



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE NATIONAL ASSEMBLY

ORDERS OF THE DAY
TUESDAY, APRIL 23, 2019 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*. COMMITTEE OF THE WHOLE HOUSE

The Statute Law (Miscellaneous Amendments)(No.2) Bill (National Assembly Bill No. 13 of 2018)
(The Leader of the Majority Party)

9*. MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

(The Chairperson, Public Accounts Committee)

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the Independent Electoral and Boundaries Commission for the year ended 30th June 2017, *laid on the Table of House on Wednesday, February 27, 2019.*

(To be considered excluding the expunged parts of the Report – Notice II)

(Resumption of debate interrupted on Tuesday, April 2, 2019)

10*. MOTION– REPORTS OF THE KENYA DELEGATION TO
SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY
ASSEMBLY

(ACP-EU Leader of Delegation)

THAT, this House **notes** the Reports of the Kenya Delegation to the Sessions of the African Caribbean and Pacific Parliamentary Assembly and the African Caribbean, Pacific and European Union (ACP-EU) Joint Parliamentary Assembly, *laid on the Table of the House on Wednesday 27th February 2019* as follows:

- (i) Report of the 50th Session of the ACP Parliamentary Assembly and the 35th Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 13th to 20th June 2018;
- (ii) Report of the 51st Session of the ACP Parliamentary Assembly and the Intercessional Meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 9th to 11th October, 2018; and
- (iii) Report of the 52nd Session of the ACP Parliamentary Assembly and the 36th Session of the ACP-EU Joint Parliamentary Assembly held in Cotonou, Benin from 25th November 2018 to 5th December 2018.

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

(The Leader of the Majority Party)

Second Reading

12*. THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL
NO. 27 OF 2018)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. PROPOSED AMENDMENTS TO THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)(NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)

(Amendments appear in the order in which the Statutes appear in the Bill)

A. THE BETTING, LOTTERIES AND GAMING ACT (CAP. 131)

Notice is given that the Member for Homa Bay County (Hon. Gladys Wanga) intends to move the following amendments to the Statute Law (Miscellaneous Amendments)(No. 2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule be amended, in the provisions relating to the Betting, Lotteries and Gaming Act (Cap. 131), by—

- (a) deleting the proposed amendments to section 29A(1);
- (b) deleting the proposed amendments to section 36(1) and (2);
- (c) deleting the proposed amendments to section 44A(1);
- (d) deleting the proposed amendments to section 55A(1);
- (e) deleting the proposed amendments to section 59B(1).

B. DAIRY INDUSTRY ACT, (CAP. 336)

1) **Notice is given that the Chairperson for the Departmental Committee on Agriculture and Livestock the, Hon. Haji Adan, MP, intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—**

SCHEDULE

THAT, the Schedule to the Bill be amended—

(1) in the proposed amendment to the Dairy Industry Act, (Cap 336) by—

- (a) deleting the proposed amendment to section 3;
- (b) deleting the proposed amendment to section 19(e)
- (c) deleting the proposed amendment to section 19(v)
- (d) deleting the proposed amendment to section 20
- (e) deleting the proposed amendment to section 31;and

- (f) deleting the proposed amendment to section 33

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- 2) Notice is given that the Member for Kinangop (Hon. Zachary K. Thuku), intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the Dairy Industry Act, (*Cap. 336*) by deleting the words “one per centum” appearing in the proposed new section 23A(1) and substituting therefor the words “zero decimal two per centum (0.2%)”.

- C. THE CO-OPERATIVES SOCIETIES ACT (CAP 490)
(Provisions withdrawn by the mover)

- D. THE NATIONAL HOSPITAL INSURANCE FUND ACT, 1998
(NO. 9 OF 1998)

- 1) Notice is given that the Chairperson of the Departmental Committee on Health, intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT the Schedule to the Bill be amended in the proposed amendments to the National Hospital Insurance Fund Act No. 9 of 1998—

- (a) in the proposed amendment to section 3(2)(a), by deleting the proposed new sub-paragraph (ii);
- (b) in the proposed amendment to section 4(1), by—
- (i) deleting the proposed new paragraph (e) and substituting therefor the following new paragraph—
“(e) the Director General for Health or his or her representative;
 - (ii) deleting the proposed new paragraph (f);
 - (iii) deleting the proposed amendment to paragraph (g);
 - (iv) deleting the proposed amendment to paragraph (h);
 - (v) deleting the proposed amendment to paragraph (i);
 - (vi) deleting the proposed amendment to paragraph (j);
- (c) in the proposed amendment to section 5(1), by inserting the words “as provided under section 22(3) of this Act” immediately after the word “benefits” in the proposed new paragraph (fa);
- (d) in the proposed amendment to section 10, by deleting the proposed new subsection (1B) and substituting therefor the following new subsection—
“(1B) The Chief Executive Officer shall serve the Fund for a term of three years and shall be eligible for reappointment for one further term of three years, subject to satisfactory performance of assigned functions.”

- (e) in the proposed amendment to section 15(2), by—
 - (i) deleting the proposed new paragraph (c);
 - (ii) renumbering the proposed new paragraph (d) as (c);

- (f) by inserting the following new amendment immediately after the proposed amendment to section 16—
 - s.21(1) Delete the word “Hospital” and substitute therefor the word “Health”.

- (g) in the proposed amendment to section 22(3), by inserting the following new amendment—
 - “Delete the word “Minister” and substitute therefor the word “Cabinet Secretary”;

- (h) in the proposed amendment to section 23(1), by deleting the word “maintain” and substituting therefor the words “cause to be kept” in the proposed new subsection (1);

- (i) in the proposed amendment to section 25, by deleting the proposed amendment to subsection (3) and substituting therefor the following new amendment—
 - s.25(3) Delete subsection (3) and substitute therefor the following new subsection—
 - “(3) Any person who—
 - (a) prints, manufactures or issues the National Health Insurance cards in circumstances other than as contemplated in this Act;
 - (b) misuses the card for purposes not contemplated in this Act;
 - (c) fraudulently obtains or uses a card to obtain benefits; or
 - (d) misrepresents himself or herself in relation to the cards,commits an offence and is liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or to both.”

- (j) in the proposed amendment to section 26, by inserting the following new amendment—
 - s.26 Delete the word “Minister” appearing in the opening sentence and substitute therefor the words “Cabinet Secretary”.

(k) by inserting the following new amendment immediately after the proposed amendment to section 26—

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s.29(1) Insert the following new paragraph immediately after paragraph (c)—

“(d) prescribing the manner and procedure of entering into contracts between the Board and health service providers”

(l) in the proposed amendment to section 30—

(i) by deleting the proposed new subsection (1A);

(ii) by deleting the proposed new subsection (3) and substituting therefor the following new subsection—

“(3) The Board shall use the regulations prescribed under section 29(1)(d) of this Act to enter into contracts with health service providers.”

(iii) in the proposed new subsection (9), by inserting the words “and shall be liable on conviction to a fine not exceeding five hundred thousand shillings” immediately after the word “offence”.

(m) in the proposed amendment to section 34(1), by deleting the words “in quoted equities, fixed income, property, guaranteed funds, fixed deposits accounts and” appearing in paragraph (c);

(n) by deleting the proposed amendment to section 43 and substituting therefor the following—

s.43 Delete the expression “Workmen’s Compensation Act (Cap. 236)” and substitute therefor the expression “Work Injury Benefits Act (No. 13 of 2007)”.

2) Notice is given that the nominated Member (Hon. Wilson Sossion) intends to move the following amendments to the Statute Law Miscellaneous (Amendments) (No. 2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT the Bill be amended in the Schedule in the proposed amendments to the National Hospital Insurance Fund Act (No. 9 of 1998) by—

(a) inserting the following new amendment immediately after the proposed amendment to section 5(1)—

s.6 Insert the following new paragraph immediately after paragraph (e)—

“(f) appoint an agent to perform any of its functions as it may deem fit.”

(b) inserting the following new amendment immediately after the proposed amendment to section 21(5)(a)–

- s. 22 Insert the following new sub-section immediately after sub-section (1)–
“(1A) The benefits referred to in sub-section (1) shall be payable in respect of both in-patient and out-patient medical or health care expenses.

(c) inserting the following new amendment immediately after the proposed amendment to section 22(3)–

- s.22 Insert the following new sub-section immediately after sub-section (4)–
“(5) The benefits payable under this section in respect of out-patient medical or health care expenses shall be financed through capitation.”

E. THE STATISTICS ACT (NO. 4 OF 2006)
(Provisions withdrawn by the mover)

F. THE ENERGY ACT 2006 (NO. 12 OF 2006)
(Repealed by No. 1 of 2019)

G. THE SACCO SOCIETIES ACT (NO. 14 OF 2008)
(Provisions withdrawn by the mover)

H. THE URBAN AREAS AND CITIES ACT, 2011 (NO. 13 OF 2011)

I. THE MICRO AND SMALL ENTERPRISES ACT, 2012, (NO. 55 OF 2012)

J. THE PUBLIC PRIVATE PARTNERSHIP ACT 2013 (NO. 15 OF 2013)

K. THE CROPS ACT, 2013 (NO. 16 OF 2013)

L. THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT, 2013 (NO. 29 OF 2013)

1) Notice is given that the Chairperson of the Departmental Committee on Education and Research, intends to move the following amendment to Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the Technical and Vocational Education and Training Act, 2013 -

- (1) by deleting the proposed amendments to section 2;
- (2) by inserting the expression “(1)” immediately after the expression “s. 46”;
- (3) by inserting the following new paragraph immediately after the proposed new paragraph (ba) in the proposed amendments to section 46 –
 “Delete the word “three” appearing in paragraph (d)(iv) and substitute therefor the word “two”;
- (4) by deleting the proposed amendments to section 52;
- (5) by deleting the proposed amendments to section 58.

2) Notice is given that the Member for Kiambu Town (Hon. Jude Njomo), intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the Technical and Vocational Education and Training Act, 2013—

- (a) by inserting the following new amendment immediately after the proposed amendment to section 2—

s.16

Delete and substitute therefor the following new section—

Vesting of property.

16.(1) All such movable property, shares, funds and securities shall vest in the Institution and shall be dealt with in such manner as the Board may determine.

(2) All such immovable property shall vest in the person under whose name the property is registered and shall be

dealt with in such manner as the owners of the property may determine.

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M. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT, 2015, (NO. 33 OF 2015)

1) Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning, intends to move the following amendment to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018—

(3) in the proposed amendments to the Public Procurement and Asset Disposal Act —

(a) in the proposed amendment to section 2 by inserting the following definition—

“publicize” has the meaning assigned to it under the Public Finance Management Act;

(b) by deleting the proposed amendment to section 7(2) and substituting therefor the following new amendment-

s. 7(2) Insert the following new paragraphs immediately after paragraph (l)-

(la) to develop and promote the training and capacity development for procurement and supply chain management services cadre at the national level;

(lb) to support the training and capacity development for procurement and supply chain management services cadre at the county level;

(lc) develop and manage the state portal on procurement and asset disposal and ensure that it is available and easily accessible.

(c) in the proposed amendments to section 9(1) by inserting the following new amendment-

Renumber the existing paragraph (s) as (t)

(d) by deleting the proposed amendment to section 41 (1) (j) and substituting therefor the following new amendment—

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s. 41 (1) Insert the following new paragraph immediately after paragraph (i)—

(j) is determined by the Review Board to have filed a request that is frivolous or vexatious or made solely for the purpose of delaying the procurement or procurement or performance of a contract.

(e) in the proposed amendment to section 46 (4) (c) by deleting the word “an” appearing before the word “officer” and substituting therefor the words “a qualified and experienced procurement”

(f) by inserting the following new amendment—

s. 55(1) Delete the expression “section 38” and substitute therefor the expression “section 41”

(g) in the proposed amendment to section 121(4) by inserting the word “entity” immediately after the word “procuring”;

(h) in the proposed amendment to section 124 by deleting the expression “alternative selection methods” and substituting therefor the expression “ single source selection”;

(i) by deleting the proposed amendment to section 139 (4).

SCHEDULE

THAT, the Schedule be amended, in the provisions relating to the Public Procurement and Asset Disposal Act, 2015, by inserting the following new provisions in their proper numerical sequence—

s.142(1) Delete and substitute therefor the following new subsection—

“(1) Subject to the regulations, a successful tenderer shall submit a performance security equivalent to the contract amount before signing of the contract, and the performance security shall remain valid for a period of ten years from the close out date of a contract.”

(3) Delete and substitute therefor the following new subsection—

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“(3) The provisions of subsection (1) shall not apply to tenders related to consultant services, works and supplies where their estimated value does not exceed one hundred thousand shillings, or works and supplies reserved for persons with disabilities and other disadvantaged groups, and for these categories, the performance securities shall not be more than ten per cent of the contract price.”

s.143

Delete and substitute therefor the following new section—

Nature of
performance security.

143. The performance security may not generate interest and it shall be determined in accordance with the form provided for in the tendering document, and may be paid in the form of—

- (a) a bank guarantee issued by an authorized financial institution;
- (b) an insurance guarantee issued by an authorized insurance institution approved by the Insurance Regulatory Authority; or
- (c) an irrevocable letter of credit.

s.144(2)

Delete and substitute therefor the following new subsection—

“(2) The bank, authorized financial institution or insurance shall be obliged to give to the procuring entity all the amount of the performance security upon claim by the latter.”

s.145(1)

Insert the words “but the performance security shall remain valid for the period stipulated in section 142(1)” immediately after the words “procuring entity”.

2) Notice is given that the Member for Busia County (Hon. Florence Mutua) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the Public Procurement and Asset Disposal Act by—

(a) inserting the following in the amendments proposed to Section (2)—

Delete the definition of the term "goods" and substitute therefor the following new definition—

"goods" includes raw materials, plant and animal products, equipment, commodities in solid, liquid or gaseous form, electricity and services that are incidental to the supply of the goods, works and services;

(b) inserting the following new amendment immediately after the proposed amendment to section 139(4)—

s. 155 Insert the following new subsection immediately after subsection (5)—

(6) An accounting officer of a procuring entity shall, when processing procurement, reserve a prescribed percentage of its annual procurement budget, which shall not be less than forty per cent, to the procurement of goods manufactured, mined, extracted, produced or grown in Kenya.

3) Notice is given that the Member for Gatanga (Hon. Joseph Ngugi) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the Public Procurement and Asset Disposal Act No.33 of 2015 by inserting the following new proposed amendments in the proper chronological order —

s.2 Delete the definition of the term "contract period" and substitute therefor the following new definition—

"contract period" means the period between commencement and the completion of works;

Delete the definition of the term "procurement professional" and substitute therefor the following new definition—

"procurement professional" means—

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- (a) a person who has professional qualifications in procurement or supply chain management from a recognized institution and is a member of the Kenya Institute of Supplies Management or any other supply chain professional body; or
- (b) where procurement by a public entity relates to construction works, a procurement professional means a person who has professional qualifications in engineering, architecture or quantity surveying from a recognized institution, has at least five years post-qualification professional experience and is a registered member of the relevant professional board.

s.134(2) Insert the following new sub-sections immediately after sub-section (2) —

(2A) The accounting officer shall within three working days after being notified of the tender award, submit the draft contract to the Attorney-General for approval.

(2B) The Attorney-General shall within fourteen working days upon receiving the draft contract from the accounting officer, clear the draft contract or provide comments for review of the contract by the accounting officer.

(2C) The accounting shall within seven days upon receiving the comments on the draft contract from the Attorney-general, incorporate the comments in the draft contract.

s.139(2) Delete subsection (2) and substitute therefor the following new subsections—

(2) An accounting officer of a procuring entity on the recommendation of an evaluation committee, may approve —

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(a) extension of contract period; and

(b) reimbursable costs.

(2A) A request under subsection (2), shall be accompanied by a recommendation from the contract administrator and application from the contractor making justification for such application.

New Insert the following new subsection immediately after subsection (2) —

(2A) The accounting officer of a procuring entity, on the recommendation of an evaluation committee and on the advice of the contract administrator, may approve the use of prime costs, provisional and contingency sums: Provided that the use of prime costs shall be subjected to procurement methods prescribed in section 92 of this Act and a successful bidder shall be a sub-contractor.

s. 142 Insert the following proviso immediately after subsection (1) —

Provided that a citizen contractor shall submit a performance security equivalent to not more than five per cent of the contract amount before signing of the contract.

s. 143 Insert the words “or an insurance guarantee issued by an insurance company” immediately after the words “irrevocable letter of credit”.

s. 144 (2) Insert the words “or insurance company” immediately after the words “authorized financial institution”.

(3) Insert the words “or insurance company” immediately after the words “authorized financial institution”.

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- s. 157(8) Delete the words “above five hundred million shillings” appearing in subsection (8)(a)(iii) and substitute therefor the words “below one billion shillings”.
- s. 157(9) Insert the following new subsections immediately after sub-section (9) —
- (9A) The percentage awarded to citizen contractors under subsection (9) shall be indicated in the contract.
- (9B) A procuring entity shall pay directly for the supply of goods, services or works to the citizen contractors under subsection (9).
- s. 167(2) Delete the words “cost of the contract.” and substitute therefor the words “contract price”.

4) Notice is given that Member for Gatundu South (Hon. Moses Kuria), intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (No. 2) 2018 at the Committee Stage—

SCHEDULE

THAT, the Schedule to the Bill be amended in the proposed amendments to the Public Procurement and Asset Disposal Act by inserting the following new amendments immediately after the proposed amendments to section 80—

New Insert the following new sections immediately after section 87—

Payment. **87A.**(1) The procuring entity shall pay a successful tenderer within ninety days from the date of receipt of invoices and certificates for works, goods or services executed or delivered.

(2) Despite subsection (1), the procuring entity shall pay a successful tenderer within thirty days from the date of receipt of invoices and certificates for works, goods or services executed or delivered by the following groups of tenderers—

- (a) women;
- (b) youth;
- (c) persons with disabilities; and

(d) other disadvantaged groups.

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Issuance of promissory note by the procuring entity.

87B.(1) Where the procuring entity fails to make payment within the periods prescribed under section 87A, the procuring entity shall issue the tenderer a promissory note which shall be valid for a period not exceeding forty eight months from the date of issue.

(2) The promissory note referred to in section (1) shall—

- (a) be eligible for use as a financial instrument by any licensed bank;
- (b) accrue interest payable by the procuring entity.

(Proposed Amendments are Subject to Article 114 of the Constitution)

N. THE NATIONAL EMPLOYMENT AUTHORITY ACT, 2016 (NO. 3 OF 2016)

O. THE FISHERIES MANAGEMENT AND DEVELOPMENT ACT, 2016 (No. 35 of 2016)

1) **Notice is given that the Chairperson for the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—**

(4) in the proposed amendment to the Fisheries Management and Development Act, (No.35 of 2016) by—

- (a) deleting the proposed amendment to section 86(3);
- (b) inserting the words “including in” immediately before the word “Kenyan” in the proposed amendments to section 88(1).

2) Notice is given that the Leader of the Majority Party, Hon. Aden Duale, MP intends to move the following amendments to the Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 at the Committee Stage—

SCHEDULE

THAT the Schedule to the Bill be amended in the proposed amendments to the Fisheries Management and Development Act—

(a) in the proposed amendments to section 2 by—

(i) inserting the word “Council” immediately after the words “artisanal fishing vessel” appearing in the prefatory sentence; and

(ii) inserting the following new definition in proper alphabetical sequence—

“Council” means the Kenya Fisheries and Oceans Advisory Council established under section 6;

(b) by inserting the following new amendments immediately after the amendments proposed to section 2—

PART II Delete the title “THE KENYA FISHERIES ADVISORY
Title COUNCIL” and substitute therefor the title “THE
KENYA FISHERIES AND OCEANS ADVISORY
COUNCIL”

S.6(1) Delete the words “Kenya Fisheries Advisory Council” and
substitute therefor the words “Kenya Fisheries and Oceans
Advisory Council”

Delete paragraph (a) and substitute therefor the following
new paragraph (a) —

(a) the Cabinet Secretary responsible for fisheries, who
shall be the chairperson;

s.6(3) Delete

s.11(1)(a) Delete the words “from among the members appointed
under paragraph (c)

s.47 Insert the words “and Oceans” immediately after the word
“Fisheries” appearing in subsection (1)

(c) by inserting the following new amendments immediately after the amendments proposed to section 201(1)—

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(d) by inserting the following new amendments immediately after the amendments proposed to section 207(1)—

Second Delete the expression "section 53(2)" and substitute
 Schedule therefor the expression "section 50(2)"
 Delete the title "DESIGNATED FISH LANDING STATIONS" and substitute therefor the title "DESIGNATED FISH PORTS"

II. EXPUNGED PARTS OF THE PUBLIC ACCOUNTS COMMITTEE REPORT ON THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
(Order Number 9)

In the Speaker's communication of Thursday, March 14, 2019, the following parts of the Report were declared inadmissible and subsequently expunged -

(i) The words *"To that end, the Commissioners, Chief Executive Officer and the Directors who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for much needed reforms to be effected to restore public confidence in the Independent Electoral and Boundaries Commission"* in the General Recommendation No. 3 appearing at pages 4 and 127, of the Report in so far as it relates to the IEBC Commissioners;

(ii) Sections 4.0 and 34.0 of the Report relating to ***"Basis for Committee Recommendation for Vacation of Office"*** appearing on pages 6, 7, 129 and 130 of the Report in so far as it relates to the IEBC Commissioners;

(iii) The second sub-paragraph of paragraph 3 of the General Recommendation No. 3, appearing at page 4, which states that *"To that end, the, **Chief Executive Officer and the Directors** (emphasis on staff) who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for*

much needed reforms to be effected to restore public confidence in the Independent Electoral and Boundaries Commission."

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(501)

III. MOTION ON THE REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION FOR THE YEAR ENDED 30TH JUNE 2017

Notice is given that the Member for Homa Bay Town (The Hon. Peter Kaluma, MP) intends to move the following amendment to the Motion on the Report on Examination of the Financial Statements for the Independent Electoral and Boundaries Commission for the year ended 30th June 2017-

THAT, the Motion be amended by inserting the following expression immediately after the expression "February 27, 2019" **subject to** -

(i) deletion of Recommendation 1 under Chapter 33.0 (*Committee Recommendations*) on pages 4 and 127 of the Report and substituting therefor the following-

"1. Parliament expedites the strengthening of IEBC by reviewing the legal framework and the general policy guidelines while taking into account the recommendations of the Kriegler Commission. Further, Parliament considers reviewing or repealing section 11A of the IEBC Act relating to the functions of the Commission and the secretariat, to bring clarity to the constitutional functions of the Commission vis-a-vis the administrative functions of the secretariat."

(ii) deletion of the words "***Commissioners failed to exercise oversight while the***" appearing in the first line of Recommendation 3 under Chapter 33.0 (*Committee Recommendations*) on page 4 and 127 of the Report;

(iii) **Insertion of the following recommendations 9(a), (b), (c), (d) and (e) under Chapter 33.0 (*Committee Recommendations*) on page 128 of the Report -**

M/S. IDEMIA (formerly *Morpho, OT Morpho, SAFRAN Identity & Security*)

9. Noting the Committee's Conclusions and Observations on pages 120 - 126, relating to IDEMIA regarding its engagements in Kenya, the House further recommends-

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(502)

- (a) **THAT**, the Directorate of Criminal Investigations and the Director of Public Prosecutions undertakes investigations and institutes appropriate criminal action under section 974(3) of the Companies Act against M/S.. IDEMIA in its current name and in its former names of M/S. *Morpho*, *OT Morpho*, *SAFRAN Identity & Security*, its officers and local representatives for having purported to do business with the IEBC before being registered as a foreign company by the Registrar of Companies and noncompliance with the mandatory provisions of sections 974(1) as read together with sections 975 and 979 of the Companies Act, No. 17 of 2015;
- (b) **THAT**, pursuant to the provisions of section 41 of the Public Procurement and Asset Disposal Act, 2015, the Public Procurement Regulatory Authority Board investigates, within sixty (60) days, the conduct of M/S. IDEMIA (*formally operating as Morpho, OT Morpho, SAFRAN Identity & Security*) and if it finds the company culpable, enters the names of the company in the central repository of **debarred** firms and ensures that the firm is precluded from participating, award or entering into any kind of procurement contract payable using public funds under any state department or agency in the Republic of Kenya for a period of 10 years;
- (c) **THAT**, all contracts entered into between the company known as M/S. IDEMIA in its current name herein or in its former names of *Morpho, OT Morpho, SAFRAN Identity & Security* and the IEBC be investigated and if found to have contravened sections 974, 975, 979 or any other section of the Companies Act or any other law, be nullified;
- (d) **THAT**, the IEBC takes immediate legal action to recover all monies unlawfully paid under the contract(s) entered into between itself and M/S. IDEMIA in its current name herein or

in its former names of *Morpho*, *OT Morpho*, *SAFRAN Identity & Security* or otherwise howsoever; as the contracts were entered into in contravention of the mandatory provisions of sections 974 as read together with sections 975 and 979 of the Companies Act; and,

(e) **THAT**, the Attorney General and the Cabinet Secretary for the National Treasury ensures compliance with the resolution of the House under recommendation 9 (b) and any state of public offer who contravenes the said resolution be held personally liable.

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(503)

The House resolved on Wednesday, February 13, 2019 as follows:-

- 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.
- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, 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.
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NOTICE PAPER I

Tentative business for

Wednesday (Morning), April 24, 2019

(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 Wednesday (Morning), April 24, 2019:-

A. PROCEDURAL MOTION- EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

(The Leader of the Majority Party)

B. THE PUBLIC ORDER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2019)

(The Hon. Simon King'ara, M.P.)

First Reading

C. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2019)

(The Hon. Makali Mulu, M.P.)

First Reading

D. THE LABOUR RELATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2019)

(The Hon. Kimani Ichung'wah, M.P.)

First Reading

E. MOTION- DEBATE ON THE PRESIDENT'S ADDRESS (DAY 1)
(The Leader of the Majority Party)

...../Notice Paper II

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), April 24, 2019

(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 Wednesday (Afternoon), April 24, 2019:-

A. MOTION- DEBATE ON THE PRESIDENT'S ADDRESS (DAY 2)
(The Leader of the Majority Party)

B. MOTION- REPORTS OF THE KENYA DELEGATION TO SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY
(ACP-EU Leader of Delegation)

(If not concluded on Tuesday, April 23, 2019)

C. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO. 3 OF 2018)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, April 23, 2019)

D. THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2018)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, April 23, 2019)

..... *Appendix*

A P P E N D I X

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. **ORDINARY QUESTIONS**

170/2019 The Member for Rabai (Hon Kamoti Mwamkale, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -

- (i) Is the Cabinet Secretary aware that imported containerized cargo destined for Mombasa is first transported to Nairobi Inland Container Depot (ICD) for clearance before being transported back to Mombasa?
- (ii) What measures is the Ministry putting in place to ensure that the containerized cargo is cleared and offloaded in Mombasa to ease congestion at the Nairobi ICD and save the importers time and money?

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

Housing)

173/2019 The Member for Nakuru East (Hon. David Gikaria, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government –

- (i) Is the Cabinet Secretary aware that strategically located police patrol posts in Nakuru Town East Constituency were abolished?
- (ii) What measures is the Ministry putting in place to ensure incidences of insecurity will not re-emerge following the abolishment of these police patrol posts?

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

174/2019 The Member for Bondo (Hon. (Dr.) Gideon Ochanda, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) What is the status of the projects for construction of Goye-Usenge, Bondo – Wichlum- Misori and Uhanya – Odongo roads with regard to the tendering process?
- (ii) When will the construction of Usenge – Siaya Road which has since stalled, resume?

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

175/2019 The Member for Nambale (Hon. Sakwa John Bunyasi, MP) to ask the Cabinet Secretary for Interior and Co-ordination of National Government: -

- (i) Could the Cabinet Secretary provide details and plans in place on the implementation of the newly established Administrative Co-ordination Units in Nambale Constituency that were *gazetted* vide Notice No. 5853 of 21st June, 2017?
- (ii) What measures has the Ministry initiated to ensure that existing administrative units in Nambale Constituency are provided with the requisite infrastructure and human resource to enable efficient delivery of services?

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

177/2019 The Member for Belgut (Hon. Nelson Koech, MP) to ask the Cabinet Secretary for Industry, Trade and Cooperatives: -

- (i) What measures has the Ministry put in place to protect the

brand value of Kenyan tea from likely harmful market publicity occasioned by multinationals such as *M/s. James Finlay Company Limited*, who trade in the commodity in the United Kingdom and elsewhere?

- (ii) What measures has the Ministry put in place to ensure that disputes or claims against multinationals involved in exporting Kenyan products abroad are settled in domestic courts of law or tribunals in the interest of international brand value of Kenyan products?

(To be replied before the Departmental Committee on Trade, Industry and Cooperatives)

178/2019 The Member for Nairobi City County (Hon. Esther M. Passaris, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Is the Cabinet Secretary aware that stateless persons living in Kenya, namely *the Pemba, the Shona*, descendants of Burundi and descendants of Britain, do not belong to any nationality?
- (ii) What measures is the Ministry putting in place to ensure that such persons facing statelessness in the country are registered, especially in the ongoing National Information and Identification Management Systems (NIIMS)?

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

180/2019 The Member for South Imenti (Hon. Kathuri Murungi, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- a) Could the Cabinet Secretary explain why *Ukuu* and *Uruku* Locations in South Imenti Constituency are served by *Kariene* Police Station and *Githongo* Law Courts, respectively, which are in Central Imenti Constituency?
- b) What steps is the Ministry taking to ensure administrative boundaries are aligned with the Sub-County and Constituency boundaries for efficient service delivery?

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