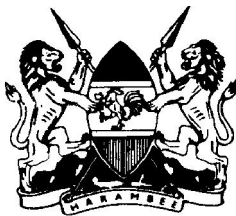


Eleventh Parliament

(No. 055)



Fourth Session
Afternoon Sitting
(685)

REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

THURSDAY, MAY 05, 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.** **THE CONSTITUTION OF KENYA (AMENDMENT) (No. 4) BILL**
(NATIONAL ASSEMBLY BILL NO. 38 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Question to be put)

(Passage requires Two Thirds Majority)

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

The Constitution of Kenya (Amendment) (No.4) Bill (National Assembly Bill No. 38 of 2015)

(The Leader of the Majority Party)

(By leave of the House)

10.** **THE CONSTITUTION OF KENYA (AMENDMENT) (No. 4) BILL**
(NATIONAL ASSEMBLY BILL NO. 38 OF 2015)

(The Leader of the Majority Party)

Third Reading

(Question to be put)

(By leave of the House)

(Passage requires Two Thirds Majority)

11*. **MOTION – THE NATIONAL GOVERNMENT CONSTITUENCY**
DEVELOPMENT FUND

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

THAT, this House adopts the additional list of nominees to the following forty six (46) Constituency Committees of the National Government Constituency Development Fund laid on the Table of the House on Thursday, May 05, 2016. (Morning Sitting):-

1. Ainamoi Constituency
2. Bobasi Constituency
3. Bomachoge Chache Constituency
4. Embakasi West Constituency
5. Emuhaya Constituency
6. Ganze Constituency
7. Juja Constituency
8. Kabete Constituency
9. Kitui Rural Constituency
10. Konoin Constituency
11. Lunga Lunga Constituency
12. Matungu Constituency
13. Matungulu Constituency
14. Mbita Constituency
15. Navakholo Constituency
16. North Horr Constituency

17. Nyeri Town Constituency
18. Nyatike Constituency
19. Rangwe Constituency
20. Nyaribari Chache Constituency
21. Limuru Constituency
22. Ndhiwa Constituency
23. Kibwezi East Constituency
24. Kibwezi West Constituency
25. Malindi Constituency
26. Chagamwe Constituency
27. Mandera South Constituency
28. Lamu East Constituency
29. Turkana North Constituency
30. Likuyani Constituency
31. Kabondo Kasipul Constituency
32. Mandera North Constituency
33. Kesses Constituency
34. Central Imenti Constituency
35. Bomet East Constituency
36. Narok South Constituency
37. Moiben Constituency
38. Kilgoris Constituency
39. Chepalungu Constituency
40. Buret Constituency
41. Kapseret Constituency
42. Kajiando Central Constituency
43. Mandera East Constituency
44. Ruaraka Constituency
45. Mathare Constituency
46. Kiharu Constituency

12*. **THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)**

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

Second Reading

(Resumption of debate interrupted on Thursday, May 05, 2016 – Morning Sitting)

13*. **MOTION – THE WATER BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)**

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

THAT, the Senate Amendments to the Water Bill (National Assembly Bill No. 8 of 2014) be now considered.

14*. **COMMITTEE OF THE WHOLE HOUSE**

IN THE COMMITTEE

Consideration of the **Senate Amendments to the Water Bill (National Assembly Bill No. 8 of 2014)**

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

15*. **SPECIAL MOTION - APPROVAL OF FINANCING FOR THE DEVELOPMENT OF THE SECOND CONTAINER TERMINAL, PHASE II**

(The Leader of the Majority Party)

THAT, this House **notes** the *Sessional Paper No. 1 of 2016 on Government Guarantee on Borrowing for the Construction of the Second Container Terminal Phase II*, laid on the Table of the House on Thursday, March 10, 2016 and pursuant to the provisions of Article 213 of the Constitution, and sections 50 and 58 of the *Public Finance Management Act (CAP 412C)* **approves** the Government of Kenya Guarantee against a loan of Japanese Yen **(Y) 32.116 billion**, equivalent to **Kshs 27.30 billion** at the current exchange rate, to be borrowed by the Kenya Ports Authority (KPA) from the Japan International Cooperation Agency (JICA) negotiated at the rate of 0.11% per annum and repayable in thirty four (34) years, with a six-year (6) moratorium, to finance Phase II of the development of the Second Container Terminal at the port of Mombasa as part of the Mombasa Port Development.

16*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

... .. /Notices

N O T I C E S

I. THE SENATE AMENDMENTS TO THE WATER BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2014)

CLAUSE 2

Senate Amendment

THAT, clause 2 of the Bill be amended by inserting the following new definition in its proper alphabetical order –

“wetland” means an area where plants and animals have become adapted to temporary or permanent flooding by saline, brackish or fresh water”.

CLAUSE 8

Senate Amendment

THAT, clause 8 be amended in sub clause (3) by inserting the words ‘for domestic use’ immediately after the words “water works”.

CLAUSE 8B

Senate Amendment

THAT, clause 8B be amended in sub clause (5) by deleting the word “three” appearing immediately after the words “Resource Strategy every” and substituting therefor the word “five”.

CLAUSE 19

Senate Amendment

THAT, clause 19 of the Bill be amended in sub clause (1) by inserting the words “geo referenced” immediately after the words “monitoring and”.

CLAUSE 24

Senate Amendment

THAT, clause 24 of the Bill be amended in sub clause (1)(b) by inserting the words “appointed by the appointing authority after approval by the county assembly” immediately after the words “the basin”.

CLAUSE 25

Senate Amendment

THAT, clause 25 of the Bill be amended by inserting the words “and county governments” immediately after the words “the Authority”.

CLAUSE 30**Senate Amendment**

THAT, clause 30 of the Bill be amended in sub clause (1)(d) by inserting the words “and rules and regulations” immediately after the words “harvesting policy”.

CLAUSE 63**Senate Amendment**

THAT, clause 63 of the Bill be amended in the headnote appearing immediately before the clause by deleting the word “Boards” and substituting therefor the word “Agencies”.

CLAUSE 64**Senate Amendment**

THAT, clause 64 be amended in sub clause 1(b) by inserting the words “from the respective counties” immediately after the words “the Cabinet Secretary”.

CLAUSE 72**Senate Amendment**

THAT, clause 72 of the Bill be amended—

- (a) in the marginal note by deleting the word “accreditation” and substituting therefor the word “licensing”; and
- (b) in sub clause (3) by deleting the word “accreditation” appearing immediately after the words “applicant meets the” and substituting therefor the word “licensing”.

CLAUSE 73**Senate Amendment**

THAT, clause 73 of the Bill be amended—

(1) in sub clause (1)—

- (a) in the marginal note by deleting the word “accredited” and substituting therefor the word “licensed”;
- (b) by deleting the word “accredited” appearing immediately after the words “register of all” in the introductory phrase and substituting therefor the word “licensed”;
- (c) in paragraph by deleting the word “accredited” appearing immediately after the words “providers are” and substituting therefor the word “licensed”; and
- (d) in paragraph(d) by deleting the word “accreditation” appearing immediately after the words “to their” and substituting therefor the word “licence”;

- (2) in sub clause (2) by deleting the word “accredited” appearing immediately after the words “ register of the” and substituting therefor the word “licensed”; and
- (3) in sub clause (4) by deleting the word “accredited” appearing immediately after the words “conduct of” and substituting therefore the word “licensed”.

CLAUSE 74**Senate Amendment**

THAT, clause 74 of the Bill be amended—

- (1) in the marginal note by deleting the word “accreditation” and substituting therefor the words “ a license”;
- (2) in sub clause (1)—
 - (a) by deleting the word “accreditation” appearing immediately after words “revoke the” in the introductory phrase and substituting therefor the word “license”;
 - (b) in paragraph (a) by deleting the word “accreditation” appearing after the words “Board that the” and substituting therefor the word “licensing”;
 - (c) paragraph (b) by deleting the word “accreditation” appearing immediately after the words “criteria for” and substituting therefor the word “licensing”; and
 - (d) in paragraph (c) by deleting the word “accredited” appearing immediately after the words “they were” and substituting therefor the word “licensed”;
 - (e) in paragraph (e) by deleting the word “accreditation” appearing immediately after the words “conditions for” and substituting therefore the word “licensing”.
- (3) In sub clause (2) by deleting the word “accreditation” appearing immediately after the words “revocation of” and substituting therefor the word “ a license”; and
- (4) In sub clause (3) by deleting the word “accreditation” appearing immediately after the words “person whose” and substituting therefor the word “license”.

CLAUSE 75**Senate Amendment**

THAT, clause 75 of the Bill be amended by deleting sub clause one and substituting therefor the following new sub clause —

- (1)Each county government shall establish a water services provider.

CLAUSE 102**Senate Amendment**

THAT, clause 102 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“ A water user may enter into an agreement with any person with respect to the execution and maintenance by any party to the agreement of such works as the water user considers necessary or as the conditions of the water user may require for the purpose of protecting the catchment areas, drainage of land, carrying out soil conservation measures, the control of vegetation or effectively collecting, conveying or preserving the purity and quantity of water which the water user is for the time being authorised to take.”

CLAUSE 109**Senate Amendment**

THAT, clause 109 of the Bill be amended in sub clause (1) by inserting the words “geo referenced” immediately after the words “monitoring and”.

CLAUSE 114**Senate Amendment**

THAT, clause 114 of the Bill be amended in sub clause (1) by deleting paragraph (g) and substituting therefor the following new paragraph —

(g) receive grants for onward lending to water services providers, counties and community schemes towards water services and water resources management projects for the underserved areas and urban poor;

CLAUSE 115**Senate Amendment**

THAT clause 115 be amended in sub clause (1) by deleting paragraphs (b) and (c).

CLAUSE 117**Senate Amendment**

THAT, clause 117 of the Bill be amended in sub clause (1) by deleting the words “which shall be a subordinate court as provided under Article 169(1)(d) of the Constitution”.

CLAUSE 130**Senate Amendment**

THAT clause 130 of the Bill be amended by inserting the words “conservation and” immediately after the words “for the”.

CLAUSE 139**Senate Amendment**

THAT, clause 139 of the Bill be amended by inserting the words "a county government" immediately after the words "Cabinet Secretary".

CLAUSE 140**Senate Amendment**

THAT, clause 140 of the Bill be amended in—

- (a) sub clause (2) (a) by deleting the word "commission" appearing immediately after the words "Authority, the" and substituting therefor the word "Board"; and
- (b) sub clause (2)(h) by inserting the words "or the Board" immediately after the word "Authority".

CLAUSE 154**Senate Amendment**

THAT, clause 154 of the Bill be amended in sub clause 5 by deleting the word "Board" appearing immediately after the words "event that the" and substituting therefor the word "Authority".

II. 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, 7th June, 2016 in accordance with the Calendar of the Assembly (Regular Sessions).

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

- 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.
- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), 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 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.
- II. **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.
