



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

WEDNESDAY, OCTOBER 24, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
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5. Papers (as listed in the appendix)
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7. Statements (as listed in the appendix)
8. ****THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL (SENATE BILLS NO. 29 OF 2018)**
(Chairperson, Standing Committee on Finance and Budget)
(First Reading)
9. **COMMITTEE OF THE WHOLE**
***THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)**
(Sen. Petronila Were Lokorio, MP)

(Resumption of Debate interrupted on Wednesday, 3rd October, 2018)
(Division)
10. **COMMITTEE OF THE WHOLE**
***THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO. 8 OF 2018)**
(Sen. Mutula Kilonzo Jnr., MP and Sen. Sakaja Johnson, MP)

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11. **COMMITTEE OF THE WHOLE**
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(The Senate Majority Leader)

12. **COMMITTEE OF THE WHOLE**
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***THE COUNTY STATISTICS BILL (SENATE BILLS NO. 9 OF 2018)**
(Sen. (CPA) Farhiya Haji, MP)
15. **COMMITTEE OF THE WHOLE**
****THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)**
(Chairperson Standing Committee on Finance and Budget)
16. **COMMITTEE OF THE WHOLE**
*****THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**
(The Senate Majority Leader)
17. ***THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS) BILL (SENATE BILLS NO. 18 OF 2018)**
(Sen. Ledama Olekina, MP)
(Second Reading)
(Resumption of Debate interrupted on Tuesday, 23rd October, 2018)
18. ****THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**
(Chairperson, Standing Committee on Information and Technology)
(Second Reading)
19. ***THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**
(Sen. Samuel Poghisio, MP)
(Second Reading)
20. *****THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 33 OF 2017)**
(The Senate Majority Leader)
(Second Reading)
21. *****THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 52 OF 2017)**
(The Senate Majority Leader)
(Second Reading)

...../Bill

- 22. *****THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**
(The Senate Majority Leader)
(Second Reading)
- 23. ***THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO. 21 OF 2018)**
(Sen. Samuel Poghiso, MP)
(Second Reading)
- 24. ***THE TREATY MAKING AND RATIFICATION (AMENDMENT) BILL (SENATE BILLS NO. 23 OF 2018)**
(Sen. Fatuma Dullo, MP)
(Second Reading)
- 25. ****THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2018)**
(Chairperson, Sessional Committee on Delegated Legislation)
(Second Reading)
- 26. **MOTION – USAGE OF SIGNING EXACT ENGLISH (SEE) AS A MODE OF INSTRUCTION FOR PERSONS WITH HEARING IMPAIRMENT**
(Sen. (Dr.) Getrude Musuruve, MP)

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

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

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

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

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

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

...../**Motion**

- 4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

***(Resumption of Debate interrupted on Wednesday, 17th October, 2018)
(Balance of Time 2 hours 2 minutes)***

27. MOTION – HUMAN – WILDLIFE CONFLICT

(Sen. Johnes Mwaruma, MP)

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

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

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

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

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

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

NOW THEREFORE Senate calls upon the National Government to-

- 1. Allocate adequate funds during the current financial year and subsequent years for compensation;
- 2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
- 3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

28. MOTION – REHABILITATION OF STREET FAMILIES.

(Sen. Beatrice Kwamboka, MP)

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

...../Motion

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

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

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

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

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

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

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

...../Notice

NOTICE

The Senate resolved on 14thFebruary, 2018 as follows:-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

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

KEY

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

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

****** - Denotes a Committee Bill

***** - Denotes any other Bill

A. *THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILLS NO. 7 OF 2018)

(Sen. Petronila Were Lokorio, MP)

a) **NOTICE** is given that Sen. Petronila Were Lokorio intends to move the following amendments to the Office of the County Printer Bill, 2018 at the Committee Stage –

CLAUSE 10

THAT clause 10 of the Bill be amended by inserting the words “of the county printer” immediately after the words “functions of the office”.

INSERTION ON NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 10 –

Offences.

10A. A person who –

- (a) fails, without reasonable cause, to –
 - (i) approve the publication of a document required to be published under any written law; or
 - (ii) publish, within the period specified under any written law, a document which has been approved for publication;
- (b) willfully or recklessly, authorises the publication or publishes false or misleading information; or
- (c) without authorisation, alters a document approved for publication,

commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

General penalty.

10B. A person who contravenes any provision of this Act for which no penalty is provided is liable, on conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definition immediately after the definition of the term “county *gazette*”-

“county printer” means a person appointed under section 9 of the Act as the head the office of the county printer.

...../Amendments

b) **NOTICE** is given that the Chairperson of the Standing Committee on Information, Communication and Technology, Sen. Gideon Moi, intends to move the following amendments to the Office of the County Printer Bill, 2018 at the Committee Stage –

CLAUSE 5

THAT clause 5 of the Bill be amended in paragraph (a) by inserting the words “and information” immediately after the words “gazette such documents”.

CLAUSE 9

THAT clause 9 of the Bill be amended in sub-clause (3) by –

- (a) inserting the words “qualify to” immediately after the words “A person shall”;
- (b) inserting the words “at least” immediately after the word “holds” in paragraph (a); and
- (c) deleting the word “five” appearing immediately after the words “of at least” in paragraph (b) and substituting therefor the word “ten”.

CLAUSE 10

THAT clause 10 of the Bill be amended by inserting the word “and the county printer” immediately after the words “the county secretary”.

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

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

NOTICE is given that Sen. Mutula Kilonzo Junior, MP, intends to move the following amendments to the Disaster Risk Management Bill, Senate Bills No. 8 of 2018, at the Committee Stage —

CLAUSE 3

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

CLAUSE 5

THAT clause 5 of the Bill be amended—

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

CLAUSE 6

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

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

CLAUSE 7

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

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

CLAUSE 10

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

CLAUSE 14

THAT clause 14 of the Bill be amended—

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

CLAUSE 15

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

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

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

CLAUSE 19

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

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

CLAUSE 20

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

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

CLAUSE 23

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

CLAUSE 37

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

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

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

- (a) return to the institution that seconded that person to the National Disaster Operations Centre or the National Disaster Management Unit; or
- (b) apply to the Authority for employment.

CLAUSE 38

THAT clause 38 of the Bill be amended by—

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

INSERTION OF NEW CLAUSE 25A

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

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

...../Amendments

- (a) establish an effective fire management system for the prevention and management of fire disasters in the respective county;
 - (b) ensure the provision of adequate personnel and equipment for the prevention and management of fire disasters in the county;
 - (c) provide adequate information and carry out sensitization programmes on the prevention and management of fire disasters;
 - (d) put in place an effective mechanism for fire rescue services; and
 - (e) do such other thing necessary for the effective implementation of a fire disaster management system.
- (2) The county executive committee member shall, in the performance of the functions under subsection (1) –
- (a) adopt a multi-disciplinary and multi-sectoral approach in firefighting;
 - (b) factor in climate variations into firefighting;
 - (c) disseminate information on firefighting;
 - (d) establish and encourage volunteer community firefighting initiatives; and
 - (e) be guided by the national values and principles of governance as set out under Article 10 of the Constitution.
- (3) Each county government shall enact legislation for the implementation of fire disaster management system in the respective county.

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

(The Senate Majority Leader)

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

CLAUSE 6

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

...../Amendments

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

CLAUSE 9

THAT clause 9 of the Bill be amended—

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

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

(b) in sub-clause (2) by—

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

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

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

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

Vulnerable persons.

CLAUSE 12

THAT clause 12 of the Bill be amended—

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

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

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

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

CLAUSE 14

THAT clause 14 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (g) —

(ga) one person nominated by the Kenya National Commission on Human Rights established under section 3 of the Kenya National Commission on Human Rights Act.

No. 14 of
2011.

CLAUSE 23

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

CLAUSE 25

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

CLAUSE 31

THAT clause 31 of the Bill be amended—

- (a) in paragraph (b) by inserting the words “coordinate the implementation of” immediately before the words “implement the decisions”;
- (b) by deleting paragraph (e); and
- (c) in paragraph (f) by inserting the word “monitoring and” immediately before the words “make arrangements for”.

CLAUSE 32

THAT clause 32 of the Bill be amended in sub-clause (2) (c) by inserting the following new subparagraph immediately after sub-paragraph (iv)—
(v) dieticians or nutritionists.

CLAUSE 35

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

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

(Chairperson, Standing Committee on Labour and Social Welfare)

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

CLAUSE 7

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

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

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

...../Amendments

(b) deleting paragraph (d).

CLAUSE 17

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

CLAUSE 19

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

CLAUSE 22

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

CLAUSE 23

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

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

CLAUSE 24

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

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

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

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

CLAUSE 25

THAT clause 25 of the Bill be amended-

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

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

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

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

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

CLAUSE 37

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

CLAUSE 44

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

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

CLAUSE 46

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

CLAUSE 48

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

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

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

(Sen. Ledama Olekina, MP)

NOTICE is given that Sen. (CPA) 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)-

...../Amendments

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

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

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

CLAUSE 5A

THAT section5A of the Act be amended by-

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

CLAUSE 5B

THAT section5B of the Act be amended by-

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

CLAUSE 5C

THAT section6 of the Act be amended by-

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

CLAUSE 5D

THAT section7 of the Act be amended by-

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

...../Amendments

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

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

(Sen. (CPA) Farhiya Haji, MP)

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

CLAUSE 4

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

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

CLAUSE 5

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

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

PART III—HEADING

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

...../Amendments

PART III – INTERGOVERNMENTAL TECHNICAL COMMITTEE ON STATISTICS

CLAUSE 8

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

Technical
Committee.

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

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

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

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

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

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

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

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

(3) The persons nominated under sub section(1) (d), (e,) and (f) shall —

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

...../Amendments

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

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

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

CLAUSE 9

THAT clause 9 of the Bill be amended –

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

CLAUSE 10

THAT clause 10 of the Bill be amended –

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

CLAUSE 11

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

...../Amendments

No. 31 of 2016

(2) The Kenya National Bureau of Statistics and the office shall, pursuant to the Access to Information Act, ensure that the statistics held by it are accessible to the members of the public.

CLAUSE 12

THAT clause 12 of the Bill be amended—

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

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

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

CLAUSE 14

THAT clause 14 of the Bill be amended-

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

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

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

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

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

CLAUSE 15

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

CLAUSE 16

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

CLAUSE 18

THAT clause 18 of the Bill be amended-

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

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

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

CLAUSE 19

THAT clause 19 of the Bill be amended —

- (a) in paragraph (d) by inserting the word “county” immediately after the words “required by the”; and

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

(d) fraudulently, or wilfully gives inaccurate or false statistical information to an officer appointed under this Act;

CLAUSE 2

THAT clause 2 of the Bill be amended by-

- (a) deleting the definition of the term “consultative committee”;
- (b) deleting the words “office of the” appearing immediately after the words “means the” in the definition of the term “office”
- (c) inserting the following new definitions immediately after the definition of the term official body” –

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

“statistical information” means-

- No. 4 of 2006 (a) In the case of the Kenya National Bureau of Information, information collected by the Bureau, for purposes of the Statistics Act; and
- (b) In the case of the office, information collected by the office, for purposes of this Act;
- “technical committee” means the Intergovernmental Technical Committee on Statistics established under section 8;

G. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2018)

(Chairperson, Standing Committee on Finance and Budget)

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

CLAUSE 2

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

H. *THE IRRIGATION BILL (NATIONAL ASSEMBLY BILLS NO. 46 OF 2017)**

(The Senate Majority Leader)

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

CLAUSE 3

THAT clause 3 of the Bill be amended —

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

PART II - HEADING

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

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

CLAUSE 6

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

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

CLAUSE 8

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

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

CLAUSE 15

THAT clause 15 be amended —

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

CLAUSE 16

THAT clause 16 be amended —

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

CLAUSE 17

THAT clause 17 of the Bill be amended —

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

...../Amendments

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

CLAUSE 25

THAT clause 25 of the Bill be amended —

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

CLAUSE 34

THAT clause 34 of the Bill be amended —

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

SCHEDULE

THAT the schedule to the Bill be amended—

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

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

CLAUSE 2

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

- “Authority” means the National Irrigation Authority established under section 7;
- “irrigation” means any process, other than by natural precipitation, which supplies water to crops or any other cultivated plants, livestock, aquaculture and desired forest trees;
- “large scale irrigation scheme” means a scheme whose acreage size covers over three thousand acres, and is developed and managed by the Authority, and is established by national strategic purposes, or such schemes as implemented by the private sector;
- “medium scale irrigation scheme” means a scheme which covers three thousand acres, and is implemented by the Authority, or another state agency in collaboration with county government, or such schemes as implemented by a private entity;

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

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

LONG TITLE

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

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

APPENDIX**1. PAPERS LAID**

- a) The National Land Commission Annual Report on Land Governance in the Counties for the Financial Year 2016/2017;
- b) Report of the Auditor-General on the Financial Statements of the County Assembly of Nyamira for the year ended 30 June 2017;
- c) Report of the Auditor-General on the Financial Statements of the County Assembly of Vihiga for the year ended 30 June 2017;
- d) Report of the Auditor-General on the Financial Statements of the County Assembly of Nairobi City County for the year ended 30 June 2017;
- e) Report of the Auditor-General on the Financial Statements of the County Assembly of Makueni for the year ended 30 June 2017;
- f) Report of the Auditor-General on the Financial Statements of the County Assembly of Machakos for the year ended 30 June 2017;
- g) Report of the Auditor-General on the Financial Statements of the County Assembly of Meru for the year ended 30 June 2017;
- h) Report of the Auditor-General on the Financial Statements of the County Assembly of Uasin Gishu for the year ended 30 June 2017;
- i) Report of the Auditor-General on the Financial Statements of the County Assembly of Elgeyo Marakwet for the year ended 30 June 2017;
- j) Report of the Auditor-General on the Financial Statements of the County Assembly of Turkana for the year ended 30 June 2017;
- k) Report of the Auditor-General on the Financial Statements of the County Assembly of West Pokot for the year ended 30 June 2017;
- l) Report of the Auditor-General on the Financial Statements of the County Assembly of Trans Nzoia for the year ended 30 June 2017; and
- m) Report of the Auditor-General on the Financial Statements of the County Assembly of Nandi for the year ended 30 June 2017.

(The Senate Majority Leader)

2. STATEMENTS PURSUANT TO STANDING ORDER NO. 48 (1)

- i. The Senator for Mombasa County (Sen. Mohamed Faki, MP) to seek a statement from the Standing Committee on Education on the release of the KCSE certificates to students who have completed Secondary School education in the country.
- ii. Nominated Senator (Sen. Abshiro Halake, MP) to seek a statement from the Standing Committee on Roads and Transportation on the state of Isiolo International Airport.