



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

**SUPPLEMENTARY ORDER PAPER**

TUESDAY, JUNE 23, 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 (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. **MOTION** – (The Senate Majority Leader)

**THAT, WHEREAS** the Public Procurement and Asset Disposal Bill, (National Assembly Bill No. 40 of 2014) was passed by Senate on 20<sup>th</sup> May, 2015 and by the National Assembly on the 26<sup>th</sup> May, 2015.

**AND WHEREAS** the Public Procurement and Asset Disposal Bill, was presented to His Excellency the President for assent in accordance with the provisions of the Constitution on 27<sup>th</sup> May, 2015;

**AND WHEREAS** His Excellency the President declined to assent to the Public Procurement and Asset Disposal Bill, and sent a memorandum to Parliament on 10<sup>th</sup> June, 2015;

**NOW THEREFORE** pursuant to Article 115 of the Constitution and Standing Order Nos 158, 216 and the Fourth Schedule of the Senate Standing Orders, the Senate resolves to appoint the following Senators to the Joint Committee to consider the memorandum by His Excellency the President on the Public Procurement and Asset Disposal Bill, (National Assembly Bill No. 40 of 2014).

1. Sen. Billow Kerrow;
2. Sen. Beatrice Elachi;
3. Sen. Mutahi Kagwe;
4. Sen. (Prof.) Anyang' Nyong'o; and
5. Sen. (Dr.) Agnes Zani

...../Motion

9. **MOTION** - (The Senate Majority Leader)

**THAT**, pursuant to Article 124 (1) of the Constitution, the Standing Orders of the Senate and the Resolution of the Senate during the Special Sitting of the Senate held on Monday, 15<sup>th</sup> June, 2015, the Senate approves the following Senators as Members of the Select Committee on Legal and Constitutional Review :-

1. Sen. Kipchumba Murkomen
2. Sen. Kiraitu Murungi
3. Sen. Naisula Lesuuda
4. Sen. (Eng.) Muriuki Karue
5. Sen. Billow Kerrow
6. Sen. James Orengo
7. Sen. (Dr.) Boni Khalwale
8. Sen. Mutula Kilonzo Junior
9. Sen. Halima Abdille

10. **\*\*\* THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 5 OF 2015)**

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

*(Second Reading)*

***(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> June, 2015)***

***(Division)***

11. **\* THE REPRODUCTIVE HEALTH CARE BILL (SENATE BILL NO. 17 OF 2014)**

(Sen. Judith Sijeny)

*(Second Reading)*

***(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> June, 2015)***

***(Division)***

12. **COMMITTEE OF THE WHOLE****\*\*\* THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 34 OF 2014)**

(Chairperson, *Ad hoc* Committee on Legislation on Royalties accruing from Natural Resources)

***(Resumption of Debate interrupted on Wednesday, 17<sup>th</sup> June, 2015)***

***(Division)***

13. **COMMITTEE OF THE WHOLE****THE TOBACCO CONTROL REGULATIONS, 2014.**

(Chairperson, Sessional Committee on Delegated Legislation)

***(Resumption of Debate interrupted on Wednesday, 17<sup>th</sup> June, 2015)***

12. \*\*\* THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)  
(Chairperson of the Standing Committee on Labour and Social Welfare)  
(Second Reading)
13. \*\*\* THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 32 OF 2014)  
(Chairperson, Standing Committee on Education)  
(Second Reading)
14. \* THE FOOD SECURITY BILL (SENATE BILL NO. 23 OF 2014)  
(Sen. Beatrice Elachi)  
(Second Reading)
15. \*\*\* THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)  
(Chairperson, Standing Committee on Legal Affairs and Human Rights)  
(Second Reading)
16. \* THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)  
(Sen. Halima Abdille)  
(Second Reading)
17. \*\*\* THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 33 OF 2014)  
(Chairperson of the Standing Committee on Legal Affairs and Human Rights)  
(Second Reading)
18. \*\*\* THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILL NO. 36 OF 2014)  
(Chairperson, *Ad hoc* Committee on Establishment of Public Compensation Bureaus)  
(Second Reading)

**KEY**

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

**NOTICE OF AMENDMENTS****\*\*\* THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 34 OF 2014)**

- i) Notice is given that Sen. Agnes Zani intends to move the following amendments to the Natural Resources (Benefit Sharing) Bill, 2014, at the committee stage –

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in subclause (1) by inserting the phrase “natural resources as defined in Article 260 of the Constitution including” immediately after the words of “the exploitation of”.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended in subclause (1) by inserting the following new paragraphs immediately after paragraph (i) –

- “(j) ensure and promote value addition of natural resources;
- (k) promote local content initiatives; and
- (l) facilitate environmental rehabilitation activities after the exploitation of a natural resource.”

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by deleting sub clause (5) and substituting therefor the following new sub clause –

- (5) In nominating and appointing persons as members of the Board, the nominating authorities and the Cabinet Secretary shall have regard to the principles of non-discrimination on the basis of gender, disability, youth and marginalized persons under the Constitution and including the requirements of Chapter Six of the Constitution of Kenya.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in paragraph (b) by deleting the word “ten” appearing immediately after the words “and at least” in the opening paragraph and substituting therefor the word “seven”.

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended in sub clause (1)(b) by deleting subparagraph (i) and substituting therefor the following new subparagraph –

- (i) the financial statements of the Authority including—
  - (A) a statement of the income and expenditure of the Authority during that year; and
  - (B) a statement of the assets and liabilities of the Authority as at the last day of that year;”

...../Amendments

**CLAUSE 2**

That clause 2 of the Bill of be amended by inserting the following new definitions in proper alphabetical sequence –

“futures fund” means monies set aside from the sovereign wealth fund for future generations;

“natural resources fund” means monies set aside from the sovereign wealth fund for social and economic development and rehabilitation of depleted natural resources.

- ii) Notice is given that the Chairperson of the Committee on Lands and Natural Resources, intends to move the following amendments to the Natural Resources (Benefit Sharing) Bill, 2014, Senate Bills No. 34 of 2014, at the Committee Stage-

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in sub-clause (1) by inserting the following new paragraphs immediately after paragraph (g)-

(h) geothermal energy;

(i) wind.

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)-

(f) sustainable natural resources management.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended in sub-clause (1) by inserting the following new paragraphs immediately after paragraph (i)-

(j) build the capacity of local communities in negotiations for benefit sharing and implementation of projects;

(k) prepare national guidelines on benefit sharing in consultation with other sectoral leaders; and

(l) identify, in consultation with sector specific organizations, incentives and benefits to promote the conservation of natural resource.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended-

- (a) in sub-clause (1) by deleting the words “environment” appearing in paragraph (b) and substituting therefor the words “natural resources”;

...../Amendments

- (b) in sub-clause (1) by deleting the words “the Kenya Association of Manufacturers” appearing in paragraph (g) and substituting therefor the words “a recognized umbrella body representing the interests of the private sector in Kenya”; and

**CLAUSE 24**

**THAT** clause 24 of the Bill be amended-

- (a) in sub-clause (1) by deleting the words “in each year” appearing immediately after the words “affected organizations”; and
- (b) in sub-clause (2) by inserting the following new paragraph immediately after paragraph (c)-
- (d) the impact of the exploitation on the people and the environment

**CLAUSE 26**

**THAT** clause 26 of the Bill be amended-

- (a) in sub-clause (1) by inserting the words “under this Act” immediately after the words “revenue collected”; and
- (b) in sub-clause (6) by inserting the words “in consultation with the lead agencies for each natural resource” immediately after the words “Authority shall”.

**CLAUSE 30**

**THAT** clause 30 of the Bill be amended in sub-clause (2) by inserting the words “within thirty days of its execution” immediately after the word “Authority”.

**CLAUSE 32**

**THAT** the Bill be amended by deleting clause 32.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence-

“Authority” means the Benefit Sharing Authority established under section 5;

“cabinet secretary” means the cabinet secretary for the time being responsible for matters relating to natural resources.

**THE TOBACCO CONTROL REGULATIONS, 2014**

**NOTICE** is hereby given that the Chairperson of the Sessional Committee on Delegated Legislation intends to move the following amendments to the Tobacco Control Regulations, 2014 at the Committee Stage-

**REGULATION 3**

**THAT** regulation 3 be annulled.

**REGULATION 12**

**THAT** regulation 12 be annulled.

**REGULATION 20**

**THAT** regulation 20 be annulled.

**REGULATION 21**

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**REGULATION 22**

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**REGULATION 25**

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**REGULATION 26**

**THAT** regulation 26 be annulled.

**REGULATION 27**

**THAT** regulation 27 be annulled.

...../Amendments

**REGULATION 28**

THAT regulation 28 be annulled.

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**REGULATION 31**

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**REGULATION 32**

THAT regulation 32 be annulled.

**REGULATION 33**

THAT regulation 33 be annulled.

**REGULATION 34**

THAT regulation 34 be annulled.

**REGULATION 35**

THAT regulation 35 be annulled.

**REGULATION 36**

THAT regulation 36 be annulled.

**REGULATION 37**

THAT regulation 37 be annulled.

**REGULATION 45**

THAT regulation 45 (2) be annulled.



APPENDIX1. NOTICES OF MOTIONa) Notice of Motion – (The Senate Majority Leader)

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2. Sen. Beatrice Elachi;
3. Sen. Mutahi Kagwe;
4. Sen. (Prof.) Anyang' Nyong'o; and
5. Sen. (Dr.) Agnes Zani

b) Notice of Motion - (The Senate Majority Leader)

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5. Sen. Billow Kerrow
6. Sen. James Orengo
7. Sen. (Dr.) Boni Khalwale
8. Sen. Mutula Kilonzo Junior
9. Sen. Halima Abdille

**2. STATEMENTS**

- a) The Chairperson of the Standing Committee on Finance, Commerce and Budget to issue a Statement on the depreciation of the Kenya Shilling against other major currencies (Sen. Mutahi Kagwe);
- b) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a Statement on the position by Government on the production and use of GMOs technology in Kenya (Sen. Kisasa Mshenga);
- c) The Chairperson of the Standing Committee on Finance, Commerce and Budget to issue a Statement on the review of rates for allowances in the Public Service by the Salaries and Remuneration Commission (Sen. Kiraitu Murungi);
- d) The Chairperson of the Standing Committee on Education to issue a Statement on delayed payment of salaries to lecturers (Sen. Danson Mwazo);
- e) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a Statement on construction of Gatitu Nyayo Tea Factory (Sen. Daniel Karaba);
- f) The Chairperson of the Standing Committee on Land and Natural Resources to issue a Statement on the destruction of Mau Forest (Sen. George Khaniri);
- g) The Chairperson of the Standing Committee on Land and Natural Resources to issue a Statement on destruction of riparian areas specifically at Konate junction in Bonyamatuta Ward, Nyamira County (Sen. Kennedy Mong'are).

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