



REPUBLIC OF KENYA  
ELEVENTH PARLIAMENT – (THIRD SESSION)  
THE SENATE  
**ORDER PAPER**  
THURSDAY, MAY 28, 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
7. Statements (As Listed in the Appendix)
8. **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;

...../Motion

- 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

*(Resumption of Debate interrupted on Wednesday, 27<sup>th</sup> May, 2015)*

9. **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)

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

(Sen. Judith Sijeny)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 26<sup>th</sup> May, 2015)*

11. **\*\*\* 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)*

12. **\*\*\* THE COUNTY EARLY CHILDHOOD EDUCATION BILL, (SENATE BILL NO. 32 OF 2014)**

(Chairperson, Standing Committee on Education)

*(Second Reading)*

13. **\*\*\* THE COUNTY ASSEMBLY SERVICES BILL, (SENATE BILL NO. 27 OF 2014)**

(Chairperson, Standing Committee on Legal Affairs and Human Rights)

*(Second Reading)*

...../Bill

14. \* **THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**  
(Sen. Halima Abdille)  
(*Second Reading*)
15. \*\*\* **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*)
16. \*\*\* **THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILL NO. OF 36 OF 2014)**  
(Chairperson, *Ad hoc* Committee on Establishment of Public Compensation Bureaus)  
(*Second Reading*)
17. **MOTION** – (Sen. Beatrice Elachi)  
(Department of Interior and Coordination of National Government)

**THAT**, cognizant that Article 12 of the Constitution guarantees a right to citizenship; noting that it is the right of every Kenyan attaining 18 years to register and be issued with a National Identity Card ; further noting that the National Identity Card is at the core in determining the extent to which an individual enjoys his or her fundamental rights and freedoms; concerned that Orphans and Vulnerable Children attaining the age of 18 years in children's homes have difficulties obtaining the National Identity Cards, the Senate urges the National Government to take remedial, policy, administrative and legislative measures to improve and expedite the process of registration for National Identity Cards especially for the Orphans and Vulnerable Children who live in children's homes and have attained 18 years of age.

18. **MOTION** – (Sen. Sammy Leshore)  
(Department of Health)

**THAT**, cognizant that the core mandate of the National AIDS Control Council (NACC) is to develop strategies, policies and guidelines relevant to the prevention and control of HIV and AIDS in Kenya; noting that the operational structure of NACC has not been aligned to the Constitution of Kenya 2010; acknowledging the objects of devolution as set out under Article 174 of the Constitution; recognizing that under the Fourth Schedule, the health function has been devolved except for the health policy and referral hospitals; concerned that an estimated 1.2 million Kenyans are infected with HIV/AIDS and a 100,000 are infected annually; recognizing the need to achieve an "*AIDS free society*" by stepping up the fight against the pandemic at the County level, the Senate urges the National Government to set up the National AIDS Control Council (NACC) County offices in all County Headquarters with the National Headquarters providing overall co-ordination and that the resources allocated for the fight against HIV/AIDS be disbursed and managed at the County level.

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

**THAT**, the Senate do now adjourn until Tuesday, 16<sup>th</sup> June, 2015.

...../Notices

NOTICES

The Senate resolved on 11<sup>th</sup> February, 2015 as follows:-

- a) **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.

- b) **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.

KEY

**\* \* \* \***

- Denotes a Majority /Minority Party Bill

**\* \* \***

- Denotes a Committee Bill

**\*\***

- Denotes a National Assembly Bill

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- 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 Bill 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. PAPER**

Business of the Senate for the coming week.

**2. STATEMENTS**

- a) The Senate Majority Leader to issue a Statement on Business of the Senate for the coming week;
- b) The Chairperson of the Sessional Committee on Devolved Government to issue a Statement on relocation of the headquarters of Kiambu County Government (Sen. Kimani Wamatangi);
- c) The Chairperson of the Standing Committee on National Security and Foreign Relations to issue a Statement on accident in Kisii County that sparked riots leading to destruction of property and injuries (Sen. Chris Obure);
- d) The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a Statement on Status of NCPB depots, maintenance of grain reserve and stabilization of maize prices (Sen. George Khaniri);
- e) The Chairperson of the Standing Committee on Legal Affairs and Human Rights to issue a Statement on simmering hostility and tension between residents of Vihiga and Kisumu Counties over the Vihiga-Kisumu County boundary (Sen. George Khaniri);
- f) 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).

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