



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FOURTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**TUESDAY, JUNE 07, 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\*. 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.

*(Resumption of debate adjourned on Thursday, May 05, 2016 – Afternoon Sitting)*

**9\*. 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)

**10\*. 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.

*(Resumption of debate adjourned on Thursday, May 05, 2016 – Afternoon Sitting)*

**11\*. MOTION – APPROVAL OF NOMINEES TO THE CONSTITUENCY  
COMMITTEES OF NATIONAL GOVERNMENT  
CONSTITUENCY DEVELOPMENT FUND**

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

**THAT**, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund Act, 2015, this House **approves** the nominees listed hereunder to the respective Constituency Committees of the National Government Constituency Development Fund:–

**1. LAFEY CONSTITUENCY**

- |    |                      |   |
|----|----------------------|---|
| 1. | Mohamed Daar Bulle   | Male Youth Representative                   |
| 2. | Mohamed Madey Hassan | Male Adult Representative                   |
| 3. | Amal Osman Haji      | Female Youth Representative                 |
| 4. | Katra Noor Omar      | Female Adult Representative                 |
| 5. | Hussein Bulle Hassan | Representative of Persons with Disability   |
| 6. | Mursal Sheikh Abey   | Nominee of the Constituency Office (Male)   |
| 7. | Nasra Samow Bare     | Nominee of the Constituency Office (Female) |

...../ 11\*. (cont'd)

**2. NYAKACH CONSTITUENCY**

- |    |                       |   |
|----|-----------------------|---|
| 1. | Justus Ochieng Odhoch | Male Youth Representative                   |
| 2. | Joel Onono Mc Odongo  | Male Adult Representative                   |
| 3. | Leah Akoth Aringo     | Female Youth Representative                 |
| 4. | Hellen E. Were        | Female Adult Representative                 |
| 5. | Nashon Ogada Osenya   | Representative of Persons with Disability   |
| 6. | Henry Okoth Odingo    | Nominee of the Constituency Office (Male)   |
| 7. | Susan Atieno Otieno   | Nominee of the Constituency Office (Female) |

**3. ISIOLO NORTH CONSTITUENCY** *(Additional Nominees)*

- |    |                      |                             |
|----|----------------------|-----------------------------|
| 1. | Moses Lerosion Edwin | Male Adult Representative   |
| 2. | Mary Naitore Kimathi | Female Adult Representative |

**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\*. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)***(The Leader of the Majority Party)*

Second Reading

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**\* Denotes Orders of the Day**

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## 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".

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

- 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.
- III. **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.
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# NOTICE PAPER I

Tentative business for

Wednesday (Morning), June 08, 2016

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*(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), June 08, 2016:-

**A. THE INTERNATIONAL CRIMES (REPEAL) BILL(NATIONAL ASSEMBLY BILL NO. 61 OF 2015)**

(The Hon. Boniface Otsiula, M.P.)

First Reading

**B. THE OFFICE OF THE COUNTY PRINTER BILL (SENATE) BILL NO. 42 OF 2014**

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

First Reading

**C. THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) (SENATE) BILL NO. 7 OF 2015**

(The Chairperson, Departmental Committee on Education, Research and Technology)

First Reading

**D. THE OFFICE OF THE COUNTY ATTORNEY BILL (SENATE) BILL NO. 37 OF 2014**

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

First Reading

**E. THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2016**

(The Hon. Chris Wamalwa, M.P.)

Second Reading

**F. THE VALUE ADDED TAX (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2016**

(The Hon. Wafula Wamunyinyi, M.P.)

Second Reading

**G. COMMITTEE OF THE WHOLE HOUSE**

The Banking Bill (Amendment) Bill (National Assembly Bill No. 62 of 2015)

(The Hon. Jude Njomo, M.P.)

**H. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**

(The Hon. William Cheptumo, M.P.)

*(Resumption of debate interrupted on Wednesday, April 20, 2016 – Morning Sitting)  
(Balance of time 2hrs 30 min.)*

**I. MOTION – ESTABLISHMENT OF A SELECT COMMITTEE TO INQUIRE INTO YOUTH VULNERABILITY TO RADICALIZATION**

(The Hon. Kanini Kega, M.P.)

**J. MOTION – PROVISION OF WATER TO ALL PUBLIC FACILITIES**

(The Hon. Andrew Mwadime, M.P.)

**K. MOTION – PROVISION OF HONORARIUM FOR VILLAGE ELDERS**

(The Hon. Malulu Injendi, M.P.)

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# NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), June 08, 2016

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*(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), June 08, 2016:-

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

(The Leader of the Majority Party)

*(If not concluded on Tuesday, June 07, 2016)*

**B. MOTION – APPROVAL OF NOMINEES TO THE CONSTITUENCY COMMITTEES OF NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND**

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

*(If not concluded on Tuesday, June 07, 2016)*

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

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, June 07, 2016)*

**D. 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)*

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

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