



(No. 015)

(101)

**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, MARCH 11, 2020 AT 9.30 A.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\*. THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 8 OF 2019)**

(The Hon. Gideon Keter, M.P.)

Second Reading

*(Question to be put)*

**9\*. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Kenya Institute of Curriculum Development (Amendment) Bill (National Assembly Bill No. 33 of 2019)  
(The Hon. Joyce Emanikor, M.P.)
- (ii) The Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019)  
(The Hon. Bashir Abdullahi, M.P.)
- (iii) The Employment (Amendment) Bill (National Assembly Bill No. 15 of 2019)  
(The Hon. Martha Wangari, M.P.)
- (iv) The Equalisation Fund Bill (National Assembly Bill No. 43 of 2019)  
(The Hon. Kassait Kamket, M.P.)

- 10\*. THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2019)  
(The Hon. Andrew Mwadime, M.P.)

Second Reading

*(Resumption of debate interrupted on Wednesday, March 4, 2020)*

*(Balance of time – 53 minutes)*

- 11\*. THE PUBLIC ORDER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2019)  
(The Hon. Simon King'ara, M.P.)

Second Reading

- 12\*\*. THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2019)  
(The Hon. Millie Odhiambo Mabona, M.P.)

Second Reading

- 13\*\*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2019)  
(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

- 14\*\*. THE KENYA FOOD AND DRUGS AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2019)  
(The Hon. (Dr.) Robert Pukose, M.P.)

Second Reading

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\* Denotes Orders of the Day  
\*\* Denotes Bill for which Report under Standing Order 127(4) is yet to be tabled.

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# **NOTICES**

## **I. THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2019)**

Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Livestock and Livestock Products Marketing Board Bill, 2019 at the Committee Stage—

### **CLAUSE 2**

**THAT**, clause 2 of the Bill be amended—

- (a) in the definition of “livestock” in paragraph (a) by inserting the word “donkey” immediately after the word “camel”;
- (b) in the definition of “livestock infrastructure” by deleting the expression “livestock economy” and substituting therefor the expression “livestock market economy”;

### **CLAUSE 3**

**THAT**, clause 3 of the Bill be amended in sub-clause (2) by deleting the word “is” appearing in the introductory statement and substituting therefor the words “shall be”.

### **CLAUSE 5**

**THAT**, clause 5 of the Bill be amended—

- (a) by deleting paragraph (a);
- (b) by deleting paragraph (h) and substituting therefore the following new paragraph—  
“(h) facilitate the development of skills and adoption of appropriate value addition technologies for livestock products before domestic use and export from Kenya;”
- (c) by inserting the following new paragraph immediately after paragraph (h)—  
“(hi) collaborate with relevant agencies to develop standards and best practices in livestock production and processing;”
- (d) in paragraph (m) by deleting the words “including ownership” appearing immediately after the words “livestock products”;
- (e) by deleting paragraph (o);
- (f) by deleting paragraph (p) and substituting therefor the following new paragraph—  
“(p) support county governments to promote and improve livestock management systems for the sustainable development of the livestock industry;”
- (g) in paragraph (r) by deleting the word “business” appearing immediately after the words “establishment of strategic”.

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended—

- (a) in sub-clause (1)—
  - (i) in paragraph (f) by deleting the words “Kenya Private Sector Alliance” and substituting therefor the words “umbrella body representing private sector”;
  - (ii) in paragraph (g) by deleting the words “Kenya Livestock Marketing Council” and substituting therefor the words “association representing livestock marketing interests of producers”;
  - (iii) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) two persons having experience in livestock development;”
- (b) by inserting the following new sub-clauses immediately after sub-clause (2)—

“(2a) A person shall qualify for appointment as the Chairperson if that person—

  - (a) is a citizen of Kenya;
  - (b) has a minimum of a Bachelor’s degree; and
  - (c) has not less than five years experience in the livestock sector.

(2b) The Cabinet Secretary shall, by name and notice in the *Gazette*, appoint members nominated under subsection (1) (d), (e), (f) and (g).

(2c) The appointment of the chairperson or members of the Board under subsection (1)(a), (d), (e), (f) and (g) shall take into account the gender, regional and other diversities of the people of Kenya.”
- (c) in sub-clause (3) by inserting the expression “,(g)” immediately after the words “sub-section (1) (d), (e)” appearing in the introductory statement.

**CLAUSE 9**

**THAT**, clause 9 of the Bill be amended by inserting the expression “(g)” immediately after the words “section 6 (1) (d), (e)” appearing immediately after the words “members appointed under”.

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended—

- (a) in sub-clause (2) by deleting the word “produce” appearing immediately after the words “committees for each” and substituting therefor the words “livestock product”.
- (b) by inserting the following new sub-clause immediately after sub-clause 4—

“(5) The Board may co-opt any person to assist it for such purposes and such period as the Board may determine, but persons so co-opted may not vote on any matter before the Board.”

**CLAUSE 13**

**THAT**, clause 13 of the Bill be amended—

(a) in sub-clause (1)—

- (i) by deleting the word “business” in paragraph (b) and substituting therefor the words “business management”.
- (ii) in paragraph (b) (ii) by deleting the word “livestock” and substituting therefor the words “animal sciences”;
- (iii) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) has not less than five years experience at a management level in the livestock sector.”

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) The Chief Executive Officer shall hold office for a term of three years renewable for one further term.”

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(ab) the livestock and livestock marketing products levy established under section 21A;”

**CLAUSE 26**

**THAT**, clause 26 of the Bill be amended in sub-clause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) the progress made towards the marketing of livestock and livestock products;”

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 21—

Imposition of levy.

**21A.** (1) The Cabinet Secretary may in consultation with the Board, by notice in the Gazette, impose a levy to be known as the livestock and livestock marketing products levy on a producer.

(2) The Cabinet Secretary may make regulations prescribing the amount and manner of payment of the levy.

**CLAUSE 29**

**THAT**, clause 29 of the Bill be amended by inserting the following new clause immediately after clause 29—

General penalty.

**29A.** A person convicted of an offence under this Act for which no penalty is provided shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred shillings or to both.

**HEADING TO PART V**

**THAT**, the heading to Part V of the Bill be amended by deleting the words “AND SAVING”.

**CLAUSE 32**

**THAT**, clause 32 of the Bill be deleted.

**CLAUSE 33**

**THAT**, clause 33 of the Bill be deleted.

**CLAUSE 34**

**THAT**, clause 34 of the Bill be deleted.

**II. THE EMPLOYMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2019)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Labour and Social Welfare intends to move the following amendments to the Employment (Amendment) Bill, 2019 at the Committee Stage—

**CLAUSE 3**

**THAT**, Clause 3 of the Bill be amended in the proposed section 29A —

(a) in sub clause (1) —

- (i) by deleting the words “under this Act” and substituting therefor the words “shall be entitled to”;
- (ii) by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) in the case of a sole applicant, one-month pre-adoption leave with full pay from the date of placement of the child;
  - (iii) by deleting paragraph (b) and substituting therefor the following new paragraph—
    - (b) in the case of a female employee who is married, one-month pre-adoption leave with full pay from the date of placement of the child;
  - (iv) by deleting paragraph (c) and substituting therefor the following new paragraph—
    - (c) in the case of a male employee who is married, two weeks pre-adoption leave with full pay from the date of placement of the child;
- (b) by inserting the following new sub clauses immediately after sub clause (3) —
- “(3a) Where a child is born as a result of a surrogate motherhood agreement, an employee who is a commissioning parent, shall be entitled to —
- (a) two consecutive months parental leave with full pay from the date the child is born, in the case of a sole parent;
  - (b) two consecutive months parental leave with full pay from the date the child is born, in the case of a female employee who is married; and
  - (c) two weeks paternal leave with full pay, in the case of a male employee who is married.
- (3b) An employee who is eligible for leave under subsection (3a) shall give the employer not less than seven days written notice in advance or a shorter period as may be reasonable in the circumstances of the intention to proceed on parental or paternal leave, as the case may be, on a specified date and to return to work thereafter.
- (3c) A notice under subsection (3B) shall be accompanied by documentation evidencing the surrogate motherhood agreement between the employee and the surrogate mother, and if required by the employer, a certificate as to the medical condition of the surrogate mother from a qualified medical practitioner or midwife.”
- (c) in sub clause (4) by deleting the words “subsection (1)” and substituting therefor the words “this section”.

- 2) Notice is given that the Member for Gilgil (Hon. Martha Wangari) intends to move the following amendments to the Employment (Amendment) Bill, 2019 at the Committee Stage—

**CLAUSE 3**

**THAT**, Clause 3 of the Bill be amended in the proposed new section 29A by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1)Where, for purposes of adoption under any written law, a child is required to be placed under the continuous care and control of an applicant who is an employee under this Act, the employee shall be entitled to pre-adoption leave with full pay for a duration of—

- (a) three months where the child to be adopted has not attained the age of three years;
- (b) two months where the child to be adopted has attained the age of three years but has not attained the age of twelve years; and
- (c) one month where the child has attained the age of twelve years.

**III. THE EQUALISATION FUND BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2019)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Equalisation Fund Bill, 2019 at the Committee Stage—

**CLAUSE 6**

**THAT**, clause 6 of the Bill be amended in sub clause (2) –

- (a) by deleting the word “charging” appearing immediately after the word “holding,” under paragraph (b);
- (b) by deleting paragraph (c).

**CLAUSE 7**

**THAT**, clause 7 of the Bill be amended –

- (a) in sub clause (1) –
  - (i) by deleting the words “from a marginalized community appointed” appearing immediately after the word “chairperson” under paragraph (a);



- (ii) by inserting the words “or a person designated in writing by the Principal Secretary” immediately after the word “water” appearing in paragraph (b);
- (iii) by inserting the words “or a person designated in writing by the Principal Secretary” immediately after the word “roads” appearing in paragraph (c);
- (iv) by inserting the words “or a person designated in writing by the Principal Secretary” immediately after the word “health” appearing in paragraph (d);
- (v) by inserting the following new paragraph immediately after paragraph (d)-  
“(da) the Principal Secretary in the Ministry for the time being responsible for matters relating to National Treasury or a person designated in writing by the Principal Secretary;”
- (vi) by deleting the paragraph (f) and substituting therefor the following new paragraph –  
“(f) three persons appointed by the Cabinet Secretary;
- (b) in sub-clause (4) by deleting the word “ten” appearing immediately after the word “exceeding” and substituting therefor the words “one hundred” under paragraph (d).

**CLAUSE 8**

**THAT**, clause 8 of the Bill be amended in paragraph (c) by –

- (a) inserting the following new sub-paragraph immediately after sub-paragraph (iv)—  
“(v) engineering;”
- (b) renumbering the existing sub-paragraph (v) as (vi).

**CLAUSE 9**

**THAT**, clause 9 of the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

“9. The Chairperson and members of the Board shall hold office for a term of three years and shall be eligible for reappointment for one further and final term of three years.”

**CLAUSE 10**

**THAT**, clause 10 of the Bill be amended by inserting the words “and approve” immediately after the word “consider” under paragraph (b).

**CLAUSE 16**

**THAT**, the Bill be amended in clause 16 by deleting sub clause (2) and substituting therefor the following new sub clause—

“(2) The Chief Executive Officer shall hold office for a term of three years and shall be eligible for re-appointment for one further and final term of three years.”

**CLAUSE 20**

**THAT**, clause 20 of the Bill be amended —

- (a) in sub clause (1) by deleting the word “ward” and substituting therefor the word “Constituency”;
- (b) in sub clause (2) by deleting paragraph (g); and
- (c) by deleting the word “three” and substituting therefor the word “two” appearing immediately after the words “shall be” under sub clause (7);

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub clause—

(1) A person may present a petition to the Board for the dissolution of a Local Committee setting out the alleged facts constituting one or more of the following grounds for dissolution—

- (a) serious violation of the Constitution or any other law including a contravention of Chapter Six;
- (b) gross misconduct, whether in performance of the members’ or office holders’ functions or otherwise;
- (c) incompetence; or
- (d) any other cause as may be deemed justifiable.

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended by inserting the words “with the approval of the Board” immediately after the word “staff”.

**CLAUSE 23**

**THAT**, clause 23 of the Bill be amended in sub clause (2) by deleting the word “Ward” and substituting therefor the word “Constituency”

**CLAUSE 26**

**THAT**, Clause 26 of the Bill be amended -

- (a) in paragraph (a) by deleting word “and”;
- (b) in paragraph (b) by inserting the word “and” at the end;
- (c) inserting the following new paragraph immediately after paragraph (b)-

“(c) status of implementation of projects.”

**CLAUSE 28**

**THAT**, clause 28 of the Bill be amended by inserting the word “Asset” immediately after the word “and”.

**CLAUSE 31**

**THAT**, clause 31 of the Bill be amended by inserting the following new sub clauses immediately after sub clause (4)–

“(5)The Board shall set aside a sum not exceeding five per centum of the total allocation for the Fund to cater for the administration expenses of the Board.

(6) The Board shall ensure that a sum not exceeding five per centum of the total allocation for a project shall be utilised for the administration expenses of the project.”

**CLAUSE 32**

**THAT**, clause 32 of the Bill be amended by deleting the words “At least four months before” and substituting therefor the words “Within the period of three months after”

**CLAUSE 35**

**THAT**, clause 35 of the Bill be amended in sub-clause (3) by deleting the words “line ministries” and substituting therefor the words “Local Committees” appearing immediately after the words “accounts of”.

**SCHEDULE**

**THAT THE SCHEDULE** to the Bill be amended in paragraph (1) by deleting the word “consensus” and substituting therefor the words “voting through simple majority” appearing immediately after the words “reached by” in sub paragraph (4).

2) Notice is given that the Member for Tiaty (Hon. Kassait Kamket) intends to move the following amendments to the Equalisation Fund Bill, 2019 at the Committee Stage—

**CLAUSE 7**

**THAT**, Clause 7(1) of the Bill be amended—

- (a) in paragraph (b) by inserting the words “or a representative designated in writing” immediately after the word “water”;
- (b) in paragraph (c) by inserting the words “or a representative designated in writing” immediately after the word “roads”;
- (c) in paragraph (d) by inserting the words “or a representative designated in writing” immediately after the word “health”;
- (d) in paragraph (e) by inserting the words “or a representative designated in writing” immediately after the word “Treasury”;

**CLAUSE 39**

**THAT**, Clause 39 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” and substituting therefor the word “Board”;
  - (b) in sub-clause (2) by deleting the words “Cabinet Secretary” appearing immediately after the expression “sub-clause (1), the” and substituting therefor the word “Board”;
  - (c) in sub-clause (3) (a) by deleting the words “Cabinet Secretary” appearing immediately after the words “is to enable the” and substituting therefor the word “Board”;
  - (d) in sub-clause (3) (b) by deleting the words “Cabinet Secretary” appearing immediately after the words “authority of the” and substituting therefor the word “Board”.
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The House resolved on Tuesday, February 18, 2020 as follows:-

**THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills NOT 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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 (15) minutes each; and that priority in speaking 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.

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...../Notice Paper

**NOTICE PAPER**

**Tentative business for**  
**Wednesday (Afternoon), March 11, 2020**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Wednesday (Afternoon), March 11, 2020:-

**A. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PRESIDENT’S RECOMMENDATIONS TO THE LAW OF CONTRACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2019)**

(The Leader of the Majority Party)

*(Question to be put)*

**B. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2019)**

(The Chairperson, Constitutional Implementation Oversight Committee)

*(Question to be put and Third Reading)*

**C. COMMITTEE OF THE WHOLE HOUSE**

The Business Laws (Amendment) Bill (National Assembly Bill No. 80 of 2019)  
(The Leader of the Majority Party)

**D. MOTION - ANNUAL REPORTS ON THE STATE OF THE JUDICIARY**  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

*(Resumption of debate interrupted on Tuesday, March 10, 2020)*

**E. THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILL NO. 17 OF 2018)**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

**F. \*\* THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 27 OF 2018)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

**G. \*\* THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)**

(The Chairperson, Parliamentary Pensions Management Committee)

H. **\*\*THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

I. **\*\*THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 19 OF 2018)**

(The Chairperson, Departmental Committee on Communication, Information and Innovation)

Second Reading

J. **MOTION - AGREEMENT BETWEEN KENYA AND ITALY ON THE LUIGI-BROGLIO MALINDI SPACE CENTRE**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

K. **MOTION- REPORT ON THE INQUIRY INTO THE ENCROACHMENT OF RIPARIAN AREAS IN KENYA**

(The Chairperson, Departmental Committee on Environment & Natural Resources)

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**\*\*** *Denotes Bill for which Report under Standing Order 127(4) is yet to be tabled.*

...../Appendix

**APPENDIX**

**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:-

**Question No.**                      **ORDINARY QUESTIONS**

046/2020

**The Member for Mogotio (Hon. Daniel Tuitoek, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -**

- (i) Could the Cabinet Secretary explain the criteria for sharing the funds under the *Road Emergency Fund* for Fiscal Year 2019/2020 among the 47 Counties?
- (ii) How much is to be allocated to each of the 47 counties and what is the justification applied in sharing the said funds during the period?
- (iii) If the funds have already been shared, how much has already been disbursed to each County?

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

047/2020

**The Member for Keiyo South (Hon. Daniel Rono, MP) to ask the Cabinet Secretary for Petroleum and Mining: -**

- (i) Could the Cabinet Secretary give the status of the compensation of persons and organizations that surrendered land to Fluorspar Mining Company in 1974 to pave way for mining, indicating the total number of those that surrendered, those who have been paid, and those yet to be paid?
- (ii) Could the Cabinet Secretary indicate when the said individuals and organizations will be paid their compensation funds?
- (iii) Are there plans by the Ministry to revive fluorspar mining?

*(To be replied before the Departmental Committee on Environment and Natural Resources)*

048/2020

**The Member for Kuria East (Hon. Marwa Maisori, MP) to ask the Cabinet Secretary for Energy: -**

- (i) What measures is the Cabinet Secretary taking to



increase electricity connectivity in Kuria East Constituency, which was rated as having the lowest electricity connectivity in the Country at 6.42 percent during the last census?

- (ii) When will the Ministry connect public institutions and utilities in the area, including 69 public schools and neighboring households, under the Last Mile connectivity programme?

*(To be replied before the Departmental Committee on Energy)*

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REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 11, 2020 AT 2.30 P.M.

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
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- 8\*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PRESIDENT’S RECOMMENDATIONS TO THE LAW OF CONTRACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2019)**  
(The Leader of the Majority Party)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the President’s recommendations to the Law of Contract (Amendment) Bill (National Assembly Bill No. 1 of 2019).

*(Question to be put)*

- 9\*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2019)**  
(The Chairperson, Constitutional Implementation Oversight Committee)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No. 52 of 2019).

*(Question to be put and Third Reading)*

...../10\*

(No.016)

WEDNESDAY, MARCH 11, 2020

(115)

10\*. **COMMITTEE OF THE WHOLE HOUSE**

**11\*.MOTION - ANNUAL REPORTS ON THE STATE OF THE JUDICIARY**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

**THAT**, this House **notes** the Annual Reports on the **State of the Judiciary** for the financial years 2016/2017 and 2017/2018, submitted to the House pursuant to the provisions of Article 254(1) of the Constitution, and **adopts** the recommendations of the Departmental Committee on Justice and Legal Affairs as contained in the Reports of the Committee *laid on the Table of the House on Thursday, May 9, 2019.*

*(Resumption of debate interrupted on Tuesday, March 10, 2020)*

**12\*.THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILL NO. 17 OF 2018)**

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

**13\*\*.THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 27 OF 2018)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

**14\*\*.THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)**

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

**15\*\*.THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

...../16\*\*

**(SENATE BILL NO. 19 OF 2018)**

(The Chairperson, Departmental Committee on Communication, Information and Innovation)

Second Reading

**17\*. MOTION - AGREEMENT BETWEEN KENYA AND ITALY ON THE LUIGI-BROGLIO MALINDI SPACE CENTRE**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

**THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi-Broglio Malindi Space Centre, *laid on the Table of the House on Wednesday, June 26, 2019.*

**18\*. MOTION- REPORT ON THE INQUIRY INTO THE ENCROACHMENT OF RIPARIAN AREAS IN KENYA**

(The Chairperson, Departmental Committee on Environment & Natural Resources)

**THAT**, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on its Inquiry into the Encroachment of the Riparian Areas in Kenya, *laid on the Table of the House on Thursday, September 19, 2019.*

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**\* Denotes Orders of the Day**

**\*\* Denotes Bill for which Report under Standing Order 127(4) is yet to be tabled.**

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...../Notices

(No.016)

**WEDNESDAY, MARCH 11, 2020**

(117)

**NOTICES**

**I. THE BUSINESS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 80 OF 2019)**

- 1) Notice is given that the Leader of the Majority Party intends to move the following amendments to the Business Laws (Amendment) Bill, 2019 at the Committee Stage-

**CLAUSE 24**

**THAT**, the Bill be amended by deleting section 24 and substituting therefor the following new section—

Amendment of section  
39A of No.18 of 2012

24. Section 39A of the Public Finance Management Act, 2012 is amended –

- (a) in sub-section (3) by deleting the words “in time for it to be assented to” and substituting therefor the words “in time for it to be presented for assent”; and
- (b) in sub-section (4) by deleting the words “and the Division of Revenue Act” appearing in paragraph (a).

**NEW CLAUSE 32A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 32—

Amendment of section  
289 of No. 17 of 2015.

**32A.** Section 289 of the Companies Act, 2015 is amended –

- (1) in subsection (1) by—
  - (a) deleting paragraph (b) and substituting therefor the following new paragraph immediately after paragraph (a)—

“(b) in the case of a quoted company, a new item to be put in the agenda of the general nature of business to be dealt with at the meeting.
  - (b) inserting the following new paragraph immediately after paragraph (b)—

“(c) other business to be dealt with at that meeting.”

(No.016)

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(118)

- (2) in subsection (2) by inserting the following new paragraph immediately after paragraph (b)—

“(b) in the case of subsection (1) (b), by members representing at least five percent of paid up capital of

the company.”

### **CLAUSE 37**

**THAT**, clause 37 of the Bill be amended by deleting the clause and substituting therefor the following—

Amendment  
of section  
560A of  
No. 18 of  
2015.

37. The Insolvency Act, 2015, is amended by deleting section 560A and substituting therefor the following new section—

Considerations  
to take into  
account on  
applications  
for approval  
to lift  
moratorium.

560A. (1) When considering whether to grant its approval under section 560, the court or the administrator may in particular take into consideration the following where appropriate –

- (i) the statutory purpose of the administration;
- (ii) the impact of the approval on the applicant particularly whether the applicant is likely to suffer significant loss;
- (iii) the legitimate interests of the applicant and the legitimate interest of the creditors of the company, giving the right of priority to the proprietary interest of the applicant;
- (iv) whether the value of the secured creditor’s claim exceeds the value of the encumbered asset;
- (v) whether the secured creditor is not receiving protection for the diminution in the value of the encumbered asset;
- (vi) whether the provision of protection may be feasible or overly burdensome to the estate;
- (vii) whether the encumbered asset is not needed for the reorganization or sale of the company as a going concern;
- (viii) whether relief is required to protect or preserve the value of assets such as perishable goods; or

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- (ix) whether in reorganisation, a plan is not approved within six months.

(2) An approval granted under subsection (1) shall be for a period of not more than twenty-eight days.

2) **Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Business Laws (Amendment) Bill, 2019 at the Committee Stage-**

**CLAUSE 11**

**THAT**, Bill be amended in clause 11 in the proposed paragraph 24E (1) by deleting the word “ten” appearing immediately before the words “billion shillings” and substituting therefor the word “five”.

**CLAUSE 12**

**THAT**, the Bill be amended in clause 12 in the proposed new definition of “stamp” by inserting the words “recognized by the Government,” immediately after the words “adhesive stamp”.

**NEW CLAUSE 12A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 12—

Amendment of section 119 of Cap. 480.

**12A.** Section 119 of the Stamp Duty Act is amended by inserting the following paragraph immediately after paragraph (c) –

(d) electronic stamping.

**CLAUSE 25**

**THAT**, the Bill be amended by deleting clause 25.

**CLAUSE 26**

**THAT**, the Bill be amended by deleting clause 26.

**CLAUSE 39**

**THAT**, the Bill be amended in clause 39 in the proposed new item in the description by inserting the words “(excluding imported glass bottles for packaging of pharmaceutical products).”

3) **Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following**

amendments to the Business Laws (Amendment) Bill, 2019 at the Committee Stage—

**CLAUSE 11**

**THAT**, Clause 11 of the Bill be amended in the proposed amendment to the Second Schedule to the Income Tax Act, 2012 by deleting the words “ten billion” appearing in the proposed new paragraph 24E (1) and substituting therefor the words “five billion”.

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 14—

Amendment of  
section 2 of No.41  
of 2011.

**14A.** Section 2 of the National Construction Authority Act, 2011 is amended by inserting the following new definition in its proper alphabetical sequence—

“building code” means the building code provided for under regulations made pursuant to section 42.

**CLAUSE 17**

**THAT**, clause 17 of the Bill be amended in the proposed new section 23A by deleting the proposed new subsection (2).

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 17—

Amendment of  
section 42 of  
No.41 of 2011.

**17A.** Section 42 of the National Construction Authority Act, 2011 be amended in subsection (2) by inserting the following new paragraphs immediately after paragraph (a)—

- (aa) the Building Code in the construction industry; and
- (ab) the manner of conducting mandatory inspections by the Authority.

**NEW CLAUSE**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 39—

Amendment of  
section 8 of No.29  
of 2016.

**39A.** Section 8 of the Miscellaneous Fees and Levies Act, 2016 is amended in subsection (3) by inserting the words “and operation” immediately after the word “construction”.



- 4) **Notice is given that the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives intends to move the following amendment to the Business Laws (Amendment) Bill, 2019 at the Committee Stage—**

**CLAUSE 27**

**THAT**, the Bill be amended in clause 27 by inserting the word “Service” immediately after the word “Registration”.

- 5) **Notice is given that the Chairperson of the Departmental Committee on Labour and Social Welfare intends to move the following amendments to the Business Laws (Amendment) Bill, 2019 at the Committee Stage—**

**CLAUSE 3**

**THAT**, the Bill be amended by deleting clause 3 and substituting therefor the following new clause—

Amendment of  
section 5B of  
Cap.237.

3. Section 5B of the Industrial Training Act is amended in—

- (a) subsection (3) by deleting the words “month or part of a month” and substitute therefor the word “year”; and
- (b) subsection (4) by deleting the words “month or part” and substitute therefor the word “year”.

- 6) **Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendment to the Business Laws (Amendment) Bill, 2019 at the Committee Stage-**

**CLAUSE 2**

**THAT**, the Bill be amended by deleting Clause 2 and substituting therefor the following new Clause-

Amendment of  
section 3 of Cap. 23

2. Section 3(6) of the Law of Contract Act is amended-

- (a) in the definition of the word “sign” by inserting the words “physically or by means of an advanced electronic signature” immediately after the word “initial”;
- (b) by inserting the following new definition in proper alphabetical sequence-

“advanced electronic signature” has the same meaning as defined in the Kenya Information and Communications Act, No. 2 of 1998.

The House resolved on Tuesday, February 18, 2020 as follows:-

- II. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion, including a Special motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking 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 in speaking be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
- IV. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen (15) minutes 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 (15) minutes each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- V. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Constitutional Commissions and Independent Offices** shall be limited as follows:- A maximum of four hours with not more than thirty (30) minutes for the Mover in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Report is not moved by the Chairperson of 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 (15) minutes each; and that priority shall be accorded to the Chairperson of the relevant Committee, the Leader of the Majority Party and the Leader of the Minority Party, in that order.

# **NOTICE PAPER**

## **Tentative business for** **Thursday, March 12, 2020**

*(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 Thursday, March 12, 2020:-

- A. **MOTION - ANNUAL REPORTS ON THE STATE OF THE JUDICIARY**  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

*(If not concluded on Wednesday, March 11, 2020 – Afternoon sitting)*

- B. **THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILL NO. 17 OF 2018)**  
(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

*(If not concluded on Wednesday, March 11, 2020 – Afternoon sitting)*

- C. **\*\*THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 27 OF 2018)**  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

*(If not concluded on Wednesday, March 11, 2020 – Afternoon sitting)*

- D. **\*\* THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)**  
(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

*(If not concluded on Wednesday, March 11, 2020 – Afternoon sitting)*

- E. **\*\* THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)**  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

*(If not concluded on Wednesday, March 11, 2020 – Afternoon sitting)*

F. \*\* **THE COUNTY OUTDOOR ADVERTISING CONTROL BILL**  
**(SENATE BILL NO. 19 OF 2018)**

(The Chairperson, Departmental Committee on Communication, Information and Innovation)

Second Reading

*(If not concluded on Wednesday, March 11, 2020 – Afternoon sitting)*

G. **MOTION - AGREEMENT BETWEEN KENYA AND ITALY ON**  
**THE LUIGI-BROGLIO MALINDI SPACE CENTRE**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

*(If not concluded on Wednesday, March 11, 2020 – Afternoon sitting)*

H. **MOTION- REPORT ON THE INQUIRY INTO THE**  
**ENCROACHMENT OF RIPARIAN AREAS IN KENYA**

(The Chairperson, Departmental Committee on Environment and Natural Resources)

*(If not concluded on Wednesday, March 11, 2020 – Afternoon sitting)*

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\*\* *Denotes Bill for which Report under Standing Order 127(4) is yet to be tabled.*

...../Appendix

**PETITION to be presented on**

**Wednesday (Afternoon), March 11, 2020**

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It is notified that, pursuant to Standing Order 225, the following Petition will be presented to the House today, Wednesday (Afternoon), March 11, 2020:-

<b>NO.</b>	<b><u>PETITION TO BE PRESENTED BY</u></b>	<b><u>SUBJECT</u></b>	<b><u>PETITIONER(S)</u></b>
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	The Hon. Anthony Oluoch, MP, <i>pursuant to Standing Order 225(2)(a)</i>	Regulation of digital money lending in Kenya	<i>Listed citizens</i>
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**APPENDIX II**

**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:-

**Question No.**

**ORDINARY QUESTIONS**

031/2020

**The Member for Loima (Hon. Jeremiah Lomorukai, MP) to ask the Cabinet Secretary for Devolution and ASALs:-**

- (i) Could the Cabinet Secretary;
  - (a) provide the number of persons who were affected by the floods in Turkana County in 2019, giving a breakdown of the number of those who lost lives, were displaced and those who had their properties destroyed?
  - (b) state whether the Ministry supplied any non-food items to the victims?
  - (c) state whether the Ministry has considered instituting adequate reparation measures to assist those who lost their livestock as a result of the floods?
- (ii) What policy and mitigative measures has the Ministry put in place to ensure that a long-term solution to avert such disasters is put in place, including any measures instituted under the National Disaster Management Authority?

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

049/2020

**The Member for Sigowet-Soin (Hon. Kipsengeret Koros, MP) to ask the Chairperson of the National Police Service Commission: -**

- (i) What is the criteria used to deploy new police trainees upon graduation from the respective police training colleges?
- (ii) What is the maximum period of service required for police officers to be eligible for transfer from one station to another?
- (iii) Why are some police officers who have served in extremely remote and hardship areas for long periods of time not considered for transfers?
- (iv) Can the Cabinet Secretary undertake to ensure that initial posting of trainee officers and subsequent transfer of police officers is done in a fair and transparent manner devoid of favouritism?

*(For Written Reply)*

**050/2020**

**The Member for Nambale (Hon. Sakwa Bunyasi, MP) to ask the Cabinet Secretary for Labour and Social Protection:**

-

- (i) Could the Cabinet Secretary provide the total number of elderly persons, widows and those with extreme disability who are eligible for cash transfer benefits in Nambale Constituency?
- (ii) What is the status of disbursement of funds to the above-listed categories of persons?
- (iii) Are there plans in place for the Ministry to ensure that all persons eligible for the cash transfer benefits in Nambale Constituency are registered and that payments are effected in a timely manner?

*(To be replied before the Departmental Committee on Labour and Social Welfare)*

**051/2020**

**The Member for Mwatate (Hon. Andrew Mwadime, MP) to ask the Cabinet Secretary for Energy: -**

Could the Cabinet Secretary give the implementation status of the construction of *Mgeno/Saghalala - Bughuta/Kazighau* electric fence project that was budgeted for in the financial year 2017/2018?

*(To be replied before the Departmental Committee on Energy)*

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