



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, FEBRUARY 11, 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 NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Question to be put)

9*. MOTION - REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

(The Chairperson, Public Accounts Committee)

THAT, this House adopts the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary of May, 2014, laid on the Table of the House on Tuesday, 7th July, 2015.

10*. MOTION - THE REPORT ON THE CRISIS FACING THE SUGAR INDUSTRY IN KENYA

(The Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the Crisis Facing the Sugar Industry in Kenya, laid on the Table of the House on Thursday, 12th March, 2015.

11. THE LEGAL AID BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Wednesday, February 10, 2015 – Afternoon Sitting)

12*. THECONTROLLER OF BUDGET BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2015)

(The Leader of the Majority Party)

Second Reading

13. THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY NO. 45 OF 2015)**

(The Leader of the Majority Party)

Second Reading

14. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLYBILL NO.55 OF 2015)**

(The Leader of the Majority Party)

Second Reading

15. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Leader of the Majority Party)

Second Reading

16*. THE KENYA REGIMENT (TERRITORIAL FORCE)(REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2015)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

****Denotes Bill with Constitutional Timeline**

N O T I C E S

I. THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE SPECIAL AUDIT REPORT OF THE JUDICIAL SERVICE COMMISSION (JSC) AND THE JUDICIARY

- 1) Notice is given that the Member for Ugenya (Hon. David Ochieng'), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the following words immediately after the words "Tuesday, 7th July, 2015"-

"Subject to the –

- (i) deletion of recommendation number 2 appearing on page 136 of the Report;
- (ii) deletion of recommendation number 4 appearing on page 136 of the Report, and substituting therefor with the following –

"The various Commissioners of the Judicial Service Commission must take personal responsibility for allowances paid to them for attending meetings that were convened without the knowledge and approval of the Chief Justice. An audit of all such meetings should be undertaken and the responsible Commissioners surcharged;" and

- (iii) deletion of recommendation number 5 appearing on page 136 of the Report;"

- 2) Notice is given that the Deputy Leader of the Majority Party, intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the following words immediately after the words "Tuesday, 7th July, 2015"-

"Subject to the insertion of the following:-

- (i) New recommendation 6.v on page 137 of the Report as follows:-
"v. Mrs. Lydia Achode for her role in the irregular procurement of offices at Mayfair Court Centre, when she was the Registrar of Judiciary."
- (ii) New recommendation number 23 on page 140 of the Report as follows:-

"23. That the Judicial Service Commission forthwith desists from interfering with the financial administrative and operational functions of the Judiciary; and further that National Assembly through the Departmental Committee on Justice and Legal Affairs, undertakes an urgent review of the Judicial Service Act 2011 to address through statute, the unlawful encroachment of the Judicial Service Commission into the administration of the Judiciary which falls outside of its mandate under Article 172 of the Constitution of Kenya".

- 3) Notice is given that the Nominated Member (Hon. Amina Abdalla), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the following words “immediately after the words “Tuesday, 7th July 2015”-

“Subject to the deletion of recommendation number 19 on page 139 of the report, and substitution thereof with the following:-

“The security upgrades implemented by Mr. Simiyu Werunga, a security consultant and contractor, should be subjected to detailed audit by an independent Security Consultant, working jointly with relevant departments of the Government, and any sums paid over and above fair market value be claimed from the consultant/contractor”.

- 4) Notice is given that the Member for Ainabkoi (Hon. Samuel Chepkonga), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the Motion be amended by inserting the following words “immediately after the words “Tuesday, 7th July 2015”-

“Subject to the insertion of the following words immediately after the words “Administration Committee of the JSC” appearing in the recommendation number 20 on page 139 of the Report:

“Commissioners Smokin Wanjala, Mohammed Warsame, Ahmednassir Abdullahi, Rev. Samuel Kobia, Christine Mango and Emily Ominde”.

- 5) Notice is given that the Member for Kiharu Constituency (Hon. Irungu Kangata), intends to move the following amendment to the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary

THAT, the motion be amended by inserting the following words “immediately after the words “Tuesday, 7th July 2015” –

“Subject to the insertion of the following words immediately after the words “Administration Committee of the JSC” appearing in the recommendation number 20 on page 139 of the report:

“Commissioners Smoking Wanjala, Mohammed Warsame, Rev. Samuel Kobia, Ahmednassir Abdullahi, Christine mango and Emily Ominde”.

II. THE REPORT ON THE CRISIS FACING THE SUGAR INDUSTRY IN KENYA

- 1) Notice is given that the Member for Ugunja Constituency (Hon. James O.Wandayi), intends to move the following amendment to the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the Crisis facing the Sugar Industry in Kenya –

THAT, the motion be amended by deleting the full stop at the end and inserting the words, “subject to the insertion of the following new Recommendations after Recommendation 120 on page 52:

121. **THAT**, stiff legal action be taken against all the Managing Directors, Transport Managers, Commercial Directors, Finance Directors, National Sales Managers (sugar), Procurement Managers and other officials serving in the Board of Management of Mumias Sugar Company between 2011 and 2014 for losses incurred by the company.
 122. **THAT**, disciplinary action be taken against the staff of Mumias Sugar Company who approved and paid extra invoices to some companies like Milicon’s, and allowed execution of variations without first obtaining cost estimates and the approval of the Management Tender Committee of the Mumias Sugar Company.
 123. **THAT**, disciplinary action be taken against the staff who failed to adhere to company policy on pricing, discounts, recruitment and management of distributors and transporters and management of inter-warehouse transfers at Mumias Sugar Company.
 124. **THAT**, all distributor and transport contracts at Mumias Sugar Company should be reviewed immediately. All distributors and transporters that do not meet the mandatory requirements as per contract should be terminated.
 125. **THAT**, the Chief Executive Officer of Mumias Sugar Company takes disciplinary action against all the staff identified as being responsible for anomalies and failings in the sugar importation process; and
 126. **THAT**, the Board of Mumias Sugar Company undertakes a review of their internal audit department with a view to assessing current risks and employing measures to address them.
- 2) Notice is given that the Member for Mumias East (Hon. Benjamin Washiali) intends to move the following amendments to the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the Crisis Facing the Sugar Industry in Kenya laid on the floor of the House on March 12, 2015 pursuant to Standing Order 54

THAT, the Motion be amended by deleting the full stop at the end and inserting the following words:- “*subject to amendment of the Report by:*”

- (a) *deletion of Paragraph 101;*
- (b) *insertion of the following new Paragraphs immediately before Paragraph 102 (Observations of the Committee):-*

- 101A.** The key conclusion from investigations on Mumias Sugar Company's exports was that it was a ploy to defraud the Government of the realizable Value Added Tax (VAT). Neither the Management nor the Board of the Company could confirm that the sugar actually left the country.
- 101B.** Although the former Mumias Sugar Company Managing Director Dr. Evans Kidero submitted that documents proving that the consignment indeed left the country in the custody of the Company, the current Mumias Sugar Company management was at pains to prove that indeed the sugar left the country. Documents provided by the management in an attempt to prove that the sugar was indeed exported were not verifiable. The Board of Directors, through the Chairman Mr. Dan Ameyo, submitted that the Board would carry out a forensic audit on the exports, like it had done on company sugar imports, and give its findings to the Committee within six months.

(c) deletion of Paragraph 115 (Recommendations of the Committee) and substituting therefor the following:-

- 115.** In view of the fact that there is little evidence that Mumias Sugar Company did make any sugar exports to the regional market between 2006 and 2009, the House recommends that:
- (i) the Government recovers from the then Managing Director of Mumias Company, Dr. Evans Kidero, the lost VAT revenue amounting to Ksh 577 million which it would have realized had the Company made the exports;
 - (ii) the then Managing Director Dr. Evans Kidero takes full responsibility and be barred from holding public office since the fraudulent transactions took place during his tenure as the Chief Executive Officer; and that
 - (iii) the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations investigate the owners of all the trucks that apparently ferried the sugar from Mumias go-downs supposedly for export together with the directors of companies associated with them, namely YH Wholesalers, Paleah Stores Ltd, International Relief Services with a view to preferring charges against them if found culpable.

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

- I. **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 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 be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.

 - II. **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.
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NOTICE PAPER

Tentative business for

Tuesday, February 16, 2016

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Tuesday, February 16, 2016:-

A. THE CONTROLLER OF BUDGET BILL (NATIONAL ASSEMBLY NO. 11 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 11, 2016)

B. THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY NO. 45 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 11, 2016)

C. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 11, 2016)

D. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 11, 2016)

E. THE KENYA REGIMENT (TERRITORIAL FORCE) (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 11, 2016)

F. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)

(The Leader of the Majority Party)

Second Reading

G. THE KENYA ROADS (NATIONAL ASSEMBLY BILL NO. 27 OF 2015)

(The Leader of the Majority Party)

Second Reading

H. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2015)

(The Leader of the Majority Party)

Second Reading

I. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)

(The Leader of the Majority Party)

Second Reading
