



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
THURSDAY, FEBRUARY 18, 2016 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 CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2016)**
(Chairperson, Standing Committee on Legal Affairs and Human Rights)
(*First Reading*)
9. **COMMITTEE OF THE WHOLE**
****THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)**
(Chairperson, Standing Committee on Legal Affairs and Human Rights)
10. **COMMITTEE OF THE WHOLE**
****THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL, (SENATE BILL NO. 40 OF 2014)**
(Chairperson, Standing Committee on National Security and Foreign Relations)
11. **COMMITTEE OF THE WHOLE**
***THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL, (SENATE BILL NO. 7 OF 2015)**
(Sen. David Musila)
12. **COMMITTEE OF THE WHOLE**
***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 8 OF 2015)**
(Sen. Hassan Omar)

13. **COMMITTEE OF THE WHOLE*****THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF 2014)**

(Sen. Stephen Sang)

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

(Sen. Christopher Obure)

*(Second Reading)**(Resumption of debate interrupted on Wednesday, 17th February, 2016)*15. **MOTION** – (Vice – Chairperson, Mediation Committee)

THAT, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) laid on the table of the House on Thursday, 3rd December, 2015.

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

(Sen. (Dr.) Zipporah Kittony)

*(Second Reading)*17. ***THE SELF HELP ASSOCIATIONS BILL (SENATE BILL NO. 2 OF 2015)**

(Sen. Martha Wangari)

*(Second Reading)*18. ***THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2015)**

(Sen. Godliver Omondi)

(Second Reading)

KEY********

■ Denotes a Majority /Minority Party Bill

■ Denotes a National Assembly Bill

■ Denotes a Committee Bill

■ Denotes any other Bill

NOTICES OF AMENDMENTS**A. **THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL,
(SENATE BILL NO. 40 OF 2014)**

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

NOTICE is hereby given that Senator Fatuma Dullo intends to move the following amendment to the County Governments Disaster Management Bill, 2014, at the Committee Stage-

CLAUSE 7

THAT clause 7 be amended in sub-clause 2, by inserting the following new paragraph immediately after paragraph (h)-

(ha) set up an emergency command centre within the county;

**B. *THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF
2014)**

(Sen. Stephen Sang)

NOTICE is given that Senator Mutula Kilonzo Junior, the vice-chairperson of the Committee on Information, Communication and Technology, intends to move the following amendments to the Office of the County Printer Bill, 2014, at the Committee Stage-

Clause 4

That clause 4 of the Bill be amended in subclause (2) by deleting the words "county Secretary" appearing immediately after the words "office of the" and substituting therefor the words "county executive committee member".

Clause 5

That clause 5 of the Bill be amended-

(a) in paragraph (a) by inserting the words "within seven days of such authorization" immediately after the words "an authorized officer"; and

(b) in paragraph (b) by deleting the word "government" appearing immediately after the words "the county" and substituting therefor the words "executive and the county assembly".

Clause 8

That clause 8 of the Bill be amended-

(a) in subclause (2) by deleting the word "may" appearing immediately after the words "county printer" and substituting therefor the word "shall"; and

...../Amendments

(b) by inserting the following new subclauses after subclause (2)-

(3) For purposes of subsection (1), the county printer may publish an electronic version of the gazette and such version shall have the same effect as a physical version of the gazette.

(4) The county printer shall make available issues of the gazette to the National Council for Law Reporting.

Clause 9

That clause 9 of the Bill be amended in subclause (4) by deleting the words "the county executive committee member" appearing immediately after the words "may be assigned" and substituting therefor the words "any other written law" appearing in paragraph (f).

Clause 12

That clause 12 of the Bill be amended by deleting the words "county secretary" appearing immediately after the words "subject to the provisions of this Act" and substituting therefor the words "county executive committee member".

Clause 2

That clause 2 of the Bill be amended by-

(a) deleting paragraph (c) appearing in the definition of the term "authorized officer";

(b) inserting the following new definition immediately after the definition of the term "authorized officer" -

"county executive committee member" means the county executive committee member responsible for matters relating to information;

(c) deleting the definition of the term "county secretary".

Clause 1

That clause 1 of the Bill be amended by deleting the words "and shall come into operation on such day as the cabinet secretary may, by notice in the Gazette appoint, which date shall not exceed ninety days from the date of publication of the Act" appearing immediately after the words "County Printer Act, 2014".

C. **THE OFFICE OF THE COUNTY ATTORNEY BILL, (SENATE BILL NO. 37 OF 2014)

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

NOTICE is given that Sen. Amos Wako, the Chairperson of the Committee on Legal Affairs and Human Rights, intends to move the following amendments to the Office of the County Attorney Bill, 2014 at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended by deleting the words "Deputy County Attorney" appearing immediately after the words 'County Attorney, the' and substituting therefor the words "County Solicitor".

CLAUSE 4

THAT clause 4 of the Bill be amended in sub-clause (2)-

(a) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b)the County Solicitor; and

(b) by inserting the word "Board" immediately after the words 'County Public Service' appearing in paragraph (c).

CLAUSE 5

THAT clause 5 of the Bill be deleted and substituted therefor with the following new clause-

5. The County Attorney shall be appointed from among persons-

(a) with at least ten years experience as an Advocate of the High Court of Kenya; and

(b) who meet the requirements of Chapter Six of the Constitution.

CLAUSE 7

THAT clause 7 of the Bill be amended-

(a) in paragraph (b) by deleting the words "shall have no right to vote on any matter before such committee" appearing immediately after the words "committee meeting but" and substituting therefor the words "as an *ex officio* member of the executive committee";

(b) by deleting paragraphs (g) and (h); and

(c) in paragraph (i) by deleting the word "shall" appearing at the beginning of the paragraph and substituting therefor the word "may".

CLAUSE 9

THAT clause 9 of the Bill be amended-

(d) in paragraph (a) of sub-clause (1) by inserting the words "within the county" immediately after the words 'involve public property'; and

(e) in sub-clause (4) by deleting the word "shall" appearing immediately after the words 'administrative body' and substituting therefor the word "may".

CLAUSE 10

THAT clause 10 of the Bill be amended by deleting the words "the Deputy County Attorney" appearing immediately after the words 'County Attorney' and substituting therefor the words "the County Solicitor".

CLAUSE 11

THAT clause 11 of the Bill be amended by deleting the words "the Deputy County Attorney" appearing immediately after the words 'The County Attorney' and substituting therefor the words "the County Solicitor".

CLAUSE 14

THAT clause 14 of the Bill be amended-

- (a) in sub-clause (1) by deleting the words "Deputy County Attorney" appearing immediately after the words 'delegate to the' and substituting therefor the words "County Solicitor"; and
- (b) in sub-clause (2) by deleting the words "Deputy County Attorney" appearing immediately after the words 'performed by the' and substituting therefor the words "County Solicitor".

CLAUSE 16

THAT the Bill be amended by deleting clause 16 and substituting therefor the following new clause-

- 16.** (1) A department or public entity established within a county government shall not engage the services of a consultant to render any legal services relating to the functions of the County Attorney without the approval of the County Attorney.
- (2) A request by a department or public entity to the County Attorney to engage the services of a consultant under subsection (1) shall be made in writing.
- (3) An approval by the County Attorney of a request by a department or public entity to engage the services of a consultant under subsection (1) shall be made in writing.

CLAUSE 18

THAT clause 18 of the Bill be deleted and substituted therefor with the following new clause-

- Count **18.** (1) There shall be a County Solicitor who shall be
y competitively recruited and appointed by the County Public
Solicit Service Board.
or
- (2) A person is qualified for appointment to the office of County Solicitor if the person-
- (a) has at least ten years experience as an advocate of the High Court of Kenya; and
 - (b) meets the requirements of Chapter Six of the Constitution.

(3) The County Solicitor shall be the principal assistant of the County Attorney in the execution of the County Attorney's functions under this Act and any other written law.

CLAUSE 19

THAT Clause 19 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph-
(b) meets the requirements of Chapter Six of the Constitution.

CLAUSE 21

THAT clause 21 of the Bill be amended in sub-clause (2) by-
(a) by deleting the word "shall" appearing immediately before the words 'enjoy the same benefits' in paragraph (b); and
(b) by deleting the word "shall" appearing immediately before the words 'be required to comply' in paragraph (c).

CLAUSE 25

THAT clause 25 of the Bill be amended by deleting the word "local" appearing immediately after the words "County laws and" and substituting therefor the word "legal".

CLAUSE 26

THAT Clause 26 of the Bill be amended by deleting the word "public seal" appearing immediately after the words 'custody of the' and substituting therefor the words "county seal".

CLAUSE 30

THAT Clause 30 of the Bill be amended in paragraph (b) of sub-clause (3) by deleting the words "National Assembly" appearing immediately after the words 'provided by the' and substituting therefor the words "County Assembly".

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 10-

 Status of the **10A.** For the avoidance of doubt, the County Attorney shall
 office of County have the status and rank of a member of the County
 Attorney. Executive Committee.

CLAUSE 2

THAT clause 2 of the Bill be amended by-
(a) inserting the following new definition immediately after the definition of the word "County Legal Counsel"-
 "County Solicitor" means a person appointed as such under
 section 18. ; and
(b) deleting the definition of the word "Deputy County Attorney".

APPENDIX**1. PAPER**

The Business of the Senate for the coming week;
(The Senate Majority Leader)

2. NOTICES OF MOTION

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

THAT, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) laid on the table of the House on Thursday, 3rd December, 2015.

- b) **Notice of Motion** – (Chairperson, Ad-Hoc Select Committee on County Headquarters)

THAT, this House adopts the Report of the Ad-Hoc Select Committee on County Headquarters laid on the Table of the Senate on Thursday, 3rd December, 2015;

- c) **Notice of Motion** – (Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Homa-Bay County Executive for the Financial year 2013/2014 laid on the Table of the House on Wednesday, 4th November, 2015.

- d) **Notice of Motion-** (Sen. Kembi-Gitura)

THAT, the Senate notes the Report of the ACP Parliamentary Assembly and the 29th Session of the ACP-EU Joint Parliamentary Assembly held at the Grand Pacific Hotel, Suva, Fiji from 10th to 17th June, 2015, laid on the Table of the House on Wednesday, 25th November, 2015.

3. STATEMENT

The Senate Majority Leader to issue a Statement on Business of the Senate for the coming week.
