



(No. 073)

(843)

REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, JULY 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 KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Question to be put)

9*. MOTION - ESTABLISHMENT OF A JOINT PARLIAMENTARY SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

(The Leader of the Majority Party)

THAT, acknowledging that the sovereign power of the People of Kenya may be exercised directly or indirectly through their democratically elected representatives and that the People's sovereign power shall be exercised only in accordance with the Constitution; recognizing that through pronouncements, sections of the Kenyan society have raised issues on the credibility, impartiality, integrity and independence of the Independent Electoral and Boundaries Commission, the electoral processes and the electoral law; appreciating the need to have the August 2017 general elections conducted by a body enjoying the broad confidence of most Kenyans; now therefore in accordance with the provisions of Article 1(1) and (2) of the Constitution of Kenya and Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the National Assembly Resolves that:-

- (i) The two Houses of Parliament establish a joint select committee consisting of fourteen (14) members, seven (7) each from the two Coalitions in Parliament.
- (ii) The mandate of the said joint select committee shall be to:
 - (a) Inquire into the allegations against the Independent Electoral and Boundaries Commission (IEBC) Commissioners and the Secretariat;
 - (b) On the findings of (a) above may recommend legal mechanisms for the vacation from office of the current Commissioners of the Independent Electoral and Boundaries Commission and Secretariat in accordance with the Constitution;
 - (c) Recommend legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission and improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and
 - (d) On the basis of the findings and recommendations in (a), (b) & (c) prepare a report and a draft Bill or draft Bills.

THE NATIONAL ASSEMBLY FURTHER RESOLVES THAT:-

- (iii) The Joint Select Committee shall report to Parliament within 30 days;
- (iv) The leaders of the two coalitions agree to issue statements separately to support the final report and Draft Bill or Bills;
- (v) The Majority and Minority leaders in Parliament will signify the approval of the final report and draft Bill or Bills by affixing their signatures thereon prior to presentation to Parliament;
- (vi) The joint select committee shall have two Co-chairs each appointed by the respective Coalitions;
- (vii) The Coalitions shall provide joint rapporteurs to the Joint Select Committee, but the official record will be the parliamentary hansard;
- (viii) The joint select committee and each coalition may engage experts, professionals and such other technical resource persons as they may deem necessary;
- (ix) The parliamentary Clerk's office shall provide secretarial services in accordance with the Standing Orders;
- (x) The Committee shall receive views from experts, members of the public, the business community, civil society, religious groups, political parties, county governments and any other persons on matters relating to the Independent Electoral and Boundaries Commission and the electoral process;
- (xi) Each member of the joint select committee shall have one vote. Decisions in the select Committee shall be made by two-thirds majority vote;

- (xii) The Committee shall formulate its own rules of procedure; and
- (xiii) The Joint Select Committee shall comprise the following members drawn from the two Coalitions in Parliament:
1. Hon. (Dr.) Naomi Shaban
 2. Hon. (Eng.) Mohamud Mohamed Maalim
 3. Hon. Jimmy Angwenyi
 4. Hon. Moses Kuria
 5. Hon. David Eseli Simiyu
 6. Hon. Junet Mohammed
 7. Hon. Mishi Mboko
 8. Sen. Kiraitu Murungi (Co-chair)
 9. Sen. James Orengo (Co-chair)
 10. Sen. Kipchumba Murkomen
 11. Sen. Beatrice Elachi
 12. Sen. Johnson Muthama
 13. Sen. Mutula Kilonzo Jnr
 14. Sen. (Dr.) Boni Khalwale

10*. 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, June 30, 2016)

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, March 10, 2016)

12*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2015)

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

15*. **THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES BILL (SENATE
BILL NO. 14 OF 2014)**

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

Second Reading

16*. **THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL)
BILL (SENATE BILL NO. 20 OF 2014)**

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

17*. **THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO.
22
OF 2014)**

(The Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Second Reading

* Denotes Orders of the Day

(No.073)

TUESDAY, JULY 05, 2016

(847)

N O T I C E S

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 **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.

 - II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion 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 I

Tentative business for

Wednesday (Morning), July 06, 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 Wednesday (Morning), July 06, 2016:-

- A. **MOTION** – **ESTABLISHMENT OF A SELECT COMMITTEE TO INQUIRE INTO YOUTH VULNERABILITY TO RADICALIZATION**
(The Hon. Kanini Kega, M.P.)
- B. **MOTION** – **PROVISION OF WATER TO ALL PUBLIC FACILITIES**
(The Hon. Andrew Mwadime, M.P.)
- C. **MOTION** – **PROVISION OF HONORARIUM FOR VILLAGE ELDERS**
(The Hon. Malulu Injendi, M.P.)
- D. **MOTION** – **ESTABLISHMENT OF FISHERIES TRAINING INSTITUTIONS AND FISH PROCESSING PLANTS**
(The Hon. Rose Nyamunga, M.P.)
- E. **MOTION** – **DEPLOYMENT OF CHAPLAINS TO LEARNING INSTITUTIONS**
(The Hon. Geoffrey Odanga, MP)
- F. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2016)**
(The Hon. Mithika Linturi, M.P.)

Second Reading

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), July 06, 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 Wednesday (Afternoon), July 06, 2016:-

A. **MOTION - APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES**
(The Chairperson, Committee on Selection)

B. **COMMITTEE OF THE WHOLE HOUSE**
The Miscellaneous Fees and Levies Bill (National Assembly Bill No. 30 of 2015)
(The Leader of the Majority Party)

C. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No. 2) BILL**
(NATIONAL ASSEMBLY BILL NO. 58 OF 2015)
(The Leader of the Majority Party)

Second Reading
(If not concluded on Tuesday, July 05, 2016)

D. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY**
BILL NO. 12 OF 2015)
(The Leader of the Majority Party)

Second Reading
(If not concluded on Tuesday, July 05, 2016)

E. **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 Tuesday, July 05, 2016)

F. **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 Tuesday, July 05, 2016)

G. THE COUNTY ASSEMBLIES POWERS AND PRIVILEGES BILL (SENATE BILL NO. 14 OF 2014)

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

Second Reading

(If not concluded on Tuesday, July 05, 2016)

H. THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL) BILL (SENATE BILL NO. 20 OF 2014)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

(If not concluded on Tuesday, July 05, 2016)

I. THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO. 22 OF 2014)

(The Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives)

Second Reading

(If not concluded on Tuesday, July 05, 2016)

NOTICE PAPER III

Status of Business before Committees

Wednesday (Afternoon) July 06, 2016

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of ***Wednesday, July 06, 2016 (Afternoon)***, the Chairpersons of the following Committees will be called upon to apprise the House on the Status of the Business pending before their respective Committees:-

A. Joint Committee on National Cohesion and Equal Opportunity

B. Budget and Appropriations Committee

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, July 05, 2016

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for East Africa Affairs (EAC), Labour and Social Protection; Agriculture, Livestock and Fisheries; and Environment and Natural Resources* will appear before the following Departmental Committees on Tuesday, July 05, 2016 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Committee on Labour and Social Welfare	<i>Cabinet Secretary for East Africa Affairs (EAC), Labour and Social Protection</i>	10.00 - 11.30 am	<i>The National Assembly Chamber</i>
(ii) Committee on Agriculture, Livestock and Cooperatives	<i>Cabinet Secretary for Agriculture, Livestock and Fisheries</i>	10.00am – 11.30 am	<i>The Mini Chamber, County Hall</i>
(iii) Committee on environment and Natural Resources	<i>Cabinet Secretary for Environment and Natural Resources</i>	11.30 am – 12.30 pm	<i>The Mini Chamber, County Hall</i>

The Committees' Agenda has been determined as follows-

AGENDA

(Published pursuant to Standing Order 170E (2))

1. Prayers
2. Communication from the Chairperson(s)

I. Questions under the Departmental Committee on Labour and Social Welfare

Questions to the Cabinet Secretary for East Africa Affairs (EAC) Labour and Social Protection

- (i) **Question by Private Notice No. PVT/9/2016 by the Nominated Member (The Hon. Isaac Mwaura, M.P.):**

Considering that Article 27(4) of the Constitution provides for non-discrimination of any person on any grounds including disability, could the Cabinet Secretary inform the Committee what measures the Ministry is taking to bring to an end the incessant discrimination of persons with disabilities by Fly 540, the most recent case being the ill treatment of one Muhib Noorani, the proprietor of Rocky Driving school who was denied access to an aircraft on the basis of his disability despite having booked the ticket and informed the airline of his disability; and further explain the measures taken by the Ministry to ensure the perpetrators are held culpable?

(ii) Question No. 019/2016 by the Member for Yatta (The Hon. Francis Mwangangi, M.P.):

Considering that the National Social Security Fund (NSSF) is currently operating without a Board of Trustees, which is crucial to decision-making in the institution, could the Cabinet Secretary inform the Committee the cause of the delay in appointment of a new Board; and when the Ministry intends to appoint the new Board of Trustees to enable the NSSF undertake its operations smoothly?

(iii) Question No. 020/2016 by the Member for Keiyo North (The Hon. (Dr.) James K. Murgor, M.P.):

Could the Cabinet Secretary explain to the Committee the reasons behind the persistent delays in disbursements of funds to beneficiaries of Cash Transfer for Old People/ Senior Citizens across the constituencies; state the plans, if any, by the Ministry to regulate the payment so that they are paid on a monthly basis; explain the measures in place to capture and absorb into the programme all those who qualify as per the set criteria as soon as possible to avoid unnecessary delays; and clarify whether the Ministry can consider having the payments undertaken at the locational level to save the aged from travelling long distances?

(iv) Question No. 021/2016 by the Member for Nyandarua County (The Hon. Wanjiku Muhia, M.P.):

Considering the increasingly unbearable hardships faced by the aged people in obtaining funds allocated to them through the Cash Transfer Programme for Old People/ Senior Citizens, whereby most of them need to be escorted by relatives and cannot make follow up on the money for more than one day, added to the fact that there has been massive public outcry concerning frequent banking system failures and inadequacy of Kenya Commercial Bank (KCB) Mtaani Agents; could the Cabinet Secretary inform the Committee on the rationale by which KCB is the sole bank undertaking these transfers whereas there are very many banks with numerous branches around the country; state the feasibility of engaging other banks and microfinance institutions in the Programme; clarify whether the Ministry has conducted any audit on KCB in a bid to find out how

transactions are done and whether the process involved is convenient and effective; state ways of reducing delays in Cash Transfer systems and procedures; detail the feasibility of changing the payment cycle from three months to one month; enlighten Members on the plans, if any, that the Ministry has in place for giving Notices to these elderly people instead of them having to queue in banks all the times for inquiries; and further state the feasibility of using modern payment platforms such as Mpesa as avenues for paying the Senior Citizens who have mobile phones?

(v) Question No. 022/2016 by the Member for Juja (The Hon. Francis Waititu, M.P.):

Could the Cabinet Secretary inform the Committee the timelines within which Mr. Wambua Mativo, of Claim Benefit No. 148817920, shall obtain his Retirement Benefits considering that he has consistently pursued the matter and made numerous visits to the National Social Security Fund (NSSF) Offices to no avail for the last three years?

(vi) Question No. 073/2016 by the Member for Kathiani (The Hon. Robert Mbui, M.P.):

Considering that Article 43(1)(e) of the Constitution recognizes Economic and Social services as basic rights for all citizens; in light of the fact that the enactment of the Social Assistance Act 2013 actualized provision of these services to the poor and vulnerable populations through the Social Assistance Programme in the country; moreover in view of the fact that this programme has been effectively managed by the Social Assistance Programme Committee but has never been paid any allowances; and further in consideration that there have been concerns in the manner in which the programme for the orphans is being managed whereby beneficiaries who have attained maximum age are not removed, and in cases where they are removed, additional beneficiaries are drawn from other constituencies other than the constituency that submitted the names for replacement; could the Cabinet Secretary explain to the Committee the reasons for non-payment of allowances to the Social Assistance Programme Committee members entrusted with the task of managing the programme across the country, and outline steps taken by the Ministry in developing clear modalities for managing the exit procedures of elderly beneficiaries in order to pave way for other deserving orphans and vulnerable children?

II. Questions under the Departmental Committee on Agriculture, Livestock and Cooperatives

Questions to the Cabinet Secretary for Agriculture, Livestock and Fisheries

(i) Question No. 047/2016 by the Member for Yatta (The Hon. Francis Mwangangi, M.P.):

Could the Cabinet Secretary inform this Committee the total amount of money disbursed to Kenya Agricultural and Livestock Research Organisation (KALRO) for development and research activities in the past two years; itemize the amounts allocated each research activity conducted on crops and livestock; state how much of these funds have been utilized as at now; and further explain why the nation continues to import grains from other countries instead of utilizing KALRO'S expertise?

(ii) Question No.074/2016 by the Member for Wajir South (The Hon. Abdullayi Diriye, M.P.):

Considering that the government has put in place measures to mitigate losses incurred by cattle owners in Northern Kenya; could the Cabinet Secretary apprise the Committee on the amount of money that has been allocated and disbursed to the Kenya Meat Commission during the 2014/2015 financial year; the number of cattle and amount of money used to purchase cattle from cattle owners during the 2014/2015 financial year; and clarify allegations that about Kshs.400 Million budgeted for purchasing of cattle from farmers during the 2014/2015 financial year was misappropriated?

III. Questions under the Departmental Committee on Environment and Natural Resources

Questions to the Cabinet Secretary for Environment and Natural Resources

(i) Question No. 116/2015 by the Member for Embakasi North (The Hon. James M. Gakuya, M.P.):

Could the Cabinet Secretary provide an update of the status of Nairobi River and a new park sandwiched between Kijabe and Kipande Roads; provide information on the ownership of the land on which the park is situated, the status of the rehabilitation project including the satisfaction of the relevant Ministry with the work done; and further apprise Members on whether procurement procedures followed during the acquisition of project materials including tree seedlings; and highlight the plans, if any, being pursued by the Ministry in permanently employing the people working as casual labourers in the project?

(ii) Question No. 062/2016 by the Member Lamu County (The Hon. Shakila Abdalla, M.P.):

Considering that financing and allocation of land for the Lamu Coal Project in Lamu County has commenced, could the Cabinet Secretary inform this Committee whether an Environmental Impact Assessment (EIA) Report on the project has been submitted to the National Environment Management Authority (NEMA) in view of the provisions of Section IV of the Environmental Management and Coordination Act 1999; and further

state the wisdom in endorsing such a project particularly with regards to the fact that coal projects have had a retrogressive impact worldwide on local communities and on climate change?

(iii) Question No. 063/2016 by the Member Nakuru Town East (The Hon. David Gikaria, M.P.):

Considering that Section 18 of the Wildlife Management and Conservation Act 2013 provides for the establishment of a County Wildlife Conservation and Compensation Committee in every county mandated with, among others, the responsibility of bringing together all relevant stakeholders within the county to actively harness their participation in the planning and implementation of projects and programmes related to the protection, conservation and management of wildlife resources in the county, as well as review and recommend claims resulting from loss or damage caused by wildlife for purposes of compensation, could the Cabinet Secretary inform the committee whether the Ministry has appointed Chairpersons of these Committees across the country, and particularly in Nakuru County, who are to convene the Committee sittings in order to roll out the aforementioned tasks and responsibilities?
