



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, NOVEMBER 22, 2018 AT 9.30 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. MOTION – REPORT ON THE INQUIRY INTO THE ALLEGED UNETHICAL CONDUCT OF TWO MEMBERS

(The Chairperson, Committee of Powers and Privileges)

THAT, this House adopts the Report of the Committee of Powers and Privileges on the Inquiry into Alleged Unethical Conduct of the Hon. Paul Ongili, MP (Member for Embakasi East Constituency) and the Hon. Charles Njagua Kanyi, MP (Member for Starehe Constituency), laid on the Table of the House on Tuesday, November 20, 2018.

9*. THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

10*. MOTION – REPORT ON THE INQUIRY INTO ALLEGATIONS OF BRIBERY OF SOME MEMBERS

(The Chairperson, Committee of Powers and Privileges)

THAT, this House adopts the Report of the Committee of Powers and Privileges on the Inquiry into allegations of Bribery of some Members of the National Assembly during consideration of the Report of the Joint Sitzings of the Departmental Committees on Agriculture and Livestock and Trade, Industry and Co-operatives on the Inquiry into Alleged Importation of Illegal and Contaminated Sugar into the Country, laid on the Table of the House on Tuesday, November 20, 2018.

11*. MOTION - TWENTY-SECOND REPORT ON AUDITED FINANCIAL STATEMENTS FOR STATE CORPORATIONS

(The Chairperson, Public Investments Committee)

THAT, this House **adopts** the Twenty-Second Report of the Public Investments Committee on Audited Financial Statements for State Corporations, laid on the Table of the House on Tuesday, November 06, 2018.

(Resumption of debate interrupted on Wednesday, November 21, 2018 – Morning sitting)

12*. THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)

(The Leader of the Majority Party)

Second Reading

13*. THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

14*. THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

15*. MOTION - REPORT ON THE EXAMINATION OF THE AUDITOR'S
GENERAL REPORT ON THE FINANCIAL STATEMENTS
FOR THE NATIONAL GOVERNMENT

(The Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on the Examination of the Financial Statements for the National Government for the Financial Year ended 30th June 2015, laid on the Table of the House on Tuesday, November, 14, 2018.

*** Denotes Orders of the Day**

NOTICES

The House resolved on Wednesday, February 14, 2018 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER

Tentative business for

Thursday (Afternoon), November 22, 2018

(Published pursuant to Standing Order 38(1))

It is **notified** that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Thursday(Afternoon), November 22, 2018:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Warehouse Receipt System Bill (Senate Bill No. 10 of 2017)
(The Leader of the Majority Party)
- (ii) The County Governments (Amendment) Bill (Senate Bill No. 11 of 2018)
(The Leader of the Majority Party)

B. MOTION – REPORT ON CONSTITUENCY DIGITAL INNOVATION HUBS

(Chairperson, Select Committee on National Government Constituencies Development Fund)

C. MOTION - REPORT ON THE JUDICIARY FUND REGULATIONS, 2018

(The Chairperson, Committee on Delegated Legislation)

D. MOTION – RATIFICATION OF THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

(The Chairperson, Departmental Committee on Health)

E. MOTION – REPORT ON THE KENYATTA UNIVERSITY TEACHING & REFERRAL HOSPITAL PROJECT

(The Chairperson, Departmental Committee on Health)

F. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

G. THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

H. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

I. THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 22, 2018 - Morning Sitting)

J. THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Thursday, November 22, 2018 - Morning Sitting)

K. THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Thursday, November 22, 2018 - Morning Sitting)

APPENDIX

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

Question No.

043/2018 The Member for Gem Constituency (Hon. Elisha Odhiambo, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

- a) What is the number of persons that have benefited from the Older Persons Cash Transfer (OPCT) Programme Fund in Gem Constituency since its commencement?
- b) What causes the frequent delays in the transfer of the said funds to the intended beneficiaries in Gem Constituency?

(To be replied before the Departmental Committee on Labour and Social Welfare)

099/2018 The Member for Isiolo County (Hon. Rehema Dida Jaldesa, MP) to ask the National Land Commission:-

- a) What is the status of implementation of a High Court ruling of 6th June, 2017 on Constitutional Petition No. 511 of 2015?
- b) What action has the National Land Commission taken to resolve the boundary disputes between Isiolo and Meru Counties?

(For Written Reply by the National Land Commission)

141/2018 The Member for Dagoretti North Constituency (Hon. Simba Arati, MP) to ask the Cabinet Secretary for Health: -

- a) Is the Cabinet Secretary aware that the late Loice Wanja Nganga National ID No.23503203 of Nakuru County was admitted in Mater Hospital following severe illness?
- b) Why was the family not allowed to transfer the patient to Kenyatta National Hospital following an operation?
- c) What steps is the Ministry taking to assist the family clear the huge medical bills accrued and access the body for burial?

(To be replied before the Departmental Committee on Health)

171/2018 The Member for Lamu County (Hon. Ruweida Mohamed, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- a) Is the Cabinet Secretary aware that one Ahmed Mohamed Athman, National ID Number 20369122, went missing on 16th September 2108 while on his way from Kiunga to Shukani in Lamu County following a police operation in the area?
- b) What efforts are being made by the Ministry to establish his whereabouts with a view to reuniting him with his family?

(To be replied before the Departmental Committee on Administration and National Security)

194/2018 The Member for Kuresoi South Constituency (Hon. Joseph Kipkosgei Tonui, MP) to ask the Cabinet Secretary for Education: -

What measures has the Ministry put in place to address the uneven distribution and shortage of teachers in schools in the country, and in particular in resolving the problem of the teacher-student ratio?

(To be replied before the Departmental Committee on Education and Research)

202/2018 The Member for Borabu Constituency (Hon. Ben Momanyi, MP) to ask the Cabinet Secretary for Education: -

- a) Is the Cabinet Secretary aware that a number of Counties were left out by the Kenya National Qualification Authority's on lowering of the entry requirement to Teachers Training Colleges to D+ for students from Northern and Coastal counties following the poor performance in the Kenya Certificate Secondary Examination (KCSE) for the past two years?
- b) How was the decision on (a) above arrived at?

(To be replied before the Departmental Committee on Education)

206/2018

The Member for North Imenti Constituency (Hon. Abdul Rahim Dawood, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

- a) Is the Cabinet Secretary aware that older citizens in North Imenti Constituency in possession of Identification Cards with seven-digit numbers or less are unable to enroll in the Older Persons Cash Transfer Programme?
- b) What measures is the Ministry putting in place to ensure these older citizens are enrolled and receive their monthly stipend?
- c) When will the older citizens who are already in the programme be paid their arrears and how are the new persons registered and those who have passed on de-registered?

(To be replied before the Departmental Committee on Labour and Social Welfare)



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, NOVEMBER 22, 2018 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

**8*. PROCEDURAL MOTION - RESOLUTION TO HOLD SITTINGS ON
A SPECIFIED THURSDAY MORNING**
(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a **Morning Sitting** on Thursday, December 6, 2018 commencing at 9.30 am for purposes of considering priority business.

9*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Warehouse Receipt System Bill (Senate Bill No. 10 of 2017)
(The Leader of the Majority Party)
- (ii) The County Governments (Amendment) Bill (Senate Bill No. 11 of 2018)
(The Leader of the Majority Party)

10*. MOTION – REPORT ON CONSTITUENCY DIGITAL INNOVATION HUBS

(The Chairperson, Select Committee on National Government Constituencies Development Fund)

THAT, this House **adopts** the Report of the Select Committee on National Government Constituencies Development Fund on Constituency Digital Innovation Hubs, laid on the Table of the House on Thursday, October 25, 2018.

11*. MOTION - REPORT ON THE JUDICIARY FUND REGULATIONS, 2018

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Judiciary Fund Regulations, 2018 (Legal Notice No. 117 of 2018), laid on the Table of the House on Tuesday, November, 13, 2018, and pursuant to the provisions of Section 15(1) of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) ***annuls in entirety*** the said Regulations.

12*. MOTION – RATIFICATION OF THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

(The Chairperson, Departmental Committee on Health)

THAT, this House **adopts** the Report of the Departmental Committee on Health on the Ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products, laid on the Table of the House on Tuesday, November 13, 2018.

13*. MOTION – REPORT ON KENYATTA UNIVERSITY TEACHING & REFERRAL HOSPITAL PROJECT

(The Chairperson, Departmental Committee on Health)

THAT, this House **adopts** the Report of the Committee on Health on Kenyatta University Teaching & Referral Hospital Project, laid on the Table of the House on Wednesday, October 17, 2018

14*. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

15*. THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

16*. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

17*. THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)

(The Leader of the Majority Party)

Second Reading

18*. THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

19*. THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

*** Denotes Orders of the Day**

N O T I C E S

I. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Warehouse Receipt System Bill (Senate Bill No. 10 of 2017) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting the definition of the word “warehouse operator” and substituting thereof the following new definition—

“warehouse operator’ means a person engaging in the business of hiring out space for storing goods and issuance of warehouse receipts regardless of whether such goods undergo packaging, processing, substitution or other transformation while in the warehouse;

CLAUSE 3

THAT, clause 3 of the Bill be amended—

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

(3) The Council shall consist of—

- (a) a Chairperson, who shall be appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters related to agriculture or a representative;
- (c) the Principal Secretary for the time being responsible for matters related to finance or a representative;
- (d) one person nominated by the Council of Governors;
- (e) the Director-General of Agriculture and Food Authority or a representative;
- (f) the chief executive officer of the Council who shall be an *ex-officio* member;
- (g) one person nominated by Financial Sectors Regulators Forum;
- (h) one person nominated by the Kenya Farmers Association;
- (i) one person nominated by Kenyan members of the Eastern Africa Grain Council;
- (j) one person nominated by Consumer Federation of Kenya
- (k) one person nominated by Kenya Bankers Association; and
- (l) one person nominated by the Kenya Warehouse Operators Association.”

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

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

- (a) is a citizen of Kenya;
- (b) meets the requirements of leadership and integrity set out in Chapter 6 of the Constitution;
- (c) holds relevant academic and professional qualifications including a university degree in a relevant field; and
- (d) has at least eight years' experience in—

- (i) agriculture;
- (ii) finance;
- (iii) business;
- (iv) law;
- (v) procurement; or
- (vi) administration.

(c) in sub-clause (9), by—

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

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

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

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

CLAUSE 4

THAT, clause 4 of the Bill be amended—

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

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

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

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

CLAUSE 5

THAT, clause 5 of the Bill be deleted.

CLAUSE 9

THAT, clause 9 of the Bill be amended in sub-clause (3) by deleting paragraph (a) and substituting therefor the following new paragraph—

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

CLAUSE 16

THAT, clause 16 of the Bill be amended in sub-clause (5) by inserting the word “annual” immediately before the word “report”.

CLAUSE 17

THAT, the Bill be amended by deleting clause 17 and substituting therefor the following new clause—

Licensing of
warehouse
operators.

17. (1) A warehouse operator shall apply to the Council for a licence to operate within the Warehouse Receipt System.

(2) An application under subsection (1) shall be in the prescribed form and shall be accompanied by the prescribed fee.

(3) The Council may grant or refuse to grant a licence to an applicant and may issue a licence subject to such conditions, as it may consider necessary.

(4) A license issued under this Part shall be valid for a period of twelve months from the date of issue and may be renewed subject to compliance of any set conditions.

(5) The Council shall annually publish the names of licensed warehouses in the Gazette and in at least one daily newspaper of nationwide circulation.

CLAUSE 20

THAT, clause 20 of the Bill be deleted.

CLAUSE 21

THAT, the Bill be amended by deleting clause 21 and substituting therefor the following new clause—

Revocation of licence
and suspension of
licence or operations.

21. (1) The Council may suspend or revoke a licence—

- (a) if a warehouse operator transfers all or part of his or her control over the licence;
- (b) immediately a licensed warehouse commences the process of dissolution or is dissolved; or
- (c) if the warehouse operator violates or fails to comply with this Act.

(2) The Council shall before revoking or suspending a licence, inform the licensee of the intended revocation or suspension, in writing, and give the licensee an opportunity to make representations before it.

(3) Upon the revocation of a licence, the Council shall, within fourteen days of the revocation, notify the licensee of the revocation and require the licensee to, within fourteen days of receipt of the notification, surrender the licence to the Council.

(4) A licensee who, without reasonable cause, fails to surrender a licence within the period specified in subsection (3) commits an offence.

(5) The Council may suspend the operations of warehouse operators, inspectors, weighers or graders operating under the Act, for failure to comply with any provision of this Act.

(6) Where a license has been suspended or revoked, the Council shall appoint an independent warehouse manager to operate the warehouse in the interim until the matter is resolved.

(7) The Council shall publish the names of a warehouse whose licence has been revoked in the Gazette and in at least one daily newspaper of nationwide circulation.

(8) The Cabinet Secretary shall in consultation with the Council make regulations to provide for management of a warehouse whose license has been suspended or revoked and commodities stored therein.

CLAUSE 22

THAT, the Bill be amended by deleting clause 22 and substituting therefor the following new clause—

Fees.

22. The Council may charge fees for initial warehouse inspection and issue of warehouse operator's licence.

CLAUSE 23

THAT, clause 23 the Bill be amended in sub-clause (2) by—

(a) deleting paragraph (a) and substituting thereof with the following paragraph—

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

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

CLAUSE 24

THAT, the Bill be amended by deleting clause 24 and substituting thereof with the following new clause—

Grading and weighing
of agricultural
products.

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

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

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

CLAUSE 25

THAT, the Bill be amended by deleting clause 25 and substituting thereof with the following new clause—

Inspection of stored
products.

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

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

CLAUSE 27

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

CLAUSE 30

THAT, clause 30 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1)—

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

CLAUSE 31

THAT, Clause 31 of the Bill be amended in—

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

- (b) sub-clause (3) by deleting the word “ duplicate” and substituting thereof with the word “replacement”; and
- (c) sub-clause (4), by deleting the word “deals” immediately after the word “person” and substituting therefor the word “who”.

CLAUSE 32

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

CLAUSE 39

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

CLAUSE 41

THAT, Clause 41 of the Bill be amended—

- (a) by deleting the words, “ in a case where endorsement is essential for negotiation” appearing in sub-clause (1);
- (b) in sub-clause (2) by deleting the words “In a case where it is essential that a warehouse receipt should be endorsed before it is transferred, that” and substituting therefor the word “A” .

CLAUSE 43

THAT the Bill be amended by deleting Clause 43 and substituting thereof with the following new clause—

Issuing of fraudulent
warehouse receipts.

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

CLAUSE 44

THAT the Bill be amended by deleting Clause 44 and substituting thereof with the following new clause—

Issuing of receipts
with false
information.

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

CLAUSE 45

THAT, the Bill be amended by deleting Clause 41 and substituting thereof with the following new clause—

Unlawful issuing of
duplicate receipts.

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

CLAUSE 48

THAT, clause 48 of the Bill be amended by deleting the word “one” and substituting therefor the word, “three”.

CLAUSE 50

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

SCHEDULE

THAT, paragraph (2) of the Schedule be amended in sub-paragraph (2) by deleting the word “three” and substituting thereof with the word “seven”.

- 2) **Notice is given that the Leader of the Majority Party intends to move the following amendments to the Warehouse Receipt System Bill (Senate Bill No. 10 of 2017) at the Committee Stage—**

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) by inserting the following new definition in its proper alphabetical sequence—

“inspector” means an officer of the Council or an authorized officer appointed by the Council in the *gazette*, to carry out inspections under this Act.

- (b) in the definition of the term “warehouse receipt system” by deleting the word “receipts” appearing immediately after the words “the management of the transfer of the” and substituting therefor the term “receipt”.

CLAUSE 3**THAT**, clause 3 of the Bill be amended—

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

(3) The Council shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary for the time being responsible for matters related to agriculture or a representative;
- (c) the Principal Secretary for the time being responsible for matters related to finance or a representative;
- (d) the Principal Secretary for the time being responsible for matters related to trade or a representative;
- (e) the Attorney-General or a representative;
- (f) the Director-General of Agriculture, Food and Fisheries Authority or a representative;
- (g) one person nominated by the Council of Governors;
- (h) two other persons appointed by the Cabinet Secretary;
- (i) the chief executive officer of the Council.

(b) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

(4) A person appointed as a member of the Council under paragraph (a) to (h) shall be persons who have the relevant expertise, qualification and experience in the agricultural sector, warehouse receipt system, commodity markets or any other relevant field.

(c) by deleting sub-clause (5);

(d) by deleting sub-clause (6).

CLAUSE 10**THAT**, clause 10 of the Bill be amended by inserting the words “a company secretary and” immediately after the word “employ”.**CLAUSE 11****THAT**, clause 11 of the Bill be amended—

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

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

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

CLAUSE 17

THAT, clause 17 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (4)—

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

CLAUSE 21

THAT, clause 21 of the Bill be amended in sub-clause (5)—

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

CLAUSE 23

THAT, clause 23 of the Bill be amended—

- (a) by deleting the words “Warehouse Receipts Appeals Committee” wherever they appear and substituting therefor the words “Warehouse Receipts System Dispute Resolution Committee”;
- (b) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)—
 - (da) complaints by registered, licensed or other persons operating under this Act;
- (c) in sub-clause (4) by deleting the words “Appeals Committee” and substituting therefor the words “Dispute Resolution Committee”.

CLAUSE 25

THAT, clause 25 of the Bill be amended by deleting the words “The chief executive officer or authorized officers” and substituting therefor the words “An inspector”.

SCHEDULE

THAT, the Schedule to the Bill be amended in paragraph 1 by deleting subparagraph (4) and substituting therefor the following new subparagraph—

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

3) **Notice is given that the nominated Member (Hon. Jennifer Shamalla) intends to move the following amendments to the Warehouse Receipt Systems Bill (Senate Bill No.10 of 2017) at the Committee Stage—**

CLAUSE 2

THAT, the Clause 2 of the Bill be amended —

- (a) in the definition of “holder” by deleting the words “who is in possession of the receipt” appearing immediately after the words “warehouse receipt”;
- (b) by deleting the definition of “owner”
- (c) in the definition of “warehouse operator” by deleting the words “regardless of whether such goods undergo packaging, processing, substitution or other transformation while in the warehouse.”

CLAUSE 17

THAT, the Clause 17 of the Bill be amended by deleting sub clause (3) and substituting therefor the following new clause —

“(3) The County Executive Committee member may —

- (a) issue a license where the applicant meets all the requirements set out in the prescribed regulations ;
- (b) decline to issue a license for the conduct of a warehouse where the County Executive Committee member establishes that—
 - (i) the warehouse is not suitable for the proper storage of agricultural commodities;
 - (ii) the operator is incompetent to conduct such warehouse in accordance with this Act and the regulations made hereunder;
 - (iii) there is any other sufficient reason within the purposes of the Act for not issuing such licenses.

CLAUSE 19

THAT, the Clause 19 of the Bill be amended by deleting the words “fire, flood, theft, burglary, earthquake, explosion” appearing after the word “against” and substituting therefor the words “*force majeure*”.

CLAUSE 21

THAT, Clause 21 of the Bill be amended —

- (a) in sub clause (4) by inserting the sub clause words “and shall be liable on conviction to a fine not exceeding a hundred thousand shillings or imprisonment for a term not exceeding three years, or both” immediately after the word “offence”;
- (b) by inserting the following new sub clause immediately after sub clause (8)
“ (8A) The Council shall maintain a data base which shall be availed for inspection by any person upon application pursuant to Article 35 of the Constitution”.

CLAUSE 23

THAT, Clause 23 of the Bill be amended —

- (a) in sub clause (1) by deleting the word “committee” appearing immediately after the word “Appeals” and substituting therefor the word “Tribunal” ;
- (b) in sub clause (2) by deleting the word “committee” appearing immediately after the word “Appeals” and substituting therefor the word “Tribunal” ;
- (c) in sub clause (3) by deleting the word “committee” appearing immediately after the word “Appeals” and substituting therefor the word “Tribunal” ;
- (d) in sub clause (4) by deleting the word “committee” appearing immediately after the word “Appeals” and substituting therefor the word “Tribunal” ;
- (e) in sub clause (6) by deleting the word “committee” appearing immediately after the word “Appeals” and substituting therefor the word “Tribunal”

CLAUSE 29

THAT, Clause 29 of the Bill be amended in sub clause (3) by—

- (a) deleting the words “be a document of title to goods and need not be in any particular form, but must contain the following information” and substitute therefor the word “contain the following information”;
- (b) deleting paragraph (f)

II. THE COUNTY GOVERNMENTS (AMENDMENT) BILL **(SENATE BILL NO. 11 OF 2018)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) at the Committee Stage—

CLAUSE 6

THAT, clause 6 of the Bill be amended in the proposed amendments to section 9 by deleting the proposed new section 9A and substituting therefor—

Speaker of a
county assembly.

9A. (1) The speaker of a county assembly shall be elected, in accordance with standing orders of the respective county assemblies, from among persons who are eligible to be elected as members of a county assembly but are not such members.

(2) In the absence of the speaker of the county assembly or in matters that directly affect the speaker, the county assembly shall elect a member to act as speaker as contemplated under Article 178(2)(b) of the Constitution.

(3) Unless otherwise removed, the member elected under subsection (2), shall, in the absence of the Speaker, preside over the sittings of the assembly for the term of the county assembly.

CLAUSE 7

THAT, clause 7 of the Bill be amended in the proposed amendments to section 11 by deleting the proposed new section 11A.

CLAUSE 8

THAT, clause 8 of the Bill be amended in the proposed amendment to section 25 in the new subsection (2) by deleting the words “and the county Gazette” appearing immediately after the words *Kenya Gazette*.

CLAUSE 11

THAT, clause 11 of the Bill be amended in the proposed amendments to section 31 by deleting the proposed new paragraph (a) and substituting therefor—

“(a) may dismiss a county executive member, if the governor considers appropriate and shall give reasons for dismissal”

CLAUSE 15

THAT, the Bill be amended by deleting clause 15 and substituting therefor—

Amendment
to section 44 of
No. 17 of 2012.

15. Section 44 the principal Act is amended by-

(a) deleting subsection(2) and substituting therefor—

“(2) A person shall be qualified for appointment as a county secretary under subsection (1), if that person

—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years relevant professional experience;
- (d) has at least five years’ experience in a leadership position at senior management level in a public service or private sector organization; and
- (e) meets the requirements of leadership and integrity as prescribed in Chapter Six of the Constitution.

(b) inserting the following new subsections immediately after subsection (2)–

(2A) The Governor shall, for the purpose of competitive recruitment of a county secretary under subsection (2), constitute a selection panel.

(2B) The selection panel shall consist of the following persons-

- (a) a chairperson, not being a public officer;
- (b) one person from the private sector;
- (c) an Advocate of the High Court of Kenya, who is a member of the Law Society of Kenya;
- (d) an accountant who is a member of the Institute of Certified Public Accountants of Kenya; and
- (e) one person from an association representing workers.

(2C) The provisions of section 58A shall, with such modification as shall be necessary apply to the recruitment of a county secretary.

(2D) Upon interviewing the applicants for the position of county secretary-

- (i) the selection panel shall submit to the governor the names of two applicants who qualify for appointment as county secretary; and
- (ii) the governor shall submit the name of one applicant to the county assembly for approval for appointment as county secretary by the governor.

(2E) The county secretary shall hold office for a term of five years and shall be eligible for re-appointment once.

(2F) The county secretary shall be an *ex officio* member of the County Executive Committee with no voting rights.

(c) inserting the following new subsection immediately after subsection (3) –

(3A)The county secretary may be removed from office on the following grounds—

- (a) inability to perform functions of the office arising out of physical or mental infirmity;
- (b) incompetence;
- (c) gross misconduct;
- (d) bankruptcy; or
- (e) violation of the Constitution.

(3B) Before removal under subsection (3A), the county secretary shall be informed, in writing, of the reasons for the intended removal, and shall be given an opportunity to put a defence against any such allegations, either in person or through a representative.

(3C) Subject to subsection (3A), (3B) and conditions of appointment, a county secretary may be dismissed by the governor.

CLAUSE 25

THAT, clause 25 of the Bill be amended in the introductory paragraph by deleting the words “deputy speaker” appearing after the word “serving as”

- 2) **Notice is given that the Member for Kinangop (Hon. Zachary Kwenya Thuku) intends to move the following amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2018) at the Committee Stage—**

CLAUSE 7

THAT, clause 7 of the Bill be amended—

- (c) in the proposed new section 11—

(i) by deleting the words “at least two-thirds of all the members of the county assembly” appearing in subsection (1)(c) and substituting therefor the words “not less than seventy five percent of all the members of the county assembly”;

(ii) by inserting the following new subsections immediately after subsection (8)—

(9) If a motion under subsection (8) is supported by not less than seventy five percent of all the members of the county assembly —

(a) the deputy speaker of the county assembly shall inform the Speaker of the Senate of that resolution within two days; and

(b) the speaker shall not perform any of the functions of the office pending the outcome of the proceedings required by this section.

(10) Within seven days after receiving notice of a resolution from the deputy speaker of the county assembly—

(a) the Speaker of the Senate shall convene a meeting of the Senate to hear charges against the speaker; and

(b) the Senate, by resolution, may appoint a special committee comprising eleven of its members to investigate the matter.

(11) A special committee appointed under subsection (10)(b) shall—

(a) investigate the matter; and

(b) report to the Senate within ten days on whether it finds the particulars of the allegations against the speaker to have been substantiated.

(12) The speaker shall have the right to appear and be represented before the special committee during its investigations.

(13) If the special committee reports that the particulars of any allegation against the speaker—

(a) have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation; or

(b) have been substantiated, the Senate shall, after according the speaker an opportunity to be heard, vote on the impeachment charges.

(14) If a majority of all the members of the Senate vote to uphold any impeachment charge, the speaker shall cease to hold office.

(15) If a vote in the Senate fails to result in the removal of the speaker, the Speaker of the Senate shall notify the deputy speaker of the concerned county assembly accordingly and the motion by the assembly for the removal of the speaker on the same charges may only be re-introduced to the Senate on the expiry of six months from the date of such vote.

(d) in the proposed new section 11A, by deleting the words “at least two-thirds of all the members of the county assembly” appearing in paragraph (b) and substituting therefor the words “not less than seventy five percent of all the members of the county assembly”.

CLAUSE 18

THAT clause 18 of the Bill be amended in the proposed new-section 58A(2)—

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

“(c) two persons nominated by the Association of Professional Societies in East Africa;

(b) by deleting paragraph (d).

3) Notice is given that the Member for Gatundu South (Hon. Moses Kuria) intends to move the following amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) at the Committee Stage—

CLAUSE 7

THAT, Clause 7 of the Bill be amended in the proposed new section 11—

(a) by inserting the following new subsections immediately after the proposed new subsection (8)—

“(9) If the motion under subsection (3) is supported by at least two-thirds of all the members of the county assembly, the clerk of the county assembly shall inform the Speaker of the Senate of the resolution of the County Assembly within two days when the House is in Session;

(10) Within seven days after receiving notice of a resolution from the Clerk of the county assembly—

- (a) the Speaker of the Senate shall convene a meeting of the Senate to hear charges against the Speaker; and
- (b) the Senate, by resolution, may appoint a special committee comprising eleven of its members to investigate the matter.

(11) A special committee appointed under subsection (10) shall—

- (a) investigate the matter; and
- (b) report to the Senate within ten days on whether it finds the particulars of the allegations against the county assembly speaker to have been substantiated.

(12) The county assembly speaker shall have the right to appear and be represented before the special committee during its investigations.

(13) Where the special committee reports that the particulars of any allegation against the speaker—

- (a) have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation; or
- (b) have been substantiated, the Senate shall, after according the county assembly speaker an opportunity to be heard, vote on the impeachment charges.

(14) If a majority of all the members of the Senate vote to uphold any impeachment charge, the Speaker shall cease to hold office.

(15) If a vote in the Senate fails to result in the removal of the speaker, the speaker of the Senate shall notify the clerk of the concerned county assembly accordingly and the motion by the assembly for the removal of the speaker on the same charges may only be re-introduced to the Senate on the expiry of three months from the date of such vote.

(16) A vacancy in the office of the county speaker arising under this section shall be filled in the manner provided for under this Act.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 6—

Amendment to section 10
of No. 17 of 2012.

6A.The principal Act is amended in section 10 by inserting the following new subsection immediately after subsection (4)—

(5) The procedure for removal of the Speaker under section 11 (2) to (8) of this Act shall apply, with necessary modifications to the removal of —

- (a) the leader of majority party; and
- (b) the leader of minority party.



The House resolved on Wednesday, February 14, 2018 as follows-

- III. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a **debate** on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IV. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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NOTICE PAPER

Tentative business for

Tuesday, November 27, 2018

(Published pursuant to Standing Order 38(1))

It is **notified** that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Tuesday, November 27, 2018:-

A. MOTION – REPORT ON CONSTITUENCY DIGITAL INNOVATION HUBS

(The Chairperson, Select Committee on National Government Constituencies Development Fund)

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

B. MOTION - REPORT ON THE JUDICIARY FUND REGULATIONS, 2018

(The Chairperson, Committee on Delegated Legislation)

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

C. MOTION – RATIFICATION OF THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

(The Chairperson, Departmental Committee on Health)

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

D. MOTION – REPORT ON KENYATTA UNIVERSITY TEACHING & REFERRAL HOSPITAL PROJECT

(The Chairperson, Departmental Committee on Health)

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

E. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

F. THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

G. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

H. THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

I. THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)

J. THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Thursday, November 22, 2018 – Afternoon Sitting)



APPENDIX

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

Question No.

207/2018 The Member for Samburu East (Hon. Jackson Lekumontare, MP) to ask the Cabinet Secretary for Energy:-

- a) Is the Cabinet Secretary aware that one, Sumoo Lemuna, a minor from Wamba East Ward in Samburu East had her hand amputated as a result of electric burns from unattended low lying power cables on the Wamba – Suswa high transmission power line by the contractor?
- b) Could the Ministry consider waiving the hospital bills incurred by the family as a result of this accident and further compensating the family of the girl for the damages?
- c) What measures is the Ministry putting in place to ensure that the power line from Wamba to Suswa is properly fixed to mitigate recurrence of such incidences?

(To be replied before the Departmental Committee on Energy)

209/2018 The Member for West Mugirango Constituency (Hon. Vincent Kemosi Mogaka, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

Could the Cabinet Secretary provide a list and details of roads that are tarmacked in Kisii and Nyamira Counties as budgeted for in financial year 2013 – 2018 and in particular roads, within West Mugirango Constituency, in the last five years?

(To be replied before the Departmental Committee on Transport, Housing and Urban Development)

210/2018

The Member for Magarini (Hon. Michael Thoyah Kingi, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- a) Is the Cabinet Secretary aware that on the 7th November 2018 at around 1.00pm, one Mr. Jumaa Bahati Shanga of National ID No. 29504429 was shot and seriously injured by a police officer from Adu Police Station, who was positively identified by both the area Deputy County Commissioner and the Officer Commanding Police Division, Adu Police Station?
- b) What action has the Ministry taken following a complaint raised through a letter Ref: MGRI/08/011/18/VOL.1 dated 8th November 2018 and the disciplinary action been taken against the police officer involved?
- c) Could the Ministry consider compensating, facilitating access to treatment and settling medical bills incurred by Mr Jumaa Bahati Shanga who has since been lying helplessly and without any specialized treatment at the Malindi Sub-County General Hospital?

(To be replied before the Departmental Committee on Administration and National Security)

212/2018

The Member for Homa Bay Town Constituency (Hon. Peter Kaluma, MP) to ask the Cabinet Secretary for Education:-

- (i) What measures has the Ministry put in place to secure the integrity of national examinations? and
- (ii) State the expenditures incurred by the Ministry, and by each agency in the Government, towards supervision of the National Examinations?

(To be replied before the Departmental Committee on Education and Research)

224/2018

The Member for Tharaka Nithi County (Hon. Beatrice Nkatha Nyaga, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -

- a) Is the Cabinet Secretary aware that all the roads and bridges in Tharaka Nithi County are in bad state, with huge potholes and bridges have no rail guards which have led to over 20 accidents for the last one year?
- b) What measures is the Ministry putting in place to ensure that roads in Tharaka Nithi highway are repaired and maintained, including construction of guard's rail on the bridges?
- c) Could the Ministry consider compensating victims of road accidents that as result of accidents due to poor maintenance of roads and bridges in Tharaka Nithi County?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)

227/2018

The Member for Kanduyi Constituency (Hon. Wafula Wamunyinyi, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- a) Is the Cabinet Secretary aware that there is a high number of remandees in remand prison and their cases are pending before the courts for over 10 years?
- b) How many persons are currently held in remand prison and how much does the Government of Kenya spend on each remandee in Kenyan prisons annually?
- c) What measures has the Ministry put in place to ensure that the prisons are decongested and that the cases are expedited to a conclusion?

(To be replied before the Departmental Committee on Administration and National Security)
