



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, MARCH 05, 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* . MOTION – REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE 2019/2020 BUDGET POLICY STATEMENT

(The Chairperson, Budget & Appropriations Committee)

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement and the Debt Management Strategy for 2019/2020 and the Medium-Term, *laid on the Table of the House on Wednesday, February 27, 2019.*

(Question to be put)

9* . COMMITTEE OF THE WHOLE HOUSE

The County Governments (Amendment) Bill (Senate Bill No. 11 of 2017)
(The Chairperson, Departmental Committee on Administration and National Security)

10*. **MOTION - REPORT ON AUDITED FINANCIAL STATEMENTS FOR CONSTITUENCIES IN KISUMU COUNTY**

(The Chairperson, Special Funds Accounts Committee)

THAT, this House **adopts** the Third Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Kisumu County for the Financial Years 2013/14, 2014/15 and 2015/16, *laid on the Table of the House on Wednesday, November 28, 2018.*

(Resumption of debate interrupted on Wednesday, February 27, 2019)

11*. **MOTION – REPORT ON THE DISBURSEMENTS OF FUNDS TO THE NG-CDF**

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

THAT, this House **adopts** the Report of the Select Committee on National Government Constituencies Development Fund on the Status of Disbursements of Funds to the National Government Constituencies Development Fund as at February 22, 2019, *laid on the Table of House on February 26, 2019.*

12*. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, November 13, 2018)

13*. **MOTION – PROGRESS REPORT ON THE INQUIRY INTO THE PROPOSED TAKEOVER OF JOMO KENYATTA INTERNATIONAL AIRPORT BY KENYA AIRWAYS**

(The Chairperson, Public Investments Committee)

THAT, this House **adopts** the Progress Report of the Public Investments Committee on the inquiry into the Proposed Takeover of Jomo Kenyatta International Airport by Kenya Airways, *laid on the Table of the House on Wednesday, February 27, 2019.*

14*. **THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

N O T I C E S

I. THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILL NO. 11 OF 2017)

- 1) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) at the Committee Stage—

CLAUSE 6

Clause 6 of the Bill be amended in the proposed amendments to section 9 by deleting the proposed new section 9A and substituting therefor—

Speaker of a
county assembly.

9A. (1) The speaker of a county assembly shall be elected, in accordance with standing orders of the respective county assemblies, from among persons who are eligible to be elected as members of a county assembly but are not such members.

(2) In the absence of the speaker of the county assembly or in matters that directly affect the speaker, the county assembly shall elect a member to act as speaker as contemplated under Article 178(2)(b) of the Constitution.

(3) Unless otherwise removed, the member elected under subsection (2), shall, in the absence of the Speaker, preside over the sittings of the assembly for the term of the county assembly.

CLAUSE 7

Clause 7 of the Bill be amended in the proposed amendments to section 11 by deleting the proposed new section 11A

CLAUSE 8

Clause 8 of the Bill be amended in the proposed amendment to section 25 in the new subsection (2) by deleting the words “and the county Gazette” appearing immediately after the words *Kenya Gazette*.

CLAUSE 11

Clause 11 of the Bill be amended in the proposed amendments to section 31 by deleting the proposed new paragraph (a) and substituting therefor—

“(a) may dismiss a county executive member, if the governor considers appropriate and shall give reasons for dismissal”

CLAUSE 15

The Bill be amended by deleting clause 15 and substituting therefor—

Amendment to
section 44 of No. 17
of 2012.

15. Section 44 the principal Act is amended by-
(a) deleting subsection(2) and substituting therefor—

“(2) A person shall be qualified for appointment as a county secretary under subsection (1), if that person

—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least ten years relevant professional experience;
- (d) has at least five years’ experience in a leadership position at senior management level in a public service or private sector organization; and
- (e) meets the requirements of leadership and integrity as prescribed in Chapter Six of the Constitution.

(b) inserting the following new subsections immediately after subsection (2)–

(2A) The Governor shall, for the purpose of competitive recruitment of a county secretary under subsection (2), constitute a selection panel.

(2B) The selection panel shall consist of the following persons-

- (a) a chairperson, not being a public officer;
- (b) one person from the private sector;
- (c) an Advocate of the High Court of Kenya, who is a member of the Law Society of Kenya;
- (d) an accountant who is a member of the Institute of Certified Public Accountants of Kenya; and
- (e) one person from an association representing workers.

(2C) The provisions of section 58A shall, with such modification as shall be necessary apply to the recruitment of a county secretary.

(2D) Upon interviewing the applicants for the position of county secretary-

- (i) the selection panel shall submit to the governor the names of two applicants who qualify for appointment as county secretary; and
- (ii) the governor shall submit the name of one applicant to the county assembly for approval for appointment as county secretary by the governor.

(2E) The county secretary shall hold office for a term of five years and shall be eligible for re-appointment once.

(2F) The county secretary shall be an *ex officio* member of the County Executive Committee with no voting rights.

(c) inserting the following new subsection immediately after subsection (3) –

(3A) The county secretary may be removed from office on the following grounds—

- (a) inability to perform functions of the office arising out of physical or mental infirmity;
- (b) incompetence;
- (c) gross misconduct;
- (d) bankruptcy; or
- (e) violation of the Constitution.

(3B) Before removal under subsection (3A), the county secretary shall be informed, in writing, of the reasons for the intended removal, and shall be given an opportunity to put a defence against any such allegations, either in person or through a representative.

(3C) Subject to subsection (3A), (3B) and conditions of appointment, a county secretary may be dismissed by the governor.

CLAUSE 25

Clause 25 of the Bill be amended in the introductory paragraph by deleting the words “deputy speaker” appearing after the word “serving as”

2) Notice is given that the Member for Gatundu South (Hon. Moses Kuria) intends to move the following amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) at the Committee Stage—

CLAUSE 7

THAT, Clause 7 of the Bill be amended in the proposed new section 11—

(a) by inserting the following new subsections immediately after the proposed new subsection (8)—

“(9) If the motion under subsection (3) is supported by at least two- thirds of all the members of the county assembly, the clerk of the county assembly shall inform the Speaker of the Senate of the resolution of the County Assembly within two days when the House is in Session;

(10) Within seven days after receiving notice of a resolution from the Clerk of the county assembly—

(a) the Speaker of the Senate shall convene a meeting of the Senate to hear charges against the Speaker; and

(b) the Senate, by resolution, may appoint a special committee comprising eleven of its members to investigate the matter.

(11) A special committee appointed under subsection (10) shall—

(a) investigate the matter; and

(b) report to the Senate within ten days on whether it finds the particulars of the allegations against the county assembly speaker to have been substantiated.

(12) The county assembly speaker shall have the right to appear and be represented before the special committee during its investigations.

(13) Where the special committee reports that the particulars of any allegation against the speaker—

(a) have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation; or

(b) have been substantiated, the Senate shall, after according the county assembly speaker an opportunity to be heard, vote on the impeachment charges.

(14) If a majority of all the members of the Senate vote to uphold any impeachment charge, the Speaker shall cease to hold office.

(15) If a vote in the Senate fails to result in the removal of the speaker, the speaker of the Senate shall notify the clerk of the concerned county assembly accordingly and the motion by the assembly for the removal of the speaker on the same charges may only be re-introduced to the Senate on the expiry of three months from the date of such vote.

(16) A vacancy in the office of the county speaker arising under this section shall be filled in the manner provided for under this Act.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 6—

Amendment to section 10
of No. 17 of 2012.

6A. The principal Act is amended in section 10 by inserting the following new subsection immediately after subsection (4)—

(5) The procedure for removal of the Speaker under section 11 (2) to (8) of this Act shall apply, with necessary modifications to the removal of —

- (a) the leader of majority party; and
- (b) the leader of minority party.

3) Notice is given that the Member for Nyandarua County (Hon. Faith Gitau) intends to move the following amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) at the Committee Stage—

CLAUSE 7

THAT, clause 7 of the Bill be amended—

(a) in the proposed new section 11—

(i) by deleting the words “at least two-thirds of all the members of the county assembly” appearing in subsection (1)(c) and substituting therefor the words “not less than seventy five percent of all the members of the county assembly”;

(ii) by inserting the following new subsections immediately after subsection (8)—

(9) If a motion under subsection (8) is supported by not less than seventy five percent of all the members of the county assembly —

- (a) the deputy speaker of the county assembly shall inform the Speaker of the Senate of that resolution within two days; and

(b) the speaker shall not perform any of the functions of the office pending the outcome of the proceedings required by this section.

(10) Within seven days after receiving notice of a resolution from the deputy speaker of the county assembly—

(a) the Speaker of the Senate shall convene a meeting of the Senate to hear charges against the speaker; and

(b) the Senate, by resolution, may appoint a special committee comprising eleven of its members to investigate the matter.

(11) A special committee appointed under subsection (10)(b) shall—

(a) investigate the matter; and

(b) report to the Senate within ten days on whether it finds the particulars of the allegations against the speaker to have been substantiated.

(12) The speaker shall have the right to appear and be represented before the special committee during its investigations.

(13) If the special committee reports that the particulars of any allegation against the speaker—

(a) have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation; or

(b) have been substantiated, the Senate shall, after according the speaker an opportunity to be heard, vote on the impeachment charges.

(14) If a majority of all the members of the Senate vote to uphold any impeachment charge, the speaker shall cease to hold office.

(15) If a vote in the Senate fails to result in the removal of the speaker, the Speaker of the Senate shall notify the deputy speaker of the concerned county assembly accordingly and the motion by the assembly for the removal of the speaker on the same charges may only be re-introduced to the Senate on the expiry of six months from the date of such vote.

4) **Notice is given that the Member for Kinangop (Hon. Kwenya Thuku) intends to move the following amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) at the Committee Stage—**

CLAUSE 7

THAT, clause 7 of the Bill be amended—

(a) in the proposed new section 11—

(i) by deleting the words “at least two-thirds of all the members of the county assembly” appearing in subsection (1)(c) and substituting therefor the words “not less than seventy five percent of all the members of the county assembly”;

(ii) by inserting the following new subsections immediately after subsection (8)—

(9) If a motion under subsection (8) is supported by not less than seventy five percent of all the members of the county assembly —

(a) the deputy speaker of the county assembly shall inform the Speaker of the Senate of that resolution within two days; and

(b) the speaker shall not perform any of the functions of the office pending the outcome of the proceedings required by this section.

(10) Within seven days after receiving notice of a resolution from the deputy speaker of the county assembly—

(a) the Speaker of the Senate shall convene a meeting of the Senate to hear charges against the speaker; and

(b) the Senate, by resolution, may appoint a special committee comprising eleven of its members to investigate the matter.

(11) A special committee appointed under subsection (10)(b) shall—

(a) investigate the matter; and

(b) report to the Senate within ten days on whether it finds the particulars of the allegations against the speaker to have been substantiated.

(12) The speaker shall have the right to appear and be represented before the special committee during its investigations.

(13) If the special committee reports that the particulars of any allegation against the speaker—

(a) have not been substantiated, further proceedings shall not be taken under this section in respect of that allegation; or

(b) have been substantiated, the Senate shall, after according the speaker an opportunity to be heard, vote on the impeachment charges.

(14) If a majority of all the members of the Senate vote to uphold any impeachment charge, the speaker shall cease to hold office.

(15) If a vote in the Senate fails to result in the removal of the speaker, the Speaker of the Senate shall notify the deputy speaker of the concerned county assembly accordingly and the motion by the assembly for the removal of the speaker on the same charges may only be re-introduced to the Senate on the expiry of six months from the date of such vote.

(b) in the proposed new section 11A, by deleting the words “at least two-thirds of all the members of the county assembly” appearing in paragraph (b) and substituting therefor the words “not less than seventy five percent of all the members of the county assembly”.

CLAUSE 18

THAT, clause 18 of the Bill be amended in the proposed new section 58A (2)—

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

“(c) two persons nominated by the Association of Professional Societies in East Africa;

(b) by deleting paragraph (d).

5) Notice is given that the Member for Kipipiri (Hon. Amos Kimunya) intends to move the following amendments to the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) at the Committee Stage—

CLAUSE

THAT, Clause 3 of the Bill be deleted and substituted with the following new clause

—
 “3. The Principal Act is amended by inserting the following new section immediately section 7A—

7B. (1) Whenever there is a new county assembly, the President by notice in the *Gazette*, shall appoint the place and date for the first sitting of every new county assembly which shall be not more than thirty days after the election.

(2) A sitting of a county assembly may be held at any place within a respective county and may commence at anytime the Assembly appoints."



...../Notices (Cont'd)

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

- II. **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 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 shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

...../Notice Paper I

NOTICE PAPER I

Tentative business for
Wednesday (Morning), March 06, 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 Wednesday (Morning), March 06, 2019:-

- A. **MOTION** - **DEVELOPMENT AND IMPLEMENTATION OF REGULATIONS FOR MANAGEMENT OF FARES CHARGED BY PUBLIC SERVICE VEHICLES**
(The Hon. Didmus Barasa, M.P.)
- B. **MOTION** - **DIAGNOSTIC TESTING, SCREENING AND TREATMENT OF DIABETES IN WORKPLACES AND COMMUNITY SETTINGS**
(The Hon. Ruweida Obo, M.P.)
- C. **MOTION** - **POLICY FOR RECRUITMENT AND REMUNERATION OF VILLAGE ELDERS**
(The Hon. George Murugara, M.P.)
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...../Notice Paper II

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), March 06, 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 Wednesday (Afternoon), March 06, 2019:-

A. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, March 5, 2019)

B. MOTION – PROGRESS REPORT ON THE INQUIRY INTO THE PROPOSED TAKEOVER OF JOMO KENYATTA INTERNATIONAL AIRPORT BY KENYA AIRWAYS
(The Chairperson, Public Investments Committee)

(If not concluded on Tuesday, March 5, 2019)

C. MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION
(The Chairperson, Public Accounts Committee)

D. THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)
(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, March 5, 2019)

E. 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)

.....Appendix

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.

QUESTIONS BY PRIVATE NOTICE

005/2019

The Member for Mwala Constituency (Hon. (Eng.) Vincent Musyoka Musau, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (a) Is the Cabinet Secretary aware that on 25th February, 2019, a gang armed with crude weapons, under the escort of Police Officers, attacked residents of Makiliva sub-location of Mwala Constituency with an intention of harvesting sand against the will of the locals?
- (b) Could the Cabinet Secretary provide details of all those involved including the Police Officers who provided security escort to the gang, and those undertaking illegal sand harvesting activities in Makiliva Sub-location?
- (c) What immediate steps has the Ministry taken to apprehend the gang, police officers involved and action taken to stop illegal sand harvesting in Mwala Constituency?

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

006/2019

The Member for Kibwezi East Constituency (Hon. Jessica N. Mbalu, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (a) Is the Cabinet Secretary aware that one George Mutua Mutunga of National Identification Card No. 22516898 was murdered on the night of 7th January 2019; while the one George Ndambuki Mwangangi and one Wilson Kimweli Kivuva of National Identification Card Nos. 1552258 and 8994666, respectively, were murdered on the night of 11th February 2019 in Kambu Town of Kibwezi East Constituency?
- (b) Could the Cabinet Secretary provide details and status of investigations on the murders and confirm whether any culprits have been arrested?
- (c) What measures is the Cabinet Secretary putting in place to curb insecurity in the Constituency, and are there plans to establish more police stations, increase the number of police officers and

provide security agencies with the necessary facilities and other equipment to curb this insecurity?

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

007/2019

The Member for Butere Constituency (Hon. Tindi Mwale, MP) to ask the Cabinet Secretary for Education: -

- (a) Is the Cabinet Secretary aware of many courses being offered by some universities in the Country without approval by the Commission of University Education?
- (b) Could the Cabinet Secretary explain how the affected students were allowed to enroll and pursue unapproved courses and programs?
- (c) What measures has the Ministry put in place to ensure that the public is notified on time of unapproved courses and programs in Universities?

(To be replied before the Departmental Committee on Education and Research)

ORDINARY QUESTIONS

049/2019

The Member for Lamu County (Hon. Capt. Ruweida Obo, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- (a) Is the Cabinet Secretary aware that the National Police Reservists (NPR) in Lamu County used their own resources to acquire the required uniforms with a promise of being recruited in 2017?
- (b) Why were the NPR not compensated as agreed after being forced to resign despite having offered essential services?
- (c) What measures is the Government undertaking to compensate all NPR who offered services in Lamu County?

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

058/2019

The Member for Runyenjes Constituency (Hon. Eric Muchangi Njiru, MP) to ask the Cabinet Secretary for Transport and Infrastructure: -

- (a) Could the Cabinet Secretary explain the status of construction of Kyeni-Kathanjuri-Karurumo road in Runyenjes Constituency?
- (b) When is the construction of the said road expected to be completed?

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

075/2019

The Member for Githunguri Constituency (Hon. Gabriel Kago, MP) to ask the Cabinet Secretary for National Treasury & Planning: -

- (a) What is the status of implementation of the use of General Packet Radio Service (GPRS) enabled Electronic Tax Registers (ETRs) by taxpayers as provided for under the Value Added Tax Act, 2012?
- (b) Is the Cabinet Secretary aware that despite the introduction of an 8 percent levy on fuel in 2018, over 60 percent of the tax charged to the end users is not captured, accounted for or remitted to the Government?
- (c) Is the Cabinet Secretary further aware that Kenya Revenue Authority has no back end system to monitor transactions at point of sale done by traders including fuel stations, thus rendering the Government at the mercy of traders in as far as tax declaration is concerned?

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

076/2019

The Member for Mwingi Central Constituency (Hon. Gideon Mulyungi, MP) to ask the Cabinet Secretary for Wildlife and Tourism:-

- (a) Is the Cabinet Secretary aware of numerous complaints against Kenya Wildlife Service in Mwingi Central Constituency regarding human - wildlife conflict?
- (b) Could the Cabinet Secretary explain why there is a long delay in compensation of victims of human - wildlife conflict, and state the measures being undertaken to fast-track the payments?

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