



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (SECOND SESSION)**  
**THE SENATE**  
**SUPPLEMENTARY ORDER PAPER**  
**WEDNESDAY, AUGUST 08, 2018 AT 2.30 PM**

**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 COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)**  
(Sen. Aaron Cheruiyot, MP)

*(Second Reading)*

*(Resumption of Debate interrupted on Wednesday, 1<sup>st</sup> August, 2018)  
(Division)*

9. **COMMITTEE OF THE WHOLE**

**\*THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)**

(Sen. Mutula Kilonzo Jnr., MP)

*(Resumption of Debate interrupted on Wednesday, 25<sup>th</sup> July, 2018)*

10. **COMMITTEE OF THE WHOLE**

**\*\*THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

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

11. **COMMITTEE OF THE WHOLE**

**\*\*\*THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**

(The Senate Majority Leader)

12. **COMMITTEE OF THE WHOLE**

**\*THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**

(Sen. Petronila Were Lokorio, MP)

13. **\*\*\*THE ENERGY BILL (NATIONAL ASSEMBLY BILLS NO. 50 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*

14. **\*\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**

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

*(Second Reading)*

***(Resumption of Debate interrupted on Tuesday, 7<sup>th</sup> August, 2018)***

15. **MOTION - EXTENSION OF TIME**

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

**THAT, AWARE** that the Senate passed a Motion on “Review of Policy and Legislative Framework on the Fight Against Corruption” by Sen. (Dr.) Isaac Mwaura on 31<sup>st</sup> May, 2018 and referred it to the Senate Standing Committee on Justice, Legal Affairs and Human Rights for consideration;

**APPRECIATING**, that the duration accorded to the Committee to consider the Motion lapsed on 31<sup>st</sup> July, 2018;

**REGRETTING**, that due to the heavy workload and sheer magnitude of the assignment, the Committee is yet to conclude its deliberations and table its report in the House and requires more time to conduct a further and thorough inquiry into matter;

**NOW THEREFORE**, the Senate resolves to extend the duration by a further period of thirty (30) days to enable it conclude its work and table its report in the House.

16. **MOTION - REPORT OF THE SENATE DELEGATION TO THE FIRST EXTRAORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (FP-ICGLR) HELD IN KINSHASA, THE DEMOCRATIC REPUBLIC OF CONGO (DRC)**

(Sen. Samuel Poghisiu, MP)

**THAT**, this House adopts the Report of the proceedings of the First Extraordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) held in Kinshasa, Democratic Republic of Congo from 19<sup>th</sup> – 20<sup>th</sup> March, 2018, laid on the Table of the Senate on Tuesday, 15<sup>th</sup> May, 2018.

...../Motion

17. **ESTABLISHMENT OF AN AD-HOC COMMITTEE TO INVESTIGATE THE MAIZE SITUATION IN THE COUNTRY**

(Sen. (Prof.) Margaret Kamar, MP) and (Sen. Moses Wetang'ula, MP)

**WHEREAS** maize is Kenya's staple food whose demand and supply is monitored by the government through the Strategic Grain Reserves;

**AND WHEREAS** that Kenya has been experiencing maize shortage mainly due to the high cost of production, the effects of climate change and poor management of the Strategic Grain Reserves;

**NOTING** that maize farmers have called to question the efficiency and capacity of the National Cereals and Produce Board (NCPB), which is the institution mandated to buy maize from farmers to continuously replenish the strategic reserves, to effectively handle and manage maize produce, forcing small-scale farmers to sell their produce to unscrupulous traders at very low prices;

**COGNIZANT** that the NCPB has on many occasions declined to buy maize from farmers, claiming that its stores are full to capacity, and failed to pay the farmers whose produce it has received, thereby exposing them to severe financial problems;

**CONCERNED** that although the Government has committed to supporting maize farming in Kenya in order to ensure Kenya's food security, little has been done to improve the efficiency of NCPB and protect the maize farmers from exploitation;

**AWARE** that the Government, during periods of maize shortage, grants waivers to enable importation of maize duty-free;

**CONCERNED** that the last duty-free window which was scheduled to terminate in October, 2017 was not terminated and that deliveries continued until late December, 2017 leading to overstocking of most NCPB stores with no clarity as to where the maize deliveries came from;

**CONCERNED** that failure to properly manage the maize situation in Kenya could lead to disillusionment of farmers, famine, civil strife and economic sabotage;

**NOW THEREFORE**, the Senate resolves to establish an *Ad Hoc* Committee to inquire into the maize crisis in the country and report to the Senate within sixty (60) days after the adoption of this Motion on-

- i) why farmers who have delivered their produce to NCPB have not been paid to date;
- ii) the quantity of duty-free maize imported into the country during the duty-free window which was to end in October, 2017 and why the period was extended;
- iii) the challenges facing the maize farmers and the NCPB and make recommendations on how to resolve the challenges;

...../**Motion**

- iv) the maize received by the NCPB for the 2017/18 season, to establish the suppliers; and
- v) the criteria for identification of millers and business persons involved in the importation of maize to the country.

**AND FURTHER** that the following Senators be members of the *Ad Hoc* Committee-

- 1. Sen. (Prof.) Margaret Kamar, EGH, MP;
- 2. Sen. Moses Wetang'ula, EGH, MP;
- 3. Sen. Samson Cherarkey, MP;
- 4. Sen. (Dr.) Christopher Langat, MP;
- 5. Sen. Petronila Were Lokorio, MP;
- 6. Sen. (Dr.) Michael Mbito, MP; and
- 7. Sen. Boniface Kabaka, MP.

18. **MOTION – ENFORCEMENT OF THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015**

(Sen. (Arch.) Sylvia Kasanga, MP)

**AWARE** that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

**FURTHER AWARE** that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

**COGNIZANT** that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

**NOW THEREFORE**, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development: -identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations; in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations; submits a Report to the Senate within ninety(90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

***(Resumption of Debate interrupted on Thursday, 2<sup>nd</sup> August, 2018)***

...../Motion

19. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE NAKURU COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Nakuru County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

20. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KILIFI COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Kilifi County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

21. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE HOMABAY COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Homabay County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

22. **MOTION - REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KISII COUNTY EXECUTIVE FOR FY 2013/2014**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial operations of Kisii County Executive for the Financial year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

23. **MOTION - FLOOD SITUATION IN THE COUNTRY**

(Sen. Fatuma Dullo, MP)

**THAT**, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

**NOTING** with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

...../Motion

**CONCERNED** that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

**COGNIZANT** that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

**ALSO CONCERNED** that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

**NOW THEREFORE**, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

- i. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
- ii. Preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task and submits a report to the Senate within three months of the adoption of this Motion.

24. **MOTION - DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL DISASTER RISK FINANCING STRATEGY**

(Sen. George Khaniri, MP)

**THAT, WHEREAS** Kenya's disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

**FURTHER WHEREAS** the government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

**COGNIZANT** of the fact that government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

**AWARE** that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

**RECOGNIZING**, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

**OBSERVING**, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

...../Motion

**NOTING** that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions and assistance, in any form, from individuals, public authorities and private bodies;

**APPRECIATING**, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

**FURTHER AWARE** that emergency fund is a substantial proportionate Vote Head in both the national and county government budgets;

**CONCERNED**, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

**NOW THEREFORE**, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

**NOTICE**

The Senate resolved on 14<sup>th</sup> February, 2018 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

**NOTICES OF AMENDMENTS**

**A. \*THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)**

(Sen. Mutula Kilonzo Jnr., MP)

a) **NOTICE** is hereby given that Sen. Mutula Kilonzo Jnr., intends to move the following amendments to the County Boundaries Bill (Senate Bills No. 6 of 2017) at the Committee of the Whole -

**CLAUSE 7**

**THAT** the Bill be amended by deleting clause 7 and substituting therefor the following new clause-

Establishment 7. (1)The Senate may pass a resolution for the of a county establishment of a county boundaries boundaries mediation committee upon — mediation committee.

- (a) a request by the governor of any county whose boundary is disputed; or
- (b) a request by the senator of any county whose boundary is disputed;
- (c) a request by a registered voter of a county whose boundary is disputed; or
- (d) the recommendation of the Senate, made under section 21, for mediation as the means of resolving a boundary dispute.

(2) A request under subsection (1) (a) to (c) shall be made to the Senate and shall be accompanied by —

- (a) evidence that notice was given to every county government of a county whose boundary is the subject of the dispute referred to in subsection (1); and
- (b) a description in writing identifying the specific disputed county boundary under the First Schedule.

(3) The Senate shall consider a request under subsection (2) within twenty-one days.



**CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note —

Appointment of members of a mediation committee.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in sub-clause (1) by-

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

(b) one person from each of the affected counties with at least five years' experience in conflict management, nominated by respective the governors;

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

(c) a commissioner of the National Land Commission nominated by the National Land commission from amongst the commissioners;

(c) inserting the following new paragraph immediately after paragraph (c) —

(ca) a licensed surveyor nominated by the Land Surveyors' Board established under the Survey Act;

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**CLAUSE 10**

**THAT** clause 10 of the Bill be amended in the introductory phrase to sub-clause (1), by inserting the words “by the President” immediately after the words “may be removed from office”.

**CLAUSE 18**

**THAT** clause 18(1) of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(ba) The Senator of a county whose boundary is proposed to be altered or a Member of the National Assembly representing a constituency within the county whose boundary is proposed to be altered;

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended in the introductory phrase by deleting the word “twenty-one” appearing immediately after the words “the Senate shall within” and substituting therefor the word “thirty”.

**CLAUSE 23**

**THAT** the Bill be amended by deleting clause 23 and substituting therefor the following new clause-

Consideration of report of special committee by the National Assembly. **23.** (1) The National Assembly shall consider a resolution received under section 22(b) within thirty days of receipt of the resolution.

(2) If the National Assembly —

- (a) concurs with the resolution of the Senate for the establishment of a commission, a commission shall be established in accordance with section 24 of this Act; or
- (b) does not concur with the resolution of the Senate for the establishment of a commission, the petition shall be referred to a parliamentary mediation committee comprising an equal number of members from each House.

(3) If the National Assembly fails to consider the resolution of the Senate within the specified time, the National Assembly is deemed to have approved the resolution of the Senate.

(4) Where the National Assembly approves the resolution of the Senate, the Speaker of the Senate shall, within seven days of the approval by the National Assembly, forward the resolution to the President for the establishment of a commission in accordance with section 24.

(5) (a) The parliamentary mediation committee under sub-section (2) shall, within twenty-one days of referral of the petition, consider the petition and agree on a recommendation in terms of section 21 (1).

(b) If the parliamentary mediation committee arrives at a common recommendation, each House shall vote to approve or reject the resolution of the parliamentary mediation committee.

(c) If the parliamentary mediation committee recommends the establishment of a county boundaries parliamentary mediation committee, section 22(a) shall apply with necessary modifications.

*...../Amendments*

(d) If the parliamentary mediation committee recommends the establishment of a commission, subsection (4) shall apply with necessary modifications.

(e) If the mediation committee fails to agree on a recommendation, no further proceedings shall take place in respect of the Petition.

**CLAUSE 31**

**THAT** the Bill be amended by deleting clause 31 and substituting therefor the following new clause-

Tenure of 31. A commission shall stand dissolved within one the month -

Commission. (a) after the submission of its final report to Parliament; or

(b) after the conclusion of any legal proceedings, to which the commission is enjoined as a party, arising from the work of the commission.

**CLAUSE 45**

**THAT** the Bill be amended by deleting clause 45 and substituting therefor the following new clause-

Coming into effect of a county under section 42(3) shall take effect upon the of a next delimitation of the constituency and ward boundaries resolution following a boundaries review process under Article 89 of the Constitution and section 36 of the Independent Electoral and Boundaries Commission Act.

No. 9 of 2011 (2) The Independent Electoral and Boundaries Commission shall, in its report under section 36 (5) of the Independent Electoral and Boundaries Commission Act, state how a resolution under section 42(3) of this Act has been taken into account in the constituency and ward boundaries review process.

(3) The report referred to under subsection (2) shall be submitted to the Senate and the National Assembly for consideration.

(4) The Independent Electoral and Boundaries Commission, in preparing its final report under section 36(8), shall take into account the views of the Senate and the National Assembly.

**NEW CLAUSE**

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

Petition to **47A.** (1) A petition challenging the alteration of a the High county boundary under this Act shall be filed in the Court on High Court.

alteration of boundaries. (2) A petition under subsection (1) shall be- (a) filed within twenty-one days of the publication of the boundaries in the *Gazette* under section 42(3); and

(b) determined within sixty days of the filing of the petition.

(3) Any appeal from a decision arising from a petition filed under subsection (2) shall be heard and determined within sixty days of the filing of the appeal.

b) **NOTICE** is hereby given that the Chairperson of the Senate Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Boundaries Bill (Senate Bills No. 6 of 2017) at the Committee of the Whole -

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended –

(a) by deleting the marginal note and substituting therefor the following new marginal note —

Composition of the mediation committee.

(b) in clause (2) by deleting the word “ten” appearing immediately after the words “in the last” and substituting therefor the word “five” in paragraph (a);

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended by inserting the following new clause immediately after sub clause (2) —

(2a) The secretariat referred to under subsection (1) shall include officers with knowledge and at least five years experience in physical planning or land survey.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended by deleting the introductory phrase and substituting therefor the following new introductory phrase —

The mediation committee shall, within three months of the resolution of the Senate to establish a mediation committee under section 7, report to the Senate on —

**CLAUSE 25**

**THAT** clause 25 of the Bill be amended in sub clause (1) by —

- (a) deleting the word “President” appearing at the end of paragraph(b) and substituting therefor the words “Independent Electoral and Boundaries Commission”;
- (b) deleting the word “President” appearing at the end of the paragraph (c) and substituting therefor the words “National Land Commission”;
- (c) by inserting the following new paragraph immediately after paragraph (c) —
  - (ca) the Principal Secretary for the time being responsible for matters related to land and physical planning or a representative of the Principal Secretary designated in writing;

**CLAUSE 40**

**THAT** clause 40 of the Bill be amended in sub clause (2a) by deleting the words “the county gazette” appearing at the beginning of the paragraph and substituting therefor the words “the Kenya Gazette and the county Gazette,” in subparagraph (ii);

**NEW CLAUSE**

**THAT** the Bill be amended by deleting clause 42 and substituting therefor the following new clause —

Concurrence by Parliament on alteration of boundary.	<p><b>42A.</b> (1) Where the National Assembly does not concur with the resolution of the Senate to recommend the alteration of the boundaries of a county under section 42, the resolution shall be referred to a parliamentary mediation committee comprising an equal number of members of each House.</p>
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(2) The parliamentary mediation committee under subsection (1) shall, within twenty-one days of the referral of the resolution, consider the resolution and agree on a recommendation in terms of section 42(3).

(3) If the parliamentary mediation committee arrives at a common recommendation, each House shall vote to approve or reject the resolution of the parliamentary mediation committee.

(4) If the parliamentary mediation committee recommends the alteration of the boundaries of a county, section 42(3) shall apply with the necessary modifications.

(5) If the parliamentary mediation committee fails to agree on a recommendation, no further proceedings shall take place in respect of the resolution to alter the boundaries of a county.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by —

- (a) deleting the interpretation of the word “cabinet secretary”; and substituting therefor the following new interpretation “cabinet secretary” means the cabinet secretary for the time being responsible for matters related to land and physical planning;
- (b) deleting the interpretation of the word “county executive committee member”; and substituting therefor the following new interpretation “county executive committee member” means the county executive committee member for the time being responsible for matters related to land and physical planning in the county;
- (c) inserting the following new definition immediately after the definition of the word, “commission” —
  - “dispute” means disagreements between two or more neighbouring counties over the possession or control of land bordering the two or more neighbouring counties;

**B. \*\*THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILLS NO. 3 OF 2018)**

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

**NOTICE** is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights intends to move the following amendments to the Office of the County Attorney Bill (Senate Bills No. 3 of 2018) at the Committee of the Whole -

**...../Amendments**

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

- (2) A person qualifies for appointment as County Attorney if such person-
  - (a) is an Advocate of the High Court of Kenya of at least five years standing;
  - (b) has experience as a legal practitioner including experience in the legal academic field; and
  - (c) meets the requirements of Chapter Six of the Constitution.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended-

- (a) in paragraph (a) by deleting the words “executive committee” appearing immediately after the words “to the county” and substituting therefor the word “government”;
- (b) in paragraph (c) by inserting the words “on the instructions of the county government” immediately after the word “shall”.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in sub-clause (2) by inserting the words “in consultation with the county public service board” immediately after the word “establish” appearing in paragraph (a).

**CLAUSE 10**

**THAT** the Bill be amended by deleting clause 10.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended by deleting sub-clause (2).

**PART III - HEADING**

**THAT** the Bill be amended by deleting in the heading the words “PART III – PERFORMANCE OF FUNCTIONS OF THE COUNTY ATTORNEY” appearing immediately after clause 15.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended-

- (a) in sub-clause (1) by deleting the words “County Attorney” appearing immediately after the words “without the approval of the” and substituting therefor the words “county executive committee”;

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

(2) A request by a department or public entity to the county executive committee to engage the services of a consultant for the provision of legal services, shall be in writing.

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause-

(3) An approval by the county executive committee of a request under sub-clause (2) shall be in writing.

**CLAUSE 18**

**THAT** clause 18 of the Bill be amended in sub-clause (1) by inserting the words ‘in consultation with the County Attorney’ immediately after the words ‘public service board shall’.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended by inserting the words ‘County Attorney, County Solicitor and’ immediately before the words ‘County Legal Counsel’.

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended-

(a) in sub-clause (1) by inserting the words ‘County Attorney, County Solicitor’ immediately before the words ‘County Legal Counsel’;

(b) in sub-clause (2) by deleting the words ‘County Attorney’ appearing immediately before the words ‘may from time to time’ and substituting therefor the words ‘Cabinet Secretary’

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended in sub-clause (1) by inserting the words ‘in consultation with the county public service board’ immediately after the words ‘the County Attorney’.

**CLAUSE 25**

**THAT** the Bill be amended by deleting clause 25.

**CLAUSE 30**

**THAT** clause 30 of the Bill be amended by deleting the words ‘County Attorney’ appearing immediately before the words ‘may make Regulations’ and substituting therefor the words ‘Cabinet Secretary’



**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 5-

Tenure of office.	<b>5A.</b> The County Attorney shall hold office for a term of six years.
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**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new definition immediately before the definition of the term “County Attorney”-

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to justice and legal affairs.

**C. \*\*\*\*THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**

(The Senate Majority Leader)

**NOTICE** is given that the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries intends to move the following amendments to the Food Security Bill (Senate Bills No. 12 of 2017) at the Committee of the Whole -

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended -

- (a) by deleting sub-clause (2) and substituting therefor the following new sub-clause-
  - (2) In ensuring that the national government fulfils its obligations under sub-section (1), the Authority, in consultation with county governments shall -

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended-

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause -
  - (1) Every Kenyan has the right to safe and nutritious food that meet their dietary needs at all times -
- (b) by deleting sub-clause (2), paragraph (a) and substituting therefor the following new paragraph -
  - (a) put in place measures to ensure that the nutrition needs of certain special groups of persons who are food poor are adequately met.
- (c) by deleting the marginal note and substituting therefor the following new marginal note-
  - Special groups, pregnant and lactating women.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended -

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

(e) collaborate with the county government in the monitoring, issuance and administration of the food eligibility card to eligible Kenyans by the county food security committees to ensure that food poor persons access food with ease and in a timely manner;

(ea) collaborate with the county government in the monitoring and implementation of the food distribution programme and the food subsidy programme by the county food security committees;

(b) in sub-clause (2), paragraph (o) by inserting the words “In consultation with county governments” immediately before the words “Promote diversification”.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended in sub-clause (1) –

(a) by inserting the following new paragraph immediately after paragraph (g)-

(ga) one person nominated by the Kenya National Human Rights and Equality Commission established under Article 59 of the Constitution of Kenya, 2010.

**CLAUSE 23**

**THAT** clause 23 of the Bill be amended in sub-clause (2) by deleting the word “masters” appearing immediately after the words “holds a” in paragraph (a).

**CLAUSE 25**

**THAT** clause 25 of the Bill be amended in sub-clause (2) by deleting the words “both at the national and county levels” appearing immediately after the words “food subsidy programme” in paragraph (e).

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended –

(a) in paragraph (b) by inserting the words “coordinate the implementation of” immediately before the words “implement the decisions” ;

(b) by deleting paragraph (e); and

(c) in paragraph (f) by inserting the word “monitoring and” immediately before the words “make arrangements for”.

**CLAUSE 32**

**THAT** clause 32 of the Bill be amended in sub-clause (2) (c) by inserting the following new subparagraph immediately after sub-paragraph (iv) –

(v) dieticians or nutritionists.

**CLAUSE 35**

**THAT** clause 35 of the Bill be amended in sub-clause (1) by inserting the word “health” immediately after the word “livestock”.

**D. \*THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**

(Sen. Petronila Were Lokorio, MP)

a) **NOTICE** is given that Sen. Petronila Were Lokorio intends to move the following amendments to the Office of the County Printer Bill, 2018 at the Committee Stage –

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended by inserting the words “of the county printer” immediately after the words “functions of the office”.

**INSERTION ON NEW CLAUSES**

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

Offences.

**10A.** A person who –

(a) fails, without reasonable cause, to –

(i) approve the publication of a document required to be published under any written law; or

(ii) publish, within the period specified under any written law, a document which has been approved for publication;

(b) willfully or recklessly, authorises the publication or publishes false or misleading information; or

(c) without authorisation, alters a document approved for publication,

commits an offence and is 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.

General penalty.

**10B.** A person who contravenes any provision of this Act for which no penalty is provided is liable, on conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the term “county *gazette*”-

“county printer” means a person appointed under section 9 of the Act as the head the office of the county printer.

b) **NOTICE** is given that the Chairperson of the Standing Committee on Information, Communication and Technology, Sen. Gideon Moi, intends to move the following amendments to the Office of the County Printer Bill, 2018 at the Committee Stage –  
**CLAUSE 5**

**THAT** clause 5 of the Bill be amended in paragraph (a) by inserting the words “and information” immediately after the words “gazette such documents”.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in sub-clause (3) by –

- (a) inserting the words “qualify to” immediately after the words “A person shall”;
- (b) inserting the words “at least” immediately after the word “holds” in paragraph (a); and
- (c) deleting the word “five” appearing immediately after the words “of at least” in paragraph (b) and substituting therefor the word “ten”.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended by inserting the word “and the county printer” immediately after the words “the county secretary”.

APPENDIX

1. PAPERS

- i) Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into possible loss of funds through the acquisition of Land LR. No.7879/4 (part) by the National Land Commission, for use by two public schools (Ruaraka High School and Drive-In Primary School), Nairobi City County;

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

- ii) Report of the Auditor-General on the Financial Statements of the Lamu County Emergency Fund for the year ended 30<sup>th</sup> June, 2017;
- iii) Report of the Auditor-General on the Financial Statements of Lamu County Emergency Fund for the year ended 30<sup>th</sup> June, 2016;
- iv) Report of the Auditor-General on the Financial Statements of the Malindi Water & Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2017;
- v) Report of the Auditor-General on the Financial Statements of the Tavevo Water & Sewerage Company Limited for the year ended 30<sup>th</sup> June, 2017;
- vi) Report of the Auditor-General on the Financial Statements of the Tana River County Ward Bursary Fund for the year ended 30<sup>th</sup> June, 2015;
- vii) Report of the Auditor-General on the Financial Statements of the Tana River County Ward Bursary Fund for the year ended 30<sup>th</sup> June, 2016;
- viii) Report of the Auditor-General on the Financial Statements of the Tana River County Ward Bursary Fund for the year ended 30<sup>th</sup> June, 2017;
- ix) Report of the Auditor-General on the Financial Statements of the Lamu County Bursaries and Scholarships Fund for the year ended 30<sup>th</sup> June, 2017.

*(The Senate Majority Leader)*

2. 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 possible loss of funds through the acquisition of Land LR. No.7879/4 (part) by the National Land Commission, for use by two public schools (Ruaraka High School and Drive-In Primary School), Nairobi City County, laid on the Table of the House on Wednesday, 8<sup>th</sup> August, 2018.

3. **STATEMENTS PURSUANT TO STANDING ORDER NO. 46 (2) (A)**

- a) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to report on a Statement made by Sen. Ledama Olekina, MP, regarding alleged listing of Narok barley and sorghum farmers by Cooperative Bank of Kenya on the Credit Reference Bureau;
- b) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to report on a Statement made by Sen. Moses Wetang'ula, MP, regarding the illegal importation of sugar in Kenya;
- c) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to report on a Statement made by Sen. Cleophas Malala, MP, regarding the contraband or poisonous products and illegally imported sugar;
- d) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to report on a Statement made by Sen. James Orengo, MP, regarding alleged arrest of three Kenyan Administration Police Officers and local fishermen by Ugandan Police over fishing in Lake Victoria;
- e) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to report on a Statement made by Sen. Mary Seneta, MP, regarding frequent fire disasters in Gikomba market and other parts in Nairobi City County;
- f) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to report on a Statement made by Sen. (Prof.) Imana Malachy, MP, regarding insecurity in Turkana County that has paralyzed crude oil extraction and transportation from the County.