



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, JUNE 28, 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 PRESIDENT'S RESERVATIONS TO THE
ENGINEERING TECHNOLOGISTS AND TECHNICIANS
BILL, 2015**

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

THAT, the House does agree with the Report of the Committee of the whole House on its consideration of the President's Reservations to the Engineering Technologists and Technicians Bill (National Assembly Bill No. 07 of 2015).

(Question to be put)

9*. PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD

(The Leader of the Majority Party)

THAT, pursuant to Standing Order 120, this House resolves to reduce the Publication Period of the Appropriation Bill (National Assembly Bill No. 22 of 2016) from 7 to 4 days.

**10*. THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 22 OF
2016**

(The Chairperson, Budget and Appropriations Committee)

First Reading

11*. **THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2016)**

(The Chairperson, Budget and Appropriations Committee)

Second Reading

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

(i) The County Allocation of Revenue Bill (Senate Bill No. 3 of 2016)

(The Chairperson, Budget and Appropriations Committee)

(ii) The Appropriation Bill (National Assembly Bill No. 22 of 2016)

(The Chairperson, Budget and Appropriations Committee)

13*. **MOTION - RATIFICATION OF THE EAST AFRICAN COMMUNITY
PROTOCOL ON SANITARY AND PHYTOSANITARY
MEASURES**

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

THAT, this House **adopts** the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on its consideration of the East African Community (EAC) Protocol on Sanitary and Phytosanitary (SPS) Measures, laid on the Table of the House on Wednesday, 22nd June, 2016 and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the East African Community Protocol on Sanitary and Phytosanitary (SPS) Measures.

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, June 23, 2016)

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

(The Leader of the Majority Party)

Second Reading

16*. **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)

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

**19*. 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 Tuesday, June 07, 2016)

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

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

Second Reading

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

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

Second Reading

**22*. 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**

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 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, 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 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.
- III. **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** 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.

NOTICE PAPER

Tentative Business for

Wednesday (Morning), June 29, 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), June 29, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Banking (Amendment) Bill (National Assembly Bill No. 62 of 2015)
(The Hon. Jude Njomo, M.P.)
- (ii) The Value Added Tax (Amendment) Bill (National Assembly Bill No. 7 of 2016)
(The Hon. Wafula Wamunyinyi, M.P.)

**B. MOTION – DECLARATION OF KAMUKUNJI GROUNDS A
PROTECTED NATIONAL MONUMENT**
(The Hon. Yusuf Hassan, M.P.)

*(Resumption of debate interrupted on Wednesday, June 22, 2016 – Morning Sitting)
(Balance of time – 2 hrs 50 mins)*

**C. MOTION - ESTABLISHMENT OF A SELECT COMMITTEE TO
INQUIRE INTO YOUTH VULNERABILITY TO
RADICALIZATION**
(The Hon. Kanini Kega, M.P.)

D. MOTION – PROVISION OF WATER TO ALL PUBLIC FACILITIES
(The Hon. Andrew Mwadime, M.P.)

E. MOTION – PROVISION OF HONORARIUM FOR VILLAGE ELDERS
(The Hon. Malulu Injendi, M.P.)

**F. MOTION - ESTABLISHMENT OF FISHERIES TRAINING
INSTITUTIONS AND FISH PROCESSING PLANTS**
(The Hon. Rose Nyamunga, M.P.)

**G. 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), June 29, 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), June 29, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

The Miscellaneous Fees and Levies Bill (National Assembly Bill No. 30 of 2015)
(The Leader of the Majority Party)

B. 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 28, 2016)

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, June 28, 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, June 28, 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, June 28, 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, June 28, 2016)

G. 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

(If not concluded on Tuesday, June 28, 2016)

H. 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, June 28, 2016)

I. 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, June 28, 2016)

J. 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, June 28, 2016)

NOTICE PAPER III

Status of Business before Committees

Wednesday (Afternoon) June 29, 2016

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of ***Wednesday, June 29, 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

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, June 28, 2016

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Interior and Coordination of National Government; Transport and Infrastructure; and Energy and Petroleum* will appear before the following Departmental Committees on Tuesday, June 28, 2016 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Committee on Administration and National Security	<i>Cabinet Secretary for Interior and Coordination of National Government</i>	10.00 - 11.30 am	<i>The National Assembly Chamber</i>
(ii) Committee on Transport, Public Works and Housing	<i>Cabinet Secretary for Transport and Infrastructure</i>	10.00am – 11.30 am	<i>The Mini Chamber, County Hall</i>
(iii) Committee on Energy, Information and Communication	<i>Cabinet Secretary for Energy and Petroleum</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 Administration and National Security

Questions to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) **Question No. PVT/09/2016 by the Member for Endebess (The Hon. (Dr.) Robert Pukose, M.P.):**

Considering that there are about 700 Kenya Police Reservists in Trans Nzoia County deployed

to provide security in several private and government institutions, and as such generate Appropriation-in-Aid (A-in-A) on account of their services, could the Cabinet Secretary inform Honourable Members on the total amount of money generated from this service; provide information on how these funds are being accounted for by the Inspector General of Police; state how much money is paid to Kenya Police Reservists in terms of wages, allowances and other benefits; and further provide audited accounts of the said A-in-A for the years 2013, 2014 and 2015?

(i) Question No. 004/2016 by the Member for Wajir South (The Hon. Abdullahi M. Diriye, M.P.):

Could the Cabinet Secretary inform the Committee what the Government is doing to protect chiefs in Mandera, Wajir and Garissa Counties following the killings of Chiefs Mohamed Bare Abdullahi on 20th June 2015 and Muktar Maalim on 23rd April, 2015 by suspected Al-shabaab militants; the measures so far taken by the Government to bring the perpetrators to book; and the plans in place to support the families of the slain chiefs?

(ii) Question No. 005/2016 by the Member for Yatta (The Hon. Francis Mwangangi, M.P.):

Could the Cabinet Secretary inform the Committee the status of implementation of the proposed medical cover for the National Police Service staff; further provide a breakdown of usage of the Kshs. 5,000 risk allowance deducted monthly from officers in the 2014/2015 financial year to provide medical cover; and the status of the proposed National Police Service Hospital to be constructed on a twenty-eight acre piece of land in Embakasi, and the Kenya Police Staff College in Loresho?

(iii) Question No. 007/2016 by the Member for Lurambi (The Hon. Raphael Otaalo, M.P.):

Could the Cabinet Secretary explain to the Committee why the training of one Mr. Gregory Arsulu Isaac, who had been recruited into the General Service Unit (GSU) under Admission Number 004295, was abruptly terminated after three months yet he had successfully passed the recruitment exercise; apprise Members on claims made by the Service that Mr. Arsulu was medically unfit considering that he had passed the recruitment test by providing medical and academic testimonials; and further inform Members on the timelines for re-admitting him back into the GSU College at Embakasi to complete his training and be fully conscripted into the Service?

(ii) Question No. 010/2016 by the Member for Borabu (The Hon. Ben Momanyi, M.P.):

Considering that the conflict between Borabu and Sotik constituencies has been raging on for many years leading to loss of lives and damage to property, as witnessed by the recent attack at Rainyaemo on 17th March 2016 that left several innocent Kenyans dead and the setting ablaze of a school near Rainyaemo Police Station, could the Cabinet Secretary inform Honourable Members the measures being pursued by the Ministry to address the solution with a view to providing long-term and amicable resolution of the conflicts?

II. Questions under the Departmental Committee on Transport, Public Works and Housing

Questions to the Cabinet Secretary for Transport and Infrastructure

- (i) **Question No. 029/2016 by the Member for Malava (The Hon. Malulu Injendi, M.P.):**
Could the Cabinet Secretary inform the Committee why the construction works of the Kakamega-Kaburengu Road that had commenced mid last year stalled before the contractor completed the construction of the Road; when the contractor will resume works; and what is the expected completion date of the said Road?
- (ii) **Question No. 033/2016 by the Member for Nakuru Town East (The Hon. David Gikaria, M.P.):**
Considering that mobile weighbridges have been introduced to deal with the large number of trucks along the highways, could the Cabinet Secretary inform the Committee the criteria used to station the mobile units; state the measures being taken to ensure transparency in the process such as the printing out of sheets before and after the weighing process; shed light on reasons behind the inordinate delays in arrival of the mobile measures that have been a major cause of distress to trade and commerce; clarify on how often the Weights and Measures are subjected to maintenance for accuracy purposes, and further define the manner of identification of the vehicles or staff carrying out the exercises?
- (iii) **Question No. 061/2015 by the Member for Kisumu West (The Hon. Olago Aluoch, MP):**
Could the Cabinet Secretary apprise Honourable Members on the timelines within which the construction of the Kisumu Airport – Kisian Bypass shall be complete as per the original design; confirm whether there are plans to construct speed bumps or rubble strips at strategic areas on this road especially opposite Kisian Primary School's gate and near Kisian Bridge in a bid to reduce speed-related accidents; and further state the logic of destroying structures on road reserves between Otonglo Market and Kisian Bridge in case the road reserves were not required for immediate use in the current phase of construction?
- (iv) **Question No. 035/2016 by the Member for Magarini (The Hon Harrison G. Kombe, MP):**
Could the Cabinet Secretary inform the Committee on the measures the Ministry has in place for the upgrading of Sabaki-Galana/Kulalu Road D553, Mjanaheri-Ngomeni Road E892, and Kibaoni/Fundissa-Adu E89 Roads are upgraded to class C and subsequently to bitumen standards?

III. Questions under the Departmental Committee on Energy, Information and Communication

Questions to the Cabinet Secretary for Energy and Petroleum

(i) Question No. 059/2016 by the Member for Lamu County (The Hon. Shakila Abdalla, M.P.):

Could the Cabinet Secretary confirm to the Committee that a license was issued for the coal power project in Lamu contracted to Amu Power; explain why he approved the project without consultation of the local leaders who happened to hear of its tendering process in the media; state whether the provisions of Section 30 of the Energy Act 2006 regarding conditions for licensing were observed; confirm whether a feasibility study was carried out considering that Lamu is a UNESCO World Heritage Site having a Marine Reserve and a National Reserve less than twenty (20) kilometers from the proposed project site; and further highlight the efforts, if any, that were undertaken by the Ministry in determining that a coal power plant is the most sustainable, cost-effective and beneficial energy solution for the country?

(ii) Question No. 060/2016 by the Nominated Member (The Hon. Isaac Mwaura, MP):

Considering that the Energy Regulatory Commission (ERC) established under the Energy Act, 2006, is mandated to, among other duties, regulate electrical energy, petroleum and related products, renewable energy and other forms of energy; in view of the fact that the Energy (Petroleum Pricing) Regulations, 2010 were gazetted vide Legal Notice No. 196, providing for the setting of the maximum wholesale and the retail prices of petroleum products at a wholesale depot or retail dispensing site; conscious of the concerns that petroleum companies and oil cartels continue to exploit consumers by charging very high prices in respect to the petroleum products even in the face of the global oil prices being at the lowest, could the Cabinet Secretary clarify why the oil prices in Kenya are still high, and further state the measures the Ministry is taking to ensure consumers are not exploited?

(iv) Question No. 061/2016 by the Member Mwingi Central (The Hon. Joe Mutambu, M.P.):

Considering that in December 2013, the National Government signed a Coal Concession with a Chinese Company by the name of Fenxi Mining Group and Kenya's Great Lakes Investments to extract and process coal in Mui Basin in Kitui Central Constituency, an undertaking that was expected to be one of Kenya's most reliable and easily accessible base for electricity generation, yet the process has not kicked off to-date despite lapsing of the set timelines, could the Cabinet Secretary inform the Committee why there have been inordinate delays in the commencement of the exploration exercise in the said region; and further state the course of action the Ministry has undertaken since the stipulated time for exploration has already expired?
