



REPUBLIC OF KENYA  
TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

**ORDER PAPER**

WEDNESDAY, JULY 11, 2018 AT 2.30 PM

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)

8. **\*THE PUBLIC PARTICIPATION BILL (SENATE BILLS NO. 4 OF 2018)**  
(Sen. Amos Wako, MP)

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 10<sup>th</sup> July, 2018)*

*(Division)*

9. **\*THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**

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

*(Second Reading)*

*(Resumption of Debate interrupted on Tuesday, 10<sup>th</sup> July, 2018)*

*(Division)*

10. **COMMITTEE OF THE WHOLE**

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

(Sen. Mutula Kilonzo Jnr., MP)

11. **COMMITTEE OF THE WHOLE**

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

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

...../Bill

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

(The Senate Majority Leader)

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

(Sen. Ledama Olekina, MP)

*(Second Reading)**(Resumption of Debate interrupted on Tuesday, 10<sup>th</sup> July, 2018)*14. \*THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)

(Sen. (CPA) Farhiya Ali Haji, MP)

*(Second Reading)*15. \*THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2018)

(Sen. Aaron Cheruiyot, MP)

*(Second Reading)*16. MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)

(Sen. George Khaniri, MP)

**THAT, AWARE** that the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

**FURTHER AWARE** that registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

**ALSO AWARE** that persons living with disabilities are estimated to be about 10% of any given population;

**COGNIZANT** that for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

**CONCERNED** that of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

**AWARE** that medical services are now a devolved function;

**FURTHER CONCERNED** that without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

**ALSO CONCERNED** that owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

**NOW THEREFORE**, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and

...../Motion

Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

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

*(Balance of time: 1hr 48 minutes)*

17. MOTION – FLOOD SITUATION IN THE COUNTRY

(Sen. Fatuma Dullo, MP)

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

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

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

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

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

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

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

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

18. MOTION – NEED TO REVIEW AND EVALUATE THE STATE OF EDUCATION IN NORTHERN KENYA

(Sen. (Dr.) Abdullahi Ali, MP)

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

**ALSO AWARE** that education is a basic need and a tool for intellectual empowerment and social-political development;

...../Motion

**FURTHER AWARE** that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

**COGNISANT** that both levels of Government complement each other in promoting sustainable education;

**CONCERNED** that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resources allocation, insecurity, skewed staffing and teacher training in the region;

**FURTHER CONCERNED** that both the school completion rate and the national examination outcomes in region are poor and that the number of students from Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

**NOTING WITH CONCERN** that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

**CONCERNED THAT**, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

**NOW THEREFORE**, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in Northern Kenya with a view to-

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;
2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;
3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and
4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how these disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

19. **MOTION - NEED FOR STANDARD POLICY REGULATION FOR CONSTRUCTION AND MAINTENANCE OF RURAL ACCESS ROADS**

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

**THAT, AWARE** that infrastructure development and specifically, construction of roads is a key pillar of Kenya's vision 2030 whose objective is to spur movement

...../Motion

of people and goods, promote trade and economic activities, encourage development and attract investments;

**NOTING** that there is a very strong correlation between a country's economic development and the quality of its road network;

**CONCERNED** that Government's efforts to expand the roads infrastructure are mainly focused on the urban and peri-urban areas of the country thus leaving rural areas with dilapidated or no access roads;

**FURTHER CONCERNED** that fifty-five years since independence and over five years after institutionalization of devolution, the Country's roads infrastructure is to a large extent still underdeveloped with only slightly above 9,000 kilometres of the about 178,000 kilometres of roads paved;

**COGNISANT** that, Part Two of the Fourth Schedule to the Constitution of Kenya (2010) mandates County Governments to manage county transport, including; roads, street lighting, traffic and parking, amongst other county public transport matters;

**DEEPLY CONCERNED** that, County Governments are continuously prioritizing routine maintenance works over sustainable and durable road quality works due to budgetary constraints;

**NOW THEREFORE** the Senate calls upon the Ministry of Transport, Infrastructure, Housing and Urban Development to develop and adopt standard policy regulations prescribing modern, eco-friendly and inexpensive technologies to be applied across the 47 counties for construction, upgrading and maintenance of rural access roads in order to ensure durability and sustainability of the access roads and also to reduce maintenance expenses.

20. **MOTION - ESTABLISHMENT OF MENTAL HEALTH AND PSYCHO-SOCIAL SUPPORT CENTERS AT THE COUNTY LEVEL**

(Sen. (Arch.) Sylvia Kasanga, MP and Sen. Mercy Chebeni, MP)

**AWARE THAT** Article 43(1) of the Constitution provides that every person has a right to the highest attainable standard of health, which includes the right to health care services;

**NOTING THAT** cases of mental illness are on the rise with 1 in 4 Kenyans likely to suffer from a mental disorder at some point in their lives, coupled with the fact that many Kenyans with mental illness do not receive adequate treatment;

**CONCERNED THAT** the World Health Organization has ranked Kenya sixth, among African countries with the highest number of depression cases;

**DEEPLY CONCERNED** that there exists internal inequities in the distribution of the already low numbers of mental health workers in Kenya with the available professionals being concentrated in cities leaving rural area with very few professionals if any;

...../Motion

**FURTHER CONCERNED THAT**, delivery of mental health services is facing a myriad of challenges key among them, inadequate and understaffed rehabilitation facilities and outreach programmes leading to the provision of insufficient mental healthcare services at the psychiatric units;

**NOW THEREFORE** the Senate calls upon the National Government in collaboration with the County Governments to-

1. increase the number of specialized well equipped mental health facilities and develop effective outreach and other mental health programmes targeting Kenyans in remote areas and learning institutions;
2. increase the allocated mental health budget to ensure there are adequate funds targeting this specific area; and
3. develop initiatives to encourage more Kenyans to pursue and specialize in psychiatry and build the capacity of community health workers and staff in mental health facilities through continuous training.

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

(Sen. Samuel Poghio, MP)

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

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

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

**THAT**, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kajiado County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

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

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

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial

...../Motion

operations of Narok County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

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

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

**THAT**, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Turkana County Executive for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 - 30<sup>th</sup> June, 2014) laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

**NOTICE**

The Senate resolved on 14<sup>th</sup> February, 2018 as follows:-

**THAT**, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

**KEY**

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

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

**\*\*** - Denotes a Committee Bill

**\*** - Denotes any other Bill

**NOTICES OF AMENDMENTS**

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

(Sen. Mutula Kilonzo Jnr., MP)

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

**CLAUSE 7**

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

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

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

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

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

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



**CLAUSE 8**

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

Appointment of members of a mediation committee.

**CLAUSE 9**

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

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

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

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

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

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

(ca) a licensed surveyor nominated by the Land Surveyors' Board established under the Survey Act;  
Cap.299

**CLAUSE 10**

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

**CLAUSE 18**

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

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

**CLAUSE 20**

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

**CLAUSE 23**

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

Consideration of report of special committee by the National Assembly.

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

(2) If the National Assembly —

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

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

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

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

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

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

...../Amendments

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

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

**CLAUSE 31**

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

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

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

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

**CLAUSE 45**

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

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

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

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

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

**NEW CLAUSE**

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

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

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

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

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

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

**CLAUSE 9**

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

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

Composition of the mediation committee.

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

**CLAUSE 12**

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

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

...../Amendments

**CLAUSE 15**

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

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

**CLAUSE 25**

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

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

**CLAUSE 40**

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

**NEW CLAUSE**

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

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

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

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

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

**CLAUSE 2**

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

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

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

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

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

...../Amendments

**CLAUSE 5**

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

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

**CLAUSE 6**

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

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

**CLAUSE 7**

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

**CLAUSE 10**

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

**CLAUSE 13**

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

**PART III - HEADING**

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

**CLAUSE 16**

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

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

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

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

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

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

**CLAUSE 18**

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

**CLAUSE 19**

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

**CLAUSE 20**

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

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

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

**CLAUSE 22**

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

**CLAUSE 25**

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

**CLAUSE 30**

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



**NEW CLAUSE**

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

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

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

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

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

(The Senate Majority Leader)

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

**CLAUSE 6**

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

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

(2) In ensuring that the national government fulfils its obligations under sub-section (1), the Authority, in consultation with county governments shall -

**CLAUSE 9**

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

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

(1) Every Kenyan has the right to safe and nutritious food that meet their dietary needs at all times -

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

(a) put in place measures to ensure that the nutrition needs of certain special groups of persons who are food poor are adequately met.

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

Special groups, pregnant and lactating women.

**CLAUSE 12**

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

...../Amendments

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

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

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

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

**CLAUSE 14**

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

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

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

**CLAUSE 23**

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

**CLAUSE 25**

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

**CLAUSE 31**

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

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

(b) by deleting paragraph (e); and

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

**CLAUSE 32**

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

(v) dieticians or nutritionists.

**CLAUSE 35**

**THAT** clause 35 of the Bill be amended in sub-clause (2) by inserting the word “health” immediately after the word “livestock”.

APPENDIX

1. PAPER

Report of the Commission on Administrative Justice for the period June-December, 2017.

*(The Senate Majority Leader)*

2. STATEMENT PURSUANT TO STANDING ORDER NO. 46 (2)(A)

The Senator for Turkana County (Sen. (Prof.) Imana Malachy, MP) to make a statement on cattle-rustling and the ongoing resultant police brutality in Isiolo County.

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