



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MARCH 05, 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*. THE NATIONAL YOUTH SERVICE BILL (SENATE BILL NO. 26 OF 2014)

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

First Reading

9*. THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

(The Hon. Dr. Wilbur Ottichilo, M.P.)

Third Reading
(*Question to be put*)

10*. THE CHILDREN (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2014)

(The Hon. George Kaluma, M.P.)

Third Reading
(*Question to be put*)

11*. MOTION – EXTENSION OF PERIOD FOR CONSIDERATION OF AMENDMENTS TO THE STANDING ORDERS

(The Chairperson, Procedure and House Rules Committee)

THAT, notwithstanding the provisions of Standing Order 263(4), this House resolves to extend the period for consideration of proposals to amendment to the Standing Orders by the Procedure and House Rules Committee as initiated by the Chairperson of the Departmental Committee on Justice and Legal Affairs, by a period of twenty eight (28) days from March 05, 2015.

**12*. MOTION – APPROVAL OF THE BUDGET POLICY STATEMENT 2015
(Chairperson, Budget and Appropriation Committee)**

THAT, pursuant to the provisions of Section 25(7) of the Public Finance Management Act and Standing Order 232, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement 2015, laid on the Table of the House on Wednesday, 04 March, 2015.

**13*. MOTION- THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2013)
(Chairperson, Departmental Committee on Finance, Planning and Trade)**

THAT, the Senate Amendments to the Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No. 31 of 2013) be now considered.

IN THE COMMITTEE

Consideration of the **Senate Amendments** to the Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No. 31 of 2013)
(Chairperson, Departmental Committee on Finance, Planning and Trade)

14*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2014)

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Second Reading

15*. THE COUNTY GOVERNMENTS (AMENDMENT) (No.2) BILL (SENATE BILL NO. 2 OF 2014)

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

Second Reading

16*. THE NATIONAL HONOURS (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2014)

(The Leader of the Majority Party)

Second Reading

17*. THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)

(The Leader of the Majority Party)

Second Reading

18*. THE BUSINESS REGISTRATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2014)

(The Leader of the Majority Party)

Second Reading

* Denotes Orders of the Day

N O T I C E S

1. THE SENATE AMENDMENTS THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2013)

CLAUSE 2

Senate Amendment

THAT clause 2 of the Bill be amended by deleting the proposed new paragraph (g) and substituting therefor the following new paragraph-

- (g) "to facilitate affirmative action for disadvantaged groups in accordance with Articles 27, 54 and 55 of the Constitution and to advance their participation in the procurement process in accordance with Article 227 of the Constitution".

CLAUSE 3

Senate Amendment

THAT, clause 3 of the Bill be deleted and substituted with the following new clause-
"Section 3 of the principal Act is amended by-

- (a) inserting the following new definitions in their proper alphabetical sequence-

"disadvantaged group" means a group of persons perceived to be denied by mainstream society of access to resources and tools which are useful for their survival in a way that disadvantages them, or individuals who have been subjected to prejudice or cultural bias because of their identity as members of a certain group without regard to their individual qualities, and includes enterprises in which a majority of the members or shareholders are youth, or persons with disability;

"persons with disability" means a person with disability who has attained the age of eighteen years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of the shareholders, members or persons and a majority of the directors are persons with disability;

"women" means a person of the female gender who has attained the age of eighteen years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of the shareholders, members or persons and a majority of its directors are of the female gender;

"youth" means a person who has attained the age of eighteen years and has not attained the age of thirty-five years and includes a company, association or body of persons, corporate or unincorporated in which all its directors or proprietors are persons who have attained the age of eighteen years and have not attained the age of thirty-five years.

(b) deleting the definition of the expression “accounting officer” and substituting therefor the following new definition-

“accounting officer means-

- (a) for a public entity other than a county government entity, the person appointed by the principal secretary to the treasury as the accounting officer or, if there is no such person, the chief executive of the public entity; or
- (b) for a county government entity, a person appointed by the county executive committee member responsible for finance as the accounting officer, or if there is no such person, the chief executive of the county entity”;

(c) deleting the definition of the word “Minister” and substituting therefor the following new definition-

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to finance”;

(d) deleting the definition of the expression “public entity” and substituting therefor the following new definition-

“public entity” means-

- (a) the national Government or any department of the national Government;
- (b) the county Government or any department of the county Government;
- (c) the courts;
- (d) the commissions and independent offices established under the Constitution;
- (e) a state corporation within the meaning of the State Corporations Act;
- (f) the Central Bank of Kenya established under the Constitution;
- (g) a co-operative society established under the Co-operative Societies Act;
- (h) a public school within the meaning of the Education Act;
- (i) a public university within the meaning of the Universities Act;
- (j) a college or other educational institution maintained or assisted out of public funds; or
- k) an entity prescribed as a public entity for the purpose of this paragraph”;

Cap 446
Cap 490
Cap 211
No. 42 of
2012/2012

CLAUSE 4

Senate Amendment

THAT clause 4 of the Bill be amended by-

- (a) re-numbering the existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively;
- (b) inserting the following new paragraph immediately before the re-numbered paragraph (b);
 - (a) deleting the word “Minister” appearing after the words “present to the” in sub-section (b) and substituting therefor the words “Cabinet Secretary”.

New Clause 4
Senate Amendments

THAT, the Bill be amended by inserting the following new clause immediately after clause 4-

(i) **New Clause 4A**

Section 20 of the principal Act is amended-

(a) in subsection (2) by deleting the word "Minister" appearing after the words "Board and to the" and substituting therefor the words "Cabinet Secretary"; and

(b) in subsection (5) by deleting the words "the Minister" appearing at the beginning of the sub-section and substituting therefor the words "the Cabinet Secretary".

(ii) **New Clause 4B**

THAT the Bill be amended by inserting the following new clause immediately after clause 4-

Clause 4B

The principal Act is amended in paragraph (a) of section 22(1) by deleting the word "Minister" appearing immediately after the words "appointed by the" and substituting therefor the words "Cabinet Secretary".

(iii) **New Clause 4C**

THAT the Bill be amended by inserting the following new clause immediately after clause 4-

Clause 4C

The principal Act is amended in section 33 by deleting paragraph (b) of sub-section (1) and substituting therefor the following new paragraph-

"a Cabinet Secretary, public servant or a member of a board or committee of the Government or any department of the Government or a person appointed to any position by the President or a Cabinet Secretary; or

CLAUSE 5
Senate Amendment

THAT clause 5 of the Bill be amended-

(a) by re-numbering the existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively;

(b) by inserting the following new paragraph immediately before the re-numbered paragraph (b);

(a) deleting the words "the Minister" appearing after the words "subsection (8)" in subsection (2) and substituting therefor the words "the Cabinet Secretary";

- (c) in the proposed new subsection (9) by deleting the words “the youth, women and persons with disability” appearing after the words “allocated to” and substituting therefor the words “disadvantaged groups”;
- (d) in the proposed new subsection (12)-
 - (i) in paragraph (b), by deleting the words “youth, women and persons with disability” appearing after the words “the number of” and substituting therefor the words “disadvantaged groups”;
 - (ii) by inserting the following new paragraph immediately after the proposed new paragraph (b)-
 - (c) provide an explanation for failure to comply with the provisions of this section and the efforts made by the entity to ensure compliance in the future;
- (e) in the proposed new subsection (13) by deleting the words “youth, women and persons with disability” appearing after the words “opportunities for” and substituting therefor the words “disadvantaged groups”;
- (f) in the proposed new subsection (14) by deleting the words “Articles 55 and 227(2)” appearing after the words “objectives of” and substituting therefor the words “Articles 27, 54, 55 and 227”;
- (g) in the proposed new subsection (15)(b) by deleting the expression “the youth” appearing immediately after the words “impediment to” and substituting therefor the words “disadvantaged groups”;
- (h) in the proposed new subsection (16)-
 - (i) by deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a) facilitating affirmative action to ensure that disadvantaged groups access employment and have opportunities to participate in economic spheres of life as contemplated under Articles 27, 54, 55 and 227 of the Constitution;
 - (ii) in paragraph (b), by deleting the words “the youth” appearing after the words, “advancement of” and substituting therefor the words, “disadvantaged groups”.

NEW CLAUSE 5A
Senate Amendment

THAT the Bill be amended by inserting the following new clause immediately after clause 5-

Clause 5A

The principal Act is amended in paragraph (d) of section 105(1) by deleting the words "Kenya Anti-Corruption Commission" appearing after the words "entity and to the" and substituting therefor the words "Ethics and Anti-Corruption Commission".

CLAUSE 6:**Senate Amendment****New Clause 6A**

THAT the Bill be amended by inserting the following new clause immediately after clause 6-

Clause 6A

The principal Act is amended in section 140 by deleting the words "the Minister" appearing at the beginning of the section and substituting therefor the words "the Cabinet Secretary".

THE SCHEDULES**Senate Amendments****New First Schedule**

THAT the First Schedule to the principal Act be amended-

- (a) in paragraph 3(1) by deleting the word "Minister" appearing after the words "addressed to the" and substituting therefor the words "Cabinet Secretary";
- (b) by deleting paragraph 3(2) and substituting therefor the following new paragraph-

3(2) A resignation is effective upon being received by the Cabinet Secretary or by a person authorized by the Cabinet Secretary to receive it.
- (c) in paragraph (4) by deleting the words "the Minister" appearing at the beginning of the paragraph and substituting therefor the words "the Cabinet Secretary".

New Second Schedule

THAT the Third Schedule to the principal Act be amended-

- (a) in paragraph 2(1) by deleting the words "the Minister" appearing after the words "section 22(1)(a)" and substituting therefor the words "the Cabinet Secretary";
 - (b) in paragraph 2(2) by deleting the words "the Minister" appearing at the beginning of the paragraph and substituting therefor the words "the Cabinet Secretary";
 - (c) in paragraph (4) by deleting the word "Minister" appearing after the words "into operation, the" and substituting therefor the words "Cabinet Secretary"; and
 - (d) in paragraph (17) by deleting the words "the Minister" appearing at the beginning of the paragraph and substituting therefor the words "the Cabinet Secretary".
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The House resolved on Wednesday, February 11, 2015 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, 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.
- 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 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.

.....**Notice Paper**

NOTICE PAPER

Tentative business for

Tuesday, March 10, 2015

(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, March 10, 2015:-

1. **MOTION - APPROVAL OF NOMINEE TO THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS COMMISSION**
(The Chairperson, Departmental Committee on Justice and Legal Affairs)
 2. **MOTION - THE SPECIAL REPORT OF PIC ON THE PROCUREMENT PROCESS OF THE KENYA PIPELINE COMPANY LTD LINE 1 CAPACITY ENHANCEMENT PROJECT**
(The Chairperson, Public Investments Committee)
 3. **MOTION - THE REPORT OF THE KENYA DELEGATIONS TO THE INTER-PARLIAMENTARY UNION**
(Hon. Kabando wa Kabando, M.P., Member of the Delegation)
 4. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2014)**
(The Chairperson, Departmental Committee on Finance, Planning and Trade)
Second Reading
(If not concluded on Thursday, March 05, 2015)
 5. **THE COUNTY GOVERNMENTS (AMENDMENT) (No.2) BILL (SENATE BILL NO. 2 OF 2014)**
(The Chairperson, Departmental Committee on Justice and Legal Affairs)
Second Reading
(If not concluded on Thursday, March 05, 2015)
 6. **THE NATIONAL HONOURS (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2014)**
(The Leader of the Majority Party)
Second Reading
(If not concluded on Thursday, March 05, 2015)
 7. **THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)**
(The Leader of the Majority Party)
Second Reading
(If not concluded on Thursday, March 05, 2015)
 8. **THE BUSINESS REGISTRATION SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2014)**
(The Leader of the Majority Party)
Second Reading
(If not concluded on Thursday, March 05, 2015)
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