



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

**ORDER PAPER**

WEDNESDAY, MARCH 25, 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 (As Listed in the Appendix)
8. **COMMITTEE OF THE WHOLE**

i) \* **THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL (SENATE BILL NO. 5 OF 2014)**  
(Sen. (Prof.) Kithure Kindiki)

ii) \* **THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO. 22 OF 2014)**  
(Sen. (Eng.) Karue Muriuki)

iii) \*\*\* **THE PUBLIC FUNDRAISING BILL (SENATE BILL NO. 28 OF 2014)**  
(Chairperson of the *Ad hoc* committee on Legislation on Harambee)

9. \*\* **THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2014)**  
(The Senate Majority Leader)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 24<sup>th</sup> March, 2015)*

*(Division)*

*(Subject to Constitutional deadline of 27<sup>th</sup> May, 2015)*

...../Bill

10. **\*\* THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2014)**  
(The Senate Majority Leader)  
(Second Reading)  
(Subject to Constitutional deadline of 27<sup>th</sup> May, 2015)
11. **\*\* THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2013)**  
(The Senate Majority Leader)  
(Second Reading)
12. **\*\* THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)**  
(The Senate Majority Leader)  
(Second Reading)
13. **\*\*\* 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)
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)**  
(Chairperson of the Standing Committee on Education)  
(Second Reading)

**KEY**

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

-----

**NOTICES OF AMENDMENT****i) \* THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL, (SENATE BILL NO. 5 OF 2014)**

(Sen. (Prof.) Kithure Kindiki)

**a) NOTICE** is given that Sen. (Prof.) Peter Anyang' Nyong'o, intends to move the following amendments to the foregoing Bill, at the Committee Stage-

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by -

(a) deleting sub-section 4(b) of the proposed new section 6A and inserting therefor the following new sub-section-

(b) research and promotion of the use of local raw materials for the manufacture of alcohol.

(b) deleting sub-section 4(c) of the proposed new section 6A .

**b) NOTICE** is given that the Chairperson of the Standing Committee on National Security and Foreign Relations, intends to move the following amendments to the foregoing Bill, at the Committee Stage-

**CLAUSE 1**

**THAT** clause 1 of the Bill be amended by inserting the words "except for sections 33 and 42, which shall come into operation upon the expiry of nine months from the date of publication" immediately after the words "date of publication".

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in paragraph (e) by-

(a) deleting the words 'licence importers of alcoholic drinks and' appearing in the proposed new paragraph (eb); and

(b) inserting the following new paragraph immediately after the proposed new paragraph (ef) -

(eg) publish annually in at least one newspaper of national circulation and on the authority's website an up to date list of all approved alcoholic drinks and the active ingredients used in the manufacture of such drinks.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended -

(a) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) in subsection (1) by deleting paragraph (c) and substituting therefor the following new paragraph –

(c) that where the premises in respect of which the application is made are located at least three hundred metres from any nursery, primary, secondary or other learning institution for persons under the age of eighteen years the persons in those premises do not-

- (i) interfere with learning in the institution; or
- (ii) encourage, expose or promote the consumption of alcohol to persons enrolled in the institution.

(b) by inserting the following new paragraph immediately after paragraph (b)-

(c) by inserting the following new subsection immediately after subsection (2) –

(3) The County Committee shall not grant a licence for the sale of an alcoholic drink to be consumed on the premises unless the applicant has taken measures to sound-proof the premises.

## **CLAUSE 20**

**THAT** clause 20 of the Bill be deleted and substituted with the following new clause -

20. Section 17 of the principal Act is amended –

(a) in subsection (3) by deleting the words “the District Committee” appearing at the beginning of the subsection and substituting therefore the words “the County Committee”;

(b) by inserting the following new subsections immediately after subsection (3)-

(3A) A licence for the sale of an alcoholic drink to be consumed in the premises in which it is sold shall specify the maximum number of people to be admitted into the premises at any given time.

(3B) A person licensed to sell an alcoholic drink to be consumed in the premises in which it is sold shall not at any time admit more persons than those prescribed in the licence.

(3C) A person who contravenes subsection (3B) commits an offence.

(c) by deleting subsection (4).

## **CLAUSE 24**

**THAT** clause 24 of the Bill be deleted and substituted with the following new clause-

24. Section 24 of the principal Act is deleted.

**CLAUSE 28**

**THAT** clause 28 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) by deleting paragraph (b) of subsection (2) and inserting therefor the following new paragraph-

(b) the alcoholic drink previously known as chang'aa, or a fortified wine or any other distilled alcoholic drink shall only be manufactured, packed, sold or distributed in glass bottles of the kind specified in paragraph (a).

**CLAUSE 29**

**THAT** clause 29 of the Bill be amended –

(a) by deleting paragraph (b) and substituting therefore the following new paragraph-

(b) by inserting the following new subsections immediately after subsection 3-

(3A) Despite subsection (3), where an alcoholic drink is packed in a can, the statement and health warning referred to in subsection (2) shall comprise not less than 30% of the total surface area of the package.

(3B) The statement and health warning referred to in subsection (2) shall consist of not less than the character and font size stipulated under paragraph (2) of the Second Schedule which shall appear on the area of the principle display panel.

(b) by inserting the following new paragraph immediately after paragraph (b)-

(ba) in subsection (4) by deleting the words "on every successive fifty packages of each brand of the alcoholic drink" appearing immediately after the words "as is possible".

**CLAUSE 30**

**THAT** clause 30 of the Bill be deleted.

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended in the proposed new subsection (2) by deleting paragraphs (a) and (b).

**CLAUSE 32**

**THAT** clause 32 of the Bill be amended in subparagraph (ii) of paragraph (a) by deleting the words "in the Fourth Schedule or" appearing immediately after the words "therefor the words".

**CLAUSE 33**

**THAT** clause 33 of the Bill be amended in the proposed new subsection (1A) –

- (a) by deleting paragraph (a);
- (b) in paragraph (b) by deleting the words “ the hours of 6:00 a.m. and 10:00 p.m.” appearing immediately after the words “any electronic media” and substituting therefor the words “the hours of 6:00 a.m. and 8:30 p.m.”

**CLAUSE 35**

**THAT** clause 35 of the Bill be deleted.

**CLAUSE 36**

**THAT** clause 36 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)-

- (c) inserting the following new subsections immediately after subsection (2) –
  - (3)The Cabinet Secretary shall not appoint a person as an authorized officer under this Act if the person -
    - (a) has, within the last five years, been convicted of an offence under this Act or any other law dealing with alcohol or drug abuse regulation and has been sentenced to a term of imprisonment exceeding six months; or
    - (b) is a shareholder or assignee of an outlet that sells or manufactures alcoholic drinks.
  - (4) A person proposed for appointment as an authorized officer under subsection (1) shall, before accepting the appointment, make a full disclosure to the Cabinet Secretary of any information under subsection (3).

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 40-

- |  |   |
|--|---|
| Prior Regulations to be brought into conformity with Act | 40A. (1) The Cabinet Secretary shall review any Regulations made pursuant to section 68 prior to the coming into force of this Act so as to bring such Regulations into conformity with this Act.<br>(2) The Cabinet Secretary shall, within sixty days after the coming into force of this Act, submit the Regulations referred to in subsection (1) to Parliament for approval. |
|--|---|

**THIRD SCHEDULE**

**THAT** the third schedule of the Bill be amended-

- (a) in the second column of paragraph (1), by deleting subparagraphs (a) and (b) and substituting therefor the words "at any hour";
- (b) in the second column of paragraph (2), by deleting the words "during the hours of 5:00 p.m. to 8:30 p.m." appearing immediately after the words "day of the week" and substituting therefor the words "at any hour";
- (c) in the second column of paragraph (3), by deleting the words "during the hours of 10:00 a.m. to 8:30 p.m." appearing immediately after the words "day of the week" and substituting therefor the words "at any hour"; and
- (d) in the second column of subparagraph (a) of paragraph (5), by deleting subparagraphs (a) and (b) and substituting therefor the words "on any day of the week at any hour".

**FOURTH SCHEDULE**

**THAT** the fourth schedule of the Bill be deleted.

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

(Sen. (Eng.) Karue Muriuki)

**NOTICE** is given that Sen. Kiraitu Murungi intends to move the following amendments to the foregoing Bill, at the Committee Stage-

**Clause 3**

**THAT** clause 3 of the Bill be amended by deleting paragraph (f).

**Clause 4**

**THAT** clause 4 of the Bill be amended-

- (a) in subclause(1) by deleting the words "National Potato Council" appearing immediately after the words "known as the" and substituting therefor the words "Potato Board of Kenya"; and
- (b) in subclause (2) by deleting the word "Council" appearing in the introductory clause and substituting therefor the word "Board".

**Clause 5**

**THAT** clause 5 of the Bill be amended by-

- (a) deleting subclause (1) and substituting therefor the following new subclause-

...../Amendments

(1) The Board shall comprise of-

- (a) a chairperson who shall be appointed by the President from among stakeholders in the potato industry with the relevant experience;
- (b) the Principal Secretary in the ministry responsible for matters relating to Agriculture or an alternate designated in writing by the Principal Secretary;
- (c) three representatives of farmers appointed by the Cabinet Secretary from organizations representing potato farmers;
- (d) two persons appointed by the Cabinet Secretary to represent trading organizations;
- (e) one person representing research institutions;
- (f) one person representing seed producers; and
- (g) the executive officer who shall be an *ex-officio* member and the secretary to the Board.

(b) deleting subclause (2) and substituting therefor the following new subclause-

(2) The Cabinet Secretary shall ensure that not more than two-thirds of the persons appointed under subsection (1) are of the same gender.

(c) deleting subclause (3);

(d) in subclause (4) by deleting the word "council" appearing immediately after the words "members of the" and substituting therefor the word "Board";

(e) in subclause (5) by deleting the word "council" appearing immediately after the words "constituting the first" and substituting therefor the word "Board";

(f) in subclause (6) by deleting the word "council" appearing immediately after the words "the members of the" and substituting therefor the word "Board";

(g) by deleting subclause (7) and substituting therefor the following new subclause-

(7) The members of the Board shall, at the first meeting of the Board and whenever need arises, elect a vice-chairperson from amongst the members appointed under paragraphs (c), (d), (e) and (f) of subsection (1).

(h) in subclause (8) by deleting the word "council" appearing immediately after the words "as a member of the" and substituting therefor the word "Board";



- (i) in subclause (9) by deleting the word "council" appearing immediately after the words "a member of the" and substituting therefor the word "Board";
- (j) in subclause (10) by deleting the word "council" appearing immediately after the words " a member of the" and substituting therefor the word "Board";
- (k) by deleting subclause (11) and substituting therefor the following new subclause-
  - (11) The Board may co-opt not more than two members, with no voting rights, who bring in special knowledge to further its mandate and who may serve for a specified time at the discretion of the Board.
- (l) in subclause (12) by deleting the word "council" appearing immediately after the words " a member of the" and substituting therefor the word "Board".

#### **Clause 6**

**THAT** clause 6 of the Bill be amended in subclause (1) by deleting the word "council" appearing immediately after the words "function of the" and substituting therefor the word "Board".

#### **Clause 7**

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

- (a) by deleting subclause (1) and substituting therefor the following new subclause-
  - (1) There shall be an Executive Officer of the Board who shall be competitively recruited and appointed by the Board, in consultation with the Cabinet Secretary.
- (b) in subclause (2) by deleting the word "council" appearing immediately after the words "Executive Officer of the" and substituting therefor the word "Board".
- (c) in subclause (3) by-
  - (i) deleting the word "council" appearing immediately after the words "ex officio member of the" in paragraph (a) and substituting therefor the word "Board";
  - (ii) deleting the word "council" appearing immediately after the words "employment as the" in paragraph (b) and substituting therefor the word "Board" ;

...../Amendments

(iii) deleting paragraph (c) and substituting therefor the following new subclause-

(c) subject to the direction of the Board, be responsible for the day to day management of the Board; and

(iv) deleting paragraph (d) and substituting therefor the following new paragraph-

(d) in consultation with the Board, be responsible for the performance of the functions of the Board and duties, and the general administration of the Board and its secretariat.

#### **Clause 8**

**THAT** clause 8 of the Bill be amended in the introductory clause by deleting the word "Council" and substituting therefor the word "Board".

#### **Clause 9**

**THAT** the Bill be amended by deleting clause 9 and substituting therefor the following new clause-

9. The procedure of the conduct of affairs of the Board shall be as provided in the Third Schedule but subject thereto, the Board may regulate its own procedures.

#### **Clause 10**

**THAT** clause 10 of the Bill be amended-

- (a) in subclause (1) by deleting the word "Council" appearing immediately before the words "shall gather" and substituting therefor the word "Board".
- (b) In subclause (2) by deleting the word "Council" appearing immediately before the words "shall disseminate" and substituting therefor the word "Board".

#### **Clause 11:**

**THAT** clause 11 of the Bill be amended-

- (a) by deleting subclause (1) and substituting therefor the following new subclause-
  - (1) The Board may, with the approval of the Cabinet Secretary, impose such levies as it considers necessary in order to raise funds necessary for the performance of its functions.

...../Amendments

- (b) in subclause (2) by deleting the word "Council" appearing immediately after the words "authority of the" and substituting therefor the word "Board".

**Clause 12:**

**THAT** Clause 12 be amended

- (a) in subclause (1) by deleting the word "Council" appearing immediately before the words "shall within twelve" and substituting therefor the word "Board";
- (b) in subclause 2-
  - (i) in the introductory clause by deleting the word "Council" appearing immediately after the words "the goals of the" and substituting therefor the word "Board";
  - (ii) by deleting the words "at least fifty percent" appearing immediately before the words "usage of certified" in paragraph (a) and substituting therefor the word "optimum"; and
  - (iii) by deleting the word "double" appearing immediately before the words "the quantities of potatoes" and substituting therefor the words "increase in quality and quantity" in paragraph (b).

**Clause 16**

**THAT** the Bill be amended by deleting clause 16 and substituting therefor the following new clause-

**16.** The Board shall, in the performance of its functions under section 10, obtain data on licensed seed producers and seed merchants from the Kenya Plant Health Inspectorate Service and disseminate the information for general reference by potato farmers.

**Clause 17**

**THAT** clause 17 of the Bill be amended-

- (a) in subclause (1) by deleting the word "Council" appearing immediately before the words "shall promote the use of" and substituting therefor the word "Board";
- (b) in subclause (2) by deleting the word "Council" appearing immediately before the words "shall take steps" and substituting therefor the word "Board".

**Clause 19**

**THAT** clause 19 be amended -

(a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) The Board may, in consultation with the council of governors, recommend to a Governor the establishment of a County Potato Committee.

(b) by deleting subclause 2 and substituting therefor with the following new sub-clause-

(2) A county committee established under subsection (1) shall comprise of-

- (a) the county executive committee member responsible for matters relating to trade;
- (b) three persons representing potato farmers in the county appointed by the county executive committee from amongst potato farmers organizations in the county;
- (c) two persons representing the potato trading fraternity including brokers and agents;
- (d) one person representing consumer organizations in the county appointed by the County Executive Committee members; and
- (e) one person with scientific knowledge of the potato industry who serves in the county government, who shall be the secretary and an *ex-officio* member of the committee and shall have no right to vote at the meetings of the committee.

(c) by deleting subclause (3) and substituting therefor the following new subclause -

(3) In the case of the Capital City or an urban county in which there are no potato farmers, the membership to the county committee specified under subclause (2)(b) shall instead consist of three persons representing association of processors of potato products and nominated by the Council of County Governors.

(d) in subclause (5) by deleting the word "Council" -

- (i) appearing immediately after the words "issued by the" in paragraph (a) and substituting therefor the word "Board";
- (ii) appearing immediately after the words "help the" in paragraph (e) and substituting therefor the word "Board";

...../Amendments

- (e) in subclause (6) by deleting the words "or (3)(b)(c) and (d)," appearing immediately after the words "sections (2)(b) and (c)";
- (f) in subclause (8) by deleting the words "National Potato Council" appearing immediately after the words "be a member of the" and substituting therefor the words "Board"; and
- (g) in subclause (9) by deleting the word "Council" appearing immediately after the words "subsection (3), the" and substituting therefor the word "Board".

**Clause 20**

**THAT** clause 20 of the Bill be amended-

- (a) in subclause (3) by deleting the word "Council" appearing immediately before the words " shall issue guidelines" and substituting therefor the word "Board"; and
- (b) in subclause (5) by deleting the word "Council" appearing immediately after the words "committee members or" and substituting therefor the word "Board".

**Clause 21**

**THAT** clause 21 of the Bill be amended-

- (a) in subclause (1) by deleting the words "National Potato Council" appearing immediately before the words "shall issue" and substituting therefor the word "Board"; and
- (b) in subclause (2) by deleting the word "Council" appearing immediately before the words "shall institute a mechanism" and substituting therefor the word "Board"

**Clause 22**

**THAT** clause 22 of the Bill be amended-

- (a) in subclause (1) by –
  - (i) deleting the word "Council" appearing in the introductory clause and substituting therefor the word "Board";
  - (ii) deleting the word "Council" appearing immediately after the words "potato produce as the" in paragraph (b) and substituting therefor the word "Board" ;

...../Amendments

(iii) deleting paragraph (c) and substituting therefor the following new paragraph-

(c) acquire such quantities of potato seeds for sale, storage or for such other purposes as the Board may from time to time decide and sell or otherwise dispose of such stocks in such manner as it considers appropriate;

(iv) inserting the following new paragraph immediately after paragraph (c)-

(d) promote value addition in potato farming.

(b) in subclause (2) by deleting the word "Council" appearing immediately before the words may engage and substituting therefor the word "Board".

#### **Clause 23**

**THAT** clause 23 of the Bill be amended in subclause (1) by deleting the words "one hundred and ten" appearing immediately after the words "potatoes shall be" and substituting therefor the word "fifty".

#### **Clause 24**

**THAT** clause 24 of the Bill be amended in subclause (1) by deleting the word "Council" appearing at the end of the subclause and substituting therefor the word "Board"

#### **Clause 26**

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

(a) in subclause (1) by deleting the word "Council" appearing immediately after the words "shall be administered by the" and substituting therefor the word "Board";

(b) in subclause (2) by –

(i) deleting the word "Council" appearing immediately after the words "accrue to the" in paragraph (c) and substituting therefor the word "Board";

(ii) deleting the word "Council" appearing immediately after the words "may grant to the" in paragraph (d) and substituting therefor the word "Board";

...../Amendments

**Clause 27**

**THAT** clause 27 of the Bill be amended in subclause (1) by-

- (a) deleting the word "Council" appearing immediately after the words "expenses of the" in paragraph (a) and substituting therefor the word "Board"; and
- (b) deleting the word "Council's" appearing immediately after the words "necessary to fulfill the" in paragraph (b) and substituting therefor the word "Board's".

**Clause 29**

**THAT** clause 29 of the Bill be amended-

- (a) in the introductory clause by deleting the word "Council" appearing immediately after the words "finances of the" and substituting therefor the word "Board";
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph-
  - (b) monies accruing to the Board out of levies that may be set by the Board as provided for under section 11;

**Clause 30**

**THAT** clause 30 of the Bill be amended by deleting the word "Council" appearing immediately after the words "year of the" and substituting therefor the word "Board".

**Clause 31**

**THAT** clause 31 of the Bill be amended-

- (a) by deleting subclause (1) and substituting therefor the following new subclause-
  - (1) Before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that financial year.
- (b) in clause (2) by deleting the word "Council" appearing immediately before the words "shall approve" and substituting therefor the word "Board".

**Clause 32**

**THAT** clause 32 of the Bill be amended-

- (a) by deleting subclause (1) and substituting therefor the following new subclause-

...../Amendments

- (1) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.
- (b) in subclause (2) by deleting the word "Council" appearing immediately after the words "appointed by the" and substituting therefor the word "Board".
- (c) by deleting subclause (3) and substituting therefor the following new subclause-
- (3) Within a period of three months from the end of the financial year, the Board shall submit to the Auditor-General, or to an auditor appointed under subsection (2), the accounts of the Board.
- (d) in subclause (4) by deleting the word "Council" appearing immediately after the words "audited accounts of the" and substituting therefor the word "Board".

**Clause 33**

**THAT** clause 33 of the Bill be amended-

- (a) by deleting subclause (1) and substituting therefor the following new subclause-
- (1) The Board shall, within three months after the end of a financial year, prepare and submit to Parliament an annual report on the operations of the Board for the preceding year.
- (b) in subclause (2) by-
- (i) deleting the word "council" appearing immediately after the words "statements of the" in paragraph (a) and substituting therefor the word "Board"; and
- (ii) deleting the word "council" appearing immediately after the words "activities of the" in paragraph (b) and substituting therefor the word "Board".

**Clause 34**

**THAT** clause 34 of the Bill be amended in subclause (1)-

- (a) by deleting the word "council" appearing immediately after the words "consultation with the" in the introductory phrase and substituting therefor the word "Board";

...../Amendments



- (b) by deleting the word "council" appearing immediately after the words "this Act by the" in paragraph (d) and substituting therefor the word "Board" .

**Clause 35**

**THAT** clause 35 of the Bill be amended-

- (a) in subclause (1) by deleting the word "council" appearing at the end of the subclause and substituting therefor the word "Board";
- (b) in subclause (2) by-
- (i) deleting the word "council" appearing immediately after the words "criminal nature, the" and substituting therefor the word "Board" in paragraph (a);
- (ii) deleting the word "council" appearing immediately after the words "civil nature, the" and substituting therefor the word "Board" in paragraph (b);
- (iii) deleting the word "council" appearing immediately after the words "civil nature the" and substituting therefor the word "Board" in paragraph (b);
- (c) by deleting subclause (4) and substituting therefor the following new subclause-
- (4) Where the complaint is against the Board, the matter shall be referred to the Cabinet Secretary who shall act in accordance with subsection (2) instead of the Board.
- (d) in subclause (5) by deleting the word "council" appearing at the end of the subclause and substituting therefor the word "Board".

**First Schedule**

**THAT** the Bill be amended by deleting the First Schedule.

**Second Schedule**

**THAT** the Bill be amended by deleting the Second Schedule.

**Third Schedule**

**THAT** the third schedule be amended-

- (a) in paragraph 1 by-
- (i) by deleting subparagraph (1) and substituting therefor the following new subparagraph-

...../Amendments

(1) The Board shall hold such number of meetings at such places and at such times as the Board shall consider necessary for the proper discharge of its functions, provided that a decision to hold a Board meeting other than at its designated headquarters shall only be made by a resolution of the Board.

(ii) deleting the word "council" appearing immediately after the words "notwithstanding subsection (1)" in subparagraph (2) and substituting therefor the word "Board";

(iii) deleting the word "council" appearing at the end of subparagraph (3) and substituting therefor the word "Board";

(b) in paragraph 2 by deleting the word "council" appearing immediately after the words "business of the" and substituting therefor the word "Board";

(c) by deleting paragraph 3 and substituting therefor the following new paragraph-

Quorum at 3. The quorum for the conduct of business at a meeting of the Board shall be half of the members of the Board, excluding ex- officio and co-opted members

(d) in paragraph 4 by deleting the word "council" appearing immediately after the words "matter before the" in subparagraph (1) and substituting therefor the word "Board";

(e) in paragraph 5 by deleting the word "council" appearing immediately after the words "provisions of this Act the" and substituting therefor the word "Board";

(f) by deleting paragraph 6 and substituting therefor the following new paragraph-

Vacancies and improper appointments 6. Proceedings of the Board shall not be invalid by reason only of a vacancy in the membership of the Board or by reason of a defect in the process of appointment of a member.

...../Amendments

(g) by deleting paragraph 7 and substituting therefor the following new paragraph-

Disclosure of interest 7. (1) If a member of the Board has a direct or indirect interest in a contract, proposed contract or other matter before the Board, such member shall as soon as is practicable after the commencement of that meeting, disclose that fact.

(2) A member to whom subparagraph (1) applies shall not be present at a meeting of the Board, or a committee of the Board at which the matter in which the member has disclosed an interest is considered by the Board.

(h) in paragraph 8 by deleting the word "council" appearing immediately after the words "meeting of the" and substituting therefor the word "Board"

## **Clause 2**

**THAT** clause 2 of the Bill be amended by-

(a) inserting the following new definitions in the correct alphabetical sequence-

"Board" means the Potato Board of Kenya established under section 4;

"county executive member" means the county executive member responsible for matters relating to Agriculture: and

(b) deleting the definition of the word "Council"

## **Long Title:**

**THAT** the Bill be amended by deleting the long title and substituting therefor the following new title –

AN ACT of Parliament to establish the Potato Board of Kenya, to enhance productivity and income of potato farmers; to set standards to regulate the industry; and for connected purposes.

## **Clause 1**

**THAT** clause 1 of the Bill be amended by deleting the words "sixty" appearing immediately after the words "on the expiry of" and substituting therefor the word "ninety".

iii) \*\*\* **THE PUBLIC FUNDRAISING BILL (SENATE BILL NO. 28 OF 2014)**  
(Chairperson of the *Ad hoc* committee on Legislation on Harambee)

**NOTICE** is given that Sen. Beth Mugo intends to move the following amendments to the foregoing Bill, at the Committee Stage-

**Clause 23**

**THAT** clause 23 of the Bill be amended by deleting paragraph (b) and substituting therefore the following new paragraph –

- (b) money or property collected by or under the authority of a recognized representative of a religious association registered under the Societies Act for normal collections such as tithes and offerings or for the purpose of carrying out developments or projects for the benefit of the association.

**Clause 24**

**THAT** the Bill be amended by deleting clause 24 and substituting therefor the following new clause –

Non-  
application of  
Part to private  
fundraising  
appeals.

**24.** The provisions of this Part shall not apply to –

- (a) a public fundraising appeal conducted by a fundraising manager to members of the public or a section of the public for the purpose of raising funds to raise education fees or to settle funeral or medical expenses; or
- (b) a private fundraising appeal where the solicitation is made from members of the beneficiary's nuclear family or relatives and does not extend to members of the public.

APPENDIXSTATEMENTS

- a) The Chairperson of the Standing Committee on Labour and Social Welfare to issue a Statement on the disbursement of cash for the elderly by the Government in Makueni County (Sen. Mutula Kilonzo Junior);
- b) The Chairperson of the Standing Committee on Health to issue a Statement on status of medical misdiagnosis, reported cases, investigations and unlicensed clinics (Sen. Catherine Mukiite);
- c) The Chairperson of the Sessional Committee on Devolved Government to issue a Statement on Countrywide status of IDP resettlement and plight of integrated IDPs 1997-2007 including those in Vihiga County (Sen. George Khaniri);
- d) The Chairperson of the Standing Committee on Lands and Natural Resources to issue a Statement on pollution of the Athi River in Machakos and Makueni Counties (Sen. Mutula Kilonzo Jnr.);
- e) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a Statement on Malka Daka irrigation scheme in Isiolo County (Sen. Fatuma Dullo);
- f) The Chairperson of the Standing Committee on Education to issue a Statement on the failure by the Government to make regulations pursuant to section 95 (1) (a) of the Education Act, 2013 (Sen. (Prof) Wilfred Lesan).

-----