



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 25, 2020 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Deputy Speaker.

3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair: -

(i) Visiting Delegation from Momentum Vision from, Sweden

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of Ms. Celestine Davidsson and Mr. Djengo Esmer both from Momentum Vision – Sweden.

Momentum Vision creates sustainable and collaborative environment for European organizations in Africa.

On behalf of the Senate and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you”.

(ii) Youth Forum Members from Ruaraka, Nairobi County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of Youth Forum Members from Ruaraka, Nairobi County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit

I thank you.”

(iii) Visiting students and teachers from Loreto Girls School, Limuru, Kiambu County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Loreto Girls School - Limuru, Kiambu County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and, on behalf of the Senate and on my own behalf, wish them a fruitful visit

I thank you.”

4. PETITION

Pursuant to Standing Order 226(1) (a) and 230(2) (b), the Deputy Speaker reported to the Senate a Petition by one Mr. Julius Masiva Obuga proposing an amendment to the Constitution to delete the cockerel holding an axe both in the Coat of Arms and the Public Seal of the Republic of Kenya.

Pursuant to Standing Order 231, the Deputy Speaker invited Senators to comment on the Petition and subsequently, committed it to the Standing Committee on Justice, Legal Affairs and Human Rights, pursuant to Standing Order 232(1).

5. STATEMENTS**(i) Pursuant to Standing Order 47(1)**

The Senator for Vihiga County County (Sen. George Khaniri, MP) made a statement on an issue of county-wide concern, concerning the growing cases of insecurity and murder in Vihiga County.

The Senator informed the House that Mr. Charles Ombima lost his son, Nelson Kehenji and the daughter in law, Ms. Sheillah Makungu, on the night of Monday, 17th February 2020 in Itenji Village, Central Maragoli ward in Vihiga County. The two were brutally murdered in their house at night. Additioanlly, on the night of Thursday, 20th February 2020, Mr. Kennedy Ambani, his wife Elizabeth Achieng and son Gifton Ambani from Busamu Village, Lugaga Wamuluma Ward, were attacked and killed in their home. One of the children, Ms. Ann Ambani who was critically injured in the incident and admitted at Kakamega Referral Hospital ICU, passed away on the morning of Monday 24th February 2020.

The Senator noted that this was the second time he was issuing a Statement to protest against the issue of insecurity in Vihiga County in less than one year. He indicated that the first incident was on Wednesday, 13th March 2019, when he made a Statement on the alleged execution of five watchmen in Kilingili Market in Vihiga County that had occurred on the night of Saturday, 2nd March 2019.

The Senator, indicated that there were four main expectations that the people of Vihiga County had from the National Government; one, concrete answers as to why the police in the county take so long to respond to alarm raised by distressed residents; two, the status of investigation on these two main recent incidents; three, an assurance that the perpetrators of these heinous acts would be brought to book and; four, that security in Vihiga County is restored.

Pursuant to Standing Order 47(3), the Deputy Speaker referred the matter to the Standing Committee on National Security, Defence and Foreign Relations for consideration.

(ii) Pursuant to Standing Order 48(1)

- a) Nominated Senator (Sen. Abshiro Halake, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning an outbreak of foot and mouth disease (FMD) in various counties in the Country.
- b) The Senator for Makueni County (Sen. Mutula Kilonzo Junior, MP) sought a from the Standing Committee on Health concerning the scale-up of Universal Health Coverage (UHC) to the forty-seven county governments.

(iii) Pursuant to Standing Order 51(1)(a)

The Chairperson, Standing Committee on Devolution and Intergovernmental Relations issued a statement on the status of a resolution recommending the conferment of City status to Nakuru Municipality.

In his statement, the Chairperson informed the House that by a letter dated 7th November, 2019 and received in the Senate on 11th November, 2019, the Clerk of the County Assembly of Nakuru conveyed to the Clerk of the Senate the Resolution of the County Assembly to adopt the Report of the *Adhoc* Committee recommending the conferment of city status to Nakuru Municipality. Further, at the Sitting of the Senate held on 21st November, 2019, the Speaker of the Senate issued a Communication on the same and referred the matter to the Standing Committee on Devolution and Intergovernmental Relations for consideration. The Committee was required to consider the matter and report back to the House by 25th February, 2020.

The Chairperson informed the House that the Committee met on 4th December, 2019 before the long recess and on 18th February, 2020 to consider the application for conferment of city status to Nakuru Municipality as submitted by the County Assembly. The Committee met the Governor of Nakuru County on 20th February, 2020 on the same matter and raised pertinent issues that arose from the report of the *Ad hoc* Committee.

He further informed the House that the Committee intends to meet with officials from State Department of Planning at the National Treasury, and get a report from the Parliamentary Budget Office on the capacity of Nakuru Municipality to generate sufficient revenue to sustain its operations. The Committee also intends to meet the citizens of Nakuru County by conducting a public participation event in Nakuru County.

The Chairperson requested leave of the House for an extension by 45 days to enable the Committee to conclude its inquiry into the matter.

6. **COMMUNICATION FROM THE CHAIR REGARDING THE SENATE'S CONSIDERATION OF THE RESOLUTION RECOMMENDING THE CONFERMENT OF CITY STATUS TO NAKURU MUNICIPALITY.**

The Deputy Speaker issued the following Communication: -

“Honourable Senators,

On 21st November, 2019, I conveyed to the Senate, a resolution of the Nakuru County Assembly on an application by the Nakuru County Executive, for conferment of city status to Nakuru Municipality. The resolution of the County Assembly was referred to the Senate for consideration pursuant to Section 8 (5) of the Urban Areas and Cities Act.

To enable the Senate process this matter efficiently and effectively, I directed that the resolution of the Nakuru County Assembly be committed to the Standing Committee on Devolution and Intergovernmental Relations to undertake an inquiry into the matter and present a report to the Senate on or before 25th February, 2020.

Honourable Senators,

Following the Statement by the Chairperson of the Standing Committee on Devolution and Intergovernmental Relations, it is clear now, that the Standing Committee requires more time to complete this exercise.

While the Urban Areas and Cities Act does not prescribe a specific timeframe within which the Senate is required to make a determination on this application, we must however be alive to the Values and Principles of Public Service where State organs are required to be responsive, prompt, impartial and effective in service delivery to the public.

It is for this reason that I now direct the Standing Committee on Devolution and Intergovernmental Relations to expeditiously conclude its inquiry into this important matter and present a report to the Senate on or before Thursday, 26th March, 2020 without fail.

I thank you.”

7. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Dr.) Lelegwe Ltumbesi, MP) – in the Chair)

Consideration of National Assembly Amendments to the Office of the County Attorney Bill (Senate Bills No. 3 of 2018)

National Assembly amendment to Clause 2.

THAT Clause 2 of the Bill is amended by deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition- “Attorney-General” means the Attorney-General appointed under Article 156 of the Constitution;

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 2 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 2 - vote deferred

National Assembly amendment to Clause 5.

THAT Clause 5 of the Bill is amended in sub-clause (2) by deleting paragraph (b).

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 5 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 5 - vote deferred

National Assembly amendment to Clause 6.

THAT Clause 6 of the Bill is amended-

- (a) by renumbering the existing provision as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after the renumbered sub-clause (1)-
 - (2) The County Attorney shall have the status and rank of a member of the county executive committee.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 6 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 6 - vote deferred

National Assembly amendment to Clause 20.

THAT Clause 20 of the Bill is amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Attorney-General may, from time to time by notice in the *Gazette*, amend the Second Schedule.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 20 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 20 - vote deferred

National Assembly amendment to Clause 29.

THAT Clause 29 of the Bill is amended by deleting the expression “Cabinet Secretary” and substituting therefor the expression “Attorney-General”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 20 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 29 - vote deferred

Progress report;

Motion made:

THAT, the Committee of the Whole do report progress on its consideration of the National Assembly amendments to the Office of the County Attorney Bill (Senate Bills No. 3 of 2018) and seek leave to sit again tomorrow.

(The Senate Majority Leader)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) ruled that the Question did not affect counties;

Question put and agreed to.

8. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) in the Chair
9. **THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

Progress Reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) ruled that the Question did not affect counties;

Question put and agreed to.

10. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees Sen. (Dr.) Lelegwe Ltumbesi, MP – in the Chair)

Consideration of National Assembly Amendments to the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018)

National Assembly amendment to Clause 5.

THAT, Clause 5 of the Bill be amended-

- (a) by deleting sub-clause (3) and substituting therefor the following new sub-clause-

- (3) The relevant county assembly committee may, when considering the petition-

- (a) invite the petitioner to clarify or submit such further information as the committee may consider necessary, and;
 - (b) make a site visit if it is deemed necessary to do so.

(b) by deleting sub-clause (4) and substituting therefore the following new sub-clause-

(4) The relevant county assembly committee shall respond to the petitioner by way of a report addressed to the petitioner and tabled in the county assembly and no debate on or in relation to the report shall be allowed except on the recommendation of the chairperson of the committee and with the approval of the speaker.

(c) in sub-clause (5) by inserting the words “relevant committee or the” immediately after the words “decision of the” when they first appear.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 5 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 5 - vote deferred

Progress report;

Motion made:

THAT, the Committee of the Whole do report progress on its consideration of the National Assembly amendments to the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) and seek leave to sit again tomorrow.

(The Senate Majority Leader)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) ruled that the Question did not affect counties;

Question put and agreed to.

11. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) in the Chair
12. **PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**

Progress Reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) ruled that the Question did not affect counties;

Question put and agreed to.

13. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees Sen. (Dr.) Lelegwe Ltumbesi, MP – in the Chair)

Consideration of National Assembly Amendments to the Early Childhood Education Bill (Senate Bills No. 26 of 2018)

National Assembly amendment to Clause 2.

THAT, clause 2 of the Bill be amended by —

- (a) in the definition of the term “Education Appeals Tribunal” by deleting the expression “section 92 and substituting therefor the expression “section 93”;
- (b) deleting the definition of the term “pupil”; and
- (c) inserting the following new definition in their proper alphabetical sequence—

“children with special needs” means children in need of special needs education;

“learner” has the meaning assigned to it in the Teachers Service Commission Act;

“special needs education” has the meaning assigned to it in the Basic Education Act;

“village administrator” means the office of a village administrator established in section 52 of the County Governments Act.”

Motion made and Question proposed;

That the National Assembly amendment to Clause 2 be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 2 - vote deferred

National Assembly amendment to Clause 8.

THAT, clause 8 of the Bill be deleted and substituted with the following new clause—

Duty of head teacher. 8. (1) Where a learner admitted in an education centre fails to attend the education centre, the head teacher shall, in collaboration with the village administrator, cause an investigation of the circumstances of the learner’s absence from school.

(2) Where the head teacher finds that there are no reasonable grounds for the learner’s failure to attend school, the head teacher shall—

(a) issue a written notice to the parent of the learner requiring that parent to comply with the provisions of this Act; and

(b) submit a report on the learner to the County Education

(c) Board.

(3) A parent who without reasonable cause and after a written notice from the head teacher, fails to comply with a notice under subsection (2) commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year, or to both.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 8 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 8- vote deferred

National Assembly amendment to Clause 9.

THAT, clause 9 of the Bill be deleted and substituted with the following new clause—

Children with special needs. 9. (1) The county executive committee member shall put in place such infrastructure as may be necessary to ensure that children with special needs have access to, and are provided

with early childhood education.

(2) In performing the functions under subsection (1), the county executive committee member shall-

- (a) ensure that screening tools for early identification of children with special needs and disabilities are developed and distributed for use;
- (b) ensure early identification, assessment and interventions of children with special needs and disabilities;
- (c) ensure training of personnel working with children with special needs and disabilities on use of screening tools for early interventions;
- (d) facilitate development of programmes for training and professional development for all pre-primary education providers and personnel in special needs education;
- (e) ensure that children with special needs and disabilities have equal access to recreational sporting facilities within and outside pre-primary school programmes to nurture talents;
- (f) ensure that teachers and other staff in integrated pre-primary schools plan and implement an integrated individualized education programme for the purpose of monitoring the progress of an individual child with special needs and disabilities;
- (g) liaise with other professionals and stakeholders to provide psychosocial support to children with special needs and disabilities;
- (h) facilitate provision of teacher aids to pre-primary schools to support teachers handling children with special needs and disabilities; and
- (i) ensure that children with special needs and disabilities are provided with any other necessary support.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 9 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 9 - vote deferred

National Assembly amendment to Clause 15.

THAT, clause 15 of the Bill be amended—
(a) in sub-clause (1), by deleting the expression “or is likely to meet”; and
(b) in sub-clause (3), by deleting paragraph (b).

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 15 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 15 - vote deferred

National Assembly amendment to Clause 16.

THAT, clause 16 of the Bill be deleted and substituted with the following new clause—

Review of 16. (1) As soon as practicable after provisionally registering an education centre under section 15, the County Education Board shall inform the County Executive Committee member of the provisional registration.

(2) The County Executive Committee member shall cause the county early childhood quality assurance committee to review any education centre that is provisionally registered under section 15 either—

(a) between six and twelve months after the provisional registration of the education centre or proposed education centre; or

(b) a period earlier than that specified in paragraph (a) if in the opinion of the County Executive Committee member, a shorter time is necessary.

(3) The County Executive Committee member shall cause a further review of an education centre to be conducted upon the

request of the County Education Board.

(4) The County Executive Committee member shall submit the findings of a review under this section to the County Education Board and to the head teacher of the education centre for implementation.

(5) The findings submitted under subsection (4) shall include—

- (a) information on whether the education centre meets the criteria for registration as an education centre; and
- (b) information on the areas where improvement is required, if it does not meet the criteria.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 16 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 16 - vote deferred

National Assembly amendment to Clause 20.

THAT, clause 20 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The board of management shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless it has applied to, and obtained the approval, of the County Education Board.”

(b) in sub-clause (3) by deleting the words “head teacher” and substituting therefor the expression “board of management”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 20 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 20 - vote deferred

National Assembly amendment to Clause 23.

THAT, clause 23 of the Bill be amended—

(a) in sub-clause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) the head teacher of the education centre has breached or is breaching his or her statutory duties in relation to the education centre under this Act or any other written law;”

(b) in sub-clause (2) by deleting the word “pupil” appearing in paragraph (b) and substituting therefor the word “learner”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 23 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 23 - vote deferred

National Assembly amendment to Clause 24.

THAT, clause 24 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “pupils” appearing in the opening sentence and substituting therefor the word “learners”; and

(b) in sub-clause (3) by deleting the word “pupils” appearing in paragraph (a) and substituting therefor the word “learners”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 24 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 24 - vote deferred

National Assembly amendment to Clause 25.

THAT, clause 25 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “are” appearing in paragraph (b) after the word “centre” and substituting therefor the word “is”;

(b) in sub-clause (2)—

(i) by deleting the words “head teacher” appearing in paragraph (b) and substituting therefor the expression “board of management”; and

(ii) by deleting the words “head teacher” appearing in paragraph (c) and substituting therefor the expression “board of management”;

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 25 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 25 - vote deferred

National Assembly amendment to Clause 27.

THAT, clause 27 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A public education centre shall not be converted to a private education centre or to any other private status without consultation with the County Education Board and approval by the County Executive Committee member.”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 27 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 27 - vote deferred

National Assembly amendment to Clause 28.

THAT, clause 28 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) Notwithstanding the generality of subsection (2), the role of the sponsor under subsection (1) shall be to—

(a) participate and make proposals for the review of syllabus, curriculum, books and other teaching aids; and

(b) offer financial, infrastructural and spiritual support to the education centre.”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 28 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 28 - vote deferred

National Assembly amendment to Clause 29.

THAT, clause 29 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) In the performance of its functions under subsection (2)(b) and (c), the board of management shall first seek the approval of the County Education Board.”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 29 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 29 - vote deferred

National Assembly amendment to Clause 30.

THAT, clause 30 of the Bill be amended in sub-clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) one person elected by the parents from each level within the education centre to represent parents of learners in the education centre;”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 30 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 30 - vote deferred

National Assembly amendment to Clause 33.

THAT, clause 33 of the Bill be deleted.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 33 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 33 - vote deferred

National Assembly amendment to Clause 35.

THAT, clause 35 of the Bill be amended by deleting the word “pupil” wherever it appears and substituting therefor the word “learner”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 35 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 35 - vote deferred

National Assembly amendment to Clause 36.

THAT, clause 36 of the Bill be amended in sub-clause (1) by—

(a) deleting paragraph (a); and

(b) deleting paragraph (c).

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 36 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 36 - vote deferred

National Assembly amendment to Clause 37.

THAT, clause 37 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2) –

“(3) In the performance of the functions under this section, the County Education Board shall establish a County Early Childhood Education Committee, as a committee of the County Education Board, to oversee the implementation of early childhood education in each county.”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 37 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 37 - vote deferred

National Assembly amendment to Clause 41.

THAT clause 41 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3) –

“(4) A child shall not be denied admission in an early childhood education centre for lack of proof of age.”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 41 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 41 - vote deferred

National Assembly amendment to Clause 43.

THAT, clause 43 of the Bill be deleted and substituted with the following new clause—

Prohibition from 43. A learner admitted in an education centre shall not be held holding back and back in any class or expelled from the centre without the expulsion. approval of the County Education Board.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 43 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 43 - vote deferred

National Assembly amendment to Clause 44.

THAT, clause 44 of the Bill be deleted and substituted with the following new clause—

Standards of education in a private education centre. 44. A private education centre shall comply with and follow the curriculum approved by the Kenya Institute of Curriculum Development.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 44 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 44 - vote deferred

National Assembly amendment to Clause 46.

THAT, clause 46 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupil” and substituting therefor the word “learner”; and
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A head teacher or a member of the board of management of a public education centre who imposes a charge or causes any parent or guardian to pay tuition fees commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or to both.”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 46 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 46 - vote deferred

National Assembly amendment to Clause 47.

THAT, clause 47 of the Bill be amended in paragraph (c) by deleting the expression “need for the”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 47 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 47 - vote deferred

National Assembly amendment to Clause 56.

THAT, clause 56 of the Bill be amended in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph-

“(b) reject the application and give written reasons for the rejection.”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 56 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 56 - vote deferred

National Assembly amendment to Clause 63.

THAT, clause 63 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “fifteen” appearing in paragraph (a) and substituting therefor the word “ten”; and
- (ii) deleting the expression “Education Standards and Quality Assurance Council” appearing in paragraph (d) and substituting therefor the words “quality assurance body established under the Basic Education Act”;
- (iii) inserting the following new paragraph immediately after paragraph (e)–

“(f) one person representing persons with disabilities nominated by the National Council for Persons with Disabilities.”

(b) in sub-clause (5) by—

- (i) inserting the expression “make proposals for” immediately after the expression “and where appropriate” appearing in paragraph (c); and
- (ii) deleting paragraph (d).

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 63 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 63 - vote deferred

National Assembly amendment to Clause 64.

THAT, clause 64 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupils” appearing in paragraph (b) and substituting therefor the word “learners”; and
- (b) in sub-clause (4) by deleting the word “pupils” and substituting therefor the word “learners”.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 64 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 64 - vote deferred

National Assembly amendment to Clause 66.

THAT, clause 66 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) if the service provider makes an application within the required period, the centre continues to be registered under subsection (1) until that application is determined.”

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 66 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 66 - vote deferred

National Assembly amendment to Clause 68.

THAT, clause 68 of the Bill be amended in sub-clause (3)—
(a) in paragraph (c) by inserting the word “one” immediately after the expression “registration certificates of”; and

(b) by deleting paragraph (h).

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 68 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 68 - vote deferred

National Assembly amendment to Clause 69.

THAT, clause 69 of the Bill be deleted and substituted therefor the following new clause—

General penalty. 69. A person who contravenes any provision of this Act for which no penalty is specifically provided commits an offence and is

liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year, or to both.

Motion made and Question proposed;

THAT, the National Assembly amendment to Clause 69 of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

National Assembly amendment to Clause 69 - vote deferred

The Second Schedule.

THAT, the Second Schedule to the Bill be amended in paragraph 1 by—
(a) deleting the word “two” appearing in sub-paragraph (1) and substituting therefor the word “three”; and
(b) deleting the word “vice-chairman” appearing in sub-paragraph (4) and substituting therefor the word “vice-chairperson”.

Motion made and Question proposed;

THAT, the National Assembly amendment to the Second Schedule of the Bill be approved.

(The Senate Majority Leader)

Debate arising;

There being no other Senator wishing to contribute;

The Second Schedule - vote deferred

Progress report;

Motion made:

THAT, the Committee of the Whole do report progress on its consideration of the National Assembly amendments to the Early Childhood Education Bill (Senate Bills No. 26 of 2018) and seek leave to sit again tomorrow.

(Senate Majority Leader)

Before the question was put and pursuant to Standing Order 79, the Acting Chairperson (Sen. (Dr.) Lelegwe Ltumbesi, MP) ruled that the Question did not affect counties;

Question put and agreed to.

14. **HOUSE RESUMED** – The Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) in the Chair
15. **THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(The Senate Majority Leader)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 79, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) ruled that the Question did not affect counties;

Question put and agreed to.

16. **THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**

(The Senate Majority Leader)

Order for Second Reading read;

Order deferred.

17. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS INQUIRY INTO PROJECTS UNDERTAKEN BY THE KENYA MARITIME AUTHORITY, KENYA FERRY SERVICES AND THE NATIONAL SOCIAL SECURITY FUND**

Order read;

Motion made and Question proposed: -

THAT, the Senate adopts the Report of the Standing Committee on Roads and Transportation on its inquiry into projects undertaken by the Kenya Maritime Authority, Kenya Ferry Services and the National Social Security Fund, laid on the Table of the Senate on Thursday, 21st November, 2019.

(Vice Chairperson, Standing Committee on Roads and Transportation)

Debate arising;

And there being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order 79 (1), the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Report of the Standing Committee on Roads and Transportation on its inquiry into projects undertaken by the Kenya Maritime Authority, Kenya Ferry Services and the National Social Security Fund, laid on the Table of the Senate on Thursday, 21st November, 2019.

18. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ROADS AND TRANSPORTATION ON ITS VISITS TO MALABA INTERNATIONAL BORDER POINT AND THE KIBWEZI-ATHI-MUTOMO-KITUI ROAD PROJECT**
(Chairperson, Standing Committee on Roads and Transportation)

THAT, the Senate adopts the report of the Standing Committee on Roads and Transportation on the visit to the Malaba International Border Point (OSBP) and the inspection visit and familiarization of the Kibwezi-Athi-Mutomo-Kitui Road Project in Kitui County laid on the Table of the Senate on Wednesday, 4th December, 2019.

Order deferred.

19. **MOTION - ADOPTION OF THE REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE 7TH SYMPOSIUM OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION OF HONG KONG (ICAC) HELD IN HONG KONG ON 22-24, MAY 2019**

Order read;

Motion made and Question proposed: -

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 7th Symposium of the Independent Commission against Corruption of Hong Kong (ICAC) held in Hong Kong on 22-24, May 2019 and laid on the Table of the Senate on Wednesday, 19th February, 2020.

(Sen. (Dr.) Isaac Mwaura, MP)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Prof.) Margaret Kamar, MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

20. **SENATE ROSE** - at thirty minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, February 26, 2020 at 2:30 p.m.*