

Twelfth Parliament

Third Session
Afternoon Sitting



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 04, 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. **MESSAGE FROM THE SENATE**

The Speaker conveyed the following Messages –

- (i) **Passage of the County Roads, Walkways and Parking Bays Bill (Senate Bills No. 18 of 2018); The County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018); The County Law Compliance and Enforcement Bill (Senate Bills No. 25 of 2018); and The County Wards (Equitable Development) Bill (Senate Bills No. 34 of 2018)**

“Honourable Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received Messages from the Senate regarding the passage of the following Bills:-

- a) The County Roads, Walkways and Parking Bays Bill (Senate Bill No. 18 of 2018);
- b) The County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018)
- c) The County Law Compliance and Enforcement Bill (Senate Bill No. 25 of 2018); and
- d) The County Wards (Equitable Development) Bill (Senate Bill No. 34 of 2018).

Honourable Members, the first Message is in respect of the passage of the County Roads, Walkways and Parking Bays Bill (Senate Bill No. 18 of 2018). The Bill seeks to *provide for the planning, construction and maintenance of*

county roads, streets, lanes, alleys, parking bays, drainage systems and walkways and provide for proper planning of access-ways to commercial buildings along major roads".

The second Message relates to the passage of the County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018) which seeks to *"provide a legal framework for the regulation of outdoor advertisement in the counties"*.

The third Message relates to the passage of the County Law Compliance and Enforcement Bill (Senate Bill No. 25 of 2018). This Bill aims to *"provide for the establishment of law compliance and enforcement units and to provide for the administration and management of the units in each county"*.

The fourth Message is in respect of the passage of the County Wards (Equitable Development) Bill (Senate Bill No. 34 of 2018). This Bill seeks to *"provide a framework for the promotion of equitable growth in the wards within the counties by providing for the allocation of funds for ward-based development projects; and to provide oversight mechanisms for the utilization of funds allocated for ward-based development projects"*.

Honourable Members, the Messages read "that the Senate considered and passed the four Bills **with amendments** on Wednesday, June 19, 2019 and now seeks the concurrence of the National Assembly." Standing Order 143(1) (a) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of a Message from the Senate.

Accordingly, I direct that the Bills be read a First Time during the next sitting of the House. Paragraph (2) of Standing Order 143 provides that –

*"Following First Reading, the Speaker shall, within reasonable time, pronounce his or her **opinion** contemplated under Article 114(2) of the Constitution"*.

The opinion envisioned under Standing Order 143(2) is a pronouncement, by the Speaker, as to whether a Bill originating in the Senate is a 'Money Bill' in terms of Article 114 of the Constitution. In this regard, I direct that, after First Reading, the four Bills be referred to the Parliamentary Budget Office to offer advice that will enable the Speaker to form the opinion contemplated under Standing Order 143(2). Thereafter, I shall guide the House accordingly on how to proceed with the consideration of the said Bills. **I thank you!"**

(ii) The Rejection of the National Assembly's Amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017)

"Honourable Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I am in receipt of a Message from the Senate conveying the decision of the Senate on the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017).

Honourable Members, you will recall that the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) was **passed** by the National

Assembly **with amendments** on Wednesday, March 6, 2019. The Message reads in part, and I quote: -

“...on Tuesday, 18th June, 2019, the Senate considered and **rejected** a Motion to consider the National Assembly's amendments to the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017).

Honourable Members, the import of the Senate's decision is that the Bill will now stand referred to the mediation process contemplated under Article 112 of the Constitution. Consequently, the leadership of the Majority and Minority Parties in the House are hereby directed to expeditiously nominate three (3) and two (2) Members, respectively, for appointment to the Mediation Committee to consider the Bill. Once constituted, the Committee will be expected to speedily embark on the process of attempting to develop a *mediated version* of the Bill in accordance with the provisions of Article 113 of the Constitution. **I thank you!**”

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Legal Notice No. 82 relating to the Insurance (Valuation of Technical Provisions for Life Insurance Business) (Amendment) Guidelines, 2019 and the Explanatory Memorandum from the National Treasury and Planning;
- (ii) Legal Notice No. 83 relating to the Insurance (Capital Adequacy) (Amendment) Guidelines, 2019 and the Explanatory Memorandum from the National Treasury and Planning;
- (iii) List of the Nominees for appointment to the National Government Constituency Development Fund Committee for Ugenya Constituency;
- (iv) The Reports of the Auditor-General and the Financial Statements in respect of the following institutions for the year ended 30th June, 2018 and the certificates therein: -
 - a) Kenya Meat Commission;
 - b) National Biosafety Authority;
 - c) Agricultural Development Corporation;
 - d) Pharmacy and Poisons Board;
 - e) Public Trustee of Kenya;
 - f) Eastern African Regional Transport, Trade & Development Facilitation Project (IDA CREDIT NO. 5638);
 - g) Land Settlement Fund;
 - h) State Law Office and Department of Justice – Official Receiver;
 - i) Kenya Medical Training College;
 - j) Council of Legal Education;
 - k) Technical University of Kenya;
 - l) Kenya Scouts Association;
 - m) State Department for Planning and Statistics;
 - n) State Departmental for Information, Communication, Technology and Innovation; and
 - o) Kenya Maritime Authority.

(Leader of the Majority Party)

(v) Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Institute of Directors of Kenya Bill (National Assembly Bill No. 3 of 2019); and

(Chairperson, Departmental Committee on Justice and Legal Affairs)

(vi) Report of the Departmental Committee on Education and Research on the inquiry into the wave of students' unrest in secondary schools in Kenya during second term in 2018.

(Chairperson, Departmental Committee on Education and Research)

(vii) Report of the Departmental Committee on Environment and Natural Resources on a Petition for the Variation of boundaries of the Mount Elgon Forest Reserve.

(Chairperson, Departmental Committee on Environment and Natural Resources)

6. NOTICES OF MOTION

The following Notices of Motion were given:-

(i) THAT, this House adopts the Report of the Departmental Committee on Education and Research on the Inquiry into the Wave of Students' Unrest in Secondary Schools in Kenya during Second Term in 2018, *laid on the Table of House on Thursday, July 4, 2019.*

(Chairperson, Departmental Committee on Education and Research)

(ii) THAT, this House adopts the Report of the Departmental Committees on Environment and Natural Resources and Lands on their consideration of a Petition by the Executive regarding the Variation of the Boundaries of *Mount Elgon* Forest Reserve, *laid on the Table of House on Thursday, July 4, 2019*, and pursuant to section 34 of the Forest Conservation and Management Act, 2016; this House approves the variation of the boundaries of Mount Elgon Forest Reserve to exclude *Chepyuk* Phases II and III comprising 4,607 hectares and secure the remaining forest area within Mt. Elgon Forest Reserve particularly in *Chepkitale* considering the need to achieve the United Nations recommended 10% forest cover in the country.

(Chairperson, Departmental Committee on Environment and Natural Resources)

7. QUESTIONS

The following Questions were asked –

(i) **Question No.115/2019** by the Member for Suna West Constituency (Hon. Peter Francis Masara) regarding eight artisanal miners from Suna West Constituency who lost their lives as a result of collapse of mines during the mining activities;

(To be replied by the Cabinet Secretary for Petroleum and Mining before the Departmental Committee on Environment and Natural Resources)

(ii) **Question No.319/2019** by the Member for Nandi Hills Constituency (Hon. Alfred Keter) regarding registration of *M/s. Indo African Tea Co. Limited (India)*, *SSOE (K) Limited (India)*, *Mcleod Russel Africa Ltd (India)*, and *Empire Kenya EPZ Ltd (Sri*

Lanka) as Foreign Direct Investments (FDI) between August 2008 and October 2014;

(To be replied by the Cabinet Secretary for Industry, Trade and Cooperatives before the Departmental Committee on Trade, Industry and Cooperatives)

- (iii) **Question No.320/2019** by the Member for Kirinyaga Central Constituency (Hon. John Munene Wambugu) regarding the award of a contract to *M/s. Tropical Technology Limited* (TTL) to supply Motorized Blank Vehicle Number Plates by the State Department for Correctional Services;

(To be replied by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (iv) **Question No.321/2019** by the Member for Nyandarua County (Hon. Faith Wairimu Gitau) regarding frequent cases of inefficiency and complacency at the Land Registry in Nyahururu Town;

(To be replied by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

- (v) **Question No.322/2019** by the Member for Tigania West Constituency (Hon. John K. Mutunga) regarding steps that the Ministry is taking to ensure that administrative units declared as divisions, locations and sub-locations in Tigania West Constituency and other Constituencies in Kenya are effectively staffed;

(To be replied by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (vi) **Question No.323/2019** by the Member for Member for Mumias East Constituency (Hon. Benjamin J. Washiali) regarding the transfer of *Nucleus Land* which was leased for 33 years by the Government of Kenya for purposes of cane development by Mumias Sugar Company Limited from individual ownership to the company.

(To be replied by the Cabinet Secretary for Agriculture, Livestock, fisheries and Irrigation before the Departmental Committee on Agriculture and Livestock)

8. **STATEMENTS**

(a) The following Statements were sought:-

- (i) From the Chairperson of the Departmental Committee on Finance & National Planning by the Member for Kajiado North (Hon. Joseph Manje) on taxes being levied to hides and skins dealers before the operationalization of the applicable laws *(Pursuant to Standing Order 44(2)(c))*;
- (ii) From the Chairperson of the Departmental Committee on Administration & National Security by the Member for Kwale (Hon. Zuleikha Hassan Juma) on eviction of residents in Lunga Lunga, Kwale County *(Pursuant to Standing Order 44(2)(c))*; and

- (iii) From the Chairperson of the Departmental Committee on Agriculture & Livestock by the Member for Funyula (Hon. Oundo Ojiambo) on illegal fishing in Lake Victoria (*Pursuant to Standing Order 44(2)(c)*);
- (b) Pursuant to Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, July 23, 2019.

9. **PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No. 52 of 2019) from **14 days to 2 days**.

(The Leader of the Majority Party)

There being no Member wishing to contribute;
Question put and agreed to

10. **THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2019)**

(Hon. Rigathi Gachagua)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

11. **THE DATA PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2019)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

12. **THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2019)**

(Hon. John Mbadi)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

13. **THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2019)**

(Chairperson, Constitutional Implementation Oversight Committee.)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

14. **SPECIAL MOTION - THE MANDATE OF THE NATIONAL ASSEMBLY WITHIN THE BICAMERAL SETUP OF PARLIAMENT**

Motion made and Question proposed –

AWARE that Article 93 of the Constitution of Kenya establishes two Houses of Parliament, each with a distinct mandate as outlined under Articles 95 and 96 of the Constitution, respectively;

WHEREAS Article 95 of the Constitution specifically mandates the National Assembly to-

- (a) represent the people of the constituencies and special interests in the National Assembly;*
- (b) deliberate on and resolve issues of concern to the people;*
- (c) enact legislation in accordance with Part 4 of Chapter Eight of the Constitution;*
- (d) determine the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve of the Constitution, and appropriate funds for expenditure by the national government and other national State organs;*
- (e) exercise oversight over national revenue and its expenditure;*
- (f) review the conduct in office of the President, the Deputy President and other State officers and initiate the process of removing them from office; and,*
- (g) exercise oversight of State organs;*

AND WHEREAS Article 109(2) of the Constitution provides that any Bill may originate in the National Assembly **and Article 109(3) of the Constitution provides that a Bill not concerning county governments is considered only in the National Assembly, and passed in accordance with Article 122 of the Constitution and the Standing Orders of the National Assembly;**

AND WHEREAS the National Assembly of the 12th Parliament has, pursuant to the powers conferred by the said Article 109(3) of the Constitution, passed several laws that do not concern county governments as contemplated by the Constitution;

AND WHEREAS Article 110(1) of the Constitution defines a Bill concerning county governments as:-

- (a) a Bill containing provisions affecting the functions and powers of the county governments set out in the Fourth Schedule;*
- (b) a Bill relating to the election of members of a county assembly or a county executive; and*

(c) *a Bill referred to in Chapter Twelve affecting the finances of county governments;*

AND WHEREAS Article 109(4) provides that a Bill concerning county government may originate in the National Assembly or the Senate, and is passed in accordance with Articles 110 to 113, Articles 122 and 123 and the Standing Orders of the Houses;

AND WHEREAS Article 110(3) of the Constitution provides that before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any **question** as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill;

COGNIZANT THAT, the matter of whether the question as to whether a Bill concerns counties would routinely arise has been addressed by the High Court of Kenya in the matter of Nation Media Group Limited & 6 others v Attorney General & 9 others (Judicial Review Misc. Appl. No. 30 of 2014), where the Court held that the requirement contained in Article 110(3), comes into play **when there is a question or doubt** as to whether or not a Bill concerns counties. The absence of consultation and resolution between the two Speakers of the Houses on whether or not a Bill concerned counties is not in itself unconstitutional or a violation of the Standing Orders when the demarcation of functions between the National and County Governments are clear;

COGNIZANT THAT, the power of the Speakers of the Houses of Parliament under Article 110(3) is limited to resolution of a question as to whether a Bill concerns county governments or not;

AWARE that in furtherance to Article 110(3) of the Constitution, the House, through Standing Order 121, has mandated the Speaker to determine, in the first instance whether a Bill concerns county governments as and whenever a question arises and to establish an appropriate framework for jointly resolving the question with the Speaker of the Senate;

FURTHER AWARE that the Speaker has and continues to actively engage the Speaker of the Senate on the establishment of an appropriate framework for jointly resolving any question as to whether a Bill concerns county governments as and when the question arises;

COGNIZANT THAT in accordance with Article 109(5), a money Bill may be introduced **only** in the National Assembly in accordance with Article 114;

AND FURTHER WHEREAS Article 114 (2) of the Constitution provides that if, in the opinion of the Speaker of the National Assembly, a motion makes provision for a matter listed in the definition of a **money Bill**, the Assembly may proceed only in accordance with the recommendation of the relevant Committee of the National Assembly after taking into account the views of the Cabinet Secretary responsible for finance;

AND FURTHER WHEREAS Article 121 of the Constitution provides that the quorum of Parliament shall be fifty members, in the case of the National Assembly, or fifteen Members, in the case of the Senate;

AND FURTHER WHEREAS Article 122(1) of the Constitution provides that except as otherwise provided in the Constitution, any question proposed for decision in either House of Parliament is to be determined by a majority of the members in that House, present and voting;

CONCERNED that contrary to the express requirements of Articles 121, 122 and 123 of the Constitution with regard to the quorum required for the convening of a session, voting on any question proposed for decision by a House of Parliament and decisions of the Senate, the Senate has and continues to convene part of its sessions and vote on matters not affecting counties without the requisite quorum and thresholds being met and thus prejudicing the legality of National Assembly business that is subject to the bicameral process, and indeed Senate decisions;

AND WHEREAS Article 108 of the Constitution establishes the offices of a Leader of the majority party and a leader of the minority party, being the person who is the leader in the National Assembly of the largest party or coalition of parties and the person who is the leader in the National Assembly of the second largest party or coalition of parties;

AND WHEREAS the said Article 108(4) of the Constitution exclusively accords certain order of precedence to be observed in the National Assembly, being the Speaker of the National Assembly, the leader of the majority party; and the leader of the minority party; hence the one in the Senate is unknown to the Constitution and any law;

CONCERNED that despite the provisions of Article 108 of the Constitution, the Senate has irregularly established and caused the Parliamentary Service Commission to facilitate and continues to so irregularly facilitate the offices of the Leader of the Majority Party and the Leader of the Minority Party, offices that are unknown to the Constitution and any the laws of Kenya;

AND WHEREAS Article 132 of the Constitution generally mandates the National Assembly to receive names of persons nominated for appointment to public office by the President, vet their suitability or otherwise and to approve or reject their appointment;

CONCERNED that despite the express provisions of the Constitution, the Senate continues to participate in the approval of the appointment of persons to State Offices, through a duplicate process, resulting in a procedure unknown to bicameral parliaments anywhere in the world, since in bicameralism vetting of persons for appointment to state and public offices is exclusively vested in one House;

CONCERNED THAT, despite the express provisions of Article 95(5)(b) of the Constitution, the Senate has established parallel Committees duplicating the mandate of the Committees in the National Assembly and County Assemblies and has, on diverse occasions, sought to exercise oversight of state organs in a manner that does not accord with the functions of county governments outlined under Part 2 of the Fourth Schedule to the Constitution;

FURTHER CONCERNED that in complete disregard of the provisions of Articles 109 and 114 of the Constitution mandating the origination of a money Bill **only** in the National Assembly, the Senate has on various occasions introduced and considered Bills with a money bill effect;

COGNIZANT that pursuant to Article 3 of the Constitution, every person has an obligation to respect, uphold and defend the Constitution and that Article 94 of the Constitution requires Parliament to protect the Constitution;

FURTHER COGNIZANT that Article 110(3) of the Constitution requires the Speakers of the Houses of Parliament to resolve any question as to whether a Bill is a Bill concerning county governments as and when such a question arises;

FURTHER COGNIZANT that Article 229(6) of the Constitution requires the use of public funds in a lawful and effective manner;

FURTHER AWARE that the continued engagement of the Senate in matters outside its express mandate, its irregular duplication of the mandate of the National Assembly and County Assemblies and its establishment and facilitation of irregular and unconstitutional offices constitutes imprudent use of public funds;

RECOGNIZING THAT, the Speaker of the National Assembly has always implemented the provisions of Article 110(3) and Standing Order 121 with regard to resolving a question as to whether a Bill concerns county governments or not;

NOW THEREFORE THIS HOUSE-

1. **REITERATES AND REAFFIRMS** its commitment to respect, uphold and defend the Constitution in terms of Article 3 of the Constitution;
2. **FURTHER REITERATES AND REAFFIRMS** the exclusive role of the Speaker of the National Assembly and the relevant Committee of the House in the consideration of any motion that makes provision for a matter listed in the definition of a money Bill under Article 114 of the Constitution;
3. **FURTHER REITERATES AND REAFFIRMS** its oversight role over national revenue and its expenditure, including the lawful and effective use of public funds by all state organs;
4. **URGES** the Speaker to continue engaging the Speaker of the Senate on establishing an appropriate framework for jointly resolving any question as to whether a Bill concerns county governments as and when such a question arises;
5. **REAFFIRMS THAT**, pursuant to the provisions of Article 95(4) and (5) of the Constitution, the mandate of oversight of State Organs exclusively vests in the National Assembly and the duplication of this role is unconstitutional;

6. **RESOLVES-**

- (a) **THAT**, the House continues upholding the provisions of Article 109(3) in the passage of Bills that do not concern county government;
- (b) **THAT**, the House continues upholding the provisions of Articles 109(5) & 114 of the Constitution and Standing Order 143 in considering Bills originating from the Senate;
- (c) **THAT**, in the first instance, the Houses of Parliament always explore **alternative** mechanisms of resolving any dispute that may arise between the Houses from time to time as is the practice in comparative jurisdictions;
- (d) **THAT** in the event of failure of the alternative dispute resolution mechanisms, the National Assembly institutes legal proceedings to seek interpretation of the Constitution with respect to the foregoing concerns and also with respect to the scope of its mandate vis-à-vis that of the Senate including-
 - (i) whether it is lawful for the Senate to continue duplicating in entirety the National Assembly's legislative, representative and oversight mandates and its' organizational and institutional structures with the resultant pressure on public resources; and
 - (ii) the enforcement of Articles 108 (*Party Leaders*), 121(*Quorum*) and 122 (*Voting in Parliament*) of the Constitution with regard to the operation of the Senate.
- (e) **THAT** in the meantime, the House Business Committee, upon this Resolution, inquires into the foregoing concerns and presents a report to this House as soon as is practicable.

(The Leader of the Majority Party & the Leader of the Minority Party – 3.7.2019

Debate interrupted on Wednesday, July 3, 2019 (Morning Sitting) resumed

Mover replied;

Question put and agreed to.

15. **MOTION – ALTERATION OF THE CALENDAR**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 28(4), this House resolves to alter its Calendar for the Third Session of the Assembly (2019) as adopted on February 13, 2019 by proceeding for the short recess on **Friday, July 5, 2019** and resuming its regular sittings on **Tuesday, July 23, 2019**, at **2.30pm.**

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

16. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 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 Parliamentary Service Bill (National Assembly Bill No. 6 of 2018).

Amendment proposed-

THAT, the motion for agreement with the Report of the Committee of the whole House be amended by inserting the following words “**subject to recommittal of Clause 38.**”

(Leader of the Majority Party)

Further amendment proposed-

THAT, the motion for recommittal amended by deleting the expression “38” and substituting therefore the expression “**24, 25 and 38**”

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question put and agreed to.

Thereupon the House proceeded to Committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker in the Chair

The Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)

Clause 24 - amendment proposed –

THAT, clause 24 of the Bill be amended—

- (a) in sub-clause (2) by deleting the words “such services jointly shared” and substituting therefor the words “shared services”;
- (b) in sub-clause (3) by inserting the word “by” immediately after the words “shall be headed” and by inserting the words “of service” immediately after the words “terms and conditions”;
- (c) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) The provisions of sections 17A, 19, 26(2) and 26(3) shall with the necessary modifications apply to the officer heading the office of joint services”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Question put and agreed to.

Clause 24 - as amended agreed to

Clause 25 - amendment proposed –

THAT, clause 25 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)—

“(4) The provisions of sections 17A, 19, 26(2) and 26(3) shall, with the necessary modifications, apply to the officer appointed to head the centre for parliamentary studies and training”.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Question of the amendment proposed;

Question put and agreed to.

Clause 25 - as amended agreed to

Clause 38 - amendment proposed –

THAT, clause 38 be amended by—

- (a) deleting the word “chairperson” appearing in sub-clause (1); and,
- (b) deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) Every oath or affirmation taken by the vice-chairperson, a member, the secretary, or any other officer pursuant to this section shall be administered by the chairperson.”

(Leader of the Majority Party)

Question of the amendment proposed;

Question put and agreed to.

Clause 38 - as amended agreed to

Bill to be reported with amendments;

17. **HOUSE RESUMED** – The Hon. Speaker on the Chair

The Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)

Bill reported with amendments;

Motion made and Question proposed-

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

(Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Parliamentary Service Bill (National Assembly Bill No. 6 of 2018) be now read a Third Time

(Leader of the Majority Party)

Question put and agreed to.

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

18. **MOTION – APPROVAL OF NOMINEES TO JOMVU, NDHIWA, NYANDO, MANDERA EAST, EMBAKASI CENTRAL AND UGENYA CONSTITUENCIES COMMITTEE OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND**

Motion made and Question proposed -

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraph 5(10) of the National Government Constituency Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the Jomvu Constituency, Ndhiwa Constituency, Nyando Constituency, Mandera East Constituency, Embakasi Central Constituency and Ugenya Constituency Committees of the National Government Constituency Development Fund, *laid on the Table of the House on Wednesday, July 3, 2019* as follows: –

- | | | |
|--|---|-----------------------------|
| (i) Jomvu Constituency | | |
| Rehema Bahaj Saleh | - | Female Adult Representative |
| (ii) Ndhiwa Constituency | | |
| William Odeny Ogono | - | Male Adult Representative |
| (iii) Nyando Constituency | | |
| Kenneth Onyango Ogallo | - | Male Adult Representative |
| (iv) Mandera East Constituency | | |
| Abdisalam Bikir Aftin | - | Male Adult Representative |
| (v) Embakasi Central Constituency | | |
| Bernard Mwaura Kariuki | - | Male Adult Representative |
| (vi) Ugenya Constituency | | |
| (a) Jackson Odhiambo Oduor | - | Male Youth Representative |
| (b) Owino Nicholas Ochanda | - | Male Adult Representative |
| (c) Caroline Akinyi Owino | - | Female Youth Representative |

- (d) Josinte R. Adhiambo Omondi- Female Adult Representative
 (e) Josphine Adhiambo Juma - Representative of Persons Living with Disability
- (f) William Edmunds Ohande - Nominee of the Constituency office
 (Male)
- (g) Grace Adhiambo Wasamba - Nominee of the Constituency Office (Female)

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

Debate arising;
 Mover replied;
 Question put and agreed to.

19. **MOTION – REPORT ON THE INQUIRY INTO THE PROPOSED KENYA AIRWAYS’ PRIVATELY INITIATED INVESTMENT PROPOSAL TO KENYA AIRPORTS AUTHORITY**

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Inquiry into the proposed Kenya Airways’ Privately Initiated Investment Proposal to Kenya Airports Authority, *laid on the Table of the House on Tuesday, June 18, 2019.*

(Chairperson, Committee on Transport, Public Works & Housing)

Debate interrupted on Wednesday, July 3, 2019 resumed;

(Change of chair from the Speaker to the Third Chairperson of Committees)

Question deferred to another day.

20. **MOTION – INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST**

Order deferred.

21. **MOTION-REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND ITS IMPLEMENTATION ROADMAP**

Order deferred.

22. **MOTION-SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT)BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

Order deferred.

23. MOTION-REPORT ON AN INQUIRY INTO LAND ACQUISITION BY THE KENYA DEFENCE FORCES FOR ESTABLISHMENT OF A FORWARD OPERATING BASE (FOB) IN NAROK COUNTY

Order deferred.

24. HOUSE ROSE - at twenty-six minutes to Six O'clock

And the time being twenty-six minutes to Six O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, July 23, 2019 at 2.30 p.m.

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