



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, JULY 06, 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 IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF 2016)**
(Sen. (Eng.) Muriuki Karue)
(First Reading)
9. ***THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2016)**
(Sen. Fatuma Dullo)
(First Reading)
10. ***THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)**
(Sen. Paul Kimani Wamatangi)
(First Reading)
11. **MOTION** - (The Senate Majority Leader)

THAT, pursuant to Standing Order Nos. 176A, 177 and 179, the Senate approves the following Senators nominated by the Senate Business Committee to serve in the Procedure and Rules Committee-

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|-------------------------------|--|
| 1. Sen. David Ekwee Ethuro | - Speaker of the Senate –
Chairperson |
| 2. Sen. Kembi - Gitura | - Deputy Speaker |
| 3. Sen. Elizabeth Ongoro | - Member, Chairperson's Panel |
| 4. Sen. Peter Mositet | - Member, Chairperson's Panel |
| 5. Sen. (Dr.) Wilfred Machage | - Member, Chairperson's Panel |
| 6. Sen. Stephen Sang' | - Member, Chairperson's Panel |
| 7. Sen. Martha Wangari | |
| 8. Sen. Naisula Lesuuda | |
| 9. Sen. Judith Sijeny | |

...../Bill

12. ***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)
13. **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)
14. **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)
15. **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)
16. **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)
17. *****THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**
(The Senate Majority Leader)
(Second Reading)
18. *****THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)**
(The Senate Majority Leader)
(Second Reading)
19. ***THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL, (SENATE BILL NO. 12 OF 2015)**
(Sen. Paul Kimani Wamatangi)
(Second Reading)

20. ***THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 21 OF 2015)**

(Sen. (Prof.) John Lonyangapuo)

(Second Reading)

21. **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)

22. **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

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

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**1. PETITION**

Petition by members of the Kirinyaga 'Mihiriga Kenda' (Nine Clans) to revert the area known as 'Mwea Trust Lands' to Kirinyaga County from Embu County (Sen. Daniel Karaba).

2. PAPERS

a) The Business of the Senate for the coming week.

(The Senate Majority Leader)

b) 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)

3. STATEMENTS**(I) To be requested**

The nominated Senator (Sen. Janet Ong'era) to seek a statement from the Chairperson of the Standing Committee on Education regarding the recent burning of secondary schools in Kisii County.

(II) 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);
 - d) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on the construction of the Kirinyaga Sewerage Plant (Sen. Daniel Karaba);
 - e) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on the Makutano-Ngurubani- Kimbimbi- Samson corner road (Sen. Daniel Karaba);
 - f) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on the harassment of *bodaboda* operators in Nairobi County (Sen. Beatrice Elachi);
 - g) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on street families and urchins in Kenya (Sen. Sammy Leshore);
 - h) The Senate Majority Leader on Business of the Senate for the coming week.
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