



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE SENATE
ORDER PAPER
WEDNESDAY, NOVEMBER 7, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
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5. Papers (as listed in the appendix)
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(Sen. Ledama Olekina, MP)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 6th November, 2018)
(Division)
9. ****THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**
(Chairperson, Standing Committee on Information and Technology)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 6th November, 2018)
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12. COMMITTEE OF THE WHOLE****THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**

(Chairperson Standing Committee on Finance and Budget)

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(Sen. Aaron Cheruiyot, MP)

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(Sen. Aaron Cheruiyot, MP)

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(The Senate Majority Leader)

18. ***THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**

(Sen. Samuel Poghio, MP)

*(Second Reading)*19. *****THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*20. *****THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**

(The Senate Majority Leader)

*(Second Reading)*21. *****THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**

(The Senate Majority Leader)

(Second Reading)

...../Bill

- 22. ***THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**
(Sen. Samuel Poghio, MP)
(Second Reading)
- 23. ***THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**
(Sen. Fatuma Dullo, MP)
(Second Reading)
- 24. ****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**
(Chairperson, Sessional Committee on Delegated Legislation)
(Second Reading)
- 25. ***THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILLS NO. 25 OF 2018)**
(Sen. George Khaniri, MP)
(Second Reading)
- 26. ****THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILLS NO. 26 OF 2018)**
(Chairperson, Standing Committee on Education)
(Second Reading)
- 27. ***THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)**
(Sen. Abshiro Halake, MP)
(Second Reading)
- 28. **MOTION – COMPENSATION TO VICTIMS OF HUMAN WILDLIFE CONFLICT**
(Sen. Johnes Mwaruma, MP)

THAT, 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;

...../Motion

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;
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.

(Resumption of Debate interrupted on Tuesday, 6th November, 2018)

(Balance of Time 2hrs 56 mins)

29. **MOTION- REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS AND INSTANCES OF INSECURITY**

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

THAT, AWARE that Article 43(1)(f) of the Constitution of Kenya provides that every person has a right to education and Article 53(1)(b) of the Constitution states that every child has the right to free and compulsory basic education;

COGNIZANT that on 5th January, 2018 during the flagging off of national delivery of core course books for schools at Cemastea Karen, His Excellency the President Uhuru Kenyatta stated that his administration has focused on initiatives that ensure every Kenyan has access to quality education, so they can acquire appropriate skills and knowledge that make our country globally competitive;

FURTHER AWARE that recently the country has suffered floods in many parts of the country leading to deaths and people being displaced and rendered homeless;

DEEPLY CONCERNED that some schools have also remained closed even after other schools reopened while others have been closed as a result of floods and instances of insecurity;

FURTHER NOTING that closure of schools due to the said floods as well as insecurity places students and pupils in those schools at a disadvantage as they are unable to access education which is their right, while some of the students in those schools are expected to sit for their national exams at the end of the year and their performance risks being negatively affected by the lost time out of school;

NOW THEREFORE, the Senate resolves that the Committee on Education, investigates this matter with a view to: -

1. identifying strategies to ensure that the affected students are able to access education as soon as possible;
2. outlining preventative measures to ensure that more students are not affected by the floods and insecurity; and
3. Submitting a Report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

...../Notice

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

NOTICES OF AMENDMENTS

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 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;

(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.

...../Amendments

(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”.

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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...../Amendments

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 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-

(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;

No. 4 of
2006

C. **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”.

D. **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. (CPA) 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”.

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 there conciliations 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)-

- (2) 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.

E. *THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2018)
 (Sen. Ledama Olekina, MP)

(i) NOTICE is given that Sen. Johnson Sakaja, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2018, at the Committee Stage—

CLAUSE 2

Amend **THAT** the Bill be amended by deleting clause 2 and substituting ment of the following new clause—

section Section 2 of the Retirement Benefits (Deputy President and 2 of Act Designated State Officers) Act, 2015, hereinafter referred to as the No. 8 of “principal Act”, is amended by— 2015

- (a) inserting the following new definition immediately after the definition of the term “entitled person”—

“pensionable emoluments” means basic salary excluding housing, transport and any other allowances or fluctuating emoluments;

- (b) deleting the definition of the term “retired vice president” and substituting therefor the following new definition—

“retired Vice-President” means a person who, having held the office of the Vice President at any time after 1st January, 1993, has ceased to hold office as such in the manner specified in the Constitution;

CLAUSE 7

THAT clause 7 of the Bill be amended by—

- (a) renumbering the proposed new section 10 as subsection (1); and
- (b) inserting the following new subsection immediately after subsection (1)—

(2) Where an entitled person has no surviving spouse or an eligible child the benefits payable shall form part of the estate of the deceased for administration.

CLAUSE 8

THAT the Bill be amended by deleting clause 8.

CLAUSE 9

THAT the Bill be amended by deleting clause 9.

CLAUSE 10

THAT the Bill be amended by deleting clause 10.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 7—

Amend **7A.** The First Schedule of the principal Act is amended in
 ment of paragraph (h) by deleting the word "two" appearing at the
 First beginning of the paragraph.

Schedul
 e of Act
 No. 8 of
 2015

(ii) NOTICE is given that Sen. (CPA) Farhiya Ali Haji, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill, 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 section5A 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 section5B 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 section6 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 5D

THAT section7 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"

F. *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)

(Sen. Aaron Cheruiyot, MP)

NOTICE is hereby given that Sen. Kinyua Nderitu, Chairperson of the Senate Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Governments (Amendment) Bill, 2018, at the Committee Stage -

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause -

Amendment of section 58 of No. 17 of 2012.

2. Section 58 of the County Governments Act is amended in—

(a) subsection (1) by -
(i) deleting paragraph (c) and substituting therefor the following new paragraph -

(c) the secretary to the board who shall be nominated and appointed by the governor with the approval of the county assembly.

(ii) inserting the following new subsections immediately after subsection (1) -

(1A) The secretary to the board shall be an *ex-officio* member of the Board and shall have no right to vote at any meeting of the Board.

(1B) In nominating or appointing a person as a member of the Board, the Governor shall—

(a) observe the principles of gender equity, ethnic and other diversities of the people of Kenya, and shall provide an equal opportunity for persons with disabilities; and

(b) take into account the national values and principles set out in Articles 10, 27 and 232 of the Constitution.

(b) subsection (3) by deleting paragraph (c) and substituting therefor the following new paragraph -

(c) in the case of the chairperson -

(i) possesses a minimum of a bachelors degree from a university recognised in Kenya;

(ii) is registered as a human resource management professional of good standing under the Human Resource Management Professionals Act; and

(iii) has at least ten years working experience in a managerial position either in the public or private sector.

No. 52 of 2012.

...../Amendments

G. *THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL
(SENATE BILLS NO. 17 OF 2018)

(Sen. Aaron Cheruiyot, MP)

NOTICE is given that Sen. Johnson Sakaja, the Chairperson to the Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Care and Protection of Older Members of Society Bill, 2018, at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended in paragraph (b) by inserting the word “dignity” immediately after the words “protect the status”.

CLAUSE 4

THAT clause 4 of the Bill be amended in paragraph (b) by deleting the words “human being” appearing immediately after the words “of every” and substituting therefor the words “older member of society”.

PART II

THAT the Bill be amended by deleting the heading to Part II and substituting the following new title—

“RIGHTS AND ENTITLEMENTS OF OLDER MEMBERS OF SOCIETY”

CLAUSE 5

THAT the Bill be amended by deleting clause 5 and substituting therefor the following clauses—

Rights of Older Members of Society.

5. An older member of society has the right to enjoy the rights conferred under the Constitution and in particular shall not be unfairly denied the right to—

- (a) participate in community life in a position appropriate to their interests and capabilities;
- (b) participate in intergenerational programmes;
- (c) establish and participate in associations of older members of society;
- (d) participate in activities that enhance their income generating capacity;

- (e) access opportunities that promote their optimal level of social, physical, mental and emotional wellbeing;
- (f) fully participate in the affairs of the society;
- (g) pursue their personal development;
- (h) manage their own property;
- (i) live in dignity and respect and be free from abuse; and
- (j) receive reasonable care and assistance from their family and the State.

Right to Legal Capacity. **5A.** (1) An older member of society has a right to legal capacity and the right to access support necessary to exercise that legal capacity.

(2) An express or implied disqualification on the grounds of age prescribed in a law, custom or practice shall not deprive an older member of society the right to legal capacity.

Right to Equality and Non-Discrimination. **5B.** (1)An older member of society shall be entitled to equal protection and equal benefit of the law.

(2) An affirmative action measure aimed to achieve equality of older members of society shall not constitute discrimination.

(3) An older member of society shall live in dignity and security, free from exploitation and physical or mental abuse and be treated fairly.

Right to Documents of Registration. **5C.** (1)An older member of society has a right to be issued with a passport, national identity card, certificate of birth and any other document of registration or identification irrespective of their age.

(2) Where a birth certificate is not issued, the older member of society shall use alternative document including a national identity card to serve the purpose.

Right to Protection and Safety in Situations of Risk and **5D.** (1)An older member of society has a right to suitable and specialized protection and safety in a situation of risk, including a situation of armed conflict, humanitarian emergency and the occurrence of a natural disaster.

Humanitarian
Emergency
Services.

(2) An institution whether public or private shall maintain an inventory of all older members of society and shall submit the inventory quarterly to the national government, county government and other agencies responsible for disaster management.

(3) The national government and each county government shall be responsible for emergency management and shall take appropriate measures to ensure the inclusion of older members of society in every scheme, program, mission as well as its disaster management system during the occurrence of any disaster emergency, for the safety and protection of such persons.

Right to
Education

5E. (1)The national government and each county government shall ensure that older members of society have access to educational, cultural, spiritual and recreational resources.

(2) The Ministry responsible for education shall develop programmes and structures for the education and training of older members of society.

Right to
Health

5F. (1)The national government and each county government shall take appropriate measures to ensure that an older member of society who is not covered in an existing medical scheme gets affordable, accessible, adequate and quality free medical care.

(2) Medical assessment reports for older members of society shall be free of charge in public health institutions.

(3) An older member of society shall not be compelled to undergo any test as a precondition to or for continued enjoyment of provision of health cover.

Right to
Admission
into
Public
and
Private
Premises,
and
Public
Transport

5G. (1)A person shall not, on the ground of old age be denied-

- (a) admission into a premise to which members of the public are ordinarily admitted; or
- (b) the provision of a service or amenity to which members of the public are entitled.

(2) The proprietor of a premise referred to in subsection

(1) (a) shall not have the right, on the ground of a person's age, to reserve the right of admission to the premises against an older member of society.

Right to Sports, Recreation, Leisure and Culture.

5H. (1) An older member of society has a right to participate in sports, recreation, leisure and cultural activities including national and international sports events.

(2) Public and private institution with sporting, recreation, leisure and cultural activities shall ensure that the activities are sensitive to the needs of older members of society.

(3) An older member of society shall be entitled to the use, free of charge, of recreational or sports facilities owned or operated by the government during social, sporting or recreational activities.

(4) The national and county governments shall provide older members of society with a suitable environment for sports, recreation and leisure, including training support and medical personnel.

(5) Section (4) shall not apply in cases where there is exclusive private hire of such facilities.

Right of Access to Justice

5I. (1) Law enforcement agencies shall take into consideration the age of an older member of society on arrest, detention, trial or confinement.

(2) A suit involving an older member of society shall be disposed off expeditiously having due regard to their age and suffering.

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (2) by inserting the word "periodic" immediately after the word "promote" appearing at the beginning of paragraph (c).

CLAUSE 26

THAT clause 26 of the Bill be amended in subclause (1) by inserting the following new paragraphs immediately after paragraph (e) —

(f) the number of older members of society who have died in the home within the year and the cause of death; and

(g) the number of accidents in the home and complaints reported in relation to older members of society.

CLAUSE 27

THAT clause 27 of the Bill be amended-

(a) in paragraph (d) by inserting the words "county executive committee member and" immediately after the words "reports to the";

(b) by inserting the following new paragraph immediately after paragraph (e)—

(f) facilitate the enjoyment of all the rights of older members of society as conferred under the Constitution.

CLAUSE 30

THAT clause 30 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)—

(f) the right of expression on matters regarding their welfare.

H. *THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**
(The Senate Majority Leader)

NOTICE is given that Sen. Ndwiga Peter Njeru, the Chairperson to the Standing Committee on Agriculture, Livestock and Fisheries, intends to move the following amendments to the Irrigation Bill, 2017, at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended —

(a) in sub-clause (1) by deleting the words ", as more specifically provided in the Act, for" appearing immediately after the words "apply to the" and substituting therefor the words "to matters relating to".

PART II - HEADING

THAT the heading of Part II of the Bill be amended—

a) by deleting the word "Irrigation" appearing immediately after the words "management and regulation" and substituting therefor the word "Irrigation".

CLAUSE 6

THAT clause 6 of the Bill be amended in sub-clause 2 by—

- (a) deleting the word "facilitate" appearing immediately before the words "the use of efficient "in paragraph (d) and substituting therefor the word "promote"; and
- (b) deleting paragraph (f).

CLAUSE 8

THAT clause 8 of the Bill be amended in sub-clause (2) by —

- (a) deleting the word "and" appearing immediately after the words "the marketing" and substituting therefor the words "safe storage,"; and
- (b) inserting the following new paragraph immediately after—
 - (aa) Receive and determine applications for licensing of irrigation schemes and submit a copy of such application to the county government within the area of jurisdiction the scheme is to be developed.

CLAUSE 15

THAT clause 15 be amended —

- (a) in sub-clause (2) by deleting paragraph (a); and
- (b) in sub-clause (2) by deleting paragraph (c).

CLAUSE 16

THAT clause 16 be amended —

- (a) by deleting sub-clause (6) and inserting the following sub-clause—
 - (6) The Cabinet Secretary shall, in consultation with county governments, ensure that the design of national or public irrigation schemes, takes into account the needs of various irrigation water users, including livestock and fish producers and their environmental requirements.

CLAUSE 17

THAT clause 17 of the Bill be amended —

- (a) by inserting the following new paragraph immediately after paragraph (b) in sub-clause (1) —

...../Amendments

(cc) Ensure standards of irrigation water effluent are handled within the effluent discharge stipulated by the Water Resources Authority.

CLAUSE 25

THAT clause 25 of the Bill be amended —

(a) in sub-clause (1) by deleting the words “water allocations” appearing immediately after the words “scheme development, management”.

CLAUSE 34

THAT clause 34 of the Bill be amended —

(a) in sub-clause (2) by deleting paragraph (e); and

(b) in sub-clause (2) by deleting paragraph (g).

SCHEDULE

THAT the schedule to the Bill be amended—

(a) by deleting paragraph 3 sub-paragraph 5 and substituting the following new sub-paragraph —

The Chairperson shall preside at every meeting of the Board but in their absence the Vice-chairperson shall preside and in their absence, the members present shall elect one of their members to preside and shall have all the powers of a Chairperson.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence—

“Authority” means the National Irrigation Authority established under section 7;

“irrigation” means any process, other than by natural precipitation, which supplies water to crops or any other cultivated plants, livestock, aquaculture and desired forest trees;

“large scale irrigation scheme” means a scheme whose acreage size covers over three thousand acres, and is developed and managed by the Authority, and is established by national strategic purposes, or such schemes as implemented by the private sector;

“medium scale irrigation scheme” means a scheme which covers three thousand acres, and is implemented by the Authority, or another state agency in collaboration with county government, or such schemes as implemented by a private entity;

“licence” means a licence issued by the National Irrigation Authority;

“ministry” means the Ministry for the time being responsible for matters related to irrigation;

LONG TITLE

THAT the Bill be amended by deleting the long title and substituting therefor the following new title—

A Bill for an Act of Parliament to promote and regulate the development and management of irrigation in Kenya, and for connected purposes.

APPENDIX

1. PETITIONS

- a) Report of the Standing Committee on Education and the Standing Committee on Labour and Social Welfare on a Petition concerning historical human rights violations against the Abasuba Community in Western Kenya.

(Chairpersons, Standing Committee on Education and Standing Committee on Labour and Social Welfare)

- b) Petition to the Senate concerning Coffee, Tea and Macadamia farmers in Kenya.

(The Speaker of the Senate)

- c) Petition to the Senate concerning delayed salaries and non-remittance of statutory deductions for employees at the Nol Turesh Loitoktok Water and Sanitation Company in Kajiado County.

(Sen. Mary Seneta, MP)

2. PAPERS

- a) Report of the Auditor General on the Financial Statements of the Nyamira County Executive for the year ended 30th June 2017.

- b) Report of the Auditor General on the Financial Statements of the Machakos County Executive for the year ended 30th June 2017.

- c) Report of the Auditor General on the Financial Statements of the Kajiado County Executive for the year ended 30th June 2017.

- d) Report of the Auditor General on the Financial Statements of the Nairobi County Executive for the year ended 30th June 2017.

- e) Report of the Auditor General on the Financial Statements of the Siaya County Executive for the year ended 30th June 2017.

- f) Report of the Auditor General on the Financial Statements of the Busia County Executive for the year ended 30th June 2017.

- g) Report of the Auditor General on the Financial Statements of the Kakamega County Executive for the year ended 30th June 2017.

- h) Report of the Auditor General on the Financial Statements of the Bungoma County Executive for the year ended 30th June 2017.

- i) Report of the Auditor General on the Financial Statements of the Kisumu County Executive for the year ended 30th June 2017.

- j) Report of the Auditor General on the Financial Statements of the Migori County Executive for the year ended 30th June 2017.

- k) Report of the Auditor General on the Financial Statements of the Vihiga County Executive for the year ended 30th June 2017.
- l) Report of the Auditor General on the Financial Statements of the Homa Bay County Executive for the year ended 30th June 2017.

(The Senate Majority Leader)
