



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

WEDNESDAY, FEBRUARY 15, 2017 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. Statements

8*. THE PRIVATIZATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2016)

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

THAT, the Privatization (Amendment) Bill (National Assembly Bill No. 27 of 2016) be now read a Third Time.

9*. THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)

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

THAT, the Public Appointments (County Assemblies Approval) Bill (Senate Bill No. 20 of 2014) be now read a Third time.

10*. THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 23 OF 2014)

(The Chairperson, Departmental Committee on Education, Research and Technology)

THAT, the County Early Childhood Education Bill (Senate Bill No. 23 of 2014) be now read a Third time.

11*. MOTION – THE REPORT OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE ON THE VETTING OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF CRA
(The Chairperson, Finance, Planning & Trade Committee)

THAT, this House adopts the Report of the Departmental Committee Finance, Planning and Trade on the Vetting of Nominee for Appointment as the Chairperson of the Commission on Revenue Allocation, laid on the Table of the House on Wednesday, February 15, 2017, and pursuant to the provisions of Article 215 of the Constitution and Section 9 of the Commission on Revenue Allocation Act, **approves** the appointment of Dr. Jane Wangui Kiringai as Chairperson of the Commission on Revenue Allocation.

12*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 25 of 2016)
(The Leader of the Majority Party)
- (ii) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 4 of 2015)
(The Leader of the Majority Party)

13*. MOTION – THE REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON THE PROCUREMENT AND FINANCING OF THE NSSF TASSIA II PROJECT
(Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investments Committee on the Procurement and Financing of the National Social Security Fund Tassia II Infrastructure Development Project, laid on the Table of the House on Wednesday, 30 April, 2014.

(Resumption of debate interrupted on Tuesday, February 14, 2017)

14*. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2016)
(The Hon. Jakoyo Midiwo, M.P.)

Second Reading

15*. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2016)

(The Leader of the Majority Party)

Second Reading

16*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)(NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2016)

(The Leader of the Majority Party)

Second Reading

17*. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL BUILDING MAINTENANCE POLICY

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

THAT, this House adopts Sessional Paper No. 2 of 2015 on National Building Maintenance Policy, laid on the Table of the House on June 14, 2016.

18*. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL SLUM UPGRADING AND PREVENTION POLICY

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

THAT, this House adopts Sessional Paper No. 2 of 2016 on the National Slum Upgrading and Prevention Policy, laid on the Table of the House on July 29, 2016.

*** Denotes Orders of the Day**

NOTICES

I. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2016)

Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade intends to move the following amendments to the Public Private Partnerships (Amendment) Bill, 2016 at the Committee Stage—

CLAUSE 2

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

Amendment of section 2 of No. 15 of 2013.

2. Section 2 of the Public Private Partnerships Act, 2013, in this Act, referred to as “the principal Act,” is amended by—

(a) deleting the definition of the term “contracting authority” and substituting therefor the following new definition—

“contracting authority” means—

(a) at the national government level, a state department, agency or state corporation which intends to have its functions undertaken by a private party; or

(b) at the county government level, the county government or county corporation which intends to have its functions undertaken by a private party;

(b) deleting the definition of the term “transaction adviser” and substituting therefor the following new definition—

“transaction advisor” means a person who has the appropriate skill and experience to assist and advise the contracting authority or the unit on matters related to a public private partnership.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 8-

Amendment
of section
36 of No.
15 of 2013.

8A.Section 36 of the principal Act is amended by—

(a) by deleting subsection(1) and replacing it with the following subsection—

“(1) The unit shall assess the technical expertise of the contracting authority to procure the development, preparation, procurement, contract negotiation and management of a project under this Act.”

(b) by deleting subsection (2) and replacing it with the following subsection—

“(2) Where the unit finds that the contracting authority does not have the technical expertise to procure the project under this Act, the contracting authority shall, in consultation with the unit, appoint a transaction advisor to assist the authority in the preparation, procurement, contract negotiations, and financial close phase of a project.”

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 12—

Amendment
of Section 56
of No. 15 of
2013.

12A.Section 56 of the principal Act is amended by—

(a) deleting subsection (1) and substituting therefor the following subsection—

“(1) The Committee shall, within a period of thirty days from the date of its decision approving the project and financial risk assessment report, inform the contracting authority of its decision.”

(b) deleting subsection (2) and substituting therefor the following subsection—

“(2) Where the Committee approves an undertaking of a project, the contracting authority shall finalise the project agreement for execution by the parties to the project.”

(c) deleting the words “Cabinet or Parliament as the case may be,” appearing in subsection (3) and substituting therefor the word “Committee”.

Amendment
of section 57
of No. 15 of
2013.

12B.The principal Act is amended by repealing section 57 and replacing it with the following new section—

Execution of
contract.

57. The contracting authority shall, following its finalization of the project agreement and after all parties to the agreement have complied with all conditions precedent to the execution of government contracts, execute the contract awarded to that bidder.

II. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2015)

- 1) Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade intends to move the following amendments to the Public Finance Management (Amendment) Bill, 2015 at the Committee Stage—

CLAUSE 13

THAT clause 13 of the Bill be deleted.

CLAUSE 14

THAT clause 14 of the Bill be deleted.

CLAUSE 37

THAT clause 37 of the Bill be deleted.

INSERTION OF NEW CLAUSE

THAT the following new clause be inserted immediately after clause 40—

Amendment of section
128 of No.16 of 2012

40A. Section 128 of the principal Act is amended in subsection (2) by deleting the expression “30th August” and substituting therefor the expression “15th September”.

CLAUSE 42

THAT clause 42 be amended by deleting sub-clause (b).

CLAUSE 43

THAT, clause 43 be deleted.

CLAUSE 67

THAT clause 67 be amended by inserting the following new paragraph immediately after paragraph (a) –

- (aa) deleting subsection (4) and substituting therefor with the following new subsection –
“(4) Members of the Board except *ex officio* members shall be appointed by the Cabinet Secretary and serve for a term of three years, renewable once for a further term of three years”.

- 2) Notice is given that the Chairperson of the Budget and Appropriations Committee intends to move the following amendments to the Public Finance Management (Amendment) Bill, 2015 at the Committee Stage –

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting paragraph (c).

CLAUSE 5

THAT the Bill be amended by deleting clause 5 and substituting therefor the following new clause —

5. Section 10 of the principal Act is amended —

(a) in subsection (1)—

(i) by inserting the words “Speaker and” immediately after the words “report to the relevant” and the words “Article 114 of the Constitution,” immediately after the words “making reference to ” in paragraph (g); and

(ii) by inserting the following new paragraphs immediately after paragraph (h) —

(i) undertake monitoring and evaluation of movement programmes and projects with a view to informing the legislative budget and economic analysis;

(j) produce the Budget Options Paper which shall be the basis of evaluating the Budget Policy Statement and annual estimates; and

(k) review the County Fiscal Strategy Papers and the Controller of Budget Reports with a view to informing the relevant Committees of Parliament on revenue allocation.

(b) by inserting the following new subsection after subsection (2) —

(3) A public officer or national government entity shall upon request in writing by the Parliamentary Budget Office, provide information in such manner as may be specified by the Parliamentary Budget Office for the better carrying out of the functions specified under subsection (1).

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 9—

Amendment of
section 25 of No.
18 of 2012.

9A. Section 25 of the principal Act is amended —

(a) in subsection (2) by deleting the word “February” and substituting therefor the word “January”;

(b) in subsection (7) by deleting the word “fourteen” and substituting therefor the word “thirty”; and

(c) by deleting subsection (8) and substituting therefor the following new subsection –

(8) The resolution passed under subsection (7) shall form the basis of the budget for the relevant financial year.

Amendment of
section 33 of No. 18
of 2012

9B. Section 33 of the principal Act is amended in subsection (1) by deleting the word “February” and substituting therefor with the word “January”.

CLAUSE 13

THAT clause 13 of the Bill be deleted.

CLAUSE 14

THAT clause 14 of the Bill be deleted.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 14 –

Amendment of
section 46 of No. 18
of 2012

14A. Section 46 of the principal Act is amended in subsection (2) by deleting the words “the National Treasury” and substituting therefor the words “programmes and projects”.

CLAUSE 16

THAT clause 16 of the Bill be deleted.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 35—

Amendment of
section 117 of No. 18
of 2012.

35A. Section 117 of the principal Act is amended —

(a) in subsection (1) by deleting the expression “28th” and substituting therefor the expression “15th”; and

(b) in subsection (6) by deleting the word “fourteen” and substituting therefor the word “thirty”.

CLAUSE 43

THAT clause 43 of the Bill be deleted.

3) Notice is given that the Leader of the Majority Party (Hon. Aden Duale) intends to move the following amendments to the Public Finance Management (Amendment) Bill, 2015 at the Committee Stage—

CLAUSE 2

THAT, clause 2 be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) in the definition of “short term borrowing” by—

- (i) deleting the phrase “bank-overdraft” appearing immediately after the phrase “Treasury Bills” and substituting therefor the phrase “Central Bank of Kenya-overdraft”;
- (ii) inserting the phrase “Central Bank of Kenya” before the word “instrument”.

CLAUSE 8

THAT, clause 8 be amended by inserting the following new paragraph immediately after paragraph (b)—

“(c) by inserting the following new subsection immediately after subsection (7)—

“(8) Three (3) months prior to a general election, no procurement shall be carried out by the national and county governments, or their respective entities, in respect of their respective development votes unless with the approval of the National Treasury.”

CLAUSE 36

THAT, clause 36 be deleted and replaced with the following new clause—

Amendment of
section 119 of
No. 18 of 2012.

36. Section 119 of the principal Act is amended—

- (a) in subsection (2), by—
 - (i) deleting the phrase “As soon as practicable” appearing at the beginning of the subsection;
 - (ii) deleting the phrase “or a bank approved by the County Treasury”;
- (b) in subsection (4), by inserting the phrase “and by 5th of every month, the National Treasury shall publish and publicize a report on the website on levels of overdraft by county governments” immediately after the phrase “if any”.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 36—

Criteria for approval to open bank account.

119A. (1) Subject to the provisions of section 119, the following criteria shall be considered by the County Treasury in granting approval to a county government entity to open and operate a county government bank account—

- (a) all county exchequer accounts shall be opened at the Central Bank of Kenya;
- (b) for avoidance of doubt, all county government bank accounts shall be opened at the Central Bank of Kenya except for imprest bank accounts for petty cash which shall be opened at a bank designated by the County Treasury.

(2) Except with the prior authority of the County Treasury, no accounting officer may open a bank account for the deposit, custody or withdrawal of public moneys or other moneys for which he or she is responsible in his or her official capacity or for the transaction of official banking business.

(3) The authority of County Treasury shall be conveyed in writing to the responsible accounting officer with a copy to the Controller of Budget and the Auditor-General.

(4) The County Treasury may prescribe the banking rules and the maximum balance which may be held in any official County Treasury Single Account sub-account or other bank accounts, and if at any time this balance seems likely to be exceeded, the officer operating the accounts shall consult the County Treasury on the action to be taken.

(5) No official county government bank account shall be overdrawn, nor shall any advance or loan be obtained from a bank account for official purposes beyond the limit authorized by the County Treasury in line with section 119(4) of this Act, and the authority shall be conveyed in writing.

- 4) Notice is given that the Member for Alego Usonga (Hon. George Omondi) intends to move the following amendments to the Public Finance Management (Amendment) Bill, 2015 at the Committee Stage—

CLAUSE 5

THAT, clause 5 be amended by deleting the proposed new paragraph (i) and substituting therefor the following new paragraph—

“(i) upon request by county assemblies, assist in the establishment of budget offices in the county assemblies”.

CLAUSE 13

THAT, clause 13 be amended by deleting paragraph (b) of the proposed new section 39A(1).

CLAUSE 43

THAT, clause 43 be amended by deleting paragraph (b) of the proposed new section 131A(1).

NOTICES

The House resolved on Wednesday, January 25, 2017 as follows:-

- I. **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** 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 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.

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, 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.

NOTICE PAPER

Tentative business for

Thursday, February 16, 2017

(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, February 16, 2017:-

**A. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 49 OF 2016)**

(The Hon. Jakoyo Midiwo, M.P.)

Second Reading

(If not concluded on Wednesday, February 15, 2017 - Afternoon Sitting)

**B. THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY
BILL NO. 26 OF 2016)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, February 15, 2017 - Afternoon Sitting)

**C. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)(NO.2) BILL
(NATIONAL ASSEMBLY BILL NO. 48 OF 2016)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, February 15, 2017 - Afternoon Sitting)

**D. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL
BUILDING MAINTENANCE POLICY**

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

(If not concluded on Wednesday, February 15, 2017 - Afternoon Sitting)

**E. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL
SLUM UPGRADING AND PREVENTION POLICY**

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

(If not concluded on Wednesday, February 15, 2017 - Afternoon Sitting)

**F. THE OFFICE OF THE COUNTY PRINTER BILL (SENATE BILL NO.42 OF
2014)**

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

Second Reading
