



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, MARCH 10, 2020 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 BUSINESS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 80 OF 2019)

(The Leader of the Majority Party)

Second Reading

(Question to be put)

9*. COMMITTEE OF THE WHOLE HOUSE

- (i) Consideration of the President’s Reservations to the Law of Contract (Amendment) Bill (National Assembly Bill No. 1 of 2019)
(The Leader of the Majority Party)
- (ii) The Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No. 52 of 2019)
(The Chairperson, Constitutional Implementation Oversight Committee)

10*. MOTION - ANNUAL REPORTS ON THE STATE OF THE JUDICIARY

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

THAT, this House **notes** the Annual Reports on the **State of the Judiciary** for the financial years 2016/2017 and 2017/2018, submitted to the House pursuant to the provisions of Article 254(1) of the Constitution, and **adopts** the recommendations of the Departmental Committee on Justice and Legal Affairs as contained in the Reports of the Committee *laid on the Table of the House on Thursday, May 9, 2019.*

11**. THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 27 OF 2018)

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

Second Reading

12*. THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILL NO. 17 OF 2018)

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

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

(The Chairperson, Parliamentary Pensions Management Committee)

Second Reading

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

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

Second Reading

15**. THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILL NO. 19 OF 2018)

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

Second Reading

- 16*. MOTION - AGREEMENT BETWEEN KENYA AND ITALY ON THE LUIGI-BROGLIO MALINDI SPACE CENTRE
(The Chairperson, Departmental Committee on Defence and Foreign Relations)

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi-Broglio Malindi Space Centre, *laid on the Table of the House on Wednesday, June 26, 2019.*

- 17*. MOTION- REPORT ON THE INQUIRY INTO THE ENCROACHMENT OF RIPARIAN AREAS IN KENYA
(The Chairperson, Departmental Committee on Environment & Natural Resources)

THAT, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on its Inquiry into the Encroachment of the Riparian Areas in Kenya, *laid on the Table of the House on Thursday, September 19, 2019.*

* Denotes Orders of the Day

** Denotes Bill for which Report under Standing Order 127(4) is yet to be tabled.

NOTICES

I. THE PRESIDENT'S RESERVATIONS TO THE LAW OF CONTRACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2019) ***(Recommended Deletion)***

- 1) Notice is given that the Leader of the Majority Party intends to move the following amendments in respect of the reservations contained in the President's Memorandum to the Law of Contract (Amendment) Bill, 2019 at the Committee Stage-

CLAUSE 2

THAT, clause 2 of the Bill be deleted.

- 2) It is notified that the Departmental Committee on Justice and Legal Affairs recommends that the House passes the Bill a second time without amendment, pursuant to the provisions of Article 115(2)(b) of the Constitution.

(A threshold of two-thirds majority will be required)

II. THE REPRESENTATION OF SPECIAL INTEREST GROUPS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2019)

- 1) Notice is given that the Chairperson of the Constitutional Implementation Oversight Committee wishes to move the following amendments to the Representation of Special Interest Groups Laws (Amendment) Bill, 2019 at the Committee stage-

CLAUSE 2

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

“(c) mandate the National Gender and Equality Commission with the function of promoting the sensitization of the public on the right of special interest groups to participate in the electoral process;”

CLAUSE 3

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

“(x) collaborate with the Independent Electoral and Boundaries Commission to build capacity of persons with disabilities to take part in electoral processes both as voters and candidates;”

“(xi) provide a platform to advocate for accessibility of electoral infrastructure including technology, voter registration and polling stations;”

CLAUSE 5

THAT, clause 5 of the Bill be amended—

(a) in paragraph (d) by deleting the words “persons with disabilities” and substituting therefor the words “special interest groups”;

(b) by inserting the following new paragraph immediately after paragraph (d)—

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

(ma) the establishment of criteria for the identification of marginalized communities, ethnic and other minorities for all electoral purposes to provide a basis for segregation of data;”

CLAUSE 6

THAT, clause 6 of the Bill be amended by deleting the words “persons with disabilities” appearing in the proposed new subsection (1A) and substituting therefor the words “special interest groups”.

CLAUSE 8

THAT, clause 8 of the Bill be amended in paragraph (a) by inserting the words “where applicable” immediately after the words “and on its website”.

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and inserting the following new clause—

Amendment of section
25 of No. 11 of 2011.

9. The Political Parties Act, 2011 is amended by deleting section 25 and inserting the following new section—

Distribution
of the Fund.

25. (1) The Fund shall be distributed as follows—

(a) seventy three per cent of the Fund proportionately shared among all the political parties, subject to subsection (2);

(b) twenty per cent of the Fund proportionately to political parties based on the number of candidates of the party from special interest groups elected in the preceding general election;

- (c) five per cent for the administration expenses of the Fund; and
- (d) two per cent for the administration expenses of the Political Parties Liaison Committee.

(2) A political party shall be entitled to receive funding from the Fund under subsection (1) if—

- (a) no more than two-thirds of its registered office bearers are of the same gender;
- (b) the party has in its governing body, representation of special interest groups;
- (c) the party has in its party nomination list, names of persons who have not benefited from the party nomination in any preceding general election; and
- (d) the party has at least—
 - five elected members of Parliament;
 - one elected Governor; or
 - twelve elected members of County Assemblies:

Provided that the provisions of paragraph (c) of this subsection shall not apply to distribution of the Fund under subsection (1)(b).

(3) For purposes of this section, “office bearers” means national and county officials elected or nominated by a political party in accordance with the party constitution.

(4) For purposes of subsection (1)(a), the proportional share of all the political parties shall be computed by adding the total number of votes obtained in the preceding general election by a political party in the election for President, Members of Parliament, county governors and members of county assemblies.

(5) A political party that receives funds under this section shall ensure that at least twenty five per cent of the funds received are disbursed to its branch offices.

CLAUSE 12

THAT, clause 12 of the Bill be amended by deleting the word “sections” and substituting therefor the word “section”

CLAUSE 13

THAT, the Bill be amended by deleting clause 13.

CLAUSE 17

THAT, clause 17 of the Bill be amended in paragraph (a) by deleting the words “persons with disabilities” appearing in the proposed new subsection (1A)(b) and substituting therefor the words “special interest groups”

CLAUSE 18

THAT, clause 18 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) inserting the following new subsections immediately after subsection (1)—

(2) A political party shall submit the party list under subsection (1) together with a statutory declaration signed by the person authorized to certify that the candidates were nominated by the party and the minutes of the approval of the list by the election board of the political party.

(3) The Commission shall publish the party lists submitted under subsection (1) in formats that are accessible to the special interest groups in line with the established timelines.”

CLAUSE 20

THAT, the Bill be amended by deleting clause 20.

CLAUSE 21

THAT, clause 21 of the Bill be amended by deleting the word “free” appearing in the proposed new paragraph 16(d).

NEW CLAUSE

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

Amendment of
section 2 of No. 24
of 2011.

16A. Section 2 of the Elections Act, 2011 is amended by inserting the following new definition in its proper alphabetical sequence—

“special interest groups” means the following groups specified under Article 100 of the Constitution—

- (a) women;
- (b) persons with disabilities;
- (c) youth;
- (d) ethnic and other minorities; and
- (e) marginalised communities.

- 2) Notice is given that the Member for Kathiani (Hon. Robert Mbui) intends to move the following amendments to the Representation of Special Interest Groups Laws (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 9

THAT, clause 9 of the Bill be amended in paragraph (a) by deleting the proposed new subsection (1) and substituting therefor the following new subsection—

“(1) The Fund shall be distributed as follows—

- (a) seventy three per cent of the Fund proportionately shared among all political parties or coalition of parties in the National Assembly;
- (b) twenty per cent of the Fund proportionately to political parties based on the number of candidates of the party from special interest groups elected in the preceding general elections;
- (c) five per cent for the administration expenses of the Fund; and
- (d) two per cent for the administration expenses of the Political Parties Liaison Committee.”

- 3) Notice is given that the Nominated Member (Hon. Godfrey Osotsi) intends to move the following amendments to the Representation of Special Interest Groups Laws (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 9

THAT, clause 9 of the Bill be amended—

- (a) in paragraph (a) by deleting the proposed new paragraph (a) and substituting therefor the following new paragraph—

“(a) fifty-three per cent of the Fund proportionately shared between the largest party or coalition of parties and the second largest party or coalition of parties”

- (b) by inserting the following new paragraph immediately after paragraph (b)—

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

“(3) For purposes of subsection (1)(a), the largest party or coalition of parties and the second largest party or coalition of parties shall be computed by adding the total number of votes obtained in the preceding general election by a political party or a coalition of parties in the election for the President, Members of Parliament, county governors and members of county assemblies.”

CLAUSE 10

THAT, the Bill be amended by deleting clause 10 and inserting the following new clause—

Amendment of
section 26 of No.
11 of 2011.

10. Section 26(1) of the Political Parties Act, 2011 is amended by—

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

“(a) promoting the representation in Parliament and in the county assemblies of special interest groups through—

- (i) civic education;
- (ii) capacity building;
- (iii) facilitating party candidates in campaigns;
- (iv) publicity; and
- (v) such other measures as may be approved by the Registrar.

(b) deleting the proviso and substituting therefor the following new proviso—

“Provided that for purposes of paragraph (a)—

- (i) not less than thirty per cent of the monies allocated to a political party under section 25 shall be used for the purposes referred to in subsection(1)(a); and
- (ii) a person shall benefit from the provisions of this paragraph where the person is seeking to be elected for his or her first term in Parliament or a county assembly.”

CLAUSE 18

THAT, clause 18 of the Bill be amended in paragraph (b) by deleting the words “and minutes of the approval of the list by the party’s election board” appearing in the proposed new subsection (2) and substituting therefor the words “in accordance with the prescribed regulations and the relevant Constitution of the party”.



The House resolved on Tuesday, February 18, 2020 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 in speaking 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 **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 (15) minutes 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 (15) minutes each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- V. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Constitutional Commissions and Independent Offices** shall be limited as follows:- A maximum of four hours 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 (if the Report is not moved by 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 (15) minutes each; and that priority shall be accorded to the Chairperson of the relevant Committee, the Leader of the Majority Party and the Leader of the Minority Party, in that order.

NOTICE PAPER I

Tentative business for **Wednesday (Morning), March 11, 2020**

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Wednesday (Morning), March 11, 2020:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019)
(The Hon. Bashir Abdullaih, M.P.)
- (ii) The Kenya Institute of Curriculum Development (Amendment) Bill (National Assembly Bill No. 33 of 2019)
(The Hon. Joyce Emanikor, M.P.)
- (iii) The Employment (Amendment) Bill (National Assembly Bill No. 15 of 2019)
(The Hon. Martha Wangari, M.P.)
- (iv) The Equalisation Fund Bill (National Assembly Bill No. 43 of 2019)
(The Hon. Kassait Kamket, M.P.)
(Consideration of this Bill is subject to Speaker's guidance under Standing Order 121)

B. THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL **(NATIONAL ASSEMBLY BILL NO. 8 OF 2019)**

(The Hon. Gideon Keter, M.P.)

Second Reading

(Question to be put)

C. THE PUBLIC SERVICE (VALUES AND PRINCIPLES)(AMENDMENT) **BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2019)**

(The Hon. Andrew Mwadime, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, March 4, 2020)

(Balance of time – 53 minutes)

D. THE PUBLIC ORDER (AMENDMENT) BILL (NATIONAL ASSEMBLY **BILL NO. 14 OF 2019)**

(The Hon. Simon King'ara, M.P.)

Second Reading

E. ** THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2019)

(The Hon. Millie Odhiambo Mabona, M.P.)

Second Reading

F. ** THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2019)

(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

G. ** THE KENYA FOOD AND DRUGS AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2019)

(The Hon. (Dr.) Robert Pukose, M.P.)

Second Reading

**** *Denotes Bill for which Report under Standing Order 127(4) is yet to be tabled.***

...../Notice Paper II

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), March 11, 2020

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Wednesday (Afternoon), March 11, 2020:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Business Laws (Amendment) Bill (National Assembly Bill No. 80 of 2019)
(The Leader of the Majority Party)
- (ii) The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019)
(The Leader of the Minority Party)

B. ** THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 27 OF 2018)

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

Second Reading

(If not concluded on Tuesday, March 10, 2020)

C. THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILL NO. 17 OF 2018)

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

(If not concluded on Tuesday, March 10, 2020)

D. ** 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 Tuesday, March 10, 2020)

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

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

Second Reading

(If not concluded on Tuesday, March 10, 2020)

F. ** THE COUNTY OUTDOOR ADVERTISING CONTROL BILL
(SENATE BILL NO. 19 OF 2018)

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

Second Reading

(If not concluded on Tuesday, March 10, 2020)

G. MOTION - AGREEMENT BETWEEN KENYA AND ITALY ON
THE LUIGI-BROGLIO MALINDI SPACE CENTRE

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

(If not concluded on Tuesday, March 10, 2020)

** *Denotes Bill for which Report under Standing Order 127(4) is yet to be tabled.*

...../Appendix

APPENDIX

ORDER NO.7 - QUESTIONS

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

Question No. **ORDINARY QUESTIONS**

042/2020 **The Nominated Member (Hon. Wilson Sossion, MP) to ask the Cabinet Secretary for Labour and Social Protection: -**

- (i) Could the Cabinet Secretary explain why Safaricom PLC has been discouraging and inhibiting its employees from joining workers' unions of their choice contrary to the provisions of Article 41 of the Constitution?
- (ii) What action does the Ministry intend to take against the said company for un-lawful termination of employment of several of its workers due to sickness resulting from working for long hours in an unsafe environment at its Call Centers?

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

043/2020 **The Member for Nambale (Hon. Sakwa Bunyasi, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

- (i) Could the Cabinet Secretary explain how the National Government intends to operationalise and implement *Gazette* Notice No. 5853 issued on 21st June 2017 which established Administrative Coordination units, particularly in Nambale Constituency?
- (ii) What steps has the Ministry put in place to ensure that there is adequate human resource and facilities in the said newly established units across the country, and in particular, in Nambale Constituency?

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

044/2020 **The Member for North Horr (Hon. Chachu Ganya, MP) to ask the Cabinet Secretary for Public Service, Youth and Gender Affairs: -**

- (i) Could the Cabinet Secretary provide a report on the implementation and operationalisation status of the *Uwezo* Fund program in all the Constituencies of Marsabit County since inception of *Uwezo Fund* in 2013?
- (ii) How much money has since been allocated and how much has been disbursed from the said Fund for the benefit of each of the four Constituencies of Marsabit County?

(iii) Why are members of *Uwezo* Fund Committees in the said Constituencies who were *gazetted* in 2019 yet to undergo the mandatory induction programme and when is the exercise expected to take place with respect to the said members?

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

045/2020 The Member for Gilgil (Hon. Martha Wangari, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

What measures has the Ministry put in place to ensure the implementation of the harmonized salaries programme for the 1,774 graduate police officers in the country in line with the *Declarations and Orders* given under *Petition No. 122 of 2018* of 17th May, 2019 by the Employment and Labour Relations Court, sitting in Nairobi?

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