



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, OCTOBER 13, 2020 AT 2.30 P.M.

SUPPLEMENTARY

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 TIME FOR
CONSIDERATION OF A PETITION**

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

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 insecurity in Marsabit County presented by the Hon. Ali Dido Rasso, MP (Saku Constituency) by the Departmental Committee on Administration and National Security by a **further period of forty-five (45) days** with effect from 13th October, 2020.

**9*. PROCEDURAL MOTION – EXTENSION OF THE PERIOD FOR
CONSIDERATION OF STATUTORY
INSTRUMENTS**

(The Chairperson, Committee on Delegated Legislation)

THAT, in furtherance to the provisions of Standing Order 210(3) relating to the mandate of the Committee on Delegated Legislation, and notwithstanding the provisions of Section 15(2) of the Statutory Instruments Act, 2013 relating to the period of consideration of Statutory Instruments by the Committee,

...../9*(cont'd)

this **House resolves** to extend the period for consideration of the following four (4) Statutory Instruments submitted to the House on 22nd April, 2020 by a **further period of twenty-one (21) days** with effect from 13th October, 2020–

- (i) The Law Society of Kenya (General) Regulations, 2020, (*Legal Notice No. 32 of 2020*);
- (ii) The Special Economic Zones (Amendment) Regulations, 2020, (*Legal Notice No. 33 of 2020*).
- (iii) The Capital Markets (Coffee Exchange) Regulations, 2020, (*Legal Notice No. 40 of 2020*); and
- (iv) The Capital Markets (Commodity Markets) Regulations, 2020, (*Legal Notice No. 41 of 2020*).

10*.THE PUBLIC FUNDRAISING APPEALS BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2019)

(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

(Question to be put)

11*. MOTION - SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES BY THE KENYA BUREAU OF STANDARDS

(The Chairperson, Public Investments Committee)

THAT, this House **adopts** the Report of the Public Investments Committee on its consideration of the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards, *laid on the Table of the House on Tuesday, June 02, 2020.*

12*. MOTION - CONSIDERATION OF 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)

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi-Broglio Malindi Space Centre,

...../12*(cont'd)

laid on the Table of the House on Wednesday, 26th June, 2019, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012 approves the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi-Broglio Malindi Space Centre.

13*. MOTION - CONSIDERATION OF SENATE AMENDMENTS TO THE INDEPENDENT ELECTORAL & BOUNDARIES COMMISSION (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2019)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

THAT, the Senate amendments to the Independent Electoral & Boundaries Commission (Amendment) (No.3) Bill (National Assembly Bill No. 35 of 2019) be now considered.

14*. COMMITTEE OF THE WHOLE HOUSE

Consideration of Senate amendments to the Independent Electoral & Boundaries Commission (Amendment) (No.3) Bill (National Assembly Bill No.35 of 2019)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

15*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2018)
(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

16*. THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 21 OF 2018)
(The Chairperson, Committee on Delegated Legislation)

Second Reading

17*. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILL NO. 24 OF 2018)
(The Chairperson, Committee on Delegated Legislation)

Second Reading

18*. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15OF2018)

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

Second Reading

*** Denotes Orders of the Day***

..... /Notices*

NOTICES

I. PROPOSED AMENDMENTS TO THE MOTION ON THE SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES FOR USED MOTOR VEHICLES, MOBILE EQUIPMENT AND USED SPARE PARTS BY THE KENYA BUREAU OF STANDARDS

- 1) Notice is hereby given that pursuant to the provisions of Standing Order No. 48 (*Amendment of Notice of Motion*), the Chairperson of the Public Investments Committee intends to move the Report of the Public Investment Committee on the Special Audit Report on Procurement of Pre-Export Verification of Conformity Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards in the following amended form-

THAT, in moving, the Motion is amended by inserting the following words at the end thereof “**subject to amending the Report as follows —**

- (a) **deletion** of recommendation **(i)** appearing under Committee Recommendations under chapter 5 on page 63 of the Report;
- (b) **deletion** of recommendation **(ii)** appearing under Committee Recommendations under chapter 5 on page 63 of the Report and substituting therefor the following-

“(ii) In line with the recommendations of the Auditor General in the Special Audit Report dated 10th July 2019, KEBS’ due diligence report on Tender No. KEBS/T057/2014-2015, and the findings of this Committee, the Public Procurement Regulatory Board, pursuant to section 41 of the Public Procurement and Asset Disposal Act (No 33 of 2015,) and Regulation No. 22 of the Public Procurement and Asset Disposal Regulations, 2020, immediately commences debarment proceedings against M/S EAA and MS ATJ for violating the Public Procurement and Asset Disposal Act in TENDER No. KEBS/T019/2017/2020 and Ms. EAA in Tender No. KEBS/T057/2014-2015.

- (c) **deletion** of Recommendation **(v)** appearing under Committee Recommendations under chapter 5 on page 63 of the Report and substituting therefor the following new recommendation—

“(v) The Ethics and Anti-Corruption Commissions (EACC) investigates the circumstances under which KEBS entered into a contract with MS/EAA Company Limited and M/S Auto Terminal Japan and submits its findings hereon to the National Assembly within sixty (60) days of adoption of this Report.”

- 2) Notice is given that the Member for Homa Bay Town (Hon. Peter Kaluma, MP) intends to move the following amendment to the Motion on the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards: -

THAT, the Motion be amended by inserting the following words after the figure “2020”-

“Subject to the following-

- (a) deletion of **Recommendations (ii), (iii) and (iv)** appearing under ‘Committee Recommendations’ under Chapter 5 on page 61 of the Report; and,
- (b) deletion of **Recommendation (v)** appearing under ‘Committee Recommendations’ under Chapter 5 on page 63 of the Report and substitution thereof with the following recommendation-

(v) The Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) should expeditiously investigate the circumstances under which the KEBS entered into contract with M/s EAA Company Limited and M/s Auto Terminal Japan and report their findings to the National Assembly.”

- 3) Notice is given that the Member for Makueni (Hon. Daniel Maanzo, MP) intends to move the following amendment to the Motion on the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards: -

THAT, the Motion be amended by inserting the following words after the figure “2020”-

“Subject to deletion of Recommendations (ii), (iii), (iv) and (v) appearing under ‘Committee Recommendations’ under Chapter 5 on pages 61 to 63 of the Report.”

II. SENATE AMENDMENTS TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT)(No.3) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2020)

Notice is given that the Chairperson of the Departmental Committee on Justice & Legal Affairs intends to move the following Senate amendments to the Independent Electoral and Boundaries Commission (Amendment)(No.3) Bill, 2019at the Committee Stage—

SENATE AMENDMENT TO CLAUSE 2

THAT, clause 2 of the Bill be amended—

(a) in paragraph (a) by deleting the word “eleven” appearing immediately after the words “therefor the words” and substituting therefor the word “seven”;

(b) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by deleting paragraph 1(2) and substituting therefor the following new subparagraph—

(2) The selection panel shall consist of—

(a) two men and two women nominated by the Parliamentary Service Commission;

(b) one person nominated by the Law Society of Kenya; and

(c) two persons nominated by the Inter-religious Council of Kenya.

(c) by inserting the following new paragraph immediately after paragraph (b)—

(ba) by inserting the following new paragraph immediately after paragraph 1(2)—

(2A) A person is qualified for appointment as a member of the selection panel if such person—

(a) is a citizen of Kenya;

(b) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution; and

(c) holds a degree from a university recognised in Kenya.

III. The House resolved on Tuesday, September 8, 2020 as follows-

Limitation of debate on Bills, Motions, Sessional Papers and Committee Reports

THAT, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House of February 18, 2020, during the Sittings of the House of **September 8, 2020 up to and including October 15, 2020**, each speech in **debate on Bills, Motions** (*including Special Motions*), **Sessional Papers** and **Committee Reports**, shall be limited as follows:- a maximum of **two and half hours** with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying and a maximum of five (5) minutes for any other Member speaking, except for the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Committee who shall be limited to a maximum of ten (10) minutes, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee, in that order.

...../Notice Paper I*

NOTICE PAPER I

Tentative business for

Thursday (Morning), October 15, 2020

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday (Morning), October 15, 2020-

**A. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 27 OF 2019)**

(The Hon. Benjamin G. Mwangi, M.P.)

Second Reading

(Question to be put)

**B. THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL
(NATIONAL ASSEMBLY BILL NO. 10 OF 2019)**

(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

(Resumption of debate interrupted on Thursday, October 8, 2020 – Morning Sitting)

(Balance of time – 1 hour 38minutes)

**C. THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 54 OF 2019)**

(The Hon. Simon King'ara, M.P.)

Second Reading

**D. THE CROPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 25 OF 2019)**

(The Hon. Kassim Sawa Tandaza, M.P.)

Second Reading

**E. THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 70 OF 2019)**

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

Second Reading

**F. THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 19 OF 2019)**

(The Hon. Florence Mutua, M.P.)

Second Reading

**G. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2019)**

(The Hon. Rigathi Gachagua, M.P.)

Second Reading

**H. THE CONSTITUTION OF KENYA (AMENDMENT)(No.2) BILL
(NATIONAL ASSEMBLY BILL NO. 40 OF 2019)**

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

Second Reading

**I. THE CONSTITUTION OF KENYA (AMENDMENT)(No.3) BILL
(NATIONAL ASSEMBLY BILL NO. 53 OF 2019)**

(The Hon. Gladys Boss Shollei, M.P.)

Second Reading

**J. THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL
ASSEMBLY BILL NO. 34 OF 2019)**

(The Hon. Millie Odhiambo-Mabona, M.P.)

Second Reading



...../Notice Paper II*

NOTICE PAPER II

Tentative business for

Thursday (Afternoon), October 15, 2020

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday (Afternoon), October 15, 2020-

A. COMMITTEE OF THE WHOLE HOUSE

The Gaming Bill (National Assembly Bill No. 38 of 2019)

(The Chairperson, Departmental Committee on Sports, Culture and Tourism)

B. MOTION - SESSIONAL PAPER NO. 2 OF 2019 ON THE NATIONAL POLICY ON GENDER AND DEVELOPMENT

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

C. MOTION - SESSIONAL PAPER NO. 3 OF 2019 ON THE NATIONAL POLICY FOR THE ERADICATION OF FEMALE GENITAL MUTILATION

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

D. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2018)

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

Second Reading

(If not concluded on Tuesday, October 13, 2020)

E. THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 21 OF 2018)

(The Chairperson, Committee on Delegated Legislation)

Second Reading

(If not concluded on Tuesday, October 13, 2020)

F. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILL NO. 24 OF 2018)

(The Chairperson, Committee on Delegated Legislation)

Second Reading

(If not concluded on Tuesday, October 13, 2020)

G. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)

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

Second Reading

(If not concluded on Tuesday, October 13, 2020)

...../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:-

QUE NO.

ORDINARY QUESTIONS

198/2020

The Member for Baringo County (Hon. Gladwell Cheruiyot, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Why has the Ministry failed to upgrade to bitumen standards, the *Ravine-Sigoro-Ochi Road* in Eldama Ravine Constituency, Baringo County, which is currently in a deplorable state?
- (ii) What plans have been put in place to have the said road upgraded to bitumen standards and what is the project's completion timeline?

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

245/2020

The Member for Kimilili (Hon. Didmus Barasa, MP) to ask the Cabinet Secretary for Education:-

- (i) How many schools in Kimilili Constituency benefited from Infrastructure Development Funds for the years 2018/2019 and 2019/2020?
- (ii) What was the criteria used during the award?

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

275/2020

The Member for Marakwet West (Hon. William Kisang, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development -

- (i) What steps is the Ministry taking to ensure that the *B77 Cheptongei – Kapsait Road* is well marked and has access culverts installed and stone pitching done?
- (ii) When will the residents of *Kapsowar and Kipsimatia* communities in Marakwet West Constituency, who were displaced by the construction of the *Road C664 Cheptongei - Kapsowar*, be compensated for loss of land acquired by the Government to give way for the said road?

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

282/2020

The Nominated Member (Hon. Godfrey Osotsi, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries: -

- (i) Could the Cabinet Secretary explain why the National Cereals and Produce Board (NCPB) awarded, *Ms/ Export Trading Co.*

Ltd a contract to supply and deliver about 30,000 metric tonnes of Diamonium Phosphate (DAP) fertilizer through direct procurement, even after an adverse advisory of the Attorney General?

- (ii) Under what circumstances was the Tender No. NCPB/FERT/DAP/01/2012 for the said contract initially annulled?
- (iii) Could the Cabinet Secretary further confirm whether the process of annulment of the initial tender and the subsequent award to Ms/ *Export Trading Co. Ltd* was within the requirements of procurement laws and regulations?
- (iv) Could the Cabinet Secretary also confirm whether the supply was eventually received by NCPB, whether any investigation or charges were ever preferred against the firm and its Directors, and if so, provide the name(s) of the persons under investigation or against whom charges have been preferred and the status of the investigations?
- (v) What other action has been taken to recover the public funds lost in the contract and ensure value for money?

(To be replied before the Departmental Committee on Agriculture and Livestock)

283/2020

The Member for Teso South (Hon. Geoffrey Omuse, MP) to ask the Cabinet for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary explain why *Amukura Police Station* in Teso South Constituency, which was *Gazetted* on 14th February, 2020 has not been assigned a code?
- (ii) When does the Ministry plan to assign a police code to the said station to enable it operate as a separate police station so as to effectively serve the area residents instead of operating under the *Adungosi Police station* which is about 20 kilometres away?

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

284/2020

The Member for Mavoko (Hon. Patrick Makau, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary explain why the Kenya National Highways Authority (KeNHA) did substandard works

allegedly at a cost of Kshs. 240 Million in the construction of the new Mlolongo Primary School following its recent relocation to allow for the expansion of Mombasa Road?

- (ii) What action is the Ministry taking to avert occurrence of structural weaknesses to the foundation structures of the school, part of which have been laid on a soak pit?
- (iii) Could the Cabinet Secretary confirm whether the newly constructed school has been approved for occupancy, and if so, provide evidence?
- (iv) If the response to paragraph (iii) is in the negative, could the Cabinet Secretary indicate the timelines for the reconstruction and completion of the school so as to accommodate the over 1,700 pupils, who were accommodated in temporally makeshift classrooms before closure of the learning institution in March 2020?

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

285/2020

The Member for Kiambu (Hon. Jude Njomo, MP) to ask the Cabinet Secretary for Education: -

- (i) What action is the Ministry taking to ensure that non-teaching staff in public secondary schools, who have not been paid salaries since April 2020 receive the salaries without any further delay?
- (ii) Could the Cabinet Secretary confirm whether it is a Government policy to compel non-teaching staff to proceed to unpaid compulsory leave during the period of *COVID-19* Pandemic?
- (iii) If the response to question (ii) is in the negative, what action will the Ministry take against school administrators and School Boards who are found to have compelled non-teaching staff members to proceed to unpaid compulsory leave?
- (iv) Could the Cabinet Secretary explain the progress, if any, of implementation of the Ministry's resolution to develop a scheme of service for school non-teaching staff as undertaken before the Departmental Committee on Education and

Research earlier in the year?

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