



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

ORDER PAPER

THURSDAY, FEBRUARY 11, 2016 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
8. ***THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2015)**
(Sen. Martha Wangari)
(Second Reading)
(Resumption of Debate interrupted on Wednesday, 10th February, 2016)
(Division)
9. **COMMITTEE OF THE WHOLE**
*****THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)**
(The Senate Majority Leader)
(Resumption of Debate interrupted on Thursday, 3rd December, 2015)
10. **COMMITTEE OF THE WHOLE**
***THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO. 7 OF 2014)**
(Sen. (Eng.) Muriuki Karue)

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

THAT, pursuant to Standing Order 16, the Senate approves the nomination of Senator Stephen Sang', to replace Sen. Kipchumba Murkomen, as a member of the Chairpersons' Panel and to further preside over the Senate in the absence of the Speaker and the Deputy Speaker pursuant to Article 107 (1) (c) of the Constitution and Standing Order 18 of the Senate.

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

THAT, pursuant to Standing Order Nos. 177(3) and 179(1), the Senate approves the nomination of Sen. Onesmus Kipchumba Murkomen, by the Rules and Business Committee, to be a member of the Standing Committee on Energy to replace Sen. Charles Keter, former Senator for Kericho County.

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

THAT, pursuant to Standing Order Nos. 177, 179 and 210, the Senate approves the following Senators nominated by the Rules and Business Committee to serve in the respective Sessional Committees as indicated below:-

A. COUNTY PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE

1. Sen. Wamatangi Kimani
2. Sen. Stephen Ole Ntutu
3. Sen. (Eng.) Karue Muriuki
4. Sen. (Prof.) John Lonyangapuo
5. Sen. Wangari Martha
6. Sen. (Dr.) Khalwale Boni
7. Sen. Omar Hassan
8. Sen. Sitswila Wako Amos
9. Sen. Nyong'o Anyang'
10. Sen. Mong'are Okong'o Kennedy
11. Sen. George Khaniri

B. COMMITTEE ON DEVOLVED GOVERNMENT

1. Sen. Murkomen Kipchumba
2. Sen. Lesuuda Naisula
3. Sen. Kerrow Billow
4. Sen. Beatrice Elachi
5. Sen. (Prof.) Wilfred Lesan
6. Sen. Sitswila Wako Amos
7. Sen. Janet Ong'era
8. Sen. Omar Hassan
9. Sen. Tirole Ndiema Henry

...../**Motion**

C. COMMITTEE ON IMPLEMENTATION

1. Sen. Haji Mohammed Yusuf
2. Sen. Bule A. Ali
3. Sen. Chelule Liza
4. Sen. Mbura Emma Gertrude
5. Sen. (Dr.)Kariuki Godfrey Gitahi
6. Sen. Ali Hassan Abdirahman
7. Sen. James Orengo
8. Sen. Muthama Johnson
9. Sen. Nyongesa Kanainza Daisy

D. COMMITTEE ON DELEGATED LEGISLATION

1. Sen. Sang Stephen
2. Sen. Gwendu Joy
3. Sen. Onchwang'i Hosea
4. Sen. Mbura Emma Gertrude
5. Sen. Karaba Daniel
6. Sen. Madzayo Stewart
7. Sen. Sijeny Judith
8. Sen. Musila David
9. Sen. Omondi Godliver Nanjira

14. ****THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2015)**

(Chairperson, Standing Committee on Health)

(Second Reading)

15. ***THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)**

(Sen. Joy Gwendu)

(Second Reading)

16. ***THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 11 OF 2015)**

(Sen. Mutula Kilonzo Jr.)

(Second Reading)

17. ***THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 14 OF 2015)**

(Sen. Christopher Obure)

(Second Reading)

18. ***THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT) BILL (SENATE BILL NO. 15 OF 2015)**

(Sen. (Dr.) Zipporah Kittony)

(Second Reading)

KEY

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

a) THE WATER BILL, 2014 (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)

NOTICE is given that Senator Lenny Kivuti, Chairperson to the Committee on Land and Natural Resources, intends to move the following amendments to the Water Bill, 2014, at the Committee Stage-

Clause 8

THAT clause 8 be amended in sub clause (3) by inserting the words ‘for domestic use’ immediately after the words “water works”.

Clause 8B

THAT clause 8B be amended in sub clause (5) by deleting the word “three” appearing immediately after the words “Resource Strategy every” and substituting therefor the word “five”.

Clause 19

THAT clause 19 of the Bill be amended in sub clause (1) by inserting the words “geo referenced” immediately after the words “monitoring and”.

Clause 24

THAT clause 24 of the Bill be amended in sub clause (1)(b) by inserting the words “appointed by the appointing authority after approval by the county assembly” immediately after the words “the basin”.

Clause 25

THAT clause 25 of the Bill be amended by inserting the words “and county governments” immediately after the words “the Authority”.

Clause 30

THAT clause 30 of the Bill be amended in sub clause (1)(d) by inserting the words “ and rules and regulations” immediately after the words “harvesting policy”.

Clause 63

THAT clause 63 of the Bill be amended in the headnote appearing immediately before the clause by deleting the word “Boards” and substituting therefor the word “Agencies”.

Clause 72

THAT clause 72 of the Bill be amended—

- (a) in the marginal note by deleting the word “accreditation” and substituting therefor the word “licensing”; and

(b) in sub clause (3) by deleting the word “accreditation” appearing immediately after the words “applicant meets the” and substituting therefor the word “licensing”.

Clause 73

THAT clause 73 of the Bill be amended—

(1) in sub clause (1)—

(a) in the marginal note by deleting the word “accredited” and substituting therefor the word “ licensed”;

(b) by deleting the word “accredited” appearing immediately after the words “register of all” in the introductory phrase and substituting therefor the word “licensed”;

(c) in paragraph by deleting the word “accredited” appearing immediately after the words “ providers are” and substituting therefor the word “licensed”; and

(d) in paragraph(d) by deleting the word “accreditation” appearing immediately after the words “to their” and substituting therefor the word “licence”;

(2) in sub clause (2) by deleting the word “accredited” appearing immediately after the words “ register of the” and substituting therefor the word “licensed”; and

(3) in sub clause (4) by deleting the word “accredited” appearing immediately after the words “conduct of” and substituting therefore the word “licensed”.

Clause 74

THAT clause 74 of the Bill be amended—

(1) in the marginal note by deleting the word “accreditation” and substituting therefor the words “ a license”;

(2) in sub clause (1)—

(a) by deleting the word “accreditation” appearing immediately after words “revoke the” in the introductory phrase and substituting therefor the word “license”;

- (b) in paragraph (a) by deleting the word “accreditation” appearing after the words “Board that the” and substituting therefor the word “licensing”;
- (c) paragraph (b) by deleting the word “accreditation” appearing immediately after the words “criteria for” and substituting therefor the word “licensing”; and
- (d) in paragraph (c) by deleting the word “accredited” appearing immediately after the words “they were” and substituting therefor the word “licensed”;
- (e) in paragraph (e) by deleting the word “accreditation” appearing immediately after the words “conditions for” and substituting therefore the word “licensing”.

(3) In sub clause (2) by deleting the word “accreditation” appearing immediately after the words “revocation of” and substituting therefor the word “ a license”; and

(4) In sub clause (3) by deleting the word “accreditation” appearing immediately after the words “person whose” and substituting therefor the word “license”.

Clause 102

THAT clause 102 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“ A water user may enter into an agreement with any person with respect to the execution and maintenance by any party to the agreement of such works as the water user considers necessary or as the conditions of the water user may require for the purpose of protecting the catchment areas, drainage of land, carrying out soil conservation measures, the control of vegetation or effectively collecting, conveying or preserving the purity and quantity of water which the water user is for the time being authorised to take.”

Clause 107

THAT clause 107 of the Bill be deleted.

Clause 109

THAT clause 109 of the Bill be amended in sub clause (1) by inserting the words “georeferenced” immediately after the words “monitoring and”.

Clause 114

THAT clause 114 of the Bill be amended in sub clause (1) by deleting paragraph (g) and substituting therefor the following new paragraph —

receive grants for onward lending to water services providers, counties and community schemes towards water services and water resources management projects for the underserved areas and urban poor;

Clause 115

THAT clause 115 be amended in sub clause (1) by deleting paragraphs (b) and (c).

Clause 117

THAT clause 117 of the Bill be amended in sub clause (1) by deleting the words “which shall be a subordinate court as provided under Article 169(1)(d) of the Constitution”.

Clause 130

THAT clause 130 of the Bill be amended by inserting the words “conservation and” immediately after the words “for the”.

Clause 139

THAT clause 139 of the Bill be amended by inserting the words “a county government” immediately after the words “Cabinet Secretary”.

Clause 140

THAT clause 140 of the Bill be amended in—

(a) sub clause (2) (a) by deleting the word “commission” appearing immediately after the words “Authority, the” and substituting therefor the word “Board”; and

(b) sub clause (2)(h) by inserting the words “or the Board” immediately after the word “Authority”.

Clause 154

THAT clause 154 of the Bill be amended in sub clause 5 by deleting the word “Board” appearing immediately after the words “event that the” and substituting therefor the word “Authority”.

Clause 2

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

“wetland” means an area where plants and animals have become adapted to temporary or permanent flooding by saline, brackish or fresh water”.

b) THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO. 7 OF 2014)

NOTICE is given that Senator Muriuki Karue intends to move the following amendments to the County Industrial Development Bill, 2014, at the Committee Stage –

Clause 4

THAT clause 4 of the Bill be amended –

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

(2) The Board shall be administered by a board of directors which shall consist of–

- (a) a chairperson who shall be appointed by the Cabinet Secretary with the approval of the Senate;
- (b) the principal secretary responsible for matters relating to industrialization or a person designated by the principal secretary in writing;
- (c) the principal secretary responsible for matters relating to finance or a person designated by the principal secretary in writing;
- (d) four persons appointed by the Cabinet Secretary with the approval of the Senate;
- (e) four persons, being two men and two women, not being a governor or deputy governor nominated by the Council of Governors and appointed by the Cabinet Secretary; and

(f) the chief executive officer appointed by the Board in accordance with section 7, who shall be an ex-officio member and the secretary to the board and who shall not be entitled to vote.

(b) by inserting the following new sub-clauses immediately after sub-clause (5) –

(5A) The Cabinet Secretary shall appoint the members of the board under subsection (2)(d) and (e) in a staggered manner so that the respective expiry dates of their terms shall fall at different times and, for this purpose, shall not renew the appointment of the two persons first appointed under subsection (1)(d) and (e) upon the commencement of this Act.

(5B) A person shall be qualified for appointment –

(a) in the case of a chairperson, if the person holds a degree from a university recognised in Kenya; and

(b) in the case of a member appointed under subsection (2)(d), if the person holds a degree from a university recognised in Kenya and has knowledge and experience in any of the following fields and are members of their respective professional bodies -

(i) industrialization;

(ii) finance;

(iii) accounting;

(iv) economics;

(v) law; or

(vi) human resource; or such other qualifications as the Cabinet Secretary shall consider necessary for the conduct of the affairs of the Board.

Clause 5

THAT clause 5 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (2) –

(3) The board shall, in the performance of its functions under subsection (1) and (2), collect and maintain data on matters relating to industrial development in the counties.

(4) Each county government shall co-operate with, and submit to the Board, such data and information with regard to matters relating to industrialization in accordance with guidelines that may be prescribed by the Board.

Clause 7

THAT clause 7 of the Bill be amended in sub-clause (7) by –

- (a) inserting the words “the intended removal and” immediately after the words “writing of” appearing in paragraph (a);
- (b) inserting the words “before the board” immediately after the words “put in a defence” appearing in paragraph (b).

Clause 10

THAT the Bill be amended –

- (a) by deleting the heading appearing immediately before clause 10 and substituting therefor the following new heading –

PART III – PUBLIC PARTICIPATION

- (b) by deleting clause 10 and substituting therefor the following new clauses –

Public participation. **10.** (1) The Ward Administrator in each ward shall, not later than twelve months from the date of the preceding general election, give an opportunity to the residents of a ward to submit their ideas and views regarding matters relating to industrialisation within the county and shall, for this purpose, convene a meeting of the residents of the county to receive such ideas and views.

(2) Despite subsection (1), the first meeting of the residents of a ward shall be convened within a period of eight months from the date of the commencement of this Act.

(3) A meeting convened under subsection (1) shall be chaired by the respective elected member of the county assembly.

(4) The residents of the respective ward may submit their views on issues relating to industrialisation under subsection (1) to the Ward Administrator orally or in writing.

(5) A Ward Administrator may receive ideas and views regarding matters relating to industrialisation within the respective county from persons who are not resident in the county.

(6) Each Ward Administrator shall compile and submit to the county industrial co-ordinator the ideas and views received under subsections (4) and (5) for consideration.

County industrial forum.

10B (1) Each county government shall convene a county industrial forum biennially consisting of –

- (a) the Senators elected and nominated from the respective county under Article 98 of the Constitution;
- (b) members of the National Assembly elected to represent the constituencies within the respective county and nominated from, or to represent the respective county under Article 97 of the Constitution;
- (c) members of county executive committees in the respective county;
- (d) members of the county assembly; and
- (e) such other persons, including investors, with such knowledge and experience as the county government may consider relevant.

(2) The forum convened under subsection (1) shall undertake an appraisal of the industrial undertakings within the county and shall, for this purpose –

- (a) review the status of industrial development in the county;
- (b) deliberate on the progress made on public industrial initiatives within the county and for this purpose, the Governor shall submit a report on the implementation of initiatives and projects within the county;
- (c) deliberate and make recommendations to the respective county government regarding the industrial development projects that are to be prioritised within the counties; and
- (d) receive a report by the county government on ideas and views submitted by the residents of the wards within the respective county under section 10.

...../Amendments

Clause 11

THAT the Bill be amended by deleting clause 11.

Clause 12

THAT the Bill be amended by deleting clause 12.

Clause 13

THAT the Bill be amended by deleting clause 13.

Clause 14

THAT the Bill be amended by deleting clause 14.

Clause 15

THAT the Bill be amended by deleting clause 15.

Clause 16

THAT the Bill be amended by deleting clause 16.

Clause 17

THAT clause 17 of the Bill be amended –

- (a) in sub-clause (2) by deleting the word “produce” appearing immediately after the words “improvement of existing” and substituting therefor the word “facilities”;
- (b) by deleting sub-clause (3);
- (c) in sub-clause (5) by deleting all the words appearing immediately after the words “established in the industrial park”.

Clause 18

THAT clause 18 of the Bill be amended –

- (a) in sub-clause (2) by deleting the words “industrial development committee” appearing immediately after the words “by the County” and substituting therefor the word “Assembly”;
- (b) in sub-clause (3) by deleting all the words appearing immediately after the words “value to a project”.

Clause 20

THAT clause 20 of the Bill be amended by –

- (a) deleting sub-clause (2);

- (b) in sub-clause (3) by deleting the words “industrial development committee” appearing immediately after the words “of the County” and substituting therefor the word “Assembly”.

Clause 21

THAT clause 21 be amended –

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

- (1) In order to ensure harmony, proper co-ordination and to avoid undue duplication, all projects, whether public or private, however funded and irrespective of ownership, shall be included in the report of the county government submitted to the county industrial forum under section 10.

- (b) by deleting sub-clause (2); and

- (c) in sub-clause (3) by deleting the words “and approval” appearing immediately after the words “Board for information”.

Clause 22

THAT the Bill be amended by deleting clause 22.

Clause 23

THAT clause 23 of the Bill be amended by –

- (a) re-numbering the existing clause as sub-clause (1);

- (b) inserting the following new sub-clause immediately after sub-clause (1) –

- (2) The report submitted under subsection (1) shall contain information regarding industrial development within the county including a statistical abstract of the industrial activities in such format as shall be specified by the Board.

Clause 24

THAT clause 24 of the Bill be amended in sub-clause (2) by –

- (a) inserting the following new paragraphs immediately after paragraph (d) –

- (da) details relating to the nature and financing of the project;

- (db) details relating to the sponsor, implementing agency and any other financiers of the project;

- (b) deleting the words “County Industrial Development Committee” appearing immediately after the words “secretary to the” in paragraph (e) and substituting therefor the words “county industrial coordinator”;
- (c) deleting paragraph (h).

Clause 29

THAT clause 29 of the Bill be amended by –

- (a) deleting sub-clause (1);
- (b) deleting the words “schedule of projects received under sub-section (1)” appearing immediately after the words “into account the” and substitute therefor the words “industrial development initiatives in the respective counties”.

Clause 32

THAT clause 32 of the Bill be amended by deleting sub-clause (3).

Clause 33

THAT clause 33 of the Bill be amended in sub-clause (2) by inserting the word “county” immediately after the words “intended for”.

Clause 34

THAT clause 34 of the Bill be amended by deleting the words “set out in the approval by the County Industrial Development Committee” and substituting therefor the words “specified in guidelines prescribed by the Board”.

Clause 36

THAT clause 36 of the Bill be amended –

- (a) in sub-clause (1) by deleting the word “Board” appearing immediately after the words “approved by the” in paragraph (d) and substituting therefor the words “County Assembly”;
- (b) in sub-clause (2) by deleting the words “but approval by the County Industrial Development Committee of the industrial undertaking shall be mandatory” appearing immediately after the words “from its own funds”;
- (c) in sub-clause (4) by inserting the words “or private entity” immediately after the words “county corporation”;
- (d) in sub-clause (6) by deleting the words “be divided equally by all the counties to be utilized in facilitating the industrialization process in the counties” and substituting therefor the words “be allocated to the County Industrial Development Fund”;

(e) by deleting sub-clause (7); and

(f) by deleting sub-clause (9).

Clause 38

THAT clause 38 of the Bill be amended in sub-clause (2) by deleting paragraph (a) and substituting therefor the following new paragraph –

(a) a quarterly report; and

Clause 40

THAT the Bill be amended by deleting clause 40.

Clause 42

THAT clause 42 of the Bill be amended in sub-clause (2) by deleting paragraph (d) and substituting therefor the following new paragraph –

(d) such monies as may accrue to the Fund pursuant to section 36(6);

Clause 49

THAT clause 49 of the Bill be amended –

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

(1) Each county government shall formulate such policies as may be necessary to promote industrialization in the respective county through public, private or public-private ventures.

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

(2) Each county governor shall appoint one county public officer to serve as the industrial coordination officer who shall coordinate the industrial development activities in the respective County.

Clause 2

THAT clause 2 of the Bill be amended by deleting the definition of the word “County Industrial Development Committee”.

APPENDIX

PAPERS

- a) Annual Report on the state of the Judiciary and Administration of Justice 2013/2014;
(Chairperson, Standing Committee on Legal Affairs & Human Rights)
 - b) Quarterly report for the Commission for the Implementation of the Constitution for the period July – September 2015;
(Chairperson, Standing Committee on Legal Affairs & Human Rights)
 - c) Quarterly report for the Commission for the Implementation of the Constitution for the period October - December 2015;
(Chairperson, Standing Committee on Legal Affairs & Human Rights)
 - d) End of Term report of the Commission for the Implementation of the Constitution, December 2015.
(Chairperson, Standing Committee on Legal Affairs & Human Rights)
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