



**REPUBLIC OF KENYA**  
**ELEVENTH PARLIAMENT – (FOURTH SESSION)**  
**THE SENATE**  
**SUPPLEMENTARY ORDER PAPER**  
**WEDNESDAY, MARCH 09, 2016 AT 2.30 P.M**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (As Listed in the Appendix)
5. Papers
6. Notices of Motion (As Listed in the Appendix)
7. Statements (As Listed in the Appendix)
8. **MOTION** – (The Senate Minority Leader)

**THAT**, pursuant to Standing Order Nos. 177(3) & 179(1), the Senate approves the following Senators nominated by the Rules and Business Committee, to be members of the Sessional Committee on County Public Accounts and Investments

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1. Sen. (Prof) Anyang Nyong'o
2. Sen. George Khaniri
3. Sen. Henry Ole Ndiema
4. Sen. Mshenga Mvita Kisasa

9. **\*THE NATIONAL CEREALS AND PRODUCE BOARD (AMENDMENT)**  
**BILL (SENATE BILL NO. 15 OF 2015)**  
(Sen. (Dr.) Zipporah Kittony)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 8<sup>th</sup> March, 2016)*  
*(Division)*

10. **COMMITTEE OF THE WHOLE**  
**\*THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT)**  
**BILL (SENATE BILL NO. 7 OF 2015)**  
(Sen. David Musila)  
*(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> February, 2016)*  
*(Division)*

...../Bill

11. 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)  
*(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> February, 2016)*  
*(Division)*
12. COMMITTEE OF THE WHOLE  
**\*THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO. 42 OF 2014)**  
(Sen. Stephen Sang)  
*(Resumption of Debate interrupted on Thursday, 18<sup>th</sup> February, 2016)*  
*(Division)*
13. COMMITTEE OF THE WHOLE  
**\*\*\*THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)**  
(The Senate Majority Leader)  
*(Resumption of Debate interrupted on Tuesday, 8<sup>th</sup> March, 2016)*  
*(Division)*
13. COMMITTEE OF THE WHOLE  
**\*THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**  
(Sen. Halima Abdille)
14. COMMITTEE OF THE WHOLE  
**\*\*THE COUNTY ASSEMBLIES SERVICES BILL (SENATE BILL NO. 27 OF 2014)**  
(Chairperson, Standing Committee on Legal Affairs and Human Rights)
15. COMMITTEE OF THE WHOLE  
**\*\*THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 33 OF 2014)**  
(Chairperson, Standing Committee on Legal Affairs and Human Rights)
16. **\*THE COUNTY LIBRARY SERVICES BILL (SENATE BILL NO. 6 OF 2015)**  
(Sen. Joy Gwendo)  
*(Second Reading)*  
*(Resumption of Debate interrupted on Tuesday, 8<sup>th</sup> March, 2016)*
17. **MOTION** – (Chairperson Ad Hoc Committee on Prisons and Borstal Institutions)

**AWARE THAT** the Senate on 22<sup>nd</sup> October, 2015, resolved to establish a Select Committee (Ad hoc Committee on Prisons and Borstal Institutions) consisting of eleven (11) Senators to enquire into the rights of detained persons, persons held in custody and other imprisoned persons under the law, requiring Parliament to enact legislation to provide for the human treatment of such persons with due regard to the relevant international human rights instruments and report back to the House within three months of its establishment.

**REALIZING THAT** the three month period lapsed today 25<sup>th</sup> February, 2016 and owing to the magnitude of the work involved, the Committee was not able to complete its work within the stipulated period;

...../Motion

**NOTING THE NEED** for more time to carry out a thorough inquiry into this matter;

**NOW THEREFORE**, the Senate resolves to renew the mandate of the Committee for a further period of forty-five (45) days to enable the Committee complete its work and report to the House.

18. **\*THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2015)**

(Sen. Kimani Wamatangi)

*(Second Reading)*

19. **\*\*THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 10 OF 2015)**

(Chairperson, Sessional Committee on Delegated Legislation)

*(Second Reading)*

20. **\*THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2015)**

(Sen. Martha Wangari)

*(Second Reading)*

21. **\*\*\*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2013)**

(The Senate Majority Leader)

*(Second Reading)*

22. **\*\*\*THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)**

(The Senate Majority Leader)

*(Second Reading)*

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**NOTICE**

The Senate resolved on 10<sup>th</sup> February, 2016 as follows:-

**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.

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 AMENDMENTS**

**A. \*THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL,**  
**(SENATE BILL NO. 7 OF 2015)**  
(Sen. David Musila)

**NOTICE** is hereby given that Sen. David Musila, Senator for Kitui County, intends to move the following amendments to the Kenya National Examinations Council (Amendment) Bill, (Senate Bill No. 7 of 2015) at the Committee Stage-

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the words "Section 2 of" immediately before the words "The Kenya National".

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by deleting the proposed new section 45A and substituting therefor the following new sections -

Issuance of result slip.      **45A.** (1) The Council shall, upon releasing the Kenya Certificate of Primary Education or the Kenya Certificate of Secondary Education examination results, transmit the result slips of all candidates to the respective examination centres within a period of one month from the date of release of the results.

(2) A head-teacher or principal of an examination centre shall release to the respective candidates, the result slip received under subsection (1).

Issuance of certificates.      **45AA.** (1) The Council shall, within a period of two months from the date of release of the Kenya Certificate of Primary Education or the Kenya Certificate of Secondary Education examination results, transmit to the examination centres, the certificates of the respective candidates who sat for the examinations.

(2) The head-teacher or principal of an examination centre shall not withhold the certificate awarded to a candidate under this Act.

(3) A candidate shall, in collecting his or her certificate, verify the accuracy of the particulars as set out in the certificate including -

- (a) the candidate's name and index number;
- (b) the name and code of the examination centre; and
- (c) the grades of the respective subjects and the mean score.

(4) A candidate who identifies a discrepancy in the certificate issued shall notify the Council of such discrepancy within thirty days of the receipt of the certificate.

...../Amendments

(5) The Council shall rectify any discrepancy notified by a candidate under subsection (4) within a period of thirty days from the date of such notification.

(6) The Council shall meet the costs of rectifying any discrepancy notified by a candidate under subsection (4).

(7) A person who contravenes the provisions of this section commits an offence and shall be liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

**NEW CLAUSE**

**THAT** the following new clause be inserted immediately after clause 2-

**2A.** The principal Act is amended in section 10 by inserting the following new subsection immediately after subsection (2)-

(3) A person who contravenes the provisions of subsection (1)(b) commits an offence and shall be liable, upon conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

**B. \*\*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 competitively recruited and appointed by the County Public Solicitor 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".

...../Amendments



**NEW CLAUSE**

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

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

**C. \*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

(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".

### **D. \*\*\* THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2014)**

(The Senate Majority Leader)

(i) **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".

...../Amendments

**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 head note appearing immediately before the clause by deleting the word "Boards" and substituting therefor the word "Agencies".

**Clause 64**

**THAT** clause be amended in sub clause 1(b) by inserting the words "from the respective counties" immediately after the words "the Cabinet Secretary".

**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 (c) 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 the 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) in 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 75**

**THAT** clause 75 of the Bill be amended by deleting sub clause one and substituting therefor the following new sub clause —

(1)Each county government shall establish a water services provider.

#### **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 109**

**THAT** clause 109 of the Bill be amended in sub clause (1) by inserting the words "geo referenced" 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".

...../Amendments

**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".

- (1) Each county government shall establish a water services provider.

**E. \*THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**  
(Sen. Halima Abdille)

**NOTICE** is given that Senator Daniel Karaba, Chairperson to the Senate Standing Committee on Education, intends to move the following amendments to the Universities (Amendment) Bill, 2014, at the Committee Stage-

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 3-

Amendment  
of section 14  
of No. 42 of  
2012.

**3A.** Section 14 of the principal Act is amended by inserting the following new sub-section immediately after subsection (3)-

(4) The Commission shall not issue to an applicant a letter of interim authority where that applicant is a public mid-level learning institution.

Amendment  
of section 19  
of No. 42 of  
2012.

**3B.** Section 19 of the principal Act is amended-

(a) in subsection (1) by deleting paragraph (c) and substituting therefore the following new paragraph-

(c) reject the application if satisfied that the applicant-

(i) is a public mid-level learning institution; or

(ii) does not meet the requirements for the establishment of a university.

(b) by inserting the following new sub-section immediately after sub-section (3)-

(4) The President shall not grant a Charter where such a grant would result in the conversion of a public mid-level institution to a university.

Repeal of  
section 25  
of No. 42  
of 2012.

**3C.** The principal Act is amended by deleting section 25.

**NEW CLAUSE 1A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 1-

**1A.** The Universities Act, in this Act referred to as "the principal Act" is amended in section 2 by inserting the following new definition immediately after the definition of the word "institution"-

**"mid-level institution"** means a post-secondary school learning institution that offers a certification below that of a degree;

**F. \*\*THE COUNTY ASSEMBLIES SERVICES BILL (SENATE BILL NO. 27 OF 2014)**

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

**NOTICE** is given that the Chairperson to the Standing Committee on Legal Affairs and Human Rights, intends to move the following amendments to the County Assembly Services Bill, 2014, at the Committee Stage-

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by-

(a) deleting sub-clause (a);

(b) deleting sub-clause (c) and substituting therefor the following new sub-clause-

(c) community and cultural diversity of the county.

...../Amendments

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in the introductory phrase by inserting the words "under section 12(3)(d) of the County Governments Act" immediately after the words "member of the Board".

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended by deleting the words "A appointed" appearing at the beginning of the clause and substituting therefor the words "A person".

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (a)-  
(aa) sue and be sued;

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended at subsection (2) by inserting the words "and the Board" immediately after the words "chairperson of the Board".

**CLAUSE 30**

**THAT** clause 30 of the Bill be deleted.

**CLAUSE 43**

**THAT** clause 43 of the Bill be deleted.

**CLAUSE 46**

**THAT** clause 46 of the Bill be amended at subsection (3) by deleting the words "Cabinet Secretary" appearing immediately after the words "the authority of the" and substituting therefor the word "Board".

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 14-

Allowances for the members of the Board	<b>14A.</b> Members of the Board shall be paid such allowances as the Salaries and Remuneration Commission may determine.
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**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clauses immediately after clause 47-

Amendment of No. 17 of 2012	<b>48.</b> Section 12 of the County Governments Act is amended by- (a) deleting subsection 3 and substituting therefor the following new subsections-  (3)The Board consists of— (a) the Speaker of the county assembly, as the chairperson;
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- (b) a vice-chairperson elected by the Board from the members appointed under paragraph (c);
- (c) two members of the County Assembly nominated by the political parties represented in the county assembly according to their proportion of members in the county assembly; and
- (d) one man and one woman appointed by the county assembly from amongst persons who are experienced in public affairs, but are not members of the county assembly.

(b) inserting the following new sub-section immediately after subsection (3)-

(3A) The members of the Board appointed under section 12(3)(d) shall serve on a part-time basis.

(c) deleting subsection (c) of paragraph (5) and substituting therefor the following new subsection-

(c)if the person is the Speaker, when the person ceases to be such Speaker.

**49.** (1) Subject to subsection (2) each county assembly shall appoint the members of county assembly service board under sections 12(3)(b), (c) and (d) within thirty days after the commencement of this Act.

Transition  
and  
savings.

(2) Upon the commencement of this Act and before the first general elections held after the coming into force of this Act, a person, who immediately before the commencement of this Act served as a member of a county assembly services board appointed under section 12 (3)(d) of the County Governments Act in force before the commencement of this Act, shall continue to serve as a member of the Board, as one of the persons appointed under section 12 (3)(d).

## **FIRST SCHEDULE**

That the First Schedule to the Bill be amended in paragraph 1 by inserting the words "under section 12(3)(d) of the County Governments Act" immediately after the words "in the membership of the Board".

## **SECOND SCHEDULE**

That the Second Schedule to the Bill be amended -

- (a) by deleting paragraph 8; and
- (b) in paragraph 9 by deleting the expression "Subject to any regulations made under paragraph 7" appearing at the beginning of the paragraph.

**G. \*\* THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 33 OF 2014)**

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

**NOTICE** is given that Senator Stewart Madzayo, Chairperson to the Committee on Labour and Social Welfare, intends to move the following amendments to the County Hall of Fame Bill, 2014, at the Committee Stage-

**NEW CLAUSES**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 6—

Vacancy.           **6A.** (1) The office of a member of the Selection Committee nominated under section 6(d) shall become vacant if the member-

- (a) is adjudged bankrupt;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (c) is convicted of an offence involving fraud or dishonesty;
- (d) is absent, without reasonable cause, from three consecutive meetings of the Selection Committee;
- (e) resigns in writing addressed to the Governor;
- (f) is removed from office by the Governor for -
  - (i) being unable to perform the functions of his office by reason of mental or physical infirmity; or
  - (ii) failing to declare his interest in any matter being considered or to be considered by the Selection Committee; or
- (g) dies.

(2) Before the removal of a member under subsection (1)(f), the Governor shall request the Committee to-

- (a) investigate the circumstances giving rise to the proposed removal; and
- (b) make recommendations on whether or not the member should be removed from office.

**THAT** the Bill be amended by inserting the following new clause immediately after clause 8—

Conflict of  
interest.

**8A.** (1) If any person has a personal or fiduciary interest in any matter before the Selection Committee, and is present at a meeting of the Selection Committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

**APPENDIX****1. PETITIONS**

- a) Petition by Samuel A. Opiyo, concerning the remuneration of Early Childhood Education (ECDE) Teachers and development of ECDE infrastructure in Laikipia County;
- b) Petition by David O. Gesicho, for enactment of Legislation to confine the National and County Governments to the exclusive use of interest free Islamic Bonds ('Sukuk') in borrowing from the Domestic and International Financial Markets;

*(Speaker of the Senate)*

- c) Petition by residents of Turkana County, concerning embezzlement of funds, financial impropriety and skewed employment in Turkana County.

*(Sen. John Munyes)*

**2. NOTICE OF MOTION** – (The Senate Minority Leader)

**THAT**, pursuant to Standing Order Nos. 177(3) & 179(1), the Senate approves the following Senators nominated by the Rules and Business Committee, to be members of the Sessional Committee on County Public Accounts and Investments -

- 1. Sen. (Prof) Anyang Nyong'o
- 2. Sen. George Khaniri
- 3. Sen. Henry Ole Ndiema
- 4. Sen. Mshenga Mvita Kisasa

**3. STATEMENTS TO BE ISSUED**

- a) The Chairperson, Standing Committee on National Security and Foreign Relations to issue a statement on issuance of National Identity Cards for Nairobi residents hailing from other parts of the country (Sen. Abdirahman Hassan);
- b) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on pending Bills for all Counties for financial year 2014/2015 (Sen. (Dr.) Boni Khalwale);
- c) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on collection of levies by MCSK and KAMP-PRISK from business premises and public transport vehicles for playing music (Sen. Daisy Kanainza);
- d) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on the delay by the National Treasury in disbursement of funds to county governments (Sen. Christopher Obure);

- e) The Chairperson, Standing Committee on Finance, Commerce and Budget to issue a statement on expenditure of money set aside to mitigate the effects of el-nino rains across the country in 2015/16 (Sen. George Khaniri);
- f) The Chairperson, Sessional Committee on Devolved Government to issue a statement on the role of the Senate and its engagement with the County Governments (Sen. (Dr.) Agnes Zani);
- g) The Chairperson, Standing Committee on Education to issue a statement on the development and review of curricula and curriculum support materials for early childhood, pre-primary, primary and secondary education (Sen. (Dr.) Agnes Zani);
- h) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement on the doping menace amongst Kenyan athletes (Sen. Kennedy Mong'are);
- i) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on supply of fertilizer and other farm inputs by the NCPB to farmers ahead of the planting season (Sen. (Prof.) John Lonyangapuo);
- j) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on acute food shortage in West Pokot County (Sen. (Prof.) John Lonyangapuo);
- k) The Chairperson, Standing Committee on Lands and Natural Resources to issue a statement on the status of possession of land titles and/or land lease certificates by public schools (Sen. George Khaniri).

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