



(No. 48)

(846)

REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY

THURSDAY, JUNE 13, 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. Statements

8*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)

(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 Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 21 of 2019).

(Question to be put and Third Reading)

9*. PROCEDURAL MOTION- REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL

(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Supplementary Appropriation Bill (National Assembly Bill No. 41 of 2019) from **7 days to 1 day**.

10*. THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2019)

(The Chairperson, Budget and Appropriations Committee)

First Reading

11*. THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2019)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

12*. COMMITTEE OF THE WHOLE HOUSE

The Supplementary Appropriation Bill (National Assembly Bill No. 41 of 2019)
(The Chairperson, Budget and Appropriations Committee)

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

(The Leader of the Majority Party)

Second Reading

14*. MOTION – SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

THAT, the Senate amendments to the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017) be now considered.

*** Denotes Orders of the Day**

NOTICES

I. THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2019)

- 1) Notice is given that the Chairperson of the Budget and Appropriations Committee intends to move the following amendments to the Supplementary Appropriation Bill, 2019 at the Committee Stage—

FIRST SCHEDULE

THAT, the Bill be amended by inserting the following changes in the First Schedule –

VOTE 1011: THE PRESIDENCY

Programme 0702000: Cabinet Affairs –

- (i) **THAT**, the proposed allocation under the Programme in respect of Recurrent Estimates, **Ksh. 161,675,794**, be deleted and substituted thereof with the figure **Ksh. 229,675,794**; and
- (ii) **THAT**, the allocation for **Vote 1011 (The Presidency)** in respect of Recurrent Estimates, **Ksh. 1,737,126,642**, be deleted, and substituted thereof with the figure **Ksh. 1,805,126,642**.

VOTE 1261: THE JUDICIARY

Programme 0610000: Dispensation of Justice-

THAT, the proposed allocation under the Programme in respect of Recurrent Estimates, **Ksh. 246,772,886**, be deleted and substituted thereof with the figure **Ksh. 178,772,886**.

- 2) Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Supplementary Appropriation Bill, 2019 at the Committee Stage—

FIRST SCHEDULE

THAT, the Bill be amended by inserting the following changes in the First Schedule –

VOTE D1094: STATE DEPARTMENT FOR HOUSING AND URBAN DEVELOPMENT

Programme 0105000: Urban and Metropolitan Development -

THAT, the proposed allocation under the Programme in respect of Development Estimates, **Kshs. 5,702,565,579**, be deleted and substituted thereof with the figure **Kshs.5,448,274,988**.

Programme 0102000: Housing Development and Human Settlement -

THAT, the proposed allocation under the Programme in respect of Development Estimates, **Kshs.5,582,527** be deleted and substituted thereof with the figure **Kshs. (240,126,882)**.

VOTE D1092: STATE DEPARTMENT FOR TRANSPORT

Programme 0203000: Rail Transport -

THAT, the proposed allocation under the Programme in respect of Development Estimates, **Kshs. 1,500,000,000**, be deleted and substituted thereof with the figure **Kshs.2,000,000,000**.

II. CONSIDERATION OF SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

CLAUSE 2

Senate Amendment

THAT, clause 2 of the Bill be amended-

- (a) in paragraph (a) in the proposed new definition of the term “contracting authority” by deleting the word “corporation” appearing immediately after the words “government or county” in sub-paragraph (ii) and substituting therefor the word “entity”;
- (b) by deleting paragraph (b);

(c) inserting the following new paragraph immediately after paragraph (b)-

(c)inserting the following new definition immediately before the definition of the word “affordability”-

“accounting officer” means in the case of-

- A a national government entity, the person designated as an accounting officer by the Cabinet Secretary responsible for finance in accordance with the provisions of the Public Finance Management Act;
- B the Parliamentary Service Commission, the Clerk of the Senate;
- C the National Assembly, the Clerk of the National Assembly;
- D a Constitutional Commission, institution or Independent Office the person responsible for the administration of the Commission or institution or Independent Office in accordance with the provisions of the Public Finance Management Act;
- E a county government entity, the person responsible for the administration of the county government entity in accordance with the provisions of the Public Finance Management Act;
- F a county assembly, the clerk of the county assembly; and

CLAUSE 7

Senate Amendment

THAT, the Bill be amended by deleting clause 7.

CLAUSE 8

Senate Amendment

THAT, clause 8 of the Bill be amended-

- (a) in paragraph (a) by deleting the words “county government” appearing immediately after the words “approval by the” in the proposed new proviso and substituting therefor the words “county assembly”;

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

(c) in subsection (3) by inserting the words “in consultation with the Council of County Governors” immediately after the words “the Cabinet Secretary shall”.

CLAUSE 12

Senate Amendment

THAT, clause 12 of the Bill be amended in the proposed new subsection (1) by deleting the words “in consistence” appearing immediately after the words “this Act and” and substituting therefor the word “consistent”.

CLAUSE 16

Senate Amendment

THAT, clause 16 of the Bill be amended in the proposed new section 54A by deleting subsection (2) and substituting therefor the following new subsection-

(2) Where a county government intends to enter into a public private partnership agreement, it shall cause its user department or county entity, as the case may be, to prepare a project proposal for approval by the respective county assembly, setting out the strategic and operational benefits of entering into such an arrangement.

CLAUSE 19

Senate Amendment

THAT, clause 19 of the Bill be amended-

(a) in paragraph (a)(ii) by inserting the word “relevant” immediately after the words “persons with such” in the proposed new paragraph (b);

(b) in paragraph (a)(iii) by inserting the words “having relevant experience and knowledge” immediately after the words “opposite gender” in the proposed new paragraph (ba).

NEW CLAUSE 4A

Senate Amendment

THAT, the Bill be amended by inserting the following new clause immediately after clause 4-

Amendment of section 4 of No. 15 of 2013.

4A.Section 4 of the principal Act is amended in subsection (1) by-

(a) inserting the following new paragraph immediately after paragraph (f)-

(fa) three persons nominated by the Council of County Governors;

(b) deleting the word “four” appearing immediately before the words “persons not being” in paragraph (g) and substituting therefor the words “two”;

(c) inserting the words “and infrastructure” immediately after the words “responsible for transport” in paragraph (i); and

(d) deleting paragraph (j).

NEW CLAUSE 5A

Senate Amendment

Amendment of section 18 of No. 15 of 2013.

5A. Section 18 of the principal Act is amended by inserting the following new subsection immediately after subsection (2) –

(3)A contracting authority under subsection (1) shall ensure that it facilitates public participation on a project that it intends to finance, operate, equip or maintain.

NEW CLAUSE 20

Senate Amendment

THAT, the Bill be amended by inserting the following new clause immediately after clause 19 –

Insertion of new
of new section
70A in No. 15 of
2013.

20. The principal Act is amended by inserting the following section immediately after section 70 –

Report of the
Committee.

70A.(1) Within three months after the end of each financial year, the Committee shall prepare a report on project agreements entered into by all contracting authorities in that financial year.

(2) The Committee shall, in preparing the report under subsection (1), set out the following information–

- (a) the status of implementation of every project agreement that is under implementation by each contracting authority including the outputs of each project as against the projected targets;
- (b) any challenges or deviations in the implementation and estimated completion of the project and the reasons for such deviation or delay;
- (c) a financial statement with respect to each project;
- (d) a risk assessment including information of any change in circumstances that may have an impact on the implementation of a project; and
- (e) such other information as the Committee and the Cabinet Secretary may consider necessary.

(3) The Committee shall submit the report prepared under subsection (1) to the –

- (a) National Assembly;
- (b) Senate;
- (c) respective county assemblies in which a project is being undertaken under this Act; and
- (d) Controller of Budget.

(4) Parliament and the county assemblies to which a report is submitted under subsection (3) shall, in accordance with their respective standing orders –

- (a) consider the report within thirty days of receipt of the report;
- (b) table a report together with its recommendations on the implementation of the projects; and
- (c) submit their recommendations to the Committee.

(5) The Committee shall ensure that the contracting authorities take into account the recommendations under subsection (4) in the implementation of a project under this Act.

NOT LATER THAN 3.15 P.M.

I. PRONOUNCEMENT OF THE BUDGET HIGHLIGHTS:-

PURSUANT to the provisions of Standing Order 25(A)(a) and Standing Order 244C , the Speaker will today, not later than 3.15 p.m. call upon the Cabinet Secretary for the National Treasury to make a Public Pronouncement of the Budget Highlights and Revenue Raising Measures for the National Government for the Fiscal Year 2019/2020.

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 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.
- III. 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, June 18, 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, June 18, 2019:-

A. COMMITTEE OF SUPPLY (1st Allotted Day)

Estimates of Recurrent and Development Expenditure for the year ending 30th June, 2020.

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, June 13, 2019)

C. MOTION – SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

(If not concluded on Thursday, June 13, 2019)

A P P E N D I X

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:-

<u>Question No.</u>	<u>ORDINARY QUESTIONS</u>
----------------------------	----------------------------------

261/2019 **The Member for Kajiado Central (Hon. Elijah Memusi Kanchory, MP) to ask the Cabinet Secretary for Public Service, Youth and Gender Affairs: -**

- (i) Is the Cabinet Secretary aware that not every sub-county in Kenya has Sub-County Youth officers creating shortages in many counties?

- (ii) Is the Cabinet Secretary further aware that this shortage is affecting the administration and management of the *Uwezo* Fund, which has mandatory requirements for youth officers to be part of the administration?

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

263/2019 **The Member for Mumias East (Hon. Benjamin Washiali, MP) to ask the Cabinet Secretary for Industry, Trade and Co-operatives: -**

- (i) Is the Cabinet Secretary aware that shoppers and staff of various Malls and Supermarkets across the country pay parking fees whenever they patronize such facilities?

- (ii) Could the Cabinet Secretary state the mandatory essential amenities and facilities that developers and owners of Malls, Shopping Arcades and other buildings or spaces must provide to shoppers whenever they use the malls, supermarkets or shopping arcades?

- (iii) Could the Ministry consider exempting customers and staff of various Malls and Supermarkets from paying parking fees when they patronize Malls, Shopping Arcades and other similar buildings or spaces?

(To be replied before the Departmental Committee on Trade, Industry and Co-operatives)

265/2019

The Member for Lugari (Hon. Ayub Savula Angatia, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- (i) Is the Cabinet Secretary aware that on 2nd January 2019, one Michael Kulundu, Managing Director of Nzoia Sugar Company, was abducted by unknown persons at the Salmond Restaurant located along the Kanduyi - Sikata Highway and later succumbed to his injuries on 7th March, 2019?
- (ii) Could the Cabinet Secretary give a progress report from the investigating agencies on the circumstances that led to the death of the late Michael Kulundu; and, state what action the police have taken to apprehend and prosecute the suspects?

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

266/2019

The Member for Konoin (Hon. Brighton Leonard Yegon, MP) to ask the Cabinet Interior & Coordination of National Government: -

- (i) Is the Cabinet Secretary aware that the effects of the 2007 - 2008 Post Election Violence (PEV) have yet to be addressed, in particular, for Public Officers who were serving in Konoin Constituency?
- (ii) What measures is the Ministry putting in place to compensate the public servants who lost their properties during the said violence, namely, Chiefs for *Kaptien*, *Boito*, *Mosonik* and *Simoti* Locations, and Assistant Chiefs for *Chepkochun*, *Saseta*, and *Simoti* Locations whose shops and houses were burnt, and retired Chief of *Chemelet* Location who lost livestock?

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

The Member for Isiolo South (Hon. Abdi Koropu Tepo, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government—

- (i) Is the Cabinet Secretary aware that there have been increased incidences of insecurity in *Madogashe* Area of Isiolo South Constituency where a school was burnt, dispensary razed down, and the sole generator powering the borehole, which is the only source of clean and safe water for Isiolo County side of *Madogashe* town, burnt?
- (ii) What steps has the Ministry taken to bring the perpetrators of these heinous acts to justice and ensure their prevention in the future?

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