



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

THURSDAY, APRIL 30, 2015 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 – REDUCTION OF PUBLICATION PERIOD

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

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the following Bills from **fourteen** days to **one** day:-

- (i) The Constitution of Kenya (Amendment) (No.3) Bill (National Assembly Bill No. 18 of 2015);
- (ii) The Vetting of Judges and Magistrates (Amendment) Bill (National Assembly Bill No. 19 of 2015); and
- (iii) The Two-Third Gender Rule Laws (Amendment) Bill (National Assembly Bill No. 20 of 2015).

9*. THE BUSINESS REGISTRATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2015)

(The Leader of the Majority Party)

First Reading

10*. THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)

(The Leader of the Majority Party)

First Reading

**11*. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.3) BILL
(NATIONAL ASSEMBLY BILL NO. 18 OF 2015)**

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

First Reading

**12*. THE VETTING OF JUDGES AND MAGISTRATES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 19 OF 2015).**

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

First Reading

**13*. THE TWO-THIRD GENDER RULE LAWS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 20 OF 2015)**

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

First Reading

**14*. THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 03 OF 2015)**

(The Hon. Emmanuel Wangwe, M.P.)

Second Reading
(*Question to be put*)

**15*. THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 14 OF 2014)**

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

Third Reading
(*Question to be put*)

**16*. MOTION - THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS
COMMITTEE**

(The Chairperson, Public Investments Committee)

THAT, this House adopts the Special Report of the Public Investments Committee on the Procurement Process of the Kenya Pipeline Company Ltd Line 1 Capacity Enhancement Project (Mombasa – Nairobi Pipeline), laid on the Table of the House on Tuesday, 10th February, 2015.

(*Question to be put*)

17*. COMMITTEE OF THE WHOLE HOUSE

The Retirement Benefits (Deputy President and Designated State Officers) (National Assembly Bill No. 38 of 2013)

(The Hon. John Mbadi, M.P.)

18*. **MOTION - THE REPORT ON THE UNPAID PENSION DUES TO RETIRED TEACHERS**

(The Chairperson, Departmental Committee on Education, Research and Technology)

THAT, this House adopts the Report of the Departmental Committee on Education, Research and Technology on the Unpaid Pension Dues to Retired Teachers (1997 group), laid on the Table of the House on Wednesday, 15th April, 2015.

(Resumption of debate interrupted on Thursday, April 30, 2015- Morning Sitting)

19*. **THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL**
(NATIONAL ASSEMBLY BILL NO. 20 OF 2014)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, April 23, 2015)

* Denotes Orders of the Day

...../Notices

N O T I C E S

I. THE RETIREMENT BENEFITS (DEPUTY PRESIDENT AND DESIGNATED STATE OFFICERS) (NATIONAL ASSEMBLY BILL NO. 38 OF 2013)

1. Notice is given that the Chairperson of the Departmental Committee on Finance, Planning and Trade, intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers), 2013 at the Committee Stage—

CLAUSE 2

THAT, clause 2 be amended—

- (a) in the definition of "Designated State Officer", by inserting the following new paragraph immediately after paragraph (b)—

"(c) Chief Justice";

(Subject to the Provisions of Art.114)

- (b) by inserting the following new definitions in their proper alphabetical sequence—

"Chief Justice" means a person appointed as such under Article 166 of the Constitution;

"monthly salary" means the basic salary excluding all allowances, or sixty percent of the gross salary where basic salary is not expressly stated;"

(Subject to the Provisions of Art.114)

- (c) in the definition of "retired Speaker", by deleting the phrase "and does not include a person who served as Speaker before the commencement of this Act" appearing immediately after the word "Constitution";

- (d) in the definition of "retired Vice-President", by deleting the words "and does not include a person who served as Vice-President before the commencement of this Act" appearing immediately after the word "Constitution".

CLAUSE 3

THAT, clause 3 is amended by deleting the expression "after the 15th January, 2008" appearing immediately before the word "retire".

CLAUSE 5

THAT, clause 5 be amended in subclause (1) by—

- (a) deleting the phrase “A retired Speaker of the National Assembly or the Senate” and substituting therefor “ A retired Designated State Officer”;
- (b) deleting the word “eighty” in paragraph (a) and substituting therefor the expression “ sixty-five”;
- (c) deleting the phrase “ one and half years” in paragraph (b) and substituting therefor “one year’s”;
- (d) deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)”;
- (e) deleting the words “ First Schedule” in paragraph (g) and substituting therefor the word “Schedule.”

CLAUSE 6

THAT, clause 6 be amended by—

- (a) deleting the word “eighty” in paragraph (a) and substituting therefor the word “sixty-five”;
- (b) deleting the words “one and half years” in paragraph (b) and substituting therefor the words “one year”;
- (c) deleting the word “four” in paragraph (c) and substituting therefor the word “eight”;
- (d) deleting the word “four” in paragraph (d) and substituting therefor the word “eight”;
- (e) deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)”;
- (f) deleting the words “ First Schedule” in paragraph (g) and substituting therefor the word “Schedule.”

CLAUSE 7

THAT, clause 7 be amended—

- (a) by deleting the word “eighty” in paragraph (a) and substituting therefor the word “ sixty-five”;
- (b) by deleting the words “ one and half years” in paragraph (b) and substituting therefor the words “one year”;
- (c) in paragraph (c), by deleting the word “four” and substituting therefor the word “six”;

- (d) in paragraph (d), by deleting the word “four” and substituting therefor the word “six”;
- (e) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) a fuel allowance equal to ten per cent of the monthly pension payable under paragraph (a)”;
- (f) by deleting the words “Third Schedule” in paragraph (g) and substituting therefor the word “Schedule.”

FIRST SCHEDULE

THAT, the First Schedule be deleted and replaced with the following new Schedule—

SCHEDULE (ss. 5(1)(g), 6(g) and 7(g))

**ADDITIONAL RETIREMENT BENEFITS FOR A RETIRED
DEPUTY PRESIDENT, A RETIRED PRIME MINISTER, A
RETIRED VICE-PRESIDENT OR A RETIRED DESIGNATED
STATE OFFICER**

- (a) two drivers;
- (b) one personal assistant;
- (c) one secretary;
- (d) one senior support staff;
- (e) two armed security guards who shall be provided on request by the entitled person;
- (f) diplomatic passports for the entitled person and his spouse;
- (g) maintenance expenses for the vehicles provided pursuant to this Act;
- (h) access to the V.I.P. lounge at all airports within Kenya.

SECOND SCHEDULE

THAT, the Second Schedule be deleted.

THIRD SCHEDULE

THAT, the Third Schedule be deleted.

LONG TITLE

THAT, the long title be amended by deleting the phrase “and Deputy Prime Minister” and substituting therefor the phrase “or Designated State Officer”.

2. Notice is given that the Chairperson, Budget and Appropriation Committee intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013. (National Assembly Bills No.38 of 2013) at the Committee Stage—

LONG TITLE

THAT, the Bill be amended by deleting the Long Title and substituting therefor the following-

“AN ACT of Parliament to provide for the granting of pension and other retirement benefits to persons who hold the office of the Deputy President and persons, who have served as Prime Minister, Vice President or Speaker after the 15th of January, 2008 and for connected purposes.”

CLAUSE 2

THAT, clause 2 of the Bill be amended-

(a) by deleting the definition of “Designated State Officer”

(b) by deleting the definition of “retired Designated State Officer”

(c) by deleting the definition of “retired Speaker” and substituting therefor the following definition—

“retired Speaker” means a person who, having held the office of the Speaker of the National Assembly or Speaker of the Senate any time after the 15th of January, 2008 has ceased to hold office as such in the manner specified in the Constitution.

(d) by deleting the definition of “Speaker”

CLAUSE 3

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

“Subject to sections 5(3) and 15, the persons entitled to the benefits conferred by this Act shall be persons who at any time after the 15th of January, 2008 retire as Deputy President, Prime Minister, Vice President or Speaker. ”.

3. **Notice is given that the Leader of the Majority Party (Hon. Aden Duale), intends to move the following amendments to the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013 at the Committee Stage—**

CLAUSE 2

THAT, clause 2 be amended by inserting the following new definition in its proper alphabetical sequence—

“elective politics” means—

- (a) the holding of a position or office in a political party; or
- (b) the participation in any activity that agitates for—

- (i) the holding or election of a person to any elective position or seat or the appointment of a person to public office by any person; or
- (ii) the voting in a particular manner in an election under the Elections Act, or a referendum on any question contemplated in the Constitution.

NEW CLAUSE

THAT, the following new clause be inserted immediately after clause 16—

Amendment of
section 22 of No.
24 of 2011

17. The Elections Act, 2011 is amended in section 22(1) by inserting the following new paragraph immediately after paragraph (b)—

“(c) is neither entitled to nor receiving retirement benefits pursuant to the Retirement Benefits (Deputy President and Designated State Officers) Act.”

I. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDER OF THE NATIONAL ASSEMBLY(2015)

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, June 09, 2015 in accordance with the Calendar of the Assembly (Regular Sessions).

The House resolved on Wednesday, February 11, 2015 as follows:-

- II. THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament, a Sessional Paper or any other Report submitted to the House, 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 shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, 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 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.
- 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 ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.
