



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 08, 2019

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker

4. **PETITIONS**

The Member for Nakuru Town East (Hon. David Gikaria) presented a Petition regarding poor drainage design of the Nakuru-Nyahururu Interchange.

Petition referred to the relevant Departmental Committee pursuant to the Standing Orders

5. **PAPERS**

The following Papers were laid on the Table -

- (i) The Engineers Rules, 2019 and the Explanatory Memorandum (*to be referred to the Committee on Delegated Legislation*).
- (ii) The Report of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2018 and the certificates therein: -
 - a) Commodities Fund;
 - b) Pyrethrum Processing Company of Kenya;
 - c) Pest Control Products Board;
 - d) Railway Development Levy Fund (Operations Account);
 - e) Civil Servants Housing Scheme Fund;
 - f) Ministry of Tourism;
 - g) State Department for Investment and Industry;
 - h) Tana Water Services Board;
 - i) Department of Transport;
 - j) State Department of Housing and Urban Development;
 - k) State Department of Infrastructure (Vote 1091); and,
 - l) State Department for Natural Resources (Vote 1106).

(The Leader of the Majority Party)

- (iii) Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Statute Law (Miscellaneous Amendment) Bill (National Assembly Bills No. 21 of 2019) (Volume I); and,
- (iv) Consolidated Reports on consideration of the Statute Law (Miscellaneous Amendment) Bill, 2019 (National Assembly Bills No. 21 of 2019) by the following Departmental Committees (Volume II):-
- a) Administration and National Security;
 - b) Environment and Natural Resources;
 - c) Finance and National Planning; and
 - d) Sports, Culture and Tourism.

(Chairperson, Justice and Legal Affairs Committee)

- (v) Report of The Mediation Committee on the Warehouse Receipt System Bill (Senate Bill No. 10 of 2017)

(Vice-Chairperson, Mediation Committee)

6. **QUESTIONS**

The following Questions were asked –

- (i) Question by Private Notice No.024/2019 by the Member for Buuri (Hon. Mugambi Rindikiri) regarding attack on one Ronny Kaburu Maingi while admitted in hospital;

(To be answered by the Cabinet Secretary for Health before the Departmental Committee on Health)

- (ii) Question No.211/2019 by the Member for Bumula (Hon. Mwambu Mabongah) regarding payment of women under the Youth Empowerment Programme;

(To be replied by the Cabinet Secretary for Public Service, Youth and Gender Affairs before the Departmental Committee on Labour and Social Welfare)

- (iii) Question No.220/2019 by the Member for Bonchari (Hon. John Oyioka) regarding number of graduates who had secured internship opportunities in the public service;

(To be replied by the Cabinet Secretary for Public Service, Youth and Gender Affairs before the Departmental Committee on Labour and Social Welfare)

- (iv) Question No.223/2019 by the Nominated Member (Hon. Godfrey Osotsi) regarding status of lifestyles of public officers ordered in 2018:

(To be replied by the Cabinet Secretary for National Planning and Treasury before the Departmental Committee on Finance and National Planning)

- (v) Question No.225/2019 by the Member for Kathiani (Hon. Robert Mbui) regarding compensation of victims of Kyanguli fire;

(To be replied by the Cabinet Secretary for National Planning and Treasury before the Departmental Committee on Finance and National Planning)

The following Question was dropped

- (vi) Question by Private Notice No.023/2019 by the Member for Isiolo South (Hon. Abdi Koropu) regarding arrest of one Muhamad Roba Golole

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

Motion made and Question proposed –

THAT, the National Cohesion and Integration (Amendment) Bill (National Assembly Bill No.12 of 2019) be now read a Second Time

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

Debate on the Second Reading having been concluded on Wednesday, May 08, 2019 (Morning Sitting);

Question put and agreed to;

Bill committed to the Committee of the Whole House.

8. **PROCEDURAL MOTION- EXTENSION OF PERIOD FOR CONSIDERATION OF SPECIFIED PETITIONS**

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Order 227(2)(*Committal of petitions*), this House **resolves** to extend the period for consideration of the public petitions specified hereunder by the Departmental Committee on Labour and Social Welfare by a **further period of sixty (60) days** with effect from 8th May, 2019-

- (i) *Unfair dismissal of Ex-Corporal Benjamin Chelang'a by the Kenya Defence Forces*; and,
(ii) *Non-payment of terminal dues to former employees of the African Safari Club.*

(Chairperson, Departmental Committee on Labour and Social Welfare)

Question put and agreed to.

9. **PROCEDURAL MOTION - RESOLUTION TO HOLD A SITTING ON A SPECIFIED THURSDAY MORNING**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Morning Sitting on Thursday, May 9, 2019 commencing at 9.30 am for purposes of considering priority Business ahead of the May recess.

(The Leader of the Majority Party)

Question put and agreed to.

10. **MOTION - SENATE AMENDMENTS TO THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2019)**

Motion made and Question proposed –

THAT, the Senate amendments to the Division of Revenue Bill (National Assembly Bill No. 11 of 2019) be now considered.

(Chairperson, Budget & Appropriations Committee)

Debate arising;

Amendment to the Motion proposed;

Motion made and question proposed as amended;

THAT, the Senate amendments to the Division of Revenue Bill (National Assembly Bill No. 11 of 2019) be now **rejected**;

(Leader of the Minority Party)

Question on the amendment put and agreed to.

Debate arising;

Mover replied;

Question put and agreed to.

Senate amendments to the Division of Revenue Bill (National Assembly Bill No. 11 of 2019) referred to the Mediation Committee Pursuant to Standing Order No. 148.

11. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)(No.2) BILL (NATIONAL ASSEMBLY BILL NO. 13 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 Statute Law (Miscellaneous Amendments)(No.2) Bill (National Assembly Bill No. 13 of 2018) *up to section 94 (4) of the provisions relating to Public Procurement and Asset Disposal Act, No. 33 of 2015* and seeks leave to sit again.

(The Leader of the Majority Party)

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson of Committees in the Chair

Resumption of Committee

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

SCHEDULE

1. Provisions relating to the Public Procurement and Asset Disposal Act (No. 33 of 2015)

Proposed amendments to sections 98(1), 114(6), 117 & 119(1) - agreed to

Proposed amendment to section 121 - amendment proposed
Further amendment proposed;

THAT the schedule to the Bill be amended in the proposed amendment to section 121(4) by inserting the word “entity” immediately after the word “procuring”;

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 121 as further amended - agreed to

Proposed amendments to section 124(14) - agreed to

Proposed amendment to section 124(15) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended in the proposed amendment to section 124 by deleting the expression “alternative selection methods” and substituting therefor the expression “single source selection”;

(Chairperson, Departmental Committee on Finance and National Planning)

Amendment withdrawn by the mover;

Amendment to section 124(15) - agreed to

Proposed amendments to new section 124(16) - agreed to

Proposed amendment to section 126(3) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended in the proposed amendments to section 126 (3), by deleting the word “seven” and substituting therefor the word “fourteen”;

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 126(3) as further amended - agreed to

Proposed amendment to section 135(3) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendments to section 135(3);

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 135(3) - deleted

Proposed amendments to sections 135(4), 136(1)(b), & 138(5) - agreed to

Proposed amendment to section 139(4) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 139 (4);

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 139(4) - deleted

Proposed amendment to section 167(1) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 167(1);

(Hon. Kimani Ichung'wa)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 167(1) - deleted

Proposed amendments to sections 167(4)(b) & new subsection (5), 168, 169 & 172 - agreed to

Proposed amendment to section 173(c) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 173(c);

(Hon. Kimani Ichung'wa)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 173(c) - deleted

Proposed amendments to sections 176(1)(e), 176(1)(f) & 176(1)(h) - agreed to

Proposed amendments to First Schedule (paragraph 3), Second Schedule (paragraph 3) & Third Schedule (paragraph 2, 3(1), 3(2) & (4)) - agreed to

NEW SECTIONS

Proposed new section 55(1)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

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

(Chairperson, Departmental Committee on Finance and National Planning)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 55(1) be part of the Bill;

Question put and agreed to.

Proposed new section 55(1) - agreed to.

Proposed new section 87(A)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

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.

(Hon. Moses Kuria)

Question of Second reading proposed;

Debate arising;

Amendment to amendment proposed;

That, the proposed amendment be amended by deleting the proposed subsection (2);

(Hon. Moses Kuria)

Question of the amendment to the amendment proposed;

Debate arising;

Question of the amendment put and agreed to.

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 87(A) as amended be part of the Bill;

Question put and agreed to.

Proposed new section 87(A) as amended - agreed to.

Proposed new section 87(B)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

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.

(Hon. Moses Kuria)

Question of Second reading proposed;

Debate arising;

Amendment to amendment proposed;

That, the proposed amendment be amended by deleting the proposed subsection (2)(b);

Question of the amendment to the amendment proposed;

(Hon. Moses Kuria)

Debate arising;

Question of the amendment put and agreed to.

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 87(B) as amended be part of the Bill;
 Question put and agreed to.
Proposed new section 87(B) as amended - agreed to.

Proposed new section 134 (2A), (2B) & (2C)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment–

Insert the following new sub-sections immediately

- s.134(2) 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 officer shall within seven days upon receiving the comments on the draft contract from the Attorney-General, incorporate the comments in the draft contract.

(Hon. Joseph Ngugi)

Question of Second reading proposed;
 Debate arising;
 Question put and negatived.

Proposed new section 139(2)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment–

- 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.

(Hon. Joseph Ngugi)

Question of Second reading proposed;
 Debate arising;
 Proposed amendment withdrawn by the mover.

Proposed new section 139(2A)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment–

New
s.139(2A)

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.

(Hon. Joseph Ngugi)

Question of Second reading proposed;
Debate arising;
Proposed amendment withdrawn by the mover.

Proposed new section 142(1)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

s.142(1)
New

Insert the following new section immediately after subsection (1)—

“(1A) Notwithstanding subsection (1), a successful foreign tenderer shall submit a performance security equivalent to the contract amount, issued by a financial institution or insurance company licensed in Kenya, 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.”

(Chairperson, Departmental Committee on Finance and National Planning)

Question of Second reading proposed;
Debate arising;
Question of Second reading put and agreed to.
Motion made and question proposed –
THAT New section 142(1) be part of the Bill;

Question put and agreed to.
Proposed new section 142(1) - agreed to.

Proposed new section 142 (proviso)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

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.

(Hon. Joseph Ngugi)

Question of Second reading proposed;
Debate arising;
Proposed amendment withdrawn by the mover.

Proposed new section 142(3)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

142(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.”

(Chairperson, Departmental Committee on Finance and National Planning)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 142(3) be part of the Bill;

Question put and agreed to.

Proposed new section 142(3) - agreed to.

Proposed new section 143

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

s.143 Delete and substitute therefor the following new section—

Nature of performance
security.

143. The performance security **referred to in section 142(1)** shall 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.

(Chairperson, Departmental Committee on Finance and National Planning)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Proposed further amendment

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

(Hon. Joseph Ngugi)

Proposed further amendment withdrawn by the mover.

Motion made and question proposed –

THAT New section 143 be part of the Bill;

Question put and agreed to.

Proposed new section 143 - agreed to.

Proposed new section 144(2)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment–

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.”

(Chairperson, Departmental Committee on Finance and National Planning)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Proposed further amendment

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

(Hon. Joseph Ngugi)

Proposed further amendment withdrawn by the mover.

Motion made and question proposed –

THAT New section 144(2) be part of the Bill;

Question put and agreed to.

Proposed new section 144(2) - agreed to.

Proposed new section 144(3)

Motion made–

THAT, the Schedule to the Bill be amended by inserting the following new amendment–

144(3) Insert the words “or insurance company”
 immediately after the words “authorized financial
 institution”.

(Hon. Joseph Ngugi)

Proposed amendment withdrawn by the mover.

Proposed new section 145(1)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment–

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”.

(Chairperson, Departmental Committee on Finance and National Planning)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 145(1) be part of the Bill;

Question put and agreed to.

Proposed new section 145(1) - agreed to.

Proposed new section 155(1A), (1B) & (1C) & 155(4)

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

s. Inserting the following new subsections immediately after 155(1)&(4) 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”

(Hon. Rigathi Gathagua)

Amendments dropped due to absence of mover.

Proposed new section 155(6)

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

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.

(Hon. Florence Mutua)

Amendments dropped due to absence of mover.

Proposed new section 144(3)

Motion made –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

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”.

(Hon. Joseph Ngugi)

Proposed amendment withdrawn by the mover.

Further proposed amendment

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

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

Amendments dropped due to absence of mover.

Proposed new section 157(9A) & (9B)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

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).

(Hon. Joseph Ngugi)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 157(9A)&(9B) be part of the Bill;

Question put and agreed to.

Proposed new section 157(9A) & (9B) - agreed to.

Proposed new section 167(2)

Motion made—

THAT, the Schedule to the Bill be amended by inserting the following new amendment—

s. 167(2) Delete the words “cost of the contract.” and substitute therefor the words “contract price”.

(Hon. Joseph Ngugi)

Proposed amendment withdrawn by the mover.

Proposed new section 177

THAT, the Schedule to the Bill be amended by inserting the following new amendment—
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.

(Hon. Rigathi Gathagua Mutua)

Amendments dropped due to absence of mover.

Provisions relating to the Public Procurement and Asset Disposal Act (No. 33 of 2015) as further amended – agreed to

2. Provisions relating to the National Employment Authority Act (No. 3 of 2016)

Proposed amendments to sections 2, 4, & 8 - agreed to

Proposed amendment to section 8A - amendment proposed
Further amendment proposed;

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

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 8A as further amended - agreed to

Proposed amendment to section 17(2) - amendment proposed
Further amendment proposed;

THAT the Schedule to the Bill be amended in the proposed amendments to the National Employment Authority Act (No.3 of 2016) by deleting the proposed amendments to section 17 (2) (d).”

(Hon. Millie Odhiambo)

Question of the amendment proposed;
Debate arising;
Further amendment withdrawn by the mover;

Further amendment proposed;

THAT the Schedule to the Bill be amended in the proposed amendments to the National Employment Authority Act (No.3 of 2016) by deleting the proposed amendments to section 17 (2)(a)&(c).”

(Hon. Millie Odhiambo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 17(2) as further amended - agreed to

Proposed amendments to sections 28(1), 30(1), 30(3), 33(1), 33(3), 37(1), 37(2) & 42(2) - agreed to

Provisions relating to the National Employment Authority Act (No. 3 of 2016) as further amended - agreed to

3. Provisions relating to the Fisheries Management and Development Act (No. 35 of 2016)

Proposed amendment to section 2 - amendment proposed

Further amendment proposed;

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

(Hon. Cecily Mbarire on behalf of the Leader of the Majority Party – Hon. Aden Duale)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Fisheries Management and Development Act No. 35 of 2016 in section 2 by inserting the words “or commercial” immediately after the words “for subsistence” appearing in the definition of the term “artisanal fishing”;

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 2 as further amended - agreed to

Proposed amendments to sections 58(2), 58(4), 81(3) & 84(1) - agreed to.

Proposed amendment to section 84(2) - amendment proposed
Further amendment proposed;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Fisheries Management and Development Act No. 35 of 2016 in section 84(2) by deleting the proposed amendment to paragraph (b);

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 84(2) as further amended - agreed to

Proposed amendments to sections 84(4), 84(5), 85(1) & 86(1) - agreed to.

Proposed amendment to section 86(3) - amendment proposed
Proposed further amendment;

THAT, the Schedule to the Bill be amended in the proposed amendments to the Fisheries Management and Development Act No. 35 of 2016 by deleting the proposed amendment to section 86(3);

(Chairperson, Departmental Committee on Agriculture & Livestock)

Amendments dropped due to absence of mover.

Amendment to section 86(3) - agreed to

Proposed amendment to section 88(1) - amendment proposed
Proposed further amendment;

THAT, the Schedule to the Bill be amended by inserting the words “including in” immediately before the word “Kenyan” in the proposed amendments to section 88(1).

(Chairperson, Departmental Committee on Agriculture & Livestock)

Amendments dropped due to absence of mover.

Amendment to section 88(1) - agreed to

Proposed amendments to sections 88(2), 89(1), 91(2A) & 91(5) - agreed to.

Proposed amendment to section 98(1) - amendment proposed
Further amendment proposed;

THAT, the Schedule to the Bill be amended in section 98(1) by inserting the words “of which percentage shall not be less than forty per centum (40%) of the crew on the fishing vessel” immediately after the words “citizens of Kenya” appearing in the new paragraph (h);

(Hon. Millie Odhiambo)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 98(1) as further amended - agreed to

Proposed amendments to sections 112(1), 112(1)(a), 114(2), 140(1), 201(1), 202(2), 206(1) & 207(1) - agreed to.

New Sections

Proposed new Part II

Motion made and question proposed –

THAT, the Schedule to the Bill be amended 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”

(Hon. Cecily Mbarire on behalf of the Leader of the Majority Party – Hon. Aden Duale)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section Part II be part of the Bill;

Question put and agreed to.

Proposed new Part II - agreed to.

Proposed new section 6(1)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendments—

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;

(Hon. Cecily Mbarire on behalf of the Leader of the Majority Party – Hon. Aden Duale)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 6(1) be part of the Bill;

Question put and agreed to.

Proposed new section 6(1) - agreed to.

Proposed new section 6(3)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendments—

s.6(3) Delete

(Hon. Cecily Mbarire on behalf of the Leader of the Majority Party – Hon. Aden Duale)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 6(3) be part of the Bill;

Question put and agreed to.

Proposed new section 6(3) - agreed to.

Proposed new section 11(1)(a)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendments—

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

(Hon. Cecily Mbarire on behalf of the Leader of the Majority Party – Hon. Aden Duale)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 11(1)(a) be part of the Bill;

Question put and agreed to.

Proposed new section 11(1)(a) - agreed to.

Proposed new section 47

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendments—

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

(Hon. Cecily Mbarire on behalf of the Leader of the Majority Party – Hon. Aden Duale)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 47 be part of the Bill;

Question put and agreed to.

Proposed new section 47 - agreed to.

Proposed new section 201(2)

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendments—

s.201(2) Delete

(Hon. Cecily Mbarire on behalf of the Leader of the Majority Party – Hon. Aden Duale)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 201(2) be part of the Bill;

Question put and agreed to.

Proposed new section 201(2) - agreed to.

Proposed new Second Schedule

Motion made and question proposed –

THAT, the Schedule to the Bill be amended by inserting the following new amendments—

Second Schedule Delete the expression “section 53(2)” and substitute therefor the expression “section 50(2)”

Delete the title “DESIGNATED FISH LANDING STATIONS” and substitute therefor the title “ DESIGNATED FISH PORTS”

(Hon. Cecily Mbarire on behalf of the Leader of the Majority Party – Hon. Aden Duale)

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

THAT New section 201(2) be part of the Bill;

Question put and agreed to.

Proposed new section 201(2) - agreed to.

Provisions relating to the Fisheries Management and Development Act (No. 35 of 2016) as further amended – agreed to.

TITLE - agreed to.

CLAUSE 1 - agreed to.

Bill to be reported with amendments.

13. **HOUSE RESUMED** - Third Chairperson in the Chair
The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.12 of 2018)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Deputy Majority Party Whip)

Putting of the Question deferred to another day.

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

(The Leader of the Majority Party)

Order for Second Reading read

Order deferred.

15. **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**

Motion made -

THAT, this House **adopts** the Report of the Public Investments Committee on the Inquiry into Procurement and Implementation of the Excisable Goods Management System (EGMS) 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.*

(Chairperson, Public Investments Committee)

Motion interrupted;

16. **PAPER LAID**

The following paper was laid on the Table of the House –

- List of nominees for appointment to the Embakasi South Constituency Committee of the National Government Constituency Development Fund:
 - (i) Stephen Omari Odera Male Youth Representative
 - (ii) Dancan Mulwa Nduva Male Adult Representative
 - (iii) Sabina Warukira Wanjohi Female Youth Representative
 - (iv) Linet Mugasiali Madete Female Adult Representative
 - (v) Vincent Odongo Bunde Representative of Persons living with Disability
 - (vi) Urbanus Mwikya Musau Nominee of the Constituency Office (Male)
 - (vii) Lydia Kwamboka Obwogi Nominee of the Constituency Office (Female)

(Deputy Majority Party Whip)

17. **NOTICE OF MOTION**

The following Notice of Motion was given by the Deputy Majority Party Whip –

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraph 5 (9 & 10) of the National Government Constituency Development Fund Regulations, 2016, this House **approves** the following nominees for appointment to the Embakasi South Constituency Committee of the National Government Constituency Development Fund, *laid on the Table of the House on Wednesday, May 08, 2019 -*

- (i) Stephen Omari Odera Male Youth Representative
- (ii) Dancan Mulwa Nduva Male Adult Representative
- (iii) Sabina Warukira Wanjohi Female Youth Representative
- (iv) Linet Mugasiali Madete Female Adult Representative
- (v) Vincent Odongo Bunde Representative of Persons living with Disability
- (vi) Urbanus Mwikya Musau Nominee of the Constituency Office (Male)
- (vii) Lydia Kwamboka Obwogi Nominee of the Constituency Office (Female)

18. **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**

Motion made -

THAT, this House **adopts** the Report of the Public Investments Committee on the Inquiry into Procurement and Implementation of the Excisable Goods Management System (EGMS) 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.*

(Chairperson, Public Investments Committee)

Motion resumed and question proposed;

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

19. **HOUSE ROSE** - at past seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Thursday, May 09, 2019 at 9.30 a.m.

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