



REPUBLIC OF KENYA  
TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

**ORDER PAPER**

TUESDAY, OCTOBER 02, 2018 AT 2.30 PM

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **\*\*\*THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**  
(The Senate Majority Leader)  
*(Second Reading)*  
*(Resumption of Debate interrupted on Wednesday, 26<sup>th</sup> September, 2018)*  
*(Division)*
9. **\*THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)**  
(Sen. Gideon Moi, MP)  
*(Second Reading)*
10. **\*\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS NO. 15 OF 2018)**  
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)  
*(Second Reading)*
11. **\*\*THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)**  
(Chairperson, Standing Committee on Information, Communication and Technology)  
*(Second Reading)*
12. **\*THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**  
(Sen. Aaron Cheruiyot, MP)  
*(Second Reading)*

...../Bill

13. COMMITTEE OF THE WHOLE

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

(The Senate Majority Leader)

14. COMMITTEE OF THE WHOLE

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

(Sen. Petronila Were Lokorio, MP)

15. 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)

16. MOTION - ESTABLISHMENT OF YOUTH POLYTECHNICS IN COUNTIES

(Sen. (Prof.) Margaret Kamar, MP)

**THAT, AWARE THAT** Youth Polytechnics, also known as Village Polytechnics, are educational institutions that offer primary school leavers opportunities to acquire relevant knowledge especially technical and vocational skills to increase their employability;

**FURTHER AWARE THAT** youth polytechnics provide industrial and entrepreneurial skills training to young people in order to increase employment opportunities, reduce dependency levels and increase self-reliance among the youth;

**RECALLING THAT** in 2005, the Youth Training Department of the then Ministry of Youth Affairs and Sports was established through the Presidential Circular No.1 of 2005, with a mandate of revitalizing the Youth Polytechnics countrywide in order to empower youth through provision of accessible, appropriate and quality training in technical, vocational, industrial, entrepreneurship and life skills;

**COGNIZANT THAT** youth polytechnics are a devolved function;

**PERSUADED THAT** Vocational Education and Training is a critical aspect for a developing economy and that it would contribute towards the realization of the Big Four Agenda;

**CONCERNED THAT**, in Kenya, the number of young people who have completed the primary school education but have not joined secondary schools continues to rise by the day;

**FURTHER CONCERNED THAT** county governments have not prioritized youth polytechnic functions despite the polytechnics' capacity to ultimately contribute to both social and economic development;

**NOW THEREFORE** the Senate calls upon each of the 47 county governments to-

- a) establish youth polytechnics in every location within their respective the areas of jurisdiction and to revamp the already existing youth polytechnics;

...../Motion

b) to develop a structure/guidelines for sensitizing the youth who have completed their primary school education but have not joined form one to embrace vocational training in order to acquire the necessary skills to join the labour market.

*(Resumption of Debate interrupted on Thursday, 27<sup>th</sup> September, 2018)  
(Division)*

**17. MOTION - DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL DISASTER RISK FINANCING STRATEGY**

(Sen. George Khaniri, MP)

**THAT, WHEREAS** Kenya’s disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

**FURTHER WHEREAS** the government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

**COGNIZANT** of the fact that government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

**AWARE** that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

**RECOGNIZING**, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

**OBSERVING**, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

**NOTING** that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions and assistance, in any form, from individuals, public authorities and private bodies;

**APPRECIATING**, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

**FURTHER AWARE** that emergency fund is a substantial proportionate Vote Head in both the national and county government budgets;

**CONCERNED**, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

**NOW THEREFORE**, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

...../Motion

18. MOTION –IMPROVEMENT OF KENYA’S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX

(Sen. Ledama Olekina, MP)

**THAT, AWARE** that the Ministry of Tourism have developed and published the Kenya National Tourism Blueprint 2030 in May 2017;

**FURTHER AWARE** that Kenya Tourism Agenda 2018 – 2022, launched in April 2018, establishes the foundation for the National Tourism Blueprint 2030 and is the tool for initiating the components of the Blue Print;

**ALSO AWARE** that the contribution of travel and tourism to Kenyan GDP stood at 9.7 % in 2017, up from the 9.3 % previous year;

**COGNIZANT** that in the next 10 years every industry will be changed by technology;

**ALSO AWARE** that Kenya Tourism Board has partnered with Google, Safaricom, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

**CONCERNED** that Kenya tourism industry’s potential is underutilized;

**AWARE** that Kenya’s position in World Economic Forum’s Travel & Tourism Competitiveness Index Ranking is 80 out of 136 in 2017, having improved by 2 points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

**FURTHER CONCERNED** that majority of the solutions proposed by the tourism agenda are brick and mortar type and not addressing the trends; noting that in less than two years, the share of online booking globally has grown from 9% to almost 33% and the lucrative and fast-growing segment of business tourism;

**ALSO CONCERNED** that Kenya will continue to attract only beach and park type tourists ignoring the large number of conference and business travellers, who largely never leave Nairobi and are offered minimal exposure to Kenya;

**NOW THEREFORE**, the Senate calls upon the Ministry of Tourism to approach tourism sector with modern innovation and implement tangible, measurable and impactful solutions, resulting in improvement of Kenya’s ranking in the World Economic Forum Travel & Tourism Competitiveness Index 2019 by 6 positions and improve the lowest score of cultural resources and business travel by 1 point.

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NOTICE

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

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

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

KEY

- \*\*\*\***     ▪ Denotes a Majority/Minority Party Bill
- \*\*\***     ▪ Denotes a National Assembly Bill
- \*\***     ▪ Denotes a Committee Bill
- \***     ▪ Denotes any other Bill

**A. \*\*\*\*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 -

(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.

...../Amendments

**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 (1) by inserting the word "health" immediately after the word "livestock".

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

(Sen. Petronila Were Lokorio, MP)

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

**CLAUSE 10**

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

**INSERTION ON NEW CLAUSES**

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

Offences.                   **10A.** A person who –  
 (a) fails, without reasonable cause, to –  
     (i) approve the publication of a document required to be published under any written law; or  
     (ii) publish, within the period specified under any written law, a document which has been approved for publication;  
 (b) willfully or recklessly, authorises the publication or publishes false or misleading information; or  
 (c) without authorisation, alters a document approved for publication,  
 commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

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

**CLAUSE 2**

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

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

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

**CLAUSE 5**

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

**CLAUSE 9**

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

- (a) inserting the words "qualify to" immediately after the words "A person shall";
- (b) inserting the words "at least" immediately after the word "holds" in paragraph (a); and



(c) deleting the word "five" appearing immediately after the words "of at least" in paragraph (b) and substituting therefor the word "ten".

**CLAUSE 10**

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

**C. \*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., Mohamed Yusuf Haji, EGH, MP, the Chairperson of the Senate Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the Disaster Risk Management Bill, Senate Bills No. 8 of 2018, at the Committee Stage —

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended by deleting subclause (2).

**CLAUSE 5**

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

(a) in paragraph (a) by inserting the words "and inter-ministerial" immediately after the word "inter-agency";

(b) in paragraph (f) by inserting the words "in coordination with the Bureau of Statistics," at the beginning of the paragraph;

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended-

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

(1) There shall be a Board of the Authority which shall comprise—

- (a) a chairperson, who shall be appointed by the Cabinet Secretary;
- (b) the Principal Secretary in the Ministry responsible for matters relating to disaster risk management;
- (c) the Principal Secretary in the Ministry responsible for finance;
- (d) the Principal Secretary in the Ministry responsible for internal security;
- (e) a representative of the Kenya Red Cross Society;
- (f) one person nominated by the Council of County Governors;
- (g) one person appointed by the Cabinet Secretary from amongst three persons nominated by the Kenya Private Sector Alliance;
- (h) one person appointed by the Cabinet Secretary from amongst three persons nominated by the Kenya Medical Association; and

...../Amendments

(i) the Director-General of the Authority who shall be an *ex-officio* member and who shall have no vote.

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

(3) A person shall qualify for appointment as the chairperson of the Board if that person —

- (a) holds a degree from a university recognised in Kenya;
- (b) has knowledge and experience in matters related to disaster management; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3A) A person shall qualify for nomination under paragraph (1) (g) and (h) if that person —

- (a) holds a degree in a relevant field from a university recognised in Kenya; and
- (b) meets the requirements of Chapter Six of the Constitution.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended in paragraph (d) by deleting the words “that violates” appearing immediately after the words “an offence” and substituting therefor the words “that constitutes a serious violation of”.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended by deleting subclause (2) and substituting therefor the following new sub-clauses-

(2) A person shall qualify for appointment under this section where such person —

- (a) holds a relevant degree from a university recognised in Kenya;
- (b) has at least five years’ managerial experience; and
- (c) meets the requirements of Chapter Six of the Constitution.

(2A) The Director-General shall hold office for a term of five years which may be renewed once.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended by deleting the word “co-opt” appearing immediately after the word “the board may” and substituting therefor the word “engage”.

**CLAUSE 14**

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

- (a) by inserting the words “in coordination with the Bureau of Statistics” at the beginning of the introductory phrase to paragraph (b);
- (b) by inserting the word “county” immediately after the words “national and” in the introductory phrase to paragraph (d);

...../Amendments

- (c) in paragraph (d) by inserting the following new sub-paragraph immediately after sub-paragraph (vi)-
  - (vii) any other critical infrastructure including power stations, power distribution networks and water reservoirs.

**CLAUSE 18**

**THAT** clause 18 of the Bill be amended in subclause (1) by-

- (a) deleting the word "commandant" appearing at the end of paragraph (d) and substituting therefor the word "commander";
- (b) by deleting paragraph (g) and substituting therefor the following new paragraph-
  - (g) one person, with experience in disaster management, who is a resident of the county, appointed in writing by the chairperson of the most representative private sector association in the county;
- (c) inserting the following new paragraph immediately paragraph (h)-
  - (i) one person, with experience in disaster management, nominated appointed by the governor from the faith-based organisations in the county;

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended in the introductory clause by deleting the word "Authority" appearing immediately after the words "foregoing the" and substituting therefor the word "Committee".

**CLAUSE 21**

**THAT** clause 21 of the Bill be amended in paragraph (d) by deleting the words "that violates" appearing immediately after the words "an offence" and substituting therefor the words "that constitutes a serious violation of".

**CLAUSE 30**

**THAT** clause 30 of the Bill be amended-

- (a) in subclause (1) by deleting the word "Authority" appearing immediately after the words "administered by the" and substituting therefor the word "Board";
- (b) (b) in subclause (4) inserting the word "prevention" immediately after the words "used for disaster".

**CLAUSE 36**

**THAT** clause 36 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (g)-

- (ga) the administration and management of the Fund;

**FIRST SCHEDULE**

That the Bill be amended by deleting the First Schedule.

**CLAUSE 2**

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

- (a) in the definition of the word "disaster" by inserting the words "and impacts" immediately after the words "environmental losses";

- (b) in the definition of the word "disaster risk management" by inserting the words "multi-sectoral" immediately after the words "capacities to implement";
- (c) in the definition of the word "hazard" by deleting the words "damaging physical event" appearing immediately after the words "means a" and substituting therefore the word "process";
- (d) in the definition of the word "preparedness" by inserting the words "imminent" immediately after the words "impacts of likely";
- (e) by deleting the definition of the word "prevention" and substituting therefor the following new definition-
  - "prevention" means the activities and measures taken to avoid existing and new disasters;
- (f) in the definition of the word "recovery" by inserting the words "prevent or" immediately after the words "including efforts to";
- (g) by deleting the definition of the word "response" and substituting therefor the following new definition-
  - "response" means actions taken before, during or immediately after a disaster to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the affected persons;
- (h) by deleting the definition of the word "vulnerability" and substituting therefor the following new definition-
  - "vulnerability" means the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of a hazard;
- (i) by inserting the following new definition immediately after the definition of the word "hazard"-

"Bureau of Statistics" means the Kenya National Bureau of Statistics established under section 3 of the Statistics Act. No. 4 of 2006

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APPENDIX

STATEMENT PURSUANT TO STANDING ORDER NO. 48

The Senator for Garissa County (Sen. Yusuf Haji, MP) to seek a statement from the Standing Committee on Education on the award of scholarships by the Ministry of Education to Kenyan students studying outside the country in undergraduate and post graduate levels.

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