



**REPUBLIC OF KENYA**  
**ELEVENTH PARLIAMENT – (FOURTH SESSION)**  
**THE SENATE**  
**SPECIAL SITTING**  
**ORDER PAPER**  
**WEDNESDAY, DECEMBER 28, 2016 AT 10.00 A.M.**

**PRAYERS**

1. Communication from the Chair
2. Messages
3. Papers (As listed in the Appendix)
4. Notices of Motion (As listed in the Appendix)
5. **THE ELECTION LAWS (AMENDMENT (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)**  
(The Senate Majority Leader)  
*(First Reading)*
6. **THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)**  
(The Senate Majority Leader)  
*(Second Reading)*
7. **MOTION** – (Chairperson, Standing Committee on Land and Natural Resources)  
**THAT**, pursuant to Section 7 of the Climate Change Act, 2016, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and Senate Standing Order 65, the Senate adopts the Report of the Joint Sitting of the Senate Standing Committee on Land and Natural Resources and the National Assembly Departmental Committee on Environment and Natural Resources on the vetting of nominees for appointment to the National Climate Change Council, laid on the Table of the Senate on Wednesday, December 28, 2016 and approves the recommendations of the Committees as follows:-
  - i) Approves the nomination of Messrs. Suresh Patel and John Kioli for appointment to the National Climate Change Council;
  - ii) Rejects the nomination of Ms. Cynthia Wechabe and Dr. Jane Mutheu for appointment to the National Climate Change Council; and
  - iii) Recommends that the appointing authority submits nominees of the female gender to represent the marginalized communities and Commission for University Education as prescribed by the Public Appointments (Parliamentary Approval) Act.

**...../Motion**

8. **MOTION** – (Chairperson, Standing Committee on Finance, Commerce and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance, Commerce and Budget on the 2017 Budget Policy Statement laid on the Table of the Senate on Wednesday, 30<sup>th</sup> November, 2016.

*(Resumption of Debate interrupted on Thursday, 1<sup>st</sup> December, 2016)*  
*(Division)*

9. **\*THE COUNTY STATISTICS BILL (SENATE BILL NO. 11 OF 2016)**

(Sen. Naisula Lesuuda)

*(Second Reading)*

*(Resumption of Debate interrupted on Thursday, 10<sup>th</sup> November, 2016)*  
*(Division)*

10. **\*\*THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL  
(SENATE BILL NO. 5 OF 2016)**

(Chairperson, Standing Committee on National Security and Foreign Relations)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 15<sup>th</sup> November, 2016)*  
*(Division)*

11. **\*\*\*THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY  
BILL NO. 12 OF 2015)**

(The Senate Majority Leader)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 16<sup>th</sup> November, 2016)*  
*(Division)*

12. **\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 8 OF 2016)**

(Sen. (Eng.) Muriuki Karue)

*(Second Reading)*

*(Resumption of Debate interrupted on Thursday, 17<sup>th</sup> November, 2016)*  
*(Division)*

13. **\*THE LOCAL CONTENT BILL (SENATE BILL NO. 13 OF 2016)**

(Sen. Gideon Moi)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 30<sup>th</sup> November, 2016)*  
*(Division)*

14. **\*THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL  
NO. 16 OF 2015)**

(Sen. Judith Sijeny)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 26<sup>th</sup> July, 2016)*  
*(Division)*

...../Bill

15. **COMMITTEE OF THE WHOLE**  
**\*\*\*CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE**  
**PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION)**  
**BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**  
(The Senate Majority Leader)
16. **COMMITTEE OF THE WHOLE**  
**\*\*\* CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE**  
**ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**  
(The Senate Majority Leader)
17. **COMMITTEE OF THE WHOLE**  
**THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY**  
**BILL NO. 63 OF 2015)**  
(The Senate Majority Leader)
18. **MOTION** – (The Senate Majority Leader)

**THAT**, pursuant to standing order 210 (3), the Senate resolves that the mandate of the Sessional Committees appointed in the Fourth Session be extended until the commencement of the Fifth Session.

**KEY**

**\*\*\*\*\*** – Denotes a Majority /Minority Party Bill

**\*\*\*** – Denotes a National Assembly Bill

**\*\*** – Denotes a Committee Bill

**\*** – Denotes any other Bill

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**NOTICES OF AMENDMENTS**

**A. \*\*\*THE PRESIDENTIAL MEMORANDUM ON THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**

(The Senate Majority Leader)

**PRESIDENT'S RECOMMENDATIONS:**

**CLAUSE 51**

**THAT**, clause 51 of the Bill be amended in subclause (9) by deleting paragraph (a).

**CLAUSE 58**

**THAT**, clause 58 of the Bill be amended –

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) The Cabinet Secretary shall, within thirty days of the approval of field development plan submitted in accordance with the terms of a production sharing contract entered into under this Act, submit the production sharing contract together with the field development plan to Parliament for ratification in accordance with Article 71 of the Constitution.

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

(2) Parliament shall, within sixty days after receiving the production sharing contract and field development plan under subsection (1) –

(a) ratify the production sharing contract and the field development plan;  
or

(b) refuse to ratify the production sharing contract and the field development plan and refer the documents back to the cabinet secretary for reconsideration stating the reasons for the refusal.

- (c) by deleting sub-clause (5) and substituting therefor the following new sub-clause –

(5) If Parliament does not make a decision under sub-section (2) within ninety days, the production sharing contract and the field development plan shall be deemed to have been ratified.

**CLAUSE 85**

**THAT**, clause 85 be amended –

- (a) in sub-clause (2) by inserting the following proviso –

Provided that the amount allocated in accordance with this sub-section shall not exceed twice the amount allocated to the county government by Parliament in the financial year under consideration;

- (b) by deleting sub-clause (3);

- (c) in sub-clause (4) by deleting the word “ten” and substituting therefor the word “five”; and

- (d) in sub-clause (4) by inserting the following proviso –

Provided that the amount allocated in accordance with this sub-section shall not exceed one-quarter of the amount allocated to the county government by Parliament in the financial year under consideration.

**B. \*\*\*THE PRESIDENTIAL MEMORANDUM ON THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Senate Majority Leader)

**PRESIDENT’S RECOMMENDATIONS:**

**CLAUSE 55**

**THAT**, clause 55 (1)(b) of the Bill be amended by-

- (a) inserting the words “nuclear power and” immediately after the words “energy and”; and

- (b) deleting the word “petroleum” appearing immediately after the word “energy and” so that paragraph (b) reads as follows:

“(b) carry out research, development and dissemination activities in the energy and nuclear power sector.”

**CLAUSE 69**

**THAT**, the Bill be amended in Clause 69 by deleting sub-clause (c).

...../ *Amendments*

**CLAUSE 194**

**THAT**, clause 194 of the Bill be deleted and substituted therefor with the following

—  
Penalties and  
compensation  
for failure  
and defects in  
electricity

194. (1) Subject to any agreement which may be entered into between a licensee and a consumer as provided for under this Act, whenever the licensee defaults in supplying electrical energy to any consumer, the licensee shall be liable in respect of each default to a penalty as prescribed by regulations.

(2) The licensee shall be liable to pay appropriate compensation to that person if, due to failure, poor quality or irregularity of electricity supply, the person incurs damage to his or her property, financial loss, loss of life due to negligence or avoidable default by the licensee.

(3) For the avoidance of doubt, the licensee shall not be liable to pay compensation under subsection (2) if the failure, poor quality or irregularity of supply was caused by third party interference to the licensee's electricity supply lines or inevitable accident or the ***force majeure*** was so slight as not to materially affect the quality or value of the supply.

(4) The Cabinet Secretary shall make regulations to give effect to this section within six months of the coming into force of this Act.

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

- (a) The Report of the Joint Sitting of the Senate Standing Committee on Land and Natural Resources and the National Assembly Departmental Committee on Environment and Natural Resources on the vetting of nominees for appointment to the National Climate Change Council.

*(Chairperson, Standing Committee on Land and Natural Resources)*

- (b) CRA recommendation to the Senate on recurrent expenditure ceilings for County Assemblies and Executives for the Financial Year 2017/2018

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

**2. NOTICES OF MOTION**

- a) **THAT**, pursuant to Section 7 of the Climate Change Act, 2016, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and Senate Standing Order 65, the Senate adopts the Report of the Joint Sitting of the Senate Standing Committee on Land and Natural Resources and the National Assembly Departmental Committee on Environment and Natural Resources on the vetting of nominees for appointment to the National Climate Change Council, laid on the Table of the Senate on Wednesday, December 28, 2016 and approves the recommendations of the Committees as follows:-
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*(Chairperson, Standing Committee on Land and Natural Resources)*

- b) **THAT**, pursuant to standing order 210 (3), the Senate resolves that the mandate of the Sessional Committees appointed in the Fourth Session be extended until the commencement of the Fifth Session.

*(The Senate Majority Leader)*

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