

(No. 080)



(980)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, AUGUST 11, 2021 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 - PROCUREMENT OF EXTERNAL AUDIT SERVICES FOR THE OFFICE OF THE AUDITOR-GENERAL FOR THE FINANCIAL YEARS 2018/2019 AND 2019/2020**
(The Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on procurement of external audit services for the Office of the Auditor-General for the financial years 2018/2019 and 2019/2020, *laid on the Table of the House on Thursday, August 5, 2021*, and pursuant to the provisions of Article 226(4) of the Constitution and section 43 of the Public Audit Act (No. 35 of 2015), **approves the appointment** of *M/s. Ronalds Limited Liability Partnership (LLP)* to audit the accounts of the Office of the Auditor-General for the financial years 2018/2019 and 2019/2020.

- 9*. **THE CENTRAL BANK OF KENYA (AMENDMENT) BILL**
(NATIONAL ASSEMBLY BILL NO. 10 OF 2021)
(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

10*. THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2021)

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

Second Reading

11*. THE TRUSTEES (PERPETUAL SUCCESSION) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2021)

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

Second Reading

12*. THE RADIOGRAPHERS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2019)

(The Chairperson, Departmental Committee on Health)

Second Reading

13*. COMMITTEE OF THE WHOLE HOUSE

The Referendum (No.2) Bill (National Assembly Bill No. 14 of 2020

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

14*. THE PERPETUITIES AND ACCUMULATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.24 OF 2021)

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

Second Reading

15*. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

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

THAT, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on **Sessional Paper No. 1 of 2021** on the **National Water Policy** *laid on the Table of the House on Wednesday, August 4, 2021*, and **further approves** Sessional Paper No. 01 of 2021.

*** Denotes Orders of the Day**

NOTICES

I. THE REFERENDUM (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2020)

1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Referendum (No. 2) Bill, 2020 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended in Clause 2 by deleting the definition of the expression “Cabinet Secretary.”

CLAUSE 3

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause –

Application of the
Elections Act No. 24 of
2011 to a referendum

3. Except as may be otherwise provided in this Act, the provisions of the Elections Act and the regulations made thereunder shall apply, with necessary modifications, as if a referendum were a general election.

CLAUSE 5

THAT, clause 5 of the Bill be amended—

- (a) in sub-clause (1) by deleting the all the words appearing immediately after the expression “registered voters”;
- (b) in sub-clause (3) by-
 - (i) deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a) within thirty days verify that the initiative is supported by at least one million registered voters”
 - (ii) deleting the words “after the date it was submitted by the Commission” appearing in paragraph (c);

(c) by deleting sub-clause (8) and substituting therefor the following new sub-clause-

(8) If either House of Parliament fails to pass the Bill, or the Bill relates to a matter specified in Article 255(1) of the Constitution, the proposed amendment shall be submitted to the people in a referendum.

(d) by deleting the expression “for” appearing in sub-clause (10).

CLAUSE 7

THAT, the Bill be amended by deleting clause 7.

CLAUSE 8

THAT, the Bill be amended by deleting clause 8.

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following new Clause-

Framing of referendum
question

9. Where the Commission—

(a) receives a notification from the President under Article 256 (5)(a) of the Constitution; or

(b) a draft Bill from the promoters of a popular initiative under Article 257 of the Constitution,

the Commission shall, within twenty one days, frame the question to be determined during the referendum.

CLAUSE 10

THAT, clause 10 of the Bill be amended-

(a) in sub-clause (1) by deleting the words “or option” appearing immediately after the word “question”;

(b) in sub-clause (2) by-

- (i) deleting the words “questions or option and the answer or answers” appearing in paragraph (b);
- (ii) deleting the words “which shall be at least ninety days from the date of the publication of the notice” appearing in paragraph (d);
- (iii) deleting paragraph (e);
- (iv) deleting the words “or option” appearing in paragraph (g).

CLAUSE 11

THAT, the Bill be amended by deleting clause 11.

CLAUSE 12

THAT, the Bill be amended by deleting clause 12.

CLAUSE 13

THAT, the Bill be amended by deleting clause 13.

CLAUSE 14

THAT, the Bill be amended by deleting clause 14.

CLAUSE 16

THAT, the Bill be amended—

- (a) by deleting sub clause (2) and substituting therefor the following new sub clause—

“(2) A petition—

(a) to question the validity of the referendum; or

(b) to seek a declaration concerning any matter relating to the referendum,

shall be filed within fourteen days after the date of the declaration of the results.

- (b) by deleting the words “six months” appearing in sub clause (3) and substituting therefor the words “thirty days”

CLAUSE 17**THAT**, clause 17 of the Bill be amended—

- (a) in sub-clause (2) by deleting paragraph (d);
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
 - (3) A referendum petition shall be heard in open court.
- (c) by inserting the following new sub-clauses immediately after sub-clause (3) —
 - (4) The High Court may, with respect to the hearing of a referendum petition, exercise such powers within its civil jurisdiction as it may deem appropriate.
 - (5) A referendum petition may be withdrawn by the petitioner on notice to the other parties and the High Court, subject to any order of the Court as to costs.

INSERTION OF NEW CLAUSE 17A**THAT**, the Bill be amended by inserting the following new clause immediately after clause 17—

Signing of a referendum
petition.

17 A. A referendum petition shall be signed by the petitioner or by all the petitioners, if more than one.

CLAUSE 18**THAT**, clause 18 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) A referendum petition may be presented in the High Court by a person who voted at the referendum or had a right to vote at the referendum.
- (b) in sub-clause (3) by deleting the words “A petitioner” and substituting therefor the words “The Commission”;

CLAUSE 19**THAT**, the Bill be amended by deleting clause 19.

CLAUSE 20

THAT, the Bill be amended by deleting clause 20.

CLAUSE 21

THAT, clause 21 of the Bill be amended in sub-clause (2) by —

- (a) deleting the words “thirty days” appearing in paragraph (a) and substituting therefor the words “seven days”;
- (b) deleting the words “six months” appearing in paragraph (b) and substituting therefor the words “twenty-one days.”

CLAUSE 22

THAT, the Bill be amended by deleting clause 22 and substituting therefor the following new clause—

Operation of declared result.

22. (1) The Commission shall publish the result of the referendum in the Gazette within one day of the holding of the referendum.

(2) If no petition is filed challenging the conduct or result of the referendum within the time limit for making such petitions, the result of the referendum shall be final upon the expiry of that time limit.

(3) Where a petition is filed challenging the conduct or result of the referendum within the time limit for making such petitions, the result of the referendum shall not be final until such petitions are finally disposed of.

(4) The Commission shall, consequent upon the results of the referendum becoming final, by notice in the Gazette confirm the results as the final results of the referendum.

CLAUSE 23

THAT, clause 23 of the Bill be amended by deleting sub-clause (2).

CLAUSE 25

THAT, clause 25 of the Bill be amended—

- (a) by deleting the words “two or more” appearing in sub-clause (1) and substituting therefor the words “more than one”.
- (b) by deleting the words “under subsection (1)” appearing in clause (2).

INSERTION OF NEW CLAUSE 25A

THAT, the Bill be amended by inserting the following new clause immediately after clause 25—

Joinder of interested parties.

25 A. (1) A court hearing a referendum petition may, upon application allow, the joinder of amicus curiae and other interested parties.

(2) The Court shall before allowing the joinder of amicus curiae or other interested parties, take into consideration the public interest, the expertise, independence and impartiality of the person in question or any other relevant factors.

CLAUSE 30

THAT, clause 30 of the Bill be amended—

- (a) by deleting sub clause (2);
- (b) by deleting sub clause (3);
- (c) by deleting sub clause (4);
- (d) by deleting sub clause (5);

CLAUSE 31

THAT, clause 31 of the Bill be amended in sub clause (3) be deleting the words “which may be made upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the High Court may require” appearing immediately after the word “the High Court.” where it first appears.

CLAUSE 32

THAT, clause 32 of the Bill be amended in sub clause (2) be deleting the word “report” appearing immediately before the words “Upon receipt of” and substituting therefor the word “judgement”.

CLAUSE 40

THAT, the Bill be amended by deleting clause 40.

CLAUSE 68

THAT, the Bill be amended by deleting clause 68.

CLAUSE 71

THAT, the Bill be amended by deleting clause 71.

- 2) Notice is given that the Member for Nakuru Town East (Hon. David Gikaria, MP) intends to move the following amendments to the Referendum (No.2) Bill, 2020 at the Committee Stage—

CLAUSE 7

THAT, clause 7(2) of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraphs—

- (a) county laws except financial legislation;
- (aa) county petitions.

CLAUSE 16

THAT, clause 16 of the Bill be deleted.

CLAUSE 17

THAT, clause 17 of the Bill be amended by inserting the following new subclause immediately after subclause (3) –

- (4) A referendum petition shall be heard and determined within six months of the date of lodging the Petition.



LIMITATION OF DEBATE

The House resolved on Wednesday, February 10, 2021 as follows-

Limitation of Debate on Reports of Audit Committees (PIC, PAC & SFAC)

- II. THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in debate on **Reports of Audit Committees (PIC, PAC & SFAC)** 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 be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

Limitation of Debate on Bills sponsored by Parties or Committees

- III. THAT**, 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.

Limitation of Debate on Sessional Papers

- IV. THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on any **Sessional Paper** shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Sessional Paper is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

NOTICE PAPER

Tentative business for

Thursday (Afternoon), August 12, 2021

(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), August 12, 2021-

A. THE SUSTAINABLE WASTE MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2021)

(The Leader of the Majority Party)

First Reading

B. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2021)

(The Hon. Tindi Mwale, M.P.)

First Reading

C. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2021)

(The Leader of the Majority Party)

First Reading

D. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2021)

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

First Reading

E. MOTION - ROLL-OUT OF COVID-19 ECONOMIC STIMULUS PROGRAMME (Party-Sponsored Motion)

(The Hon. Abdullswamad Nassir, M.P.)

F. THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, August 10, 2021)

G. THE IRRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2021)

(The Leader of the Majority Party)

Second Reading

H. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

(The Leader of the Majority Party)

Second Reading



...../Appendix I*

APPENDIX I

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.4 -PETITIONS

It is **notified** that, pursuant to the provisions of Standing Order 225 the following Petition (s) will be presented -

No.	Subject	Petitioner(s)	Relevant Committee
031/2021	Negligence by the Department of Immigration to Enforce Covid-19 Protocols on Workers of Kibos Sugar Factory arriving from India <i>(to be presented pursuant to S.O.225(2)(b))</i>	<i>Mr. Charles Ochieng and other residents of Mivani in Kisumu County</i>	D.C on Health

APPENDIX II

ORDER NO.7 -QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask questions for reply before the specified Committees-

287/2021 The Member for Endebess (Hon. Robert Pukose, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -

- (i) Could the Cabinet Secretary explain the circumstances that led to the formation and *Gazettement* of a Task force by Trans Nzoia County Government to look into issues affecting public land and was the action carried out in accordance with the provisions of the National Land Commission Act?
- (ii) Could the Cabinet Secretary also explain the criteria used in the appointment of Members into the said Task Force and confirm whether factors including regional, gender and persons living with disabilities were taken into account as required by the Constitution of Kenya?
- (iii) Could the Cabinet Secretary clarify whether effective public participation was conducted during the formulation of the County Task force?
- (iv) Could the Cabinet Secretary explain whether the procedure and conditions set out in the National Land Commission Act for formation of such Task Forces were adhered to, and if not, could the National Government consider nullifying the exercise with a view to ensuring that the correct procedure and criteria is followed by the relevant Government Institutions in formulation of future Task Forces?

(To be replied before the Departmental Committee on Lands)

296/2021 The Member for Bomachoge Chache (Hon. Alfah O. Miruka, MP) to Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) Could the Cabinet Secretary provide the status of construction of the 75-kilometer *Omoringamu - Kenyinya-Ibbicho - Mogambi - Nyamasega - Ogombo - Okoba - Misesi - Otonto - Ogimbo Road* in Bomachoge Constituency, and indicate when the said road is expected to be completed?
- (ii) Could the Cabinet Secretary provide details of the Contractor awarded the said contract and indicate the amount of money that has been paid to date for the project?

- (iii) Could the Cabinet Secretary explain action taken against foreign companies who are awarded contracts of such huge projects but fail to deliver?

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

297/2021

The Member for Subukia (Hon. Samuel Gachobe, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) Could the Cabinet Secretary explain why four (4) police posts in Subukia Constituency namely *Mbogoini Police Post, Kwa Gitao Police Post, Sidai Police Post, and Magomano Police Post* were closed down?
- (ii) What measures has the Ministry put in place to curb insecurity and guarantee security to the residents of Subukia Constituency considering that cases of insecurity are on the rise since the closure of the said Police Posts?
- (iii) Could the Cabinet Secretary provide timelines for the re-opening of the said Police Posts?

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

315/2021

The Member for Embakasi Central (Hon. Benjamin G. Mwangi, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -

- (i) Could the Cabinet Secretary explain the procedure that was employed by the Government to allocate *Komarock Estate Land Development Project* to the then *Kenya Building Society*, which was later transformed into *Housing Finance Company Kenya Ltd (HFCK)*, in 1996 in *Komarock Ward*, Embakasi Central Constituency and further provide the current status of the project?
- (ii) Could the Cabinet Secretary confirm the total acreage of land that was allocated to the said company considering that approximately three quarters of the total land in *Komarock Ward* in Embakasi Central Constituency is occupied by the HFCK?
- (iii) Could the Cabinet Secretary further confirm the total size of part of the said land that was reserved for public use and social amenities such as Schools, Playgrounds, Health Centers, Police Stations and Social Halls, amongst others and provide details of such land indicating actual locations, total acreages, LR Numbers and Title deeds, if any?

(To be replied before the Departmental Committee on Lands)

317/2021

The Member for Mwea (Hon. Kabinga Wachira, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -

- (i) What is the status of ownership of a parcel of land measuring approximately 0.75 acres originally preserved for construction of a Cattle Dip at *Diffathas Township in Mwea Constituency, Kirinyaga County* which has allegedly been illegally acquired by private developer(s)?
- (ii) Could the Cabinet Secretary clarify whether the original acreage of the said land has been altered and provide the current acreage on the ground?
- (iii) Could the Cabinet Secretary also clarify whether there has been any attempt to subdivide the said parcel of land, and if so, who are the intended or actual beneficiaries?
- (iv) What steps is the Ministry taking to ensure that the said public parcel of land is preserved for the community and utilized for the intended purposes and further that a Title Deed of the land is issued?

(To be replied before the Departmental Committee on Lands)

319/2021

The Member for Kamukunji (Hon. Yusuf Hassan, MP) to ask the Teachers Service Commission: -

- (i) Could the Chairperson explain the circumstances that led to the denial of leave of absence to one *James Kipkosgei Kemei of TSC No. 664932*, a teacher at the Moi Forces Academy, Nairobi who won the *Fulbright Distinguished Awards* in teaching for International Teachers and was scheduled to travel to the United States of America on 10th August 2021 for Intensive Professional Development Training?
- (ii) Could the Chairperson also explain why the Commission has not allowed the few and top bright teachers selected for the *Fulbright Distinguished Awards* to proceed for training in the United States for the last 4 years?
- (iii) What measures has the Commission put in place to ensure that Teachers benefit from the Fulbright Distinguished Awards in teaching programmes?

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

APPENDIX III

ORDER NO.7 -STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2) (c) the following Statements will be responded to –

No.	Subject	Member	Relevant Committee
1.	Insecurity in Dond Koki Market.	<i>The Hon. Samuel Atandi, M.P.</i>	D.C. on Administration and National Security
2.	Insecurity of Miraa Merchants in Northern Kenya.	<i>The Hon. Paul Mwirigi, M.P.</i>	D.C. on Administration and National Security
3.	Cattle Rustling and Killings in Turkana East Constituency.	<i>The Hon. Mohamed Lokiru, M.P.</i>	D.C. on Administration and National Security
4.	Insecurity in Marsabit and Isiolo Counties.	<i>The Hon. Dido Rasso, M.P.</i>	D.C. on Administration and National Security
