



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, JULY 25, 2019 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 ON AN INQUIRY INTO LAND ACQUISITION BY THE KENYA DEFENCE FORCES FOR ESTABLISHMENT OF A FORWARD OPERATING BASE (FOB) IN NAROK COUNTY**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

**THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on the Inquiry Into Land Acquisition by the Kenya Defence Forces for the Establishment of Forward Operating Base (FOB) in Narok County, *laid on the Table of the House on Tuesday, April 2, 2019.*

*(Question to be put)*

**9\*. THE PERSONAL DATA PROTECTION BILL (SENATE BILL NO. 16 OF 2018)**

(The Chairperson, Departmental Committee on Communication, Information and Innovation)

First Reading

**10\*. THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 21 OF 2018)**

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

First Reading

**11\*. THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILL NO. 28 OF 2018)**

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

First Reading

**12\*. THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILL NO. 30 OF 2018)**

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

First Reading

**13\*. THE STATUTORY INSTRUMENTS (AMENDMENTS) BILL (SENATE BILL NO. 24 OF 2018)**

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

First Reading

**14\*. MOTION - RATIFICATION OF THE AGREEMENT FOR THE SETTING UP OF A REGIONAL MARITIME INFORMATION EXCHANGE AND SHARING MECHANISM AND THE CO-ORDINATION OF OPERATIONS AT SEA**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

**THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement for the Setting up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean, *laid on the Table of the House on Wednesday, June 26, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the *Agreement for the Setting Up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean*.

*(Resumption of debate interrupted on Wednesday, July 24, 2019 – Afternoon sitting)*

**15\*. THE DIVISION OF REVENUE (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2019)**

(The Chairperson, Budget & Appropriations Committee)

Second Reading

**16\*. COMMITTEE OF THE WHOLE HOUSE**

The Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019)

(The Chairperson, Budget & Appropriations Committee)

**17\*. MOTION - SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

(The Leader of the Majority Party)

**THAT,** the Senate amendments to the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017) be now considered.

**18\*. MOTION - SESSIONAL PAPER NO. 2 OF 2018 ON THE NATIONAL ETHICS AND ANTI-CORRUPTION POLICY**

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

**THAT,** this House **adopts** the Report of the Departmental Committee on Justice and Legal Affairs on Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy, *laid on the Table of the House on Wednesday, June 26, 2019,* and **further adopts** Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy.

**19\*. THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**

(The Leader of the Majority Party)

Second Reading

**20\*. THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2019)**

(The Leader of the Majority Party)

Second Reading

21\*. THE NATIONAL DROUGHT MANAGEMENT AUTHORITY  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2019)  
(The Leader of the Majority Party)

Second Reading

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**\* Denotes Orders of the Day**

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...../Notices

# **NOTICES**

## **I. CONSIDERATION OF SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

### **CLAUSE 2**

#### **Senate Amendment**

**THAT**, clause 2 of the Bill be amended-

- (a) in paragraph (a) in the proposed new definition of the term “contracting authority” by deleting the word “corporation” appearing immediately after the words “government or county” in sub-paragraph (ii) and substituting therefor the word “entity”;
- (b) by deleting paragraph (b)

### **CLAUSE 7**

#### **Senate Amendment**

**THAT**, the Bill be amended by deleting clause 7.

### **CLAUSE 8**

#### **Senate Amendment**

**THAT**, clause 8 of the Bill be amended-

- (a) in paragraph (a) by deleting the words “county government” appearing immediately after the words “approval by the” in the proposed new proviso and substituting therefor the words “county assembly”;
- (b) by inserting the following new paragraph immediately after paragraph (b)-
  - (c) in subsection (3) by inserting the words “in consultation with the Council of County Governors” immediately after the words “the Cabinet Secretary shall”.

### **CLAUSE 12**

#### **Senate Amendment**

**THAT**, clause 12 of the Bill be amended in the proposed new subsection (1) by deleting the words “in consistence” appearing immediately after the words “this Act and” and substituting therefor the word “consistent”.

## **CLAUSE 16**

### **Senate Amendment**

**THAT**, clause 16 of the Bill be amended in the proposed new section 54A by deleting subsection (2) and substituting therefor the following new subsection-

(2) Where a county government intends to enter into a public private partnership agreement, it shall cause its user department or county entity, as the case may be, to prepare a project proposal for approval by the respective county assembly, setting out the strategic and operational benefits of entering into such an arrangement.

## **CLAUSE 19**

### **Senate Amendment**

**THAT**, clause 19 of the Bill be amended-

- (a) in paragraph (a)(ii) by inserting the word “relevant” immediately after the words “persons with such” in the proposed new paragraph (b);
- (b) in paragraph (a)(iii) by inserting the words “having relevant experience and knowledge” immediately after the words “opposite gender” in the proposed new paragraph (ba).

## **NEW CLAUSE 4A**

### **Senate Amendment**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4-

Amendment of  
section 4 of  
No. 15 of  
2013.

**4A.**Section 4 of the principal Act is amended in subsection (1) by-

- (a) inserting the following new paragraph immediately after paragraph (f)-
  - (fa) three persons nominated by the Council of County Governors;
- (b) deleting the word “four” appearing immediately before the words “persons not being” in paragraph (g) and substituting therefor the words “two”;
- (c) inserting the words “and infrastructure” immediately after the words “responsible for transport” in paragraph (i); and
- (d) deleting paragraph (j).

## **NEW CLAUSE 5A**

### **Senate Amendment**

Amendment of  
section 18 of No. 15  
of 2013.

**5A.** Section 18 of the principal Act is amended by inserting the following new subsection immediately after subsection (2) –

(3)A contracting authority under subsection (1) shall ensure that it facilitates public participation on a project that it intends to finance, operate, equip or maintain.

## **NEW CLAUSE 20**

### **Senate Amendment**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 19 –

Insertion  
of new  
of new  
section  
70A in  
No. 15  
of 2013.

**20.** The principal Act is amended by inserting the following section immediately after section 70 –

**70A.**(1) Within three months after the end of each financial year, the Committee shall prepare a report on project agreements entered into by all contracting authorities in that financial year.

Report  
of the  
Commis-  
sioner.

(2) The Committee shall, in preparing the report under subsection (1), set out the following information–

- (a) the status of implementation of every project agreement that is under implementation by each contracting authority including the outputs of each project as against the projected targets;
- (b) any challenges or deviations in the implementation and estimated completion of the project and the reasons for such deviation or delay;
- (c) a financial statement with respect to each project;
- (d) a risk assessment including information of any change in circumstances that may have an impact on the implementation of a project; and
- (e) such other information as the Committee and the Cabinet Secretary may consider necessary.

(3) The Committee shall submit the report prepared under subsection (1) to the –

- (a) National Assembly;
- (b) Senate;
- (c) respective county assemblies in which a project is being undertaken under this Act; and
- (d) Controller of Budget.

(4) Parliament and the county assemblies to which a report is submitted under subsection (3) shall, in accordance with their respective standing orders –

- (a) consider the report within thirty days of receipt of the report;
- (b) table a report together with its recommendations on the implementation of the projects; and
- (c) submit their recommendations to the Committee.

(5) The Committee shall, ensure that the contracting authorities take into account the recommendations under subsection (4) in the implementation of a project under this Act.



...../Notices\*(Cont'd)



The House resolved on Wednesday, February 13, 2019 as follows:-

- II. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, 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 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 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.
- IV. 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.
- V. THAT**, notwithstanding the provisions of Standing Order 97(4), 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 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.

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...../Notice Paper

**NOTICE PAPER**

**Tentative business for**  
**Tuesday, July 30, 2019**

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*(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 Tuesday, July 30, 2019:-

**A. MOTION – RATIFICATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE ITALIAN REPUBLIC ON THE LUIGI BROGLIO-MALINDI SPACE CENTRE**

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

*(Resumption of debate interrupted on Tuesday, July 23, 2019)*

**B. MOTION - SESSIONAL PAPER NO. 2 OF 2018 ON THE NATIONAL ETHICS AND ANTI-CORRUPTION POLICY**

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

*(If not concluded on Thursday, July 25, 2019)*

**C. THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, July 25, 2019)*

**D. THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2019)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, July 25, 2019)*

**E. THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2019)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Thursday, July 25, 2019)*

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*...../Appendix*

**A P P E N D I X**

**ORDER NO.7 - QUESTIONS**

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Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

**Question No.**                      **ORDINARY QUESTIONS**

- 331/2019**                      **The Member for Kanduyi (Hon. Wafula Wamunyinyi, MP) to ask the Cabinet Secretary for National Treasury and Planning: -**
- (i) Could the Cabinet Secretary provide details of the challenges faced by the Pensions Department in processing retirement benefits for retirees?
  - (ii) What are the requirements and administrative procedures for access to retirement benefits?
  - (iii) What measures has the Ministry put in place to simplify the procedures and reduce time taken for the pensioners to receive their dues?
- (To be replied before the Departmental Committee on Labour and Social Welfare)*
- 332/2019**                      **The Member for Homa Bay Town (Hon. Peter Opondo Kaluma, MP) to ask the Cabinet Secretary for National Treasury and Planning: -**
- (i) Could the Cabinet Secretary confirm that members of the Constituency Oversight Committee under the National Government Constituency Development Fund have not been paid for services rendered to the National Government Constituency Development Fund Board since their appointment?
  - (ii) What steps is the Ministry taking to ensure that the said payments are effected?
- (To be replied before the Departmental Committee on Finance and National Planning)*
- 339/2019**                      **The Nominated Member (Hon. Prof. Jacqueline Oduol, MP) to ask the Cabinet Secretary for Sports, Culture and Heritage: -**
- (i) What steps is the Ministry taking to identify and document indigenous systems (including knowledge, values and practices), particularly on food security, conflict resolution, good governance, courtship and marriage, child protection, gender equality and climate change?
  - (ii) Could the Cabinet Secretary detail the policies that have been put in place to enable children, youth and young adults to receive systematic instruction and understanding of their cultural identity, values, beliefs and practices from older generations while ensuring that retrogressive norms and aspects do not infringe on their human dignity and ability to be productive members of the society?
- (To be replied before the Departmental Committee on Sports, Culture and Tourism)*

344/2019

**The Member for Tana River County (Hon. Rehema Hassan, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -**

- (i) What is the status of the proposed upgrade of the *Malindi-Garsen-Hola-Madogo* section of the Mombasa-Garissa road that is funded by the Government with support from the World Bank?
- (ii) What plans does the Ministry have to construct the said section of the road and when is it expected to commence?

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

345/2019

**The Member for Samburu North (Hon. Alois Lentomaiga, MP) to ask the Cabinet Secretary for Energy: -**

- (i) When will the Ministry connect the *South Horr, Marti, Morijo, Barsaloi, Latakweny, Tuum, Masikita, Arsim and Uaso Rongai* market centres in Samburu North Constituency with electricity, noting that the *Loyangalani – Suswa* power transmission line passes through the Constituency?
- (ii) Could the Cabinet Secretary consider connecting and supplying electricity to all schools in Samburu North Constituency in line with the Government policy under the Last Mile Connectivity programme?

*(To be replied before the Departmental Committee on Energy)*

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