



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 30, 2016 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. Statements

8*. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2016)

(The Leader of the Majority Party)

Third Reading

(Question to be put)

9*. MOTION – ALLOWING PERSONS WITH SERIALIZED WAITING CARDS TO REGISTER AS VOTERS

(The Hon. Ferdinand Wanyonyi, M.P.)

RECOGNIZING THAT, universal equal suffrage is a fundamental right recognizable under international law and enshrined under Article 38 of the Constitution of Kenya; recalling that voter registration is a crucial exercise in the electioneering process, and that to register as a voter, one requires a National Identification Card; noting that thousands of Kenyans are yet to be issued with Identification Cards due to the long and tedious process involved in the processing of these Cards and are still holding *serialized waiting cards* with serial numbers that also appear on the identity cards once issued; concerned that those Kenyans in possession of *serialized waiting cards* may miss out on the ongoing voter registration; cognizant that Section 5 sub-sections 3(A) and 3(B) of the Elections Act, 2011 requires the

Independent Electoral and Boundaries Commission (IEBC) to register all Kenyans who have attained the age of eighteen (18) years, have applied for issuance of Identity Cards and are in possession of *serialized waiting cards*, pending issuance of the Identity Cards; now therefore, this House **calls upon** the Independent Boundaries and Electoral Commission to immediately allow all persons who were successfully vetted and issued with *serialized waiting cards* to register as voters in the ongoing and future voter registration exercises in accordance with Section 5 of the Elections Act, 2011.

**10*. MOTION - DECLARATION OF KAMUKUNJI GROUNDS A
PROTECTED NATIONAL MONUMENT**

(The Hon. Yusuf Hassan, M.P.)

THAT, aware that the Kamukunji grounds is undoubtedly one of the most important public spaces in Kenya's political history; further aware that it was here that our national leaders held groundbreaking political rallies that mobilized the masses in the struggle for freedom and independence from colonial rule; cognizant of the fact that for the last 40 years, the Kamukunji grounds have continued to play a significant role in the Kenyan peoples' struggle for human rights and democracy, specifically the Saba Saba Rally that brought an end to the one-party rule ushering in a new era of multi-party democracy; concerned that the historic ground has been forgotten and neglected yet the great men and women of this great nation suffered so that we could be free; this House resolves that the Government declares the Kamukunji grounds a protected national monument and a historic place of great importance and transforms it into a safe and livable public space for present and future generations.

11*. MOTION - INITIATIVE TO PROMOTE CLEAN ENVIRONMENT

(The Hon. (Dr.) Wilber Ottichilo, M.P.)

THAT, aware that Article 42 of our Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) mandates the State to encourage public participation in the management, protection and conservation of the environment; deeply concerned that our homes, roads, public and private premises, work places, recreational areas and general environment are littered with plastics, solid and liquid wastes as well as lacking good general environmental aesthetics, this House resolves that the Government declares one Saturday of each month be dedicated by every Kenyan household, organized groups, public and private institutions and corporate organizations to cleaning and beautifying their immediate environment and public places and also initiates a proactive programme in all our schools to inculcate the culture of keeping our environment clean and healthy.

- 12*. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL**
(NATIONAL ASSEMBLY BILL NO. 56 OF 2015)
(The Hon. (Eng.) Nicolas Gumbo, M.P.)

Second Reading

*** Denotes Orders of the Day**

N O T I C E S

The House resolved on Wednesday, February 10, 2016 as follows:-

- I. **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 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), 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 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

Wednesday (Afternoon), March 30, 2016

(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), March 30, 2016:-

A. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)

(The Leader of the Majority Party)

Third Reading
(Question to be put)

B. THE ANTI-DOPING BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2016)

(The Leader of the Majority Party)

First Reading

C. COMMITTEE OF THE WHOLE HOUSE

(i) The Vetting of Judges and Magistrates (Amendment) Bill (National Assembly Bill No. 5 of 2016)

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

(ii) The Private Security Regulation Bill (National Assembly Bill No. 4 of 2014)

(The Leader of the Majority Party)

D. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)

(The Leader of the Majority Party)

Second Reading
(Resumption of debate interrupted on Tuesday, March 29, 2016)

E. THE CONSTITUTION OF KENYA (AMENDMENT) (No. 4) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2015)

(The Leader of the Majority Party)

Second Reading
(Resumption of debate interrupted on Thursday, March 24, 2016 – Afternoon Sitting)

F. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2016)

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

Second Reading

(Resumption of debate interrupted on Thursday, March 17, 2016 – Morning Sitting)

G. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)

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

Second Reading

H. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2016)

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

Second Reading

I. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)

(The Leader of the Majority Party)

Second Reading

J. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate adjourned on Thursday, March 10, 2016 – Afternoon Sitting)



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 30 2016 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

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8*. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO.14 OF 2015)
(The Leader of the Majority Party)

Third Reading
(*Question to be put*)

9*. THE ANTI-DOPING BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2016)
(The Leader of the Majority Party)

First Reading

10*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Vetting of Judges and Magistrates (Amendment) Bill (National Assembly Bill No. 5 of 2016)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)
- (ii) The Private Security Regulation Bill (National Assembly Bill No. 4 of 2014)
(The Leader of the Majority Party)

11. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**
(The Leader of the Majority Party)

Second Reading
(*Resumption of debate interrupted on Tuesday, March 29, 2016*)

12*. THE CONSTITUTION OF KENYA (AMENDMENT) (No. 4) BILL
(NATIONAL ASSEMBLY BILL NO. 38 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 24, 2016 – Afternoon Sitting)

13*. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 2 OF 2016

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

Second Reading

(Resumption of debate interrupted on Thursday, March 17, 2016 – Morning Sitting)

14. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL**
ASSEMBLY BILL NO. 63 OF 2015)

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

Second Reading

15. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF**
2016)

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

Second Reading

16*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF
2015)

(The Leader of the Majority Party)

Second Reading

17*. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate adjourned on Thursday, March 10, 2016 – Afternoon Sitting)

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

N O T I C E S

I. THE PRIVATE SECURITY REGULATION BILL NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

- 1) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence—

Cap. 114 “firearm” has the meaning assigned to it under the Firearms Act;
 “foreign power” means a foreign government, foreign
 organization or an entity that is directed or controlled by a
 foreign government or foreign organization;

CLAUSE 4

THAT, clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (d)—

“(e) private investigators.”

CLAUSE 11

THAT, clause 11 of the Bill be amended—

(a) in sub clause (1)—

(i) in paragraph (b) by inserting the following new paragraph immediately after paragraph (iv)—

“(v) the National Intelligence Service.”

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

“(f) one member nominated by the Kenya Private Sector Alliance.”

(b) in sub clause (2) in paragraphs (a) and (b) by deleting the expression “subsection (2)” and substituting therefor the expression “subsection (1)”

CLAUSE 29

THAT, clause 29 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (c)—

“(d) has been security-vetted and nothing adverse has been established.”

CLAUSE 30

THAT, clause 30 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (e)—

“(f) it considers that it is not in the national interest to grant a licence.”

CLAUSE 32

THAT, clause 32 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (d)—

“(e) the licensee is or has engaged in acts prejudicial to national security or national interests.”

CLAUSE 39

THAT, clause 39 of the Bill be amended in sub clause (1) by inserting the following new paragraphs immediately after paragraph (e)—

“(f) is an agent of foreign power;

(h) is or has engaged in acts prejudicial to national security or national interests.”

CLAUSE 46

THAT, clause 46 of the Bill be amended in sub clause (3) by inserting the words “in addition to cancellation of license” immediately after the words “commits an offence and shall”.

CLAUSE 47

THAT, clause 47 of the Bill be amended in sub clause (4) by inserting the words “in addition to cancellation of licence” immediately after the words “commits an offence and shall”.

CLAUSE 48

THAT, clause 48 of the Bill be amended in sub clause (3) by inserting the words “Subject to section 45,” immediately before the words “Any information”.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 49—

Powers excludes
police powers.

49A. For the avoidance of doubt, nothing contained in this Part shall be construed as conferring upon a private security service provider, a security guard or a security officer the powers of a police officer or member of a disciplined service.

CLAUSE 50

THAT, clause 50 of the Bill be amended—

(a) in sub clause (1) by inserting the following new paragraphs immediately after paragraph (c)—

“(d) use the names, logos, initials and emblems similar or resembling those of a national security organ or a disciplined service.

(e) use or install equipment that is capable of intercepting or otherwise interfering with another person’s communication; and

(f) use or install such other equipment as the Cabinet Secretary may from time to time prescribe.”

(b) by inserting the following new sub clause immediately after sub clause (3)—

“(4) A person who contravenes this section commits an offence and shall, in addition to cancellation of license, be liable, on conviction, to a penalty prescribed in this Act or any other written law, whichever is higher.”

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 51—

Use of
firearms.

51A. (1) A private security service provider shall not use or allow the use of firearms in the rendering of a security service.

(2) A person who contravenes the provision of this section commits an offence and shall in addition to cancellation of license, be liable on conviction to a penalty prescribed in this Act or any other written law, whichever is higher.

- 2) Notice is given that the Chairperson the Departmental Committee on Justice and Legal Affairs (Hon. Samuel Chepkonga) intends to move the following amendment to the Private Security Regulation Bill (National Assembly Bill No.4 of 2014) at the Committee of the whole House-

THAT The Bill be amended by inserting the following new Clause 68A immediately after Clause 68-

Amendment of
section 10 of No.11A
of 2011

Consequential amendment to No.11A of 2011

68A Section 10(1) of the National Police Service Act is amended in paragraph (na) by-

(a) deleting the word "designate" and substituting therefor the word "appoint"

(b) deleting the word "designated" and substituting therefor the word "appointed"

- 3) Notice is given that the Member for Makadara (Hon. Benson Mutura), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 51-

Possession of
firearms.

51A (1) A private security guard may possess a firearm while on duty, but shall only possess the firearm if the guard—

- (a) holds at least a secondary school qualification;
- (b) is serving on a written contract;
- (c) is in possession of a certificate of good conduct from the Criminal Investigation Department;
- (d) has, at the cost borne by the employer, undergone training for a period not less than six months; and
- (e) has been certified as having no history of drug abuse or mental instability by a Government Medical practitioner.

(2) A private security guard in possession of a firearm pursuant to this section shall return the firearm to the nearest police station for safekeeping whenever he or she is not on duty.

(3) A private security guard who pawns, sells, loses by neglect, makes away with or wilfully or negligently damages any firearm or ammunition commits an offence and is liable, on conviction, to imprisonment for a term exceeding five years or a fine not exceeding five hundred thousand, or to both.

4) Notice is given that the Member for Emuhaya (Hon. (Dr.) Wilber Ottichilo), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

CLAUSE 11

THAT, the Bill be amended in clause 11—

(a) in sub clause (1) by—

(i) deleting paragraph (a) and substituting therefor the following new paragraph—

“ (a) a chairperson selected by the selection panel in accordance with the procedure prescribed in the Third Schedule.”

(ii) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) two persons representing the most representative trade union on security related matters, elected in accordance with regulations prescribed by the Cabinet Secretary;”

(iii) deleting sub clause (d) and substituting therefor the following new paragraph—

“ (d) two persons representing the Federation of Kenya Employers, elected in accordance with regulations prescribed by the Cabinet Secretary;”

(iv) inserting the following new paragraph immediately after paragraph (d)—

“(da) two persons representing the Kenya Private Sector Alliance, elected in accordance with regulations prescribed by the Cabinet Secretary;”

(b) by inserting the following new sub clause immediately after sub clause (3)—

“(4) Where the position of chairperson becomes vacant, the President shall appoint a replacement from among the short-listed persons considered by the selection panel in accordance with the Third Schedule, giving due consideration to the rankings and comments of the selection panel, if any.”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 11—

Selection panel.

11A. (1) For the purposes of this Act, the Cabinet Secretary shall constitute a selection panel comprising a nominee of each of the following bodies—

- (a) the Law Society of Kenya;
- (b) the Kenya Private Sector Alliance; and
- (c) the Federation of Kenya Employers.

(2) The function of the selection panel shall be to nominate persons for appointment as chairperson in accordance with the Third Schedule.

(3) Members of the selection panel shall elect a chairperson and vice-chairperson of the selection panel from among their number.

(4) Subject to the provisions of the Third Schedule, the selection panel shall determine its own procedure.

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (2) by inserting the following new paragraphs immediately after paragraph (b)—

“(ba) holds at least a primary school certificate;

(bb) has attended training in security matters in an institution accredited by the Authority;”

CLAUSE 26

THAT, clause 26 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

“(2) An application for renewal under this section shall be made to the Authority in such form and manner as may be prescribed and shall be accompanied by—

- (a) the prescribed application fee; and
- (b) evidence of having undertaken training in security matters of not less than a week in the preceding year.”

CLAUSE 30

THAT, the Bill be amended by deleting clause 30(2) (e).

CLAUSE 47

THAT, clause 47 of Bill be amended in subclause (5) by inserting the words “, within three months of the commencement of this Act,” immediately after the word “shall”.

CLAUSE 50

THAT, clause 50 of the Bill be amended—

- (a) in subclause (3) (a) by inserting the words “and tools” immediately after the words “types of equipment”;
- (b) in subclause (2) by inserting the words “and private security providers” immediately after the word “Authority”.

CLAUSE 52

THAT, clause 52 of the Bill be amended in subclause (2) by deleting the words “five hundred thousand” appearing immediately after the words “not exceeding” and substituting therefor the words “fifty thousand”.

CLAUSE 59

THAT, clause 59 of the Bill be amended in subclause (3) by inserting at the end of the subclause the words “and to organize training workshops or seminars for private security providers.”

CLAUSE 65

THAT, clause 65 of the Bill be amended in subclause (4) by inserting the words “in at least two daily newspapers of national circulation” at the end of the subclause.

CLAUSE 68

THAT, clause 68 of the Bill be amended in subclause (2) by—

- (a) inserting the following new paragraph immediately after paragraph (d)—
“(da) the provision of protective gear and tools;”
- (b) inserting the following new paragraph immediately after paragraph (e)—
“(f) membership of private security service providers to corporate bodies.”

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately after the Second Schedule—

“THIRD SCHEDULE (S. 11A)**PROCEDURE FOR APPOINTING CHAIRPERSON**

1. The selection panel shall, within fourteen days of its convening, by advertisement in at least two daily newspapers of national circulation, invite applications from persons who qualify for nomination and appointment for the position of the chairperson under section 11 of this Act.
2. An application under paragraph 1 shall be submitted to the selection panel within twenty-one days of the advertisement and may be made by any qualified person.

3. The selection panel, shall, within seven days of the expiry of the period prescribed under paragraph 2 —
 - (a) consider the applications received under paragraph 2 to determine their compliance with the provisions of the Constitution and this Act; and
 - (b) submit to the National Assembly five suitably qualified persons for minatio chairperson.
 4. The selection panel shall rank and provide comments regarding each of the finalists to the National Assembly.
 5. The National Assembly shall, upon receipt of the recommendations of the selection panel under paragraph 3, nominate two persons for appointment as chairperson and shall submit the names of the two nominees for onward transmission to the President.
 6. The Cabinet Secretary shall forthwith forward the names of the persons nominated in accordance with paragraph 5 to the President who shall, by notice in the Gazette, appoint the Chairperson."
- 5) **Notice is given that the Member for Embakasi Central (Hon. John Ndirangu), intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—**

CLAUSE 48

THAT, clause 48 be amended by inserting the following new subclause immediately after subclause (1)—

"(1A) An identification document shall not be retained under subsection (1) if the holder of the document requires to use it within the premises, but particulars thereof shall be noted in the register when recording particulars of the holder."

Notice is given that the Member of Parliament for Baringo Central Constituency Hon. Sammy Mwaita intends to move the following amendments to the Private Security Regulation Bill, 2014 at the Committee Stage—

CLAUSE 9

THAT, CLAUSE 9 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) —

"(ca) maintain a data bank of the operations, conduct and employment history of persons registered and licensed under this Act"

The House resolved on Wednesday, February 10, 2016 as follows:-

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), 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, 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 be accorded to the Leader of the Majority Party and the Leader of the Minority Party, 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 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.
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NOTICE PAPER

Tentative business for

Thursday (Afternoon), March 31, 2016

(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 (Afternoon), March 31, 2016:-

A. JOINT SITTING OF THE HOUSES OF PARLIAMENT

B. ADDRESS BY H. E. THE PRESIDENT

APPENDIX

Status of Business Before Committees

Wednesday (Afternoon) March 30, 2016

In accordance with the Speaker's communication of 14th October, 2015 the Chairpersons of the following Committees will **today** be called upon to appraise the House on the Status of the Business pending before their respective Committees:

A. Committee on Environment and Natural Resources

B. Committee on Finance, Planning and Trade

C. Committee on Health
