



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

TUESDAY, FEBRUARY 17, 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
8. **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 on Wednesday, 11th February, 2015.

(Resumption of Debate interrupted on Thursday, 12th February, 2015)

9. 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

10. * THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO. 22 OF 2014)

(Sen. (Eng.) Karue Muriuki)

(Second Reading)

(Resumption of Debate interrupted on Wednesday, 11th February, 2015)

11. *** 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, 4th December, 2014)

12. ** THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)

(The Senate Majority Leader)

(Second Reading)

13. ** THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2013)

(The Senate Majority Leader)

(Second Reading)

14. * THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL (SENATE BILL NO. 30 OF 2014)

(Sen. (Prof.) John Lonyangapuo)

(Second Reading)

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

(Sen. Daniel Karaba)

(Second Reading)

KEY

■ Denotes a Majority /Minority Party Bill

■ Denotes a Committee Bill

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■ Denotes a National Assembly Bill

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■ 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 Bill 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
of the
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.

(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)

a) **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;

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

SCHEDULE

THAT the Bill be amended in the Schedule in the proposed amendments to the Agriculture, Fisheries and Food Authority Act, 2013 -

(a) in the proposed amendment to section 5(1) by –

- (i) deleting the word “chairman” in the proposed amendment to paragraph (i) and substituting therefor the word “chairperson”;
- (ii) deleting the proposed amendments to paragraphs (f), (g), (h) and (k);
- (iii) deleting the proposed amendment to paragraph (i);
- (iv) inserting the following rows immediately after the proposed amendment to paragraph (a)–

Delete paragraphs (d), (f), (g), (h) and (k);

Delete paragraph (i) and substitute therefor the following new paragraph–

- (i) eight persons, being farmers representing farmer organizations in the major crop subsectors in Kenya appointed by the Cabinet Secretary in consultation with the Council of County Governors;

..... /Amendments

(b) by inserting the following new rows immediately after the proposed amendment to section 5(1) –

s. 5(2) Delete.

s. 5(3) Delete.

s. 5(4) Delete the expression “(i)” appearing immediately before the word “shall” in the prefatory clause.

(c) in the proposed amendment to section 5(4) by deleting the proposed new paragraph (a) and substitute therefor the following new paragraph –

(a) be a person who –

(i) holds a degree from a university recognized in Kenya; and

(ii) has knowledge and experience in agriculture, finance, law, administration, human resource management or such other expertise as the appointing authority may consider relevant.

(d) by deleting the proposed amendment to section 10(2);

(e) in the proposed amendment to section 16 by inserting the words “and which shall not exceed ten percent of the levy” immediately after the words “Cabinet Secretary” in the proposed new subsection (4).

(f) in the proposed amendment to section 42 by inserting the words “subject to any other law or regulations made under this Act and” immediately after the words “Cabinet Secretary”.

(g) by deleting the proposed amendment to paragraph 9 of the First Schedule to the Act.

THAT the Bill be amended in the Schedule in the proposed amendments to the Crops Act, 2013 by inserting the following new row immediately before the proposed amendment to section 9(2) –

Section 8(g)	Delete the word “biodiversity” appearing immediately after the words “the National” and substitute therefor the word “Biosafety”.
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THAT the Bill be amended in the Schedule in the proposed amendments to the Kenya Agricultural and Livestock Research Act, 2013 –

..... /Amendments

(a) in the proposed amendment to section 6(1) by deleting subparagraph (i) and (ii) in the proposed new paragraph (i) and substituting therefor the following new subparagraphs –

(i) one farmer representing the interests of livestock farmers;

(ii) one farmer representing the interests of crop farmers;

(b) by deleting the proposed amendment to section 6(3);
