



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

WEDNESDAY, FEBRUARY 27, 2019 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 COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**
(The Senate Majority Leader)

(Second Reading)

(Resumption of debate interrupted on Tuesday, 19th February, 2019)

(Mover to Reply)

9. **MOTION – THE REPORT OF THE AD-HOC COMMITTEE ON THE MAIZE CRISIS IN KENYA.**
(Chairperson, Ad-Hoc Committee on Maize)

THAT,this House adopts the Report of the Ad-hoc Committee on the Maize crisis in Kenya laid on the Table of the House on Tuesday, 27th November, 2018subject to the following amendments to the report-

- (a) by inserting the words " and the Inter-Ministerial Committee on Food Security" immediately after the words "The Cabinet Secretary, the National Treasury & Planning and the Cabinet Secretary, MOALF&I" appearing in paragraph 3 on page 11 of the report;
- (b) by inserting the words " and the Inter-Ministerial Committee on Food Security" immediately after the words "The CS National Treasury and CS, MOALF&I" appearing in column 1 of recommendation 7 on page 111 of the report; and

...../Motion

- (c) by inserting the words " and the Inter-Ministerial Committee on Food Security" immediately after the words "CS, National Treasury, CS, Agriculture" appearing in column 3 of recommendation 7 on page 111 of the report.

(Resumption of debate interrupted on Tuesday, 26th February, 2019)

10. **MOTION - ADOPTION OF THE 2019 BUDGET POLICY STATEMENT**

(Chairperson, Standing Committee on Finance and Budget)

THAT, pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 180 (7) of the Senate, this House adopts the Report of the Standing Committee on Finance and Budget on the 2019 Budget Policy Statement, laid on the Table of the Senate on Tuesday, 26thFebruary, 2019.

11. **COMMITTEE OF THE WHOLE**

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

(Sen. Aaron Cheruiyot, MP)

*(Resumption of debate interrupted on Wednesday, 21st November, 2018)
(Division)*

12. **COMMITTEE OF THE WHOLE**

*****THE WAREHOUSE RECEIPTS SYSTEM BILL (SENATE BILLS NO. 10 OF 2017)**

(The Senate Majority Leader)

(Consideration of the National Assembly Amendments)

13. **COMMITTEE OF THE WHOLE**

***THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**

(Sen. Amos Wako, MP)

14. **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)

15. **COMMITTEE OF THE WHOLE**

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

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

16. **COMMITTEE OF THE WHOLE**

****THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**

(Chairperson, Standing Committee on Information and Technology)

17. **COMMITTEE OF THE WHOLE**

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

(Sen. Aaron Cheruiyot, MP)

18. ***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)
(Resumption of debate interrupted on Tuesday, 26th February, 2019)
19. ****THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**
(Chairperson, Sessional Committee on Delegated Legislation)
(Second Reading)
20. ***THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 28 OF 2018)**
(Sen. Ledama Olekina, MP)
(Second Reading)
21. ***THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILLS NO. 30 OF 2018)**
(Sen. Mutula Kilonzo Jnr, MP and Sen. Sakaja Johnson, MP)
(Second Reading)
22. ***THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO 31 OF 2018)**
(Sen. (Dr.) Agnes Zani, MP)
(Second Reading)
23. ***THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)**
(Sen. (Arch.) Sylvia Kasanga, MP)
(Second Reading)

KEY

******** - Denotes a Majority / Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

A. *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.

B. **THE WAREHOUSE RECEIPTS SYSTEM BILL (SENATE BILLS NO. 100F 2017)**

(The Senate Majority Leader)

(Consideration of the National Assembly Amendments)***Schedule of amendments as passed by the National Assembly to the Bill on Tuesday, 27th November, 2018*****CLAUSE 2**Clause 2 of the Bill amended—

- (a) in the definition of “holder” by deleting the words “who is in possession of the receipt” appearing immediately after the words “warehouse receipts”;
- (b) by deleting the definition of “owner”;
- (c) by deleting the definition of the word “warehouse operator” and substituting thereof the following new definition—
 - “warehouse operator” means a person engaging in the business of hiring out space for storing goods and issuance of warehouse receipts;
- (d) in the definition of the term “warehouse receipt system” by deleting the word “receipts” appearing immediately after the words “the management of the transfer of the” and substituting therefor the term “receipt”; and
- (e) by inserting the following new definition in its proper alphabetical sequence—
 - “inspector” means an officer of the Council or an authorized officer appointed by the Council in the *gazette*, to carry out inspections under this Act.

CLAUSE 3Clause 3 of the Bill amended—

- (a) by deleting subclause (3) and substituting therefor the following new subclause—
 - (3) The Council shall consist of—
 - (a) a Chairperson, who shall be appointed by the President;
 - (b) the Principal Secretary for the time being responsible for matters related to agriculture or a representative;
 - (c) the Principal Secretary for the time being responsible for matters related to finance or a representative;
 - (d) one person nominated by the Council of Governors;
 - (e) the Director-General of Agriculture and Food Authority or a representative;
 - (f) the chief executive officer of the Council who shall be an *ex-officio* member;
 - (g) one person nominated by the Kenya Farmers Association;
 - (h) one person nominated by Kenyan members of the Eastern Africa Grain Council;
 - (i) one person nominated by Kenya Bankers Association; and
 - (i) one person nominated by the Kenya Warehouse Operators Association ”

(b) by deleting subclause (5) and substituting thereof with the following subclause—

(5) A person shall be qualified for appointment as chairperson of the Board if such a person—

(a) is a citizen of Kenya;

(b) meets the requirements of leadership and integrity set out in Chapter 6 of the Constitution;

(c) holds relevant academic and professional qualifications including a university degree in a relevant field; and

(d) has at least eight years' experience in—

(i) agriculture;

(ii) finance;

(iii) business;

(iv) law;

(v) procurement; or

(vi) administration.

(c) in subclause (9), by—

(i) inserting the words, “in contravention of the Public Officer Ethics Act and any other relevant law” immediately after the word “office” in paragraph (c);

(ii) deleting the words “in the opinion of the Council” appearing in paragraph (e);

(iii) deleting paragraph (g) and substituting therefor with the following paragraph—

“(g) conviction of an offence and sentenced to six months imprisonment without an option of a fine.”

CLAUSE 4

Clause 4 of the Bill amended—

(a) in paragraph (a) by inserting the word “produced” immediately after the word “commodities”;

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

(ja) in accordance with the provision of this Act, suspend operations of warehouse operators, inspectors, weighers, graders or other service providers operating under the Act for contravention of the Act;

(jb) issue, suspend or revoke registration or licenses issued under the Act;

CLAUSE 9

Clause 9 of the Bill amended in subclause (3) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) holds a relevant university degree from a recognized university in Kenya.”

CLAUSE 10

Clause 10 of the Bill amended by inserting the words “a company secretary and” immediately after word “employ”.

CLAUSE 11

Clause 11 of the Bill amended—

(a) by renumbering the existing clause as subclause (1);

(b) by inserting the following new subclause immediately after subclause (1) —

(2) The Council shall publish the names of persons engaged as experts under subsection (1), in the *gazette*.

CLAUSE 16

Clause 16 of the Bill amended in subclause (5) by inserting the word “annual” immediately before the word “report”.

CLAUSE 17

Clause 17 of the Bill amended—

(a) by deleting subclause (3) and substituting therefore the following new clause—

“(3) The County Executive Committee member may—

(a) issue a license where the applicant meets all the requirements set out in the prescribed regulations;

(b) decline to issue a license for the conduct of a warehouse where the County Executive Committee member establishes that—

(i) the warehouse is not suitable for the proper storage of agricultural commodities;

(ii) the operator is incompetent to conduct such warehouse in accordance with this Act and the regulations made hereunder; or

(iii) there is any other sufficient reason within the purposes of Act for not issuing such licenses.

(b) by inserting the following new subclause immediately after subclause (4) —

(4A) A person who operates a warehouse under the Warehouse Receipts System without a license issued by the county executive committee commits an offence.

CLAUSE 21

Clause 21 of the Bill amended—

(a) in subclause (4) by inserting the words “and shall be liable on conviction to a fine not exceeding a hundred thousand shillings or imprisonment for a term not exceeding three years. or both” immediately after the word “offence”:

(b) in subclause (5)–

- (i) by deleting the word “or” appearing immediately before the word “graders”;
- (ii) by inserting the words “or other service providers” immediately after the word “graders”; and

(c) by inserting the following new subclause immediately after subclause (8) –

“(8A) The Council shall maintain a database which shall be available for inspection by any person upon application pursuant to Article 35 of the Constitution.”

CLAUSE 23

Clause 23 the Bill amended–

(a) by deleting the words “Warehouse Receipts Appeals Committee” wherever they appear and substituting therefor the words “Warehouse Receipts System Dispute Resolution Committee”;

(b) in subclause (1) by inserting the following new paragraph immediately after paragraph (d) –

(da) complaints by registered, licensed or other persons operating under this Act;

(c) in subclause (2) by–

(i) deleting paragraph (a) and substituting thereof with the following paragraph–

(a) a chairperson appointed by the Cabinet Secretary who shall be an advocate of not less than seven years standing and with experience in dispute resolution; and

(ii) deleting the word “adjudication” in paragraph (b) and substituting thereof with the word “resolution”.

(d) in subclause (4) by deleting the words “Appeals Committee” and substituting therefor the words “Dispute Resolution Committee”.

CLAUSE 24

Clause 24 of the Bill deleted and substituted thereof with the following new clause—

Grading and weighing of agricultural products. **24.** (1) A licensed warehouse operator shall ensure commodities stored in a licensed agricultural warehouse meet the standards published by the Kenya Bureau of Standards and are weighed using equipment certified in accordance with laws related to weights and measures.

(2) The grading of agricultural commodities shall be undertaken by agricultural commodity graders certified by a mandated institution.

(3) The Council shall provide guidelines on the minimum qualifications and competencies required of graders and weighers.

CLAUSE 25

Clause 25 of the Bill deleted and substituted thereof with the following new clause—

Inspection of stored products. **25.**(1) The Chief Executive Officer, appointed Council Inspectors or authorized officers of the Council may inspect any agricultural commodity stored in a licensed warehouse and records relating to warehouse receipts where its considered necessary.

(2) The Council shall appoint and gazette inspectors who shall exercise such powers in accordance with regulations made under this Act.

CLAUSE 27

Clause 27 of the Bill amended by inserting the words, “insurance contracts, professional indemnities, warehouse receipts registry” immediately after the words “examine all”.

CLAUSE 30

Clause 30 of the Bill amended by inserting the following new subclause immediately after subclause (1)—

“(1A) The Central Registry shall have the necessary infrastructure to link it with a central depository of a commodities exchange licensed by the Capital Markets Authority.”

CLAUSE 31

Clause 31 of the Bill amended in—

(a) subclause (2), by deleting the words “issue a warehouse receipt” and substitute thereof with the words, “issue a warehouse replacement receipt”;

(b) subclause (3) by deleting the word “duplicate” and substituting thereof with the word “replacement”; and

(c) subclause (4), by deleting the word “deals” immediately after the word “person” and substituting therefor the word “who”.

CLAUSE 32

Clause 32 of the Bill amended by deleting the word “duplicate” and substituting with the word “replacement”.

CLAUSE 39

Clause 39 of the Bill amended by deleting the phrase “section 35” and substituting therefor with the phrase “section 38”.

CLAUSE 41

Clause 41 of the Bill amended—

(a) by deleting the words “in a case where endorsement is essential for negotiation” appearing in subclause (1);

(b) in subclause (2) by deleting the words “In a case where it is essential that a warehouse receipt should be endorsed before it is transferred, that” and substituting therefor the word “A”.

CLAUSE 43

Clause 43 of the Bill deleted and substituted thereof with the following new clause—

Issuing of fraudulent warehouse receipts. **43.** A warehouse operator, or any officer, agent, or employee of a warehouse operator, who issues or aids in issuing a receipt knowing the goods for which such receipt is issued have not been actually received by such warehouse operator, or are not under his actual control at the time of issuing such receipt, commits an offence and is liable on conviction to a term of imprisonment not exceeding ten years or a fine not exceeding ten million Kenya shillings, or to both.

CLAUSE 44

Clause 44 of the Bill deleted and substituted thereof with the following new clause—

Issuing of receipts with false information. **44.** A warehouse operator, or any officer, agent, or employee of a warehouse operator, who fraudulently issues or knowingly facilitates the fraudulent issuing of a receipt for goods based on a false statement or a false statement to the effect that the warehouse is licensed under this Act or the goods are insured if they are not so insured or fails to disclose such fact, commits an offence and is liable on conviction a fine not exceeding ten million Kenya shillings or to a term of imprisonment not exceeding ten years, or both.

CLAUSE 45

Clause 45 of the Bill deleted and substituted thereof with the following new clause—

Unlawful issuing of duplicate receipts. **45.** A warehouse operator or any officer, agent, or employee of a warehouse operator, who issues or facilitates the issuing of a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and not cancelled, without plainly placing upon the face thereof the word “Replacement”, commits an offence and is liable on conviction to a fine not exceeding ten million Kenya shillings or a term of imprisonment not exceeding ten years, or both.

CLAUSE 48

Clause 48 of the Bill amended by deleting the word “one” and substituting therefor the word “three”.

CLAUSE 50

Clause 50 of the Bill amended by deleting the word “shall” and substituting therefor the word “may”.

SCHEDULE

The Schedule to the Bill amended-

(a) in paragraph 1 by deleting subparagraph (4) and substituting therefor the following new subparagraph—

(4) A meeting shall be presided over by the chairperson or in the absence of the chairperson, the members present shall appoint one of their members to preside at the meeting.

(b) in paragraph (2) by deleting the word “three” in sub-paragraph (2) and substituting thereof with the word “five”.

C.*THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)

(Sen. Amos Wako, MP)

- (i) NOTICE is given that Sen. Samson Cherarkey, Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Public Participation Bill, Senate Bills No. 4 of 2018, at the Committee Stage-**

CLAUSE 3

THAT clause 3 of the Bill be amended-

- (a) in the introductory clause by inserting the words “and developmental programmes” immediately after the words “in governance processes”;
- (b) by inserting the following new paragraph immediately after paragraph (f)-
 - (g) promote participation by non-state actors in decision-making processes.

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph-

- (a) that the public, communities and organisations to be affected by a decision shall have a right to be notified, heard and involved in the decision-making process;

CLAUSE 5

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

- (a) by deleting paragraph (c) and substituting therefor the following new paragraph-
 - (c) independent commissions or offices, boards, authorities or any other public body, the respective chief executive officer or secretary to the public body;
- (b) in paragraph (f) by deleting the words “County Secretaries” appearing immediately after the words “County Executive” and substituting therefor the words “respective county executive committee member”.

CLAUSE 6

THAT clause 6 of the Bill be amended in sub-clause (2) by deleting the word “specific” appearing immediately after the word “include” in paragraph (a) and substituting therefor the words “any further”;

CLAUSE 7

THAT clause 7 of the Bill be amended by inserting the words “publicizeand” immediately after the words “authority shall”.

CLAUSE 8

THAT clause 8 of the Bill be amended in sub-clause (4) by inserting the words “including information on the purpose, dates and participants” immediately after the words “of public participation” in paragraph (a).

CLAUSE 9

THAT clause 9 of the Bill be amended by inserting the words “within six months of the coming into operation of this Act” immediately after the words “the Cabinet Secretary may”.

SCHEDULE

THAT the schedule to the Bill be amended-

(a) in paragraph 2 by deleting the word “continuing” appearing immediately after the words “shall facilitate” and substituting therefor the word “continuous”;

(b) in paragraph 5 by inserting the words “youth, minorities and marginalized communities” immediately after the words “persons with disabilities” in sub-paragraph (2);

(c) by deleting paragraph 8 and substituting therefor the following new paragraph-

8. Every public participation forum shall be undertaken within a reasonable timeframe from the earliest possible time for consultation, allowing a reasonable period for each stage of the process.

(d) in paragraph 11 by deleting sub-paragraph (b) and substituting therefor the following new sub-paragraphs-

(b) the final decision, including the reasons for the decision, is made widely available in a timely manner to the public;

(ba) the final decision is publicized in the same manner required for giving notice for public participation under these guidelines;

(e) in paragraph 13 by inserting the words “and may be subject to penal consequences under any relevant law” immediately after the words “from a meeting” in sub-paragraph (2).

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the word “general guidelines”-

“public participation” means the process through which the public are broadly engaged in understanding and contributing to decision-making processes of the policy making, law making and implementation level.

TITLE

THAT the Bill be amended in the long title by inserting the words “at the national and county level of government” immediately after the words “effective public participation”;

(ii) **NOTICE is given that Sen. Petronilla Were Lokorio, intends to move the following amendments to the Public Participation Bill, Senate Bills No. 4 of 2018, at the Committee Stage—**

CLAUSE 4

THAT clause 4 of the Bill be amended—

(a) by numbering the existing clause as sub-clause (1);

(b) in the new sub-clause (1) by deleting the words “taken into consideration in” appearing immediately after the words “views shall be” in paragraph (d) and substituting therefor the words “the basis of”;

(c) by inserting the following new sub-clauses immediately after sub-clause (1)—

(2) In conducting public participation, the responsible authority shall—

- (a) allocate sufficient time before the public participation event to create public awareness on the subject matter;
- (b) avail the relevant information to the members of the public with respect to the issue under consideration;
- (c) engage the relevant stakeholders in such manner as the responsible authority shall consider appropriate;
- (d) where the issue under consideration is of a technical nature, avail an independent technical expert to take members of the public through the matter under consideration in detail; and
- (e) put in place a feedback mechanism to enable stakeholders submit their views and to receive feedback on the decisions made by the responsible authority.

(3) Where the issue for public participation relates to a matter that affects the nation generally, the responsible authority shall conduct public participation forums with respect to that matter in at least twenty-four counties.

(4) The responsible authority shall, in determining the counties in which public participation is to be conducted under sub-section (3), ensure that the forums are held in the counties alternately and that the residents in the counties in which the forums are not conducted are carried out through an alternative appropriate method.

CLAUSE 6

THAT clause 6 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)—

(4) The responsible authority shall publicize and publish, by notice in the *Gazette*, the guidelines.

CLAUSE 8

THAT clause 8 of the Bill be amended in sub-clause (5) by deleting the words “in such other manner” appearing immediately after the words “and publicized in” and substituting therefor the words “through such other appropriate platform”.

SCHEDULE

THAT paragraph 10 of the schedule be amended by inserting the following new sub-paragraph immediately after sub-paragraph (4) to read—

(4A) The confidentiality requirement imposed by the responsible authority shall be reasonable and not unduly fetter the rights of the applicant.

NEW CLAUSE

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

Provision of **7A.** The responsible authority shall provide the resources for public necessary resources for the conduct of public participation. participation under this Act.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the word “general guidelines” —

“public participation” means an effective and reasonable process in which the public is properly engaged in a given matter of public interest for the purpose of obtaining their views with the aim of facilitating a favourable outcome.

D. *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—

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

Act No. 8 of
2015

- (ii) **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 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”

E. **THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)

(Chairperson, Standing Committee on Information and Technology)

NOTICE is given that Sen. Gideon Moi, the Chairperson of the Standing Committee on Information and Technology, intends to move the following amendments to the Data Protection Bill (Senate Bills No. 16 of 2018) at the Committee Stage —

CLAUSE 3

THAT the Bill be amended by deleting clause 3 and substituting therefor the following new clause –

Application.

3. (1) This Act shall apply to –

(a) the protection of personal data of a data subject in the processing of such data by –

(i) an agency established in the Republic of Kenya; and

(ii) an agency not established in the Republic of Kenya but processes personal data of a data subject who is a resident of the Republic of Kenya; and

(b) the processing by automated or any other means of personal data which forms or is intended to form part of a filing system.

(2) This Act shall not apply to the processing of personal data –

(a) by or on behalf of a public body responsible for national security the purpose of which is the prevention, detection, investigation or punishment of a crime; or

(b) by a person in the course of a personal or household activity.

(3) Despite the provisions of subsection (2)(a) and except where the security of the country, the life, safety or health of a person, or property is in imminent danger, a public body that intends to process personal data without the consent of the data subject shall make an application *ex parte* to a court for orders to process such data.

...../ **Amendments**

CLAUSE 7

THAT clause 7 of the Bill be amended in sub-clause (2) by –

- (a) deleting paragraph (b) and substituting therefor the following new paragraph –
 - (b) the data subject or a guardian, where the data subject is a child or a person who is legally incapacitated, has consented to the collection of the personal data from another source;
- (b) deleting paragraph (c);
- (c) by deleting the words “the interests” appearing immediately after the words “protection of” in paragraph (e)(ii) and substituting therefor the words “fundamental rights and freedoms”;
- (d) deleting paragraph (f) and substituting therefor the following new paragraph –
 - (f) the life, safety or health of a person or property is in imminent danger.
- (e) deleting sub-clause (3) and substituting therefor the following new sub-clause –
 - (3) An agency shall collect or process personal data using lawful means that do not intrude to an unreasonable extent upon the privacy of a data subject.

CLAUSE 8

THAT clause 8 of the Bill be amended by –

- (a) re-numbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after sub-clause (1) –
 - (2) Where the data subject is in control of the means of inputting or processing his or her personal data, it shall be the responsibility of the data subject to ensure that personal data is complete, accurate, up-to-date and not misleading.

CLAUSE 9

THAT clause 9 of the Bill be amended by –

- (a) deleting paragraph (e) and substituting therefor with the following new paragraph –
 - (e) the deletion of personal data relating to the data subject which is in possession of an agency; and
- (b) inserting the following new paragraphs immediately after paragraph (f) -
 - (g) be informed of the period within which personal data is to be stored; and
 - (h) data portability.

CLAUSE 10

THAT clause 10 of the Bill be amended in sub-clause (1) by –

(a) deleting the introductory clause and substituting therefor the following new clause –

(1) Before an agency collects personal data directly from a data subject, the agency shall inform the data subject, in a language the data subject understands, of —

(b) deleting the word “hold” appearing immediately after the words “agency that will” in paragraph (d) and substituting therefor the words “be in possession of”;

(c) deleting paragraph (h) and substituting therefor the following new paragraph –

(h) the rights conferred on the data subject under section 9 of this Act.

CLAUSE 11

THAT clause 11 of the Bill be amended in sub-clause (1) by deleting the words “in the recent past” appearing immediately after the words “taken those steps” and substituting therefor the words “within the past twelve months”.

CLAUSE 12

THAT clause 12 of the Bill be amended –

(a) in paragraph (a) by deleting the words “publicly available” and substituting therefor the words “a matter of public record”;

(b) by deleting paragraph (c); and

(c) by deleting paragraph (f) and substituting therefor the following new paragraph –

(f) compliance would endanger the life, safety or health of a person or endanger property;

CLAUSE 13

THAT clause 13 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1) –

(1A) Subsection (1) shall not apply to a data subject where the decision is –

(a) necessary for entering into, or performing, a contract between the data subject and the agency;

(b) authorised by a law to which the agency is subject and which lays down suitable measures to safeguard the data subject’s rights, freedoms and legitimate interests; or

(c) based on the explicit consent of the data subject.

CLAUSE 14

THAT clause 14 of the Bill be amended in sub-clause (2) by –

- (a) inserting the words “information on” at the beginning of paragraph (b);
- (b) inserting the words “information on” at the beginning of paragraph (c);
- (c) deleting the word “transmitted” appearing immediately after the words “is to be” in paragraph (d) and substituting therefor the word “disclosed”; and
- (d) deleting the words “processed data” appearing immediately after the words “deletion of” in paragraph (f) and substituting therefor the words “data which has been processed”.

CLAUSE 16

THAT clause 16 of the Bill be amended –

- (a) by re-numbering the existing clause as sub-clause (1);
- (b) in the new clause (1) by –
 - (i) inserting the words “is a breach of security or there” after the words “Where there” in the introductory clause;
 - (ii) deleting the words “as soon as reasonably practicable” appearing at the beginning of paragraph (a) and substituting therefor the words “within seventy two hours”;
- (c) by inserting the following new sub-clauses immediately after the new sub-clause (1) –
 - (2)The notification under subsection (1)(a) shall set out sufficient information to enable the data subject to take protective measures against potential consequences of the data breach, including –
 - (a) description of the nature of the breach;
 - (b) description of the likely consequences of the breach;
 - (c) description of the measures that the agency intends to take or has taken to address the breach;
 - (d) recommendation on the measures to be taken by the data subject to mitigate the adverse effects of the breach; and
 - (e) where possible, the identity of the person who may have accessed or processed the personal data.
 - (3) An agency may delay the issuance of a notification under subsection (1) for the purpose of preventing, detecting or investigating a crime by the relevant public entity.

CLAUSE 17

THAT clause 17 of the Bill be amended –

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

(1) Where an agency is in possession of personal data or where a person believes that an agency is in possession of personal data relating to him or her, that person —

(a) may obtain from the agency a confirmation as to whether the agency possesses such personal data and the purposes for processing the personal data; and

(b) shall have access to that data.

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

(2) An agency to which an application for access to personal data has been made may charge a prescribed fee for the provision of the personal data and the fee shall not exceed the actual costs of making copies of such information and if applicable, supplying them to the data subject.

CLAUSE 18

THAT clause 18 of the Bill be amended –

(a) in sub-clause (1) by deleting the word “holds” appearing immediately after the words “an agency which” and substituting therefor the words “is in possession of”; and

(b) in sub-clause (2) inserting the words “or such other personal data relating to the data subject as the data subject may request” immediately after the words “or misleading data”.

CLAUSE 19

THAT clause 19 of the Bill be amended –

(a) in sub-clause (1) by –

(i) deleting paragraph (c) and substituting therefor the following new paragraph –

(c) the retention of the data is necessary for a lawful purpose related to the function or activity performed by the agency;

(ii) by deleting the words “parties to the contract” appearing immediately after the words “contract between the” in paragraph (d) and substituting therefor the words “the data subject and the agency”;

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

(3A) An agency may, for purposes of subsection (3), anonymise the data retained under subsection (3) in such a manner as to ensure that the data subject is no longer identifiable.

CLAUSE 20

THAT clause 20 of the Bill be amended by deleting the word “holds” appearing immediately after the words “an agency that” and substituting therefor the words “is in possession of”.

CLAUSE 21

THAT clause 21 of the Bill be amended by –

- (a) re-numbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after the new sub-clause (1) –

(2) An agency that uses personal data for commercial purposes shall, where possible, anonymise the data in such a manner as to ensure that the data subject is no longer identifiable.

CLAUSE 23

THAT the Bill be amended by deleting clause 23.

CLAUSE 24

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

- (a) inserting the words “in the case of a data subject who is a child or a person who is legally incapacitated, the guardian” immediately after the words “the data subject” in paragraph (a);
- (b) deleting paragraph (d) and substituting therefor the following new paragraph –
 - (d) with respect to information that has made public by the data subject.

CLAUSE 25

THAT the Bill be amended by deleting clause 25.

CLAUSE 27

THAT the Bill be amended by deleting clause 27.

CLAUSE 29

THAT clause 29 of the Bill be amended –

- (a) in paragraph (a) deleting the words “or any other person having authority to make decisions on behalf of the child” appearing immediately after the words “parent or guardian”; and

- (b) by deleting paragraph (d) and substituting therefor the following new paragraph –
 - (d) in the best interest of the child.

CLAUSE 30

THAT the Bill be amended by deleting clause 30.

CLAUSE 31

THAT clause 31 of the Bill be amended –

- (a) by re-numbering the existing clause as sub-clause (1);
- (b) in the new sub-clause (1) by –
 - (i) deleting the words “third party” appearing immediately after the word “the” appearing at the beginning of paragraph (a) and substituting therefor the words “Commission satisfied that the other country”;
 - (ii) deleting paragraph (c) and substituting therefor the following new paragraph –
 - (c) the transfer is necessary -
 - (i) for the performance or conclusion of a contract between the data subject and the agency;
 - (ii) for the establishment, exercise or defence of a legal claim;
 - (iii) for the protection of fundamental rights and freedoms of a person; or
 - (iv) in the interest of the public.
 - (iii) by deleting paragraph (d); and
- (c) by inserting the following new sub-clause immediately after the new sub-clause (1) –
 - (2) The Commission shall prescribe guidelines for the transfer of personal data outside the country and the filing of reports on personal data transferred outside the country by an agency.

CLAUSE 36

THAT clause 36 of the Bill be amended –

- (a) by deleting sub-clause (4) and substituting therefor the following new sub-clause –
 - (4) Despite the provisions of this Act, a person whose personal data is collected or processed contrary to this Act or who suffers loss as a result of disclosure of personal data may lodge a claim before a court for an appropriate remedy.

(b) by inserting the following new sub-clause immediately after sub-clause (4) -

(5) In determining a claim under subsection (4) a court shall consider –

- (a) the nature and the seriousness of the breach;
- (b) the categories of personal data affected;
- (c) any benefit gained or loss suffered as a result of the breach;
- (d) the number of previous violations;
- (e) the duration of time over which the breach occurred;
- (f) any action taken by the agency to remedy or mitigate the breach; and
- (g) the nature and status of the agency.

CLAUSE 38

THAT clause 38 of the Bill be amended –

- (a) in sub-clause (1) by deleting the words “five hundred thousand” appearing immediately after the words “not exceeding” and substituting therefor the words “one million”; and
- (b) by inserting the following new sub-clause immediately after sub-clause (1) –

(1A) Despite subsection (1), where the offence –

- (a) committed relates to special personal information the person shall be liable, on conviction, to a fine not exceeding five million shillings or to a term of imprisonment not exceeding ten years; or
- (b) is committed by a body corporate, the body corporate shall be liable, on conviction, to a fine not exceeding two million shillings or two percent of its annual turnover, whichever is higher.

NEW CLAUSE 18A

THAT the Bill be amended by inserting the following new clause immediately after clause 18 –

| | |
|----------------------------|---|
| Right to data portability. | 18A. (1) A data subject has the right to receive personal data which the data subject has provided to an agency, in a structured, commonly used and machine-readable format. |
|----------------------------|---|

(2) A data subject has the right to transmit the data obtained under subsection (1) to another agency.

(3) Where possible, the data subject shall have the right to have the personal data transmitted directly from one data agency to another.

(4) The right under this section shall not apply to circumstances where —

(a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority; or

(b) it may adversely affect the rights and freedoms of another.

(5) An agency shall comply with data portability requests, free of charge and within a period of seven days from the date of the request.

CLAUSE 2

THAT clause 2 of the Bill be amended –

(a) by deleting the definition of the word “data controller”;

(b) by deleting the definition of the word “data subject” and substituting therefor the following new definition –

“data subject” means a natural person to whom personal data relates;

(c) by deleting the definition of the word “disclosure” and substituting therefor the following new definition –

“disclosure”, in relation to personal data, includes the disclosure of information extracted from such data and the transfer of such data to another person but does not include a disclosure made directly or indirectly by an agency to its employee or agent for the purpose of enabling the employee or agent to carry out its duties and, where the identification of a data subject depends partly on the data and partly on other information in the possession of the agency, the data shall not be considered as disclosed unless the other information is also disclosed;

(d) by deleting the definition of the word “exempt information”;

(e) in the definition of the word “personal data” –

(i) by deleting paragraph (d) and substituting therefor the following new paragraph –

(d) the biometrics of a person;

(ii) by deleting paragraph (g); and

(iii) by deleting paragraph (h);

- (f) in the definition of the word “processing” by inserting the word “storage” immediately after the words “collection, organisation” in paragraph (a); and
- (g) by deleting the definition of the word “special personal information” and substituting therefor the following new definition –

“special personal information” means the personal data of a child or data revealing a natural person’s race, health status or ethnic origin.

SHORT TITLE

THAT the Bill be amended by deleting clause 1 and substituting therefor the following new clause –

| | |
|-------------------------------------|---|
| Short title and commencement. | 1. This Act may be cited as the Personal Data Protection Act, 2018, and shall come into operation six months from the date of assent. |
|-------------------------------------|---|

F. *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 clause—

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.

NEW CLAUSES

THAT the Bill be amended by inserting the following New Clauses immediately after Clause 5-

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-
Discrimi-
nation.

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
Docu-
me-
nts
of
Regis-
tra-
tion.

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
Protec-
tion
and
Safety
in
Situa-
tions
of Risk
and
Human-
itari-
an
Emer-
gen-
cies.

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

(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
Educa-
tion.

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.

APPENDIX1. PETITIONS

- a) Petition to the Senate by Residents of Kangemi, Mountain View, Uthiru, 87, Kinoo, Muthiga, Zambezi and Kamandura on compensation and resettlement of persons affected by the rehabilitation and capacity enhancement of James Gichuru Road Junction-Rironi Highway (A104) Project.

(Sen. Kimani Wamatangi, MP)

- b) Report on the Petition from Residents of Isiolo County regarding agreement between Living Goods and County Government of Isiolo.

(Chairperson, Standing Committee on Health)

2. PAPERS

- a) Annual Report of the Financial Statements of the Kenya National Commission on Human Rights for the Year 2016/2017.

- b) Report of the Auditor-General on the Financial Statements of Bungoma County Trade Development Fund for the Year ended 30 June, 2016.

(The Senate Majority Leader)

3. NOTICE OF MOTION - ADDRESSING THE PLIGHT OF STREET FAMILIES IN URBAN CENTRES

(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 their 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
- 3) 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.

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

- a) Nominated Senator (Sen. Millicent Omanga, MP) to seek a statement from the Standing Committee on Justice, Legal Affairs and Human Rights on the compulsory management of copyright and other related rights.
- b) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Land, environment and Natural Resources on the issue of water and sewerage in Nairobi City County.
- c) Senator for Bomet County (Sen. (Dr.) Christopher Langat, MP) to seek a statement from the Standing Committee on Labour and Social Welfare on the delay in disbursement of the older persons cash transfer (OPCT) money to the elderly.
