



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

TUESDAY, OCTOBER 16, 2018 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* . THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL
(NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**

(The Leader of the Majority Party)

First Reading

**9* . THE SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 25 OF 2018)**

(The Leader of the Majority Party)

First Reading

**10* . MOTION - REPORT ON THE ANNUAL WORLD BANK
CONFERENCE ON LAND AND POVERTY**

(The Vice Chairperson, Departmental Committee on Lands)

THAT, this House notes the Report of the Departmental Committee on Lands Delegation to the 2018 Annual World Bank Conference on Land and Poverty held in Washington DC, United States of America on 19th to 23rd March, 2018, laid on the Table of the House on Thursday, June 07, 2018.

11*. COMMITTEE OF THE WHOLE HOUSE

The County Governments Retirement Scheme Bill (National Assembly Bill No. 10 of 2018)
(The Leader of the Majority Party)

12*. MOTION - REPORT ON THE AUDITED FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR CONSTITUENCIES IN NAIROBI CITY COUNTY
(The Chairperson, Special Funds Accounts Committee)

THAT, this House **adopts** the Second Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Nairobi City County for the Financial Years 2013/14, 2014/15 and 2015/16, laid on the Table of the House on Wednesday, October 03, 2018.

13*. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10 OF 2017)
(The Leader of the Majority Party)

Second Reading

14*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)
(The Leader of the Majority Party)

Second Reading

15*. THE PARLIAMENTARY SERVICE COMMISSION BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

16*. THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 7 OF 2017)
(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

*** Denotes Orders of the Day**

N O T I C E S

I. THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2018)

Notice is given that Chairperson of the Departmental Committee on Finance and National Planning, Hon. Joseph Limo intends to move the following amendments to the County Governments Retirement Scheme Bill, 2018 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting the definition of “existing scheme” and substituting therefor the following new definition—

“existing scheme” means the Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust(Umbrella)Retirement Fund.

CLAUSE 4

THAT, clause 4(2) of the Bill be amended by deleting the word “lending” appearing in paragraph (d) and substituting the word “investing”.

CLAUSE 5

THAT, clause 5 of the Bill be amended by inserting the word “county” immediately before the words “public officer.”

CLAUSE 6

THAT, the Bill be amended in clause 6 by—

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

(2) The Board shall consist of the following members—

- (a) the Chairperson appointed by the Cabinet Secretary from amongst the Trustees appointed under paragraph (d), (e), (f) and (g);
- (b) the Principal Secretary responsible for matters relating to finance or his representative;
- (c) the Principal Secretary responsible for matters relating to devolution;
- (d) a representative of the Council of County Governors;
- (e) two representatives of the County Public Service Boards one of whom shall be of the opposite gender;
- (f) a representative of the County Assembly Service Boards;
- (g) three persons nominated by the trade unions representing county public servants Boards one of whom shall be of the opposite gender; and
- (h) the chief executive officer appointed under section 18, who shall be the secretary.

(b) deleting sub clause (3) and substituting therefor the following new sub clause—

(3) The vice-chairperson of the Board shall be elected by the Trustees from among their number.

(c) inserting the following new clause immediately after sub clause (4)—

(4a) The Cabinet Secretary shall ensure that not more than two thirds of the members of the Board is of the same gender.

CLAUSE 14

THAT, clause 14(1) of the Bill be amended by deleting the word “Fund” and substituting the word “Scheme.”

CLAUSE 18

THAT, clause 18 (3)the Bill be amended by—

- (a) deleting the word “Master’s” appearing in paragraph (b); and
- (b) deleting paragraph (d).

CLAUSE 23

THAT, the Bill be amended by inserting the following new subsection immediately after subsection 1-

(1A) The administrator shall be an employee of the Board.

CLAUSE 24

THAT, clause 24 of the Bill be amended by—

(a) deleting sub clause (3) and substituting therefor the following new sub clause—

(3) Subject to such guidelines as the Board may issue, in consultation with the members and sponsors of the Scheme, a member of the Scheme may make additional contributions to the Scheme; and

(b) deleting sub clause (4).

CLAUSE 26

THAT, clause 26 Bill be amended—

(a) by renumbering clause 26 as 26(1); and

(b) in sub clause (3)(b) by deleting the words “fifty per cent of his or her sponsor’s contribution” and substituting therefor the words “the sponsor’s contribution as may be prescribed by the Retirement Benefits Authority”

CLAUSE 27

THAT, clause 27(2) of the Bill be amended by deleting paragraph (d).

CLAUSE 28

THAT, clause 28(2) of the Bill be amended by deleting paragraph (d).

CLAUSE 49

THAT, clause 49(4) of the Bill be amended by deleting the words “five hundred thousand shillings, or in the case of a natural person, to imprisonment for a term not exceeding three years, or to both” and substituting therefor the words “five million shillings, or in the case of a natural person, to imprisonment for a term not exceeding two years, or to both”

CLAUSE 52

THAT, the Bill be amended by deleting clause 52.

CLAUSE 53

THAT, the Bill be amended in clause 53 by inserting the following subsection immediately after subsection (2)-

(3) The Laptrust (Umbrella) Retirement Fund Trust Deed and Rules registered under the Retirement Benefits Authority Act are revoked.

CLAUSE 54

THAT, the clause 54 of the Bill be amended by deleting the word "shall" and substituting therefor the word "may."

NEW CLAUSE 54A

THAT the Bill be amended by inserting the following clause immediately after clause 54-

Transition of closed funds to the Scheme. **54A.** (1) The members of the Local Authorities Provident Fund and the Laptrust (Umbrella) Retirement Fund shall be transitioned into the Scheme.

(2) The funds, assets and other property, movable and immovable which immediately before the commencement date were held by or on behalf of the Local Authorities Provident Fund and the Laptrust (Umbrella) Retirement Fund shall vest in the Scheme.

(3) All the records of the Local Authorities Provident Fund and the Laptrust (Umbrella) Retirement Fund shall be transferred to the Scheme administrator.

(4) All rights, liabilities and duties whether arising under any written law or otherwise, which immediately before the commencement date were accruing, imposed or enforceable by or against the Local Authorities Provident Fund and the Laptrust (Umbrella) Retirement Fund shall vest in, be imposed on, or be enforceable against the Scheme.

(5) Any suit or legal proceedings by or against the Local Authorities Provident Fund and the Laptrust (Umbrella) Retirement Fund shall continue as if they were instituted by the Scheme and no such suit, action or legal proceedings shall abate or be terminated by the virtue of the transition of the schemes.

(6) Subject to section 40, the annual estimates approved for the Local Authorities Provident Fund and the Laptrust (Umbrella) Retirement Fund for the financial year in which this Act comes into operation shall be considered to be the annual estimates of the Scheme for the remainder of that financial year but those estimates may be varied by the Cabinet Secretary.

CLAUSE 56

THAT, the Bill be amended in clause 56 by-

(a) deleting subsection (2) and substituting therefor the following new paragraphs-

(2) The Local Authorities Provident Fund, the Local Authorities Pension Trust, the Local Authorities Pension Trust (Defined Benefits) Scheme and the Local Authorities Pension Trust (Umbrella) Retirement Fund shall, on the commencement date remain closed Funds to new entrants and shall ensure the preservation of all accrued rights of members.

(3) Subject to subsection (2), the closed funds shall continue paying any pensions and benefits as and when they fall due for a maximum period of five years from the commencement date.

(4) The provisions of section 54 A shall apply to any pension and benefits which shall not have been paid out of the closed Funds at the end of the fifth year from the date of commencement date.

(b) renumbering the existing subsection (3) to subsection (5).

(c) inserting the following new sub clause immediately after sub clause (5)—

(6) The State Corporations Advisory Committee shall, within five years from the commencement of this Act, ensure the implementation of this section.

CLAUSE 57

THAT, clause 57 of the Bill be amended—

(a) by inserting the words “Subject to section 55” immediately before the words “Any Eligible employee”; and

(b) renumbering sub clause (4) as (2).

NEW CLAUSE 58

THAT, the Bill be amended by inserting the following new clause immediately after clause 57-

Date of
transition.

58. The provisions of sections 53 and 54A shall come into effect at the end of five years from the commencement date

SCHEDULE

THAT, the Schedule to the Bill be amended—

- (a) by deleting section 2 and substituting therefor the following new paragraph-
 - (1) The quorum of a meeting of the Board shall be five Trustees present and voting provided that at least two trustees appointed under section 6(b), (c), (d), (e) or (f) and at least two Trustees appointed under section 6 (g) are present.
 - (2) For special meetings, the quorum shall be six Trustees present and voting provided that at least two trustees appointed under section 6b), (c), (d), (e) or (f) and at least two Trustees appointed under section 6(g) are present.
- (b) in section 5(4) by deleting the word "seven" and substituting therefor the word "two."



The House resolved on Wednesday, February 14, 2018 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 shall 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 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.
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NOTICE PAPER I

Tentative business for

Wednesday (Morning), October 17, 2018

(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 (Morning), October 17, 2018:-

A. MOTION- DECLARATION OF YOUTH UNEMPLOYMENT AS A NATIONAL DISASTER AND ESTABLISHMENT OF A NATIONAL YOUTH FUND

(The Hon. Anthony Tom Oluoch, M.P.)

(Resumption of debate interrupted on Wednesday, October 3, 2018)

(Balance of time – 31 minutes)

B. MOTION- ESTABLISHMENT OF APPRENTICE TESTING AND CERTIFICATION CENTRES IN CONSTITUENCIES

(The Hon. Charles Njagua Kanyi, M.P.)

C. MOTION- STRENGTHENING OF REHABILITATION SCHOOLS IN THE COUNTRY

(The Hon. Benjamin Jomo Washiali, M.P.)

D. MOTION- ESTABLISHMENT OF POLICY GUIDELINES ON LAND FOR EXPANSION OF PUBLIC SCHOOLS AND A FUND FOR ACQUISITION OF SUCH LAND

(The Hon. Caleb Kositany, M.P.)

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), October 17, 2018

(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), October 17, 2018:-

**A. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL
(NATIONAL ASSEMBLY BILL NO. 5 OF 2018)**

(The Hon. Chris Wamalwa, M.P.)

Second Reading

(Question to be put)

**B. THE WAREHOUSE RECEIPT SYSTEM BILL (SENATE BILL NO. 10
OF 2017)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, October 16, 2018)

**C. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE
BILL NO. 11 OF 2017)**

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, October 16, 2018)

**D. THE PARLIAMENTARY SERVICE COMMISSION BILL (NATIONAL
ASSEMBLY BILL NO. 6 OF 2018)**

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

Second Reading

(If not concluded on Tuesday, October 16, 2018)

**E. THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL
(SENATE BILL NO. 7 OF 2017)**

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

Second Reading

(If not concluded on Tuesday, October 16, 2018)

**F. THE KENYA ACCREDITATION SERVICE BILL (NATIONAL
ASSEMBLY BILL NO.17 OF 2018)**

(The Leader of the Majority Party)

Second Reading

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:-

Question No.

044/2018 The Member for Rabai Constituency (Hon. Kamoti Mwamkale, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

Could the Cabinet Secretary:-

- a) Confirm whether the Labour Institutions Act, 2007, and the Statutory Instruments Act, 2013 were complied with while making the Regulations relating to Wages, published vide legal Notice No. L.N. 112 of 2017 of 16th May, 2017; and
- b) Explain why there are discrepancies on basic salaries for employees in similar job grades but working in different locations?

(to be replied before the Departmental Committee on Labour and Social Welfare)

045/2018 The Member for Oljo orok Constituency (Hon. Michael Muchira, MP) to ask the Cabinet Secretary for Public Service, Youth and Gender Affairs: -

- a) What programmes and plans are being put in place by the Ministry, if any, to ensure youth access employment?; and
- b) What measures are in place to ensure succession planning in all government ministries and agencies?

(to be replied before the Departmental Committee on Labour and Social Welfare)

046/2018 The Member for Loima Constituency (Hon. Jeremiah Lomorukai, MP) to ask the Cabinet Secretary Cabinet Secretary for Interior and Coordination of National Government

What measures are being undertaken by the Ministry to ensure a lasting security and peaceful co-existence among the communities in Turkana, West Pokot, Baringo and Samburu Counties?

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

048/2018 The Member for Ikolomani Constituency (Hon. Bernard Shinali, MP) to ask the Cabinet Secretary for Education: -

What criteria is used by the Ministry to allocate and distribute infrastructure development funds to secondary, colleges and universities in the Country?

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

049/2018 The Member for Ikolomani Constituency (Hon. Bernard Shinali, MP) to ask the Cabinet Secretary for Petroleum and Mining: -

Could the Cabinet Secretary:-

- a) explain the activities being undertaken by the Acacia Mining Company in Ikolomani Constituency and in particular the company's role in environmental degradation.
- b) What benefits, if any, are the residents of Ikolomani Constituency gaining from the said company?

(to be replied before the Departmental Committee on Energy)

050/2018 The Member for Loima Constituency (Hon. Jeremiah Lomorukai, MP) to ask the Cabinet Secretary for Agriculture and Livestock: -

- a) What is the role of the Government's in supporting palm tree farming in Turkana County?
- b) What initiatives have been put in place to ensure Turkwell Irrigation Scheme fully supports palm tree farming in Turkana County?

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

051/2018 The Member for Loima Constituency (Hon. Jeremiah Lomorukai, MP) to ask the Cabinet Secretary for Education: -

What is the implementation status of:-

- a) Section 28(1) of the Basic Education Act that gives every child the right to free and compulsory basic education among pastoralists' communities with specific reference to Loima Constituency? and

b) sections 2(a) and 2(b) on the number of mobile schools and on the appropriate boarding primary schools in Arid and Semi-Arid areas respectively?

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

052/2018 **The Member for Ikolomani Constituency (Hon. Bernard Shinali, MP) to ask the Cabinet Secretary Labour, Social Security and Services: -**

Why has it taken long for the Ministry to gazette the Regulations on Human trafficking?

(to be replied before the Departmental Committee on Labour and Social Welfare)

053/2018 **The Member for Nakuru West Constituency (Hon. David Gikaria, MP) to ask the Cabinet Secretary Labour, Social Security and Services: -**

Could the Cabinet Secretary explain why Mr. David Gicheru Kinuthia, a former employee of the Ministry of Agriculture, has not been paid his retirement and gratuity benefits to-date since his retirement in 1995?

(to be replied before the Departmental Committee on Labour and Social Welfare)
