



REPUBLIC OF KENYA

THE SENATE

NOTICE PAPER

WEEK COMMENCING TUESDAY, NOVEMBER 29, 2016

**** 11TH PARLIAMENT * 4TH SESSION***

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REPUBLIC OF KENYA

THE SENATE

ELEVENTH PARLIAMENT - (FOURTH SESSION)

PROGRAMME OF SENATE BUSINESS

FOR THE WEEK COMMENCING TUESDAY, NOVEMBER 29, 2016

TUESDAY: Communication from the Chair, Messages, Petitions, Papers, and
29/11/2016 Statements

A. *THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)

(Sen. Naisula Lesuuda)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 10th November, 2016)

(Division)

**B. **THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL
(SENATE BILL NO. 5 OF 2016)**

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

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)

(Division)

C. *THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 OF 2015)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)

(Division)

D. *THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF 2016)

(Sen. (Eng.) Muriuki Karue)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 17th November, 2016)

(Division)

E. *THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 26 OF 2013)**

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 3rd November, 2016)

(Division)

F. *THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL**
(NATIONAL ASSEMBLY BILL NO. 2 OF 2015)

(The Senate Majority Leader)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 3rd November, 2016)

(Division)

G. *THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL
NO. 16 OF 2015)

(Sen. Judith Sijeny)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 26th July, 2016)

(Division)

H. COMMITTEE OF THE WHOLE

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

(Sen. Hassan Omar)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)

(Division)

I. COMMITTEE OF THE WHOLE

***THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL**
NO. 13 OF 2015)

(Sen. Godliver Omondi)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)

(Division)

J. COMMITTEE OF THE WHOLE

*****THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY**
BILL NO. 35 OF 2014)

(The Senate Majority Leader)

(Resumption of Debate interrupted on Tuesday, 15th November, 2016)

(Division)

K. COMMITTEE OF THE WHOLE

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

(Sen. (Dr.) Zipporah Kittony)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)

(Division)

L. COMMITTEE OF THE WHOLE

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

(Chairperson, Sessional Committee on Delegated Legislation)

(Resumption of Debate interrupted on Wednesday, 16th November, 2016)

M. COMMITTEE OF THE WHOLE

*****THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2015)**

(The Senate Majority Leader)

(Resumption of Debate interrupted on Wednesday, 9th November, 2016)

N. *THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)

(Sen. Gideon Moi)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 22nd November, 2016)

O. *THE CYBER SECURITY AND PROTECTION BILL (SENATE BILL NO. 12 OF 2016)

(Sen. Mutahi Kagwe)

(Second Reading)

P. *THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

(The Senate Majority Leader)

(Second Reading)

Q. MOTION – (Sen. (Eng.) Muriuki Karue)

(Ministry of Interior and Coordination of National Government)

THAT,

CONCERNED about the numerous reports of the arbitrary arrests of innocent people by the police;

FURTHER CONCERNED that a large number of those arrested are allegedly locked up in police cells without being recorded either in the Occurrence Book or elsewhere;

DEEPLY CONCERNED that some of the arrested people disappear without a trace and that many who are subsequently traced are found dead away from where they were known to have been locked up;

ALARMED by the recent incident where three young men were locked up for hours at Syokimau Police Post without any record indicating they had been at the police post, only for them to be found days later, in another area far from the police post, having been brutally killed;

APPRECIATING that the Closed Circuit Television (CCTV) system installed by the Government in Nairobi has helped a lot in criminal investigations;

NOW THEREFORE the Senate calls upon the National Government to-

- a) install CCTV cameras in all police stations and police posts in order to record each and every person going in and out of the station;
- b) have the CCTV system designed in such a way that it is capable of capturing the Occurrence Book entries every twelve hours; and
- c) ensure the CCTV system is connected to a central depository in order to minimize chances of subsequent tampering.

(Resumption of Debate interrupted on Thursday, 17th November, 2016)

(Balance of Time – 2hrs 43 mins)

R. MOTION - (Sen. George Khaniri)
(Ministry of Education, Science and Technology)

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

S. MOTION – (Sen. (Prof.) John Lonyangapuo)
(Department of Education)

THAT, whereas Article 53 (1)(b) of the Constitution provides that every child in Kenya has the right to free and compulsory basic education;

RECOGNIZING the importance of education in the alleviation of the main challenges facing Kenya's sovereignty identified at independence, namely; poverty, illiteracy and disease;

APPRECIATING the gains made following the implementation of the free primary education program in 2003 and cognizant of the principles set out in the Basic Education Act of 2013 whose objectives include promotion and regulation of free and compulsory basic education besides providing for accreditation, registration and management of basic education institutions;

NOTING the substantial resources invested by the national and county governments, parents, sponsors and development partners in the provision of basic education;

FURTHER NOTING that pursuant to the Basic Education Act, the County Director of Education is vested with numerous responsibilities including facilitation of auditing of all basic educational institutions in the respective county thereby leaving fundamental gaps of governance especially in the management of the available resources;

NOW THEREFORE, the House recommends to the Cabinet Secretary for Education to facilitate the creation of the office of an auditor to specifically audit the basic education institutions' funds to enhance transparency and accountability and improve governance in the management of these institutions.

T. MOTION (Sen. Peter Mositet)
(Standing Committee on Education)

AWARE that Article 43 (1) (f) of the Constitution of Kenya provides that every person has the right to education and that Article 53 (1) (b) of the Constitution provides that every child has the right to free and compulsory basic education;

COGNIZANT that Article 54 (1) (b) of the Constitution provides that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;

RECOGNIZING that education in Kenya is a shared function of both the county and national governments;

CONCERNED that while significant gains have been made under the Free Education Programme introduced in the year 2003, access and participation of children with special needs is generally low across the country and their needs have not been specifically addressed;

NOW THEREFORE the Senate directs the Standing Committee on Education to inquire into the performance of the Ministry of Education, Science and Technology in the implementation of the policy statements and strategies made in the National Special Needs Education Policy Framework, 2009 and report back to the Senate within three months.

U. 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.

V. MOTION–(Sen. Daniel Karaba)

THAT, the Senate adopts the Report of the Standing Committee on Education on the 38th Session of the UNESCO General Conference in Paris, France held at UNESCO Headquarters from 3rd to 18th November, 2015 laid on the Table of the House on 14th April, 2016.

W. Any Other Business

WEDNESDAY: Communication from the Chair, Messages, Petitions, Papers, Notices of
30/11/2016 Motion, Statements, Motions and Bills

A. COMMITTEE OF THE WHOLE

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

(Sen. Paul Kimani Wamatangi)

B. COMMITTEE OF THE WHOLE

***THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 7 OF 2016)**

(Sen. Mutula Kilonzo Jnr.)

C. COMMITTEE OF THE WHOLE

***THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL
(SENATE BILL NO. 9 OF 2015)**

(Sen. Martha Wangari)

D. COMMITTEE OF THE WHOLE

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

(The Senate Majority Leader)

E. COMMITTEE OF THE WHOLE

***THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 4) BILL (SENATE
BILL NO. 18 OF 2014)**

(Sen. Kipchumba Murkomen)

F. COMMITTEE OF THE WHOLE

*****THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)**

(The Senate Majority Leader)

G. COMMITTEE OF THE WHOLE

***THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL
(SENATE BILL NO. 2 OF 2016)**

(Sen. (Prof). Wilfred Lesan)

**H. *THE CYBER SECURITY AND PROTECTION BILL (SENATE BILL NO. 12
OF 2016)**

(Sen. Mutahi Kagwe)

(Second Reading)

I. *THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

(The Senate Majority Leader)

(Second Reading)

J. Any Other Business

THURSDAY: Communication from the Chair, Messages, Petitions, Papers, Notices of
01/12/2016 Motion, Statements, Motions and Bills

A. COMMITTEE OF THE WHOLE

***** THE PARLIAMENTARY POWERS AND PRIVILEGES BILL, (NATIONAL
ASSEMBLY BILL NO. 35 OF 2014)**

(The Senate Majority Leader)

B. COMMITTEE OF THE WHOLE

***THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL
(SENATE BILLS NO. 4 OF 2014)**

(The Senate Majority Leader)

C. COMMITTEE OF THE WHOLE

***THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**

(Sen. Paul Kimani Wamatangi)

D. COMMITTEE OF THE WHOLE

***THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**

(Sen. Martha Wangari)

E. COMMITTEE OF THE WHOLE

***THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2016)**

(Sen. Fatuma Dullo)

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

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

G. 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.

H. MOTION - (The Senate Majority Leader)

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 14th February, 2017.

I. Any Other Business

KEY

*** * * *- Denotes a Majority /Minority Party Bill**

***** - Denotes a National Assembly Bill**

**** - Denotes a Committee Bill**

***- Denotes any other Bill**