



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FIFTH SESSION)**

**THE SENATE**

**ORDER PAPER**

**THURSDAY, FEBRUARY 23, 2017 AT 2.30 PM**

**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 COUNTY PENSION SCHEME BILL (SENATE BILL NO. 20 OF 2016)**  
(Chairperson, Standing Committee on Labour and Social Welfare)

*(First Reading)*

9. **\*\*\*THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**  
(The Senate Majority Leader)

*(Second Reading)*

***(Resumption of Debate interrupted on Wednesday, 15<sup>th</sup> February, 2017)***

***(Division)***

10. **COMMITTEE OF THE WHOLE**

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

*(Consideration of National Assembly Amendments)*

***(Resumption of Debate interrupted on Thursday, 16<sup>th</sup> February, 2017)***

***(Division)***

11. COMMITTEE OF THE WHOLE**\*THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO.15 OF 2015)**

(Sen. Zipporah Kittony)

*(Resumption of Debate interrupted on Wednesday, 16<sup>th</sup> November, 2016)*  
*(Division)*

12. COMMITTEE OF THE WHOLE**\*THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**

(Sen. Stephen Sang)

*(Resumption of Debate interrupted on Thursday, 16<sup>th</sup> February, 2017)*  
*(Division)*

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

(Sen. Omar Hassan)

*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> November, 2016)*  
*(Division)*

14. COMMITTEE OF THE WHOLE**\*\*\*THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**

(The Senate Majority Leader)

*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> November, 2016)*

15. 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 19<sup>th</sup> January and 5<sup>th</sup> February, 2015 and laid on the Table of the House on Wednesday, 29<sup>th</sup> July, 2015.

*(Resumption of Debate interrupted on Wednesday, 22<sup>nd</sup> February, 2017)*

16. MOTION – (Chairperson, Standing Committee on National Security and Foreign Relations)

**THAT**, the Senate notes the Report of the Standing Committee on National Security and Foreign Relations on the EALA Reports and Resolutions pursuant to standing order 235 laid on the Table of the House on Tuesday, 19<sup>th</sup> April, 2016.

...../Motion

17. **MOTION** – (Sen. Godliver Omondi)  
(Department of Health)

**AWARE** that about 15% of the Kenyan population are persons living with disabilities;

**APPRECIATING** that the Government has taken several measures to avail certain privileges through the National Council for Persons with Disabilities to registered persons living with disabilities;

**NOTING** that the National Hospital Insurance Fund (NHIF) is a contributory health insurance cover and the remittance of contributions for persons living with disabilities by government for the cover, is not among the privileges extended to persons living with disabilities;

**CONCERNED** that most persons living with disabilities have difficulties engaging in gainful income generating activities that would enable them pay the contributions to NHIF, hence are without any medical cover;

**FURTHER CONCERNED** that many persons with disabilities are unable to access medical services leading to high mortality rate;

**NOW THEREFORE**, the Senate recommends to the National Government to put in place the following measures through the Ministries of Health and East African Community, Labour and Social Protection-

- i) Undertake vetting of all persons living with disabilities in Kenya to ascertain those who are unable to afford payment of contributions to the NHIF; and
- ii) Set aside a special fund for remittance of contributions to NHIF for those persons who are living with disabilities and cannot afford to pay the contributions.

18. **\*\*\*THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*

NOTICE

The Senate resolved on 15<sup>th</sup> February, 2017 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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**NOTICES OF AMENDMENTS**

**A. \*\*THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

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

Consideration of the National Assembly amendments to the County Assembly Services Bill, (Senate Bill No. 27 of 2014)-

**Clause 48**

**THAT**, Clause 48 is amended in sub – clause (2) by deleting the expression “12(3)(d)” wherever it appears and substituting therefor the expression “12(3)(b), (c) and (d).”

**B. \*\*THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)**

(Sen. (Dr.) Zipporah Kittony)

**NOTICE** is given that Senator Stewart Madzayo intends to move the following amendments to the National Cereals and Produce Board (Amendment) Bill, Senate Bill No. 15 of 2015, at the Committee Stage-

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in subclause (1) of the proposed new clause 12 C by deleting paragraph (g) (iii).

**C. \*\*THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**

(Chairperson, Sessional Committee on Delegated Legislation)

**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 Statutory Instruments Bill, 2015, at the Committee Stage-

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in sub-clause (1) by inserting the words “and shall invite members of the public to give their views on the instrument within a prescribed period and in a manner to be determined by the Committee” immediately after the words “affected by the proposed instrument”.

**CLAUSE 15-**

**THAT** the Bill be amended by deleting clause 15 and substituting therefor the following new clause-

Notice to the regulation making authority **15.** In so far as is practically possible, the committee shall in considering a statutory instrument, and before tabling its report in the county assembly, confer with the regulation-making authority which has made the statutory instrument that is before the committee for scrutiny.

**D. \*\*\*THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**  
(Senate Majority Leader)

**(i) NOTICE** is given that Sen. Daniel Karaba, the Chairperson to the Standing Committee on Education, intends to move the following amendments to the Basic Education (Amendment) Bill, 2014, at the Committee Stage-

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in the proposed new section 20-

(a) in sub-clause (1) by-

(i) deleting paragraph (a) and substituting therefor the following new paragraph-

(a) the county commissioner who shall be the chairperson of the Board;

(ii) deleting paragraph (d);

(iii) deleting paragraph (i); and

(iv) deleting paragraph (k) and substituting therefore the following new paragraph-

(k) one person jointly nominated by the Primary School Heads Teachers' Association and the Secondary School Principals' Association.

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) In appointing a person as a member of the County Education Board, the Cabinet Secretary shall-

(a) observe the principles of-

(i) gender equity;

(ii) regional, ethnic and religious balance;

(iii) transparency;

- (iv) openness;  
competitiveness; and
- (v) equal opportunities for persons with disability; and

(c) in sub-clause (4) by deleting the words “Member of Parliament” appearing at the beginning of the sub-clause and substituting therefor the words “Senator and Women Representative”.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended-

(a) in the proposed new section 25A-

- (i) in sub-clause (2) by deleting paragraph (h) and substituting therefor the following new paragraph-  
(h) one person jointly nominated by the Primary School Head Teachers’ Association and the Secondary School Principals’ Association;
- (ii) by deleting sub-clause (3) and substituting therefor the following sub-clause-  
(3) In appointing a person as a member of the Sub-County Education Board, the Cabinet Secretary shall-  
(a) observe the principles of-  
  - (i) gender equity;
  - (ii) regional, ethnic and religious balance;
  - (iii) transparency;
  - (iv) openness;
  - (v) competitiveness; and
  - (vi) equal opportunities for persons with disability; and

(b) ensure that the persons appointed under sub-section (1) meet the requirements of Chapter six of the Constitution.

(b) in the proposed new section 25B-

- (i) deleting the words “ village polytechnic” appearing immediately after the words “private youth” in paragraph (e) and substituting therefor the words “vocational centers”;
- (ii) by deleting paragraph (g) and substituting therefor the following new paragraph-  
(g) facilitate the registration of basic education institutions and for that purpose, make such recommendation to the County Education Board as it considers necessary;

**CLAUSE 6**

**THAT** clause 6 the Bill be amended in the proposed new sub-section (4) by inserting the words “in consultation with the Council of Governors” immediately after the words “Teachers Service Commission”.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended-

(a) by inserting the following new paragraph immediately after paragraph (a)-

(aa) deleting the words “at their own expenses” appearing immediately after the words “chaplains” in paragraph (c).

(b) in paragraph (c) by deleting the new proposed paragraph (f) and substituting therefor the following new paragraph-

(f) to make recommendations in consultation with the Teachers Service Commission on persons appointed or deployed as head teachers, principals and their deputies in public sponsored institutions.

**CLAUSE 13**

**THAT** the Bill be amended by deleting clause 13 and substituting therefor the following new clause-

Amendment of **13.** Section 56(1) of the Principal Act is amended-  
section 56 of  
No.14 of 2013.

(1) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) three people elected to represent parents of the pupils in the school or from the local community;

(2) by inserting the following new paragraph immediately after paragraph (f)-

(fa) one person co-opted from the Parents Teachers Association;

**NEW CLAUSE 13A**

**THAT** the Basic Education Bill, 2014 be amended by inserting the following new clause immediately after clause 13-

Amendment of section 94 of No.14 of 2013. **13A.** Section 94 of the Principal Act is amended by inserting the following new sub-section immediately after sub-section (1)



(a) inserting the following new subsection immediately after subsection (1)-

(1A) The National Council for Nomadic Education in Kenya shall be a body corporate with perpetual succession and common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of moveable and immoveable property;
- (c) entering into contract; and
- (d) undertaking or performing all other activities necessary for the proper performance of its functions under this Act that may lawfully be done or performed by a body corporate.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by deleting paragraph (b) and substituting therefor with the following new paragraph-

(b) by deleting the definition “manager” and substituting therefor the following new definition-

“manager”, means a person appointed by the proprietor with the approval of the Cabinet Secretary to coordinate and oversee the implementation of education policies and guidelines in an institution of basic education and training and may perform delegated teacher management functions.’

(ii) Notice is hereby given that Sen. Kithure Kindiki, the Senate Majority Leader, intends to move the following amendments to the Basic Education (Amendment) Bill (National Assembly Bills No. 35 of 2014), at the Committee Stage-

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in the proposed amendment to section 18(1) by inserting the words “faith based organisations” immediately after the words “civil societies” in paragraph (d).

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in the proposed new section 25B by deleting paragraph (h).

**CLAUSE 7**

**THAT** the Bill be amended by deleting clause 7 and substituting therefor the following new clause –

7. Section 27 of the principal Act is amended by –

(a) deleting paragraph (a) and substituting therefor the following new paragraph –

(a) to participate and offer proposals on matters regarding syllabus, textbooks, digital content and other instructional materials and teaching aids and other material that touches on the morals, values and norms of the society during curriculum review;

(b) deleting the words “at their own expense” immediately after “chaplains” appearing in paragraph (c);

(c) deleting paragraph (e) and substituting therefor the following new paragraph–

(e) to offer material and financial support to institutions in regards to infrastructure improvement or any other project to support academic programs;

(d) inserting the following new paragraphs immediately after paragraph (e) –

(f) to consult with the Teachers Service Commission on persons to be appointed as head teachers, principals, deputy head teachers and deputy principals in sponsored public schools;

(g) to make proposals and recommendations to the Teachers Service Commission on persons to be appointed or deployed as head teachers and principals in public sponsored schools; and

(h) to participate in the decision making process leading to change of status of a sponsored public school to a category of National, Extra-County or be a government school.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended by deleting paragraph (c).

**FOURTH SCHEDULE**

**THAT** paragraph 19 of the Fourth Schedule be amended by –

(a) inserting the words “or a sponsor” immediately after the words “of basic education”; and

(b) inserting the words “or a sponsor” immediately after the words “of the institution”.

**NEW CLAUSES**

**CLAUSE 7A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 7 –

**7A** Section 28 of the Principal Act is amended by inserting the following new subsection immediately after subsection (2) –

(3) The Cabinet Secretary, in consultation with the Cabinet Secretary responsible for the Treasury shall develop and gazette Regulations for the provision of financial assistance to children learning in non-public or sponsored schools but who, on account of financial hardship experience difficulty in paying fees and other charges levied in such schools limited to the amount that it would cost to educate such a child in a public school.

**CLAUSE 12A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 12 –

**12A** Section 43 of the principal Act is amended by –

- (a) deleting the words “and includes sponsored schools” appearing at the end of paragraph (a); and
- (b) inserting the following new paragraph immediately after paragraph (b) –

(c) sponsored schools which are schools established, owned or operated by sponsors but which the Government supports financially, materially or through the provision of teachers from the Teachers Service Commission.

**CLAUSE 15**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 14 –

**15.** Section 100 of the principal Act is amended in subsection (1) by inserting the words “or be possessed by” immediately after the words “section vest in”

**E. \*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL, (SENATE BILLS NO. 8 OF 2015)**

(Sen. Omar Hassan)

**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 Preservation of Human Dignity and the Enforcement of Economic and Social Rights Bill, 2015, at the Committee Stage-

**CLAUSE 5**

**THAT** the Bill be amended by deleting clause 5 and substituting therefor the following new clause-

5. Pursuant to Articles 43 and 53(1)(c) of the Constitution every person has the right to –
  - (a) the highest attainable standards of health which includes the right to health care services including reproductive health care services;
  - (b) accessible and adequate housing;
  - (c) reasonable standards of sanitation;
  - (d) be free from hunger and to have adequate food of acceptable quality;
  - (e) basic nutrition for children;
  - (f) clean and safe water in adequate quantities;
  - (g) social security and social assistance;
  - (h) emergency treatment; and
  - (i) education.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended at sub-clause (2)(c) by deleting the words “national and county development plans” appearing immediately after the words “integrate, within their” and substituting therefor the words “respective policies”.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by-

- (a) inserting the words “for purposes of this Act” at the beginning of the introductory phrase to subsection (1); and
- (b) inserting the following new sub-clause immediately after sub-clause (1)-



**FIRST SCHEDULE**

That the First Schedule to the Bill be amended in the heading by deleting the words “SOCIAL AND ECONOMIC” and substituting therefor the words “ECONOMIC AND SOCIAL”.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended -

- (a) in the definition of the expression ‘subsidy programme’ by deleting the words “limited capacity” appearing immediately after the words “persons with” and substituting therefore the words “in need”;
- (b) by deleting the definition of the expression “persons with limited capability” and substituting therefor the following new definition-

“persons in need” means a person who in spite of having a competent social support system, is unable to produce or purchase essential goods and services in adequate quantities and quality for short or extended periods of time; and

- (c) by deleting the definition of the expression “vulnerable persons” and substituting therefor the following new definition-

“vulnerable persons” include women, older members of society, persons with disabilities, children including infants, school going children, youth, members of minority or marginalised communities, members of particular ethnic, religious or cultural communities, pregnant and nursing mothers, internally displaced persons and victims of conflict, sick persons with chronic diseases such as HIV/AIDS, persons living in precarious livelihood situations

in rural areas, marginalised populations in urban areas, groups at risk of social marginalisation and discrimination and any other group that may be identified from time to time.

**TITLE**

**THAT** the title to the Bill be amended by deleting the word “and” appearing immediately after the word “Human Dignity” and substituting therefor the word “in”.

**CLAUSE 1**

**THAT** clause 1 of the Bill be amended by deleting the word “and” appearing immediately after the word “Dignity” and substituting therefor the word “in”.

**APPENDIX**

**1. PAPER**

The Business of the Senate for the coming week.

*(The Senate Majority Leader)*

**2. NOTICE OF 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, 15<sup>th</sup> March, 2016.

**3. STATEMENT TO BE ISSUED**

The Senate Majority Leader on Business of the Senate for the coming week.