



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 06, 2018

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Third Chairperson

4. **PAPER LAID**

The following Paper was laid on the Table –

- 1) The Report of the Joint Departmental Committee on Agriculture & Livestock and Trade, Industry and Cooperatives on the Study Visit to India on BT Cotton held from 16th to 23rd September 2018.

(Vice Chairperson, Departmental Committee on Agriculture & Livestock)

5. **QUESTIONS**

The following Questions were made to various Ministries–

- (i) Question 164/2018 by the Nominated Member (Hon. (Prof.) Jacqueline Oduol) regarding registered children's homes in the country; Question referred to the Departmental Committee on Labour and Social Protection.
- (ii) Question 295/2018 by the Member for Tigania West (Hon. Kanyuithia Mutunga) regarding killing of police reservists on November 7, 2018 in Tigania West constituency; Question referred to the Departmental Committee on Administration and National Security.
- (iii) Question 272/2018 by the Member for Tharaka Nithi County (Hon. Beatrice Nkatha) regarding payment of dues owed to 500 persons engaged under the NYS programme in Tharaka Sub County; Question referred to the Departmental Committee on Labour and Social Protection.
- (iv) Question 279/2018 by the Member for Embakasi Central (Hon. Benjamin Mwangi) regarding lack of enough teachers and desks in primary schools in Embakasi Central constituency; Question referred to the Departmental Committee on Education and Research.

- (v) Question 283/2018 by the Member for Meru County (Hon. KawiraMwangaza) regarding complaints to Kenya Power Company on frequent power outages and loose hanging power lines; Question referred to the Departmental Committee on Energy.
- (vi) Question 284/2018 by the Member for Rongo (Hon. Paul Abuor) regarding killing of one Fredrick OnyangoOmondi by a police officer; Question referred to the Departmental Committee on Administration and National Security.
- (vii) Question 286/2018 by the Member for Gem (Hon. Elisha Odhiambo) regarding state of insecurity in parts of Gem constituency Question referred to the Departmental Committee on Administration and National Security.

The following Question was deferred:-

- (i) Question 246/2018 by the Member for Suna East (Hon. Peter Masara) regarding loss of lives resulting from collapse of mines in Suna West constituency; Question referred to the Departmental Committee on Environment and Natural Resources.

6. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLEHOUSE ON THECAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2018)**

Motion made and Question proposed -

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of theCapital Markets (Amendment) Bill (National Assembly Bill No. 19 of 2018).

(Chairperson, Departmental Committee on Finance and National Planning)

Question put and agreed to;

Motion made and Question proposed -

THAT, the Capital Markets (Amendment) Bill (National Assembly Bill No.19 of 2018) be now read a Third Time

Question put and agreed to;

Bill read a Third Time and **passed.**

7. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THESACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)**

Motion made and Question proposed -

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of theSacco Societies (Amendment) Bill (National Assembly Bill No.18 of 2018).

(Chairperson, Departmental Committee on Finance and National Planning)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Sacco Societies (Amendment) Bill (National Assembly Bill No.18 of 2018) be now read a Third Time

Question put and agreed to;

Bill read a Third Time and **passed.**

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO.1 OF 2018)**

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Assumption of the Office of the County Governor (Senate Bill No.1 of 2018).

(Chairperson, Departmental Committee on Administration and National Security)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Assumption of Office of the County Governor (Senate Bill No.1 of 2018) be now read a Third Time

Question put and agreed to;

Bill to undergo Mediation.

9. **THE NATIONAL YOUTH SERVICE BILL (NATIONAL ASSEMBLY BILL NO.26 OF 2018)**

Order for Second Reading having been read;

Motion having been made and Question having been proposed –

THAT, National Youth Service Bill (National Assembly Bill No.26 of 2018) be now read a Second Time

(The Leader of the Majority Party – 05.12.2018)

Debate on the Second Reading having been concluded on Wednesday, December 05, 2018 (Afternoon Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House.

10. **THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL (SENATE BILL NO.29 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the County Allocation of Revenue (Amendment) Bill (Senate Bill No.29 of 2018) be now read a Second Time

(Chairperson Budget and Appropriations Committee)

Debate arising;

(Change of Chair from Third Chairperson to Fourth Chairperson)

Mover replied;

Question for Second Reading deferred.

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Fourth Chairperson in the Chair

The National Youth Service Bill (National Assembly Bill No. 26 Of 2018)

Clauses 3, 4, 5 & 6 - agreed to

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended in subclause (1) by inserting the words “as may be prescribed by the National Security Council” immediately after the word “Service” appearing in paragraph (a).

(Hon OjiamboOundo)

Proposed Amendment **Dropped** by Hon. OjiamboOundo

Proposed Amendment Not Considered.

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended sub-clause (1)(d) by inserting the words “pursuant to the provisions of the Fourth Schedule of the Constitution” immediately after the words “commercial activities”.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question on the amendment put and agreed to;

Clause 7 - as amended agreed to.

Clause 8 - agreed to

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be amended in subclause (8) by deleting the expression “9(2)(g)” and substituting therefor the expression “9(2)(a) and (g)”.

(Hon.OjiamboOundo)

Debate arising;

Question on the amendment put and agreed to;

Clause 9 - as amended agreed to

Clause 10 - amendment proposed –

THAT, clause 10 of the Bill be amended in paragraph (e) by deleting the word “Commission” and substituting therefor the word “Council”.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question on the amendment put and agreed to;

Clause 10 - as amended agreed to

Clause 11 - amendment proposed –

THAT, clause 11 of the Bill be amended in sub-clause (2) by deleting the words “with the approval of the Cabinet Secretary” appearing immediately after the words “the Council may”.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question on the amendment put and agreed to;

Clause 11 - as amended agreed to

Clause 12 - amendment proposed –

THAT, clause 12 of the Bill be amended by inserting the following new paragraph immediately after paragraph (k)–

“(ka) in consultation with the disciplined services, develop a criteria for the absorption of the trained members of the Service in the disciplined services and in other government institutions.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question on the amendment put and agreed to;

Further amendment proposed –

THAT, clause 12 of the Bill be amended in subclause (3) by deleting paragraph (c) and substituting therefor the following new paragraph-

(c) may be withdrawn at any time by the Council, provided that such withdrawal shall not affect any decision made by the Director-General during the period which the Council had delegated power to the Director-General;

(Hon. OjiamboOundo)

Debate arising;

Question on the further amendment put and **Negatived**;

Clause 12(3)(c) - Not Amended

Clause 12 - as amended agreed to

Clauses 13, 14 & 15- agreed to

Clause 16 - amendment proposed –

THAT, clause 16 of the Bill be amended–

(a) in sub-clause (2) by-

- (i) inserting the words “at a senior rank in the Service or in any other” immediately after the words “has served” appearing in paragraph (b); and
- (ii) deleting paragraph (d).

(b) in sub-clause (3) by inserting the words “Kenya Coast Guard Service” immediately after the word “Kenya Wildlife Service”.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question on the amendment put and agreed to;

Clause 16 - as amended agreed to

Clauses 17&18 - agreed to

Clause 19 - amendment proposed –

THAT, clause 19 of the Bill be amended by deleting the word “five” and substituting therefor the word “six”.

(Hon. OjiamboOundo)

Debate arising;

Question on the amendment put and agreed to;

Clause 19 - as amended agreed to

Clauses 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 & 35 - agreed to

Clause 36 - amendment proposed -

THAT, clause 36 of the Bill be amended in sub-clause (1) by inserting the word, “equipment” immediately after the words “any article”.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question on the amendment put and agreed to;

Clause 36 - as amended agreed to

Clauses 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 & 68 - agreed to

First Schedule - **To be Recommended**

Second Schedule - agreed to

Third Schedule - agreed to

Fourth Schedule - agreed to

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended in the definition of the term “disciplined service” by inserting the words “Kenya Coast Guard Service” immediately after the words “Kenya Wildlife Service”.

(Chairperson, Departmental Committee on Labour and Social Welfare)

Debate arising;

Question on the amendment put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

12. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

The National Youth Service Bill (National Assembly Bill No. 26 Of 2018)

Bill reported with amendments;

Motion made and Question proposed:-

That, the Motion for agreement with the Report of the Committee of the Whole House be amended by inserting the words “***subject to Recommital of the First Schedule.***”

(Leader of the Majority Party)

No debate arising;

Question put and agreed to.

Thereupon the House resolved into Committee of the Whole House for recommital of the First Schedule.

13. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Fourth Chairperson in the Chair

The National Youth Service Bill (National Assembly Bill No. 26 Of 2018)

Recommittal of the First Schedule

First Schedule - amendment proposed –

THAT,the First Schedule of the Bill be amended by deleting the following items:

- 1). Senior Sergeant Major
- 2). Sergeant Major
- 3). Senior Serviceman I
- 4). Senior Serviceman II
- 5). Serviceman

(Hon. Oku Kaunya)

Debate arising;

Question on the amendment put and agreed to.

First Schedule - as amended agreed to.

Bill to be reported with amendments.

14. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

The National Youth Service Bill (National Assembly Bill No. 26 Of 2018)

Bill reported with amendments;

Motion made and Question proposed:-

That, the House do agree with the Committee of the Whole House on its Consideration of the National Youth Service Bill (National Assembly Bill No. 26 of 2018).

(Leader of the Majority Party)

No debate arising;

Question for Agreement Deferred.

15. **MOTION - REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS VICE-CHAIRPERSON AND MEMBERS OF THE PUBLIC SERVICE COMMISSION**

Motion made and Question proposed –

THAT, taking into consideration the findings of the Departmental Committee on Administration and National Security in their Report on the *Vetting of the Nominees for appointment as Vice-Chairperson and Members of the Public Service Commission*, laid on the Table of the House on Tuesday, December 4, 2018, and pursuant to the provisions of Article 233(2) of the Constitution and Sections 3 and 5 of Public Appointments (Parliamentary Approval) Act, 2011 this House approves the appointment of the following to the Public Service Commission:

- | | | | |
|--------|---------------------------|---|-------------------|
| (i) | Ms. Charity SeleinaKisotu | - | Vice-Chairperson; |
| (ii) | Dr. Joyce K. Nyambuti | - | Member; |
| (iii) | Dr. Mary C. Mwiandi | - | Member; |
| (iv) | Dr. Reuben K. Chirchir | - | Member; |
| (v) | Amb. Patrick SimiyuWamoto | - | Member; |
| (vi) | Amb. Salma A. Ahmed | - | Member; |
| (vii) | Mr. Andrew N. Muriuki | - | Member; and, |
| (viii) | Ms. Joan OdhiamboOtieno | - | Member. |

(Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

And the time being One O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at a minute past One O'clock

MEMORANDUM

The Speaker will take the Chair today,
Thursday, December 06, 2018 at 2.30 p.m.

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