



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

**SUPPLEMENTARY ORDER PAPER**

WEDNESDAY, FEBRUARY 11, 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. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTIONS**  
(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

..... /Procedural Motion

9. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON  
ADJOURNMENT MOTION**

(The Senate Majority Leader)

**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.

10. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON MOTION ON  
THE ADDRESS BY THE PRESIDENT**

(The Senate Majority Leader)

**THAT**, pursuant to Standing Order 100 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

11. **\*\* THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL (NATIONAL  
ASSEMBLY BILL NO. 29 OF 2014)**

(The Senate Majority Leader)

*(First Reading)*

12. **\*\* THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2014)**

(The Senate Majority Leader)

*(First Reading)*

13. **COMMITTEE OF THE WHOLE**

(i) **\*\* THE FERTILIZERS AND ANIMAL FOODSTUFFS  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF  
2013)**

(The Senate Majority Leader)

(ii) **\*\* THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2)  
BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2013)**

(The Senate Majority Leader)

..... /Bill

14. \* THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO. 22 OF 2014)  
(Sen. (Eng.) Karue Muriuki)  
*(Second Reading)*  
*(Resumption of Debate interrupted on Thursday, 4<sup>th</sup> December, 2014)*
15. \*\*\* THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 34 OF 2014)  
(Chairperson, *Ad hoc* Committee on Legislation on Royalties accruing from Natural Resources)  
*(Second Reading)*  
*(Resumption of Debate interrupted on Thursday, 4<sup>th</sup> December, 2014)*
16. \*\* THE MINING BILL, (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)  
(The Senate Majority Leader)  
*(Second Reading)*
17. \*\* THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL, (NATIONAL ASSEMBLY BILL NO. 42 OF 2013)  
(The Senate Majority Leader)  
*(Second Reading)*
18. \* THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL (SENATE BILL NO. 30 OF 2014)  
(Sen. (Prof.) John Lonyangapuo)  
*(Second Reading)*
19. \*\*\* THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)  
(Sen. Daniel Karaba)  
*(Second Reading)*
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## KEY

- \*\*\*\*      ■ Denotes a Majority /Minority Party Bill
- \*\*\*      ■ Denotes a Committee Bill
- \*\*        ■ Denotes a National Assembly Bill
- \*         ■ Denotes any other Bill

...../Notice of Amendments

**NOTICE OF AMENDMENTS****i) \*\* THE FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT) BILL**  
**(NATIONAL ASSEMBLY BILL NO. 36 OF 2013)**

(The Senate Majority Leader)

**NOTICE** is given that the Chairperson of the Standing Committee on Agriculture, Fisheries and Livestock, intends to move the following amendments to the foregoing at the Committee Stage-

**Clause 2**

**That** Clause 2 of the Bill be amended in sub clause (b) in the definition of the word "Board" by deleting the words "Fertilizer Board of Kenya" and substituting therefor the words "Fertilizer and Animal Foodstuffs Board of Kenya".

**Clause 3**

**That** clause 3 of the Bill be amended-

(a) In sub clause (1) of the proposed new section 2A by deleting the words "Fertilizer Board of Kenya" and substituting therefor the words "Fertilizer and Animal Foodstuffs Board of Kenya".

(b) by deleting the proposed new section 2B and substituting therefor the following proposed new section-

- |                              |                                                                                                                                                                                        |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Functions<br>of the<br>Board | 2B. The functions of the Board shall be to-                                                                                                                                            |
|                              | (a) regulate the fertilizers and animal foodstuffs industry in Kenya including the production, manufacture, packaging, importation and marketing of fertilizers and animal foodstuffs; |
|                              | (b) regulate the importation of raw materials for the manufacture of animal foodstuffs;                                                                                                |
|                              | (c) promote the manufacture of fertilizers and animal foodstuffs in Kenya;                                                                                                             |
|                              | (d) advise the national and county governments on-                                                                                                                                     |
|                              | (i) the procurement, importation and efficient and timely distribution of subsidized fertilizers and animal foodstuffs;                                                                |
|                              | (ii) establishment of retail outlets of fertilizers and animal foodstuffs in the counties; and                                                                                         |

..... /Amendments

- (iii) development of policies related to the manufacture and distribution of fertilizers and animal foodstuffs;
  - (e) inspect and test fertilizers and animal foodstuffs to ensure their quality and safety;
  - (f) license manufacturers, distributors and retailers of fertilizers and animal foodstuffs on the recommendation of the Director of Agriculture and the Director of Veterinary Services;
  - (g) promote, in collaboration with stakeholders in the agriculture industry, research on fertilizers and animal foodstuffs; and
  - (h) ensure that fertilizers and animal foodstuffs imported, manufactured or distributed in Kenya meet the standards of quality and safety as prescribed by law.
- (c) in the proposed new paragraph 2C-
  - (i) in sub clause (1) by-
    - (a) inserting the following new paragraph immediately after paragraph (b) -
      - (ba) the Principal Secretary in the Ministry for the time being responsible for livestock or a designated alternate not being below the level of Deputy Secretary;
    - (b) deleting paragraph (e)
    - (c) deleting paragraph (f) and substituting therefor the following new paragraph-
      - (f) one person nominated by the Council of Governors;
    - (d) inserting the following new paragraphs after paragraph (f) -
      - (fa) the Director of Veterinary Services;
      - (fb) one person representing research institutions in the agriculture sector competitively sourced and appointed by the Cabinet Secretary;
  - (ii) by inserting the following new sub clauses immediately after sub clause (2)-
    - (2A) The Cabinet Secretary shall ensure that not more than one-third of the persons appointed under subsection (1) are of the same gender.
    - (2B) A person appointed under subsection (1) shall hold office for a period of three years and may be re-appointed for a further non-renewable term of three years.

..... /Amendments

(d) by inserting the following new clause immediately after clause 2M-

Annual report 2MA. (1)The Chief Executive Officer shall cause to be prepared an annual report setting out the activities of the Board.

(2) The Chief Executive Officer shall submit the report referred to in subsection (1) to the Cabinet Secretary not later than two months after the end of each financial year.

(3) The Cabinet Secretary shall transmit copies of the report to the Senate and the National Assembly within three months after receipt of the Report.

#### **Clause 10**

**That** clause 10 of the Bill be deleted and substituted therefor by the following new clause-

**10.** section 16 of the principal Act is amended by deleting the words "one thousand shillings or to imprisonment for a term not exceeding one month and for a second or subsequent offence to a fine not exceeding three thousand shillings" and substituting therefor the words "five hundred thousand shillings or to imprisonment for a term not exceeding one month, and for a second or subsequent offence to a fine not exceeding one million shillings"

#### **ii) \*\* THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2)**

##### **BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2013)**

(The Senate Majority Leader)

**NOTICE** is given that the Chairperson of the Committee on Legal Affairs and Human Rights, intends to move the following amendments to the foregoing Bill at the Committee Stage-

#### **SCHEDULE**

**THAT** the Bill be amended in the Schedule-

- (a) in the proposed amendments to the Transition to Devolved Government Act, 2012 (No. 1 of 2012) by deleting the proposed new subsection (5B) proposed to be inserted in section 23;

..... /Amendments

(b) in the proposed amendments to the County Governments Act, 2012 (No. 17 of 2012)-

- (i) by deleting the proposed amendment to section 26(2);
- (ii) by deleting all the proposed amendments to section 54;
- (iii) by deleting the proposed new section 139;

APPENDIX**a) PAPER**

Report of the Standing Committee on Finance, Commerce and Budget on the Consideration of the Second Generation Criteria for Resource Allocation for 2015/16, 2016/17 and 2017/18.

*(The Chairperson, Standing Committee on Finance, Commerce and Budget)*

**b) NOTICES OF MOTION**

- i) **Notice of Motion** – *(The Chairperson, Standing Committee on Finance, Commerce and Budget)*

**THAT**, this House adopts the Report of the Standing Committee on Finance, Commerce and Budget on the Consideration of the Second Generation Criteria for Resource Allocation for 2015/16, 2016/17 and 2017/18 laid on the Table of the House today, Wednesday, 11<sup>th</sup> February, 2015;

- ii) **Notice of Motion** - (The Senate Majority Leader)

**THAT**, pursuant to Standing Order Nos. 177 and 210, the Senate approves the following Senators nominated by the Rules and Business Committee to serve in the respective Sessional Committees as indicated below:-

**A. COUNTY PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE**

1. Sen. Murkomen Kipchumba
2. Sen. Wamatangi Kimani
3. Sen. Karue Muriuki
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Wangari Martha
6. Sen. Khalwale Boni
7. Sen. Omar Hassan
8. Sen. Sitswila Wako Amos
9. Sen. Nyong'o Anyang'
10. Sen. Mong'are Okong'o Kennedy
11. Sen. (Dr.) Agnes Zani

**B. COMMITTEE ON DEVOLVED GOVERNMENT**

1. Sen. Murkomen Kipchumba
2. Sen. Lesuuda Naisula
3. Sen. Kerrow Billow
4. Sen. Beatrice Elachi
5. Sen. Stephen Ole Ntutu
6. Sen. Sitswila Wako Amos
7. Sen. Janet Ong'era
8. Sen. Omar Hassan
9. Sen. Tirole Ndiema Henry

...../Appendix

**C. COMMITTEE ON IMPLEMENTATION**

1. Sen. Njoroge Paul
2. Sen. Bule A. Ali
3. Sen. Onchwang'i Hosea
4. Sen. Mbura Emma Gertrude
5. Sen. Kariuki Godfrey Gitahi
6. Sen. Ali Hassan Abdirahman
7. Sen. James Orengo
8. Sen. Muthama Johnson
9. Sen. Nyongesa Kanainza Daisy

**D. COMMITTEE ON DELEGATED LEGISLATION**

1. Sen. Sang Stephen
  2. Sen. Gwendu Joy
  3. Sen. Chelule Liza
  4. Sen. Mbura Emma Gertrude
  5. Sen. Karaba Daniel
  6. Sen. Juma Boy Juma
  7. Sen. Sijeny Judith
  8. Sen. Musila David
  9. Sen. Omondi Godliver Nanjira
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