



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, APRIL 02, 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*. COMMITTEE OF THE WHOLE HOUSE

The Sports (Amendment) Bill (National Assembly Bill No.25 of 2018)
(The Leader of the Majority Party)

9*. MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

(The Chairperson, Public Accounts Committee)

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the Independent Electoral and Boundaries Commission for the year ended 30th June 2017, *laid on the Table of House on Wednesday, February 27, 2019.*

(To be considered excluding the expunged parts of the Report – Notice II)

(Resumption of debate interrupted on Thursday, March 28, 2019)

10*. **MOTION – REPORTS ON BUDGETARY PROPOSALS FOR THE EAST AFRICAN COMMUNITY FOR FY 2017/2018 AND 2018/2019**

(The Chairperson, Committee on Regional Integration)

THAT, this House **notes** the Report of the Committee on Regional Integration on the Reports of the Committee on General Purpose on the Budgetary Proposals for the FY 2018/2019 & Supplementary Budget Proposals for the FY 2017/2018 of the East African Community, the EAC Supplementary Appropriation Bill, 2018 and the EAC Appropriation Bill, 2018, *laid on the Table of the House on Tuesday, November 27, 2018.*

(Resumption of debate interrupted on Tuesday, March 26, 2019)

11*. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)**

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

Second Reading

12*. **THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

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

Second Reading

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

(The Chairperson, 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.*

14*. **MOTION – REPORTS OF THE KENYA DELEGATION TO SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY**

(ACP-EU Leader of Delegation)

THAT, this House **notes** the Reports of the Kenya Delegation to the Sessions of the African Caribbean and Pacific Parliamentary Assembly and the African Caribbean, Pacific and European Union (ACP-EU) Joint Parliamentary Assembly, *laid on the Table of the House on Wednesday 27th February 2019* as follows:

...../14*(Cont'd)

- (i) Report of the 50th Session of the ACP Parliamentary Assembly and the 35th Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 13th to 20th June 2018;
- (ii) Report of the 51st Session of the ACP Parliamentary Assembly and the Intercessional Meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 9th to 11th October, 2018; and
- (iii) Report of the 52nd Session of the ACP Parliamentary Assembly and the 36th Session of the ACP-EU Joint Parliamentary Assembly held in Cotonou, Benin from 25th November 2018 to 5th December 2018.

15*. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO. 3 OF 2018)

(The Leader of the Majority Party)

Second Reading

16*. THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2018)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

N O T I C E S

I. THE SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.25 OF 2018)

- 1) Notice is given that the Chairperson of the Departmental Committee on Sports, Culture and Tourism intends to move the following amendments to the Sports (Amendment) Bill, 2018 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(c) inserting the following new definition in its proper alphabetical sequence—

“Fund” means the Sports, Arts and Social Development Fund established under regulation 3 of the Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018;

CLAUSE 4

THAT, the Bill be amended by deleting clause 4 and substituting therefor the following new clause—

Amendment of section 11 of No. 25 of 2013.

4. Section 11 of the principal Act is amended by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) an amount out of the Fund for the promotion of and development of sports;”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 5—

Amendment of section 38 of No. 25 of 2013.

5A. Section 38 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)—

“(ba) an amount out of the Fund for the promotion of and development of sports;”

2) Notice is given that the Nominated Member (Hon. Godfrey Osotsi) intends to move the following amendments to the Sports (Amendment) Bill, 2018 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be deleted.

CLAUSE 3

THAT, Clause 3 of the Bill be deleted.

CLAUSE 4

THAT, Clause 4 of the Bill be deleted.

NEW CLAUSE

THAT, the Bill be amended by inserting the following New Clause immediately after Clause 4—

Amendment
of section 12
of Act No. 25
of 2013.

4A. The Principal Act is amended in section 12 by—

(a) deleting subsection (2) and substituting therefor the following new subsection—

“(2) There shall be paid into the Fund an amount not less than thirty five percent of the total proceeds of any sports lottery, gaming and betting, taxes levied under the Betting, Lotteries and Gaming Act.”

(b) inserting the following new subsection immediately after subsection (2)—

“(3) The proceeds of the Fund shall be apportioned as follows—

(a) an amount not less than thirty five percent to development of sports infrastructure;

(b) an amount not less than twenty percent to talent development and sports academies;

(c) an amount not less than ten percent to national sports federations;

- (d) an amount not less than ten percent to national sports teams participating in international competitions;
- (e) an amount not less than twelve percent to sports teams participating in national leagues;
- (f) an amount not less than five percent to sports research; and
- (g) an amount not less than three percent to National Sports Fund operational and administrative expenses.

(Subject to Article 114 of the Constitution)

CLAUSE 5

THAT Clause 5 of the Bill be deleted.

CLAUSE 6

THAT Clause 6 of the Bill be deleted.

CLAUSE 7

THAT, Clause 7 of the Bill be deleted.

CLAUSE 8

THAT Clause 8 of the Bill be deleted.

CLAUSE 9

THAT, Clause 9 of the Bill be deleted.

CLAUSE 10

THAT Clause 10 of the Bill be deleted.

CLAUSE 11

THAT Clause 11 of the Bill be deleted.

- 3) Notice is given that the Member for Mathare (Hon. Anthony Oluoch) intends to move the following amendments to the Sports (Amendment) Bill, 2018 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be deleted.

CLAUSE 5

THAT, clause 5 of the Bill be deleted.

- 4) **Notice is given that the Member for Lari (Hon. Jonah Mburu) intends to move the following amendments to the Sports (Amendment) Bill, 2018 at the Committee Stage—**

CLAUSE 2

THAT, Clause 2 of the Bill be deleted.

CLAUSE 3

THAT, Clause 3 of the Bill be deleted.

CLAUSE 4

THAT, Clause 4 of the Bill be deleted.

NEW CLAUSE

THAT, the Bill be amended by inserting the following New Clause immediately after Clause 4—

Amendment
of section 12
of Act No. 25
of 2013.

4A. The Principal Act is amended in section 12 by inserting the following new subsection immediately after subsection (2)—

“(3) The Board shall, in appropriation of the funds under subsection (2)(b) distribute at least twenty percent of the funds set aside for sports activities through the National Government Constituencies Development Fund.”

(Subject to Article 114 of the Constitution)

CLAUSE 5

THAT, Clause 5 of the Bill be deleted.

CLAUSE 6

THAT Clause 6 of the Bill be deleted.

CLAUSE 7

THAT, Clause 7 of the Bill be deleted.

CLAUSE 8

THAT Clause 8 of the Bill be deleted.

CLAUSE 9

THAT, Clause 9 of the Bill be deleted.

CLAUSE 10

THAT Clause 10 of the Bill be deleted.

CLAUSE 11

THAT Clause 11 of the Bill be deleted.

**II. EXPUNGED PARTS OF THE PUBLIC ACCOUNTS
COMMITTEE REPORT ON THE INDEPENDENT
ELECTORAL AND BOUNDARIES COMMISSION**
(ORDER NUMBER 9)

In the Speaker's communication of Thursday, March 14, 2019, the following parts of the Report were declared inadmissible and subsequently expunged -

- (i) The words *"To that end, the Commissioners, Chief Executive Officer and the Directors who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for much needed reforms to be effected to restore public confidence in the Independent Electoral and Boundaries Commission"* in the General Recommendation No. 3 appearing at pages 4 and 127, of the Report in so far as it relates to the IEBC Commissioners;
 - (ii) Sections 4.0 and 34.0 of the Report relating to *"Basis for Committee Recommendation for Vacation of Office"* appearing on pages 6, 7, 129 and 130 of the Report in so far as it relates to the IEBC Commissioners;
 - (iii) The second sub-paragraph of paragraph 3 of the General Recommendation No. 3, appearing at page 4, which states that *"To that end, the, **Chief Executive Officer and the Directors** (emphasis on staff) who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for much needed reforms to be effected to restore public confidence in the Independent Electoral and Boundaries Commission."*
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III. MOTION ON THE REPORT ON THE INQUIRY INTO LEGISLATIVE AND REGULATORY GAPS AFFECTING COMPETITION IN THE TELECOMMUNICATIONS SUB-SECTOR

Notice is given that the Member for Ruaraka (Hon. T.J. Kajwang') intends to move the following amendments to the Motion on the Report on the Inquiry into Legislative and Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector:-

THAT, the Motion be amended by inserting the following after the figure "2019" –

“subject to:

- a) deletion of Recommendation 5.2(i) under paragraph 102 (*Committee Recommendations*) appearing on page 49 of the Report and substituting therefor with the following-

“(i) the Communications Authority conducts a study within the next one year to review the present mobile termination rates (MTR) with a view of restructuring the interconnectivity charges to lower the cost to mobile subscribers;”

- b) deletion of Recommendation 5 (i) under paragraph 12.4 (*Call and short message service (SMS) termination rates*) appearing on page 81 of the Report and substituting therefor with the following-

“(i) the Communications Authority conducts a study within the next one year to review the present mobile termination rates (MTR) with a view of restructuring the interconnectivity charges to lower the cost to mobile subscribers;”

- c) deletion of the words appearing after the phrase **“one-year”** on Recommendation 11 under paragraph 12.9 (*National Roaming*) appearing on page 84 of the Report.
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The House resolved on Wednesday, February 13, 2019 as follows:-

- IV. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen 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.
- V. 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.
- VI. 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 I

Tentative business for

Wednesday (Morning), April 03, 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), April 03, 2019:-

A. **PROCEDURAL MOTION**– **EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

(The Leader of the Majority Party)

B. **PROCEDURAL MOTION**– **MOTION FOR HOURS OF SITTINGS OF THE HOUSE UNDER STANDING ORDER 30**

(The Leader of the Majority Party)

C. **MOTION** - **POLICY FOR RECRUITMENT AND REMUNERATION OF VILLAGE ELDERS**

(The Hon. George Murugara, M.P.)

(Question to be put)

D. **SPECIAL MOTION** - **REPORT ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS THE INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE**

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

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

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

(If not concluded on Tuesday, April 2, 2019)

F. MOTION– DEVELOPMENT AND IMPLEMENTATION OF A CURRICULUM FOR TRAINING STUDENTS AND PUPILS IN SCHOOLS ON ROAD SAFETY

(The Hon. Silvanus Osoro, M.P.)

G. MOTION – MEASURES TO BRIDGE TRADE DEFICIT

(The Hon. Maj. (Rtd) John Waluke, M.P.)

H. MOTION - FORMULATION OF SELF-REGULATORY MECHANISMS FOR RELIGIOUS INSTITUTIONS

(The Hon. Muturi Kigano, M.P.)

...../Notice Paper II

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), April 03, 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), April 03, 2019:-

A. THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)

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

Second Reading

(If not concluded on Tuesday, April 2, 2019)

**B. MOTION— REPORTS OF THE KENYA DELEGATION TO
SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY
ASSEMBLY**

(ACP-EU Leader of Delegation)

(If not concluded on Tuesday, April 2, 2019)

**C. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL
NO. 3 OF 2018)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, April 2, 2019)

**D. THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL
NO. 27 OF 2018)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, April 2, 2019)

.....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.

QUESTION BY PRIVATE NOTICE

015/2019

The Member for Kajiado Central Constituency (Hon. Elijah Memusi Kanchory, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Is the Cabinet Secretary aware that, one Mohamed Bashir Abdi of identification number 25692796 was on 26th March, 2019 allegedly arrested in Namanga One Stop Border Town by the Tanzanian authorities while on the Kenyan side?
- (ii) Is the Cabinet Secretary further aware that following the arrest of Mr. Bashir, there were demonstrations, where the said Tanzania authorities fired live bullets at protesters causing injuries on number of Kenyans including the Namanga Jamia Mosque leader, Sheikh Abdiwahid Sheikh Adan of identification number 25138893?
- (iii) What action has the Ministry taken to secure the freedom of Mr. Bashir and put to a stop the alleged continued harassment of Kenyans by the Tanzanian authorities?
- (iv) What measures is the Ministry putting in place to enhance peaceful co-existence of communities living along the Kenya - Tanzania Border?

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

ORDINARY QUESTIONS

138/2019

The Member for Ganze (Hon. Teddy Ngumbao Mwambire, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- (i) What is the progress made in setting up structures for the newly established Kauma sub-county headquarters in Kilifi County?

- (ii) What modalities have been put in place to demarcate boundaries of the two newly created Kauma and Chonyi sub-counties in Kilifi County?

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

145/2019 The Member for Kathiani (Hon. Robert Mbui, MP) to ask the Cabinet Secretary for Education: -

Could the Cabinet Secretary explain the program regarding the administration and funding of internal examinations in public schools, and provide the total capitation per student for internal examinations in both primary and secondary schools?

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

153/2019 The Member for Sotik (Hon. Dominic K. Koskei, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

What is the status of compensation for the victims of the 2007/2008 Post Elections Violence in Sotik, Bureti and Emurua Dikirr Constituencies?

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

155/2019 The Member for Kaiti (Hon. Joshua Kimilu, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- (i) Is the Cabinet Secretary aware that there is only one civil registration centre in Makueni County located at Wote Town and that the centre is served by only two registration officers?
- (ii) Could the Ministry consider ensuring that each sub-county in Kenya has a civil registration centre with adequate staff?

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

165/2019 The Member for Igembe Central (Hon. Kubai Iringo, MP) to ask the Cabinet Secretary for Environment and Forestry: -

- (i) Is the Cabinet Secretary aware that trees and other vegetation, including indigenous trees were either destroyed or taken away as wood and timber by a contractor installing a power line at the Nyambene Repeater Station in Nyambene Forest?

- (ii) Could the Cabinet Secretary state the amount of money allocated for the contract and when the installation of the power line is expected to be completed?

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