



REPUBLIC OF KENYA

NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

TUESDAY, NOVEMBER 26, 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. Statement

8. *BILL - THE NAIROBI CITY COUNTY SEXUAL AND GENDER BASED VIOLENCE MANAGEMENT AND CONTROL BILL, 2019

Subject: Second Reading

The Nairobi City County Sexual and Gender Based Violence Management and Control Bill, 2019 (Bill No. 7 of 2019).

(Second Reading)

(Hon. Wanjiru Kariuki, MCA)

9. *COMMITTEE OF THE WHOLE ASSEMBLY

Subject: Consideration of the Governor's Memorandum on the Tobacco Control Bill, 2019.

The Nairobi City County Tobacco Control Bill, 2019 (Governor's Memorandum).

(Committee of the Whole Assembly)

10. * MOTION – HON. LEAH SUPUKO, MCA***Subject: Development of virement policy and Regulations***

THAT, aware that Section 154 (2) of the Public Finance Management Act, 2012 provides for an accounting officer for a county government entity to reallocate funds between programs, or between Sub-Votes, in the budget for a financial year, only if provisions made in the budget of a program or Sub-Vote are available and are unlikely to be used, a request for the reallocation has been made to the County Treasury explaining the reasons for the reallocation and the County Treasury has approved the request; and the total of all reallocations made to or from a program or Sub-Vote does not exceed ten percent of the total expenditure approved for that program or Sub-Vote for that year; further aware that Section 154 (3) of the Act provides for development of Regulations to be approved by the County Assembly prescribing requirements for the reallocation of funds within Sub-votes or programs; concerned that the County has not developed the regulations to allow for accountability in transfer and reallocation of funds within Sub-votes or programs which has led to loss of unaccountable funds in various Sectors of the County Executive; noting that Section 154 (1) prohibits an accounting officer from authorizing the transfer of an amount that is appropriated to another county government entity or person, for capital expenditure except to defray other capital expenditure, or for wages to non-wage expenditures, this Assembly urges the County Treasury to develop virement policy and regulations pursuant to Section 154 (3) of the Public Finance Management Act, 2012 to provide for mechanism and accountability in transfer of funds within Sub-votes or programs.

I. THE NAIROBI CITY COUNTY TOBACCO LICENSING BILL, 2019**(ASSEMBLY**

NOTICE is given that the Chairperson of the Sectoral Committee on Health Services intends to move the following amendments to the Nairobi City County Tobacco Licensing Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended in clause 2 by deleting “29” appearing immediately after the word “section” and substituting with “16” in the interpretation of the words “specially designated smoking area”.

CLAUSE 9

THAT, the Bill be amended in clause 9(1) on Prohibited places for sale by introducing sub-clauses after (c), (d) public institution and government buildings, (e) prohibited places and (f) prohibited smoking areas as covered under clause 15 to comply with WHO-FCTC, the Tobacco Act and Tobacco Control Regulations.

THAT, the Bill be amended in clause 9(2) by substituting the words “a term not exceeding one month” with “a term not exceeding six months” for universality of offence penalties.

CLAUSE 13

THAT, the Bill be amended in clause 13(2) on Outdoor advertisement by substituting the words “fine not exceeding ten thousand shillings or to imprisonment for a term no exceeding one month” with “a fine not exceeding fifty thousand shillings or six months imprisonment or both for consistency with Tobacco Act 2007.

CLAUSE 14

THAT, the Bill be amended in clause 14(4) on Right to smoke free environment by introducing a new sub-clause 14(5) to provide a penalty “a person who contravenes this section shall be guilty of an offense and upon conviction to a fine not exceeding fifty thousand shillings, or to imprisonment not exceeding a term of six months, or both” for consistency with Tobacco Act 2007.

CLAUSE 15

THAT, the Bill be amended in clause 15(5) by substituting the words “three” appearing after the word “exceeding” with the word “six” to appear before the word “months” for consistency with Section 33(3) of the Tobacco Act 2007.

CLAUSE 17

THAT, the Bill be amended in clause 17(3) on Display of notices by substituting the words “three months” appearing after the word “exceeding” with the words “six months” before the word “or” for consistency with Section 34(6) of the Tobacco Act 2007.

CLAUSE 21

THAT, the Bill be amended in clause 21 on School health programs by inclusion of “tertiary college and universities” to appear immediately after the word “secondary schools” to make provision for comprehensive coverage of learning institutions and to educate the youths on the risks of use of tobacco and tobacco products.

NOTICES

II. The Assembly resolved on Wednesday, 13th February, 2019 as follows: -

- a) **THAT**, notwithstanding the provisions of Standing Order 94(4), this Assembly orders that, 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 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 be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.
- b) **THAT**, notwithstanding the provisions of Standing Order 103(4), this Assembly orders that, each speech in a debate on any **Motion**, including a Special motion 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 be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Sectoral Committee, in that Order.

* Denotes Orders of the Day *
