



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (THIRD SESSION)
THE SENATE
SUPPLEMENTARY ORDER PAPER
WEDNESDAY, MAY 27, 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 (As Listed in the Appendix)
8. **MOTION** – (Chairperson, Mediation Committee)

THAT, this House approves the Report of the Mediation Committee on the Public Audit Bill (National Assembly Bill No. 38 of 2014) pursuant to Standing Order 155 laid on the Table of the House on Wednesday, 27th May, 2015.

(Subject to Constitutional deadline of 27th May, 2015)

9. **MOTION** – (Chairperson, Mediation Committee)

THAT, this House approves the Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No. 11 of 2015) pursuant to Standing Order 155 laid on the Table of the House on Wednesday, 27th May, 2015.

10. **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)

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

(Sen. Judith Sijeny)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 26th May, 2015)

...../Motion

12. **MOTION** – (Sen. (Prof.) Anyang' Nyong'o)

THAT, aware that the Government of Kenya has a 29.8% shareholding in Kenya Airways Limited thereby being the largest single shareholder in the company;

COGNIZANT of the fact that Kenya Airways Limited, the National Flag carrier, has been experiencing tremendous delays and cancellation of flights;

AWARE that each delay and or cancellation has led to grave losses to the airline thereby worsening the debt burden of the corporation;

REALIZING that the airline is now in debt to the tune of 18 Billion Kenya Shillings;

FURTHER AWARE that the current business plan of the airline does not seem to take into full account necessary measures to turn the company around;

CONCERNED that the situation, if left unchecked, may lead to the collapse of the company and great loss to the nation, investors and the Kenyan taxpayers;

NOW THEREFORE, the Senate resolves to establish a select committee to conduct an inquiry into the affairs of Kenya Airways Limited and its subsidiaries, and report to the Senate within three months, taking into account the following-

- i) The leasing and buying arrangement of aircrafts since 1996;
- ii) The role of off-shore companies in the investment affairs of the airline;
- iii) The identity of the share holders of these off-shore companies and their relationship with the management of Kenya Airways Limited;
- iv) The employment policies and practices of personnel, including engineers, pilots, cabin crew and ground personnel;
- v) The reason for delayed and cancelled flights, their frequency and the magnitude of losses attendant therein; and
- vi) Any other matter that may shed light on the financial and management crisis currently facing the airline;

AND FURTHER that the Members of the Select Committee are:-

1. Sen. (Prof.) Anyang' Nyong'o
2. Sen. Mutahi Kagwe
3. Sen. Hassan Omar
4. Sen. Daniel Karaba
5. Sen. (Dr.) Boni Khalwale
6. Sen. (Dr.) Agnes Zani
7. Sen. Lesuuda Naisula
8. Sen. Peter Mositet
9. Sen. (Prof.) Wilfred Lesan
10. Sen. Billow Kerrow
11. Sen. James Orengo

...../Bill

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 COUNTY EARLY CHILDHOOD EDUCATION BILL, (SENATE BILL NO. 32 OF 2014)
(Chairperson, Standing Committee on Education)
(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. OF 36 OF 2014)
(Chairperson, *Ad hoc* Committee on Establishment of Public Compensation Bureaus)
(Second Reading)
19. MOTION - (The Chairperson, Sessional Committee on County Public Accounts and Investments)
- THAT**, the Senate adopts the Interim report of the Senate Sessional Committee on County Public Accounts and Investments on the inquiry into County Government Accounts for the Financial Year 2012/2013- (1st January to 30th June, 2013).
20. MOTION - (The Chairperson, Standing Committee on Finance, Commerce and Budget)
- THAT**, the Senate adopts the Report of the Commission on Revenue Allocation on the recommended County Governments Budget ceilings on recurrent expenditures for new structures for the Financial Year 2015/16 pursuant to section 107 (2A) of the Public Finance Management Act laid on the Table of the House on Wednesday, 1st April, 2015.
21. MOTION - (The Chairperson, Standing Committee on Finance, Commerce and Budget)

THAT, the Senate adopts the Report of the Standing Committee on Finance, Commerce and Budget on Operations of Makueni County Assembly laid on the Table of the House on Wednesday, 1st April, 2015.

...../Motion

22. **MOTION** (The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)

THAT, this House adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on the high level food security workshop held on 5th to 8th June, 2014.

23. **MOTION** – (The Chairperson, Standing Committee on Energy)

THAT, this House adopts the Report of the Standing Committee on Energy on the Fact Finding Visit to Mui Basin, Kitui County on 3rd September, 2014 laid on the Table of the House on Wednesday, 1st April, 2015.

NOTICE

The Senate resolved on 11th February, 2015 as follows:-

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.

KEY

*** * * * ***

■ Denotes a Majority /Minority Party Bill

*** * ***

■ Denotes a Committee Bill

■ Denotes a National Assembly Bill

■ Denotes any other Bill

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

- a) **NOTICE** is given that Sen. (Dr.) 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 “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—

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

(g) one person nominated by the Kenya Private Sector Alliance (KEPSA);

- (b) deleting subclause (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.

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 subclause (1)(b) by deleting subparagraph (i) and substituting therefor the following new subparagraph –

...../Amendments

- (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;"

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.

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

CLAUSE 3

THAT clause 3 of the Bill be amended in sub-clause (1)-

- (a) by inserting the words "the following natural resources' immediately after the words "exploitation of" appearing in the opening paragraph to sub-clause(1);

- (b) 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)-

...../Amendments

- (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";
- (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
- (c) in sub-clause (5) by inserting the words "and the requirements of Chapter Six of the Constitution" at the end of the sub-clause.

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;

APPENDIX**1. PAPERS**

- a) Report of the Mediation Committee on the Public Audit Bill (National Assembly Bill No. 38 of 2014).
- b) Report of the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No. 11 of 2015)

2. NOTICES OF MOTION

- a) **Notice of Motion** – (Chairperson, Mediation Committee)

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- b) **Notice of Motion** – (Chairperson, Mediation Committee)

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3. STATEMENTS

- a) The Chairperson of the Standing Committee on Health to issue a Statement on recently reported outbreak of cholera in the country (Sen. Beth Mugo);
- b) The Chairperson of the Standing Committee on Health to issue a Statement on the opening of a battery assembly plant in Naivasha and its potential impact on the health of local community (Sen. Njoroge Ben);
- c) The Senate Majority Leader to issue a Statement on the forthcoming visit by the United States of America President, H.E Barack Obama, to the Country in July, 2015 (Sen. (Dr.) Boni Khalwale);
- d) The Chairperson of the Standing Committee on Education to issue a Statement on the predicament of students of the Garissa Teachers Training College resulting from insecurity in Garissa County (Sen. Christopher Obure);
- e) The Chairperson of the Standing Committee on National Security and Foreign Relations to issue a Statement on Kenya's boundary disputes with Somalia, South Sudan and Uganda (Sen. John Munyes);
- f) 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).
