

(No. 047)



(883)

**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**THURSDAY, JULY 30, 2020 AT 10.00 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\*. THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 OF 2019)**

(The Leader of the Majority Party)

Second Reading

*(Question to be put)*

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

The Public Finance Management (Amendment)(No.2) Bill (National Assembly Bill No. 23 of 2020)

(The Leader of the Majority Party)

**10\*. THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILL NO.25 OF 2018)**

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

Second Reading

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 & Legal Affairs)

Second Reading

12\*. MOTION- INQUIRY INTO THE STATUS OF DAMS IN KENYA

(The Chairperson, Departmental Committee on Environment and Natural Resources)

**THAT**, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on an Inquiry into the Status of Dams in Kenya, *laid on the Table of the House on Thursday, October 17, 2019.*

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**\* Denotes Orders of the Day**

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...../Notices\*

# **N O T I C E S**

## **I. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)(NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2020)**

Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Public Finance Management (Amendment) (No.2) Bill, 2020 (National Assembly Bill No. 23) at the Committee Stage—

### CLAUSE 2

**THAT**, the Bill be amended in clause 2 in the proposed definition of the phrase “medium enterprise” by deleting paragraph (a) and substituting therefor the following new paragraph -

“(a) whose annual turnover is between five million shillings and one hundred million shillings;”

### CLAUSE 3

**THAT**, the Bill be amended in clause 3 in the proposed new subsection (3A) by deleting the word “Parliament” appearing immediately after the word “when” and substituting therefor the words “either House of Parliament”.

### CLAUSE 4

**THAT**, the Bill be amended in clause 4 -

(a) by deleting the proposed sub-section (5) and substituting therefor the following new sub-sections-

(5) Notwithstanding the provisions of sub-section (2)(c), the Cabinet Secretary may guarantee credit which is extended to a private borrower, for enterprise development or such other purpose as the Cabinet Secretary may prescribe, where the borrower does not have sufficient security.

(6a) The Cabinet Secretary may only guarantee credit which is extended to a borrower under sub-section (5), if the borrower-

(a) is a micro, small or medium enterprise;

(b) is registered as a business or company under the relevant laws;

- (c) is a registered taxpayer and is in compliance with the relevant tax laws;
- (d) is registered by a county government and holds a valid business permit or trade licence;
- (e) is not part of any group or related to any enterprise which would otherwise not be eligible for credit guarantee under this section; and
- (f) agrees in writing to comply with the provisions of this Act and any conditions that may be imposed by the Cabinet Secretary.

(b) in sub-section (8) by –

(i) inserting the words “or varied” immediately after the words “be liquidated” in paragraph (g);

(ii) inserting the following new paragraphs immediately after paragraph (g)

–

(ga) the maximum percentage of the Scheme funds which may be used to guarantee any individual borrower;

(gb) mechanisms to ease access to credit guarantees by enterprises owned by women, youth and persons with disabilities;

(gc) mechanisms for recovering the money from the borrower where the credit guarantee is liquidated;

(gd) a limit on the period of default to a maximum of six months;

## **CLAUSE 5**

**THAT**, the Bill be amended in clause 5 in the proposed new section 59A (2) by inserting the following new paragraphs immediately after paragraph (d) –

(da) information on the total value of credit guarantees, disaggregated into the number of enterprises owned by women, youth and persons with disabilities which have been guaranteed;

(db) information on the total value of credit guarantees, disaggregated into the number of micro, small and medium enterprises guaranteed and by the respective regions;

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

**The House resolved on Tuesday, July 28, 2020 as follows:-**

**THAT**, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House of February 18, 2020, the House **further Orders** that, during the Sittings of the House of July 28, 2020 up to and including August 13, 2020, each speech in **debate** on **Bills, Motions** (*including Special Motions*), **Sessional Papers** and **Committee Reports**, shall be limited as follows:- a maximum of **two and half hours** with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying and a maximum of five (5) minutes for any other Member speaking, except for the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Committee who shall be limited to a maximum of ten (10) minutes, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee, in that order.

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*...../Notice Paper*

**NOTICE PAPER**

**Tentative business for**

# Thursday (Afternoon), July 30, 2020

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday (Afternoon), July 30, 2020-

A. **THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL**  
**(SENATE BILL NO. 34 OF 2018)**

(The Chairperson, Select Committee on NG-Constituencies Development Fund)

Second Reading

*(If not concluded on Tuesday, July 30, 2020 – Morning Sitting)*

B. **MOTION – AUDITED FINANCIAL STATEMENTS OF THE**  
**COMMODITIES FUND FOR FY 2015/2016 & 2016/2017**

(The Chairperson, Special Funds Accounts Committee)

C. **MOTION - INQUIRY INTO ENCROACHMENT OF THE**  
**RIPARIAN AREAS IN KENYA**

(The Chairperson, Departmental Committee on Environment and Natural Resources)

D. **MOTION - INQUIRY INTO THE DEATH OF ELEVEN BLACK**  
**RHINOS AFTER TRANSLOCATION TO THE TSAVO**  
**EAST NATIONAL PARK SANCTUARY**

(The Chairperson, Departmental Committee on Environment and Natural Resources)

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*...../Appendix*

**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 BY PRIVATE NOTICE**

**015/2020**      **The Member for Ndhiwa Constituency (Hon. Martin Owino, MP) to ask the Cabinet Secretary for Agriculture, Livestock and Fisheries: -**

- (i) Could the Cabinet Secretary explain why *Sukari Industry Limited* in Homabay County despite having promoted sugarcane farming in Ndhiwa Constituency has since neglected the sugarcane farmers and stopped purchasing cane and as a result farmers have nowhere to sell their canes?
- (ii) Could the Cabinet Secretary undertake to investigate allegations of sugar importation by *Sukari Industry Limited* at the expense of development and production of sugar by the local sugarcane farmers in the area?
- (iii) What is the policy in place regarding private sugar millers such as *Sukari Industry Limited* who operates large trucks and tractors in regards to maintenance of local access roads?

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

**016/2020**      **The Member for Nyeri County (Hon. Rahab Mukami Wachira, MP) to ask the Cabinet Secretary for Labour and Social Protection: -**

- (i) What is the criterion used in determining the beneficiaries of the Persons with Disabilities Fund in the country, and in particularly Nyeri County?
- (ii) When will the 11,000 beneficiaries of the Persons with Disabilities Fund in Nyeri County be paid noting that they have not been paid despite having been registered?
- (iii) Could the Cabinet Secretary explain how households with more than one Person with Severe Disability, orphans, and vulnerable children are facilitated to receive funds under the Cash Transfer programme?

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

### **ORDINARY QUESTIONS**

110/2020

**The Member for Kathiani Constituency (Hon. Robert Mbui, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works: -**

- (i) Could the Cabinet Secretary explain inordinate delays in the implementation of the upgrading of *Kenol - Mitaboni - Kathiani - Kaani* road to bitumen standards yet funds were allocated for the same?
- (ii) What is the current status of the contract in view of the fact that the completion dates have since lapsed and the project is yet to be completed?
- (iii) What measures are in place to ensure speedy completion of the said road and when is this project expected to be completed?

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

114/2020

**The Member for Kaloleni Constituency (Hon. Paul Katana, MP) to ask the Cabinet Secretary for National Treasury and Planning:-**

- (i) Could the Cabinet Secretary explain why funds earmarked for implementation of various projects under the *Equalization Fund* as contemplated under Article 204(2) of the Constitution have not been disbursed for the last four (4) consecutive financial years that is, 2016/2017 to 2019/2020 yet most projects in schools, health facilities, roads and water provision across the country have stalled?
- (ii) When will the funds be disbursed to various Ministries and Departments to enable revival of the stalled projects and ensure their completion?

*(To be replied before the Departmental Committee on Finance and National Planning)*

121/2020

**The Member for Butere Constituency (Hon. Tindi Mwale, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -**

When will the Ministry deploy more Police Officers to Butere Constituency considering the reduced number as a result of the transition of Administration Police Officers to the Kenya Police Service in Butere Constituency?

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



123/2020

**The Member for Emuhaya Constituency, (Hon. Omboko Milemba, MP), to ask the Cabinet Secretary for Education: -**

- (i) Could the Cabinet Secretary explain why Technical and Vocational Education and Training (TVET) trainers were transferred from the Teachers Service Commission payroll to the Public Service Commission in February/March 2020 without having in place a scheme of service for the said Trainers?
- (ii) Why the said trainers were not issued with new employment/appointment letters upon being transferred from the Teachers Service Commission payroll to the Public Service Commission?

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

126/2020

**The Member for Tarbaj Constituency (Hon. Ahmed Bashane Gall, MP) to ask the Cabinet Secretary for Water, Sanitation and Irrigation: -**

- (i) Could the Cabinet Secretary give the status of provision of water to residents of Tarbaj Constituency?
- (ii) Could the Cabinet Secretary give the reasons for delays in the implementation of *Tarbaj Water Supply Project* in Tarbaj Constituency?
- (iii) Could the Cabinet Secretary explain what caused the elevated steel water tank for the said project to collapse twice and give the measures taken by the Ministry to ensure that the tank is constructed to the set standards and becomes operational?
- (iv) Could the Cabinet Secretary confirm that the Northern Water Board is competent enough to manage this project and other similar future projects?
- (v) What measures are in place to ensure that the project is completed as soon as possible?

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

127/2020

**The Member for Kinango Constituency (Hon. Benjamin Dalu Stephen Tayari, MP) to ask the Cabinet Secretary for Environment and Forestry: -**

- (i) Could the Cabinet Secretary explain how and who authorized for quarry mining in *Mwache* forest despite the area having been listed as a *gazetted* forest?
- (ii) What measures are in place to ensure urgent rehabilitation of destroyed sections of the forest area is carried out with a view to ensuring its restoration?

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

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