



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SECOND SESSION)

THE SENATE

ORDER PAPER

WEDNESDAY, OCTOBER 17, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the appendix)
5. Papers (as listed in the appendix)
6. Notices of Motion
7. Statements (as listed in the appendix)
8. ***THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**
(Sen. Aaron Cheruiyot, MP)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 9th October, 2018)
(Division)
9. ***THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2018)**
(Sen. (Canon) Naomi Waqo Jilo, MP)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 16th October, 2018)
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10. **COMMITTEE OF THE WHOLE**
***THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**
(Sen. Petronila Were Lokorio, MP)

(Resumption of Debate interrupted on Wednesday, 3rd October, 2018)
(Division)

11. COMMITTEE OF THE WHOLE
****THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**
(Chairperson Standing Committee on Finance and Budget)
12. COMMITTEE OF THE WHOLE
****THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**
(Chairperson, Standing Committee on Labour and Social Welfare)
13. COMMITTEE OF THE WHOLE
******THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**
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14. COMMITTEE OF THE WHOLE
***THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**
(Sen. Mutula Kilonzo Jnr, MP and Sen. Sakaja Johnson, MP)
15. COMMITTEE OF THE WHOLE
***THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**
(Sen. (CPA) Farhiya Haji, MP)
16. ***THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**
(Sen. Judith Pareno, MP)

(Second Reading)
(Resumption of Debate interrupted on Tuesday, 16th October, 2018)
17. ****THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**
(Chairperson, Standing Committee on Information and Technology)

(Second Reading)
18. *****THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)**
(The Senate Majority Leader)

(Second Reading)
19. *****THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**
(The Senate Majority Leader)

(Second Reading)
20. *****THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**
(The Senate Majority Leader)

(Second Reading)
21. ***THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**
(Sen. Fatuma Dullo, MP)

(Second Reading)

22. **MOTION- ENFORCEMENT OF 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: -

1. identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations;
2. 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;
3. 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, 13th September, 2018)

23. **MOTION - USAGE OF SIGNING EXACT ENGLISH (SEE) AS A MODE OF INSTRUCTION FOR PERSONS WITH HEARING IMPAIRMENT**

(Sen. (Dr.) Getrude Musuruve, MP)

THAT, AWARE that Article 43 (f) of the Constitution stipulates that every person has a right to education;

FURTHER AWARE that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the parties undertook to ensure that persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

ACKNOWLEDGING that hearing impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English;

...../Motion

COGNIZANT that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology to-

1. ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. develop SEE instructional materials for learners with hearing impairment;
3. work with linguists and researchers to develop sign language resources; and
4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

(Resumption of Debate interrupted on Thursday, 11th October, 2018)

NOTICE

The Senate resolved on 14th February, 2018 as follows:-

THAT, pursuant to Standing Order 106 (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

A. *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”.

B. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)
(Chairperson Standing Committee on Finance and Budget)

NOTICE is given that Sen. (Eng.) Mohamed M. Mahamud, the Chairperson of the Senate Standing Committee on Finance and Budget, intends to move the following amendment to the Salaries and Remuneration Commission (Amendment) Bill, Senate Bills No. 12 of 2018, at the Committee Stage –

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the word “twenty-one” appearing immediately after the words “the words within” and substituting therefor the word “twenty-eight”.

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 DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)

(Sen. Mutula Kilonzo Jnr, MP and Sen. Sakaja Johnson, MP)

NOTICE is given that Sen., Mohamed Yusuf Haji, EGH, MP, the Chairperson of the Senate Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the Disaster Risk Management Bill, Senate Bills No. 8 of 2018, at the Committee Stage —

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting subclause (2).

CLAUSE 5

THAT clause 5 of the Bill be amended-

- (a) in paragraph (a) by inserting the words “and inter-ministerial” immediately after the word “inter-agency”;
- (b) in paragraph (f) by inserting the words “in coordination with the Bureau of Statistics,” at the beginning of the paragraph;

CLAUSE 7

THAT clause 7 of the Bill be amended-

- (a) by deleting subclause (1) and substituting therefor the following new subclause-

...../Amendments

(1) There shall be a Board of the Authority which shall comprise—

- (a) a chairperson, who shall be appointed by the Cabinet Secretary;
- (b) the Principal Secretary in the Ministry responsible for matters relating to disaster risk management;
- (c) the Principal Secretary in the Ministry responsible for finance;
- (d) the Principal Secretary in the Ministry responsible for internal security;
- (e) a representative of the Kenya Red Cross Society;
- (f) one person nominated by the Council of County Governors;
- (g) one person appointed by the Cabinet Secretary from amongst three persons nominated by the Kenya Private Sector Alliance;
- (h) one person appointed by the Cabinet Secretary from amongst three persons nominated by the Kenya Medical Association; and
- (i) the Director-General of the Authority who shall be an *ex-officio* member and who shall have no vote.

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

(3) A person shall qualify for appointment as the chairperson of the Board if that person —

- (a) holds a degree from a university recognised in Kenya;
- (b) has knowledge and experience in matters related to disaster management; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3A) A person shall qualify for nomination under paragraph (1) (g) and (h) if that person —

- (a) holds a degree in a relevant field from a university recognised in Kenya; and
- (b) meets the requirements of Chapter Six of the Constitution.
- (c)

CLAUSE 8

THAT clause 8 of the Bill be amended in paragraph (d) by deleting the words “that violates” appearing immediately after the words “an offence” and substituting therefor the words “that constitutes a serious violation of”.

CLAUSE 12

THAT clause 12 of the Bill be amended by deleting subclause (2) and substituting therefor the following new sub-clauses-

- (2) A person shall qualify for appointment under this section where such person —
- (a) holds a relevant degree from a university

recognised in Kenya;

...../Amendments

- (b) has at least five years' managerial experience; and
- (c) meets the requirements of Chapter Six of the Constitution.

(2A) The Director-General shall hold office for a term of five years which may be renewed once.

CLAUSE 13

THAT clause 13 of the Bill be amended by deleting the word "co-opt" appearing immediately after the word "the board may" and substituting therefor the word "engage".

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (1)-

- (a) by inserting the words "in coordination with the Bureau of Statistics" at the beginning of the introductory phrase to paragraph (b);
- (b) by inserting the word "county" immediately after the words "national and" in the introductory phrase to paragraph (d);
- (c) in paragraph (d) by inserting the following new sub-paragraph immediately after sub-paragraph (vi)-
 - (vii) any other critical infrastructure including power stations, power distribution networks and water reservoirs.

CLAUSE 18

THAT clause 18 of the Bill be amended in subclause (1) by-

- (a) deleting the word "commandant" appearing at the end of paragraph (d) and substituting therefor the word "commander";
- (b) by deleting paragraph (g) and substituting therefor the following new paragraph-
 - (g) one person, with experience in disaster management, who is a resident of the county, appointed in writing by the chairperson of the most representative private sector association in the county;
- (c) inserting the following new paragraph immediately paragraph (h)-
 - (i) one person, with experience in disaster management, nominated appointed by the governor from the faith-based organisations in the county;

CLAUSE 20

THAT clause 20 of the Bill be amended in the introductory clause by deleting the word "Authority" appearing immediately after the words "foregoing the" and substituting therefor the word "Committee".

CLAUSE 21

THAT clause 21 of the Bill be amended in paragraph (d) by deleting the words "that violates" appearing immediately after the words "an offence" and substituting therefor the words "that constitutes a serious violation of"

...../Amendments

CLAUSE 30

THAT clause 30 of the Bill be amended-

- (a) in subclause (1) by deleting the word "Authority" appearing immediately after the words "administered by the" and substituting therefor the word "Board";
- (b) (b) in subclause (4) inserting the word "prevention" immediately after the words "used for disaster".

CLAUSE 36

THAT clause 36 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (g)-

- (ga) the administration and management of the Fund;

FIRST SCHEDULE

That the Bill be amended by deleting the First Schedule.

CLAUSE 2

THAT clause 2 of the Bill be amended by —

- (a) in the definition of the word "disaster" by inserting the words "and impacts" immediately after the words "environmental losses";
- (b) in the definition of the word "disaster risk management" by inserting the words "multi-sectoral" immediately after the words "capacities to implement";
- (c) in the definition of the word "hazard" by deleting the words "damaging physical event" appearing immediately after the words "means a" and substituting therefore the word "process";
- (d) in the definition of the word "preparedness" by inserting the words "imminent" immediately after the words "impacts of likely";
- (e) by deleting the definition of the word "prevention" and substituting therefor the following new definition-
 - "prevention" means the activities and measures taken to avoid existing and new disasters;
- (f) in the definition of the word "recovery" by inserting the words "prevent or" immediately after the words "including efforts to";
- (g) by deleting the definition of the word "response" and substituting therefor the following new definition-
 - "response" means actions taken before, during or immediately after a disaster to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the affected persons;
- (h) by deleting the definition of the word "vulnerability" and substituting therefor the following new definition-

...../Amendments

“vulnerability” means the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of a hazard;

- (i) by inserting the following new definition immediately after the definition of the word “hazard”-

“Bureau of Statistics” means the Kenya National Bureau of Statistics established under section 3 of the Statistics Act No. 4 of 2006

E. * THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)

(Sen. (CPA) Farhiya Haji, MP)

NOTICE is given that Sen. (Eng.) Mohamed M. Mahamud, the Chairperson of the Senate Standing Committee on Finance and Budget, intends to move the following amendments to the County Statistics Bill, Senate Bills No. 9 of 2018, at the Committee Stage-

CLAUSE 4

THAT clause 4 of the Bill be amended in sub-clause (1) by deleting the introductory clause to paragraph (c) and substituting therefor the following new clause—

- (c) coordinating the compilation and dissemination of statistics and related information in the respective county, with particular regard to-

CLAUSE 5

THAT clause 5 of the Bill be amended in sub-clause (2) by –

- (a) deleting the words “county statistics” appearing immediately after the words “the head of the” in the introductory clause;
- (b) deleting the words “county statistics” appearing immediately after the words “management of the” in paragraph (a);
- (c) deleting the words “county statistics” appearing immediately after the words “staff of the” in paragraph (b);
- (d) deleting the words “county statistics” appearing immediately after the words “objectives of the” in paragraph (c);
- (e) deleting the words “statistics” appearing immediately after the words “annual plan of the” in paragraph (d)(i); and
- (f) deleting the words “statistics” appearing immediately after the words “annual budget of the” in paragraph (d)(ii).

PART III—HEADING

THAT the Bill be amended by deleting the heading to Part III and substituting therefor the following new heading-

PART III - INTERGOVERNMENTAL TECHNICAL COMMITTEE ON STATISTICS

CLAUSE 8

THAT the Bill be amended by deleting clause 8 and substituting therefor the following new clause-

Technical
Committee.

8. (1) There is established a technical committee known as the Intergovernmental Technical Committee on County Statistics comprising—

(a) the Principal Secretary in the Ministry responsible for matters relating to statistics who shall be the chairperson;

(b) one county executive committee member responsible for matters relating to statistics nominated by the Council of County Governors;

(c) one county statistician nominated by the Council of County Governors;

(d) three persons appointed by the Cabinet Secretary from entities recognized by the government as representing-

- (i) statisticians;
- (ii) research institutions; and
- (iii) public universities;

(f) one person nominated by the National Council for Population and Development; and

(g) the Director General of the Kenya National Bureau of Statistics or an officer designated by the Director General of the Bureau who shall be the secretary to the technical committee and shall have no vote.

(2) The persons nominated under subsection(1) (d), (e,) and (f) shall

—

(a) be appointed by the Cabinet Secretary by notice in the *Gazette*; and

(b) serve on a part-time basis for a term of four years renewable for one further term.

(4) The Cabinet Secretary shall appoint the first members of the technical committee under subsection (1)(d)(e) and (f) within two months of the commencement of this Act.

(5) The Cabinet Secretary shall provide the technical committee with such facilities and other support as it may require for the discharge of its functions.

CLAUSE 9

THAT clause 9 of the Bill be amended –

- (a) in the introductory clause by deleting the word “consultative” appearing immediately after the word “the” and substituting therefor the word “technical”;
- (b) in paragraph (b) by deleting the words “various county statistics offices” appearing immediately after the words “programmes of the” and substituting therefor the word “office”; and
- (c) in paragraph (c) by deleting the words “offices of the county statistician” appearing immediately after the words “coordination of” and substituting therefor the word “the office”.

CLAUSE 10

THAT clause 10 of the Bill be amended –

- (a) in sub-clause (1) by deleting the word “consultative” appearing immediately after the word “the” and substituting therefor the word “technical”;
- (b) in sub-clause (2) by deleting the word “consultative” appearing immediately after the words “chairperson of the” and substituting therefor the word “technical”; and
- (c) in sub-clause (3) by deleting the word “consultative” appearing immediately after the words “meetings of the” and substituting therefor

the word "technical".

...../Amendments

CLAUSE 11

THAT clause 11 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

No. 31 of 2016	(2) The Kenya National Bureau of Statistics and the office shall, pursuant to the Access to Information Act, ensure that the statistics held by it are accessible to the members of the public.
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CLAUSE 12

THAT clause 12 of the Bill be amended—

(a) in sub-clause (3) by inserting the word "county" immediately after the words "conferred on the" in paragraph (a) and;

(b) by deleting sub-clause (5) and substituting therefor the following new sub-clause—

(5) A department in the respective county government shall, in collecting, analysing and disseminating statistics, be guided by the standards and methodologies approved by the Kenya National Bureau of Statistics under section 4 (2).

CLAUSE 14

THAT clause 14 of the Bill be amended-

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

(1) Any person, other than an officer of the office or the Kenya National Bureau of Statistics, who intends to conduct a statistical survey in a county on any matter set out in the Fourth Schedule, shall obtain the approval of the office.

(b) in sub-clause (2) by inserting the word "county" immediately after the words "plans to the"; and

(c) by inserting the following new sub-clause immediately after sub-clause (2)-

(2A) Notwithstanding subsection (2) the county statistician may, in the case of an emergency, waive the requirement for the submission of an application under subsection (1) at least three months before the commencement of the survey.

CLAUSE 15

THAT clause 15 of the Bill be amended by deleting sub-clause (3).

CLAUSE 16

THAT clause 16 of the Bill be amended by deleting the word "service" appearing immediately after the words "functions of the" and substituting therefor the word "office".

...../Amendments

CLAUSE 18

THAT clause 18 of the Bill be amended-

- (a) by inserting the following new sub-clause immediately after sub-clause (2)-

(2A) The report made under subsection (1) shall be transmitted electronically to the Kenya National Bureau of Statistics for the purpose of aggregation of statistics from the counties.

- (b) in sub-clause (3) by deleting the words "and the Senate" appearing immediately after the words "the county assembly".

CLAUSE 19

THAT clause 19 of the Bill be amended —

- (a) in paragraph (d) by inserting the word "county" immediately after the words "required by the"; and
- (b) by inserting the following new paragraph immediately after paragraph (d)-
 - (e) fraudulently, or wilfully gives inaccurate or false statistical information to an officer appointed under this Act;

CLAUSE 2

THAT clause 2 of the Bill be amended by-

- (j) deleting the definition of the term "consultative committee";
- (k) deleting the words "office of the" appearing immediately after the words "means the" in the definition of the term "office"
- (l) inserting the following new definitions immediately after the definition of the term official body" –

"statistics" means aggregated numerical information relating to demographic, economic, financial, environmental, social or similar matters, at national or county level, which is compiled and analyzed according to relevant scientific and

statistical methodology;

“statistical information” means-

No. 4 of
2006

(a) In the case of the Kenya National Bureau of Information, information collected by the Bureau, for purposes of the Statistics Act; and

...../Amendments

(b) In the case of the office, information collected by the office, for purposes of this Act;

“technical committee” means the Intergovernmental Technical Committee on Statistics established under section 8;

F. **THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)

(Chairperson, Standing Committee on Labour and Social Welfare)

NOTICE is given that Sen. Farhiya Ali Haji, intends to move the following amendments to the County Governments’ Retirement Scheme Bill, Senate Bills No. 6 of 2018, at the Committee Stage—

CLAUSE 7

THAT clause 7 of the Bill be amended in subclause (1) by-

(a) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) three representatives of the Council of County Governors one of whom shall be registered as an auditor or an accountant with the Institute of Certified Public Accountants of Kenya established under section 3 of the Accountants Act;

(b) deleting paragraph (d).

CLAUSE 17

THAT clause 17 of the Bill be amended by deleting the words “remuneration or” appearing immediately after the words “paid such”.

CLAUSE 19

THAT clause 19 of the Bill be amended in subclause (7) paragraph (e) by inserting the words “or the Retirement Benefits Act” immediately after the words “with this Act.”

CLAUSE 22

THAT clause 22 of the Bill be amended in subclause (2) by deleting the words "provide regular information" appearing immediately before the words "on investment strategy" in paragraph (d) and substituting therefor the words "submit reports on a quarterly basis".

...../Amendments

CLAUSE 23

THAT clause 23 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately paragraph (f)-

(fa) submit to the Board a report on a quarterly basis of thereconciliations with respect to the funds held by the Custodian;

CLAUSE 24

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

(a) inserting the words "at least on a quarterly basis" immediately after the words "including access" in paragraph (d);

(b) inserting the following new paragraph immediately after paragraph (d)-

(da) keep and maintain proper books of accounts of the scheme;

CLAUSE 25

THAT clause 25 of the Bill be amended-

(a) in subclause (1) by inserting the word "member" immediately after the words "long as the";

(b) in subclause (2) by inserting the words "not less than" immediately after the words "contribute to the scheme".

(c) by deleting subclause (4) and substituting therefor the following new subclause-

(4) Contributions to the scheme by a member and a sponsor shall be reduced by the amount of their contributions to the National Social Security Fund established under the National Social Security Fund Act with respect to such member.

(d) in subclause (6) by deleting the words "on each occasion" appearing immediately after the words "salary of the contributor" and substituting therefor the words "in each month".

CLAUSE 37

THAT clause 37 of the Bill be amended in paragraph (a) by deleting the words "except where a member works on a contractual basis for the sponsor after their resignation or early retirement" appearing immediately after the words "a sponsor".

...../Amendments

CLAUSE 44

THAT clause 44 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause-

(1) The scheme shall be reviewed by an actuary appointed by the Board as provided for in the Retirement Benefits Act.

CLAUSE 46

THAT clause 46 of the Bill be amended in the introductory phrase in subclause (2) by inserting the word "actuary" immediately after the words "fund Manager".

CLAUSE 48

THAT clause 48 of the Bill be amended by inserting the following new subclause immediately after subclause (2)-

(3) A person who is convicted of an offence under subsection (1) (c) shall, in addition to any fine that may be imposed, refund to the scheme three times the value of any loss that may be incurred by the scheme by reason of the commission of the offence.

...../Appendix

APPENDIX

1. PETITION

- a) Report of the Standing Committee on Tourism, Trade and Industrialization on the Petition on the fight against counterfeit and contraband goods, presented by Sen. Johnson Sakaja, MP on behalf of members of Nairobi Importers and Traders Association;

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

- b) Petition to the Senate concerning clearances required by Public Bodies and Public Service Boards on application for jobs in Kenya.

(Sen. (Dr.) Isaac Mwaura, MP)

2. PAPERS LAID

- a) Report of the Auditor General on the financial statements of Vihiga County Community empowerment fund for the year ended 30th June, 2017;
- b) Report of the Auditor General on the financial statements of County Assembly of Kakamega – car loans and mortgage fund for the year ended 30th June, 2017;
- c) Report of the Auditor General on the financial statements of Busia County Cooperative Enterprise Development Fund for the year ended 30th June, 2017.

(The Senate Majority Leader)

- d) Report of the Standing Committee on Tourism, Trade and Industrialization on a fact finding mission on the Management and Operations of National Parks in Taita Taveta, Isiolo and Samburu counties; 18th - 19th May and 10th – 13th August, 2018;
- e) Report of the Standing Committee on Tourism, Trade and Industrialization on the inquiry into the fall of Nakumatt and Uchumi supermarkets in Kenya.

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

3. STATEMENT PURSUANT TO STANDING ORDER NO. 48 (1)

Nominated Senator (Sen. Judith Pareno, MP) to seek a statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on the funding of the East Africa Community by the partner states.