



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT - (THIRD SESSION)
THE SENATE
ORDER PAPER
TUESDAY, DECEMBER 01, 2015 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (As Listed in the Appendix)
8. *****Consideration of the Presidential Memorandum on the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)**
(The Senate Majority Leader)
(Resumption of Debate interrupted on Tuesday, 17th November, 2015)
9. **COMMITTEE OF THE WHOLE**
*****Consideration of the Presidential Memorandum on the Public Audit Bill (National Assembly Bill No. 38 of 2014)**
(The Senate Majority Leader)
(Resumption of Debate interrupted on Thursday, 29th October, 2015)
(Division)
10. ****THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)**
(Chairperson, Committee on Legal Affairs and Human Rights)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 27th October, 2015)
(Division)
11. ****THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL, (SENATE BILL NO. 40 OF 2014)**
(Chairperson, Committee on National Security and Foreign Relations)
(Second Reading)
(Resumption of Debate interrupted on Wednesday, 4th November, 2015)
(Division)

12. *THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL, (SENATE BILL NO. 7 OF 2015)
(Sen. David Musila)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 10th November, 2015)
(Division)
13. *THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)
(Sen. Hassan Omar)
(Second Reading)
(Resumption of Debate interrupted on Thursday, 19th November, 2015)
(Division)
14. COMMITTEE OF THE WHOLE
***THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)
(The Senate Majority Leader)
(Resumption of Debate interrupted on Wednesday, 18th November, 2015)
(Division)
15. COMMITTEE OF THE WHOLE
**THE COUNTY EARLY CHILDHOOD EDUCATION BILL, (SENATE BILL NO. 32 OF 2014)
(Chairperson, Standing Committee on Education)
(Resumption of Debate interrupted on Wednesday, 11th November, 2015)
(Division)
16. COMMITTEE OF THE WHOLE
* THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO. 7 OF 2014)
(Sen. (Eng.) Muriuki Karue)
17. ***THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)
(The Senate Majority Leader)
(Second Reading)
18. **THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2015)
(Chairperson, Committee on Health)
(Second Reading)
19. *THE COUNTY OUTDOOR ADVERTISING CONTROL BILL, (SENATE BILL NO. 11 OF 2015)
(Sen. Mutula Kilonzo Jnr.)
(Second Reading)

20. *****THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2013)**

(The Senate Majority Leader)

(Second Reading)

21. *** THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)**

(Sen. Joy Gwendo)

(Second Reading)

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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 PRESIDENTIAL MEMORANDUM ON THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2014)**
(The Senate Majority Leader)

PRESIDENT’S RECOMMENDATIONS:

Amendments recommended by H.E. the President to the Public Procurement and Asset Disposal Bill

Clause 51 (3):

THAT the Bill be amended by inserting the words **“and licensed”** immediately after the word **“registered”**

Clause 124:

THAT the Bill be amended by deleting subclause (4) and substituting therefor the following new subclause:

Selection methods for requests for proposals (4). Subject to the foregoing provisions of this section, in the evaluation of tenders by public entities, the criteria for assessing the technical and financial capability of the tenderers shall as may be prescribed by the accounting officer in the tender documents.

B. *****THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**
(The Senate Majority Leader)

PRESIDENT’S RECOMMENDATIONS:

Amendments recommended by H.E. the President to the Public Audit Bill

Clause 4

THAT Clause 4 (2) of the Bill be amended by deleting the existing sub-clause and substituting therefor the following new sub-clause-

(2) The Office shall comprise the Auditor –General as its statutory head and all other staff appointed by the Auditor-General as may be delegated in accordance with Article 234 (5) of the Constitution.

Clause 8

THAT clause 8 of the Bill be amended by deleting paragraphs (a), (b), (c), (d), (h) and (j) and substituting therefor the following:

Administrative powers of the office of the Auditor-General (a) develop an organization structure and staffing establishment for the office of the Auditor – General, subject to Article 234 (5) of the Constitution;
(b) subject to Article 234 (5) of the Constitution, recruit and promote qualified and competent staff to perform the office’s functions;

- (c) subject to Article 234 (5) of the Constitution, exercise disciplinary control over staff;
- (d) subject to Article 234 (5) of the Constitution, develop human resource of the office;
- (h) subject to Articles 230 (4) (b) and 234 of the Constitution, determine the remuneration and benefits of each member of staff;
- (j) in addition to what is provided for under any other relevant law, develop and maintain a code of conduct and ethics for the office, specific to auditing, guided by the international code of practice, and code of ethics issued by the International Organization of Supreme Audit Institutions and in consultation with the Public Service Commission and the National Treasury;

New Clause 11 A

THAT, a new Clause be inserted immediately after Clause 11 of the Bill as follows:

11 A. (1) **Where:**

Acting Auditor-
General

- (a) the office of the Auditor- General becomes vacant;
- (b) the Auditor-General has been suspended in accordance with the Constitution
- (c) the appointment of a person as Auditor-General is pending; or
- (d) the Auditor - General is, for any reason unable to perform the function of his or her office,

then, until a person is appointed to and has assumed the functions of that office in accordance with Section 11 above, or until the Auditor-General has resumed the performance of those functions, the Public Service Commission shall recommend the most senior officer in the office of the Auditor-General to the President to designate such a person as the acting Auditor -General

(2) A person designated under subsection (1) shall meet the minimum qualifications for appointment to the office of the Auditor-General and shall serve for a period not exceeding ninety days.

(3) When acting in terms of subsection (1), the acting Auditor-General shall have all the powers of the Auditor-General.

Clause 16:

THAT Clause 16 of the Bill be amended in sub-clause (1) by inserting the expression "and 234 (5)" immediately after expression "230"

Clause 19:

THAT Clause 19 (2) of the Bill be amended by:

- (a) inserting the words **“review and”** immediately after the words **“year for”**; and
- (b) deleting the words **“with the Cabinet Secretary’s comments”**

Clause 40A

THAT a new Clause be inserted immediately after Clause 40 of the Bill to read as follows:

Auditor-General
not to question
Government policy
objective

40A. Notwithstanding the provisions of this Act, in an examination under this Act, the Auditor-General shall not question the merits of a policy objective of the national government or county government or any other public entity.

Clause 66

THAT Clause 66 of the Bill be amended by deleting the words **“Auditor-General”** immediately after the word **“The”** and substitute therefor the words **“Cabinet Secretary responsible for matters relating to finance”**.

C. *THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)**
(The Senate Majority Leader)

NOTICE is given that the Chairperson to the Committee on Land and Natural Resources, intends to move the following amendments to the Climate Change Bill, 2014, at the Committee Stage-

Clause 3

THAT clause 3 of the Bill be amended in subclause (2) by inserting the word **“and”** immediately after the word **“intergenerational”** appearing in paragraph (e).

Clause 5

THAT clause 5 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after the introductory clause -

- (a) the Deputy President who shall be the vice-chairperson to the Council;

Clause 7

THAT clause 7 of the Bill be amended –

(a) in subclause (2) by –

- (i) deleting paragraph (g);
- (ii) inserting the words **“nominated by the body representing the largest number of institutions in the private sector”** immediately after the words **“private sector”** appearing in paragraph (f);
- (iii) inserting the words **“who has knowledge and experience in matters relating to indigenous knowledge”** immediately after the words **“of the Constitution”** appearing in paragraph (h);

(b) in subclause (3) by deleting the words “(2)(f), (g) and (h)” appearing immediately after the words “under subsection” and substituting therefor the words “(2)(f), (g),(h) and (i)”; and

(c) in subclause (4) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

Clause 13

THAT clause 13 of the Bill be amended in subclauce (4) by inserting the words “of the Action Plan” immediately after the words “for mainstreaming”.

Clause 14

THAT clause 14 of the Bill be amended in subclause (1) by inserting the words “and mitigation against” immediately after the words “adaptation to” appearing in paragraph (a).

Clause 17

THAT clause 17 of the Bill be amended in subclause (1) by deleting the word “give” appearing immediately after the words “with instructions” in paragraph (b) and substituting therefor the word “prescribed”.

Clause 32

THAT clause 32 of the Bill be amended in subclause (1) by deleting the word “one” appearing immediately after the words “fine not exceeding” at the end of the subclause and substituting therefor the word “ten”.

Clause 35

THAT clause 35 of the Bill be amended in subclause (1) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”.

New Clause 25A

THAT the Bill be amended by inserting the following new clause immediately after clause 25 –

Incentives for the promotion of climate change initiatives.

25A. (1) The Cabinet Secretary shall, in accordance with the appropriate law, and in consultation with the Cabinet Secretary responsible for finance, grant to persons who –

- (a) encourage and put in place measures for the elimination of climate change including reduction of green house emissions and use of renewable energy;
- (b) put in place measures to mitigate against the adverse effects of climate change;
- (c) are involved in the conduct of accredited training in programmes that are aimed at eliminating climate change;

such incentives as may be necessary for the advancement of the elimination of and mitigation against climate change and the effects of climate change.

(2) The Cabinet Secretary shall, for the purpose of subsection (1), in regulations set out the nature of the incentives, the conditions for the grant or withdrawal of such incentives and such other matter as may be necessary for the exercise of the power conferred under subsection (1).

(3) In granting incentives under subsection (1), the Cabinet Secretary shall take into account international standards and best practice.

(4) The Cabinet Secretary shall make the regulations specified under subsection (2) within a period of twelve months from the commencement of this Act.

Clause 2

THAT clause 2 of the Bill be amended in the definition of the word “Cabinet Secretary” by deleting the words “Cabinet affairs” appearing immediately after the words “responsible for” and substituting therefor the words “matters relating to climate change”.

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

(Chairperson, Standing Committee on Education)

NOTICE is given that the Chairperson of the Standing Committee on Education, intends to move the following amendments to the County Early Childhood Education Bill, 2014, at the Committee Stage-

...../Amendments

Clause 5

THAT clause 5 of the Bill be amended in subclause (1) by inserting the words "in a public education centre" immediately after the words "childhood education".

Clause 6

THAT clause 6 of the Bill be amended-

- (a) in paragraph (a) by inserting the words "in public education centres" immediately after the words "childhood education";
- (b) by inserting the following new paragraph immediately after paragraph (a)-
 - (aa) establish such public education centres as may be necessary for the provision of free and compulsory early childhood education within the county;
- (c) by deleting paragraph (c);
- (d) in paragraph (d) by deleting the word "develop" appearing immediately before the words "in consultation with" and substituting therefor the word "implement"; and
- (e) by inserting the following new paragraph immediately after paragraph (k)-
 - (l) develop a best classroom model for early childhood education centres within the respective county in accordance with the specifications set out in the First Schedule.

Clause 7

THAT clause 7 of the Bill be amended-

- (a) in subclause (1) by deleting the words "a pre-primary education institution" appearing immediately after the words "may be, to" and substituting therefor the words "an education centre"; and
- (b) in subclause (2) by deleting the words "one hundred" appearing immediately after the words "not exceeding" and substituting therefor the word "ten".

Clause 8

THAT clause 8 of the Bill be amended-

- (a) in subclause (1) by inserting the words "in collaboration with the village administrator" immediately after the words "principal shall"; and
- (b) in subclause (3) by deleting the words "five hundred" appearing immediately after the words "not exceeding" and substituting therefor the word "ten".

Clause 20

THAT clause 20 of the Bill be amended in subclause (2) by deleting the word "principal" appearing immediately after the words "whether or not the" and substituting therefor the word "proprietor".

Clause 27

THAT clause 27 of the Bill be amended in subclause (1) by deleting the words "and sponsored public education centres" appearing immediately after the words "public education centres" at the beginning of paragraph (b).

Clause 29

THAT clause 29 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause-

(3) Where an education centre exists or is established in an existing institution of basic education, the management board of the education centre shall comprise of the principal of the early education centre in addition to the members set out under

No.14 of section 56(1) of the Basic Education Act. 2013.

Clause 35

THAT clause 35 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (c)-

(ca) academic progress assessment reports in relation to each child who is registered in the education centre;

(cb) a record of the immunizations administered with respect to each child who is registered in the education centre;

Clause 36

THAT clause 36 of the Bill be amended-

(a) in subclause (1) by-

(i) deleting the words "and recruited as a teacher or caregiver by the early childhood education recruitment committee" appearing immediately after the words "Teachers Service Commission" in paragraph (c);

(ii) deleting paragraph (e);

(b) in subclause (2) by-

(i) deleting the words "and recruited as a teacher or caregiver by the early childhood education recruitment committee" appearing immediately after the words "Teachers Service Commission" in paragraph (b);

(ii) deleting paragraph (c);

(c) in subclause (3) by deleting all the words appearing immediately after the words "within the county";

(d) by deleting subclause (4) and substituting therefor the following new subclause-

(4) The County Government shall pay to early childhood education teachers employed in public education centres within the county, such remuneration as it shall, in consultation with the Salaries and Remuneration Commission, determine.

(e) by deleting subclause (5).

Clause 37

THAT the Bill be amended by deleting clause 37.

Clause 39

THAT the Bill be amended by deleting clause 39 and substituting therefor the following new clause-

Recruitment of early childhood teachers shall, in consultation with the Council of County Governors, be responsible for the-
39. The Teachers Service Commission of early childhood teachers.

(a) recruitment, training and discipline of early childhood education teachers; and

(b) maintenance of a register of early childhood education teachers recruited by it under paragraph (a).

Clause 40

THAT clause 40 of the Bill be amended in subclause (2) by inserting the words "and the respective Parents Teachers Association" immediately after the words "County Education Board" appearing in paragraph (b).

Clause 42

THAT clause 42 of the Bill be amended-

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

(1) A child who has attained the age of three years and who is not more than six years of age shall be eligible for admission in an education centre.

(b) by inserting the following new subclause immediately after subclause (1)-

(1A) Notwithstanding the provisions of subsection (1), the principal of an education centre may, where the principal considers it appropriate, admit a child who is more than six years of age.

Clause 43

THAT clause 43 of the Bill be amended by deleting the words "A public" appearing immediately before the words "education centre" and substituting therefor the word "An".

Clause 45

THAT clause 45 of the Bill be amended-

(a) in subclause (2) by deleting the words "subject to subsection (3)" appearing immediately after the words "centre shall"; and

(b) by deleting subclause (3).

Clause 47

THAT clause 47 of the Bill be amended-

(a) by deleting subclause (2) and substituting therefor the following new subclauses-

(2) The Kenya Institute of Curriculum Development shall review the curriculum framework to be administered by all licensed education centres within the county in consultation with the county executive committee member-

(a) within a period of five years after the development of the curriculum under subsection (1); and

(b) subsequently every five years after each review.

(2A) The Kenya Institute of Curriculum Development shall, in carrying out the review under subsection (2), take into account the specific or special needs of children within the respective county.

(b) in subclause (3) by deleting paragraph (b); and

(c) in subclause (4) by deleting the words "county executive committee member" appearing immediately after the words "unless the" and substituting therefor the words "Kenya Institute of Curriculum Development".

Clause 49

THAT clause 49 of the Bill be amended in subclause (2) by inserting the words "and the respective Parent Teachers Association" immediately after the words "County Education Board" appearing in paragraph (b).

Clause 51

THAT clause 51 of the Bill be amended by inserting the words "on weekends" immediately after the words "school holidays".

Clause 52

THAT the Bill be amended by deleting clause 52 and substituting therefor the following new clause-

Feeding programmes in education centres
52. The county executive committee member shall, in consultation with the County Education Board, implement school feeding programmes in early childhood education centres within the respective county and shall for this purpose-

(a) issue guidelines and facilitate the implementation of the feeding programmes; and

(b) provide adequate nutritious foods taking into account the physiological and regional demands of children in the early childhood centre within the respective county.

Clause 56

THAT clause 56 of the Bill be amended by inserting the following new subclause immediately after subclause (1)-

(1A) An education centre shall submit the application made under subsection (1) together with a certificate from the Kenya Institute of Curriculum Development containing a statement that the foreign curriculum adheres to the set curriculum for early childhood education.

Clause 68

THAT clause 68 of the Bill be amended in subclause (1) by deleting the words "subsection (1)" appearing immediately after the words "specified under" and substituting therefor the words "subsection (2)"

Clause 69

THAT clause 69 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (c)-

(ca) implement emergency response capacity building programmes for all members of staff working in education centres within the county;

Clause 71

THAT clause 71 of the Bill be amended in subclause (1) by deleting the words "the relevant period for registration" appearing immediately after the words "licensed for" and substituting therefor the words "a period of one year after the commencement of this Act".

Clause 73

THAT clause 73 of the Bill be amended in subclause (1) by deleting the words "County Education Board" appearing immediately after the words "consultation with the" and substituting therefor the words "Council of County Governors".

First Schedule

THAT the First Schedule to the Bill be amended in item 2 by deleting the word "fifteen" appearing immediately after the words "not more than" and substituting therefor the word "forty".

Clause 2

THAT clause 2 of the Bill be amended-

- (a) in the definition of the term "early childhood education "by inserting the words "pre-primary" immediately after the words "education means the";
- (b) by deleting the definition of the term early childhood education recruitment committee;
- (c) by inserting the following new definitions immediately after the definition of the word "sponsor"-

"teacher" means a person registered as a teacher by the Teachers Service Commission;

"Teachers Service Commission" means the Teachers Service Commission established under Article 237(1) of the Constitution;

APPENDIX

STATEMENTS

- a) The Senator for Turkana County (Sen. John Munyes) to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation concerning the status of the renovation of the Lokichoggio International Airport (HKLK);
- b) The Chairperson of the Standing Committee on Finance, Commerce and Budget to issue a statement on the stability of Small Banks and escalating bank interest rates (Sen. Mutahi Kagwe);
- c) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a statement on the travel of Harambee Stars to Cape Verde for World Cup football qualifier match (Sen. Hassan Omar);
- d) The Chairperson of the Standing Committee on Health to issue a statement on death of an expectant woman (Elizabeth Akala) at Kakamega Provincial General Hospital (Sen. (Dr.) Boni Khalwale);
- e) The Deputy Senate Majority Leader to issue a statement on circumstances surrounding the death of Mr. Alex Madaga, an accident victim who was allegedly forced to wait in an ambulance for 18 hours (Sen. George Khaniri).
