



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, FEBRUARY 18, 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 LEGAL AID BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2015)**
(The Leader of the Majority Party)

Second Reading

(Question to be put)

9*. MOTION- APPROVAL OF THE CALENDAR OF THE HOUSE
(The Leader of the Majority Party)

THAT, pursuant to Standing Order 28, this House approves the Calendar of the House (Regular Sessions) for the Fourth Session of the Assembly, as contained in the Schedule attached to the Order Paper.

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.

(Resumption of debate interrupted on Wednesday, February 17, 2016 – Afternoon Sitting)

11*. **MOTION – THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 01 OF 2014)**

(Chairperson, Departmental Committee on Environment & Natural Resources)

THAT, The Senate Amendments to the Climate Change Bill (National Assembly Bill No. 01 of 2014) be now considered.

12*. **COMMITTEE OF THE WHOLE HOUSE**

IN THE COMMITTEE

Consideration of the **Senate Amendments to the Climate Change Bill (National Assembly Bill No. 01 of 2014)**

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

13*. **MOTION - REPORT ON THE REALIZATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE**

(The Leader of the Majority Party)

THAT, pursuant to Article 132 (1)(c)(i) of the Constitution, this House notes the Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance submitted by H.E. the President on Thursday, March 26, 2015, laid on the Table of the House on Tuesday, March 31, 2015.

14*. **MOTION - ANNUAL REPORT TO PARLIAMENT ON THE STATE OF NATIONAL SECURITY**

(The Leader of the Majority Party)

THAT, pursuant to Article 240 (7) of the Constitution and Section 16 of the National Security Council Act, this House notes the Annual Report to Parliament on the State of National Security submitted by H.E. the President on Thursday, March 26, 2015, laid on the Table of the House on Tuesday, March 31, 2015.

15*. **MOTION - REPORT ON THE FULFILLMENT OF THE INTERNATIONAL OBLIGATIONS OF THE REPUBLIC**

(The Leader of the Majority Party)

THAT, pursuant to Article 132 (1)(c)(iii) of the Constitution, this House notes the Report on Progress made in fulfillment of the International Obligations of the Republic submitted by H.E. the President on Thursday, March 26, 2015, laid on the Table of the House on Tuesday, March 31, 2015.

16*. THE CONTROLLER OF BUDGET BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Wednesday, February 17, 2016 – Afternoon Sitting)

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

**24*. THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY
BILL NO. 12 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. **SENATE AMENDMENTS TO THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)**

(As passed by the Senate on Tuesday, 1st December, 2015)

CLAUSE 2

Senate Amendment

THAT, clause 2 of the Bill be amended in the definition of the word “Cabinet Secretary” by deleting the words “Cabinet affairs” appearing immediately after the words “responsible for” and substituting therefor the words “matters relating to climate change”.

CLAUSE 3

Senate Amendment

THAT, clause 3 of the Bill be amended in subclause (2) by inserting the word “and” immediately after the word “intergenerational” appearing in paragraph (e).

CLAUSE 5

Senate Amendment

THAT, clause 5 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after the introductory clause -

(a) the Deputy President who shall be the vice-chairperson to the Council;

CLAUSE 7

Senate Amendment

THAT, clause 7 of the Bill be amended –

(a) in subclause (2) by –

(i) deleting paragraph (g);

(ii) inserting the words “nominated by the body representing the largest number of institutions in the private sector” immediately after the words “private sector” appearing in paragraph (f);

- (iii) inserting the words “who has knowledge and experience in matters relating to indigenous knowledge” immediately after the words “of the Constitution” appearing in paragraph (h);
- (b) in subclause (3) by deleting the words “(2)(f), (g) and (h)” appearing immediately after the words “under subsection” and substituting therefor the words “(2)(f), (g),(h) and (i)”; and
- (c) in subclause (4) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

CLAUSE 13

Senate Amendment

THAT, clause 13 of the Bill be amended in subclause (4) by inserting the words “of the Action Plan” immediately after the words “for mainstreaming”.

CLAUSE 14

Senate Amendment

THAT, clause 14 of the Bill be amended in subclause (1) by inserting the words “and mitigation against” immediately after the words “adaptation to” appearing in paragraph (a).

CLAUSE 17

Senate Amendment

THAT, clause 17 of the Bill be amended in subclause (1) by deleting the word “give” appearing immediately after the words “with instructions” in paragraph (b) and substituting therefor the word “prescribed”.

New Clause 25A

Senate Amendment

THAT, the Bill be amended by inserting the following new clause immediately after clause 25

—

Incentives for
the promotion
of climate
change
initiatives.

25A. (1) The Cabinet Secretary shall, in accordance with the appropriate law, and in consultation with the Cabinet Secretary responsible for finance, grant to persons who –

- (a) encourage and put in place measures for the elimination of climate change including reduction of greenhouse emissions and use of renewable energy;
- (b) put in place measures to mitigate against the adverse effects of climate change;

- (c) are involved in the conduct of accredited training in programmes that are aimed at eliminating climate change;

such incentives as may be necessary for the advancement of the elimination of and mitigation against climate change and the effects of climate change.

(2) The Cabinet Secretary shall, for the purpose of subsection (1), in regulations set out the nature of the incentives, the conditions for the grant or withdrawal of such incentives and such other matter as may be necessary for the exercise of the power conferred under subsection (1).

(3) In granting incentives under subsection (1), the Cabinet Secretary shall take into account international standards and best practice.

(4) The Cabinet Secretary shall make the regulations specified under subsection (2) within a period of twelve months from the commencement of this Act.

CLAUSE 32

Senate Amendment

THAT, clause 32 of the Bill be amended in subclause (1) by deleting the word "one" appearing immediately after the words "fine not exceeding" at the end of the subclause and substituting therefor the word "ten".

CLAUSE 35

Senate Amendment

THAT, clause 35 of the Bill be amended in subclause (1) by deleting the word "may" appearing immediately after the words "Cabinet Secretary" and substituting therefor the word "shall".

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

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 –

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:-

- III. **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.
- IV. **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.
- V. **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.
-

NOTICE PAPER

Tentative business for

Tuesday, February 23, 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 23, 2016:-

A. THE CONTROLLER OF BUDGET BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 18, 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 18, 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 18, 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 18, 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 18, 2016)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 18, 2016)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 18, 2016)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 18, 2016)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, February 18, 2016)

SCHEDULE (ORDER NO. 9)

CALENDAR OF THE NATIONAL ASSEMBLY (2016)

(FEBRUARY 09, 2016 – FEBRUARY 06, 2017)

PERIOD	DAYS
Fourth Session: First Part A: Sitting Days Tuesday, 9 th February – Thursday, 24 th March, 2016 B: Short Recess: Friday, 25 th March - Monday, 4 th April, 2016 C: Sitting Days Tuesday, 5 th April – Thursday, 5 th May, 2016 D: Long Recess: Friday, 6 th May - Monday, 6 th June, 2016	Tuesday, 9th February - Thursday, 5th May, 2016 Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon) Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
Fourth Session: Second Part E: Sitting Days Tuesday, 7 th June – Thursday, 7 th July, 2016 F: Short Recess: Friday, 8 th July - Monday, 18 th July, 2016 G: Sitting Days Tuesday, 19 th July – Thursday, 1 st September, 2016 H: Long Recess: Friday, 2 nd September - Monday, 3 rd October, 2016	Tuesday, 7th June - Thursday, 1st September, 2016 Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon) Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
Fourth Session: Third Part I: Sitting Days Tuesday, 4 th October – Thursday, 27 th October, 2016 J: Short Recess: Friday, 28 th October - Monday, 7 th November, 2016 K: Sitting Days Tuesday, 8 th November – Thursday, 1 st December, 2016 L: Long Recess: Friday, 2 nd December, 2016 - Monday, 6 th February, 2017	Tuesday, 4th October, 2016 - Thursday, 1st December, 2016 Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon) Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)