



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, MAY 02, 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\*. 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 27<sup>th</sup> February 2019* as follows:

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

*(Question to be put)*

**9\*. THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2019)**

(The Leader of the Majority Party)

First Reading

**10\*. THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2019)**

(The Leader of the Majority Party)

First Reading

**11\*. THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2019)**

(The Hon. Andrew Mwadime, M.P)

First Reading

**12\*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2019)**

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

First Reading

**13\*. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2019)**

(The Hon. Jude Njomo, M.P.)

First Reading

**14\*. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2019)**

(The Hon. Benjamin Gathiru Mwangi, M.P.)

First Reading

**15\*. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2019)**

(The Chairperson, Constitutional Implementation and Oversight Committee)

First Reading

**16\*. THE KENYA FOOD AND DRUGS AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2019)**

(The Hon. (Dr.) Robert Pukose, M.P)

First Reading

**17\*. THE CROPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2019)**

(The Hon. Moses Kuria, M.P)

First Reading

**18\*. 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)

*(To commence from section 3(10) of the provisions relating to the to the Betting Lotteries and Gaming Act Cap. 131*

**19\*. MOTION – REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2015/2016**

(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 National Government for the Financial Year 2015/2016, *laid on the Table of House on Tuesday, April 23, 2019.*

*(Resumption of debate interrupted on Tuesday, April 30, 2019)*

**20\*. MOTION – REPORT ON THE INQUIRY INTO PROCUREMENT AND IMPLEMENTATION OF THE EXCISABLE GOODS MANAGEMENT SYSTEM AND AN INTEGRATED PRODUCTION ACCOUNTING SYSTEM BY THE KENYA REVENUE AUTHORITY**

(The Chairperson, Public Investments Committee)

**THAT**, this House **adopts** the Report of the Public Investments Committee on the Inquiry Into Procurement and Implementation of the Excisable Goods Management System for Printing, Supply and Delivery of Security Revenue Stamps Complete with Track and Trace System and an Integrated Production Accounting System by the Kenya Revenue Authority, *laid on the Table of House on Tuesday, April 30, 2019.*

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

(The Leader of the Majority Party)

Second Reading

**22\*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)**

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

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# **N O T I C E S**

## **I. 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)**

1. Notice is given that the Chairperson of the Departmental Committee on Sports, Tourism and Culture intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

#### **SCHEDULE**

**THAT** the Bill be amended in the Schedule in the proposed amendments to the Betting and Lotteries and Gaming Act Cap. 131—

- (a) in the proposed amendments to section 2 by deleting the proposed definition of “Minister” and substituting therefor the following amendment—

- s.2 Insert the following new definition in its proper alphabetical sequence—

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to Betting, Gaming and Lotteries.

- (b) by deleting the proposed amendment to section 3(2A);
- (c) by deleting the proposed amendments to section 3(10);
- (d) by deleting the proposed amendment to section 5(3);
- (e) by deleting the proposed amendment to section 5(4);
- (f) by deleting the proposed amendment to section 6(1);
- (g) by deleting the proposed amendment to section 8(3);
- (h) by deleting the proposed amendment to section 10(2);
- (i) by deleting the proposed amendment to section 11(4);
- (j) by deleting the proposed amendment to section 29A(1);
- (k) deleting the proposed amendment to section 36(1)(a) and (b) and 36(2);
- (l) by deleting the proposed amendment to section 44A(1);
- (m) by deleting the proposed amendment to section 53(1);

- (n) by deleting the proposed amendment to section 54(2)(b);
- (o) by deleting the proposed amendment to section 55(1);
- (p) deleting the proposed amendment to section 55A(1);
- (q) by deleting the proposed amendment to section 59B(1);
- (r) by deleting the proposed amendment to section 59(2); and
- (s) by deleting the proposed amendment to section 61.

**2. 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).

**3. Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—**

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Betting and Lotteries Gaming Act, (Cap. 131), in the proposed amendments to section 2, by deleting the proposed new definition of “Minister” and substituting therefor the following definition—

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to betting, lotteries and gaming;”

**B. THE DAIRY INDUSTRY ACT, (CAP. 336)**

**1) Notice is given that the Chairperson of 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—**

**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

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%)”.

3) Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 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*)—

(a) in the proposed amendments to section 3—

(i) by deleting the proposed amendment to the definition of “producer”;

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

“importer “means a person who buys and brings any dairy produce into the country for commercial purposes;

(b) by deleting the proposed amendment to section 19 and substituting therefor the following—

s. 19(e) Delete the word “Minister” and substitute therefor the word “Cabinet Secretary”

**C. THE CO-OPERATIVES SOCIETIES ACT (CAP 490)**

*(Proposal to amend this Statute withdrawn from the Bill 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—

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)**

*(Proposal to amend this Statute withdrawn from the Bill 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)**

*(Proposal to amend this Statute withdrawn from the Bill 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)**

Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Micro and Small Enterprises Act, 2012, (No. 55 of 2012) by deleting the proposed amendments to section 53 (1).

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

*(Sections 31, 37, 45, 54 and 57 not be considered - Speaker's Communication of April 30, 2019)*

**SCHEDULE**

Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Public Private Partnership Act, 2013 (No.15 of 2013) by deleting the—

- (a) proposed amendment to section 4;
- (b) proposed amendment to section 5;
- (c) proposed amendment to section 6;
- (d) proposed amendments to section 14(1);
- (e) proposed amendments to section 14(2);
- (f) proposed amendment to section 17(1);
- (g) proposed amendment to section 27;

- (h) proposed amendment to section 28(3);
- (i) proposed amendment to section 30;
- (j) proposed amendment to section 31(3);
- (k) proposed amendment to section 33(1);
- (l) proposed amendment to section 37(1);
- (m) proposed amendment to section 45(1);
- (n) proposed amendment to section 52 (1);
- (o) proposed amendment to section 54;
- (p) proposed amendment to section 57;
- (q) proposed amendment to section 58;
- (r) proposed amendments to section 61(2);
- (s) proposed amendment to section 63(3);
- (t) proposed amendment to section 64;
- (u) proposed amendment to section 65(5);
- (v) proposed amendment to section 71(1);
- (w) proposed amendments to the First Schedule;

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

**Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—**

#### **SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the Crops Act, No. 16 of 2013—

- (a) in the proposed amendments to section 9, by inserting the following new subsection immediately after the subsection (5)—
  - “(6) In appointing members under paragraphs (e) and (f), the appointing authority shall take into consideration gender representation, ethnic diversity, youth and representation of persons with disability.”
- (b) in the proposed new section 9A(1), by deleting the words “through a” and substituting therefor the words “ through an open, transparent.”

**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.

**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 amendments to the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018—

**SCHEDULE**

**THAT**, the Schedule to the Bill be amended 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—

- 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).
- (j) 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—
- “(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—

- (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 —

(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”.
- 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.

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)***

***(Pursuant to Article 114 of the Constitution, the Budget and Appropriation Committee has recommended consideration of the Amendments by the House) - Speaker's Communication of April 30, 2019)***

- 5) Notice is given that the Member for Kikuyu (Hon. Kimani Ichung'wah) 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 Public Procurement and Asset Disposal Act (No. 33 of 2015) by—

- (a) deleting the proposed amendment to section 167(1); and
- (b) deleting the proposed amendment to section 173(c).

6) Notice is given that the Member for Mathira (Hon. Rigathi Gachagua) 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 amendments to the Public Procurement and Asset Disposal Act, 2015 by inserting the following new amendments in their proper numerical order by

(a)

s. 155(1) Inserting the following new subsections immediately after sub-section (1) —

(1A) All contracts for procurement of goods, services or works by a public entity whose value exceeds Kenya Shillings one billion may be awarded to foreign contractors and citizen contractors at the rate of seventy to thirty per centum respectively.

(1B) The percentage of contracts awarded to citizen contractors under section (1A) shall be indicated in the contract.

(1C) A public entity shall directly pay for the supply of goods, services or works to the citizen contractors under section (1A).

(4) by deleting the words “above fifty-one” and substituting therefor the words “one hundred”

s.157(8)(iii) by deleting the words “five hundred million” and substituting therefor the words “one billion”

s.177 Delete and substitute therefor the following section—

**General penalty and sanctions** 177. A person convicted of an offence under this Act for which no penalty is provided shall be liable upon conviction—

- (a) if the person is a natural person, to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding ten years or to both;
- (b) if the person is a body corporate, to a fine not exceeding twenty million shillings.

- 7) Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 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)—

- (a) in the proposed amendments to section 2, by deleting the proposed amendment to the definition of the term “procurement profession”;
- (b) in the proposed amendments to section 7 (2), by deleting the proposed new subsection (1) (b);
- (c) in the proposed amendments to section 9, by deleting the proposed amendment to paragraph (k);
- (d) in the proposed amendments to section 80 (1) (6), by deleting the word “seven” and substitute therefor the word “fourteen”;
- (e) in the proposed amendments to section 92, by deleting the proposed new paragraph (1a);
- (f) by deleting the proposed amendments to section 94(4);
- (g) by deleting the proposed amendments to section 135(3);

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

Notice is given that the Member for Suba North (Hon. Millie Odhiambo) intends to move the following amendments to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.13 of 2018) at the Committee Stage—

**SCHEDULE**

**THAT** the Schedule to the Bill be amended in the proposed amendments to the National Employment Authority Act, 2016, (No.3 of 2016)—

- (a) by inserting the following new paragraph immediately after the proposed new paragraph (g) in the proposed new section 8A—  
“(ga) develop and implement programs to ensure Kenyan migrant workers returning to Kenya and have been victims of trafficking in persons, are attached to rehabilitative programs provided in any other law.”
- (b) by deleting the proposed amendments to section 17 (2) (d).

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

- 1) **Notice is given that the Chairperson of 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—**

**SCHEDULE**

**THAT**, the Schedule to the Bill be amended 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 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)—

s.201(2) Delete

(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”

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

**II. 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.

**III. 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.



# **NOTICE PAPER**

## **Tentative business for** **Tuesday, May 7, 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 Tuesday, May 7, 2019:-

**A. THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2019)**

(The Chairperson, Select Committee on National Cohesion and Equal Opportunity)

Second Reading

**B. MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2015/2016**

(The Chairperson, Public Accounts Committee)

*(If not concluded on Thursday, May 02, 2019)*

**C. MOTION – REPORT ON THE INQUIRY INTO PROCUREMENT AND IMPLEMENTATION OF THE EXCISABLE GOODS MANAGEMENT SYSTEM AND AN INTEGRATED PRODUCTION ACCOUNTING SYSTEM BY THE KENYA REVENUE AUTHORITY**

(The Chairperson, Public Investments Committee)

*(If not concluded on Thursday, May 02, 2019)*

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

(The Leader of the Majority Party)

Second Reading

**E. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, May 02, 2019)*

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

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, May 02, 2019)*



...../Appendix

# **A P P E N D I X**

## **ORDER NO.7 -QUESTIONS**

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

### **QUESTIONS BY PRIVATE NOTICE**

**018/2019**      **The Member for Rongo Constituency (Hon. Paul Abuor, MP) to ask the Cabinet Secretary for Interior and Co-ordination of National Government: -**

- (i) Is the Cabinet Secretary aware that, on 4<sup>th</sup> July 2014, one PC Ronald Makori (Force No. 70204 and Identification Card Number 13081573) , stationed at Kamagambo Police Station in Rongo Township lost eyesight as result of injuries sustained while on duty?
- (ii) Is the Cabinet secretary further aware that PC Makori's salary has since been stopped despite the injuries?
- (iii) Could the Cabinet Secretary explain what progress has been made to retire the officer on medical grounds and facilitate him to start and adapt to his new life as person with disability (PWD)?

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

**019/2019**      **The Member for Samburu East Constituency (Hon. Jackson Lekumontare, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) Is the Cabinet Secretary aware that many residents of Samburu East Constituency of Samburu County may not register for the National Integrated Information Management System (NIIMS), popularly known as *Huduma Number* for lack of vital documents such as Identification Cards and Birth Certificates?
- (ii) What measures is the Ministry putting in place to ensure that the citizens of Samburu East Constituency will get the required documents before the end of the registration exercise?

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

020/2019

**The Member for Nyando Constituency (Hon. Jared Okelo, MP) to ask the Cabinet Secretary for Interior and Coordination of National Coordination -**

- (i) Is the Cabinet Secretary aware that motorcycle riders commonly referred to as *boda boda* are required to acquire driving licenses, insurance covers and other relevant permits by May 1<sup>st</sup>, 2019?
- (ii) Is the Cabinet Secretary further aware that various government institutions and agencies amongst them the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAAF) and the Youth Fund are currently engaged in facilitating the riders in acquisition of the documents as well as offering them training?
- (iii) Could the Ministry consider extending the deadline to enable the riders acquire the documents so as to cushion them from economic desperation and misery likely to affect them after the deadline?

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

### **ORDINARY QUESTIONS**

**172/2019 The Member for Bomet Central (Hon. Ronald Kipkoech Tonui, MP) to ask the Parliamentary Service Commission: -**

- (i) Why was a tunnel constructed instead of an overhead flyover bridge in connecting Parliament Buildings?
- (ii) What is the cost of the project and who are the contractors?
- (iii) Is the construction of tunnel project part of the main Office block contract or is it a variation?
- (iv) What security, safety and health measures were taken in consideration while conceptualizing, designing and constructing the tunnel project?

*(For Written Reply by the Parliamentary Service Commission)*

**176/2019 The Member for Nambale (Hon. Sakwa John Bunyasi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) Is the Cabinet Secretary aware that the construction of Musikoma – Buyofu – Mungatsi road (D258) to bitumen standards, which is largely in Nambale Constituency, has stalled?

- (ii) Could the Cabinet Secretary provide details on the implementation status of said road and its budgetary allocation in the financial year 2018/2019?
- (iii) What measures is the Ministry putting in place to ensure the road is completed within the planned project period?

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

**181/2019 The Member for South Imenti (Hon. Kathuri Murungi, MP) to ask the Cabinet Secretary for Agriculture, Livestock, Fisheries & Irrigation: -**

- (i) Is the Cabinet Secretary aware that the Task Forces formed on Tea and Coffee concluded their mandates and prepared their reports three (3) years ago?
- (ii) What is the implementation status of the findings and recommendations of the two Task Forces?

*(To be replied before the Departmental Committee on Agriculture and Livestock)*

**189/2019 The Member for Nakuru Town East (Hon. David Gikaria, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) Is the Cabinet Secretary aware that the construction of Nakuru-Kiambogo road has stalled?
- (ii) Could the Cabinet Secretary provide details of the project with regard to the contractor awarded the contract; amount allocated to the project and its' expected time of completion?

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

**198/2019 The Member for Butula (Hon. Joseph Oyula Maero, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development-**

- (i) Is the Cabinet Secretary aware that in 2016, parcels of land were acquired for the construction of Ejinja- Bumala road in Butula Constituency and to date, the land owners are yet to be compensated?

- (ii) Is the Cabinet Secretary further aware that, despite the Kenya National Highways Authority (KENHA) releasing partial payment of Kshs.103 million for compensation in November 2018, no payments have been made to the land owners?
- (iii) What measures is the Ministry putting in place to ensure that immediate compensation is made taking into account the current value of the said parcels of land?

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

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