

Twelfth Parliament



Third Session  
Morning Sitting

(No. 58)

(1065)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, JULY 03, 2019 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. Questions and Statements

**8\* . PROCEDURAL MOTION– EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

(The Leader of the Majority Party)

**THAT**, this House orders that the business appearing as Order No. 12 in the Order Paper be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

**9\* . THE LAW OF CONTRACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2019)**

(The Hon. Francis Waititu, M.P.)

Second Reading

*(Question to be put)*

**10\* . THE KENYA UWEZO FUND BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2019)**

(The Hon. David K. Bowen, M.P.)

First Reading

...../11\*

11\*. **THE EQUALISATION FUND BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2019)**

(The Hon. Kassait Kamket, M.P.)

First Reading

12\*. **SPECIAL MOTION- THE MANDATE OF THE NATIONAL ASSEMBLY WITHIN THE BICAMERAL SETUP OF PARLIAMENT**

(The Leader of the Majority Party & the Leader of the Minority Party)

**AWARE** that Article 93 of the Constitution of Kenya establishes two Houses of Parliament, each with a distinct mandate as outlined under Articles 95 and 96 of the Constitution, respectively;

**WHEREAS** Article 95 of the Constitution specifically mandates the National Assembly to-

- (a) *represent the people of the constituencies and special interests in the National Assembly;*
- (b) *deliberate on and resolve issues of concern to the people;*
- (c) *enact legislation in accordance with Part 4 of Chapter Eight of the Constitution;*
- (d) *determine the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve of the Constitution, and appropriate funds for expenditure by the national government and other national State organs;*
- (e) *exercise oversight over national revenue and its expenditure;*
- (f) *review the conduct in office of the President, the Deputy President and other State officers and initiate the process of removing them from office; and,*
- (g) *exercise oversight of State organs;*

**AND WHEREAS** Article 109(2) of the Constitution provides that any Bill may originate in the National Assembly ***and Article 109(3) of the Constitution provides that a Bill not concerning county governments is considered only in the National Assembly, and passed in accordance with Article 122 of the Constitution and the Standing Orders of the National Assembly;***

**AND WHEREAS** the National Assembly of the 12<sup>th</sup> Parliament has, pursuant to the powers conferred by the said Article 109(3) of the Constitution, passed several laws that do not concern county governments as contemplated by the Constitution;

...../12\*(Cont'd)

**AND WHEREAS** Article 110(1) of the Constitution defines a Bill concerning county governments as:-

- (a) *a Bill containing provisions affecting the functions and powers of the county governments set out in the Fourth Schedule;*
- (b) *a Bill relating to the election of members of a county assembly or a county executive; and*
- (c) *a Bill referred to in Chapter Twelve affecting the finances of county governments;*

**AND WHEREAS** Article 109(4) provides that a Bill concerning county government may originate in the National Assembly or the Senate, and is passed in accordance with Articles 110 to 113, Articles 122 and 123 and the Standing Orders of the Houses;

**AND WHEREAS** Article 110(3) of the Constitution provides that before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any **question** as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill;

**COGNIZANT THAT**, the matter of whether the question as to whether a Bill concerns counties would routinely arise has been addressed by the High Court of Kenya in the matter of Nation Media Group Limited & 6 others v Attorney General & 9 others (Judicial Review Misc. Appl. No. 30 of 2014), where the Court held that the requirement contained in Article 110(3), comes into play **when there is a question or doubt** as to whether or not a Bill concerns counties. The absence of consultation and resolution between the two Speakers of the Houses on whether or not a Bill concerned counties is not in itself unconstitutional or a violation of the Standing Orders;

**COGNIZANT THAT**, the power of the Speakers of the Houses of Parliament under Article 110(3) is limited to resolution of a question as to whether a Bill concerns county governments or not;

**AWARE** that in furtherance to Article 110(3) of the Constitution, the House, through Standing Order 121, has mandated the Speaker to determine, in the first instance whether a Bill concerns county governments as and whenever a question arises and to establish an appropriate framework for jointly resolving the question with the Speaker of the Senate;

**FURTHER AWARE** that the Speaker has and continues to actively engage the Speaker of the Senate on the establishment of an appropriate framework for jointly resolving any question as to whether a Bill concerns county governments as and when the question arises;

**COGNIZANT THAT** in accordance with Article 109(5), a money Bill may be introduced **only** in the National Assembly in accordance with Article 114;

**AND FURTHER WHEREAS** Article 114 (2) of the Constitution provides that if, in the opinion of the Speaker of the National Assembly, a motion makes provision for a matter listed in the definition of a **money Bill**, the Assembly may proceed only in accordance with the recommendation of the relevant Committee of the National Assembly after taking into account the views of the Cabinet Secretary responsible for finance;

**AND FURTHER WHEREAS** Article 121 of the Constitution provides that the quorum of Parliament shall be fifty members, in the case of the National Assembly, or fifteen Members, in the case of the Senate;

**AND FURTHER WHEREAS** Article 122(1) of the Constitution provides that except as otherwise provided in the Constitution, any question proposed for decision in either House of Parliament is to be determined by a majority of the members in that House, present and voting;

**CONCERNED** that contrary to the express requirements of Articles 121, 122 and 123 of the Constitution with regard to the quorum required for the convening of a session, voting on any question proposed for decision by a House of Parliament and decisions of the Senate, the Senate has and continues to convene part of its sessions and vote on matters not affecting counties without the requisite quorum and thresholds being met and thus prejudicing the legality of National Assembly business that is subject to the bicameral process, and indeed Senate decisions;

**AND WHEREAS** Article 108 of the Constitution establishes the offices of a Leader of the majority party and a leader of the minority party, being the person who is the leader in the National Assembly of the largest party or coalition of parties and the person who is the leader in the National Assembly of the second largest party or coalition of parties;

**AND WHEREAS** the said Article 108(4) of the Constitution exclusively accords certain order of precedence to be observed in the National Assembly, being the Speaker of the National Assembly, the leader of the majority party; and the leader of the minority party; hence the one in the Senate is unknown to the Constitution and any law;

**CONCERNED** that despite the provisions of Article 108 of the Constitution, the Senate has irregularly established and caused the Parliamentary Service Commission to facilitate and continues to so irregularly facilitate the offices of the Leader of the Majority Party and the Leader of the Minority Party, offices that are unknown to the Constitution and any the laws of Kenya;

...../12\*(Cont'd)

**AND WHEREAS** Article 132 of the Constitution generally mandates the National Assembly to receive names of persons nominated for appointment to public office by the President, vet their suitability or otherwise and to approve or reject their appointment;

**CONCERNED** that despite the express provisions of the Constitution, the Senate continues to participate in the approval of the appointment of persons to State Offices, through a duplicate process, resulting in a procedure unknown to bicameral parliaments anywhere in the world, since in bicameralism vetting of persons for appointment to state and public offices is exclusively vested in one House;

**CONCERNED THAT**, despite the express provisions of Article 95(5)(b) of the Constitution, the Senate has established parallel Committees duplicating the mandate of the Committees in the National Assembly and County Assemblies and has, on diverse occasions, sought to exercise oversight of state organs in a manner that does not accord with the functions of county governments outlined under Part 2 of the Fourth Schedule to the Constitution;

**FURTHER CONCERNED** that in complete disregard of the provisions of Articles 109 and 114 of the Constitution mandating the origination of a money Bill **only** in the National Assembly, the Senate has on various occasions introduced and considered Bills with a money bill effect;

**COGNIZANT** that pursuant to Article 3 of the Constitution, every person has an obligation to respect, uphold and defend the Constitution and that Article 94 of the Constitution requires Parliament to protect the Constitution;

**FURTHER COGNIZANT** that Article 110(3) of the Constitution requires the Speakers of the Houses of Parliament to resolve any question as to whether a Bill is a Bill concerning county governments as and when such a question arises;

**FURTHER COGNIZANT** that Article 229(6) of the Constitution requires the use of public funds in a lawful and effective manner;

**FURTHER AWARE** that the continued engagement of the Senate in matters outside its express mandate, its irregular duplication of the mandate of the National Assembly and County Assemblies and its establishment and facilitation of irregular and unconstitutional offices constitutes imprudent use of public funds;

**RECOGNIZING THAT**, the Speaker of the National Assembly has always implemented the provisions of Article 110(3) and Standing Order 121 with regard to resolving a question as to whether a Bill concerns county governments or not;

**NOW THEREFORE THIS HOUSE-**

1. **REITERATES AND REAFFIRMS** its commitment to respect, uphold and defend the Constitution in terms of Article 3 of the Constitution;
2. **FURTHER REITERATES AND REAFFIRMS** the exclusive role of the Speaker of the National Assembly and the relevant Committee of the House in the consideration of any motion that makes provision for a matter listed in the definition of a money Bill under Article 114 of the Constitution;
3. **FURTHER REITERATES AND REAFFIRMS** its oversight role over national revenue and its expenditure, including the lawful and effective use of public funds by all state organs;
4. **URGES** the Speaker to continue engaging the Speaker of the Senate on establishing an appropriate framework for jointly resolving any question as to whether a Bill concerns county governments as and when such a question arises;
5. **REAFFIRMS THAT**, pursuant to the provisions of Article 95(4) and (5) of the Constitution, the mandate of oversight of State Organs exclusively vests in the National Assembly and the duplication of this role is unconstitutional;
6. **RESOLVES-**
  - (a) **THAT**, the House continues upholding the provisions of Article 109(3) in the passage of Bills that do not concern county government;
  - (b) **THAT**, the House continues upholding the provisions of Articles 109(5) & 114 of the Constitution and Standing Order 143 in considering Bills originating from the Senate;
  - (c) **THAT**, in the first instance, the Houses of Parliament always explore **alternative** mechanisms of resolving any dispute that may arise between the Houses from time to time as is the practice in comparative jurisdictions;
  - (d) **THAT** in the event of failure of the alternative dispute resolution mechanisms, the National Assembly institutes legal proceedings to seek interpretation of the Constitution with respect to the foregoing concerns and also with respect to the scope of its mandate vis-à-vis that of the Senate including-
    - (i) whether it is lawful for the Senate to continue duplicating in entirety the National Assembly’s legislative, representative and oversight mandates and its’ organizational and institutional structures with the resultant pressure on public resources; and

(ii) the enforcement of Articles 108 (*Party Leaders*), 121(*Quorum*) and 122 (*Voting in Parliament*) of the Constitution with regard to the operation of the Senate.

(e) **THAT** the in the meantime, the House Business Committee, upon this Resolution, inquires into the foregoing concerns and presents a report to this House as soon as is practicable.

**13\*. MOTION – MEASURES TO BRIDGE TRADE DEFICIT**

(The Hon. Maj. (Rtd) John Waluke, M.P.)

**THAT**, aware that Kenya's trade deficit has been on the increase in the past few years with the financial year 2016/2017 deficit being estimated at Kshs.1.1 trillion; noting that, the deficit is mainly attributable to the exports worth Kshs.594 billion against imports amounting to Kshs.1.7 trillion, driven mainly by the more than doubling of food and machinery imports amid slow-moving exports; concerned that, the widening deficit has continued to pile pressure on the shilling against other global currencies such as the dollar; alarmed that, the high demand for the dollar to fund imports has been forcing the Central Bank of Kenya (CBK) to intervene, depleting foreign exchange reserves even as the Country continues to incur foreign debts; cognizant that, the rising imports amplified by flat exports portends a difficult operating environment for local enterprises and farmers thereby denying Kenyans employment opportunities when locals lose out to foreign manufacturers and farmers; notwithstanding the effects of protectionism policies which contribute towards affecting local industries and farms abilities to compete in international markets; this House **resolves** that the Government urgently puts in place measures to bridge the huge trade deficit including by providing incentives to potential investors and farmers, supporting local production through promotion and protection of local industries and implementing competitive export promotion strategies.

*(Resumption of debate interrupted on Wednesday, June 19, 2019 – Morning sitting)*

*(Balance of time on motion – 2 hours 53 minutes)*

**14\*. MOTION- REVIEW OF THE MANDATORY RETIREMENT AGE IN THE PUBLIC SERVICE**

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

**THAT**, aware that seventy-five percent of Kenya's population is under the age of thirty-five years and that, the overall unemployment among the youth is at fifty-five percent; further aware that over 800,000 graduates from Universities, Colleges, Technical Institutes, Vocational Centres and other tertiary

...../14\*(Cont'd)

institutions join the job market annually with only approximately 70,000 being absorbed into the formal labour force market; concerned that the high rate of unemployment in Kenya, particularly among the youth remains a major challenge; recognizing that Article 55 of the Constitution requires the state to take measures to ensure that the youth gain access to relevant education, training and employment; noting that the mandatory retirement age for public servants is set at sixty (60) years; this House **urges** the Government to review the mandatory retirement age in the public service from the current sixty to fifty years to among other things, create opportunities for the employment of the youth.

15\*. **MOTION - POLICY MEASURES TO ENSURE 100 PERCENT TRANSITION FROM SECONDARY EDUCATION TO TERTIARY EDUCATION**

(The Hon. John Munene Wambugu, M.P.)

**THAT**, aware that according to available data from the country's education sector, a huge percentage of the students who sit for the Kenya Certificate of Secondary Education do not transition to Universities to pursue degree courses; further aware that technical skills and knowledge are fundamental in every profession; concerned that despite the importance of technical and vocational training in teaching necessary skills and building adequate human capital to achieve and sustain the Country, its uptake in the Country remains low; cognizant that promotion of technical and vocational education and skills alongside academics provides a mix of professionals and skills that the economy requires so as to create balanced manpower requirements; recognizing that Article 55 of the Constitution requires the state to take measures to ensure that the youth access relevant education and training; appreciating the Government's policy of achieving 100 per cent transition of pupils from primary to secondary schools which has seen a huge increase in enrollment in secondary schools; this House resolves that the Government puts in place policy measures to ensure 100 percent transition from secondary to tertiary education.

16\*. **MOTION - CERVICAL CANCER SCREENING SERVICES TO ALL WOMEN AND ISSUANCE OF THE HPV VACCINE TO BOYS AND GIRLS BY THE NATIONAL GOVERNMENT**

(The Hon. (Dr.) Tecla Tum, M.P.)

**THAT**, aware that Cervical cancer is the leading type of cancer in the country causing the greatest number of deaths with at least 8 to 10 women succumbing every day to the disease; further aware that most women diagnosed with precancerous changes in the cervix are in their 20s and 30s, but the average age of women when they are diagnosed with cervical cancer is the mid-50s; considering that Human Papilloma Virus (HPV) is one of the most common viruses in the world with 4 out of 5 (80%) persons getting some type of HPV at



least once in a lifetime; cognizant of the fact that men and women can get HPV typically with the immune system getting rid of HPV without needing treatment; deeply concerned that HPV is a major risk factor of cervical cancer with nearly 99.7 percent of cervical cancers being caused by infection from high-risk HPV; appreciating that cervical cancer could be totally eliminated and further averted by putting preventative measures through timely treatments, this House therefore **resolves** that the National Government rolls out free screening services to all women and issuance of the HPV vaccines to boys and girls to reduce the mortality rates and completely eradicate deaths caused by Cervical Cancer in the Country.

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**\* Denotes Orders of the Day**

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## N O T I C E S

### The House resolved on Wednesday, February 13, 2019 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 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.
  
- 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 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

Wednesday (Afternoon), July 03, 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 Wednesday (Afternoon), July 03, 2019:-

**A. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PRESIDENT’S RESERVATIONS TO THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)**

(The Leader of the Majority Party)

*(Question to be put)*

**B. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE KENYA ACCREDITATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2018)**

(The Leader of the Majority Party)

**C. MOTION – APPROVAL OF THE MEDIATED VERSION OF THE IRRIGATION BILL, 2017**

(The Chairperson, Mediation Committee on the Irrigation Bill (National Assembly Bill No. 46 of 2017))

*(Mediated version of the Bill is circulated)*

**D. MOTION – APPROVAL OF THE MEDIATED VERSION OF THE LAND VALUE INDEX LAWS (AMENDMENT) BILL, 2018**

(The Chairperson, Mediation Committee on the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018))

**E. COMMITTEE OF THE WHOLE HOUSE**

The Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)

(The Leader of the Majority Party)

**F. MOTION – REPORT ON THE INQUIRY INTO THE PROPOSED KENYA AIRWAYS’ PRIVATELY INITIATED INVESTMENT PROPOSAL TO KENYA AIRPORTS AUTHORITY**

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

**G. MOTION - INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST**

(The Chairperson, Departmental Committee on Lands)

*(Resumption of debate interrupted on Thursday, June 27, 2019)*

**H. MOTION - REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND ITS IMPLEMENTATION ROADMAP**

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

*(Resumption of debate interrupted on Tuesday, March 19, 2019)*

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

(The Leader of the Majority Party)

**J. 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)



# APPENDIX

## **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**

**307/2019                      The Member for Mathare (Hon. Anthony Tom Oluoch, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, and Urban Development –**

- (i) Is the Cabinet Secretary aware of the duplication of roads classification particulars affecting several roads falling within Mathare Constituency leading to difficulties in delineation of roads classified as falling under the Kenya Rural Roads Authority (KeRRA) and those falling within the ambit of the Kenya Urban Roads Authority (KURA)?
- (ii) Could the Cabinet Secretary provide a list of all the roads under the two Authorities (KeRRA and KURA) in Mathare Constituency by name and description”
- (iii) Could the Cabinet Secretary also provide a list showing the contractors engaged in the last three financial years to undertake works on the said roads and specify whether the works were minor repairs or construction of roads?
- (iv) Could the Cabinet Secretary provide details on the criteria applied to award the *special fund for emergency* for road repair purposes in Nairobi City, indicating the distribution of the awards in Nairobi’s seventeen (17) constituencies for the last three (3) financial years and list the contractors?

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

**308/2019                      The Member for West Mugirango (Hon. Vincent Kemosi Mogaka, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary provide details of the local and foreign shareholders of the firm known as *Africa Star Railway Operation Company* and indicate the date the Company was incorporated?
- (ii) How much money has been paid so far to the Company by Kenya Railways Corporation for running the Standard Gauge Railway?

(iii) What was the rationale of forming a special purpose vehicle (SPV) to run the Standard Gauge Railway yet China Road and Bridge Corporation is capable of running the same?

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

**309/2019**

**The Member for Kanduyi (Hon. Wafula Wamunyinyi, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -**

- (i) Is the Cabinet Secretary aware that public land set aside for a Police Station and Administrative Offices in *Marakaru/Tuuti* Ward in Kanduyi Constituency has since been irregularly allocated to private individuals?
- (ii) Is the Cabinet Secretary further aware that some Government houses and various parcels of land in Bungoma Town have been converted to private use and are now owned or occupied by individuals?
- (iii) What measures has the Ministry put in place to repossess all those irregularly allocated pieces of government land and houses?

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

**310/2019**

**The Member for Kesses (Hon. (Dr.) Swarup Mishra, MP) to ask the Cabinet Secretary for Industry, Trade and Cooperatives: -**

- (i) Could the Cabinet Secretary explain the steps taken to reduce the number of agencies operating at the ports which inspect goods, and whether all agencies operating at the port possess the requisite expertise to undertake inspection of goods?
- (ii) Is the Cabinet Secretary aware that the period for the mandatory inspection was recently increased from four (4) days to over four (4) weeks thus causing delays in provision of inspection services?
- (iii) What plans is the Ministry pursuing to avert inordinate delays in physical inspection especially for the blue-chip and multinational companies which also possess internationally recognised certification, such as C.E. (*Conformité Européenne*) and F.D.A (*Food and Drug Administration*)?

*(To be replied before the Departmental Committee on Trade, Industry and Cooperatives)*

**311/2019**

**The Nominated Member (Hon. Gideon Keter, MP), to ask the Cabinet Secretary for Industry, Trade and Cooperatives: -**

- (i) Is the Cabinet Secretary aware that the Pre-Export Verification of Conformity (PVOC) programme, a process of quality inspection of

imports to ensure the safety and quality of goods imported into

Kenya is currently dominated by foreign inspection agents appointed by the Kenya Bureau of Standards to carry out these inspections?

- (ii) Could the Cabinet Secretary state why most of the approved inspection agents are based in countries that most goods imported into Kenya originate from?
- (iii) What measures the Ministry is taking to ensure local agents are engaged in the PVOC programme and further build local capacity to undertake inspection?

*(To be replied before the Departmental Committee on Trade, Industry and Cooperatives)*

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REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, JULY 03, 2019 AT 2.30 P.M.

ORDER OF BUSINESS

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
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6. Notices of Motion
7. Questions and Statements

**8\* . MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PRESIDENT’S RESERVATIONS TO THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2019)**

(The Leader of the Majority Party)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the President’s reservations to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 21 of 2019).

*(Question to be put)*

**9\* . MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE KENYA ACCREDITATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2018)**

(The Leader of the Majority Party)

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the Kenya Accreditation Service Bill (National Assembly Bill No. 17 of 2019).

*(Question to be put and Third Reading)*



10\*. **MOTION – APPROVAL OF THE MEDIATED VERSION OF THE IRRIGATION BILL, 2017**

(The Chairperson, Mediation Committee on the Irrigation Bill (National Assembly Bill No. 46 of 2017))

**THAT**, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Irrigation Bill (National Assembly Bill No. 46 of 2017) *laid on the Table of the House on Tuesday, July 02, 2019*, and **approves** the Mediated Version of the Irrigation Bill (National Assembly Bill No. 46 of 2017).

*(Mediated version of the Bill is circulated)*

11\*. **MOTION – APPROVAL OF THE MEDIATED VERSION OF THE LAND VALUE INDEX LAWS (AMENDMENT) BILL, 2018**

(The Chairperson, Mediation Committee on the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018))

**THAT**, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) *laid on the Table of the House on Tuesday, July 02, 2019*, and **approves** the Mediated Version of the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018).

*(Mediated version of the Bill is circulated)*

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

The Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)  
(The Leader of the Majority Party)

13\*. **MOTION – REPORT ON THE INQUIRY INTO THE PROPOSED KENYA AIRWAYS' PRIVATELY INITIATED INVESTMENT PROPOSAL TO KENYA AIRPORTS AUTHORITY**

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

**THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Inquiry into the proposed Kenya Airways' Privately Initiated Investment Proposal to Kenya Airports Authority, *laid on the Table of House on Tuesday, June 18, 2019*.

14\*. **MOTION – INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST**

(The Chairperson, Departmental Committee on Lands)

**THAT**, this House **adopts** the Report of the Departmental Committee on Lands on the Inquiry into a Complaint by *Kamiti Anmer Forest Squatters Association* regarding allocation of Land LR. No. 8390 in *Kamiti Anmer Forest*, *laid on the Table of the House on Tuesday, June 18, 2019.*

*(Resumption of debate interrupted on Thursday, June 27, 2019)*

15\*. **MOTION - REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND ITS IMPLEMENTATION ROADMAP**

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

**THAT**, this House **notes** the Report of the Departmental Committee on Defence and Foreign Relations on a Meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, *laid on the Table of the House on Wednesday, November 21, 2018.*

*(Resumption of debate interrupted on Tuesday, March 19, 2019)*

16\*. **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.

17\*. **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 establishment of Forward Operating Base (FOB) in Narok County, *laid on the Table of the House on Tuesday, April 2, 2019.*

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**\* Denotes Orders of the Day**

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# N O T I C E S

## I. THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)

### 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Parliamentary Service Bill, 2018 at the Committee Stage—

#### CLAUSE 2

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

- (a) in the definition of the term "Secretary" by inserting the following words at the end of the definition—

"or in the absence of the Secretary, any other person exercising the functions of the Secretary".

- (b) by inserting the following new definition in proper alphabetical sequence-  
"Member" means a Member of Parliament.

#### CLAUSE 4

**THAT**, clause 4 of the Bill be amended in sub-clause (1) by deleting the words "shall be" and substituting therefor the words "is established".

#### CLAUSE 10

**THAT**, the Bill be amended by deleting clause 10 and substituting therefor the following new clause—

Removal from office.

**10.** (1) A Member of Parliament, supported by at least one-quarter of all the members of the respective House, may propose a motion for the removal of a member of the Commission only for—

- (a) serious violation of the Constitution or of any other law including a contravention of Chapter Six;
- (b) gross misconduct, whether in the performance of the member's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence; or
- (e) bankruptcy.

(2) If a motion presented under sub-section (1) is supported by at least one-third of the Members of the respective House—

- (a) the respective House shall appoint a select committee comprising of eleven of its Members to investigate the matter;
  - (b) the select committee shall within ten days report to the respective House whether it finds the allegations against the member of the Commission to be substantiated.
- (3) Where the select committee finds that—
- (a) the allegations against the member of the Commission have not been substantiated, there shall be no further proceedings on the matter;
  - (b) the allegations against the Member of the Commission have been substantiated and the motion is supported by a majority of all the members of the respective House—
    - (i) the Speaker of that House shall inform the Speaker of the other House of the resolution within seven days; and
    - (ii) the member of the Commission shall continue to perform the functions of the office pending the outcome of the proceedings under this section.
- (4) The procedure prescribed in sub-sections (1), (2) and (3) shall apply with the necessary modifications to the consideration of the Motion for removal of a member of the Commission by the other House.
- (5) If both Houses pass the motion in the same form, the member of the Commission shall stand removed.

**CLAUSE 11**

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

Oversight  
and public  
participation  
programmes.

- 11A.** (1) Pursuant to Article 118(1)(b) of the Constitution, each Member of Parliament shall facilitate public participation in the legislative and other business of Parliament and its committees through public awareness campaigns in the Member's area of representation.
- (2) For the purposes of subsection (1), each Member shall—
- (a) establish public participation and oversight programmes for his or her area of representation;
  - (b) hold public hearings on matters of public interest within the area of representation;
  - (c) facilitate access to information held by the legislature;
  - (d) facilitate the participation of the communities in the engagement with government departments on financial matters;
- (3) Each House of Parliament shall prescribe, in the Standing Orders, the manner of undertaking public participation under this section.
- (4) The Commission shall provide services and facilities necessary to actualize the objects of this section.

**CLAUSE 13**

**THAT**, clause 13 of the Bill be amended by—

- (a) deleting sub-clause (2); and
- (b) deleting sub-clause (3);

**CLAUSE 16**

**THAT**, clause 16 of the Bill be amended in paragraph (c) by deleting the words “pursuant to Articles 128(2) and any law made under Article 226(1) (b) of the Constitution or such other offices as the Commission may designate pursuant to Articles 127(6) (b) or any law made under Article 226(1)(b) of the Constitution” appearing immediately after the word “Clerks”.

**INSERTION OF A NEW PART**

**THAT**, the Bill be amended by inserting the following new Part immediately after clause 16—

**PART IIIA- SERVICES AND FACILITIES FOR PARLIAMENT**

Services and facilities for Parliament

**16A** (1) The Commission shall, to the extent of its constitutional mandate, be responsible for fulfillment of the provisions under Article 127(6)(a) and (d) of the Constitution and in particular shall formulate policies, regulations, strategies and put in place mechanisms for the provision of such services and facilities as are necessary for the effective functioning of Parliament and the well-being of Members and the staff of the Commission.

(2) The Commission shall adopt comprehensive strategic plans that ensure the realization of Article 127(6)(b) and (d) of the Constitution.

Outsourcing of services and facilities.

**16B.** (1) The Commission shall ensure availability, accessibility, adaptability and acceptability of services and facilities for use by Members and staff of Parliament.

(2) The Commission shall put in place adequate infrastructure that would be necessary for provision of services for the well-being of Members and staff of Parliament.

(3) The Commission may provide or designate exclusive use of certain facilities for Members.

(3) The Commission may outsource certain services and facilities for the welfare of Members.

(4) Despite subsection (1), the Commission may take measures to facilitate the use of facilities not available within the precincts of Parliament by Members and staff of Parliament.

Facilitation of activities held outside the precincts of Parliament

**16C.** (1) The Commission shall prescribe the minimum standards for travel and accommodation for Members and staff of Parliament to facilitate performance of official duties outside the precincts of Parliament.

(2) The Commission shall regularly review the domestic and international travel allowances applicable for Members and staff of Parliament.

Discharge of  
mandate  
of  
Members.

**16D.** The Commission shall take measures to facilitate Members to discharge their mandate as provided for in Articles 94, 95 and 96 of the Constitution including—

- (a) equipping and allocating offices to Members;
- (b) facilitating Members to conduct public participation in the performance of their duties;
- (c) take any other measure as may be necessary.

Enhancing  
legislative  
skills.

**16E.** The Commission shall facilitate the enhancement of legislative skills of Members and staff of Parliament through the provision of structured and continuous trainings locally or in foreign countries.

Use of  
technology  
in  
Parliament.

**16F.** The Commission shall foster and promote the use of technology in all administrative processes, communication, preparation, dissemination and storage of information and in the relevant day to day functions of Parliament.

Facilities for  
Parliamentary  
Parties.

**16G.** (1) The Commission may provide facilities to a parliamentary political party or caucus to promote the ideals of the political party or parliamentary caucus.

(2) For the purposes of sub-section (1), the facilities provided shall be for exclusive use by sitting Members.

Promotion of  
the ideals  
of  
parliamentary  
democracy

**16H.** (1) The Commission may initiate and undertake programmes that promote the ideals of parliamentary democracy.

(2) The Commission may undertake the programmes under section (1) either singly or jointly with domestic and international legislative organs, the Members and staff of such legislative organs and other relevant organisations.

(3) The Commission may, pursuant to international law and treaties, undertake collaborative works with similar institutions that provide parliamentary services in the Commonwealth and other jurisdictions.

(4) For the purposes of attaining the objectives of the programmes under this section, the Commission may enter into memoranda of understanding, contracts or such other agreements as may be authorised from time to time with persons, organisations or other relevant institutions.

**CLAUSE 17**

**THAT**, clause 17 of the Bill be amended in paragraph (c) by deleting the word “service” and substituting therefor the word “affairs”.

**NEW CLAUSE 17A**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 17-

Clerks' term of  
office

17A. (1) A Clerk of a House of Parliament shall be appointed by the Commission for a term of five years and is eligible for re-appointment for one further term of five years.

(2) Despite sub-section (1), if the person appointed as Clerk of a House of Parliament is an employee of the Commission serving on permanent and pensionable terms, the person shall continue serving on permanent and pensionable terms for the duration of the term provided for in sub-section (1) or retire from the parliamentary service upon attaining the age of sixty years, whichever is the earlier.

(3) An employee of the Commission serving on permanent and pensionable terms who has served as a Clerk of a House of Parliament and has completed his or her term of office as set out in sub-section (1) before attaining the age of sixty years shall be compulsorily retired and is eligible for payment of pension in accordance with the applicable laws.

**CLAUSE 19**

**THAT**, the Bill be amended by deleting Clause 19 and substituting therefor the following new clause 19—

Administrative  
functions of  
the Clerks.

19. The Clerks shall, in each of their respective Houses, be responsible for—

- (a) the day-to-day management and functioning of the respective Houses;
- (b) the execution of the Commission's decisions relating to the respective Houses;
- (c) the management of the staff under their respective control pursuant to Article 128(2) of the Constitution;
- (d) advising the Commission and implementing Commission resolutions on all matters relating to —
  - (i) the appointment, promotion and discipline of the members of staff of the respective Clerks;
  - (ii) the assignment of duties, supervision and training of the staff of the respective Clerks;
  - (iii) the deployment of staff of the respective Clerks to serve in any other area in the parliamentary service.

- (e) the preparation and submission of the programmes necessary for the achievement of the mandate of the respective Houses for approval by the Commission;
- (f) the performance of such other duties as the Commission might determine or as may be provided for in any other written law.

**CLAUSE 21**

**THAT**, clause 21 of the Bill be amended by deleting the expression “the Senior Deputy Clerk” wherever it appears and substituting therefor the expression “a Deputy Clerk”.

**CLAUSE 22**

**THAT**, clause 22 of the Bill be amended —

- (a) in sub-clause (1) by deleting the word “and” appearing in paragraph (e) and substituting therefor the word “or”;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause (2) —

(2) Before a Clerk is removed under subsection (1), the Clerk shall be informed of the case against him or her in writing and shall be given reasonable time to defend himself or herself against any of the grounds cited for the intended removal.

- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause (3) —

(3) The Commission shall, within seven days of a decision to remove a Clerk, submit that decision to the relevant House of Parliament for approval in accordance with the Standing Orders of that House.

**CLAUSE 23**

**THAT**, clause 23 of the Bill be amended—

- (a) deleting sub-clause (2);
- (b) deleting sub-clause (3);
- (c) deleting sub-clause (4); and
- (d) deleting sub-clause (5) and substituting therefor the following—

“(5) The Commission shall, in establishing the offices set out under subsection (1), have regard to strengthening all leadership offices in both Houses of Parliament.”

**CLAUSE 24**

**THAT**, clause 24 of the Bill be amended—

- (a) in sub-clause (2) by deleting the words “such services jointly shared” and substituting therefor the words “shared services”;



- (b) in sub-clause (3) by inserting the word “by” immediately after the words “shall be headed” and by inserting the words “of service” immediately after the words “terms and conditions”;

**CLAUSE 25**

**THAT**, clause 25 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)-

- (4) The provisions of sections 19, 26(2) and 27(4) shall, with the necessary modifications, apply to the officer appointed to head the centre for parliamentary studies and training.

**CLAUSE 26**

**THAT**, the Bill be amended by deleting Clause 26 and substituting therefor the following new clause—

- Parliamentary  
schemes of  
service.
- 26.** (1) The Commission shall formulate the Parliamentary Service schemes of service setting out the terms and conditions for the employment of the officers and other staff of the Service.
- (2) Each Clerk shall be responsible to the Commission for the administration of the schemes of service for the staff deployed to their respective Houses as contemplated in Article 128(2) of the Constitution.
- (3) Each Clerk shall be the authorized officer of the Commission responsible for the discipline of the staff deployed to their respective Houses.

**CLAUSE 27**

**THAT**, clause 27 of the Bill be deleted.

**CLAUSE 29**

**THAT**, clause 29 of the Bill be amended by deleting sub-clause (c) and substituting therefor the following new sub-clauses—

- (a) may establish or adopt a contributory optional superannuation, provident or medical fund or other scheme for its employees; and
- (b) may grant pensions, gratuities, retiring allowances or sickness or injury benefits to any employee.

**CLAUSE 30**

**THAT**, clause 30 be amended-

- (a) in sub-clause (1) by deleting the word “service” appearing after the words “specialised police” and substituting therefor the word “unit”;

- (b) in sub-clause (2) by deleting the words “Assistant Commissioner” and substituting therefor the words “Assistant Inspector General”;
- (c) by deleting sub-clause (4); and
- (d) by deleting sub-clause (5).

### **INSERTION OF A NEW PART**

**THAT**, the Bill be amended by inserting the following new Part immediately after clause 32—

### **PART VA- PROVISIONS ON DELEGATED POWERS**

Regulations on  
Services and  
facilities for  
Members.

**32A.** (1) The Commission may make Regulations generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Commission may prescribe regulations on—

- (a) the priority of allocation of resources available for use by Members;
  - (b) the criteria for allocation of offices to Members on the basis of ranking, leadership position, persons with disability or other suitable factors;
  - (c) minimum standards on quality of goods and services provided for use by Members;
  - (d) minimum standards on equipping of offices of Members;
  - (e) the conduct of the business of the Commission;
  - (f) the administrative and management structure for the services and facilities of the Commission in accordance with the principles set out in this Act;
  - (g) the terms and conditions of service, pension and other retirement benefits of employees;
  - (h) the procedures for the discipline of the staff of Parliament;
  - (i) the financial procedures of the Commission;
  - (j) the orientation and training of Members and staff of Parliament;
  - (k) the security of Members;
  - (l) the handling of the assets and other resources of the Commission;
  - (m) the delegation of the Commission’s functions or powers;
  - (n) public participation and outreach programmes; and
  - (o) any other matter required under the Constitution, this Act and other written law.
- (4) For the purposes of Article 94 (6) of the Constitution—
- (a) the purpose and objective of the delegation under this section is to enable the Commission to make regulations for better carrying into effect the provisions of this Act;

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- (b) the authority of the Commission to make regulations under this Act is limited to bringing into effect the provisions of this Act and fulfillment of the objectives specified under this section.
- (5) The principles and standards applicable to the delegated power referred to under this Act are those found in—
- (i) the Statutory Instruments Act, 2013;
  - (ii) the Interpretation and General Provisions Act,
  - (iii) the general rules of international law as specified under Article 2(5) of the Constitution; and
  - (iv) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

### **CLAUSE 36**

**THAT**, clause 36 of the Bill be amended by inserting the following new sub-section immediately after sub-section (2) —

- (3) The Commission shall hold bi-annual sessions with each House of Parliament on the status of implementation of Article 127(6) of the Constitution.

### **CLAUSE 38**

**THAT**, clause 38 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clauses—

(4) Every oath or affirmation taken by the chairperson shall be administered by the secretary and every oath or affirmation taken by any other member, the secretary and the Clerks shall be administered by the chairperson.

(5) Every oath or affirmation taken by any other officer shall be administered by the secretary.

### **CLAUSE 44**

**THAT**, clause 44 of the Bill be amended in sub-clause (1) by deleting the words “commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding one year, or to both” appearing at the end of the sub-clause and substituting therefor the words “commits an offence and shall be liable on conviction to a fine not exceeding two million shillings, or to imprisonment for a term not exceeding three years, or to both.

### **CLAUSE 46**

**THAT**, the Bill be amended by deleting clause 46.

### **THIRD SCHEDULE**

**THAT**, the Bill be amended by deleting the Third Schedule and substituting therefor the following new schedule—

**THIRD SCHEDULE (s. 38(1), 38(2))**

**OATH OF MEMBER OF THE COMMISSION OR A CLERK**

I,....., having been appointed as Chairperson/Vice Chairperson/ Member of the Parliamentary Service Commission / Secretary to the Parliamentary Service Commission/ Clerk of the National Assembly/ Senate do swear in the name of the Almighty God that I will without fear or favour, affection or ill-will discharge the functions of the office of Chairperson/Vice-Chairperson/Member of the Parliamentary Service Commission/ Secretary to the Parliamentary Service Commission/Clerk of the National Assembly/ Senate, and that I will not, directly or indirectly, reveal any matter relating to such function to unauthorised persons or otherwise than in the course of my duty.

SO HELP ME GOD.

Sworn/Declared by the said  
before me this            day of  
Chairperson/Secretary  
Parliamentary Service Commission

**AFFIRMATION OF MEMBER OF THE COMMISSION OR A CLERK**

I ..... , having been appointed Chairperson/Vice Chairperson/ Member of the Parliamentary Service Commission / Secretary to the Parliamentary Service Commission/ Clerk of the National Assembly/ Senate do solemnly and sincerely declare and affirm that I will without fear or favour, affection or ill-will discharge the functions of the office of Chairperson/Vice Chairperson/ Member of the Parliamentary Service Commission / Secretary to the Parliamentary Service Commission/ Clerk of the National Assembly/ Senate and that I will not, directly or indirectly, reveal any matter relating to such function to unauthorised persons or otherwise than in the course of my duty.

Declared by the said  
before me this            day of  
Chairperson/Secretary  
Parliamentary Service Commission

**OATH OF OFFICER OF THE COMMISSION**

I,....., being called upon to exercise the functions of [officer/other] of the Parliamentary Service Commission, do swear in the name of the Almighty God that I will not, directly or indirectly, reveal to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which may come to my knowledge in the course of my duties as an officer of the Commission.

So help me God.

Sworn/Declared by the said  
before me this            day of  
Secretary  
Parliamentary Service Commission

**AFFIRMATION OF OFFICER OF THE COMMISSION**

I,....., being called upon to exercise the functions of [officer/other] of the Parliamentary Service Commission do solemnly and sincerely declare and affirm that I will not, directly or indirectly, reveal to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which may come to my knowledge in the course of my duties as an officer of the Commission.

Sworn/Declared by the said  
before me this            day of  
Secretary  
Parliamentary Service Commission

**2) Notice is given that the Leader of Majority Party intends to move the following amendments to the Parliamentary Service Bill, 2018 at the Committee Stage—**

**CLAUSE 23**

**THAT**, clause 23 be amended by—

(a) deleting sub-clause (5) and substituting therefor the following new sub-clause—

“(5) The Commission shall, in establishing the offices set out under section (1), have regard to strengthening—

(a) the leadership offices in the National Assembly established under Article 108(1) of the Constitution; and

(b) other leadership offices that may be established in the Houses of Parliament.

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

“(6) The facilitation and strengthening of offices pursuant to subsection (5) shall take into account the order of precedence set out in Article 108(4) of the Constitution.”

**3) Notice is given that the Member for Bomet Central (Hon. Ronald Tonui) intends to move the following amendments to the Parliamentary Service Bill, 2018 at the Committee Stage—**

**CLAUSE 23**

**THAT**, clause 23 of the bill be amended by inserting the following paragraph immediately after subsection (5) –

(6) The Commission shall as far as possible recruit staff in a fair and equitable manner and from all the Constituencies.

II. 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);

(c) inserting the following new paragraph immediately after paragraph (b)-

(c) inserting the following new definition immediately before the definition of the word "affordability" -

"accounting officer" means in the case of-

A a national government entity, the person designated as an accounting officer by the Cabinet Secretary responsible for finance in accordance with the provisions of the Public Finance Management Act;

B the Parliamentary Service Commission, the Clerk of the Senate;

C the National Assembly, the Clerk of the National Assembly;

D a Constitutional Commission, institution or Independent Office the person responsible for the administration of the Commission or institution or Independent Office in accordance with the provisions of the Public Finance Management Act;

E a county government entity, the person responsible for the administration of the county government entity in accordance with the provisions of the Public Finance Management Act;

F a county assembly, the clerk of the county assembly; and

**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) –

(3A) 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 –

Report of the  
Committee.

**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.

(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.

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

- III. **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.
- IV. **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.
- V. **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

Tentative business for

Thursday, July 04, 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 Thursday, July 04, 2019:-

**A. MOTION – APPROVAL OF THE MEDIATED VERSION OF THE IRRIGATION BILL, 2017**

(The Leader of the Majority Party)

*(If not concluded on Wednesday, July 3, 2019 – Afternoon sitting)*

**B. MOTION – APPROVAL OF THE MEDIATED VERSION OF THE LAND VALUE INDEX LAWS (AMENDMENT) BILL, 2018**

(The Chairperson, Mediation Committee on the Land Value Index Laws (Amendment) Bill (National Assembly Bills No. 3 of 2018))

*(If not concluded on Wednesday, July 3, 2019 – Afternoon sitting)*

**C. COMMITTEE OF THE WHOLE HOUSE**

The Parliamentary Service Bill (National Assembly Bill No. 6 of 2018)  
(The Leader of the Majority Party)

*(If not concluded on Wednesday, July 3, 2019 – Afternoon sitting)*

**D. MOTION – REPORT ON THE INQUIRY INTO THE PROPOSED KENYA AIRWAYS' PRIVATELY INITIATED INVESTMENT PROPOSAL TO KENYA AIRPORTS AUTHORITY**

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

*(If not concluded on Wednesday, July 3, 2019 – Afternoon sitting)*

**E. MOTION – INQUIRY INTO ALLOCATION OF LAND IN KAMITI ANMER FOREST**

(The Chairperson, Departmental Committee on Lands)

*(If not concluded on Wednesday, July 3, 2019 – Afternoon sitting)*

**F. MOTION - REPORT ON A MEETING TO PROMOTE AND POPULARIZE THE RATIFICATION OF THE PROTOCOL ON THE FREE MOVEMENT OF PERSONS AND ITS IMPLEMENTATION ROADMAP**

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

*(If not concluded on Wednesday, July 3, 2019 – Afternoon sitting)*

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

(The Leader of the Majority Party)

*(If not concluded on Wednesday, July 3, 2019 – Afternoon sitting)*

**H. 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)

*(If not concluded on Wednesday, July 3, 2019 – Afternoon sitting)*

**I. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH ITS CALENDAR**

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# APPENDIX

## **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

- 312/2019                      The Member for Tigania East (Hon. Josphat Gichunge, MP) to ask the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation-**
- (i) Could the Cabinet Secretary state whether Khat (also known as *mira*) has been categorized as a scheduled crop as required by the Crops Act 2013 and the Crops (Food Crops) Regulations 2015?
  - (ii) What measures is the Ministry putting in place to secure local and international market for the crop?
- (To be replied before the Departmental Committee on Agriculture and Livestock)*
- 314/2019                      The Member for Bomachoge Chache (Hon. Alfah O. Miruka, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**
- Could the Cabinet Secretary provide a Status Report on implementation of the Kenya Gazette Notice of 21<sup>st</sup> June 2017 on the establishment of the following areas namely- *Rianchogu, Eburi, Getare Township, Itare, Kemboa, Mwobo, Nyagesa, Nyagenke, Nyataro and Nyamiobo Sub-Locations* and *Nyansara, Kineni, Mang'ere, Keragia, Misesi and Bunyonge* Locations, as administrative and service delivery coordination units in Gucha Sub-County, *Machoge Chache* Division of Bomachoge Chache Constituency?
- (To be replied before the Departmental Committee on Administration and National Security)*
- 315/2019                      The Member for Garsen (Hon. Ali Wario Guyo, MP) to ask the Cabinet Secretary for Tourism and Wildlife: -**
- (i) Is the Cabinet Secretary aware of a Presidential directive in 2016, urging all parties concerned to open the *Galana* Watering Point Corridor in Garsen Constituency for access to water by livestock and wildlife?
  - (ii) Is the Cabinet Secretary further aware that the continued closure of the Corridor is a source of perennial conflicts between pastoralists and the Kenya Wildlife Service (KWS)?

(iii) What action the Ministry has taken to ensure that the Corridor is reopened in order to resolve the escalating conflicts between the pastoralists and KWS, in light of the fact that the Agricultural Development Corporation (ADC), Galana has opened its side of the Corridor?

*(To be replied before the Departmental Committee on Sports, Culture and Tourism)*

**316/2019**

**The Member for Saku (Hon. Col. (Rtd) Dido Ali Rasso, MP) to ask the Cabinet Secretary for Tourism and Wildlife: -**

- i) Is the Cabinet Secretary aware of rampant and continued human-wildlife conflicts in certain areas of Saku Constituency close to the Marsabit Game Park and Game Reserve without adequate intervention from the Ministry?
- ii) Could the Ministry state the number of deaths, injuries and destruction of properties reported since 2012 and further confirm the number of deaths as a result of Human-wildlife conflicts in Saku Constituency that have been compensated so far as well as pending cases?
- iii) What short and long-term measures are being pursued by the Ministry to address the rising conflict?

*(To be replied before the Departmental Committee on Environment and Natural Resources)*

**317/2019**

**The Member for Meru County (Hon. Bishop Kawira Mwangaza, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -**

- (i) Is the Cabinet Secretary aware that a number of residents of Meru County have never been compensated for land acquired for the construction of Isiolo International Airport?
- (ii) Within what specific timelines is the Ministry intending to compensate these residents as well as address related land issues in Meru County?

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

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