



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

WEDNESDAY, APRIL 3, 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 COMMITTEE OF THE WHOLE HOUSE ON THE SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2018)**
(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Sports (Amendment) Bill (National Assembly Bill No.25 of 2018).

(Question to be put and Third Reading)

- 9*. THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)**
(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(Question to be put)

- 10*. THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**
(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(Question to be put)

11*. **SPECIAL MOTION – APPROVAL OF THE NOMINEE FOR APPOINTMENT AS THE INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE**

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

THAT, taking into consideration the findings of the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate in their Report on the *Vetting of the Nominee for Approval as the Inspector-General of the National Police Service, laid on the Table of the House on Tuesday, April 2, 2019*, and pursuant to the provisions of Article 245(2)(a) of the Constitution, section 12(1) of the National Police Service Act, 2011 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Mr. Hilary Nzioki Mutyambai** as the Inspector-General of the National Police Service.

(Question to be put)

12*. **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*.

(Question to be put)

13*. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL**

(The Leader of the Majority Party)

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Statute Law (Miscellaneous Amendment) Bill (National Assembly Bill No. 21 of 2019) from **14 to 5 days**.

14*. PROCEDURAL MOTION- EXTENSION OF PERIOD FOR CONSIDERATION OF A SPECIFIED PETITION

(Member, Departmental Committee on Environment and Natural Resources)

THAT, notwithstanding the provisions of Standing Order 227(2)(*Committal of petitions*), this House **resolves** to extend the period for consideration of a public petition regarding *De-Gazettement of the Four Hundred (400) Yards Strip in Ngong Hills Forest* by the Departmental Committee on Environment and Natural Resources by a **further period of sixty (60) days** from 19th April, 2019.

15*. THE STATUTE LAW (MISCELLANEOUS AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)

(The Leader of the Majority Party)

First Reading

16*. 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 the 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.*

(Question on the proposed amendment to be put – Notice I)

(Resumption of debate interrupted on Tuesday, April 2, 2019)

17*. 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:

- (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;

...../17*(Cont'd)

- (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.

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. 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.

II. MOTION ON THE REPORT ON EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION FOR THE YEAR ENDED 30TH JUNE 2017

NOTICE is given that the Member for Homa Bay Town (The Hon. Peter Kaluma, MP) intends to move the following amendment to the Motion on the Report on Examination of the Financial Statements for the Independent Electoral and Boundaries Commission for the year ended 30th June 2017-

THAT, the Motion be amended by inserting the following expression immediately after the expression "February 27, 2019" **subject to** -

- (i) deletion of Recommendation 1 under Chapter 33.0 (*Committee Recommendations*) on pages 4 and 127 of the Report and substituting therefor the following-

"1. Parliament expedites the strengthening of IEBC by reviewing the legal framework and the general policy guidelines while taking into account the recommendations of the Kriegler Commission. Further, Parliament considers reviewing or repealing section 11A of the IEBC Act relating to the functions of the Commission and the secretariat, to bring clarity to the constitutional functions of the Commission vis-a-vis the administrative functions of the secretariat."

- (ii) deletion of the words "***Commissioners failed to exercise oversight while the***" appearing in the first line of Recommendation 3 under Chapter 33.0 (*Committee Recommendations*) on page 4 and 127 of the Report;

- (iii) **Insertion of the following recommendations 9(a), (b), (c), (d) and (e) under Chapter 33.0 (*Committee Recommendations*) on page 128 of the Report -**

M/S. IDEMIA (formerly *Morpho, OT Morpho, SAFRAN Identity & Security*)

9. Noting the Committee's Conclusions and Observations on pages 120 - 126, relating to IDEMIA regarding its engagements in Kenya, the House further recommends-

- (a) **THAT**, the Directorate of Criminal Investigations and the Director of Public Prosecutions undertakes investigations and institutes appropriate criminal action under section 974(3) of the Companies Act against M/S. IDEMIA in its current name and in its former names of M/S. *Morpho*, *OT Morpho*, *SAFRAN Identity & Security*, its officers and local representatives for having purported to do business with the IEBC before being registered as a foreign company by the Registrar of Companies and noncompliance with the mandatory provisions of sections 974(1) as read together with sections 975 and 979 of the Companies Act, No. 17 of 2015;
- (b) **THAT**, pursuant to the provisions of section 41 of the Public Procurement and Asset Disposal Act, 2015, the Public Procurement Regulatory Authority Board investigates, within sixty (60) days, the conduct of M/S. IDEMIA (*formally operating as Morpho, OT Morpho, SAFRAN Identity & Security*) and if it finds the company culpable, enters the names of the company in the central repository of **debarred** firms and ensures that the firm is precluded from participating, award or entering into any kind of procurement contract payable using public funds under any state department or agency in the Republic of Kenya for a period of 10 years;
- (c) **THAT**, all contracts entered into between the company known as M/S. IDEMIA in its current name herein or in its former names of *Morpho, OT Morpho, SAFRAN Identity & Security* and the IEBC be investigated and if found to have contravened sections 974, 975, 979 or any other section of the Companies Act or any other law, be nullified;
- (d) **THAT**, the IEBC takes immediate legal action to recover all monies unlawfully paid under the contract(s) entered into between itself and M/S. IDEMIA in its current name herein or in its former names of *Morpho, OT Morpho, SAFRAN Identity & Security* or otherwise howsoever; as the contracts were entered into in contravention of the mandatory provisions of sections 974 as read together with sections 975 and 979 of the Companies Act; and,
- (e) **THAT**, the Attorney General and the Cabinet Secretary for the National Treasury ensures compliance with the resolution of the House under recommendation 9 (b) and any state of public offer who contravenes the said resolution be held personally liable.

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 I

NOTICE PAPER I

Tentative business for

Thursday (Afternoon), April 04, 2019

(Published pursuant to Standing Order 38(1))

- A. STATE OF THE NATION ADDRESS
(Joint Sitting of the Houses of Parliament)
- B. HOUSE ADJOURNS FOR RECESS
AND RESUMES SITTINGS ON
TUESDAY, APRIL 23, 2019 AT 2.30
P.M.

NOTICE PAPER II

Tentative business for

Tuesday (Afternoon), April 23, 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 (Afternoon), April 23, 2019:-

A. COMMITTEE OF THE WHOLE HOUSE

The Statute Law (Miscellaneous Amendments)(No.2) Bill (National Assembly Bill No. 13 of 2018)
(The Leader of the Majority Party)

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

(The Chairperson, Public Accounts Committee)

(To be considered excluding the expunged parts of the Report)

(Resumption of debate interrupted on Tuesday, April 2, 2019)

C. MOTION- REPORTS OF THE KENYA DELEGATION TO SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY

(ACP-EU Leader of Delegation)

(If not concluded on Wednesday, April 3, 2019 - Afternoon Sitting)

D. 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 Wednesday, April 3, 2019 - Afternoon Sitting)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 3, 2019 - Afternoon Sitting)

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

016/2019 The Member for Igembe South Constituency (Hon. John Paul Mwirigi, MP) to ask the Cabinet Secretary for Foreign Affairs: -

- (i) Is the Cabinet Secretary aware of the arrest of one, Richard Koome a Kenyan of Passport No. A2440847 from Igembe South Constituency by Indian authorities in Mumbai, India on 28th May 2018?
- (i) Could the Cabinet Secretary inform the actions taken by the Kenya Embassy in India to secure the release of Mr. Richard Koome and further ensure that he gets legal representation?

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

ORDINARY QUESTIONS

098/2019 The Member for Kiambu (Hon. Jude Njomo, MP) to ask the Cabinet Secretary for Industry, Trade and Co-operatives: -

- (i) Could the Cabinet Secretary provide details of his recent public pronouncement on the reduction of the age limit for imported second-hand motor vehicles with engine capacity above 1500cc from eight to five years?
- (ii) Could the Cabinet Secretary explain the short and long-term effects the pronouncement above has on the country's economy?
- (iii) Could the Cabinet Secretary explain whether the Kenya Bureau of Standards Notice Number KS 1515:2000 of 2018 on Kenya Standard Code of Practice for Inspection of Road Vehicles has complied with the requirements of the Constitution and the Statutory Instruments Act as it relates to public participation and submission to Parliament?

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

136/2019

The Member for Baringo Central (Hon. Joshua Kandie Chepyegon, MP) to ask the Cabinet Secretary for the National Treasury and Planning-

- (i) Could the Cabinet Secretary explain why Uwezo Fund has not been operational in Baringo Central Constituency since 2017 despite many attempts to reach out to the Secretariat?
- (ii) What measures is the Ministry putting in place to ensure that Youth and Women in Baringo Central Constituency receive the funds?

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

166/2019

The Member for Sirisia (Hon. John Waluke, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development: -

- (i) Is the Cabinet Secretary aware that the tender for bulk cargo transport through the Standard Gauge Railway was awarded through single sourcing?
- (ii) What were the reasons for the award of the tender by single sourcing over other forms of tendering?
- (iii) Could the Cabinet Secretary provide details of the tender award stating amount of the contract, timelines for repayment and expected revenue for the Government?

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

167/2019

The Member for North Imenti (Hon. Abdul Rahim Dawood, MP) to ask the Attorney General: -

- (i) In line with the provisions of Article 101(1) of the Constitution, and noting that the last elections was held on 8th August 2017, could the Attorney General confirm the date of the next elections for Members of Parliament?
- (ii) Could the Attorney General further confirm whether the elections for the Members of the County Assemblies will be held on the same dates as the next elections for Members of Parliament?

(For Written Reply by the Attorney General and State Department of Justice)

168/2019

The Member for Mwingi West (Hon. Charles N. Nguna, MP) to ask the Cabinet Secretary for Information, Communications and Technology: -

- (i) Is the Cabinet Secretary aware that Kenya Broadcasting Corporation's (KBC) contracted employees, who comprise the majority of staff, have served for years without promotion and salaries review?
- (ii) Is the Cabinet Secretary further aware that the Corporation has not been remitting employees' statutory deductions?
- (iii) What measures is the Ministry putting in place to ensure these issues are addressed?

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