



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY - I

THURSDAY, SEPTEMBER 01, 2016 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. Statements

8*. PROCEDURAL MOTION – APPROVAL OF A SITTING AT 6.45 P.M.
(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Sitting today Thursday, September 1st, 2016 commencing at 6.45 p.m. for purposes of considering urgent Business before the House.

9*. MOTION - RATIFICATION OF THE DEFENCE COOPERATION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA & THE GOVERNMENT OF UNITED KINGDOM

(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 United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation, laid on the Table of the House on Wednesday, 6th July, 2016, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation.

(Mover to reply)

...../10*.

10*. THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014)

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

Second Reading

11*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Kenya Regiment (Territorial Force) (Repeal) Bill (National Assembly Bill No. 39 of 2015)

(The Leader of the Majority Party)

- (ii) The Election Offences Bill (National Assembly Bill No. 38 of 2016)

(The Leader of Majority Party and the Leader of Minority Party)

(Bill sponsored by Majority Party and Minority Party)

- (iii) The Election Laws (Amendment) Bill (National Assembly Bill No. 37 of 2016)

(The Leader of Majority Party and the Leader of Minority Party)

(Bill sponsored by Majority Party and Minority Party)

12*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2015)

(The Leader of the Majority Party)

Second Reading

13*. THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

14*. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL CHILDREN POLICY

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

THAT, this House adopts Sessional Paper No. 6 of 2014 on the National Children Policy, laid on the Table of the House on Tuesday, August 25, 2015.

15*. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL POLICY ON ELIMINATION OF CHILD LABOUR

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

THAT, this House adopts Sessional Paper No. 1 of 2015 on the National Policy on Elimination of Child Labour, laid on the Table of the House on Wednesday, August 19, 2015.

*** Denotes Orders of the Day**

N O T I C E S

I. THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2016)

1. Notice is given that the Chairman of the Departmental Committee on Justice and Legal Affairs, intends to move the following amendments to the Election Laws (Amendment) Bill, 2016 (National Assembly Bills No. 37) at the Committee Stage -

CLAUSE 2

THAT, clause 2 of the Bill be amended in the definition of the term “biometric” by inserting the words “capture of any of the following” immediately after the word “means.”

CLAUSE 3

THAT, the Bill be amended by deleting clause 3 and substituting thereof the following new clause in subsection (1) —

- (a) deleting the proviso to paragraph (a);
- (b) inserting the following new paragraph immediately after paragraph (a)—

“(ba) in the case of a referendum, between the date of the
publication of the question and the date of the referendum”;
- (c) deleting subsection (3A); and
- (d) deleting subsection (3B).

CLAUSE 4

THAT, clause 4 of the Bill be amended in sub clause (2) by deleting the expression “of” and substituting therefor the expression “by”.

CLAUSE 6

THAT, clause 6 of the Bill be amended —

- (i) in sub clause (5) by deleting the words “the National Assembly and the Senate” and substituting therefor the term “Parliament.”
- (ii) by inserting the following new clause immediately after clause (5) —

“(5A) Parliament shall adopt the report submitted under subsection (5) within twenty one days.”

(iii) by deleting sub clause (6) and substituting therefor the following new sub clause.

“(6) The Commission shall implement the recommendations of the adopted audit report within a period of thirty days and submit its implementation report to Parliament.”

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following new section —

“**9.** The Election Act, 2011 is amended by deleting Section 28 and substituting therefor the following new section—

“**28.** (1) A political party that nominates a person for an election under this Act shall submit to the Commission a membership list of the party—

- (a) in the case of a general election, at least ninety days before the date of the election; and
- (b) in the case of a by-election, at least forty-five days before the date of the by-election.”

CLAUSE 10

THAT, clause 10 of the Bill be amended—

(i) in sub-clause (2) by inserting the expression “(4)’ appearing immediately after the words “Article 88.”

(ii) in the proposed new sub section (2D) by deleting the word “selected” and substituting therefor the word “nominated.”

(iii) by inserting the following new sub section immediately after the proposed new sub section (2D) —

“(2E) without prejudice to section (2D) a political party may elect to rely on the Register of Voters in conducting the nominations.

(2F) Where the Commission receives multiple requests under subsection 2, the Commission shall conduct and supervise the nomination of candidates for presidential, parliamentary or county elections for all the requesting political parties—

- (a) on the same day;
- (b) in the same polling centres; and
- (c) in different polling streams for each participating political party.”

(iv) by inserting the following new sub section immediately after sub section (2E) —

“(2F) Parliament shall appropriate monies for the effective implementation of this section.”

(v) by inserting the following new section immediately after section 31—

“**31A.** Each political party shall ensure that not more than two-thirds of the persons contesting are of the same gender.”

CLAUSE 12

THAT, clause 12 of the Bill be amended by—

- (i) renumbering the existing provision as sub clause (1);
- (ii) inserting the following new sub clause immediately after sub clause (1)

“(2) The party list referred to subsection (1) shall be signed by the national chairperson, the secretary general and the organising secretary of the political party.”

CLAUSE 13

THAT, clause 13 of the Bill be amended in the proposed new clause 38A by deleting the word “five hundred” and substituting therefor the word “seven hundred.”

CLAUSE 14

THAT, clause 14 of the Bill be amended—

- (i) in paragraph (ii) by deleting the words “county women representative to the National Assembly” appearing immediately before the words “Senator and” and substituting therefor the words “county member of the National Assembly” ;
- (ii) in paragraph (iii) by deleting the words “county women representative to the National Assembly” appearing immediately before the words “Senator and” and substituting therefor the words “county member of the National Assembly” ; and
- (iii) in sub clause (1B) by deleting the words “county women representative to the National Assembly” appearing immediately before the words “Senator and” and substituting therefor the words “county member of the National Assembly”.

CLAUSE 16

THAT, the Bill be amended by deleting clause 16 and substituting therefor the following new clause 16A. —

16. Section 43 of the Elections Act, 2011 is amended—

- (a) by deleting subsections (1), (2), (3) and (4);
- (b) by deleting subsection (5) and substituting therefor the following new sub section —
 - “(5) A public officer who intends to contest an election under this Act shall resign or otherwise exit from public office—
 - (a) in the case of a general election, at least eight months before the date of the general election; or
 - (b) in the case of a by-election, within seven days of the declaration of a vacancy.”
 - (c) by inserting the following new subsection immediately after subsection (5)
- “(5A) A person who fails to comply with the provisions of sub section (5) is disqualified from participating in the election.”
- (c) in sub section (6) by deleting paragraph (b)

CLAUSE 18

THAT, clause 18 of the Bill be amended —

- (i) in sub clause (1) of the proposed new section 55 B by deleting paragraph (a) and substituting therefor the following—

“(a) there is outright and widespread violence, disorder and the breakdown of law and order that makes it impossible to conduct the election; ”
- (ii) by deleting paragraph (c)
- (iii) in sub clause (2) by deleting the words ”the earliest practicable time” appearing immediately before the words “shall be held at” and substituting therefor the words “within thirty days or any such other date as the court may direct.”

CLAUSE 38

THAT, paragraph (1) of the First Schedule is amended in subparagraph 2(a) by inserting the words “in consultation with the leader of the majority party and the leader of the minority party of the National Assembly” immediately after the words “Parliamentary Service Commission.”

NEW CLAUSE

THAT, the Independent Electoral and Boundaries Commission Act, 2011 by inserting the following new clause immediately after section 37—

Transition.

37A. The chairperson and members of the Commission holding office immediately before the commencement of this Act shall be paid negotiated dues to facilitate a dignified transition.

2. Notice is given that the Member for Nakuru Town East (Hon. David Gikaria), intends to move the following amendments to the Elections Laws (Amendment) Bill, 2016 (National Assembly Bills No. 37) at the Committee Stage—

CLAUSE 10

THAT, the Bill be amended in Clause 10(b) by inserting the following new subsection immediately after the proposed new subsection (2D) —

“(2E) Despite subsection (2D), where the Commission supervises the nomination of candidates by the political party under subsection (2), a candidate for a presidential, parliamentary or county election shall be selected by persons whose names appear on the Register of Voters.”

CLAUSE 33

THAT, the Bill be amended in clause 33 in the proposed new section 7A by deleting the words “and Chapter Six of the Constitution” appearing in paragraph (c) and substituting therefor the words “of the Constitution”.

3. Notice is given that the Member for Rangwe (Hon. George Oner), proposes to move the following amendments to the Election Laws (Amendment) Bill, 2016 (National Assembly Bills No. 37) —

CLAUSE 14

THAT, clause 14 of the Bill be amended-

- (a) in the proposed new sub-section (1A)-
 - (i) by deleting the word “President” appearing in paragraph (ii);
 - (ii) in paragraph (iii) by deleting the words “the collated results for the election of the President to the national tallying centre and” appearing immediately after the words “prescribed form”
- (b) in the proposed new sub-section (1C)-
 - (i) by inserting the words “through the constituency returning officer appointed under sub-section (1A)” immediately after the word “ Commission” appearing in the opening paragraph;
 - (ii) by inserting the following new paragraph immediately before paragraph (a)-
 - (aa) allow each willing presidential candidate to establish and maintain a presidential candidate national tallying centre with a known electronic and physical address;
 - (iii) by inserting the words “presidential candidate national tallying centre” immediately after the words “constituency tallying centre” appearing in paragraph (a).

4. Notice is given that the Member for Homa Bay Town (Hon. Peter Kaluma), proposes to move the following amendments to the Election Laws (Amendment) Bill, 2016 (National Assembly Bills No. 37) —

CLAUSE 10

THAT, clause 10 the Bill be amended in the proposed new sub section (2D) and substituting thereof the following new section—

“(2D) A candidate for a presidential, parliamentary or county election shall be nominated in accordance with the rules of the political party.”

CLAUSE 18

THAT, clause 18 of the Bill be amended by deleting the proposed new section 55B.

CLAUSE 21

THAT, the Bill be amended by deleting clause 21 and substituting thereof the following of new clause —

Deletion of Section 87 of No. 24 of 2011.

21. The Elections Act, 2011 is amended by deleting section 87.

FIRST SCHEDULE

THAT, the First Schedule of the Bill be amended in paragraph (1) —

- (a) by deleting sub paragraph (2) and substituting therefor the following new sub paragraph—

“(2) For the purpose of the first appointment of commissioners upon the commencement of section 5, the selection panel shall consist of —

- (a) two persons, being one man and one woman, nominated by the majority party or coalition of parties in the National Assembly;
- (b) two persons, being one man and one woman, nominated by the minority party or coalition of parties in the National Assembly;
- (c) one person nominated by the Judicial Service Commission;
- (d) one person nominated by the Gender and Equality Commission;
- (e) one person nominated by the Commission on Administrative Justice;
- (f) one person nominated by the Kenya National Commission on Human rights; and
- (g) one person nominated by the Association of Professional Societies of East Africa.

(b) by deleting sub paragraph (4) by and substituting therefor the following new sub paragraph—

“(4) After conducting interviews under subparagraph (2), the selection panel shall select one person qualified to be appointed as chairperson and six persons qualified to be appointed as members of the Commission and shall forward the names to the President for appointment as the chairperson and members of the Commission.

5. Notice is given that the Member for Emurua Dikirr (Hon. Johana Ng’eno), proposes to move the following amendments to the Election Laws (Amendment) Bill, 2016 (National Assembly Bills No. 37) —

CLAUSE 9

THAT, the Bill be amended by deleting clause 9.

CLAUSE 10

THAT, clause 10 of the Bill be amended—

- (a) by deleting the word “selected” appearing immediately before the words “who have been” and substituting thereof the word “nominated”;
- (b) by deleting the words “sixty” appearing immediately before the words “at least” and substituting thereof the word “ninety”;

6. Notice is given that the Hon. Abdullahi Diriye, M. P., intends to move the following amendment to the Election Laws (Amendment) Bill, 2016 at the Committee Stage—

CLAUSE 41

THAT, the Bill be amended by deleting Clause 41.

7. Notice is given that the Member for Kiharu (Hon. Irungu Kang’ata), intends to move the following amendments to the Election Laws (Amendment) Bill, 2016 at the Committee Stage—

CLAUSE 10

THAT, clause 10 of the Bill be amended in paragraph (b) —

- (a) in the proposed subsection (2B) by deleting the words “twenty one” appearing immediately after the words “at least” and substituting therefor the words “forty five”;
- (b) by inserting the following new subsection immediately after the proposed subsection (2B)—

“(2Ba) For purposes of settling disputes that may arise from a party primary, a political party shall hold its party primary at least fourteen days before the nomination day.”

8. Notice is given that the Member for Ol Jorok (Hon. John Waiganjo), intends to move the following amendments to the Election Laws (Amendment) Bill, 2016 at the Committee Stage—

CLAUSE 10

THAT, clause 10 of the Bill be amended in paragraph (a) by deleting the proposed new subsection (2) and substituting therefore the following subsection—

“(2)(a) The Commission shall, upon the request of a political party, conduct and supervise the nomination of candidates by the political party for presidential, parliamentary or county elections in accordance with Article 88 of the Constitution.

(b) A political party shall publish a list of the counties, constituencies and wards in which it has requested the Commission to conduct and supervise the nomination of its candidates in two newspapers of national circulation at least fourteen days before the date of its party primary.

(c) Despite paragraph (a), the Commission shall conduct and supervise the nomination of candidates in a county, constituency or ward not included in the list published under paragraph (b) upon the request of a majority of candidates contesting in the party primary in that county, constituency or ward.”

9. Notice is given that the Member for Dadaab (Hon. (Dr.) Mohamed Dahir Duale), intends to move the following amendment to the Election Laws (Amendment) Bill, 2016 at the Committee Stage—

CLAUSE 41

THAT, the Bill be amended by deleting Clause 41 and substituting therefor the following clause—

Amendment of
section 16 of Cap.
107.

41. Section 16 of the Registration of Persons Act is amended by inserting the following new paragraph immediately after paragraph (d)—

“(da) prescribing a mechanism for verifying of the status of Kenyans listed in the refugee database for purposes registering and issuing them with identity cards;”

10. Notice is given that the Member for Kabete (Hon. Ferdinard Waititu), intends to move the following amendments to the Elections Laws (Amendment) Bill, 2016 (National Assembly Bills No. 37) at the Committee Stage—

CLAUSE 10

THAT, the Bill be amended in Clause 10(b) by inserting the following new subsections immediately after the proposed new subsection (2D) —

“(2E) Notwithstanding subsection (2D), where the Commission supervises the nomination of candidates by the political party under subsection (2), a candidate for a presidential, parliamentary or county election shall be selected by persons whose names appear on the Register of Voters.”

“(2F) Subject to subsection (2), the Secretariat of the Commission shall be responsible for conducting and supervising the nomination of candidates by the political party for presidential, parliamentary or county elections in accordance with Article 88 of the Constitution.

“(2G) The day that political parties conduct party nominations shall be a Public Holiday.

I. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY (2016)

The Speaker will today call upon the Leader of the Majority Party to move a Motion for Adjournment of the House to a day other than the next normal Sitting Day, in accordance with the Calendar of the Assembly (Regular Sessions).

(Thereafter, the House to adjourn without question put)

MOTION – (The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 28, this House adjourns until Tuesday, 4th October, 2016 in accordance with the Calendar of the Assembly (Regular Sessions).

The House resolved on Wednesday, February 10, 2016 as follows:-

- II. THAT,** notwithstanding the provisions of Standing Order 97(4), 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 Departmental Committee, in that Order.
- III. 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 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.

IV. THAT, notwithstanding the provisions of Standing Order 97(4), the debate on any Motion for the **Adjournment** of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, shall be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except 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 priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Provided that, when the period of Recess proposed by any such motion does not exceed fifteen (15) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.
