



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MARCH 14, 2019 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*. SPECIAL MOTION -

**APPROVAL OF NOMINEES FOR
APPOINTMENT TO THE NATIONAL
GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND BOARD**

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

THAT, taking into consideration the findings of the Select Committee on the National Government Constituencies Development Fund in its Report on the Vetting of Nominees for appointment as Members of the National Government Constituencies Development Fund Board, *laid on the Table of House on Tuesday, March 12, 2019*, and pursuant to section 15(1)(e) of the National Government Constituencies Development Fund Act, 2015 and section 8(1) of Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of the following persons to the National Government Constituencies Development Fund Board-

- (i) **Mr. Robert Nyariki Momanyi Masese;**
- (ii) **Ms. Irene C. Masit;**
- (iii) **Mr. Abdiaziz Bulle Yarrow;**
- (iv) **Ms. Isabel Nyambura Waiyaki;**
- (v) **Ms. Maria Lekoloto;**
- (vi) **Hon. Peter Edick Omondi Anyanga; and**
- (vii) **Mr. George Kasatua Ole Meshuko.**

(Question to be put)

9*. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2019)**

(The Chairperson, Budget & Appropriations Committee)

Second Reading

10*. **MOTION – SENATE AMENDMENTS TO THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)**

(The Leader of the Majority Party)

THAT, the Senate amendments to the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) be now considered.

11*. **COMMITTEE OF THE WHOLE HOUSE**

(i) The Division of Revenue Bill (National Assembly Bill No. 11 of 2019)
(The Chairperson, Budget & Appropriations Committee)

(ii) Consideration of Senate Amendments to the Kenya Roads Bill (National Assembly Bill No. 47 of 2017)
(The Leader of the Majority Party)

12*. **MOTION - REPORT ON ALLEGED IRREGULAR SPECIALIST RECOGNITION OF DR. SAMIRA SONI BY THE KENYA MEDICAL PRACTITIONERS AND DENTISTS BOARD**

(The Chairperson, Departmental Committee on Health)

THAT, this House **adopts** the Report of the Departmental Committee on Health on alleged irregular specialist recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board, *laid on the Table of the House on Wednesday, October 17, 2018.*

(Mover to reply)

13*. **MOTION - INQUIRY INTO THE KENYA-SOMALIA BORDER SECURITIZATION PROJECT**

(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 the Inquiry into the Kenya-Somalia Border Securitization Project, *laid on the Table of the House on Tuesday, November 20, 2018.*

(Resumption of debate interrupted on Wednesday, March 13, 2019 – Afternoon sitting)

14*. MOTION – RATIFICATION OF THE REVISED CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

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

THAT, this House adopts the Report of Departmental Committee on Transport, Public Works and Housing on its consideration of the Revised Constitution of the African Civil Aviation Commission (AFCAC) for Ratification, *laid on the Table of House on Tuesday, March 12, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Revised Constitution of the African Civil Aviation Commission.

15*. MOTION - INQUIRY INTO LEGISLATIVE AND REGULATORY GAPS AFFECTING COMPETITION IN THE TELECOMMUNICATIONS SUB-SECTOR

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

THAT, this House **adopts** the Report of Departmental Committee on Communication, Information and Innovation on the Inquiry into Legislative and Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector, *laid on the Table of House on Tuesday, March 5, 2019*.

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

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

THAT, this House **notes** the Report of the Departmental Committee on Defence and Foreign Relations on a meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to promote and popularize the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, *laid on the Table of the House on Wednesday, November 21, 2018*.

*** Denotes Orders of the Day**

NOTICES

I. CONSIDERATION OF SENATE AMENDMENTS TO THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)

CLAUSE 2

Senate Amendment

THAT, Clause 2 of the Bill be amended by deleting the definition of public roads and substituting therefor the new definition-

“Public Road” means all roads falling under the classifications under Schedule I and any other subsequently classified roads”.

CLAUSE 4

Senate Amendment

THAT, Clause 4 be amended by inserting the words “and a county roads agency” immediately after the words “an Authority”.

CLAUSE 7

Senate Amendment

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

- (a) by deleting the word “and” appearing immediately after the words “research on roads”;
- (b) by inserting the word “and” immediately after the words “the National Transport and Safety Authority” and;
- (c) by inserting the following new paragraph—
“(k) the Council of Governors.”
- (d) inserting the following new paragraph immediately after paragraph (j)
(k) the Law Society of Kenya.

CLAUSE 9**Senate Amendment**

THAT, Clause 9 of the Bill be amended in sub-clause (1) by inserting the words “in consultation with the Council of Governors” immediately after the words “Cabinet Secretary”.

CLAUSE 10**Senate Amendment**

THAT, Clause 10 of the Bill be amended—

(a) in sub-clause (2)

(i) by deleting the word “and” appearing immediately after the word road in paragraph(a);

(ii) by inserting the words “; and” immediately after the words “county road”

(iii) by inserting the following paragraph immediately after paragraph (b)—
‘(c) there is uniformity in the classification of roads.’

(b) in sub-clause (3) by inserting the words, “in consultation with the relevant county government” immediately after the words “Cabinet Secretary” in the introductory phrase.

CLAUSE 12**Senate Amendment**

THAT, Clause 12 of the Bill be amended in sub-clause (3) by deleting the words “in each county” appearing immediately after the words “administrative offices”.

CLAUSE 14**Senate Amendment**

THAT, Clause 14 of the Bill be amended in sub-clause (2) by inserting the following new subparagraph immediately after subparagraph (ii) in paragraph (f).

(iii) the Law Society of Kenya.

CLAUSE 17**Senate Amendment**

THAT, Clause 17 of the Bill be amended in sub-clause (2) by inserting the following new subparagraph immediately after subparagraph (ii) in paragraph (f).

(iii) the Law Society of Kenya.

CLAUSE 20**Senate Amendment**

THAT, Clause 20 of the Bill be amended in sub-clause (2) by inserting the following new subparagraph immediately after subparagraph (ii) in paragraph (f).

(iii) the Law Society of Kenya.

CLAUSE 44**Senate Amendment**

THAT, Clause 44 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2) —

“(3) The Authority in exercising its powers under this section shall seek consultation and approval of the relevant county government.”

CLAUSE 47**Senate Amendment**

THAT, Clause 47 of the Bill be deleted and substituted therefor with the following new clause:

Power to take
water

47. An Authority may for its purposes and in consultation with the relevant county government, take water from any watercourse subject to the Water Act.

CLAUSE 48**Senate Amendment**

THAT, Clause 48 of the Bill be amended—

- (a) in sub-clause (5) by inserting the words ‘or any court of law’ appearing immediately after the words ‘National Lands Commission’, and
- (b) by inserting the following new sub-clauses appearing immediately after sub-clause (12)—

(13) Roads referred to in sub-section (1) shall not be carried out where they may endanger any rare or threatened species, wildlife migration, water sources or springs or sites of cultural or natural importance

(14) All contemplated roads or road-works in sensitive areas of cultural or natural importance such as wetlands, indigenous forests and historic or prehistoric sites shall require approval from the National Environment Management Authority as per section 42 of the Environmental Management and Co-ordination Act, 1999.

- (15) In the event that the proposed road works cannot avoid passing through a protected area, the Authority shall construct overpasses or underpasses to allow wildlife movement at frequent intervals.
- (16) With reference to sub-section 15, where overpasses or underpasses cannot be constructed, the Authority shall ensure that fences are erected on both sides of the road.

CLAUSE 52**Senate Amendment**

THAT, Clause 52 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (4)—

- (5) “Any matter brought to the Intergovernmental Relations Technical Committee under subsection (4) shall be determined expeditiously.”

CLAUSE 56**Senate Amendment**

THAT, Clause 56 of the Bill be amended in sub-clause (1) by deleting the words ‘in respect of roads including national and county roads’ appearing immediately after the word ‘Authority’ and substituting therefor with the words ‘in respect of national roads’.

CLAUSE 67**Senate Amendment**

THAT, Clause 67 of the Bill be amended in sub-clause (1) by deleting the words ‘or for the use of road reserves’ appearing immediately after the word ‘services’

CLAUSE 83**Senate Amendment**

THAT, Clause 83 be amended —

- (a) in sub-clause (1) by
- (i) inserting the words “pedestrians, or” immediately after the words “for the benefit of the”.
 - (ii) inserting the following words “including pavements, footpaths and footbridges” immediately after the words “or other works as” in paragraph (a).
- (b) by inserting the following new sub-clause immediately after sub-clause (1)-

(1A) Where a responsible body, immediately before the commencement of this Act, constructed a road without such accommodation works under sub-section (1), an Authority or a county roads agency shall, within a period of twenty four months, construct such accommodation works as are necessary for the benefit or convenience of pedestrians, or the owners and occupiers of lands adjoining those on which a road is constructed.

CLAUSE 85**Senate Amendment**

THAT, Clause 85 be amended in paragraph (f) by inserting the words “pavement, footpath or footbridge” immediately after the words “parking area”.

CLAUSE 98**Senate Amendment**

THAT, Clause 98 be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (f) –

- (fa) size, standards and use of pavements, footpaths and footbridges, including measures as are necessary to make such accommodation works fit for use by persons living with disabilities and cyclists;

CLAUSE 100**Senate Amendment**

THAT, Clause 100 be amended –

- (a) in sub-clause (2) –

- (i) by inserting the following new paragraph immediately after paragraph (b)

- (ba) constructing, upgrading, rehabilitating and maintaining accommodation works such pavements, footpaths or footbridges as are necessary for the benefit of convenience of pedestrians, or the owners and occupiers of lands adjoining those on which the road is constructed;

- (ii) by deleting the words “county government” appearing at the end of paragraph (f) and substituting therefor the words “national government”.

- (b) in sub-clause (3) by inserting the words “and accommodation works” immediately after the words “county roads”.

CLAUSE 101**Senate Amendment**

THAT, Clause 101 of the Bill be amended—

- (a) by renumbering the existing clause as sub-clause (1), and;
- (b) by inserting the following new sub-clause under sub-clause (1)—

‘(2) In the exercise of the powers under subsection (1), each county government through their County Roads Agency shall classify and assign the roads under their jurisdiction and submit the proposed classification to the Cabinet Secretary for approval and inventory purposes.’

CLAUSE 102**Senate Amendment**

THAT, Clause 102 of the Bill be amended in sub-clause (5) by deleting paragraph (a) and substituting therefor the following new paragraph:

‘(a) the former boards of the Kenya National Highways Authority, the Kenya Rural Roads Authority and the Kenya Urban Roads Authority shall remain in place following the commencement of this Act until the Authorities contemplated under this Act are duly constituted.’

THIRD SCHEDULE**Senate Amendment**

THAT, the Third Schedule of the Bill be amended—

- a) in the marginal note by deleting the words ‘sec 6(2)(i)’ and substituting therefor with the numeration ‘Sec 6(2)(1)’
- b) in the proposed amendments to the Kenya Roads Board Act, No. 7 of 1999 by –

inserting the following amendment immediately after the proposed amendment to section 17 -

- s.17(2) Delete and substitute therefor the following new subsection –
- (2) The Constituency Roads Committee shall comprise of —
 - a) two members from the respective Constituency Development Fund Committee;
 - b) two officers serving in the office of the county Senator;

- c) the County Executive Committee Member for Roads;
- d) a representative of the Kenya National Secondary Roads Authority in the region, who shall be the Secretary to the Committee;
- e) a representative from the Ministry responsible for planning;
- f) the respective Deputy County Commissioner or his representative; and
- g) two members co-opted by the Committee to represent such special interests with regard to roads as the committee may determine from time to time, and who shall not have voting rights;

deleting the proposed amendment to section 17(3) and (4) and substituting therefor –

s. 17(3) Delete and substitute therefor the following new subsection –

(3) The Constituency Roads Committee shall designate two of the members appointed under subsection (2)(a) and (b) to be the Chairman and Vice Chairman of the Committee respectively, and any two members from subsection (2)(a) and (b) designated by the Committee and the Kenya Rural Roads Authority accountant shall be the signatories to the Constituency Roads Fund account established by the constituency.

s.17(4) Delete the words “Kenya Rural Roads Authority” whenever it appears and substitute therefor with “Kenya National Secondary Roads Authority”

inserting the following amendment immediately after the proposed amendment to section 17A -

s.17A(2) Delete paragraph (a) and substitute therefor the following new paragraphs –

- a) one representative of the Constituency Development Fund Committee who is a member of the Constituency Roads Committee
- aa) two officers serving in the office of the county Senator who are members of the Constituency Roads Committee.

Notice is given that Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Senate amendments to the Kenya Roads Bill, 2017 at the Committee Stage—

CLAUSE 2

THAT, the Senate amendments to clause 2 be deleted.

CLAUSE 7

THAT, the Senate amendments to clause 7 be deleted.

CLAUSE 9

THAT, the Senate amendments to clause 9 be deleted.

CLAUSE 10

THAT, the Senate amendments to clause 10 be deleted.

CLAUSE 14

THAT, the Senate amendments to clause 14 be deleted.

CLAUSE 17

THAT, the Senate amendments to clause 17 be deleted.

CLAUSE 20

THAT, the Senate amendments to clause 20 be deleted.

CLAUSE 44

THAT, the Senate amendments to clause 44 be deleted.

CLAUSE 47

THAT, the Senate amendments to clause 47 be deleted.

CLAUSE 48

THAT, the Senate amendments to clause 48 be amended by—

(a) deleting paragraph (a); and

(b) deleting the proposed new sub-clause (15) and substituting therefor the following new sub-clause—

“(15) In the event that the proposed road works cannot avoid passing through a protected area, the Authority shall, in consultation with the National Environment Management Authority, construct overpasses or underpasses to allow wildlife movement at frequent intervals.”

CLAUSE 52

THAT, the Senate amendments to clause 52 be amended by deleting the word “expeditiously” and substituting therefor the words “within thirty days of receipt”.

CLAUSE 67

THAT, the Senate amendments to clause 67 be deleted.

CLAUSE 101

THAT, the Senate amendments to clause 101 be deleted.

CLAUSE 102

THAT, the Senate amendments to clause 102 be deleted.

THIRD SCHEDULE

THAT, the Senate amendments to the Third Schedule to the Bill be amended by deleting paragraph (b).

II. REPORT ON THE INQUIRY INTO THE KENYA-SOMALIA BORDER SECURITIZATION PROJECT

PROPOSED AMENDMENT

Notice is given that the Member for Nyaribari Chache (Hon. Richard Tongi) intends to move the following amendments to the Motion on the Report on the Inquiry into the Kenya-Somalia Border Securitization Project:-

THAT, the Motion be amended as follows –

- (i) By deleting the word **“adopts”** appearing immediately after the expression **“THAT, this House”** and substituting therefor with the word **“notes”**; and
- (ii) By deleting the words **"Inquiry into"** after the words **"Foreign Relations on the"** and substituting therefore with the words **“Status of”**.

NOTICES

The House resolved on Wednesday, February 13, 2019 as follows:-

- 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.
- IV. 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 shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
- V. 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 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, March 19, 2019

(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, March 19, 2019:-

A. SPECIAL MOTION - REPORT OF THE COMMITTEE ON APPOINTMENTS ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS THE CABINET SECRETARY FOR THE MINISTRY OF EDUCATION

(The Chairperson, Committee on Appointments)

B. COMMITTEE OF THE WHOLE HOUSE

- (i) The County Governments (Amendment)(No.2) Bill (Senate Bill No.7 of 2017)

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

- (ii) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 51 of 2017)

(The Leader of the Majority Party)

C. MOTION - INQUIRY INTO LEGISLATIVE AND REGULATORY GAPS AFFECTING COMPETITION IN THE TELECOMMUNICATIONS SUB-SECTOR

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

(If not concluded on Thursday, March 14, 2019)

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

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

(If not concluded on Thursday, March 14, 2019)

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. **ORDINARY QUESTIONS**

113/2019 **The Member for Funyula Constituency (Hon. (Dr.) Wilberforce Ojiambo Oundo, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government –**

- (i) Could the Cabinet Secretary explain the disciplinary measures taken by the Inspector General of Police against Police Officers at Sio Port Police Station in Busia County who used live bullets and lobbied teargas canisters at innocent women on 22nd, 23rd and 24th November, 2018?
- (ii) What action is the Cabinet Secretary taking over Police Officers in Samia Sub-County who have been erecting illegal roadblocks that are said to be used to solicit bribes from motorists?

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

114/2019 **The Member for Bomachoge Borabu Constituency (Hon. Zadoc Ogutu, MP) to ask the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation-**

- (i) Could the Cabinet Secretary provide existing policy guidelines regarding buying of tea leaves from farmers by tea factories, and in particular by the Mara Tea factory located at the border of Kisii and Narok Counties?
- (ii) What steps is the Ministry taking to ensure that the numerous challenges faced by tea farmers are addressed?

(To be replied before the Departmental Committee on Agriculture and Livestock)

115/2019 **The Member for Suna West Constituency (Hon. Peter Francis Masara, MP) to ask the Cabinet Secretary for Petroleum and Mining-**

- (i) Is the Cabinet Secretary aware that in late 2017, eight artisanal miners from Suna West Constituency lost their lives as a result of collapse of mines during the mining process?
- (ii) What measures is the Ministry putting in place to ensure that miners are sensitized on safety procedures during mining processes?

- (iii) Could the Ministry consider compensating families of persons who lose their lives as a result of collapse of mines?

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

116/2019

The Member for Gilgil Constituency (Hon. Martha Wangari, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government-

- (i) Is the Cabinet Secretary aware that one Hon. Pauline Maina, of Identification Card Number 24640362, a Member of Nyeri County Assembly was physically assaulted and injured in Arusha, Tanzania on 9th May 2018 by a fellow male Member of the County Assembly of Nyeri representing Kirimukuyu Ward?
- (ii) Could the Cabinet Secretary give a progress report by the investigating agencies regarding the incident; and, state what action the police have taken to apprehend and prosecute the suspect in the assault incident?

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

117/2019

The Member for Kamukunji Constituency (Hon. Yusuf Hassan, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government-

- (i) What was the outcome of an investigation on the fire in Gikomba Market that destroyed goods and properties worth millions of shillings in Kamukunji Constituency on 28th June, 2018 and when is it going to be made public?
- (ii) How many people have been arrested, questioned and brought to book in relation to the outbreak of the fire?
- (iii) What measures is the Ministry putting in place to provide safety and protect traders, customers and properties in Gikomba Market and in particular on fire safety?

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

118/2019

The Nominated Member (Hon. David Sankok, MP) to ask the Cabinet Secretary for Interior and Co-ordination of National Government -

- (i) Is the Cabinet Secretary confirm that there are at least five police road blocks in a stretch of 9km along the Limuru-Maai Mahiu Road inconveniencing motorists as well as leading to road accidents?

- (ii) Could the Ministry consider having enough parking lots along the road to ensure that vehicles stopped for inspection are parked and inspected away from the road?

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