



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, SEPTEMBER 12, 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*. PROCEDURAL MOTION – EXTENSION OF THE PERIOD FOR CONSIDERATION OF A SPECIFIED PUBLIC PETITION

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

THAT, notwithstanding the provisions of Standing Order 227(2)(*Committal of petitions*), this House **resolves** to extend the period for consideration of the public petition before the Departmental Committee on Justice & Legal Affairs regarding *Funding of the Lesbians, Gays, Bisexual, Transgender, Queer, Intersex (LGBTQI) agenda by foreign organizations in Kenya* by a **further period of ninety (90) days** with effect from August 20, 2019.

9*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2017)

(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 Senate amendments to the Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017).

(Question to be put)

10*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILL NO. 10 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 Senate amendments to the County Governments Retirement Scheme Bill (National Assembly Bill No. 10 of 2018).

(Question to be put)

11*. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2019)
 (The Chairperson, Budget & Appropriations Committee)

Second Reading

(Question to be put)

12*. MOTION - REPORT ON THE PUBLIC FINANCE MANAGEMENT (BIASHARA KENYA FUND) REGULATIONS, 2019 AND THREE OTHER RELATED SETS OF REGULATIONS
 (The Chairperson, Committee on Delegated Legislation)

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (*Biashara* Kenya Fund) Regulations, 2019 (Legal Notice No. 78 of 2019); the Public Finance Management (*Uwezo* Fund)(Revocation) Regulations, 2019 (Legal Notice No. 79 of 2019); the Public Finance Management (Women Enterprise Fund)(Revocation) Regulations, 2019 (Legal Notice No. 80 of 2019); and the Public Finance Management (Youth Enterprise Development Fund)(Revocation) Regulations, 2019 (Legal Notice No. 81 of 2019), *laid on the Table of the House on Tuesday, July 30, 2019*, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) ***annuls in entirety-***

- (a) the Public Finance Management (*Biashara* Kenya Fund) Regulations, 2019 (Legal Notice No. 78 of 2019);
- (b) the Public Finance Management (*Uwezo* Fund)(Revocation) Regulations, 2019 (Legal Notice No. 79 of 2019);
- (c) the Public Finance Management (Women Enterprise Fund)(Revocation) Regulations, 2019 (Legal Notice No. 80 of 2019); and,
- (d) the Public Finance Management (Youth Enterprise Development Fund)(Revocation) Regulations, 2019 (Legal Notice No. 81 of 2019).

(Question to be put)

13*. MOTION - MEDIATED VERSION OF THE DIVISION OF REVENUE (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2019)

(The Chairperson, Mediation Committee on the Division of Revenue (No.2) Bill, 2019)

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019) *laid on the Table of the House on Wednesday, September 11, 2019*, and **approves** the Mediated Version of the Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019).

(The Mediated version of the Bill is appended as Notice I)

14*. THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

15*. THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO.26 OF 2018)

(The Chairperson, Departmental Committee on Education and Research)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

17*. MOTION - REPORT ON A FACT FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA

(The Chairperson, Departmental Committee on Labour & Social Welfare)

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on the Visit to Riyadh, Saudi Arabia on a Fact Finding Mission on the Welfare of Migrant Kenyan Workers in the Kingdom of Saudi Arabia from February 27 to March 3, 2019, *laid on the Table of the House on Thursday, August 8, 2019*.

*** Denotes Orders of the Day**

...../Notices

N O T I C E S

I. MEDIATED VERSION OF THE DIVISION OF REVENUE (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2019)

A Bill for

AN ACT of Parliament to provide for the equitable division of revenue raised nationally between the national and county governments in 2019/20 financial year, and for connected purposes

ENACTED by Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Division of Revenue Act, 2019 and shall be deemed to have come into force on the 1st July 2019.

Interpretation.

2. In this Act, unless the context otherwise requires—

No. 16 of 2011.

“revenue” has the meaning assigned to it under section 2 of the Commission on Revenue Allocation Act, 2011.

Object and purpose of the Act.

3. The object and purpose of this Act is to provide for the equitable division of revenue raised nationally between the national and county levels of government for the financial year 2019/20 in accordance with Article 203(2) of the Constitution.

Allocation to national and county governments.

4. Revenue raised by the national government in respect of the financial year 2019/20 shall be divided among the national and county governments as set out in the Schedule to this Act.

Variation in revenue.

5. (1) If the actual revenue raised nationally in the financial year falls short of the expected revenue set out in the Schedule, the shortfall shall be borne by the national government.

(2) If the actual revenue raised nationally in the financial year exceeds the projected revenues set out in the Schedule, the excess revenue shall accrue to the national government, and may be used to reduce borrowing or pay debts.

SCHEDULE (s.4)

ALLOCATION OF REVENUE RAISED NATIONALLY AMONG THE NATIONAL AND COUNTY GOVERNMENTS FOR THE FINANCIAL YEAR 2019/20

Type/Level of Allocation	Amount in Ksh.	Percentage (%) of 2014/15 audited and approved Revenue i.e. Ksh.1,038,035 Millions
A. National Government	1,554,916,497,191	
Of which:		
1. <i>Leasing of Medical Equipment</i>	6,200,000,000	
2. <i>Compensation for user fees forgone</i>	900,000,000	
3. <i>Level 5 hospitals</i>	4,326,000,000	
4. <i>Supplement for construction of county headquarters</i>	485,152,184	
5. <i>Rehabilitation of Youth Polytechnics</i>	2,000,000,000	
B. Equalization Fund	5,760,000,000	0.60%
C. County equitable share	316,500,000,000	30.49%
D. Total shareable revenue	1,877,176,497,191	
Memo items		
1. County equitable share	316,500,000,000	
2. Additional conditional allocations(National Government share of Revenue) of which;	13,911,152,184	
2.1. <i>Leasing of Medical Equipment</i>	6,200,000,000	
2.2. <i>Compensation For User Fees Forgone</i>	900,000,000	
2.3. <i>Level 5 Hospitals</i>	4,326,000,000	
2.4. <i>Supplement For Construction Of County Headquarters</i>	485,152,184	
2.5. <i>Rehabilitation of Youth Polytechnics</i>	2,000,000,000	
3. Allocation from Fuel Levy Fund (15%)	8,984,062,500	
4. Conditional allocations (Loans & grants) of which:	39,089,877,210	
4.1. <i>IDA-Kenya Devolution Support Program (KDSP) Level 1</i>	1,410,000,000	
4.2. <i>IDA-Kenya Devolution Support Program (KDSP) (Level 2 Grant)</i>	4,890,000,000	
4.3. <i>IDA-Transforming Health Systems for Universal Care Project</i>	2,994,247,736	
4.4. <i>DANIDA-Universal Healthcare For Devolved System Program</i>	986,583,544	
4.5. <i>IDA-National Agriculture & Rural Inclusive Growth Project (NARIGP)</i>	7,232,719,940	
4.6. <i>EU-Instruments for Devolution Advice and Support (IDEAS)</i>	492,698,583	

Type/Level of Allocation	Amount in Ksh.	Percentage (%) of 2014/15 audited and approved Revenue i.e. Ksh.1,038,035 Millions
<i>4.7 IDA (World Bank) - Kenya Climate Smart Agriculture Project (KCSAP)</i>	<i>3,643,298,670</i>	
<i>4.8 World Bank- Kenya Urban Support Program(KUSP)- UDG</i>	<i>11,464,702,500</i>	
<i>4.9 World Bank- Kenya Urban Support Program(KUSP)- UIG</i>	<i>396,000,000</i>	
<i>4.10 IDA- Water and Sanitation Development Project (WSDP)</i>	<i>3,500,000,000</i>	
<i>4.1 1 Sweden Agriculture Sector Development Programme II (ASDP II)</i>	<i>849,626,237</i>	
<i>4.12 EU- Water Tower Protection and Climate Change Mitigation and Adaptation Programme (WaTER)</i>	<i>880,000,000</i>	
<i>4.13 Drought Resilience Programme in Northern Kenya</i>	<i>350,000,000</i>	
Total County Allocations= (1+2+3+4)	378,485,091,894	36.46%
<i>*The National Government share includes Ksh. 4,300 million which is a special grant to the National Health Insurance Fund (NHIF) for free Maternal health care, to be disbursed as a reimbursement to county governments.</i>		

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

- II.** **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.
- 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.
- 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.

NOTICE PAPER

Tentative business for **Tuesday, September 17, 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, September 17, 2019:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The President's Reservations to the Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)
(The Leader of the Majority Party)
- (ii) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 63 of 2019)
(The Chairperson, Budget & Appropriations Committee)
- (iii) The Independent Electoral and Boundaries (Amendment) (No.3) Bill (National Assembly Bill No. 35 of 2019)
(The Chairperson, Departmental Committee of Justice & Legal Affairs)

B. MOTION - SESSIONAL PAPER NO. 1 OF 2019 ON THE POLICY FRAMEWORK FOR REFORMING EDUCATION AND TRAINING FOR SUSTAINABLE DEVELOPMENT IN KENYA

(The Chairperson, Departmental Committee on Education and Research)

C. MOTION - REPORT ON THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE ITALIAN REPUBLIC ON THE LUIGI BROGLIO-MALINDI SPACE CENTRE

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

(Resumption of debate interrupted on Tuesday, July 23, 2019)

D. THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)

(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

(If not concluded on Thursday, September 12, 2019)

E. THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO.26 OF 2018)

(The Chairperson, Departmental Committee on Education and Research)

Second Reading

(If not concluded on Thursday, September 12, 2019)

F. 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 Thursday, September 12, 2019)

G. MOTION- REPORT ON A FACT FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA

(The Chairperson, Departmental Committee on Labour & Social Welfare)

(If not concluded on Thursday, September 12, 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. ORDINARY QUESTIONS

383/2019 The Member for Busia County (Hon. Florence Mutua, MP) to ask the Cabinet Secretary for Health: -

What measures has the Ministry of Health undertaken to ensure that *the Sendai Framework for Disaster Risk Reduction (2015 – 2030)* as adopted by the Third United Nations World Conference in Sendai, Japan, in March, 2015 is implemented noting the recent Cabinet Secretary deployment did not give prominence to existing structures of the Division of Health Emergencies and Disaster Risk Management?

(To be replied before the Departmental Committee on Health)

391/2019 The Member for Mbeere North (Hon. Charles Muriuki Njagagua, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary explain why the tarmacking of *Kiritiri - Siakago* Road (C397) stalled in 2016?
- (ii) Could the Ministry consider engaging a new contractor as the previous contractor has failed to meet his contractual obligations?
- (iii) What measures has the Ministry put in place to ensure that the road is completed as soon as possible considering it is an important road serving the people of Mbeere North and Mbeere South Constituencies?

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

392/2019 The Member for Mwingi West (Hon. Charles N. Nguna, MP) to ask the Teachers Service Commission: -

- (i) Could the Commission explain the criteria used in the recruitment and promotion of teachers?
- (ii) How many teachers have been recruited and promoted in Kitui County in the last two years?

(For written reply by the Teachers Service Commission)

393/2019 The Member for Matayos (Hon. Geoffrey Makokha, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

- (i) What is the procedure for issuance of tax exemption certificates for Persons Living with Disabilities (PWDs)?
- (ii) Why is the procedure of acquiring and renewing the said certificate lengthy and tedious?
- (iii) Could the Cabinet Secretary consider reviewing or doing away with the requirement for renewal of the said certificates?

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

394/2019 The Member for Igembe South (Hon. John Paul Mwirigi, MP) to ask the Cabinet Secretary for Education: -

- (i) When will Igembe Campus, a Constituent College of Chuka University, be elevated and *gazetted* as a University as per the Presidential directive of 3rd August, 2017?
- (ii) What measures is the Ministry putting in place to ensure that the said Campus is elevated and *gazetted* as a University?

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