



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

**SUPPLEMENTARY ORDER PAPER**

**TUESDAY, OCTOBER 23, 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 (as listed in the appendix)
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, 9<sup>th</sup> October, 2018)  
(Division)***

9. **\*THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2018)**  
(Sen. (Canon) Naomi Waqo Jilo, MP)
10. **\*THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILLS NO. 22 OF 2018)**  
(Sen. Judith Pareno, MP)

*(Second Reading)*

***(Resumption of Debate interrupted on Wednesday, 17<sup>th</sup> October, 2018)  
(Division)***

...../Bill

- 11. **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, 3<sup>rd</sup> October, 2018)*  
*(Division)*
  
- 12. **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)  
*(Resumption of Debate interrupted on Wednesday, 17<sup>th</sup> October, 2018)*  
*(Division)*
  
- 13. **\*THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**  
(Sen. Gideon Moi, MP)  
*(Second Reading)*
  
- 14. **\*\*THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**  
(Chairperson, Standing Committee on Information and Technology)  
*(Second Reading)*
  
- 15. **\*THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS) BILL (SENATE BILLS NO. 18 OF 2018)**  
(Sen. Ledama Olekina, MP)  
*(Second Reading)*
  
- 16. **\*THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**  
(Sen. Samuel Poghio, MP)  
*(Second Reading)*
  
- 17. **\*\*\*THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)**  
(The Senate Majority Leader)  
*(Second Reading)*
  
- 18. **\*\*\*THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**  
(The Senate Majority Leader)  
*(Second Reading)*
  
- 19. **\*\*\*THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**  
(The Senate Majority Leader)  
*(Second Reading)*
  
- 20. **\*THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**  
(Sen. Samuel Poghio, MP)  
*(Second Reading)*

- 21. **\*THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**  
(Sen. Fatuma Dullo, MP)  
*(Second Reading)*
  
- 22. **\*\*THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**  
(Chairperson, Sessional Committee on Delegated Legislation)  
*(Second Reading)*
  
- 23. **COMMITTEE OF THE WHOLE**  
**\*\*\*THE FOOD SECURITY BILL (SENATE BILLS NO. 12 OF 2017)**  
(The Senate Majority Leader)
  
- 24. **COMMITTEE OF THE WHOLE**  
**\*\*THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018)**  
(Chairperson, Standing Committee on Labour and Social Welfare)
  
- 25. **COMMITTEE OF THE WHOLE**  
**\*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**  
(Sen. Ledama Olekina, MP)
  
- 26. **COMMITTEE OF THE WHOLE**  
**\*THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**  
(Sen. (CPA) Farhiya Haji, MP)
  
- 27. **COMMITTEE OF THE WHOLE**  
**\*\*THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**  
(Chairperson Standing Committee on Finance and Budget)
  
- 28. **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;

...../Motion

**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;

**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 Wednesday, 17<sup>th</sup> October, 2018)  
(Balance of Time 2 hours 2 minutes)***

29. **MOTION – HUMAN – WILDLIFE CONFLICT**

(Sen. Johnes Mwaruma, MP)

**AWARE THAT** tourism is amongst key sectors of Kenya’s economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

**FURTHER AWARE THAT**, Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

**NOTING THAT**, cases of human-wildlife conflict are on the rise as a result of many factors key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

**FURTHER NOTING THAT** there’s need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

**CONCERNED** that victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of their means of livelihood due to failure of the Treasury to allocate adequate funds for this purpose contrary to the Wildlife Compensation Management Act, 2013;

**FURTHER CONCERNED** that the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of tourism in their area;

**NOW THEREFORE the** Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;

...../Motion

- 2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
- 3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

28. **MOTION – REHABILITATION OF STREET FAMILIES.**

(Sen. Beatrice Kwamboka, MP)

**AWARE THAT** the Street Families Rehabilitation Trust Fund (SFRTF) was established on 11th March, 2003 by the then Ministry of Local Government to address the concerns of all homeless, destitute and vulnerable persons in urban areas, and was registered as a body Corporate in August, 2010 under the Trustees (perpetual succession) Cap 164, Laws of Kenya;

**FURTHER AWARE THAT** the mandate of SFRTF includes coordinating rehabilitation activities for street families; conducting public education on street families issues; mobilizing resources and fundraising as well as receiving donations and funding street families rehabilitation programmes; managing donations for the rehabilitation of street families through a trust fund; monitoring expenditure and disbursement of donations; and advising the government and other relevant agencies on matters relating to rehabilitation of street families;

**NOTING THAT** Article 43 (1) of the Constitution of Kenya provides for the right to every person to the highest attainable standard of health, accessible and adequate housing, adequate food of acceptable quality, clean and safe water in adequate quantities, education, and social security;

**CONCERNED THAT** the street family phenomenon has persisted despite the existence of the SFRTF and street families do not enjoy the rights enshrined in the Constitution due to lack of a national policy on the rehabilitation of street families, with women and children being the primary victims;

**COGNIZANT THAT** the Ministry of Devolution and ASAL Areas through the SFRTF supports children and youth through charitable and community based organizations which are vetted and approved for funding under the rescue, rehabilitation and reintegration of street families programme;

**NOTING THAT** both the National and County Governments have a role to play in addressing the plight of street families across the Country;

**NOW THEREFORE** the Senate resolves that Ministry of Devolution and ASAL Areas in collaboration with the Council of Governors-

- 1. conducts a census of street families in all urban centres in the country to determine their numbers and demographics;
  - 2. develops a clear policy on street families rehabilitation and reintegration at county level; and
- tables an audit report of how funds allocated to the SFRTF have been utilized since the Fund was established, indicating the impact of the rehabilitation exercise.

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...../Notice

**NOTICE**

The Senate resolved on 14<sup>th</sup>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

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

(The Senate Majority Leader)

**NOTICE** is given that Sen. Njeru Ndwiga intends to move the following amendments to the Food Security Bill, 2017, at the Committee Stage-

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended by deleting the introductory phrase to sub-clause (2) and substituting therefor the following new introductory phrase—

- (2) In ensuring that the national government fulfils its obligations under subsection (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) in sub-clause (2) by—

(i) inserting the words “Despite the generality of subsection (1),” immediately before the words “The Cabinet Secretary” in the introductory clause;

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

(a) put in place measures to ensure that the nutrition needs of vulnerable persons who are food poor are adequately met;

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

Vulnerable persons.

**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 county governments 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 county governments 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) by inserting the following new paragraph immediately after paragraph (g) —

- (ga) one person nominated by the Kenya National Commission on Human Rights established under section 3 of the Kenya National Commission on Human Rights Act.
- No. 14 of  
2011.

**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 (2) by inserting the word “health” immediately after the word “livestock”.

**B. \*\*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—

...../Amendments



**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”.

**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 the reconciliations 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”.

**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.

**C.\*THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)**

(Sen. Ledama Olekina, MP)

**NOTICE** is given that Sen. Farhiya Ali Haji, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Act, Senate Bills No. 2 of 2018, at the Committee Stage—

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended by inserting the following new paragraphs after paragraph (a)-

(aa) in subsection (1) by deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(ab) in subsection (1) by deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**THAT** the Bill be amended by introducing the following new clauses after clause 5

**CLAUSE 5A**

**THAT** section 5A of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5B**

**THAT** section 5B of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5C**

**THAT** section 6 of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

...../Amendments

(b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**CLAUSE 5D**

**THAT** section 7 of the Act be amended by-

(a) deleting the word “four” appearing immediately after the words “once every” in paragraph (c) and substituting therefor the word “five”.

(b) deleting the word “four” appearing immediately after the words “once every” in paragraph (d) and substituting therefor the word “five”

**D. \*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;

...../Amendments

(a) 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.

(3) 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”;

...../Amendments

- (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”.

**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-

...../Amendments

(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 sub-section(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”.

**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)-

(d) 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-

- (a) deleting the definition of the term “consultative committee”;
- (b) deleting the words “office of the” appearing immediately after the words “means the” in the definition of the term “office”
- (c) 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

(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;

**E.\*\*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”.

**F. \*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”.

**G. \*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. Mutula Kilonzo Junior, MP, intends to move the following amendments to the Disaster Risk Management Bill, Senate Bills No. 8 of 2018, at the Committee Stage —

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in sub-clause (2) by deleting paragraph (c).

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended—

- (a) in paragraph (b) by inserting the word “national” immediately after the words “serve as the central” ;
- (b) in paragraph (e) by deleting the words “and county” appearing immediately after the words “implementation of a national”;
- (c) in paragraph (g) by deleting the words “and county” appearing immediately after the words “implement a national”;
- (d) in paragraph (h) by inserting the words “at the national level” immediately after the words “disaster risk management”;
- (e) in paragraph (m) by inserting the words “in collaboration with the relevant county committees, at” immediately after the words “at national and”;
- (f) by deleting paragraph (o) and substituting therefore the following new paragraph—
  - (o) lead and coordinate mainstreaming of disaster risk management in national government strategies, policies and plans;

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended by inserting the following new paragraph immediately after paragraph (f) –

- (g) enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) –

- (ca) the Principal Secretary in the Ministry responsible for environment.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended by inserting the words “shall serve on a part time basis and” immediately after the words “members of the Board”.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended—

- (a) in paragraph (b) of subsection (1) by deleting the word “indigenous” appearing at the beginning of sub-paragraph (viii) and substituting therefor the word “traditional”;
- (b) in paragraph (d) of subsection (1) by deleting the word “response” appearing immediately after the word “emergency” and substituting therefor the words “preparedness, response and recovery”.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) –

(1a) The national disaster risk management plan and strategy shall include information on –

- (a) measures to be taken for the prevention and response to disasters and the mitigation of their effects;
- (b) measures to be taken for preparedness and capacity building to effectively respond to any impending disaster;
- (c) minimum requirements for the provision of shelter, food, drinking water, medical services and sanitation in relief camps;
- (d) roles and responsibilities of different Ministries, county governments, and relief agencies in respect of measures specified in paragraph (a), (b), and (c); and
- (e) any other matter relevant to disaster risk management.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended in subsection (1) by—

- (a) inserting the following new paragraphs immediately after paragraph (a)—
  - (aa) serve as the central agency in the implementation of disaster risk management activities in the respective county;
  - (ab) establish and implement a county early warning and emergency communication strategy that is in line with the national early warning and emergency communication strategy;
- (b) deleting paragraph (k).

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) –

(d) to enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.

**CLAUSE 23**

**THAT** clause 23 of the Bill be amended in sub-clause (1) by deleting the words “applicable contingency” and substituting therefor the words “county disaster risk management”.

**CLAUSE 37**

**THAT** clause 37 of the Bill be deleted and substituted therefor the following new clause —

**37.** (1) A Person who, immediately before the commencement of this Act, was an employee of the National Disaster Operations Centre or the National Disaster Management Unit shall on the commencement of this Act be deemed to be seconded to the Authority to serve for a period of not more than one year.

(2) Despite subsection (1), a person who was an employee of the National Disaster Operations Centre or the National Disaster Management Unit immediately before the commencement of this Act shall be given an option to either –

(a) return to the institution that seconded that person to the National Disaster Operations Centre or the National Disaster Management Unit; or

(b) apply to the Authority for employment.

**CLAUSE 38**

**THAT** clause 38 of the Bill be amended by—

- (i) inserting the word “and” immediately after the words “Operations Centre”;
- (ii) deleting the words “and the Department of Special Programmes” appearing immediately after the words “National Disaster Management Unit”.

**INSERTION OF NEW CLAUSE 25A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 25 –

**25A.** (1) Each county executive committee member shall be responsible for the development and implementation of a fire disaster management system and shall for this purpose –

- (a) establish an effective fire management system for the prevention and management of fire disasters in the respective county;
- (b) ensure the provision of adequate personnel and equipment for the prevention and management of fire disasters in the county;
- (c) provide adequate information and carry out sensitization programmes on the prevention and management of fire disasters;
- (d) put in place an effective mechanism for fire rescue services; and
- (e) do such other thing necessary for the effective implementation of a fire disaster management system.

(2) The county executive committee member shall, in the performance of the functions under subsection (1) –

- (a) adopt a multi-disciplinary and multi-sectoral approach in firefighting;
- (b) factor in climate variations into firefighting;
- (c) disseminate information on firefighting;
- (d) establish and encourage volunteer community firefighting initiatives; and
- (e) be guided by the national values and principles of governance as set out under Article 10 of the Constitution.

(3) Each county government shall enact legislation for the implementation of fire disaster management system in the respective county.

**APPENDIX**

1. **PETITION**

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 the County Assembly of Garissa for the year ended 30 June 2017;
- b) Report of the Auditor-General on the Financial Statements of the County Assembly of Marsabit for the year ended 30 June 2017;
- c) Report of the Auditor-General on the Financial Statements of the County Assembly of Embu for the year ended 30 June 2017;
- d) Report of the Auditor-General on the Financial Statements of the County Assembly of Kitui for the year ended 30 June 2017;
- e) Report of the Auditor-General on the Financial Statements of the County Assembly of Isiolo for the year ended 30 June 2017;
- f) Report of the Auditor-General on the Financial Statements of the County Assembly of Tharaka Nithi for the year ended 30 June 2017;
- g) Report of the Auditor-General on the Financial Statements of the County Assembly of Mandera for the year ended 30 June 2017;
- h) Report of the Auditor-General on the Financial Statements of the County Assembly of Kajiado for the year ended 30 June 2017;
- i) Report of the Auditor-General on the Financial Statements of the County Assembly of Bungoma for the year ended 30 June 2017;
- j) Report of the Auditor-General on the Financial Statements of the County Assembly of Migori for the year ended 30 June 2017;
- k) Report of the Auditor-General on the Financial Statements of the County Assembly of Kakamega for the year ended 30 June 2017;
- l) Report of the Auditor-General on the Financial Statements of the County Assembly of Kisii for the year ended 30 June 2017;
- m) Report of the Auditor-General on the Financial Statements of the County Assembly of Kisumu for the year ended 30 June 2017;
- n) Report of the Auditor-General on the Financial Statements of the County Assembly of Busia for the year ended 30 June 2017;
- o) Report of the Auditor-General on the Financial Statements of the County Assembly of Siaya for the year ended 30 June 2017;
- p) Report of the Auditor-General on the Financial Statements of the County Assembly of Nyamira for the year ended 30 June 2017;



- q) Report of the Auditor-General on the Financial Statements of the County Assembly of Vihiga for the year ended 30 June 2017;
  - r) Report of the Auditor-General on the Financial Statements of the County Assembly of Nairobi City County for the year ended 30 June 2017;
  - s) Report of the Auditor-General on the Financial Statements of the County Assembly of Makueni for the year ended 30 June 2017;
  - t) Report of the Auditor-General on the Financial Statements of the County Assembly of Machakos for the year ended 30 June 2017;
  - u) Report of the Auditor-General on the Financial Statements of the County Assembly of Meru for the year ended 30 June 2017;
  - v) Report of the Auditor-General on the Financial Statements of the County Assembly of Uasin Gishu for the year ended 30 June 2017;
  - w) Report of the Auditor-General on the Financial Statements of the County Assembly of ElgeyoMarakwet for the year ended 30 June 2017;
  - x) Report of the Auditor-General on the Financial Statements of the County Assembly of Turkana for the year ended 30 June 2017;
  - y) Report of the Auditor-General on the Financial Statements of the County Assembly of West Pokot for the year ended 30 June 2017;
  - z) Report of the Auditor-General on the Financial Statements of the County Assembly of Trans Nzoia for the year ended 30 June 2017;
- and
- aa) Report of the Auditor-General on the Financial Statements of the County Assembly of Nandi for the year ended 30 June 2017.

*(The Senate Majority Leader)*

3. **NOTICE OF MOTION - ZERO RATING DUTY AND V.A.T ON LOCALLY MANUFACTURED SANITARY TOWELS**

(Sen. Abshiro Halake, MP)

**WHEREAS** Menstrual Health management among women and girls in Kenya has been a major issue particularly for the low income earners with about 65% of women and girls in the country who can barely afford sanitary towels each month;

**AWARE** that many girls and women are severely affected during menstrual cycle and are not able to consistently attend and concentrate in class and school work leading to poor performance;

**FURTHER AWARE** that if not handled appropriately menstruation can cause infections of the urinary tract and pelvic inflammatory diseases as well as bad odour, soiled garments and embarrassment, ultimately leading to infringement on the girls' dignity and other health related complications;

...../Appendix

**COGNIZANT** that Menstrual Health Management (MHeM) is a health as well as an education issue and therefore a critical developmental hindrance in Kenya with statistics indicating that one in ten adolescent girls miss school and eventually drop out of school due to menstruation-related issues;

**RECOGNIZING** menstrual hygiene and affordable access to menstrual hygiene products is inextricably linked to rights to health, sanitation, education and dignity among other rights;

**NOTING** that the Basic Education Act, No.14 of 2013 obligates the government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty;

**CONCERNED** that the cost of sanitary towels is too high and out of reach for many girls and women who are out of basic education institutions;

**FURTHER CONCERNED** that classifying and taxing raw materials for locally produced sanitary towels, as luxury items, is counter-productive to the government policies on enhancing the manufacturing sector and distribution of sanitary towels to schools;

**NOW THEREFORE**, the Senate resolves that the Government-

- a. prioritises gender sensitive budgeting as a way of addressing issues affecting women and girls; specifically menstrual health matters.
- b. initiates measures to ensure zero rating of duty on raw materials used for locally manufactured sanitary towels and zero rating Value Added Tax (VAT) on locally manufactured sanitary towels, to ensure affordability for the many poor households in Kenya; and
- c. advance further tax incentives to manufacturers for cheaper production of sanitary towels.

4. **STATEMENT PURSUANT TO STANDING ORDER NO. 48 (1)**

The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources on the water projects across the 47 counties.