



(No. 108)

(2350)

REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
WEDNESDAY, NOVEMBER 20, 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*. MOTION - REGISTRATION OF FARMERS AND FORMATION OF AGRI-BUSINESS ENTITIES FOR IMPROVED BENEFITS AND SUSTAINABLE FOOD AND NUTRITIONAL SECURITY

(The Hon. (Dr.) John Mutunga, M.P.)

THAT, aware that farmers in Kenya are least organized into Associations, following the collapse of the Agricultural Cooperatives; further aware that, the Crops Act, 2013 provides for registration of farmers so as to establish who they are and what they produce; noting that Government's efforts to establish farmers' organizations have ended up delivering short-lived and unsustainable initiative-based groups which fizzle out soon after their formation; further noting that the best way to organize farmers is through their organizations; appreciating that the best suited organization to undertake farmers' registration is the Kenya National Farmers' Federation which has both experience and capacity; further noting that through organized farmers, farming will be more beneficial in terms of volumes, lowered cost of production and improving organized raw material supply to industry; realizing that organizing farmers into Agri-business entities is a costly undertaking which calls for Government support, and acknowledging that through organized production systems, the country will achieve the Big 4 Agenda faster and also create more and better jobs in the Agricultural Value Chains; this **House urges** the Government to facilitate and support the Kenya National Farmers' Federation to mobilize and organize the registration of farmers into preferred entities and manage national farmers' database for use in engagements and sustainable management of the various Agricultural Product Value Chains.

(Question to be put)

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

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

Second Reading

(Resumption of debate interrupted on Wednesday, November 13, 2019 – Morning Sitting)

(Balance of time – 1 hour 11 minutes)

10*. THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2019)

(The Hon. Joyce Emanikor, M.P.)

Second Reading

11*. THE INDUSTRIAL TRAINING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2019)

(The Hon. Jude Njomo, M.P.)

Second Reading

12*. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2019)

(The Hon. Ruweida M. Obo, M.P.)

Second Reading

13*. MOTION - FORMULATION OF A COMPREHENSIVE POLICY TO HARNESS DIASPORA KENYANS FOR NATIONAL DEVELOPMENT

(The Hon. Godfrey Osotsi, M.P.)

THAT aware that the existing Kenya Diaspora Policy provides for the mainstreaming of the Kenyan Diaspora into national development process in line with the aspirations and goals of the Kenya Vision 2030; noting that formal remittance from Kenya Diaspora account for over 3% of the country's GDP channeled by an estimated three million Kenyans; noting that, contribution by the Kenyan diaspora to the country's development goes much beyond personal remittances to include increased trade links, better access to foreign capital markets, skills and technology transfer, diaspora investments funds, knowledge exchange among other enormous potential benefits; acknowledging that, the diaspora community continues to contribute immensely to national growth and the economy through increased household investments in education, entrepreneurship, health, finance and housing; concerned that, Kenya ought to

...../13*(cont'd)

formulate practical and incentive-driven policy to harness existing and future diaspora resources for social-economic development; cognizant that Kenya has an obligation to counter the challenges hindering diaspora contribution to national development; **this House resolves** that the Government reviews and formulates a comprehensive policy and structure to harness the ever increasing diaspora resources for national development and that the said policy be presented to National Assembly within one year for consideration.

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

(The Hon. Charles Njagua, 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 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 - ESTABLISHMENT OF DATABASE CENTRES FOR ISSUANCE OF BIRTH CERTIFICATES TO CHILDREN

(The Hon. Mary Wamaua, M.P.)

THAT, aware that the Constitution and the Kenya Citizenship and Immigration Act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the State to citizens including a birth certificate; further aware that, Article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognizant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments; deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) in the Country; this House **urges the** National

Government to establish data base centres in all Civil Registration Centres for purposes of storing all the necessary information required for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

16*. MOTION - INFORMATION IN POLICE CLEARANCE CERTIFICATES

(The Hon. Gladwell J. Cheruiyot, M.P.)

THAT, aware that disclosure of information about previous criminal convictions through a Police Clearance Certificate has long been considered an important safeguard for employers and various organizations seeking individuals to serve in positions of trust; concerned that the Police Clearance Form includes cases that are pending before court, thus going against the principle of Article 50(2) of the Constitution which provides for the presumption of innocence until proven guilty; further concerned that, the bureaucratic manual procedure of acquiring criminal data and laxity in updating the records results in erroneous information on the Police Clearance Certificate and consequently denies applicants employment opportunities; cognizant of the fact that in Kenya, based on an administrative directive from 1990, criminal records are waived after a term of 20 years except for serious offences such as murder, robbery, manslaughter, rape, defilement, treason or drug possession which remain as permanent records; noting that research has shown a clear nexus between crime and poverty and that a criminal record remains a permanent barrier for young people looking for employment as this will be shown in the Police Clearance Form which will perpetuate the cycle of poverty; this House **urges** the Directorate of Criminal Investigation to leverage on the use of Information Communication Technology (ICT) to ensure criminal data availed in Police Clearance Forms is accurate and up-to-date.

17*. MOTION - INTRODUCTION OF AGE-APPROPRIATE SEX EDUCATION IN SCHOOLS

(The Hon. Elsie Muhanda, M.P.)

THAT, aware that in Kenya about 11 percent of teenagers are engaging in sex before their 15th birthday with an estimated 47% of teens already sexually active before the age of 18 years which is the legal age of consent; further aware that Kenya's adolescent birth rate is 96 per 1000 women, with 15% of all adolescent women having already given birth and 3% being pregnant with their first child; concerned that the sexual activity is encouraged by the proliferation of the internet and mobile phones, poverty and the conservative attitudes combined with the traditional values which tend to have parents shying away from discussing sex with their young ones while other traditional African cultures encourage early marriages;

...../17*(cont'd)

acknowledging that young persons in the country do not get sex education to make sexual choices; recognizing the need for a comprehensive and age appropriate sex education from the age of six (6) years, this **House urges** the National Government to introduce, institutionalize and entrench sex education in both primary and secondary school curriculum and encourage the development and building of more boarding school especially for girls.

- 18*. **THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL**
(NATIONAL ASSEMBLY BILL NO. 8 OF 2019)
(The Hon. Gideon Keter, M.P.)

Second Reading

- 19*. **THE PUBLIC ORDER (AMENDMENT) BILL (NATIONAL ASSEMBLY**
BILL NO. 14 OF 2019)
(The Hon. Simon King'ara, M.P.)

Second Reading

- 20*. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL**
(NATIONAL ASSEMBLY BILL NO. 22 OF 2019)
(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

- 21*. **THE NATIONAL GOVERNMENT CONSTITUENCIES**
DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 16 OF 2019)
(The Hon. (Dr.) Makali Mulu, M.P.)

Second Reading

*** Denotes Orders of the Day**

...../Notices

NOTICES

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

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), November 20, 2019

(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), November 20, 2019:-

A. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2017)

(The Leader of the Majority Party)

(Question for the amendment to recommit to be put)

B. THE CONSTITUTION OF KENYA (AMENDMENT) (No. 5) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2019)

(The Chairperson, Constitutional Implementation Oversight Committee)

First Reading

C. COMMITTEE OF THE WHOLE HOUSE

- (i) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 51 of 2017) [*subject to recommital*]
(The Leader of the Majority Party)
- (ii) The Office of the County Attorney Bill (Senate Bill No. 3 of 2018)
(The Chairperson, Departmental Committee on Justice & Legal Affairs)
- (iii) The Petition to County Assemblies (Procedure) Bill (Senate Bill No. 22 of 2018)
(The Chairperson, Departmental Committee on Justice & Legal Affairs)
- (iv) The Early Childhood Education Bill (Senate Bill No. 26 of 2018)
(The Chairperson, Departmental Committee on Education & Research)

D. THE COMPETITION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2019)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, November 19, 2019)

E. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2019)

(The Leader of the Majority Party)

Second Reading

F. THE GAMING BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2019)
(The Chairperson, Departmental Committee on Sports, Culture & Tourism)

Second Reading

G. THE TEA BILL (SENATE BILL NO. 36 OF 2018)
(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

H. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)
(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

I. THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)
(The Leader of the Majority Party)

Second Reading

J. THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2019)
(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

...../Appendix

A P P E N D I X

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. **ORDINARY QUESTIONS**

500/2019

The Member for Lamu County (Hon. Ruweida Obo, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, and Urban Development: -

- (i) What plans has the Ministry put in place to develop an airstrip on *Pate* Island in Lamu County to serve the over 20,000 residents and tourists as well as security agencies in the area?
- (ii) What measures has the Ministry put in place to ensure that runway lights are installed at *Manda* Airport to make it operational at night?

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

501/2019

The Member for Roysambu (Hon. Isaac Waihenya Ndirangu, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -

- (i) What is the status of ownership of Land Reference No. 71/7 which was originally set aside by *Kamuthi* Farmers Cooperative Society Ltd in *Roysambu* Constituency for public purposes?
- (ii) What action is the Ministry taking to cancel the illegal subdivision and fraudulent allocations of land hived off from the said public land?
- (iii) When will the Ministry issue title deeds to the members of the Society?

(To be replied before the Departmental Committee on Lands)

502/2019

The Member for Maragua (Hon. Mary Wamaua, MP) to ask the Cabinet Secretary for Industry, Trade and Cooperatives:-

- (i) Could the Cabinet Secretary state whether any audit has been or is being undertaken on all food processing companies in the country, including the quality assurance systems in place, in view of the recent discovery of

contaminants such as *aflatoxins* in food samples in the market?

- (ii) What measures has the Ministry put in place to ensure that quality assurance systems in all food processing companies are continuously improved and monitored to safeguard the quality of food items being consumed in the country?

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

Twelfth Parliament

(No. 109)



Third Session
Afternoon Sitting

(2356)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, NOVEMBER 20, 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*. THE CONSTITUTION OF KENYA (AMENDMENT) (No. 5) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2019)
(The Chairperson, Constitutional Implementation Oversight Committee)

First Reading

- 9*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2017)
(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 Public Finance Management (Amendment) Bill (National Assembly Bill No. 51 of 2017).

Amendment proposed-

THAT, the motion for agreement with the Report of the Committee of the whole House be amended by inserting the words “**subject to recommittal of Clauses 8 and 36.**”

(Question for the amendment to recommit to be put)

...../10*

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2357)

10*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 51 of 2017) [subject to recommittal]
(The Leader of the Majority Party)

- (ii) The Office of the County Attorney Bill (Senate Bill No. 3 of 2018)
(The Chairperson, Departmental Committee on Justice & Legal Affairs)
- (iii) The Petition to County Assemblies (Procedure) Bill (Senate Bill No. 22 of 2018)
(The Chairperson, Departmental Committee on Justice & Legal Affairs)
- (iv) The Early Childhood Education Bill (Senate Bill No. 26 of 2018)
(The Chairperson, Departmental Committee on Education & Research)

11*. THE COMPETITION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2019)
(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, November 19, 2019)

12*. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2019)
(The Leader of the Majority Party)

Second Reading

13*. THE GAMING BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2019)
(The Chairperson, Departmental Committee on Sports, Culture & Tourism)

Second Reading

14*. THE TEA BILL (SENATE BILL NO. 36 OF 2018)
(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

15*. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)
(The Chairperson, Departmental Committee on Justice & Legal Affairs)

Second Reading

...../16*

(No.109) **WEDNESDAY, NOVEMBER 20, 2019** (2358)

16*. THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)
(The Leader of the Majority Party)

Second Reading

17*. THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL
(NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

* Denotes Orders of the Day

...../Notices

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2359)

N O T I C E S

I. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 51 OF 2017)

Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the

Public Finance Management (Amendment) Bill, 2017 at the Committee Stage,
subject to recommital—

CLAUSE 8

THAT, clause 8 of the Bill be amended by inserting the following new paragraphs immediately before paragraph (a) —

(aa) by deleting subsection (2) and substituting therefor the following new subsection—

(2) The National Treasury shall maintain the Consolidated Fund in Kenya Shilling or foreign denominated currency accounts to be known as the Consolidated Fund Accounts, kept at the Central Bank of Kenya and shall, subject to Article 206(1) of the Constitution—

(a) include the National Exchequer Accounts, Revenue Collection Accounts, Receipts into Domestic Debt Accounts, Overdraft Account, Special Project Deposit Accounts and any other accounts designated by the Cabinet Secretary;

(b) facilitate payment into that account or accounts all money raised or received by or on behalf of the national government; and

(c) pay from that National Exchequer Account or National Exchequer Accounts without undue delay all amounts that are payable for public services.

(ab) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The National Treasury shall ensure that no National Exchequer Account is overdrawn at any time.

(ac) by deleting subsection (4) and substituting therefor the following new subsection—

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2360)

(4) Where a withdrawal from the Consolidated Fund is authorised under the Constitution or an Act of Parliament for the appropriation of money, the National Treasury shall make a requisition for the withdrawal and submit it to the Controller of Budget for approval, which request shall be made manually or electronically through a designated form prescribed by the Cabinet Secretary, provided that inter-account transfers within the

Consolidated Fund Accounts shall require the Controller of Budget's approval.

(ad) by deleting subsection (5) and substituting therefor the following new subsection—

(5) The approval of a withdrawal from the Consolidated Fund by the Controller of Budget, together with written instructions from the National Treasury requesting for the withdrawal, shall be sufficient authority for the Central Bank of Kenya to pay amounts from a National Exchequer Account in accordance with the approval and instructions provided, which approval or written instructions may be manual or electronic in a form prescribed by the Cabinet Secretary.

CLAUSE 36

THAT, the Bill be amended by deleting clause 36 and substituting therefor the following new clause—

Insertion of new section in No. 18 of 2018.

36. The principal Act is amended by inserting the following new clause immediately after section 119—

Criteria for approval to open bank account.

119A.(1) Subject to the provisions of section 119, a County Treasury may authorize a county government entity to open and operate bank accounts only at the Central Bank of Kenya except—

- (a) an imprest bank account which may be opened in a commercial bank account to facilitate the day to day operation of offices, provided the balance for the account shall not exceed a limit set by the Cabinet Secretary;
- (b) a revenue collection account to facilitate receipt and transfer of revenue to the relevant County Revenue Fund;
- (c) a bank account relating to a county public fund established pursuant to section 116 to facilitate administration of the fund; and
- (d) any other bank account authorized by the Cabinet Secretary to be opened in a commercial bank.

(2) Any bank account opened under subsection (1), for the primary purpose of collecting money raised or received by or on behalf of the county government shall be designated as a County Revenue Collection Account and shall be used only for the purposes of collecting money raised or received by or on behalf of the county government.

(3) Money paid into a bank account designated as a County Revenue Collection Account shall be promptly credited into the County Exchequer Account and shall be used and accounted for in accordance with Article 207 of the Constitution and section 109.

(4) No expenditure shall be paid out of a bank account designated as County Revenue Collection Account except as otherwise authorized by law.

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

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

(7) An accounting officer of a county shall, for each quarter of a financial year, prepare and submit to the County Treasury a record of all bank accounts operated by the entity during the year, with a copy to the Controller of Budget, the Auditor General, and the National Treasury.

II. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE BILL NO. 3 OF 2018)

Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Office of the County Attorney Bill (Senate Bills No. 3 of 2018) at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended by deleting the definition of the term “Cabinet Secretary” substituting therefor the following new definition-

“Attorney-General” means the Attorney-General appointed under Article 156 of the Constitution;

CLAUSE 5

THAT, Clause 5 of the Bill be amended in sub-clause (2) by deleting paragraph (b).

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2362)

CLAUSE 6

THAT, Clause 6 of the Bill be amended-

- (a) by renumbering the existing provision as sub-clause (1);
- (b) by inserting the word “renewable” immediately before the word “term” in the renumbered sub-clause (1);

(c) by inserting the following new sub-clause immediately after the renumbered sub-clause (1)-

(2) The County Attorney shall have the status and rank of a member of the county executive committee.

CLAUSE 20

THAT, Clause 20 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Attorney-General may, from time to time by notice in the *Gazette*, amend the Second Schedule.

CLAUSE 29

THAT, Clause 29 of the Bill be amended by deleting the expression “Cabinet Secretary” and substituting therefor the expression “Attorney-General”

III. THE PETITION TO COUNTY ASSEMBLIES
(PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)

Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Petition to County Assemblies (Procedure) Bill (Senate Bills No. 22 of 2018) at the Committee Stage—

CLAUSE 5

THAT, Clause 5 of the Bill be amended-

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

(3) The relevant county assembly committee may, when considering the petition-

(a) invite the petitioner to clarify or submit such further information as the committee may consider necessary, and;

(b) make a site visit if it is deemed necessary to do so.

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2363)

(b) by deleting sub-clause (4) and substituting therefore the following new sub-clause-

(4) The relevant county assembly committee shall respond to the petitioner by way of a report addressed to the petitioner and tabled in the county assembly and no debate on or in relation to the report shall be allowed except on the recommendation of the chairperson of the committee and with the approval of the speaker.

(c) in sub-clause (5) by inserting the words “relevant committee or the” immediately after the words “decision of the” when they first appear.

IV. THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 26 OF 2018)

Notice is given that the Chairperson of the Departmental Committee on Education and Research intends to move the following amendments to the Early Childhood Education Bill (Senate Bill No. 26 of 2018) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- (a) in the definition of the term “Education Appeals Tribunal” by deleting the expression “section 92 and substituting therefor the expression “section 93”;
- (b) deleting the definition of the term “pupil”; and
- (c) inserting the following new definition in their proper alphabetical sequence—
 - “children with special needs” means children in need of special needs education;
 - “learner” has the meaning assigned to it in the Teachers Service Commission Act;
 - “special needs education” has the meaning assigned to it in the Basic Education Act;
 - “village administrator” means the office of a village administrator established in section 52 of the County Governments Act.”

CLAUSE 8

THAT, clause 8 of the Bill be deleted and substituted with the following new clause—

Duty of head teacher.

8. (1) Where a learner admitted in an education centre fails to attend the education centre, the head teacher shall, in collaboration with the village administrator, cause an investigation of the circumstances of the learner’s absence from school.

(2) Where the head teacher finds that there are no reasonable grounds for the learner’s failure to attend school, the head teacher shall—

(No.109) WEDNESDAY, NOVEMBER 20, 2019 (2364)

- (a) issue a written notice to the parent of the learner requiring that parent to comply with the provisions of this Act; and
 - (b) submit a report on the learner to the County Education Board.
- (3) A parent who without reasonable cause and after a written notice from the head teacher, fails to comply with a

notice under subsection (2) commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year, or to both.

CLAUSE 9

THAT, clause 9 of the Bill be deleted and substituted with the following new clause—

Children
with
special
needs.

9. (1) The county executive committee member shall put in place such infrastructure as may be necessary to ensure that children with special needs have access to, and are provided with early childhood education.

(2) In performing the functions under subsection (1), the county executive committee member shall—

- (a) ensure that screening tools for early identification of children with special needs and disabilities are developed and distributed for use;
- (b) ensure early identification, assessment and interventions of children with special needs and disabilities;
- (c) ensure training of personnel working with children with special needs and disabilities on use of screening tools for early interventions;
- (d) facilitate development of programmes for training and professional development for all pre-primary education providers and personnel in special needs education;
- (e) ensure that children with special needs and disabilities have equal access to recreational sporting facilities within and outside pre-primary school programmes to nurture talents;
- (f) ensure that teachers and other staff in integrated pre-primary schools plan and implement an integrated individualized education programme for the purpose of monitoring the progress of an individual child with special needs and disabilities;
- (g) liaise with other professionals and stakeholders to provide psychosocial support to children with special needs and disabilities;

(No.109) WEDNESDAY, NOVEMBER 20, 2019 (2365)

- (h) facilitate provision of teacher aids to pre-primary schools to support teachers handling children with special needs and disabilities; and
- (i) ensure that children with special needs and disabilities are provided with any other necessary support.

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in sub-clause (1), by deleting the expression “or is likely to meet”; and
- (b) in sub-clause (3), by deleting paragraph (b).

CLAUSE 16

THAT, clause 16 of the Bill be deleted and substituted with the following new clause—

Review of
registration.

16. (1) As soon as practicable after provisionally registering an education centre under section 15, the County Education Board shall inform the County Executive Committee member of the provisional registration.

(2) The County Executive Committee member shall cause the county early childhood quality assurance committee to review any education centre that is provisionally registered under section 15 either—

- (a) between six and twelve months after the provisional registration of the education centre or proposed education centre; or
- (b) a period earlier than that specified in paragraph (a) if in the opinion of the County Executive Committee member, a shorter time is necessary.

(3) The County Executive Committee member shall cause a further review of an education centre to be conducted upon the request of the County Education Board.

(4) The County Executive Committee member shall submit the findings of a review under this section to the County Education Board and to the head teacher of the education centre for implementation.

(5) The findings submitted under subsection (4) shall include—

- (a) information on whether the education centre meets the criteria for registration as an education centre; and
- (b) information on the areas where improvement is required, if it does not meet the criteria.

CLAUSE 20

THAT, clause 20 of the Bill be amended—

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2366)

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
“(1) The board of management shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless it has applied to, and obtained the approval, of the County Education Board.”

(b) in sub-clause (3) by deleting the words “head teacher” and substituting therefor the expression “board of management”

CLAUSE 23

THAT, clause 23 of the Bill be amended—

(a) in sub-clause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) the head teacher of the education centre has breached or is breaching his or her statutory duties in relation to the education centre under this Act or any other written law;”

(b) in sub-clause (2) by deleting the word “pupil” appearing in paragraph (b) and substituting therefor the word “learner”.

CLAUSE 24

THAT, clause 24 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “pupils” appearing in the opening sentence and substituting therefor the word “learners”; and

(b) in sub-clause (3) by deleting the word “pupils” appearing in paragraph (a) and substituting therefor the word “learners”.

CLAUSE 25

THAT, clause 25 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “are” appearing in paragraph (b) after the word “centre” and substituting therefor the word “is”;

(b) in sub-clause (2)—

(i) by deleting the words “head teacher” appearing in paragraph (b) and substituting therefor the expression “board of management”; and

(ii) by deleting the words “head teacher” appearing in paragraph (c) and substituting therefor the expression “board of management”;

CLAUSE 27

THAT, clause 27 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A public education centre shall not be converted to a private education centre or to any other private status without consultation with the County Education Board and approval by the County Executive Committee member.”

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2367)

CLAUSE 28

THAT, clause 28 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) Notwithstanding the generality of subsection (2), the role of the sponsor under subsection (1) shall be to—

- (a) participate and make proposals for the review of syllabus, curriculum, books and other teaching aids; and
- (b) offer financial, infrastructural and spiritual support to the education centre.”

CLAUSE 29

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

“(3) In the performance of its functions under subsection (2)(b) and (c), the board of management shall first seek the approval of the County Education Board.”

CLAUSE 30

THAT, clause 30 of the Bill be amended in sub-clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) one person elected by the parents from each level within the education centre to represent parents of learners in the education centre;”

CLAUSE 33

THAT, clause 33 of the Bill be deleted.

CLAUSE 35

THAT, clause 35 of the Bill be amended by deleting the word “pupil” wherever it appears and substituting therefor the word “learner”.

CLAUSE 36

THAT, clause 36 of the Bill be amended in sub-clause (1) by—

- (a) deleting paragraph (a); and
- (b) deleting paragraph (c).

CLAUSE 37

THAT, clause 37 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) In the performance of the functions under this section, the County Education Board shall establish a County Early Childhood Education Committee, as a committee of the County Education Board, to oversee the implementation of early childhood education in each county.”

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2368)

CLAUSE 41

THAT, clause 41 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)—

“(4) A child shall not be denied admission in an early childhood education centre for lack of proof of age.”

CLAUSE 43

THAT, clause 43 of the Bill be deleted and substituted with the following new clause—

Prohibition from holding
back and expulsion.

43. A learner admitted in an education centre shall not be held back in any class or expelled from the centre without the approval of the County Education Board.

CLAUSE 44

THAT, clause 44 of the Bill be deleted and substituted with the following new clause—

Standards of education
in a private education
centre.

44. A private education centre shall comply with and follow the curriculum approved by the Kenya Institute of Curriculum Development.

CLAUSE 46

THAT, clause 46 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “pupil” and substituting therefor the word “learner”; and

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
“(3) A head teacher or a member of the board of management of a public education centre who imposes a charge or causes any parent or guardian to pay tuition fees commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or to both.”

CLAUSE 47

THAT, clause 47 of the Bill be amended in paragraph (c) by deleting the expression “need for the”.

CLAUSE 48

THAT, clause 48 of the Bill be deleted.

CLAUSE 56

THAT, clause 56 of the Bill be amended in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) reject the application and give written reasons for the rejection.”

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2369)

CLAUSE 63

THAT, clause 63 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the word “fifteen” appearing in paragraph (a) and substituting therefor the word “ten”; and

- (ii) deleting the expression “Education Standards and Quality Assurance Council” appearing in paragraph (d) and substituting therefor the words “quality assurance body established under the Basic Education Act”;
 - (iii) inserting the following new paragraph immediately after paragraph (e)—
“(f) one person representing persons with disabilities nominated by the National Council for Persons with Disabilities.”
- (b) in sub-clause (5) by—
- (i) inserting the expression “make proposals for” immediately after the expression “and where appropriate” appearing in paragraph (c); and
 - (ii) deleting paragraph (d).

CLAUSE 64

THAT, clause 64 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupils” appearing in paragraph (b) and substituting therefor the word “learners”; and
- (b) in sub-clause (4) by deleting the word “pupils” and substituting therefor the word “learners”.

CLAUSE 66

THAT, clause 66 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) if the service provider makes an application within the required period, the centre continues to be registered under subsection (1) until that application is determined.”

CLAUSE 68

THAT, clause 68 of the Bill be amended in sub-clause (3)—

- (a) in paragraph (c) by inserting the word “one” immediately after the expression “registration certificates of”; and
- (b) by deleting paragraph (h).

CLAUSE 69

THAT, clause 69 of the Bill be deleted and substituted therefor the following new clause—

General penalty.

69. A person who contravenes any provision of this Act for which no penalty is specifically provided commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year, or to both.

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2370)

SECOND SCHEDULE

THAT, the Second Schedule to the Bill be amended in paragraph 1 by—

- (a) deleting the word “two” appearing in sub-paragraph (1) and substituting therefor the word “three”; and

(b) deleting the word “vice-chairman” appearing in sub-paragraph (4) and substituting therefor the word “vice-chairperson”.

...../Notices*(cont'd)

(No.109)

WEDNESDAY, NOVEMBER 20, 2019

(2371)

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

V. 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.

VI. **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.

VII. **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.

...../Notice Paper

NOTICE PAPER

Tentative business for
Thursday, November 21, 2019

(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, November 21, 2019:-

A. MOTION - RESOLUTION OF THE HOUSE REGARDING THE APPROVAL OF MS. MWENDE MWINZI FOR APPOINTMENT AS AMBASSADOR

(The Chairperson, Committee on Implementation)

B. THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2019)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, November 20, 2019 – Afternoon sitting)

C. THE GAMING BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2019)

(The Chairperson, Departmental Committee on Sports, Culture & Tourism)

(If not concluded on Wednesday, November 20, 2019 – Afternoon sitting)

D. THE TEA BILL (SENATE BILL NO. 36 OF 2018)

(The Chairperson, Departmental Committee on Agriculture & Livestock)

Second Reading

(If not concluded on Wednesday, November 20, 2019 – Afternoon sitting)

E. THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO. 15 OF 2018)

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

Second Reading

(If not concluded on Wednesday, November 20, 2019 – Afternoon sitting)

F. 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 Wednesday, November 20, 2019 – Afternoon sitting)

G. THE PARLIAMENTARY PENSIONS (AMENDMENT) (No.3) BILL

(NATIONAL ASSEMBLY BILL NO. 57 OF 2019)

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

(If not concluded on Wednesday, November 20, 2019 – Afternoon sitting)



...../Appendix

A P P E N D I X

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. **ORDINARY QUESTIONS**

466/2019 The Member for Embakasi East (Hon. Babu Owino, MP) to ask
the National Police Service Commission: -

- (i) What informed the Commission's recent decision to review salaries for only 1,774 graduate police officers leaving out hundreds more who had similar qualifications?
- (ii) Why does the National Police Service Commission allow excessive deductions and charges from the salaries of police officers leaving them with less than a third of their pay, thereby contravening labour laws and best-practices?

(For written reply by the National Police Service Commission)

503/2019 The Member for Starehe (Hon. Charles Njagua, MP) to ask the Cabinet Secretary for Education-

- (i) Could the Cabinet Secretary confirm the ownership status of the following learning institutions in *Starehe* Constituency, that is, whether private or public schools, namely; *SSD Primary and Secondary School; Arya Primary and Secondary School; Muslim Girls Secondary School and Islamia Primary School?*
- (ii) Could the Cabinet Secretary provide details on the criteria used in privatizing *St. Peters Cleavers Primary School* in *Starehe* Constituency?
- (iii) Could the Cabinet Secretary further explain the circumstances under which *Cutchi Guru Hindu Union (CGHU) Primary and Secondary School* in *Starehe* Constituency has been issued with a notice of change of user from a public utility facility to a private enterprise?
- (iv) What measures the Ministry is taking to restore the ownership of parcels of land meant for public utilities and specifically for *CGHU Primary and Secondary School* noting that students have been directed not to report to the school in January 2020?

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

504/2019 The Nominated Member (Hon. Nasri Sahal, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary provide a progress report on the status of construction of *Garissa – Nuno – Modogashe - Wajir Road* that is expected to provide a vital road network in the North Eastern Counties?
- (ii) Why have the construction works stalled in *Modogashe* area despite having been funded?

- (iii) When is the construction of the said road expected to commence and be completed?

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

505/2019 The Member for Samburu East (Hon. Jackson Lekumontare, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary state why *Lerata - Wamba road* was re-classified from class “C” to “rural roads” status?
- (ii) What urgent plans are there to upgrade the road to bitumen standards?

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