



(No. 78)

(2138)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, SEPTEMBER 18, 2019 AT 9.30 A.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– EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

(The Leader of the Majority Party)

THAT, this House orders that the business appearing as Order Nos. 9, 11 and 12(i) in the Order Paper be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

(subject to Standing Order 40(2))

9*. THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 8 OF 2019)

(The Chairperson, Budget & Appropriations Committee)

First Reading

(subject to Standing Order 40(2))

10*. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT)(No.2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2019)

(The Hon. (Dr.) Eseli Simiyu, M.P.)

First Reading

11*. THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 8 OF 2019)

(The Chairperson, Budget & Appropriations Committee)

Second Reading

(subject to Standing Order 40(2))

12*. COMMITTEE OF THE WHOLE HOUSE

(i) The County Allocation of Revenue Bill (Senate Bill No 8 of 2019)

(The Chairperson, Budget & Appropriations Committee)

(subject to Standing Order 40(2))

(ii) The Law of Contract (Amendment) Bill (National Assembly Bill No. 1 of 2019)

(The Hon. Francis Waititu, M.P.)

13*. THE BANKING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2019)

(The Hon. Jude Njomo, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, September 11, 2019 – Morning sitting)

(Balance of time – 25 minutes)

14*. THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2019)

(The Hon. Ndindi Nyoro, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, July 24, 2019 – Morning sitting)

(Balance of time – 3 hours 20 minutes)

15*. THE EMPLOYMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.15 OF 2019)

(The Hon. Martha Wangari, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, August 07, 2019 – Morning sitting)

(Balance of time – 3 hours 13 minutes)

16*. THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO.2 OF 2019)

(The Hon. Bashir Abdullahi, M.P.)

Second Reading

...../17*

17*. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2019)

(The Hon. (Dr.) Makali Mulu, M.P.)

Second Reading

18*. MOTION- REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE

(The Hon. Charles Njagua Kanyi, M.P.)

THAT, aware that seventy-five percent of Kenya's population is under the age of thirty-five years and that, the overall unemployment among the youth is at fifty-five percent; further aware that over 800,000 graduates from Universities, Colleges, Technical Institutes, Vocational Centres and other tertiary institutions join the job market annually with only approximately 70,000 being absorbed into the formal labour force market; concerned that the high rate of unemployment in Kenya, particularly among the youth remains a major challenge; recognizing that Article 55 of the Constitution requires the state to take measures to ensure that the youth gain access to relevant education, training and employment; noting that the mandatory retirement age for public servants is set at sixty (60) years; this House **urges** the Government to review the mandatory retirement age in the public service from the current sixty to fifty years to among other things, create opportunities for the employment of the youth.

19*. MOTION - POLICY MEASURES TO ENSURE 100 PERCENT TRANSITION FROM SECONDARY EDUCATION TO TERTIARY EDUCATION

(The Hon. John Munene Wambugu, M.P.)

THAT, aware that according to available data from the country's education sector, a huge percentage of the students who sit for the Kenya Certificate of Secondary Education do not transition to Universities to pursue degree courses; further aware that technical skills and knowledge are fundamental in every profession; concerned that despite the importance of technical and vocational training in teaching necessary skills and building adequate human capital to achieve and sustain the Country, its uptake in the Country remains low; cognizant that promotion of technical and vocational education and skills alongside academics provides a mix of professionals and skills that the economy requires so as to create balanced manpower requirements; recognizing that Article 55 of the Constitution requires the state to take measures to ensure that the youth access relevant education and training; appreciating the Government's policy of achieving 100 per cent transition of pupils from primary to secondary schools which has seen a huge increase in enrollment in secondary schools; this House resolves that the Government puts in place policy measures to ensure 100 percent transition from secondary to tertiary education.

20*. **MOTION - REGISTRATION OF FARMERS AND FORMATION OF AGRI-BUSINESS ENTITIES FOR IMPROVED BENEFITS AND SUSTAINABLE FOOD AND NUTRITIONAL SECURITY**

(The Hon. (Dr.) John Mutunga, M.P.)

THAT, aware that farmers in Kenya are least organized into Associations, following the collapse of the Agricultural Cooperatives; further aware that, the Crops Act, 2013 provides for registration of farmers so as to establish who they are and what they produce; noting that Government's efforts to establish farmers' organizations have ended up delivering short-lived and unsustainable initiative-based groups which fizzle out soon after their formation; further noting that the best way to organize farmers is through their organizations; appreciating that the best suited organization to undertake farmers' registration is the Kenya National Farmers' Federation which has both experience and capacity; further noting that through organized farmers, farming will be more beneficial in terms of volumes, lowered cost of production and improving organized raw material supply to industry; realizing that organizing farmers into Agri-business entities is a costly undertaking which calls for Government support, and acknowledging that through organized production systems, the country will achieve the Big 4 Agenda faster and also create more and better jobs in the Agricultural Value Chains; this **House urges** the Government to facilitate and support the Kenya National Farmers' Federation to mobilize and organize the registration of farmers into preferred entities and manage national farmers' database for use in engagements and sustainable management of the various Agricultural Product Value Chains.

21*. **MOTION - FORMULATION OF A COMPREHENSIVE POLICY TO HARNESS DIASPORA KENYANS FOR NATIONAL DEVELOPMENT**

(The Hon. Godfrey Osotsi, M.P.)

THAT aware that the existing Kenya Diaspora Policy provides for the mainstreaming of the Kenyan Diaspora into national development process in line with the aspirations and goals of the Kenya Vision 2030; noting that formal remittance from Kenya Diaspora account for over 3% of the country's GDP channeled by an estimated three million Kenyans; noting that, contribution by the Kenyan diaspora to the country's development goes much beyond personal remittances to include increased trade links, better access to foreign capital markets, skills and technology transfer, diaspora investments funds, knowledge exchange among other enormous potential benefits; acknowledging that, the diaspora community continues to contribute immensely to national growth and the economy through increased household investments in education, entrepreneurship, health, finance and housing; concerned that, Kenya ought to formulate practical and incentive-driven policy to harness existing and

...../21*(cont'd)

future diaspora resources for social-economic development; cognizant that Kenya has an obligation to counter the challenges hindering diaspora contribution to national development; **this House resolves** that the Government reviews and formulates a comprehensive policy and structure to harness the ever increasing diaspora resources for national development and that the said policy be presented to National Assembly within one year for consideration.

*** Denotes Orders of the Day**

...../Notices

NOTICES

I. THE LAW OF CONTRACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Law of Contract (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT Clause 2 of the Bill be amended by-

- (a) deleting the word “security” appearing in the proposed new subsection (1A) and substituting therefor the word “assets”;
- (b) inserting the following proposed new subsection immediately after the proposed new subsection (1A)-
 - (1B) For the avoidance of doubt, subsection (1A) shall not be applied retroactively.

...../Notices

II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills NOT 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; 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

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), September 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 Wednesday (Afternoon), September 18, 2019:-

A. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2019)

(The Chairperson, Budget & Appropriations Committee)

(Question to be put and Third Reading)

B. MOTION – RATIFICATION OF THE BEIJING TREATY ON AUDIO-VISUAL PERFORMANCES

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

(Question to be put)

C. THE LOCAL CONTENT BILL (SENATE BILL NO. 10 OF 2018)

(The Chairperson, Departmental Committee on Energy)

First Reading

D. THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILL NO. 32 OF 2018)

(The Chairperson, Departmental Committee on Health)

First Reading

E. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2019)

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

Second Reading

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

(The Chairperson, Departmental Committee on Education and Research)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

...../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

QPN NO. 34/2019 **The Member for Saboti (Hon. Caleb Amisi, MP) to ask the Cabinet Secretary for Lands and Physical Planning -**

- (i) Could the Cabinet Secretary explain the status of ownership of Land Reference No 11437, also known as *Mengo Farm*, in Saboti Constituency of Trans Nzoia County and the current occupants?
- (ii) What steps has the Ministry taken to ensure the current occupants who have been on the farm since 1970, are not evicted based on illegal documents, false claims or by abuse of court proceedings?
- (iii) When is the Ministry sub-dividing the land for the sake of issuing title deeds to the current occupants?

(To be replied before the Departmental Committee on Lands)

ORDINARY QUESTIONS

386/2019 **The Member for Gem (Hon. Elisha Ochieng' Odhiambo, MP) to ask the Cabinet Secretary for National Treasury and Planning: -**

- (i) What is the status of the issuance of the new currency notes?
- (ii) Could the Cabinet Secretary explain the measures put in place to ensure smooth and easy transition from the use of the old currency notes to the new ones?

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

400/2019 **The Member for Embakasi Central (Hon. Benjamin G. Mwangi, MP) to ask the Cabinet Secretary for Education: -**

- (i) Has the Housing Finance Group transferred the ownership of five (5) acres of land it allotted for development of a public school in Komarock Ward, Embakasi Central Constituency?
- (ii) When will the land be released to the Ministry of Education for construction of the school?

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

401/2019 **The Member for Kamukunji (Hon. Yusuf Hassan, MP) to ask the Cabinet Secretary for Forestry and Natural Resources: -**

- (i) How many trees have been planted, per county, since the launch of the tree planting campaign by H. E. the President on 12th May, 2018 aimed

at increasing the Country's tree cover by 10 percent?

- (ii) What is the current percentage of tree cover in the Country vis-à-vis the targeted cover?
- (iii) How have funds that had been allocated for this purpose been utilized both in campaigns and actual tree planting activities?

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

402/2019

The Member for Meru County (Hon. Bishop Kawira Mwangaza, MP) to ask the Cabinet Secretary for Interior & Coordination of National Government: -

- (i) Is the Cabinet Secretary aware of the increased cases of insecurity as a result of cattle raids in *Mula*, *Kammeline* and *Ammathi* areas in Igembe North and *Kandebene* area at the border of Tigania East and Tigania West, Meru County where many people have suffered huge damages including loss of their lives, properties and livelihoods as well as displacement of families from their homes?
- (ii) Could the Cabinet Secretary consider establishing more police stations in the said areas, increasing the number of police officers and reservists, and providing additional patrol vehicles and other facilities and equipment to curb insecurity in the County?
- (iii) What steps is the Ministry taking to ensure lasting security and peaceful co-existence among the communities in Meru County and other neighbouring Counties?

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



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, SEPTEMBER 18, 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 PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2019)

(The Chairperson, Budget & Appropriations Committee)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Public Finance Management (Amendment) Bill (National Assembly Bill No. 63 of 2019).

(Question to be put and Third Reading)

9*. MOTION – RATIFICATION OF THE BEIJING TREATY ON AUDIO-VISUAL PERFORMANCES

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

THAT, this House **adopts** the Report of the Departmental Committee on Communication, Information and Innovation on its consideration of the Beijing Treaty on Audio-Visual Performances, *laid on the Table of the House on Wednesday, June 26, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Beijing Treaty on Audio-Visual Performances.

(Question to be put)

...../10*

(No.75)

WEDNESDAY, SEPTEMBER 18, 2019

(2146)

10*. THE LOCAL CONTENT BILL (SENATE BILL NO. 10 OF 2018)

(The Chairperson, Departmental Committee on Energy)

First Reading

11*. THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILL NO. 32 OF 2018)

(The Chairperson, Departmental Committee on Health)

First Reading

12*. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2019)

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

Second Reading

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

(The Chairperson, Departmental Committee on Education and Research)

Second Reading

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**

...../Notices

(No.75)

WEDNESDAY, SEPTEMBER 18, 2019

(2147)

NOTICES

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

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

...../Notice Paper

NOTICE PAPER

Tentative business for

Thursday, September 19, 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 Thursday, September 19, 2019:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) Consideration of the President's Reservations to the Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)
(The Leader of the Majority Party)
- (ii) The Independent Electoral And Boundaries Commission (Amendment)(No. 3) (National Assembly Bill No. 35 of 2019)
(The Chairperson, Departmental Committee on Justice & Legal Affairs)
- (iii) The Nuclear Regulatory Bill (National Assembly Bill No. 27 of 2018)
(The Leader of the Majority Party)

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

(The Chairperson, Departmental Committee on Education and Research)

C. MOTION - APPROVAL OF PETITION BY THE EXECUTIVE FOR THE VARIATION OF THE BOUNDARIES OF MOUNT ELGON FOREST RESERVE

(The Chairperson, Departmental Committee on Environment and Natural Resources)

D. 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 Wednesday, September 18, 2019 – Afternoon sitting)

E. 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 Wednesday, September 18, 2019 – Afternoon sitting)

...../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

333/2019 The Member for Homa Bay Town (Hon. Peter Opondo Kaluma, MP) to ask the Cabinet Secretary for Education: -

- (i) What are the reasons for delays in elevating and granting Tom Mboya University College a full university Charter?
- (ii) When will the University College be elevated and granted a Charter in line with the Ministry's previous undertakings to do so?

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

403/2019 The Member for Gichugu (Hon. Robert Gichimu Githinji, MP) to ask the Cabinet Secretary for Education:

- (i) Could the Cabinet Secretary explain why there is an oversupply of course books every year in schools in the Country and particularly in Gichugu Constituency?
- (ii) Could the Cabinet Secretary consider utilizing the funds used to purchase the surplus books for infrastructure development in these schools?

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

404/2019 The Nominated Member (Hon. Gideon Keter, MP) to ask the Cabinet Secretary for Sports, Culture and Heritage: -

Could the Cabinet Secretary explain how the Music Copyright Society of Kenya collects and disburses royalties to local performing artistes, in light of the controversy surrounding the recent disbursement of royalties to artistes?

(To be replied before the Departmental Committee on Sports, Culture and Tourism)

405/2019 The Member for Nakuru Town East (Hon. David Gikaria, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) What steps has the Ministry taken to ease traffic congestion and

insecurity that is experienced occasionally at the Gilgil weighbridge in Gilgil, Nakuru County?

(ii) What measures are in place to ensure safety of passengers and goods during the traffic snarl-ups at the weighbridge?

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