



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
THURSDAY, MAY 05, 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 (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. *****THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2016)**
(The Senate Majority Leader)
(First Reading)

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

THAT, pursuant to the provisions of Standing Order 28 (4), the Senate resolves to alter its Calendar in respect of the First Part of the Fourth Session for the recess scheduled to commence on 6th May, 2016 to end on 30th May, 2016 instead of 16th May, 2016.

10. ****THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 3 OF 2016)**
(Chairperson, Standing Committee on Finance, Commerce and Budget)
(Second Reading)
(Resumption of Debate interrupted on Wednesday, 4th May, 2016)
(Division)

11. *****THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2013)**
(The Senate Majority Leader)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 3rd May, 2016)
(Division)

...../Motion

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

(Sen. Halima Abdille)

*(Resumption of Debate interrupted on Tuesday, 3rd May, 2016)
(Division)*13. 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)

*(Resumption of Debate interrupted on Wednesday, 4th May, 2016)
(Division)*14. COMMITTEE OF THE WHOLE**** THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF
2014)**

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

*(Resumption of Debate interrupted on Wednesday, 4th May, 2016)
(Division)*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)

*(Resumption of Debate interrupted on Wednesday, 4th May, 2016)
(Division)*16. 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)*17. 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.

...../Motion

18. **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.

19. **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.

20. **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;

...../Motion

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.

21. **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.

22. **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.

23. **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.

24. **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.

25. *****THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

(The Senate Majority Leader)

(Second Reading)

26. *****THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)**

(Senate Majority Leader)

(Second Reading)

27. *****THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**

(The Senate Majority Leader)

(Second Reading)

28. *****THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)**

(The Senate Majority Leader)

(Second Reading)

...../Motion

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

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 31st May, 2016.

NOTICES

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

- a) **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.

- b) **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.

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 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 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;

C. **THE COUNTY ASSEMBLY 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 of 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 clause 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-

Amendment of
No. 17 of 2012

47 A. Section 12 of the County Governments Act is amended by-
(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.

D. ** 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 6—

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.

...../Amendments

NEW CLAUSE 8 A

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

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.

APPENDIX**1. PAPER**

The Business of the Senate for the coming week.

(The Senate Majority Leader)

2. NOTICE OF MOTION - (The Senate Majority Leader)

THAT, pursuant to the provisions of Standing Order 28 (4), the Senate resolves to alter its Calendar in respect of the First Part of the Fourth Session for the recess scheduled to commence on 6th May, 2016 to end on 30th May, 2016 instead of 16th May, 2016.

3. STATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on Kenya's participation in and commitment to the Open Government Partnership (Sen. (Dr.) Agnes Zani);
- b) The Chairperson, Standing Committee on Health to issue a statement on the death of a newborn baby girl, Stella Adhiambo Owino at Nakuru Level Five Hospital (Sen. Liza Chelule);
- c) The Chairperson, Standing Committee on Education to issue a statement on disbursement of Free Primary and Secondary Education Funds to learners with disability (Sen. Godliver Omondi);
- d) The Chairperson, Standing Committee on Education to issue a statement on sign language interpretation during release of national examination results (Sen. Godliver Omondi);
- e) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on the presence of Kenya's Military in Somalia (Sen. (Dr.) Boni Khalwale).
- f) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement regarding the conduct of China Jiangxy International Kenya Ltd. contracted to construct the Muruny-Soyoi Dam in West Pokot County (Sen. (Prof.) John Lonyangapuo);
- g) The Chairperson, Standing Committee on Energy to issue a statement regarding provision of affordable and reliable power supply (Sen. Christopher Obure);
- h) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on regarding invasion of Bomet Police Station (Sen. (Prof.) Wilfred Lesan);
- i) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement regarding the just concluded police recruitment exercises (Sen. Ben Njoroge);
- j) The Senate Majority Leader on Business of the Senate for the coming week.
