



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

THURSDAY, NOVEMBER 29, 2018 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*. PROCEDURAL MOTION– LIMITATION OF DEBATE ON A SPECIFIED REPORT

(The Leader of the Majority Party)

THAT, notwithstanding the provisions of Standing Order 97(4), and the House resolution of February 14, 2018 limiting speech in a debate on a **Report of a Committee**, this House further orders that debate in respect of the *Report of the Committee on Regional Integration on the East African Community Protocol on Information and Communication Technology Networks* be limited as follows:- a maximum of **one (1) hour**, with not more than ten (10) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

9*. THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)

(The Leader of the Majority Party)

Second Reading
(Mover to reply)

10*. **MOTION - REPORT ON THE EXAMINATION OF THE AUDITOR
GENERAL'S REPORT ON THE FINANCIAL STATEMENTS
FOR THE NATIONAL GOVERNMENT**

(The Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on the Examination of the Auditor's General Report on the Financial Statements for the National Government for the Financial Year ended 30th June 2015, laid on the Table of the House on Tuesday, November 14, 2018 subject to –

(a) deletion of Recommendation No. (ii) appearing on page 18 under **Paragraph 4** (Pending Bills) and substituting therefor the following:

“(ii). The Accounting Officer, Dr. Kamau Thugge, puts in place measures to forestall the accumulation of pending bills at the National Treasury contrary to the provisions of Section 12(2) (b) of the Public Finance Management Act, 2012 which mandates the National Treasury to ensure proper management and control of, and accounting for the finances of the national government and its entities in order to promote the efficient and effective use of budgetary resources at the national level.”

(b) deletion of the Committee Recommendation under **Paragraph 5** (Outstanding Imprests) appearing on page 19 of the Report and substituting therefor the following:

“The Accounting Officer, Dr. Kamau Thugge, puts in place measures to manage imprests and ensure outstanding imprests are surrendered on time in line with the provisions of the Public Finance Management Act, 2012 and Regulation 93 of the Public Finance Management (National Government) Regulations, 2015.”

(c) deletion of recommendation no. 1 under Committee Recommendations on under **Paragraph 375.1** (Retention of Refunds - Kshs. 881,398,162.91) on page 466 of the Report, and substituting therefor the following –

“1. The Auditor General to, within three months after the adoption of this Report, undertake an audit into the payments of Kshs.292,060,779.51 and Kshs.100,372,341.65 for FY 2013/14 and FY 2014/15 respectively, totaling Kshs.392,433,121.16 made by the then Accounting Officer, Eng. John K. Mosonik, without original receipts. The Auditor General should also undertake a further audit into refunds totaling Kshs.55,450,449.02 in FY 2014/15 paid by the then Accounting Officer to contractors without proof of completion of works contrary to the Public Finance Management Act, 2012.”

...../10*(cont'd)

(d) deletion of recommendation no. 1 under Committee Recommendations under **Paragraph 375.2** (Unresolved Issues for Deposits Account for 2012/13 and Earlier Years) on page 467 of the Report, and substituting therefor the following

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“1. The Auditor General to, within three months after the adoption of this Report, undertake a further audit regarding a Statement of Assets and Liabilities under Deposits for the former Ministry of Roads submitted by the then accounting officer, Eng. John K. Mosonik, that was still reflecting the Debit and Credit Balances relating to the FY 2012/2013 and earlier years which, besides being un-cleared for a long time, had remained unanalyzed and unsupported as at 30th June, 2016.”

(e) deletion of the Committee recommendation contained in **Paragraph 395.2** of the Report, and substitution thereof with the following new recommendation-

“The Auditor-General to, within three months after adoption of this Report, undertake further audit in order to establish the circumstances in which restricted tendering was adopted in the construction of a model County office in Embu by the State Department of Environment and Natural Resources during the financial year 2014/2015”;

(f) deletion of the Committee recommendation contained **Paragraph 395.5** of the Report and substitution thereof with the following new recommendation-

“The Auditor-General to, within three months after the adoption of this Report, undertake further audit on the propriety of using restricted tendering for fencing projects at various meteorological projects by the Department of Environment and Natural Resources during the financial year 2014/2015.”

(g) deletion of the Committee recommendation contained in **Paragraph 395.7** of the Report, and substitution thereof with the following new recommendation-

“The Auditor-General to, within three months after adoption of this Report, undertake further audit on the propriety of contracts to various suppliers to supply seedlings to various destinations by the State Department of Environment and Natural Resources during the financial year 2014/2015.”

(Motion as amended)

(Mover to reply)

11*. **MOTION – RATIFICATION OF THE EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION AND COMMUNICATION TECHNOLOGY NETWORKS**

(The Chairperson, Committee on Regional Integration)

THAT, this House **adopts** the Report of the Committee on Regional Integration on on the East African Community Protocol on Information and Communication Technology Networks, laid on the Table of the House on Tuesday, November 27, 2018, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the East African Community Protocol on Information and Communication.

12*. **THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2018)**

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(Resumption of debate interrupted on Wednesday, November 28, 2018 – Afternoon sitting)

13*. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)**

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

14*. **THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)**

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

15*. **THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)**

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

16*. MOTION – REPORT ON KENYATTA UNIVERSITY TEACHING & REFERRAL HOSPITAL PROJECT

(The Chairperson, Departmental Committee on Health)

THAT, this House **adopts** the Report of the Committee on Health on Kenyatta University Teaching & Referral Hospital Project, laid on the Table of the House on Wednesday, October 17, 2018.

*** Denotes Orders of the Day**

N O T I C E S

- I. **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.

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

NOTICE PAPER

Tentative business for

Tuesday, December 04, 2018

(Published pursuant to Standing Order 38(1))

It is **notified** that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Tuesday, December 04, 2018:-

A. COMMITTEE OF THE WHOLE HOUSE

The Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

B. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(If not concluded on Thursday, November 29, 2018 – Afternoon sitting)

C. THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Thursday, November 29, 2018 – Afternoon sitting)

D. MOTION – REPORT ON KENYATTA UNIVERSITY TEACHING & REFERRAL HOSPITAL PROJECT

(The Chairperson, Departmental Committee on Health)

(If not concluded on Thursday, November 29, 2018 – Afternoon sitting)

E. THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL (SENATE BILL NO. 8 OF 2017)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

APPENDIX

ORDER NO.7 - QUESTIONS

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

Question No.

243/2018 The Member for Awendo Constituency (Hon. John Walter Owino, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development:-

- a) What is the status of construction of the 40km Rongo – Dede -Rapongi - Awendo road which was tendered under the low volume seal roads phase and Ranen A1 – DB Homa Bay (C866) road?
- b) When is the construction of the said roads expected to commence and be completed?

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

245/2018 Member for Kamukunji Constituency (Hon. Yusuf Hassan, MP) to ask the Cabinet Secretary for Foreign Affairs-

- a) Is the Cabinet Secretary aware that on 7th November 2018, a Kenyan journalist, Ms. Muthoki Mumo, together with a colleague were arrested and detained by Tanzanian authorities while they were on a visit to Tanzania?
- b) Why were the two journalists held by the Tanzanian authorities, and what interventions were taken and assistance accorded by the Kenyan High Commission in Tanzania to the journalists?
- c) How many Kenyans are currently held in Tanzania's Police Cells, Remands and Prisons, and what steps has the Government of Kenya taken to protect, defend and assist Kenyans who are harassed, mistreated and arbitrarily detained by Tanzanian authorities?

(To be replied before the Departmental Committee on Defence and Foreign Relations)

253/2018 The Member for Baringo Central Constituency (Hon. Joshua Chepyegon Kandie, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- a) Is the Cabinet Secretary aware that there have been increased cases of insecurity in Baringo Central Constituency?
- b) What measures are being put in place by the Ministry to curb the increased cases of insecurity and harassment of Boda Boda operators by Police Officers?

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

255/2018 The Member for Vihiga County (Hon. Beatrice Adagala, MP) to ask the Cabinet Secretary for Environment and Forestry: -

- a) Is the Cabinet Secretary aware that community land covering Maragoli Hills in Mugoma Ward, Kisingila, Dabwongo, Buhani, Lodenyi and Musova of Vihiga Sub-County is being reclaimed and converted to Maragoli Forest land?
- b) What measures is the Ministry putting in place to ensure that the people living on the said land are compensated and settled appropriately?

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

256/2018 The Member for Embakasi East Constituency (Hon. Babu Owino Paul Ongili, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

- a) Could the Cabinet Secretary explain why the National Social Security Fund has not issued title deeds to the residents of Tassia Estate following completion of payments of the said parcel of land?
- b) When will the National Social Security Fund refund the Ksh. 920,000/= to the residents of Tassia Estate meant for the construction and rehabilitation of roads in the area noting that they are not mandated to undertake road construction?

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

257/2018 The Member for Kisumu West Constituency (Hon. John Olago Aluoch MP) to ask the Cabinet Secretary for Lands and Physical Planning: -

- a) When was the parcel of land, Land Reference No. 332/182 in Maseno Township of Kisumu County, allocated to the Administration Police?
- b) Under what circumstances was part of this parcel reallocated to private developers and new parcels of land created: could the Cabinet secretary provide identities of the persons or institutions that benefited from the reallocation?
- c) What steps has the Ministry taken to ensure that the parcel of land reverts to the National Police Service and further what action the Ministry has taken to secure all parcels of land allocated to the National Police Service in the Country?

(To be replied before the Departmental Committee on Lands)

258/2018 The Member for Molo Constituency (Hon. Francis Kuria Kimani, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development:-

- a) Is the Cabinet Secretary aware of the deplorable and bad state of Nakuru-Njoro-Molo road, especially the stretch from Njoro to Molo?
- b) Considering the importance of the said road as it is used as a by-pass by motorists avoiding Nakuru - Salgaa -Sachangw'an -Total Road, and as the only tarmacked road linking Njoro-Molo and Kuresoi South Constituency, what measures is the Ministry putting in place to ensure that this road is repaired?

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

260/2018 The Member for Gichugu Constituency (Hon. Gichimu Githinji, MP) to ask the Cabinet Secretary for National Treasury and Planning: -

- a) Could the Cabinet Secretary explain why the National Treasury has not issued Letters of Exemption for importation of duty free machinery, equipments and for tax exemption in relation to the construction of Thiba Dam project that was launched on 23rd November, 2017?
- b) Is the Cabinet Secretary aware that the Master List for Exemption submitted by the constructor in March 2018 has not been acted upon and as a consequence the contractor is considering suspending the works which will be a major drawback to the project as well the intended food security, lack of job opportunities to the Gichugu residents and adverse effects to the economy generally?

(To be replied before the Departmental Committee on Finance and National Planning)
