes to reject an agreement, the agreement shall be deemed to have been rejected by Parliament and the Speaker of the National Assembly shall, within seven days of the rejection, notify the relevant Cabinet Secretary.

(5) If within sixty days of submission of an agreement to the National Assembly, the National Assembly has not forwarded its resolution on the agreement to the Senate under subsection (2), the National Assembly shall be deemed to have approved the agreement and the Senate shall commence its consideration of the agreement.

(6) Where the Senate considers an agreement under subsection (5), the Speaker of the Senate shall, within seven days of the decision, notify the relevant Cabinet Secretary.

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

(The Chairperson, Standing Committee on Health)

NOTICE is given that the 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) (No.2) 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 FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**

(The Senate Majority Leader)

NOTICE is hereby given that the Chairperson of the Committee on Agriculture, Livestock and Fisheries, intends to move the following amendments to the Fisheries Management and Development Bill, (National Assembly Bill No. 18 of 2014) at the Committee Stage-

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (1) by deleting the words "and the Director of the Service" appearing immediately after the words "the Director-General" in paragraph (g).

CLAUSE 33

THAT clause 33 of the Bill be amended in subclause (2) by inserting the words "collaborate with the Director-General in the management of fisheries and shall, for this purpose" immediately after the words "each county shall".

CLAUSE 35

THAT clause 35 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph –

(b) take into account any recommendations that may be made by the Director-General with respect to the plan.

...../Notices of Amendments

CLAUSE 36

THAT clause 36 of the Bill be amended by –

- (a) deleting subclause (3);
- (b) deleting subclause (4).

CLAUSE 37

THAT clause 37 of the Bill be amended –

- (a) in subclause (1) by deleting the words “governing the administration of beach management units” appearing immediately after the words “make regulations” and substituting therefor the words “setting out standards for the management of beach management units established by the county governments”.
- (b) in subclause (2) by –
 - (i) deleting paragraph (b) and substituting therefor the following new paragraph –
 - (b) minimum standards in the general administration of the beach management units;
 - (ii) deleting paragraph (c);
 - (iii) deleting paragraph (d) and substituting therefor the following new paragraph –
 - (d) standards to be adhered to by beach management units in imposing levies and charges and the management and utilization of such funds;
 - (iv) deleting paragraph (e) and substituting therefor the following new paragraph –
 - (e) such other standards which the Cabinet Secretary may consider necessary for the effective administration and management of the beach management unit;

CLAUSE 39

THAT clause 39 of the Bill be amended –

- (a) in the introductory clause of subclause (1) by inserting the words “in consultation with the Council of Governors and” immediately after the words “the Board may”; and

- (b) in the introductory clause of subclause (2) by inserting the words "in consultation with the relevant county governments" immediately after the words "Director-General shall".

CLAUSE 84

THAT clause 84 of the Bill be amended –

- (a) in subclause (1) by –

- (i) deleting paragraph (d);
- (ii) deleting paragraph (e).

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

(1A) The respective county governments shall be responsible for issuing licences with respect to –

- (a) using any vessel for recreational fishing in the Kenya fishery waters; and
- (b) operating a fish processing establishment within the respective county.

(1B) The Cabinet Secretary shall prescribe the standards for the registration of vessels and grant, renewal and revocation of licences by a county government under subclause (1A).

(1C) Each County Government may enact county specific legislation setting out the –

- (a) criteria for the registration of a vessel and issuance of a licence to an applicant for a licence under subsection (1A);
- (b) information required to be submitted by an applicant for registration or issuance of a licence;
- (c) process of determination of an application;
- (d) conditions for the issuance or renewal of a licence under this Act;
- (e) grounds for the rejection of an application or cancellation of a licence issued under this Act;
- (f) process of application for the renewal of licences, de-registration of a vessel and revocation of a licence issued to an applicant by the county government; and

- (g) appointment of inspectors or such other authorised officers to carry out such inspections as the county executive committee member responsible for fisheries may consider necessary for the implementation of this Act.

CLAUSE 85

THAT clause 85 of the Bill be amended in subclause (1) by inserting the words "to the respective county government" immediately after the words "shall require to apply".

CLAUSE 87

THAT clause 87 of the Bill be amended in subclause (4) by inserting the words "county executive committee member responsible for fisheries in the respective county in consultation with" immediately after the words "effect unless the".

CLAUSE 104

THAT clause 104 of the Bill be amended in subclause (2) by deleting the words "Cabinet Secretary" appearing immediately after the word "The" and substituting therefor the words "county executive committee member".

CLAUSE 112

THAT clause 112 of the Bill be amended –

(a) in subclause (1) by –

(i) inserting the words "respective county executive committee member responsible for fisheries may, in consultation with" immediately after the words "quantity as the" in paragraph (a);

(ii) deleting the words "Director-General" appearing immediately after the words "notified to the" in paragraph (c) and substituting therefor the words "respective county executive committee member responsible for fisheries"

(b) in subclause (2) by deleting the word "authorized officer or inspector" appearing immediately after the words "request of an" and substituting therefor the words "officer or inspector authorized to carry out an inspection by the county executive committee member responsible for fisheries".

CLAUSE 114

THAT clause 114 of the Bill be amended in –

(a) subclause (1) by inserting the words "or the county executive committee member responsible for fisheries, as the case may be" immediately after the words "the Director-General";

- (b) subclause (4) by inserting the words "or the county executive committee member responsible for fisheries, as the case may be" immediately after the words "the Director-General";

CLAUSE 200

THAT clause 200 of the Bill be amended by deleting paragraph (f).

CLAUSE 201

THAT clause 201 of the Bill be amended –

- (a) by inserting the following new paragraph immediately after paragraph (e) –
 - (ea) one person, who has knowledge and experience in matters relating to fisheries, nominated by the Council of Governors;
- (b) in paragraph (h) by –
 - (i) deleting the word "five" appearing at the beginning of the introductory clause and substituting therefor the word "four";
 - (ii) deleting the word "three" appearing at the beginning of subparagraph (ii) and substituting therefor the word "two".

APPENDIX

STATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on the manufacture and consumption of second generation alcohol in the country (Sen. George Khaniri);
- b) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on harassment of *bodaboda* operators by police in Kakamega County (Sen. (Dr.) Boni Khalwale);
- c) The Chairperson, Standing Committee on Lands and Natural Resources to issue a statement on compensation of land owners along the standard gauge railway line (Sen. Kioko Mike Sonko).
