



REPUBLIC OF KENYA  
**ELEVENTH PARLIAMENT – (THIRD SESSION)**  
**THE SENATE**  
**SUPPLEMENTARY ORDER PAPER**  
**THURSDAY, JULY 30, 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. \*\*\* **THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)**  
(The Senate Majority Leader)  
(Second Reading)  
***(Resumption of Debate interrupted on Wednesday, 29<sup>th</sup> July, 2015)***  
***(Division)***
9. **COMMITTEE OF THE WHOLE**  
\* **THE FOOD SECURITY BILL, (SENATE BILL NO. 23 OF 2014)**  
(Sen. Beatrice Elachi)  
***(Resumption of Debate interrupted on Wednesday, 29<sup>th</sup> July, 2015)***  
***(Division)***
10. **COMMITTEE OF THE WHOLE**  
\*\*\* **THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)**  
(The Senate Majority Leader)  
***(Resumption of Debate interrupted on Wednesday, 29<sup>th</sup> July, 2015)***  
***(Division)***
11. \* **THE COMMUNITY LAND BILL (SENATE BILL NO. 38 OF 2014)**  
(Sen. (Prof.) Kindiki Kithure)  
(Second Reading)  
***(Resumption of Debate interrupted on Wednesday, 29<sup>th</sup> July, 2015)***  
***(Subject to Constitutional deadline of 27<sup>th</sup> August, 2015)***

...../Bill

12. **COMMITTEE OF THE WHOLE****\* THE COMMUNITY LAND BILL (SENATE BILL NO. 38 OF 2014)**

(Sen. (Prof.) Kindiki Kithure)

*(By leave of the Senate)*13. **MOTION** – (Chairperson, Finance, Commerce and Budget)

**THAT**, the Senate approves the Cash Disbursement Schedule to County Governments for 2015/2016 FY laid on the Table of the Senate on Thursday, 30<sup>th</sup> July 2015 pursuant to Section 17 of the Public Finance Management Act, 2012.

14. **MOTION** – (Vice – Chairperson, Mediation Committee)

**THAT**, the report of the Mediation Committee on the Fertilizer and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013) laid on the Table of the Senate on Thursday, 30<sup>th</sup> July 2015 be approved.

15. **\* THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO. 7 OF 2014)**

(Sen. (Eng.) Muriuki Karue)

*(Second Reading)*16. **MOTION** – (Sen. Muriuki Karue)

**THAT**, noting that County governments were allocated offices and premises formerly occupied by the defunct local authorities and, to some extent, by former provincial administration;

**OBSERVING** that these arrangements were satisfactory in most counties;

**AWARE** that some counties had little or no such offices or premises to inherit resulting in serious operational challenges of such county governments;

**APPRECIATING** that there are many counties with inadequate physical facilities whether they inherited the envisaged facilities or not;

**CONCERNED** that the situation, continues to impact negatively on the performance of the said counties;

**ACKNOWLEDGING** that it is the mandate of the Senate to protect the interests of the counties and to ensure that their governments are fully operational;

**NOW THEREFORE**, in order to form the basis for possible assistance to counties for headquarter facilities, the Senate resolves to establish a Select Committee to conduct an inquiry into the needs of each of the forty – seven counties and report to the Senate within three months, and further that the select committee shall comprise the following Senators-

1. Sen. (Eng.) Muriuki Karue Muriuki;
2. Sen. George Khaniri;
3. Sen. Abu Chiaba;
4. Sen. Abdirahman Hassan;
5. Sen. Stephen Sang;
6. Sen. Fatuma Dullo;

...../Motion

7. Sen. Judith Sijeny;
8. Sen. Christopher Obure; and
9. Sen. (Prof.) John Lonyangapuo.

***(Resumption of Debate interrupted on Thursday, 16<sup>th</sup> July, 2015)***  
***(Balance of Time - 53 mins)***

17. **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- (1<sup>st</sup> January to 30<sup>th</sup> June, 2013).

18. **MOTION** – ( Sen. Zipporah Kittony)  
(Ministry of Transport and Infrastructure)

**THAT, AWARE** that traffic congestion in Nairobi Metropolitan Region is increasingly becoming worse leading to increased costs, longer travel times, constrained economic productivity and adverse health and environmental externalities;

**CONCERNED** that the economic cost of the congestion is estimated to be Kshs.1 billion annually on account of wasted man-hours and wasted fuel due to vehicular queuing;

**APPRECIATING** the government's effort in mitigating the problem by expanding infrastructure and initiating other interventions such as installation of traffic lights in the Central Business District;

The Senate now calls upon the Government to consider formulating additional policy interventions to mitigate the problem by:-

1. Enacting legislation to allow only high capacity public transport to operate in the city; and
2. Creating regulations to:-
  - a) Require all deliveries to business premises to be done at night;
  - b) Require construction on roads that are in use to be done at night; and
  - c) Reroute heavy commercial vehicles to use the bypasses.

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

**THAT, the** Senate do now adjourn until Tuesday, 15<sup>th</sup> September, 2015.

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 National Assembly Bill
- \*\* - Denotes a Committee Bill
- \* - Denotes any other Bill
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**NOTICE OF AMENDMENT**

**\* THE COMMUNITY LAND BILL (SENATE BILL NO. 38 OF 2014)**

(Sen. (Prof.) Kindiki Kithure)

**NOTICE** is given that Sen. Lenny Kivuti intends to move the following amendments to the Community Land Bill, 2014, at the Committee Stage-

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause –

(3) No right on community land may be expropriated or confiscated except by law in the public interest and upon prompt payment in full of just compensation to the person or persons.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended—

- (a) by inserting the following new sub-clause immediately after sub-clause (1)—

(1A) The Commission shall prepare guidelines on the procedure to be applied in the formation of a committee under sub-section (1)(b)(ii).

- (b) in sub-clause (2) by deleting the word “before” appearing immediately after the words “the community” and substituting therefor the words “upon formal”; and

- (c) by inserting the following new sub-clause immediately after sub-clause (2) —

(2A) The Registrar may issue a provisional certificate of title pending formal adjudication of the community land.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended by deleting sub-clause 5.

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (a) —

(aa) develop land use plans;

**CLAUSE 28**

**THAT** clause 28 of the Bill be amended in sub-clause (1) by deleting paragraph (b).

**CLAUSE 55**

**THAT** clause 55 of the Bill be amended by deleting paragraph (d).

**CLAUSE 56**

**THAT** the Bill be amended by deleting clause 56.

**CLAUSE 68**

**THAT** clause 68 of the Bill be amended in sub-clause (1) by deleting the words “the Commission or” appearing at the beginning of the sub-clause.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new definition in its alphabetical order;

“natural resources” has the meaning assigned to it under Article 260 of the Constitution.”

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**APPENDIX****1. PAPERS**

- a) The Business of the Senate for the coming week;  
*(The Senate Majority Leader)*
- b) The Cash Disbursement Schedule to County Governments for 2015/2016 FY;  
*(Chairperson, Standing Committee on Finance, Commerce and Budget)*
- c) The report of the Mediation Committee on the Fertilizer and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013).  
*(Vice – Chairperson, Mediation Committee)*

**2. NOTICES OF MOTION**

- a) **Notice of Motion** - (Chairperson, National Security and Foreign Relations)

**THAT**, this House adopts the Report on the assessment of security situation in Mandera County, Laikipia County and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19<sup>th</sup> January and 5<sup>th</sup> February, 2015 laid on the table of the House on Wednesday, 29<sup>th</sup> July, 2015;

- b) **Notice of Motion** – (Chairperson, Standing Committee on Finance, Commerce and Budget)

**THAT**, the Senate approves the Cash Disbursement Schedule to County Governments for 2015/2016 FY laid on the Table of the Senate on Thursday, 30<sup>th</sup> July 2015 pursuant to Section 17 of the Public Finance Management Act, 2012;

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

**THAT**, the report of the Mediation Committee on the Fertilizer and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013) laid on the Table of the Senate on Thursday, 30<sup>th</sup> July 2015 be approved.

**3. STATEMENTS****I) REQUEST**

A nominated Senator (Sen. Liza Chelule) to seek a statement from the Chairperson of the Standing Committee on Labour and Social Welfare on access to finances by the youth, women and persons with disability to execute tenders won through the 30% access to Government procurement.

**II) TO BE ISSUED**

- a) The Senate Majority Leader to issue a Statement on Business of the Senate for the coming week;

- b) The Sessional Committee on County Public Accounts and Investments to issue a Statement on projects contracted by Narok County Government (Sen. Stephen Ole Ntutu);
- c) 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).

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