



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE SENATE

ORDER PAPER

THURSDAY, APRIL 06, 2017 AT 2.30 PM

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(Chairperson, Standing Committee on National Security and Foreign Relations)

...../Motion

19. **MOTION** – (Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kiambu, Busia, Tana River, Trans Nzoia, Nyandarua, Migori, Kwale, Kisumu, Samburu and Kericho County Executives for the Financial year 2013/2014 (1st July, 2013 to 30th June, 2014) laid on the Table of the Senate on Thursday, 23rd February, 2017.

(Resumption of Debate interrupted on Tuesday, 4th April, 2017)

(The Mover to Reply)

20. ***THE COUNTY BOUNDARIES BILL (SENATE BILL NO.16 OF 2016)**

(Sen. Mutula Kilonzo Jr.)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 5th April, 2017)

21. ****THE COUNTY PENSION SCHEME BILL (SENATE BILL NO. 20 OF 2016)**

(Chairperson, Standing Committee on Labour and Social Welfare)

(Second Reading)

22. **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, 19th April, 2016.

23. **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.

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

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 13th June, 2017.

NOTICE

The Senate resolved on 15th February, 2017 as follows:-

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

NOTICES OF AMENDMENTS

A. **THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)

(Chairperson, Standing Committee on Education)

Consideration of the National Assembly amendments to the County Early Childhood Education Bill, (Senate Bill No. 32 of 2014)-

Clause 4

"THAT clause 4 of the Bill is amended in paragraph (a) by inserting the word "basic" immediately after the word "compulsory"

Clause 8

"THAT clause 8 of the Bill is amended-

(a) in subsection (1) by deleting the words "child fails to attend an education centre, the principal" and substituting therefor the words "pupil admitted in an education centre fails to attend the education centre, the head teacher"

(b) by deleting the word "child" wherever it appears and substituting therefor the word "pupil"

Clause 9

"THAT clause 9 of the Bill is amended —

(a) in sub-clause (1) by deleting the words "establish a mechanism for the identification of children with special needs and";

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

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

(a) ensure that there are adequate learning institutions and facilities for children with disabilities; and

(b) put in place necessary facilities to assist children with disabilities to access to affordable assistive aids and devices.

(c) by deleting sub-clause 3.

Clause 10

"THAT clause 10 of the Bill is amended—

(a) by deleting the words "including education centers for children with special needs"; and

(b) by inserting the words "of the Constitution" immediately after the words "Article 53".

Clause 11

“THAT clause 11 of the Bill is amended—

(a) in sub-clause (1) by—

- (i) Deleting the word “persons” appearing in paragraph (a) and substituting therefor the words “education centre”;
- (ii) Deleting paragraph (b);

(b) In sub clause (2) by deleting the words “upon payment of such a fee as the Registrar shall determine”.

Clause 12

“THAT clause 12 of the Bill is amended by—

(a) deleting the word “Part ” and substituting therefor the word “Act”; and

(b) renumbering the existing provision as subclause (1) and inserting the following new subclause immediately after the proposed new subclause (1) —

“(2) A person who fails to comply with subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years, or to both.”

Clause 13

“THAT clause 13 of the Bill is amended in sub-clause (2)—

- (a) by deleting the word “institution” appearing in paragraph (b) and substituting therefor the word “education centre”;
- (b) by deleting the word “institution” appearing in paragraph (c) and substituting therefor the word “education centre”; and
- (c) by deleting the word “institution” appearing in paragraph (d) and substituting therefor the word “education centre”.

Clause 14

“THAT clause 14 of the Bill is amended by deleting the expression “71” and substituting therefor the expression “70”

Clause 15

“THAT clause 15 of the Bill is amended in subclause (3) by deleting the word “a private” appearing in paragraph (b) and substituting therefor the word “an”.

Clause 16

“THAT clause 16 of the Bill is amended —

- (a) in sub-clause (2) by deleting the words “ with the consent of the principal” appearing in paragraph (b) and substituting therefor the words “ in the opinion of the department, a shorter time is necessary”;

- (b) in sub-clause (4) by deleting the word "principal" and substituting therefor the word "head teacher" ;and
- (c) in sub-clause (5) by deleting the word "a private" appearing in paragraph (a)and substituting therefor the word "an".

Clause 17

"**THAT** clause 17 of the Bill is amended —

- (a) in the opening statement by deleting the word "centre" appearing immediately after the word "such" and substituting therefor the word "institution";
- (b) in paragraph (e) by deleting the word "education" ;and
- (c) in paragraph (f) by deleting the word "principal" and substituting therefor the word "head teacher"

Clause 19

"**THAT** clause 19 of the Bill is deleted."

Clause 23

"**THAT** clause 23 of the Bill is amended—

- (a) in sub-clause (1) by inserting the word "County Education" immediately before the word "Board";
- (b) in sub-clause (2) by—
 - (i) Inserting the word "County Education" immediately before the word "Board";
 - (ii) Deleting the word " principal" appearing in paragraph (a) and substituting therefor the word "head teacher";
 - (iii)Deleting the word " principal" appearing in paragraph (b) and substituting therefor the word "head teacher";
 - (iv)deleting the word "children" appearing in paragraph(b) and substituting therefor the term "pupils"
- (c) in sub-clause (3) by inserting the word "County Education" immediately before the word "Board";

Clause 24

"**THAT** clause 24 of the Bill is amended—

- (a) in the marginal note by deleting the word "children" and substituting therefor the word "pupils"
- (b) in the opening statement by deleting the word "children" and substituting therefor the word "pupils"

- (c) in subclause (2) by—
 - (i) inserting the word “County Education” immediately before the word “Board”;
 - (ii) deleting the word “principal of the centre” appearing in paragraph (a) and substituting therefor the word “head teacher”;
- (d) in subclause (3) by-
 - (i) inserting the word “County Education” immediately before the word “Board”;
 - (ii) by deleting the word “children” appearing in paragraph (a) and substituting therefor the word “pupils”
 - (iii) deleting the word “principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;

Clause 25

“**THAT** clause 25 of the Bill is amended—

- (a) in sub-clause (1) by—
 - (i) deleting the words “by it”
 - (ii) inserting the word “County Education” immediately before the word “Board” appearing in subparagraph (a) (ii);
 - (iii) by deleting the word “ principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;
- (b) in subclause (2) by—
 - (i) inserting the word “County Education” immediately before the word “Board” wherever it appears”;
 - (ii) deleting the word “officer” appearing in paragraph (a) and substituting therefor the word “committee”
 - (iii) deleting the word “ principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;

Clause 27

“**THAT** clause 27 of the Bill is amended in subclause (2) by deleting the words “or to any other private status unless the county executive committee member has consulted with the county Education Board and has approved such conversion”.

Clause 28

“**THAT** clause 28 of the Bill is amended—

- (a) in sub-clause (1) by deleting the word “or” and substituting therefor the word “including a”;

(b) in sub-clause (5) by deleting the words "secular" and substituting therefor the word "as set and approved by the Kenya Institute of Curriculum Development".

Clause 29

"**THAT** clause 29 of the Bill is amended by deleting subclause (3).

Clause 30

"**THAT** clause 30 of the Bill is amended—

(a) in subclause (1) by—

(i) deleting the word "children" appearing in paragraph (a) and substituting therefor the word "pupils";

(ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) two persons with experience in matters of nutrition and social work relating to early childhood development and education nominated by the County Governor on the recommendation of the County Education Board;

(iii) inserting the following new paragraph immediately after paragraph (d) —

(da) one person to represent children with disabilities

(db) the head teacher of the education centre, who shall be an ex officio member.

(b) in subclause (3) by deleting the word "principal" and substituting therefor the word "head teacher"

(c) in subclause (4) by inserting the word "of Management" immediately after the word "Board" where it appears at the first instance and third instance";

(d) in subclause (5) by inserting the word "of the Board" immediately after the word "committee";

Clause 31

"**THAT** clause 31 of the Bill is amended—

(a) by inserting the word "of management" immediately after the word "Board" in the opening statement;

(b) in paragraph (a) by deleting the word "the said" and substituting therefore the word "these";

(c) in paragraph (d) by deleting the word " to" appearing immediately after the word "equip"; and

(d) in paragraph (h) by inserting the word "of" immediately after the word "implementation".

Clause 32 -

"**THAT** clause 32 of the Bill is amended by inserting the word "of management" immediately after the word "Board".

Clause 33

"**THAT** clause 33 of the Bill is amended—

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

“(1) There shall be a Parents Teachers Association for every public and private school consisting of—

(a) every parent with a child in the education centre; and

(b) a representative of the teachers in the education centre

- (b) inserting the following new sub clauses immediately after the sub-clause (1) —

(1A) There shall be an Executive Committee of the Parents Teachers Association consisting of representatives of parents with children in each level within the education centre and a teacher.

(1B) The members of the Executive Committee of Parents Teachers Association shall be elected during an annual general meeting of parents and teachers.

(1C) The Parents Teachers Association shall, at its first meeting, elect a Chairperson from amongst the persons elected under subsection (3).

(1D) The Chairperson of the Parents Teachers Association shall be co-opted to the Board of Management.

(1E) The head teacher shall be the Secretary to the Parents Teachers Association.

- (c) in sub-clause (2) by—

(i) deleting the word "children" wherever it appears and substituting therefor the word "pupils";

(ii) deleting the word "recommend" in paragraph (e) and substituting therefor the word "approve"

Clause 35

"**THAT** clause 35 of the Bill is amended—

- (a) in the opening statement by deleting the words "committee or";

- (b) deleting the word "child" wherever it appears and substituting therefor the word "pupil";

- (c) deleting the word "children" wherever it appears and substituting therefor the word "pupils";

- (d) by deleting paragraph (f).

Clause 36

“THAT clause 36 of the Bill is amended—

- (a) in sub-clause (1) —
 - (i) by deleting the words “or caregiver” the opening statement;
 - (ii) in paragraph (d) by deleting the words “ and a medical certificate evidencing soundness of mind”;
 - (iii) by inserting the following new paragraph immediately after paragraph (d) —
 - (e) a medical certificate evidencing soundness of mind;
- (b) in sub-clause (2)—
 - (i) by deleting the words “principal or” the opening statement;
 - (ii) by inserting the words “and has at least two years’ experience in matters of early childhood education” immediately after the word “development” in paragraph (a)
- (c) in sub-clause (3) by deleting the words “Each County Government” and substituting therefor the words “The Teachers Service Commission”.
- (d) in sub-clause (4) by deleting the words “County Government” and substituting therefor the words “Teachers Service Commission”.

Clause 38

“THAT clause 38 of the Bill is amended by deleting the words “in consultation with the Council of Governors” in the opening statement

Clause 39

“THAT clause 39 of the Bill be amended in sub-clause (2) by deleting paragraphs (b) and (c)

Clause 41

“THAT clause 41 of the Bill is amended—

- (a) in sub-clause (2) by deleting the word “principal” wherever it appears and substituting therefor the word “head teacher”
- (b) in sub-clause (3) by—
 - (i) deleting the word “principal” and substituting therefor the word “head teacher”;
 - (ii) inserting the words “passport or any other recognized identification document” immediately after the words “birth certificate”;
- (c) by deleting sub-clause (4).

Clause 43

“**THAT** clause 43 of the Bill is deleted.

Clause 44

“**THAT** clause 44 of the Bill is amended—

- (a) by deleting sub-clause (1);
- (b) in sub-clause (2) by deleting the word “child” and substituting therefor the word “pupil”.

Clause 46

“**THAT** clause 46 of the Bill is amended—

- (a) in subsection (2) by deleting the words “county executive committee member” and substituting therefor the word “relevant stakeholders including the national and county quality assurance bodies”;
- (b) in subsection (4) by deleting the words “county executive committee member” and substituting therefor the words “Kenya Institute of Curriculum Development”;
- (c) by deleting sub-clause (5);
- (d) in sub-clause (6) by deleting the words “county executive committee member” and substituting therefor the word “Kenya Institute of Curriculum Development”

Clause 47

“**THAT** clause 47 of the Bill is deleted.

Clause 48

“**THAT** clause 48 of the Bill is amended—

- (a) by inserting the following new sub clauses immediately after sub-clause (2) —
 - (2A) A head teacher of a public education centre who—
 - (a) imposes a charge without the approval of the county executive member in consultation with the County Education Board and the respective Parents Teachers Association as specified under subsection 2(b) commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or both.
 - (b) refuses a child admitted in an education centre to attend the education centre because of failure by the parent or guardian to pay charges imposed on the child, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or both.

(b) in subsection(4) by inserting the word "education" immediately before the word "centre".

Further amended as follows–

"THAT, clause 48 is further amended by –

(i) Deleting subsection 2(b)

(ii) Deleting subsection (3)

(iii)Deleting subsection (4)

(iv)inserting the following new subclause after subclause 2 –

(2a) A headteacher who –

(a) Imposes a charge, or charges any tuition fee commits an offence and shall be liable on conviction to a fine not exceeding 100,000 shillings or imprisonment for a term not exceeding six months

(b) Refuses a child admitted in an education centre to attend the education centre because of failure by the parent or guardian to pay any tuition fees or charges imposed on the child, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or both.

Clause 49

"THAT clause 49 of the Bill is amended—

(a) in sub-clause (1) by—

(i) deleting the word "and" appearing after the word "materials" in paragraph (a);

(ii) inserting the word "and" immediately after the word "materials" in paragraph (b);

(b) deleting sub-clause (2);

(c) deleting sub-clause (3); and

(d) deleting sub-clause (4).

Clause 51

"THAT clause 51 of the Bill is deleted."

Clause 52

"THAT clause 52 of the Bill is amended by deleting the words "County Education Board" and substituting therefor the words "Teachers Service Commission"

Clause 55

“**THAT** clause 55 of the Bill is amended—

- (a) in sub-clause (1) by inserting the words “County Education” immediately before the word “Board.
- (b) deleting sub-clause (3)
- (c) deleting sub-clause (4)
- (d) deleting sub-clause (5)
- (e) deleting sub-clause (6)

Clause 56

“**THAT** clause 56 of the Bill is deleted.

Clause 59

“**THAT** clause 59 of the Bill is deleted and substituted with the following new clause—
Interim accreditation

59. (1) The County Education Board may, in consultation with the County executive member grant to an applicant a certificate of interim accreditation where the County Education Board is not satisfied that that the education centre complies with the prescribed accreditation standards.

(2) An education centre to which a certificate of interim accreditation is issued under subsection (2) shall address areas of non-compliance within such a period as may be specified by the County Education Board not exceeding twelve months from the date on which the certificate is issued and on compliance, resubmit an application to the County Education Board for full accreditation.

(3) The certificate of interim accreditation shall be deemed to have expired if an education centre fails to meet the accreditation standards within the period specified by the County Education Board.

Grant of accreditation. 59A.(1)The County Education Board in consultation with the County executive member, may —

(a) grant to an applicant a certificate of accreditation upon satisfaction that the education centre complies with the prescribed accreditation standards and meets the requirements under this Act;

(b) reject the application.

(2) The certificate of accreditation shall be valid for a period of five years and renewable subject to the education centre meeting the prescribed conditions.

(3)The County Education Board may defer its decision on an application for accreditation and require the applicant to submit to it such additional information or take such measures as it may consider necessary.

Renewal of accreditation.

59B. (1) An education centre may make an application for renewal of its accreditation to the County Education Board in the prescribed form.

(2) An application for renewal of accreditation shall be submitted at least ninety days before the expiry of the certificate of accreditation.

(3) The County Education Board in consultation with the County executive member shall consider an application for renewal of accreditation

Clause 60

“THAT clause 60 of the Bill is amended in—

(a) the opening statement by deleting the words “under section 60”;

(b) paragraph (a) by deleting the words “throughout the period of accreditation”;

(c) paragraph (b) by deleting the words “section 48 and such further standards as may be determined by the Kenya Institute of Curriculum Development in consultation with the County Education Board” and substituting therefore the words “under section 47 and such further standards as may be determined under this Act”

Clause 61

“THAT clause 61 of the Bill is deleted.

Clause 62

“THAT clause 62 of the Bill is amended by deleting sub-clause (2).

Clause 64

“THAT clause 64 of the Bill is deleted and substituted with the following new Clause—
Register of accredited education centres.

64 (1) The County Education Board shall establish maintain a register of accredited education centers.

(2) The register established and maintained under subsection (1) shall be open to the public for inspection.

Clause 65

“THAT clause 65 of the Bill is amended —

(a) in the opening statement by inserting the words “in consultation with the Education Standards and Quality Assurance Council” immediately after the word “committee”; and

(b) in sub clause (2) by deleting the words “in consultation with the Education Standards and Quality Assurance Council” in paragraph (d)

Clause 66

"**THAT** clause 66 of the Bill is deleted

Clause 67

"**THAT** clause 67 of the Bill is deleted.

Clause 68

"**THAT** clause 68 of the Bill is amended in—

(a) sub-clause (1) by deleting—

- (i) paragraph (d); and
- (ii) paragraph (e)

(b) sub-clause (4) by deleting the words "county executive committee member" and substituting therefor the words "Cabinet Secretary".

Clause 71

"**THAT** clause 71 of the Bill is deleted.

Clause 72

"**THAT** clause 72 of the Bill is amended—

(a) in sub-clause (2) by deleting the words "county executive committee member may, taking into account any policies, standards or regulations applying to all education centres prescribed by the Cabinet Secretary" and substituting therefor the words " Cabinet Secretary may"

(b) by inserting the following new paragraph immediately after paragraph (f) —

(fa) prescribe fees required to be paid under this Act;

Clause 74

"**THAT** clause 74 of the Bill is amended—

(a) in paragraph (a) by—

(i) by deleting subparagraph (i) and substituting therefor the following new subparagraph—;

"(i) deleting the words "pre-primary education institutions and" and substituting therefore the word "early childhood education" in the definition of the word "basic education"

(b) inserting the following new paragraph immediately after paragraph (a)—

(aa) in section 4(g) by deleting the word " pre-primary" and substituting therefor the words "early childhood".

(c) deleting paragraph (b) and substituting therefor the following new paragraph—

...../ **Amendments**

“in section 18(1) by deleting the word “pre-primary” and substituting therefor the words “early childhood”.

(d) inserting the following new paragraphs immediately after paragraph (b)—

(ba) in section 26(1) by deleting the word “preprimary” and substituting therefor the words “early childhood”.

(e) in paragraph (c) by inserting the words “ ” and substituting therefor the words “early childhood” after the expression “Section (28)(2)(a)”.

(f) by inserting the following new paragraphs immediately after paragraph (c)—

(ca) in section 41 by deleting the word “pre-primary” appearing in paragraph (a) and substituting therefor the words “early childhood.”

(g) in paragraph (d) by inserting the words “ ” and substituting therefor the words “early childhood” after the expression “Section 44(2)”.

NEW CLAUSES

New Clause 20A

“**THAT** the following new clause is inserted immediately after clause 20—

Change of premises.

20A. (1) The head teacher of an education centre shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless he or she has applied to, and obtained the approval of the County Education Board.

(2) In determining whether to grant approval of premises under subsection (1), the Board shall take into account the criteria specified under section 17.

(3) The head teacher of an education centre shall notify the County Education Board of any change in the location of the education centre including -

(a) the acquisition of premises that are in addition to its current premises; or

(b) the relocation of the education centre to a different premises from that currently occupied by the education centre.

New Clause 21A

“**THAT** the following new clause is inserted immediately after clause 21—

Obligations of a private education centre21A. A private early childhood education provider registered under this Act shall—

(a) establish the structures necessary for the management and administration of education within the centre;

(b) recruit persons who are qualified and registered by the Teachers Service Commission to teach the early childhood education curriculum in the education centre;

- (c) administer a curriculum that adheres to the early childhood education policy and this Act;
- (d) maintain premises in a manner that ensures that it meets the requirements of the occupational health, safety regulations and building standards;
- (e) maintain necessary teaching and learning materials and equipment;
- (f) maintain a data bank on pupils admitted in the education centre and submit to the county executive committee member; and
- (g) met such other requirements as the committee executive committee member, in consultation with the County Education Board, may consider necessary for the delivery of quality early childhood education services within the county.

New Clause 61A

“THAT the following new clause is inserted immediately after clause 61—

Suspension of a certificate of accreditation

61A. (1) The County Education Board may, in consultation with the County executive committee member suspend a certificate of accreditation issued to an education centre for a specified period where the centre fails to comply with the standards of accreditation until the standards are met.

(2) The County Education Board shall communicate a decision made under subsection (1) to the education centre specifying the reasons for the decision, the non-compliance noted and the action required to be taken by the education centre.

Clause 2

“THAT clause 2 of the Bill is amended—

- (a) in the definition of the term “children with special needs” by deleting the word “special needs” and substituting therefor the word “disabilities”;
- (b) in the definition of the term “principal” by deleting the term “principal” and substituting therefor the term “head teacher”
- (c) by deleting the definition of the word “child” and substituting therefor the following new definition—

“child” has the meaning assigned to it under the “Children’s Act”

- (d) by deleting the definition of the word “teacher” and substituting therefor the following new definition—

“teacher” has the meaning assigned to it under the Teachers Service Commission Act”

- (e) by inserting the following new definitions in proper alphabetical sequence—

“Board of Management” means the Board of management of an education centre.

“Education Appeals Tribunal” means the Appeals Tribunal established under section 92 of the Basic Education Act;

“pupil” means a person who meets criteria for admission to early Childhood Centre as the Cabinet Secretary may, in consultation with the County Education Board, prescribe;

B. **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).”

C. *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).

D. **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.

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)-
 - (1A) In undertaking its functions under subsection (1), the Commission may consult the Commissions established under Article 59 of the Constitution and any other relevant person or institution.

CLAUSE 9

THAT clause 9 of the Bill be amended-

- (a) in sub-clause (1) by inserting the words “within six months of coming into office” immediately after the words “County Government shall”;
- (b) in sub-clause (3) by inserting the words “county” immediately after the words “rights within the” appearing in paragraph (a); and
- (c) in sub-clause (4) by inserting the words “for free or” immediately after the words “goods and services” appearing in paragraph (i) .

CLAUSE 19

THAT clause 19 of the Bill be amended in sub-clause (3) by inserting the words “and any other criteria that it may publish in the Gazette” at the end of the clause.

CLAUSE 20

THAT clause 20 of the Bill be amended by deleting paragraph (b) of sub-clause 2 and substituting therefor the following new sub-clause-

- (b) in the case of conditional grants, disbursed directly to the couties and managed on behalf of the National Government by the respective County Government.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 26-

- Transition **27**
- (1) Every county government with a county integrated development plan which took effect prior to the commencement of this Act, shall within six months after the commencement of this Act, amend its county integrated development plan to bring it into conformity with this Act.
 - (2) The procedure set out under section 112 of the County Governments Act shall apply to the process of amendment of a county integrated development plan under subsection (1).

No. 17 of
2012

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".

F. ***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

(b) 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)-

...../ **Amendments**

(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”

G. *THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2014)**
(The Senate Majority Leader)

NOTICE is given that Sen. Amos Wako, the Chairperson to the Standing Committee on Legal Affairs and Human Rights, intends to move the following amendment to the Parliamentary Powers and Privileges Bill, 2014, at the Committee Stage-

CLAUSE 35

THAT clause 35 of the Bill be deleted.

H. *THE ASSUMPTION OF OFFICE OF GOVERNOR BILL (SENATE BILL NO. 10 OF 2016)

(Sen. Paul Kimani Wamatangi)

NOTICE is given that Sen. Paul Kimani Wamatangi intends to move the following amendments to the Assumption of Office of the Governor Bill, 2016, at the Committee Stage-

CLAUSE 18

THAT the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(ba) Section 136(1); and

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

NEW CLAUSE 8A

Expenditure for the Committee.

8A. The county government shall make budgetary allocations to meet the expenses and ensure the proper discharge of functions of the Assumption of Office of the Governor Committee.

NEW CLAUSE 8B

Governor to submit inventory three months to election.

8B. (1) The Governor shall submit an inventory detailing the county assets and liabilities three months before the election. The inventory shall provide —

- (a) a list of all existing county assets;
- (b) a list of all liabilities including any loans the county governments has taken;
- (c) the monies that are being held in the county revenue funds and in any other bank account that is opened for the purposes of the county government; and
- (d) a status report of all ongoing county projects.

(2) The report under subsection (1) shall be submitted to the —

- (a) Auditor-General;
- (b) Controller of Budget;
- (c) Senate; and
- (d) respective County Assemblies.

(3) A Governor who fails to submit the inventory under subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding five years, or to both.

NEW CLAUSE 12A

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

Handing over of instruments of power and authority. **12A.** (1) Upon signing the certificate of inauguration, the outgoing Governor shall handover to the Governor elect the following county symbols as a sign of transfer of executive power and authority —

- a) the county flag;
- b) the county coat of arms; and
- c) the county public seal.

(2) The provisions of this Act do not apply where the outgoing governor is not present during the inauguration, the county symbols shall be handed over to the governor by the presiding judge.

(3) The failure by the outgoing Governor to handover the instruments of power to the Governor-elect shall not invalidate the elections nor hinder the swearing-in of the Governor-elect.

NEW CLAUSE 14A

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

Institution of first sitting. **14A.**(1) The Independent Electoral and Boundaries Commission shall within fourteen days after the general election gazette the names of all members of the county assemblies.

(2) Whenever a new county assembly is elected, the Governor, by notice in the Gazette, shall appoint the place, date and time for the first sitting of the new county assembly which shall take place not later than fourteen days from the date of gazette of the elected and nominated members of the county assembly.

APPENDIX**1. PAPERS**

- a) The Business of the Senate for the coming week.
(The Senate Majority Leader)
- b) The Reports, Bills and Resolutions adopted by the East African Legislative Assembly at the 5th meeting of the 5th Session of the 3rd Assembly.
(Chairperson, Standing Committee on National Security and Foreign Relations)
- c) Parliamentary Service Commission Annual Report 2014/2015.
(Sen. Sammy Leshore)

2. STATEMENTS TO BE ISSUED

- a) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on double taxation by collection of cess on agricultural produce by County Governments (Sen. (Prof.) John Lonyangapuo);
- b) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on the shoot to kill directive allegedly issued by the Deputy President in Baringo County (Sen. George Khaniri);
- c) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on alleged killing by police of Mr. Stanislaus Namayi Mukoma, a motor cycle mechanic at Shibale market in Mumias, Kakamega County (Sen. (Dr.) Boni Khalwale);
- d) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on production of rice in Mwea Irrigation Scheme (Sen. Daniel Karaba);
- e) The Chairperson, Standing Committee on Legal Affairs and Human Rights to issue a statement on the reported registration of voters using National Youth Service (NYS) kits (Sen. Mutula Kilonzo Jnr.);
- f) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on the collapse of a section of Bukhungu Stadium (Sen. (Dr.) Boni Khalwale);
- g) The Chairperson, Standing Committee on Roads and Transportation to issue a statement on reported change in LAPSET route and relocation of Isiolo Resort City (Sen. Fatuma Dullo);
- h) The Chairperson, Standing Committee on Land and Natural Resources to issue a statement on pollution by way of playing loud music in Loresho Lions Eye Hospital and the upcoming construction of a temple and auditorium in Loresho residence (Sen. (Dr.) Boni Khalwale);
- i) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on the killing of livestock in Laikipia County by the security personnel (Sen. Naisula Lesuuda);

- j) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on plight of supermarket workers in Kenya (Sen. (Prof.) John Lonyangapuo);
- k) The Chairperson, Sessional Committee on Devolved Government to issue a statement on the Manager and management of KIWASCO in Kisumu (Sen. (Prof.) Anyang' Nyong'o);
- l) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on waiver of loans owed by coffee farmers in Mt. Kenya Region (Sen. Daniel Karaba);
- m) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on tracking of development expenditure in counties through IFMIS (Sen. Stephen Sang');
- n) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on harassment of motorcycle operators by police in Kakamega County (Sen. (Dr.) Boni Khalwale);
- o) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on deadly clashes along the border of Isiolo and Garissa Counties (Sen. Fatuma Dullo);
- p) 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);
- q) The Senate Majority Leader to issue a statement on Business of the Senate for the coming week.
