



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, MARCH 08, 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 COMMUNITY LAND BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Question to be put)

9. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015)
(The Leader of the Majority Party)
- (ii) The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015)
(The Leader of the Majority Party)
- (iii) The Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill (National Assembly Bill No. 48 of 2015)
(The Leader of the Majority Party)

- 10**. **THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**
(The Leader of the Majority Party)

Second Reading

- 11**. **THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**
(The Leader of the Majority Party)

Second Reading

- 12**. **THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**
(The Leader of the Majority Party)

Second Reading

- 13*. **THE KENYA ROADS (NATIONAL ASSEMBLY BILL NO. 26 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. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)

- 1) Notice is given that the Leader of the Majority Party intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015 at the Committee Stage—

SCHEDULE

THAT, the Bill be amended in the Schedule by deleting item 1 on Crude Oil and Natural Gas.

- 2) Notice is given that the Chairperson of the Departmental Committee on Environment and Natural Resources, Hon. Amina Abdalla, M. P. intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015 at the Committee Stage—

CLAUSE 4

THAT, clause 4 of the Bill be amended in sub-clause (2) by inserting the words “Notwithstanding subsection (1)” immediately before the words “The following classes”.

CLAUSE 11

THAT, clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Cabinet Secretary shall establish and maintain a central register of agreements relating to natural resources and other transactions which have been ratified as provided under this Act.”

CLAUSE 12

THAT, clause 12 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Where the request for confidentiality is granted, the Cabinet Secretary responsible for the natural resource that is subject of the transaction shall submit the agreement to Parliament which shall conduct the process of ratification in camera without disclosing any confidential material, but a summary of the agreement shall be made available to the public.”

CLAUSE 13**THAT**, clause 13 of the Bill be amended—

(a) in sub-clause (2) by —

(i) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) prescribe the particular classes of transactions, entered into between the effective date and the commencement date which should be audited, the modalities for conducting such audits and the use for which such findings may be put;

(ii) inserting the words “under section 5” immediately after the words “the agreement” appearing in paragraph (c);and

(b) by inserting the following new sub-clause immediately after sub-clause (2) —

(3) The regulations to be prescribed under subsection 2(a) shall be made within two years of the commencement of this Act.

SCHEDULE**THAT**, the Schedule to the Bill be amended by inserting the following new item in the proper alphabetical sequence—

Forests

Excision or change of boundaries of gazetted public forests or nature reserves.

3) Notice is given that the Member for Emuhaya (Hon. Dr. Wilber Ottichilo), intends to move the following amendments to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015 at the Committee Stage—

SCHEDULE**THAT**, the Bill be amended in the Schedule by—

(a) deleting item 9 relating to Genetic materials;

(b) deleting item 10 relating to Genetic resources;

(c) inserting the following new item in its proper alphabetical sequence—

Forests

Excision or change of boundaries of a gazetted public forest.

II. THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)

Notice is given that the Member for Kibwezi West (Hon. (Dr.) Patrick Musimba), intends to move the following amendments to the Petroleum (Exploration and Development and Production) Bill 2015 (National Assembly Bills No.44) at the Committee Stage—

CLAUSE 17

THAT clause 17 of the Bill be amended in sub-clause (1) by deleting paragraph (e) and substituting therefor the following new paragraph—

“(e) five other members appointed by the Cabinet Secretary from each of the following bodies—

- (i) consumer rights organizations;
- (ii) Law Society of Kenya;
- (iii) Petroleum Industry Organization;
- (iv) Kenya Private Sector Alliance; and
- (v) National Environment Management Authority.

CLAUSE 24

THAT clause 24 of the Bill be amended in sub-clause (2) by inserting the words “to the Authority” immediately after the words “made against him or her” appearing in paragraph (a).

CLAUSE 34

THAT clause 34 of the Bill be amended in sub-clause (1) by inserting the words “and further upon issuance of sufficient notice” immediately after the words “of appointment” appearing in the opening paragraph.

CLAUSE 37

THAT the Bill be amended by deleting clause 37.

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.
-

NOTICE PAPER

Tentative business for

Wednesday (Morning), March 09, 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), March 09, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The In-Vitro Fertilization Bill (National Assembly Bill No. 36 of 2014)
(The Hon. Millie Odhiambo-Mabona, M.P.)

(Resumption of consideration interrupted on Wednesday, February 24, 2016 – Morning Sitting)

(To resume from Clause 28)

- (ii) The Health Records and Information Managers Bill (National Assembly Bill No. 24 of 2015)
(The Hon. Agostinho Neto, M.P.)

- (iii) The Access to Information Bill (National Assembly Bill No. 36 of 2015)
(The Hon. Priscilla Nyokabi, M.P.)

B. MOTION – ACCESSIBILITY TO PUBLIC BUILDINGS BY PERSONS WITH DISABILITY

(The Hon. Isaac M. Mwaura, M.P.)

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

(Balance of time – 45 minutes)

(Motion as amended)

C. MOTION – DECENTRALIZATION OF REGISTRATION OF NATIONAL IDENTIFICATION CARDS

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

(Resumption of debate interrupted on Wednesday March 02, 2016 – Morning Sitting)

(Balance of time – 20 minutes)

(Motion as amended)

D. MOTION - ALLOWING PERSONS WITH SERIALIZED WAITING CARDS TO REGISTER AS VOTERS

(The Hon. Ferdinand Wanyonyi, MP)

E. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.5) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2015)

(The Hon. (Eng.) Nicolas Gumbo, M.P.)

Second Reading

NOTICE PAPER II

Status of Business before Committees

Wednesday (Afternoon) March 09, 2016

In accordance with the Speaker's Communication of Wednesday, October 14, 2015, it is notified that, during the Sitting of **Wednesday, March 09, 2016 (Afternoon)**, the Chairpersons of the following Departmental Committees will be called upon to apprise the House on the Status of the Business pending before their respective Committees:-

- A. **Committee on Administration and National Security**
- B. **Committee on Agriculture, Livestock and Cooperatives**
- C. **Committee on Defence and Foreign Relations**

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, March 08, 2016

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries *for Cabinet Secretaries for Transport and Infrastructure; Interior and Coordination of National Government; and Land, Housing and Urban Development* will appear before the following Departmental Committees on Tuesday, March 08, 2016 at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Committee on Transport, Public Works and Housing	<i>Cabinet Secretary for Transport and Infrastructure</i>	11.30 - 12.30 pm	<i>The Mini Chamber, County Hall</i>
(ii) Committee on Administration and National security	<i>Cabinet Secretary for Interior and Coordination of National Government</i>	10.00am – 11.30 am	<i>The Mini Chamber, County Hall</i>
(iii) Committee on Lands	<i>Cabinet Secretary for Land, Housing and Urban Development</i>	10.00 - 11.30 am	<i>The National Assembly Chamber</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 Transport, Public Works and Housing

Questions to the Cabinet Secretary for Transport and Infrastructure:

- (i) **Question by PVT/1/2016 by the Member for Baringo County (The Hon. Grace Kiptui, M.P.):**

Could the Cabinet Secretary inform the Committee the reasons why the Marigat-Loruk Road in Baringo County has remained in a deplorable condition for a long time; the plans the Ministry has in place to repair the said road as well as the expected date of completion considering this Road leads to a Lake Baringo which is a tourist destination?

(ii) Question by PVT/2/2016 by the Member for Kikuyu (The Hon. Kimani Ichung'wah, M.P.):

Could the Cabinet Secretary inform the Committee whether the Ministry is aware of the problems created by the poor design of the entry/exit point from the A104 Nairobi/Nakuru highway onto the Southern Bypass at Gitaru; provide, in conjunction with the Kenya National Highways Authority (KeNHA), the initial designs of the Bypass at the exit (where the Bypass meets the A104 Nairobi/Nakuru Highway), and any subsequent designs; state the measures the Ministry is taking to curb the increased risks of motor vehicle accidents and incessant traffic snarl-ups at this entry/exit point off the Southern Bypass from Nakuru; and explain in conjunction with the Kenya National Highways Authority (KeNHA) the measures being taken to address numerous petitions and requests by residents of Kikuyu Town, Mai-ai-ihii and Thogoto regarding the following concerns:

- a) Creation of an exit/entrance onto the Southern Bypass at Kikuyu, St. Theresa Hospital Area, Mai-ai-ihii area around Alliance High School foot bridge and its environs (as agreed by the former CS Mr. Michael Kamau);
- b) Construction of a foot bridge at Kikuyu bus park area and Thirime Primary School area in Thogoto; and
- c) Completion of drainage works emptying storm rain water in Kiawamagira village, Thogoto.

(iii) Question No. 152/2015 by the Member for Nakuru County (The Hon. Mary Mbugua, HSC, M.P.):

Considering the rising number of accidents on the Salgaa-Nakuru-Eldoret Highway that have either killed or maimed scores of people due to among other factors, poor or total lack of road signs particularly in the Salgaa area that has become a blackspot, could the Cabinet Secretary apprise Members on plans, if any, that the Government is pursuing in clearly marking this and other roads, erecting traffic signs, replacing vandalized road signs, and repainting faded signs; and further enlighten the Committee on the feasibility of constructing a dual carriage for the Salgaa Road section and other accident-prone roads in the country?

(iv) Question No. 153/2015 by the Member for Eldama Ravine (The Hon. Moses K. Lessonet, M.P.):

Could the Cabinet Secretary apprise the Committee on reasons why the section of Road C55 Ravine to Nyoru continues to be damaged by overloaded trucks without any visible interventions from the Ministry; explain reasons why the Kenya National Highways Authority (KeNHA) has not installed signages along this section to enable police implement truck control measures; provide names the public officers guilty of negligence in implementing load control measures; highlight the disciplinary measures taken against these officers; and give the estimated cost of damage on this particular section of the road?

(v) Question No. 154/2015 by the Member for Embakasi South (The Hon. Irshadali M. Sumra, M.P.):

Could the Cabinet Secretary apprise the Committee on plans, if any, to reduce the cash bail fines imposed on traffic offenders, mainly boda boda operators, taxis and matatus, from the current Ksh. 10,000 to a much lower figure as a means of curbing the harassment of these public commuter service operators by traffic police?

II. 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. 019/2015 by the Member for Wajir South (The Hon. Mohamed Diriye, M.P.):

Could the Cabinet Secretary inform the Committee on plans in place to effectively facilitate the issuance of national identity cards and related documents to Kenyans as envisaged in Article 12 (1) of the Constitution and in the light of the National Assembly's recently passed motion urging the Government to urgently register all eligible citizens; measures being pursued to address the circumstances that compelled some Kenyans to register as refugees; the Government's short and long-term plans for tackling the refugee problem, and clarify on the policy for repatriation of refugees?

(ii) Question No. 020/2015 by the Member for Moyale (The Hon. Roba Duba, M.P.):

Could the Cabinet Secretary provide the Committee with a comprehensive assessment of the loss of lives, damage to property and displacement of people occasioned by inter-tribal conflicts in Moyale County; the consideration for the establishment of a judicial commission of inquiry to investigate the underlying issues surrounding the conflict; the consideration for the establishment of a Special Land Committee to demarcate/adjudicate on traditional grazing lands between communities in the county using the 1963 boundaries so as to deal with modern land grabbing tendencies and expansionist terrorism; the alternative conflict resolution mechanism being pursued by the Government since the traditional methods of conflict resolution have broken down; and the short and long term provisions of security for sandwiched settlements in Moyale like the Heilu people among others?

(iii) Question No. 078/2015 by the Member for Emuhaya (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary explain the measures that have been put in place to ensure that full-time state officers are not engaged in other gainful employment; and that retired state officers do not hold more than two concurrent remunerative positions as

chairpersons, directors or employees of state organs as required by Article 77 of the Constitution?

(iv) Question Nos. 079/2015 & 081/2015 by the Member for Emuhaya (The Hon. (Dr.) Wilber Ottichilo, M.P.):

Could the Cabinet Secretary apprise the Committee on the current status of the San Marco Space Application Centre in Malindi as regards its legal status, status of management and staff, its assets and equipment, the ongoing activities, usage of satellite data generated, income generation, corporate social responsibility, and its future goals; and explain the reasons why the country has not incorporated the use of satellite technology in its security operations and monitoring as well as disaster risk reduction monitoring and management? Further, Could the Cabinet Secretary apprise the Committee on the achievements of the Kenya Space Science Secretariat, the costs it has incurred since its establishment, and when will the Kenya National Space Agency (KENSA) be established?

(v) Question No. 080/2015 by the Member for Trans Nzoia County (The Hon. Janet Nangabo, M.P.):

Could the Cabinet explain to the Committee reasons behind the ongoing dismissals of police officers without explanations or tribunals being set that has led to some among them committing suicide due to frustrations; reasons behind failure to set tribunals to give officers opportunity to defend themselves; measures being pursued to curb this abuse of power by their seniors who appear to sack them at will; and the date set to have all wrongfully dismissed officers reinstated?

(vi) Question No. 083/2015 by the Member for Kajiado North (The Hon. Joseph Manje, M.P.):

Could the Cabinet Secretary apprise Members on the circumstances in which buildings belonging to Museto Women Group in Ngong Town were demolished on November 11, 2014 yet there was a court case scheduled for the same day at 0900hrs at Milimani Commercial Courts; the reasons behind use of excessive force by police officers from Kasarani, Lavington, Langata, Dagoretti, Kamukunji, KICC, Muiki and Ngong Police Stations; the reasons behind police officers lobbing teargas canisters at the Area Member of Parliament (Hon. Joseph Manje) which led to serious injuries necessitating admissions at Karen Hospital, Nairobi Hospital and Apollo Hospital in India for treatment; the reasons behind police officers allowing hired youths from Kibra to loot property belonging to the Group; and the reason why that the Museto Women Group's case which was registered in Machakos in 2002 has never been concluded?

III. Questions under the Departmental Committee on Lands

Questions to the Cabinet Secretary for Land, Housing and Urban Development:

(i) Question No. 142/2015 by the Member for Saboti (The Hon. David Wafula, M.P.):

Considering that the majority of land owners including public institutions such as schools and health centres do not possess title deeds for their respective lands in Trans Nzoia County, could the Cabinet Secretary provide details of all land owners with and without title deeds for the land they own in the County, explain reasons behind the failure by the Government to issue these vital documents for so long and further provide timelines by which the Government will issue title deeds to all rightful land owners in the County?

(ii) Question No. 143/2015 by the Member for Buuri (The Hon. Kinoti Gatobu, M.P.):

Could the Cabinet Secretary apprise Members on the reasons why Mr. M'Thuranira M'Twarichia Kamoi of Identity Card Number 0978294 and Personal Number 96982 received only his pension upon retirement in 1987 from the Ministry of Works, Housing and Urban Planning but never receives his monthly half salary?

(iii) Question No. 147/2015 by the Member for Ndaragwa (The Hon. Francis Waweru Nderitu, M.P.):

Considering that Ms. Rose Mbithe Mulwa a Director at Sehat Investments Limited of P.O. Box 1273 Code 00502 Nairobi purchased two acres of land LR No. 1160/784 (originally LR 1160/418) in Karen in 1998 from Mr. Douglas Kiereni at Ksh 4.6 million and later sold half an acre to Hon. William Kipsang (former Member of Parliament); in light of the fact that despite Ms. Mulwa continuously paying land rates for the one-and-a-half acre property the land was allegedly illegally and fraudulently transferred in 2005 to Ms. Josephine Akoth Onyango and charged with the Kenya Commercial Bank for Ksh 8.5 million, a loan which was subsequently paid by Ms. Mulwa for fear of losing the land together with interests totaling Ksh 13.5 million; further considering that in 2009, despite pleas from Ms. Mulwa to KCB to stop further transactions on the property since criminal investigations were underway, the Bank went ahead and advanced Ksh 10 million to Ms. Onyango, an amount she has not repaid to-date and which stands at Ksh 17.7 million; bearing in mind that forensic investigations by the (then) Criminal Investigations Department (CID) clearly proved that Ms. Mulwa's signature and company seals together with lawyer Peter Ngoge's signature had been forged in the purported transfer documents; aware that several attempts have been made to evict Ms. Mulwa from the premises by Mr. Ahmed Ahmednasir (former Judicial Service Commission member) and KCB officials; could

the Cabinet Secretary apprise Members on the actions the Ministry will take in solving the land dispute and ensuring that justice prevails?

(iv) Question No. 148/2015 by the Member for Matayos (The Hon. Geoffrey M. Odanga, M.P.):

Could the Cabinet Secretary apprise the Committee on the terms of services including the remuneration scheme of Land Control Boards countrywide, explain reasons behind failure to pay members of these Boards such as the one in Busia their sitting allowances for over two years, provide the rationale behind failure to release the Authority to Incur Expenditure (A.I.E.) for allowances, and indicate the timelines within which these payments shall be settled?

(v) Question No. 149/2015 by the Member for Endebess Constituency (Hon. Robert Pukose, M.P.):

Considering that Kingena Farmers' Cooperative Society (formerly known as Ndiema Cherungut & Partners) bought the farm registered as L.R. No. 1112 in Trans-Nzoia County from the Agricultural Development Corporation (ADC) after a public advertisement dated 3rd August 1971 at a cost of Ksh. 200,000, but as they prepared to occupy the land ADC arbitrarily allocated it to the Ministry of Natural Resources with neither explanations nor refund; could the Cabinet Secretary apprise Members on reasons behind the irregular allocation, reasons behind failure by ADC to either refund the Cooperative's money or give it alternative land, reasons behind failure by the National Land Commission to sufficiently act on the Hon. Gonzi Rai's Report of October 2009, and further facilitate the revocation of Gazette Notice No. 2479 of 25th August 1978?

(vi) Question No. 150/2015 by the Member for Emurua Dikirr (The Hon. Kipyegon Johana Ngeno, M.P.):

Considering that the Oloo'nkoliin Adjudication Section was declared for demarcation in 1986 and all objections conclusively arbitrated by 2006 by the Committee established to oversee the process, could the Cabinet Secretary inform the Committee why the demarcation has taken inordinately long to be executed; and the timelines by which the Ministry intends to have the land demarcated and title deeds issued?
