

(No. 077)



(963)

REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, AUGUST 05, 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 – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PARLIAMENTARY PENSIONS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

(The Chairperson, Parliamentary Pensions Committee)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Parliamentary Pensions (Amendment) (No.3) Bill (National Assembly Bill No. 57 of 2019).

(Question to be put and Third Reading)

9*. THE WAQF BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2019)

(The Leader of the Majority Party)

Second Reading

(Question to be put)

10*. 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 Wednesday, August 4, 2021 – Afternoon Sitting)

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

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

Second Reading

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

(The Leader of the Majority Party)

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)

*** 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, Hon. Muturi Kigano intends to move the following amendments to the Referendum (No. 2) Bill, (National Assembly Bills No. 14) 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 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 Bills sponsored by Parties or Committees

- II. 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.
-

NOTICE PAPER

Tentative business for

Tuesday (Afternoon), August 10, 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 Tuesday (Afternoon), August 10, 2021-

A. THE PUBLIC SERVICE INTERNSHIP BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2021)

(The Hon. Naisula Lesuuda, MP)

First Reading

B. THE ASIANS WIDOWS' AND ORPHANS' PENSIONS (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2021)

(The Leader of the Majority Party)

First Reading

C. THE PROVIDENT FUND (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2021)

(The Leader of the Majority Party)

First Reading

D. SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

(The Leader of the Majority Party)

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

(The Leader of the Majority Party)

Second Reading

F. THE SOCIAL ASSISTANCE (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2020)

(The Leader of the Majority Party)

Second Reading

G. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)

(The Leader of the Majority Party)

Second Reading

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

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-

265/2021 The Member for Mwingi Central (Hon. Gideon Mulyungi MP) to ask the Cabinet Secretary Ministry of Education: -

- (i) Could the Cabinet Secretary provide the current ratio of teachers to pupils for Primary and Secondary Schools in Mwingi Central Constituency *vis-à-vis* the recommended ratio as stipulated in the Education Policy?
- (ii) Could the Cabinet Secretary provide the current total number of teachers in Mwingi Central Constituency in both Primary and Secondary Schools *vis-à-vis* the total number required?
- (iii) What measures has the Ministry put in place to improve the performance and quality of education in the Constituency, which has largely been compromised by shortage of teachers, among other factors?
- (iv) Considering that Mwingi Central Constituency is currently experiencing drought, could the Ministry provide free school feeding programme to schools in the Constituency with a view to ensuring that children attend school?

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

267/2021 The Member for Ganze (Hon. Teddy Mwambire MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain why *Ngamani* Primary School in *Jaribuni Ward*, Ganze Constituency is managed through *Kilifi South* Sub-County as opposed to *Kwale County* where it falls administratively?

- (ii) Could the Cabinet Secretary outline the measures the Ministry has put in place to address infrastructural and management challenges currently facing the said school?

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

270/2021 The Member for Sirisia (Hon. Maj. (Rtd) John Waluke, MP) to ask Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain how the government plans to realize 100 percent transition for all students who sat for the 2020 Kenya Certificate of Secondary Education (KCSE) Examinations to Universities, Colleges and other institutions of higher learning as directed by H. E. the President?
- (ii) Could the Cabinet Secretary also explain how all the 143,340 students who attained grade C+ (plus) and above in the said examinations will be placed for admissions into Universities and, provide the funding capacity of the Higher Education Loans Board (HELB) to fund the said students?
- (iii) Could the Cabinet Secretary provide breakdown of the financial capitalization for over 572,113 students who scored below grade C (plain) and may opt to join other institutions of learning such as the Technical and Vocational Education Training (TVET) Institutions?

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

275/2021 The Member for Gilgil (Hon. Martha Wangari, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -

- (i) What steps is Ministry taking to ensure that the 15-Kilometer section of the road between *Gilgil Town* and *Kanyiriri Center* on the *Gilgil - Ol Kalou Road* in Gilgil Constituency, that was left incomplete during the rehabilitation of *Gilgil - Ol Kalou Road*, is constructed to completion?
- (ii) Could the Cabinet Secretary state the expected commencement and completion date of the project?

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

286/2021

The Member for Dagoretti North (Hon. Simba Arati, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing urban Development and Public Works: -

- (i) Could the Cabinet Secretary explain the policy guidelines in place with respect to the maximum number of residential apartment units and floors which may be developed in the area within Nairobi City where parcel of land L.R-. No. 209/3289 measuring 0.3661 hectares is located?
- (ii) Could the Cabinet Secretary confirm whether the ongoing development on the said parcel of land has fully complied with policy guidelines, all regulations and procedures, including the zoning limits in line with the Physical and Land Use Planning Act, 2019, approval of the National Construction Authority and certification with respect to Environmental Impact Assessment (EIA)?
- (iii) What measures has the Ministry taken to stop the ongoing development on the said property given the complaints raised by residents and property owners in the neighbourhood with respect to adherence to the Physical and Land Use Planning Act, 2019 and failure to carry out an EIA?

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

288/2021

The Member for Igembe Central (Hon. Kubai Iringo, MP) to ask the Cabinet Secretary for Interior and Co-ordination of National Government: -

- (i) Could the Cabinet Secretary outline the measures the Ministry has put in place to urgently stem the rampant cases of insecurity in Igembe Central Constituency occasioned by invasions and attacks by armed raiders, suspected to be from the neighbouring Isiolo county, who on 28th July 2021 attacked and caused the death of four (4) residents of *Nukai Village* and stole property of unknown value?
- (ii) Could the Cabinet Secretary state the measures the Ministry has put in place to disarm the said raiders and apprehend the criminals who have been attacking innocent civilians as they attempt to protect their property and farms?
- (iii) Could the Cabinet Secretary also explain the steps the Ministry is taking to stop illegal grazers from invading private farms and destroying crops in search of pasture for their animals?

- (iv) Could the Cabinet Secretary consider compensating the victims of the attacks for the losses they have suffered in terms of loss of lives, medical expenses, funeral expenses and loss of farm produce?

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

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	Chairperson of the Relevant Committee
1.	Human – Wildlife conflict in Voi Constituency.	<i>The Hon. Jones Mlolwa, MP</i>	D.C on Environment and Natural Resources
2.	The Capital Markets Authority failure to regulate the capital markets leading to losses of funds and investments of Kenyans.	<i>The Hon. Aden Duale, MP</i>	D.C on Finance and National Planning
3.	Operations of buses during the Covid–19 pandemic in the Country.	<i>The Hon. Abdullswammad Nassir, MP</i>	D.C on Health
4.	Classification of Bomet County as a COVID-19 hotspot.	<i>The Hon. Gideon Koske, MP</i>	D.C on Health
5.	The COVID–19 Pandemic situation in Homa Bay County and environs.	<i>The Hon. Peter Kaluma, MP</i>	D.C on Health
