

(No. 16)



(125)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, FEBRUARY 23, 2022 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE SUSTAINABLE WASTE MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2021)

(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 Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021).

(Question to be put and Third Reading)

9*. COMMITTEE OF THE WHOLE HOUSE

The Copyright (Amendment) Bill (National Assembly Bill No. 44 of 2021)
(The Chairperson, Departmental Committee on Finance and National Planning)

10*. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

11*. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2021)

(The Chairperson, Committee on the National Government Constituencies Development Fund)

Second Reading

(Resumption of debate interrupted on Thursday, February 17, 2022)

12*. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2021)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

13*. THE ADVOCATES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2021)

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

Second Reading

14*. MOTION- REPORT ON STALLED AND/OR INCOMPLETE PROJECTS INITIATED THROUGH THE NG-CDF BUT FALLING UNDER THE COUNTY GOVERNMENT FUNCTIONS

(The Chairperson, Select Committee on National Government Constituencies Development Fund)

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on stalled and/or incomplete projects initiated through the NG-CDF but falling under the County Government functions, *laid on the Table of the House on Tuesday, August 17, 2021.*

15*. THE HUDUMA BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2021)

(The Leader of the Majority Party)

Second Reading

16*. THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Leader of the Majority Party)

Second Reading

Denotes Orders of the Day

NOTICES

I. THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2021)

- 1) Notice is given that the Chairperson of the Departmental Committee on Communication, Information and Innovation intends to move the following amendments to the Copyright (Amendment) Bill, 2021 at the Committee Stage-

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) in the definition “Registry” by deletion the words “section 34A” and substituting therefor the words “section 22B”;
- (b) in the definition “ring back tune” by deleting the word “it” and substituting therefor the word “is”;
- (c) by inserting the following new definitions in proper alphabetical sequence—
 - “artiste” means a singer, declaimer, musician or other person whose work constitutes a ring back tune;
 - “premium rate service provider” means a person authorized by the Communications Authority of Kenya to provide content services which includes ring back tunes and is delivered over electronic communications networks and services;

CLAUSE 3

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Insertion of new section 30C in Cap. 12 of 2001.

3. The principal Act is amended by inserting the following new section immediately after section 30B—

Payment of ring back tune revenue.

30C. (1) Without prejudice to section 30B, in the case of ring back tunes, the parties shall share the net revenue from the sale of ring back tunes, as follows—

- (a) the premium rate service provider at eight point five percent;
- (b) the telecommunication operator at thirty nine point five percent;
- (c) the artiste or owner of the copyright at fifty two percent.

(2) Despite subsection (1), all contracts between premium rate service providers and artistes or owners of the copyright existing before the commencement of this Act shall apply until their expiry, and subsequent contracts shall conform to this provision.

CLAUSE 4

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new Clause—

Insertion of new sections in Cap. 12 of 2001.

4. The principal Act is amended by inserting the following new sections immediately after section 22A—

National Rights Registry.

22B. (1) There is established a National Rights Registry which shall be an office within the Board.

(2) The staff of the Registry shall be the staff of the Board.

Functions of the Registry.

22C. The functions of the Registry shall be—

- (a) digital registration of right holders;
- (b) digital registration of copyright works;
- (c) authentication and authorization of consumers of copyright works;
- (d) media monitoring of registered copyright works;
- (e) tracking, monitoring and dissemination of data or logs related to access of registered copyright works;
- (f) any other functions as may be assigned by the Board.

Voluntary registration on the Registry.

22D. (1) Without prejudice to the generality of section 22C, the Board shall cause to be developed and maintained an online portal for registration of copyright works.

(2) The author of copyright works or an owner of copyright may register his or her works on the Registry.

(3) Subject to such conditions as may be prescribed by the Board and upon payment of the prescribed fees, any person may access the copyrighted works through the Registry.

CLAUSE 5

THAT, Clause 5 of the Bill be deleted.

CLAUSE 6

THAT, Clause 6 of the Bill be deleted.

CLAUSE 7

THAT, Clause 7 of the Bill be deleted.

CLAUSE 8

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new Clause—

Amendment of section 49 of No. 12 of 2001.

8. The principal Act is amended in section 49(2) in paragraph (a) by inserting the following subparagraphs immediately after subparagraph (iv)—

- “(iva) the fees for accessing the National Rights Registry;
- (ivb) the format for registrations of the respective copyright works;
- (ivc) the type of copyright works that are registrable with the National Rights Registry;
- (ivd) anything necessary for the performance of the functions of the National Rights Registry;”

2) Notice is given that the Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Copyright (Amendment) Bill, 2021 at the Committee Stage-

CLAUSE 5

THAT, the Bill be amended by deleting clause 5.

CLAUSE 6

THAT, the Bill be amended by deleting clause 6.

CLAUSE 7

THAT, the Bill be amended by deleting clause 7.

- 3) Notice is given that the Member for Dagoretti South (Hon. John Kiarie) intends to move the following amendment to the Copyright (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 3

THAT, the clause 3 of the Bill be amended in the proposed new clause 30C in paragraph (c) by inserting the words “not less than” immediately after the word “at”.

CLAUSE 5

THAT, the Bill be amended by deleting clause 5.

CLAUSE 6

THAT, the Bill be amended by deleting clause 6.

CLAUSE 7

THAT, the Bill be amended by deleting clause 7.



LIMITATION OF DEBATE

The House resolved on Wednesday, February 2, 2022 as follows-

Limitation of Debate on Bills sponsored by Parties or Committees

- II. THAT**, 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.

Limitation of Debate on Motions

- III. THAT**, 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.

Limitation of Debate on Committee Reports

- IV. THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit 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 two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee) **except** for the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each, and **THAT** ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

NOTICE PAPER

Tentative business for

Thursday, February 24, 2022

(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, February 24, 2022-

A. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2021)

(The Leader of the Majority Party)

Second Reading
(Question to be put)

B. COMMITTEE OF THE WHOLE HOUSE

Consideration of the President's Reservations to the Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 43 of 2020)
(The Hon. Abdul Rahim Dawood, M.P.)

C. MOTION - REPORT ON THE BUDGET POLICY STATEMENT FOR THE FY 2022/2023

(The Chairperson, Budget and Appropriations Committee)

D. MOTION - REPORT ON THE MEDIUM-TERM DEBT MANAGEMENT STRATEGY FOR THE FY 2022/2023

(The Chairperson, Budget and Appropriations Committee)

E. MOTION- REPORT ON STALLED AND/OR INCOMPLETE PROJECTS INITIATED THROUGH THE NG-CDF BUT FALLING UNDER THE COUNTY GOVERNMENT FUNCTIONS

(The Chairperson, Select Committee on National Government Constituencies Development Fund)

(If not concluded on Wednesday, February 23, 2022 – Afternoon sitting)

F. MOTION - ELEVENTH REPORT ON AUDITED FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWENTY-SIX (26) CONSTITUENCIES IN THE COAST REGION

(The Chairperson, Special Funds Accounts Committee)

G. MOTION - REPORT ON CONSIDERATION OF THE SPECIAL AUDIT REPORT ON UTILIZATION OF COVID-19 FUNDS BY THE KENYA MEDICAL SUPPLIES AUTHORITY
(The Chairperson, Public Investments Committee)

H. MOTION - REPORT ON THE PUBLIC FINANCE MANAGEMENT (NATIONAL ROADS TOLL FUND) REGULATIONS, 2021
(The Chairperson, Committee on Delegated Legislation)

*...../Appendix**

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.7 -QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask **questions** for reply before the specified Committees-

QUE. NO.

ORDINARY QUESTIONS

026/2022

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

- (i) Could the Cabinet Secretary explain the delays in the upgrading of *Kenol - Mitaboni - Kathiani - Kaani* road to bitumen standards yet funds for the same were allocated?
- (ii) What is the status of the contract for the said road considering that completion date has since lapsed yet the project is incomplete?
- (iii) What measures has the Ministry put in place to ensure speedy completion of the said road and could the Cabinet Secretary provide the expected completion timelines?

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

043/2022

The Member for Kwale County (Hon. Zuleikha Hassan, MP) to ask the Cabinet Secretary for National Treasury and Planning):

-

- (i) Could the Cabinet Secretary explain the status regarding payment of pension to the beneficiaries of the late *Mr. Chapo Zuma Mbuji* of ID No. 1602012 and Staff No. APN/PC 15112 who died on 17th April 2010 while working at the Ministry of Health as a Medical Personnel at the *Shimo la Tewa Prison* in Mombasa County?
- (ii) Could the Cabinet Secretary also state when the Ministry intends to remit the dues to the family of the deceased?

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

050/2022

The Member for Mwatate (Hon. Andrew Mwadime, MP) to ask the Cabinet Secretary for Mining and Petroleum: -

- (i) Could the Cabinet Secretary explain why the Gemology Centre in Voi, Taita Taveta County is yet to be commissioned, two years after its construction works and necessary infrastructure were completed?
- (ii) What steps is the Ministry taking to expeditiously commission and operationalize the said centre to enable value addition of minerals found in the region?

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

051/2022

The Member for Endebess (Hon. Robert Pukose, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -

- (i) Could the Cabinet Secretary explain the circumstances that led to the formation and *Gazettement* of a task force by Trans Nzoia County Government to look into issues affecting public land and confirm that the action was carried out in accordance with the provisions of the National Land Commission Act?
- (ii) Could the Cabinet Secretary also explain the criteria used in the appointment of Members into the said task force and confirm that factors including regional, gender and persons living with disabilities were taken into account as required by the Constitution?
- (iii) Could the Cabinet Secretary clarify whether effective public participation was conducted during the formulation of the said task force?
- (iv) Could the Cabinet Secretary explain whether the procedure and conditions set out in the National Land Commission Act for formation of such task forces were adhered to, and if not, could the National Government consider nullifying the exercise with a view to ensuring that the correct procedure and criteria is followed by the relevant Government Institutions in formulation of future task forces?

(To be replied before the Departmental Committee on Lands)

052/2022

The Member for Tiaty (Hon. William Kamket, MP) to ask the Cabinet Secretary for Education: -

Could the Cabinet Secretary provide a list of all the primary and secondary schools that have received funding from the Ministry for purposes the building of more classrooms to accommodate more learners and ensure institutions observe COVID-19 pandemic protocols on social distancing, indicating the amount received by each institution, and explain how the said monies have been utilized?

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

053/2022

The Nominated Member (Hon. David Ole Sankok, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

Could the Cabinet Secretary provide specific details of the parcel of land located in Laikipia County which he claimed is owned by The Deputy President during his appearance before the Departmental Committee on Administration and National Security on 1st September 2021, including the Land Reference Number(s), size, date of acquisition and the previous ownership?

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

...../Appendix(Cont'd)*

ORDER NO.7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c) the following Statements will be:

(a) requested –

No.	Subject	Member	Relevant Committee
1.	Irregular post-retirement engagement of certain head teachers by the Teachers Service Commission	<i>Hon. Wilson Sossion, MP (Nominated)</i>	D.C. on Education and Research
2.	Occupation of private land by security personnel in Barwako location, Mandera East Constituency	<i>Hon. Omar Maalim Hassan, MP (Mandera East)</i>	D.C. on Administration and National Security

(b) responded to –

No.	Subject	Member	Relevant Committee
1.	Expansion of Malindi International Airport	<i>Hon. Owen Baya, MP (Kilifi North)</i>	D.C. on Transport, Public Works and Housing
2.	Incomplete and sub-standard road works in Dagoretti South Constituency	<i>Hon. John Kiarie, MP (Dagoretti South)</i>	D.C. on Transport, Public Works and Housing
