



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, MAY 6, 2020 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

**8\*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE EQUALISATION FUND BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2019)  
(The Hon. Kassait Kamket, M.P.)**

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Equalisation Fund Bill (National Assembly Bill No. 43 of 2019), **subject to re-committal of clause 7.**

*(Question to be put)*

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

- (i) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020)  
(The Leader of the Majority Party)
- (ii) The Equalisation Fund Bill (National Assembly Bill No. 43 of 2019)  
(The Hon. Kassait Kamket, M.P.)

*(subject to recommitment of clause 7)*

- (iii) The Tea Bill (Senate Bill No. 36 of 2018)  
(The Chairperson, Departmental Committee on Agriculture & Livestock)

10\*. MOTION - AMENDMENT TO THE STANDING ORDERS TO FACILITATE VIRTUAL SITTINGS OF THE HOUSE

(The Vice-Chairperson, Procedure and House Rules Committee)

**THAT**, this House **adopts** the Fourth Report of the Procedure & House Rules Committee on *Amendments to the Standing Orders to Facilitate Virtual Sittings of the House and its Committees, laid on the Table of the House on Wednesday, May 6, 2020*, and pursuant to provisions of Article 124(1) of the Constitution and Standing Order 265-

- (i) resolves to amend its Standing Orders as contained in the Schedule to the Report; and,
- (ii) orders that the amendments to the Standing Orders as contained in the Schedule to the Report shall come into effect on Monday, 18<sup>h</sup> May, 2020.

11\*. MOTION – ESTABLISHMENT OF AN AD-HOC COMMITTEE ON COVID-19 PREVENTION, RESPONSE AND MANAGEMENT

(The Hon. Ngunjiri Wambugu, M.P.)

**THAT**, aware that the Coronavirus Pandemic (COVID-19) was declared by the World Health Organization (WHO) to be a Public Health Emergency of International concern;

**DEEPLY CONCERNED** on the serious threat posed to the health and social-economic lives of Kenyans by the continued the spread of the Pandemic;

**APPRECIATING** that both the National and County Governments have put in place some targeted interventions to respond and manage the COVID-19 pandemic through among others, enhanced medical and public health actions, mitigating social-economic shocks arising from the impact of the pandemic, creation of a National Emergency Response Fund to foster the national response to the pandemic, and formation of a National Emergency Response Committee on Coronavirus which is tasked with among other things, to coordinate Kenya's preparedness, prevention and response to the threat of COVID-19, and develop mitigation strategies with regard to the disease;

**COGNIZANT THAT** some of the policy measures and targeted interventions put in place by the Government are yet to be anchored in legislation and/or approved by Parliament;

**NOW THEREFORE;** this House resolves as follows –

- (i) to acknowledge and appreciate individuals and corporate entities, development partners and multinational institutions for local and international technical, financial and human assistance efforts and support in response to the pandemic;
- (ii) to establish an *ad-hoc* Committee to be known as the ***Select Committee on the COVID-19 Prevention, Response and Management***, whose mandate will be as follows-
  - (a) Develop necessary legislative measures on COVID-19 prevention, response and management through which the Government would **anchor** the mechanisms to prevent, combat and respond to the pandemic, and to any other pandemics in the future, including but not limited to, ensuring enhanced medical and public health actions and facilities, strategies for cushioning the country from the effects of such pandemic on the social support system, economic stimulus for the Micro, Small and Medium Enterprises, and national public order measures for the maintenance of specific and competent functions during and after such pandemic;
  - (b) Coordinate closely with the *National Emergency Response Committee on COVID-19* which is tasked with among other things, coordinating the country's preparedness, prevention and response in the actions and measures taken to ensure that the Committee delivers on its mandate more effectively; and
  - (c) Consider funding needs and requirements on *COVID-19* prevention, combat, response and management; and,
  - (d) Report and make recommendations on the item under paragraphs (a), and (c) and any other related matters within thirty (30) days, and make weekly progress reports on item (b) to the House, until the end of the pandemic.
- (iii) that the Membership of the Committee be as follows-
  - 1) The Hon. M. D. Ngunjiri Wambugu, M.P.
  - 2) The Hon. (Dr.) Amos Kimunya, EGH, M.P.
  - 3) The Hon. (Dr.) Makali Mulu, M.P.
  - 4) The Hon. Yusuf Hassan, M.P.
  - 5) The Hon. Alice Wahome, M.P.
  - 6) The Hon. Florence Mutua, M.P.

- 7) The Hon. Peris Tobiko, M.P.
- 8) The Hon. Peter Kaluma, M.P.
- 9) The Hon. Mishi Khamisi, M.P.
- 10) The Hon. Beatrice Nyaga, M.P.
- 11) The Hon. Janet Ongeru, M.P.
- 12) The Hon. (Dr.) Otiende Amollo, M.P.
- 13) The Hon. Gathoni Wamuchomba, M.P.
- 14) The Hon. Godfrey Osotsi, M.P.
- 15) The Hon. Didmus Barasa, M.P.
- 16) The Hon. Joshua Kandie, M.P.
- 17) The Hon. (Dr.) Daniel Kamuren Tuitoek, M.P.
- 18) The Hon. Patrick Munene, M.P.
- 19) The Hon. Anthony Oluoch, M.P.
- 20) The Hon. John Kiarie, M.P.
- 21) The Hon. Abdi Omar Shurie, M.P.
- 22) The Hon. Major (Rtd) Bashir Abdullaih, M.P.
- 23) The Hon. Teddy Mwambire, M.P.

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**\* Denotes Orders of the Day**

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...../Notices

# **NOTICES**

## **I. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2020)**

Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendment to the Public Finance Management (Amendment) Bill, 2020 at the Committee Stage—

### **CLAUSE 3**

THAT, the Bill be amended by deleting clause 3.

## **II. THE EQUALISATION FUND BILL (NATIONAL ASSEMBLY BILLNO. 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”.

**III. THE TEA BILL (SENATE BILL NO. 36 OF 2018)**

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Tea Bill (Senate Bill No. 36 of 2018) at the Committee Stage—

**CLAUSE 2**

**THAT**, Clause 2 of the Bill be amended by—

- (a) deleting the definition “managing factory”;

(b) deleting the definition “broker” and substituting therefor the following new definition—

“broker” means a person who negotiates the purchase or sale of tea between tea growers and processors and buyers;”

### **CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended in sub-clause (2)—

(a) in paragraph (b) by deleting subparagraphs (iii), (iv) and (v);

(b) by inserting the following new paragraphs immediately after paragraph (b)—

“(ba) license tea dealers and processors;

(bb) license processors and their agents;

(bc) license tea brokers.”

(c) by deleting paragraph (e) and substituting therefor the following new paragraphs—

“(e) carry out market research and analysis and disseminating information on its findings to all stakeholders;

(f) promote Kenyan tea and facilitate access to new markets;

(g) advise the national government on levies, fees and import or export duties on tea;

(h) advise the county governments on agricultural cess and fees;

(i) oversee the efficient utilization of available Board’s funds; and

(j) carry out such other functions as may be assigned to it by this Act, and any written law while respecting the roles of the two levels of governments.”

### **CLAUSE 7**

**THAT**, Clause 7 of the Bill be amended in sub-clause (1)—

(a) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) the Principal Secretary responsible for National Treasury or a representative nominated by the Principal Secretary in writing;”

(b) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) two persons of either gender with knowledge and experience in the tea sector nominated by the Council of County Governors;”

**CLAUSE 9**

**THAT**, Clause 9 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(ab) contravenes the provisions of Chapter six of the Constitution;”

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A person is not qualified for appointment under subsection (1) unless the person—

- (a) holds a Bachelor’s degree in agriculture;
- (b) holds a Master’s degree in agriculture, business management or finance; and
- (c) has at least five years experience in a position of management.”

**CLAUSE 14**

**THAT**, Clause 14 of the Bill should be amended by inserting the following new paragraph immediately after paragraph (a)—

“(ab) contravenes the provisions of Chapter six of the Constitution;”

**CLAUSE 15**

**THAT**, Clause 15 of the Bill be amended in sub-clause (4) (e) by deleting the words “the annual returns and any other” appearing immediately after the words “ensure that the”.

**CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended in sub-clause (1) (c) by inserting the words “within the county” immediately after the word “markets”.

**CLAUSE 21**

**THAT**, Clause 21 of the Bill be amended in sub-clause (1) by inserting the words “where tea growers deliver green leaf or purple leaf” at the end of the sub-clause.

**CLAUSE 23**

**THAT**, Clause 23 of the Bill be amended by deleting the word “shall” appearing immediately after the words “by the Board, and” and substituting therefor the word “may”.

**CLAUSE 25**

**THAT**, Clause 25 of the Bill be amended by—

- (a) inserting the following paragraph immediately after the introductory statement—

“(a) such monies as may be appropriated by the National Assembly;”

- (b) renumbering the existing paragraphs (a), (b), (c), (d) as (b), (c), (d), (e).

**CLAUSE 27**

**THAT**, Clause 27 of the Bill be amended in clause (1) (a) by deleting the words “balance sheet” and substituting therefor the word “statement”.

**CLAUSE 28**

**THAT**, Clause 28 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “balance sheet” appearing immediately after the words “and the annual” and substituting therefor the word “statement”;
- (b) in sub-clause (2) by deleting the words “balance sheet” appearing immediately after the words “publish the report,” and substituting therefor the word “statement”;
- (c) in sub-clause (3) by deleting the words “balance sheet” appearing immediately after the words “submit to Parliament the reports,”.

**CLAUSE 30**

**THAT**, Clause 30 of the Bill should be amended by—

- (i) deleting sub-clause (1);
- (ii) deleting the expression “(2)” appearing immediately before sub-clause (2);

**NEW CLAUSE**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 31—

Offences  
penalties.

and **31A.** A person who—

- (a) without lawful excuse ignores or fails to obey any instruction issued by a member of the Board or an employee or agent of the Board in exercise of the powers or the performance of the functions of the Board under this Act;
- (b) willfully obstructs a member of the Board or an employee or agent of the Board in the discharge of their lawful duties; or
- (c) misrepresents, knowingly submits false or misleading information to a member of the Board or an employee or agent of the Board in exercise of the powers or the performance of the functions of the Board under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a period not exceeding five years, or to both.

**CLAUSE 32**

**THAT**, Clause 32 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) A person who commits an offence under this Act for which no penalty is provided shall be liable, on conviction, to—

- (a) a fine not exceeding five hundred thousand shillings;
- (b) twice the value of the tea or tea products; or
- (c) imprisonment for a term not exceeding one year, or to both.”

**CLAUSE 33**

**THAT**, Clause 33 of the Bill be amended in sub-clause (2) by inserting the following new paragraphs immediately after paragraph (c)—

- “(ca) tea safety including transportation, processing and market standards of tea;
- (cb) submission of returns and reports by the holders of licences and registrations under this Act;

- (cc) regulation and controlling the method of blending, packaging and labelling of tea for purposes of traceability;
- (cd) regulations for licensing and registration of tea brokers;
- (ce) standards, and the manner of grading and classification of made tea products under this Act;”

2) **Notice is given that the Member for Kabondo Kasipul (Hon. Eve Obara) intends to move the following amendment to the Tea Bill (Senate Bill No. 36 of 2018) at the Committee Stage—**

**CLAUSE 32**

**THAT**, Clause 32 of the Bill be amended in sub-clause (1) by deleting the words “not less than twenty thousand shillings” appearing immediately after the words “on conviction, to a fine of” and substituting therefor the words “not exceeding five hundred thousand shillings”.

3) **Notice is given that Member for Bomet Central (Hon. Ronald Tonui) intends to move the following amendments to the Tea Bill (Senate Bill No. 36 of 2018) at the Committee Stage—**

**CLAUSE 5**

**THAT**, Clause 5 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (c)—

- “(d) facilitate access to international markets;
- (e) promote and monitor tea trade in Kenya;
- (f) facilitate the development of skills and adoption of appropriate value addition technologies for tea and tea products before domestic use and export from Kenya;”

**CLAUSE 7**

**THAT**, Clause 7 of the Bill be amended in sub-clause (1) (d) by inserting the words “from the East and West of tea growing areas” immediately after the words “either gender”.

**CLAUSE 20**

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

- (a) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)—

“(da) construction of tea buying centers within the county;”

- (b) in sub-clause (2) by inserting the words “including construction of processors within counties” at the end of the subclause.

### **CLAUSE 25**

**THAT**, Clause 25 of the Bill be amended by—

- (a) inserting the following paragraph immediately after the introductory statement—

“(a) such monies as may be appropriated by the National Assembly;”

- (b) renumbering the existing paragraphs (a), (b), (c), (d) as (b), (c), (d), (e).

### **NEW CLAUSES**

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

Accounts and audit of tea factories.

**29A.** (1) A county government may cause to be prepared an internal audit report of a processor situated within its jurisdiction.

(2) The internal audit report referred to in subsection (1) shall be tabled in the county assembly within which a processor is situated.

Investment of funds.

**29B.** The Board shall monitor the investment of any funds of tea growers, managing factories and processors.

### **CLAUSE 33**

**THAT**, Clause 33 of the Bill be amended by deleting sub-clause 2(d).

- 4) **Notice is given that Member for Nyaribari Masaba (Hon. Ezekiel Machogu) intends to move the following amendments to the Tea Bill (Senate Bill No. 36 of 2018) at the Committee Stage—**

### **CLAUSE 21**

**THAT**, clause 21 of the Bill be amended in sub-clause (1) by inserting the words “with at least five acres of tea under cultivation” immediately after the words “tea grower”.

NEW CLAUSE

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 24—

Payment of tea growers.

- 24A.** (1) A processor shall pay a tea grower—
  - (a) fifty per cent of the tea grower’s selling price within fifteen days of the auction sale and direct sale;
  - (b) the balance within thirty days of sale.
  
- (2) Despite subsection (1), a tea grower may agree with the processor to be paid—
  - (a) in instalments every four months until the full payment is made;
  - (b) at the end of the year but this payment shall be paid together with accrued interest.

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The House resolved on Wednesday, April 22, 2020 as follows:-

**IV. THAT**, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House of February 18, 2020, each speech in **any debate** during the Sittings of the House on **Wednesday, April 22, Wednesday, April 29 and Wednesday, May 6, 2020**, shall be limited as follows:- a maximum of one hour and thirty minutes with not more than fifteen (15) minutes for the Mover in moving and five (5) minutes in replying and a maximum of five (5) minutes for any other Member speaking, except the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee who shall be limited to a maximum of ten (10) minutes each, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee, in that order.

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## **ADJOURNMENT**

### **V. NOTIFICATION OF RECESS (MAY 07, 2020 – JUNE 01, 2020)**

Pursuant to the provisions of Standing Order 28(3) relating to *Calendar of the Assembly*, and the resolution of the House of Tuesday, April 14, 2020, the Speaker notifies that upon rise of the House today at the appointed time, regular sittings will resume on **Tuesday, June 02, 2020** at 2:30 p.m.

***(Thereafter, the House to adjourn without question put)***

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