



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
ORDER PAPER

WEDNESDAY, OCTOBER 14, 2015 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As Listed in the Appendix)
6. Notices of Motion (As Listed in the Appendix)
7. Statements
8. **MOTION** - (The Chairperson of the Select Committee)

THAT, this House adopts the Report of the Select Committee of the Senate on Constitutional and Legal Review laid on the Table of the House on Wednesday, 23rd September, 2015.

9. ***THE HIV AND AIDS PREVENTION AND CONTROL (AMENDMENT) BILL**
(SENATE BILL NO. 4 OF 2015)
(Sen. (Dr.) Wilfred Machage)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 7thOctober, 2015)
(Division)

10. **COMMITTEE OF THE WHOLE**
****THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL)**
BILL (SENATE BILL NO. 20 OF 2014)
(Chairperson of the Standing Committee on Labour and Social Welfare)
(Resumption of Debate interrupted on Wednesday, 7thOctober, 2015)

11. **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, 7thOctober, 2015)

12. COMMITTEE OF THE WHOLE
* THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)
(Sen. Halima Abdille)
13. **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, 13th October, 2015)
14. *THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL, (SENATE BILL NO. 7 OF 2015)
(Sen. David Musila)
(Second Reading)
15. *THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)
(Sen. Hassan Omar)
(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**B. ** THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL)
BILL (SENATE BILL NO. 20 OF 2014)**

(Chairperson of the Standing Committee on Labour and Social Welfare)

- (i) **NOTICE** is given that the Chairperson of the Committee on Labour and Social Welfare, intends to move the following amendments to the Public Appointments (County Assembly Approval) Bill, 2014, at the Committee Stage-

Clause 5

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

(1) An advertisement inviting applications for nomination for appointment to an office to which this Act applies shall specify that the candidate shall be required to appear before a committee of the relevant County Assembly.

(2) An applicant shall not be required to appear before the committee of a County Assembly pursuant to a notice issued under subsection (1) within a period of less than twenty-one days.

Clause 6

THAT clause 6 of the Bill be amended by inserting the following new subclause immediately after subclause (1) –

(1A) An appointing authority shall, in issuing a notice under subsection (1), notify the members of the public on the proposed nomination through such media and platforms established under section 91 of the County Governments Act as it considers appropriate.

Clause 7

THAT clause 7 of the Bill be amended –

(a) in subclause (2) by –

- (i) deleting the word “seven” appearing immediately after the words “later than” and substituting therefor the words “fourteen days”;
- (ii) inserting the words “Subject to subsection (2A)” at the beginning of subclause (2).

(b) inserting the following new subclause immediately after subclause (2) –

(2A) The approval hearings shall be held in a public place and shall be conducted during working hours.

(c) in subclause (4) by deleting the word “two newspapers” appearing immediately after the words “in at least” and substituting therefor the words “one newspaper”;

(d) by inserting the following new subclause immediately after clause 10 –

(10A) A candidate shall have a right to be heard on any statement or evidence submitted to the Clerk contesting the suitability of the candidate to hold the office to which the candidate has been nominated.

Clause 9

THAT clause 9 of the Bill be amended in subclause (1) by deleting the word “fourteen” appearing immediately after the words “decision within” and substituting therefor the word “twenty-one”.

Clause 10

THAT clause 10 of the Bill be amended –

(a) by renumbering the existing clause as subclause (1);

(b) in subclause (1) by deleting the word “may” appearing after the words “appointing authority” and substituting therefor the word “shall”;

(c) by inserting the following new subclause immediately after subclause (1) –

(2) A nominating authority shall not resubmit the name of a candidate whose nomination has been rejected by the County Assembly unless the circumstances relied on for the rejection of the appointment of the candidate did not exist or ceased to exist at the time of rejecting the nomination of the candidate.

First schedule

THAT the First Schedule be amended –

(a) by deleting item 4. and substituting therefor the following new items –

4. **(a) Date of birth:**

(b) Place of Birth:

(b) by deleting items 6 and 7 and substitute the following new items –

6. **Mobile phone number:**

(c) by inserting the following new phrase immediately after item 21 (d)

(Attach clearance letter from the Ethics and Anti-Corruption Commission)

(d) by deleting item 25 and substituting therefor with the following new item –

25. **Tax status:** (Attach your Kenya Revenue Authority Clearance Certificate)

(e) in item 31 by inserting the following new phrase immediately after the words “your nomination?”

If yes, explain: _____

- (ii) **NOTICE** is given that Senator Henry Ndiema intends to move the following amendments to the Public Appointments (County Assembly Approval) Bill, 2014, at the Committee Stage-

Clause 8

THAT clause 8 of the Bill be amended in paragraph (b) by inserting the words "including the values and principles of public service set out under Article 232 (1) of the Constitution" immediately after the words "in question".

B. ** 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-

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

(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;

C. *THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)

NOTICE is given that the Chairperson of the Standing Committee on Education, intends to move the following amendments to the Universities (Amendment) Bill, 2014, at the Committee Stage-

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 3-

Amendment
of section 14
of No. 42 of
2012.

3A. Section 14 of the principal Act is amended by inserting the following new sub-section immediately after subsection (3)-

(4) The Commission shall not issue to an applicant a letter of interim authority where that applicant is a public mid-level learning institution.

Amendment
of section 19
of No. 42 of
2012.

3B. Section 19 of the principal Act is amended-

(a) in subsection (1) by deleting paragraph (c) and substituting therefore the following new paragraph-

(c) reject the application if satisfied that the applicant-

(i) is a public mid-level learning institution; or

(ii) does not meet the requirements for the establishment of a university.

(b) by inserting the following new sub-section immediately after sub-section (3)-

(4) The President shall not grant a Charter where such a grant would result in the conversion of a public mid-level institution to a university.

Repeal of
section 25 of
No. 42 of
2012.

3C. The principal Act is amended by deleting section 25.

NEW CLAUSE

That the Bill be amended by inserting the following new clause immediately after clause 1-

1A. The Universities Act, in this Act referred to as "the principal Act" is amended in section 2 by inserting the following new definition immediately after the definition of the word "institution"-

"mid-level institution" means a post-secondary school learning institution that offers a certification below that of a degree;

APPENDIX**1. PAPERS**

- a) The Public Finance Management (State Officers and Public Officers Motor Car Loan Scheme Fund) Regulations, 2015;
(Chairperson, Standing Committee on Delegated Legislation)
- b) The Report of the Auditor-General on the Financial Statements of County Government of Kiambu for the sixteen (16) months period ended 30 June 2014;
- c) The Report of the Auditor-General on the Financial operations of Kiambu County Executive for the year ended 30 June 2014;
- d) The Report of the Auditor-General on the Financial statements of County Government of Uasin Gishu for the sixteen (16) months period ended 30 June 2014;
- e) The Report of the Auditor-General on the Financial statements of County Government of Nandi for the sixteen (16) months period ended 30 June 2014;
- f) The Report of the Auditor-General on the Financial statements of Makueni County Government for the year ended 30 June 2014;
- g) The Report of the Auditor-General on the Financial statements of Isiolo County Government for the year ended 30 June 2014;
- h) The Report of the Auditor-General on the Financial operations of Lamu County Executive for the year ended 30 June 2014;
- i) The Report of the Auditor-General on the Financial statements of County Government of Murang'a for the sixteen (16) months period ended 30 June 2014;
- j) The Report of the Auditor-General on the Financial statements of County Government of Nyeri for the sixteen (16) months period ended 30 June 2014;
- k) The Report of the Auditor-General on the Financial operations of Laikipia County Executive for the year ended 30 June 2014.
(Chairperson, Sessional Committee on County Public Accounts and Investments)

2. NOTICE OF MOTION- (Sen. Elizabeth Ongoro)

THAT, AWARE that the Parliament of Kenya is an active member of the Inter-Parliamentary Union (IPU) which is the international organization of national Parliaments;

...../Appendix

FURTHER AWARE that the IPU provides support to Parliaments in areas such as law and policy-making, as well as representation;

NOTING WITH APPRECIATION that, upon a request by the Speaker of the Senate, the IPU sent an expert delegation to Kenya from 12th to 16th July, 2015 to offer advice on the way forward in implementing the constitutional requirement on the two thirds gender rule;

NOW THEREFOR the Senate notes the report of the Inter-Parliamentary Union Expert Mission to Kenya on the framework to implement the constitutional provision of the two-thirds gender rule laid on the Table of the Senate on Thursday, 8th October, 2015 and extends its appreciation to the IPU for support on the matter.
