



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (THIRD SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY DECEMBER 02, 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\*. COMMITTEE OF THE WHOLE HOUSE**

The National Government Constituencies Development Fund Bill (National Assembly Bill No. 59 of 2015)  
(The Hon. Moses Lessonet)

**9\*\*. THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2015)**

(The Leader of the Majority Party)  
Second Reading

*(Resumption of debate interrupted on Tuesday, December 01, 2015)*

**10\*\*. THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

(The Leader of the Majority Party)

Second Reading

**11\*\*. THE LEGAL AID BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2015)**

(The Leader of the Majority Party)

Second Reading

12\*\*. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)

(The Leader of the Majority Party)

Second Reading

13\*. MOTION - REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

(The Chairperson, Public Accounts Committee)

**THAT**, this House adopts the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary of May, 2014, laid on the Table of the House on Tuesday, 7<sup>th</sup> July, 2015.

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\* Denotes Orders of the Day

\*\*Denotes Bill with Constitutional Timeline

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# N O T I C E S

## I. NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT

- 1) Notice is given that the Chairperson of the Select Committee on the Constituencies Development Fund (Hon. Moses Lessonet), intends to move the following amendments to the National Government Constituencies Development Bill, 2015 at the Committee Stage—

### CLAUSE 3.

**THAT**, Clause 3 of the Bill be amended—

- (a) in paragraph (h) by deleting the words “deliberate on and resolve issues of concern to the people as provided for under Article 95(2) of the Constitution” and substituting therefor the words “exercise oversight over the performance of specified national government functions at the constituency level as provided for under Article 95 of the Constitution.”
- (b) by deleting paragraph (k);
- (c) by inserting the following new paragraphs immediately after paragraph (l) —
  - “(m) provide a framework for citizens led development to assist the national government in planning and prioritizing the use of its resources;
  - (n) create a harmonious relationship between citizens and the national government and its officers in local development;
  - (o) provide a platform for citizens participation in service delivery; and
  - (p) build local accountability and transparency in the use of resources.”

**CLAUSE 6**

**THAT**, Clause 6 of the Bill be amended in sub clause (1) by deleting the words “with the concurrence of” and substituting therefor the words “with the approval of”.

**CLAUSE 8**

**THAT**, Clause 8 of the Bill be amended —

- (a) by deleting the words “and administration expenses” appearing in the marginal note;
- (b) by deleting sub clause (4);
- (c) by deleting sub clause (5);
- (d) by inserting the following new clauses immediately after clause 8—

Administration expenses.

**8A.** The project management committee shall set aside a sum not exceeding five per centum of the total allocation for the project to cater for the administration expenses of the project.

Books of accounts  
to be kept

**8B.** The sums set aside under sections 8 and 9 shall be properly accounted for and proper books of accounts shall be kept and returns made to the Constituency Committee for that constituency on how the sum has been used.

**CLAUSE 10**

**THAT**, Clause 10 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “Board” and substituting therefor the word “National Treasury”;
- (b) in sub clause (6) by deleting the words “Board Fund ” and substituting therefor the word “Constituency”;
- (c) in sub clause (7) by deleting the words “ Fund ” and substituting therefor the word “Constituency”

**CLAUSE 11**

**THAT**, Clause 11 of the Bill be amended—

- (a) in sub clause(2) by deleting the word “three” and substituting therefor the word “two”;
- (b) in sub clause(3) by deleting the words “plus any two of the other three signatories” and substituting therefor the words “and any one of the other two signatories”.

**CLAUSE 13**

**THAT**, Clause 13 of the Bill be amended in sub clause (1) —

- (a) by inserting the following new paragraphs immediately after paragraph (b) —

“(bb) the Attorney-General or a designated alternate not being below the level of Senior State Counsel;”

“(bc) the principal secretary in the Ministry responsible for matters relating to education or a designated alternate not being below the level of Director.”

- (b) by deleting paragraph (c) and substituting therefor the following new paragraph;

“ (c) seven other persons, three of whom shall be of the opposite gender and at least one shall be a person with disability, qualified in matters relating to finance, accounting, engineering, economics, community development, public affairs, project management, education, security or law appointed by the Cabinet Secretary with the approval of the National Assembly; and”

**CLAUSE 14**

**THAT**, Clause 14 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d) —

“(da) receive and address complaints that may arise from the implementation of the Act;

(db) encourage best practices in the implementation of projects”.

**CLAUSE 17**

**THAT**, Clause 17 of the Bill be amended—

- (a) in sub clause (1)—

- (i) by deleting the words “including a contravention of Chapter Six” appearing immediately after the word “law” in paragraph (a);

- (ii) by inserting the following new paragraph immediately after paragraph “e” —

“(f) engaging in active politics”.

(b) by deleting sub clause (4) and substituting therefor the following new sub clause—

“(4) The National Assembly Committee shall, upon receiving a petition under subsection (2), consider the petition and may recommend that the member be suspended pending the outcome of the complaint”

### **CLAUSE 18**

**THAT**, Clause 18 of the Bill be amended—

(a) in sub clause (2) —

(i) by deleting the word “five” appearing in paragraph (b) and substituting therefor the word “ten”;

(ii) by inserting the following new paragraph immediately after paragraph

(b) —

“(c) has served in a senior management position for a minimum period of five years”

(b) in sub clause (4) by deleting the words “on such terms and conditions of service as shall be specified in the instrument of appointment” and substituting therefor the words “ for a period of three years renewable once.”

### **CLAUSE 20**

**THAT**, Clause 20 of the Bill be amended by inserting the following new sub clause immediately after sub clause (2) —

(2A) The Constituency Committee shall participate in the annual appraisal of the officer of the Board seconded to the constituency based on criteria developed by the Board”.

### **CLAUSE 21**

**THAT**, Clause 21 of the Bill be amended in sub clause (1) by inserting the words “the Cabinet Secretary with the concurrence of” immediately after the words “approved by”.

### **CLAUSE 25**

**THAT**, Clause 25 of the Bill be amended in sub clause (3) by deleting the words “the chairman of the Constituency Committee to the Board after approval by the Constituency Committee for that constituency” and substituting therefor the words “ Constituency Committee to the Board”.

**CLAUSE 26**

**THAT**, Clause 26 of the Bill be amended in sub clause (2) by deleting the words "the chairman of the Constituency Development Fund" and substituting therefor the word "Constituency".

**CLAUSE 34**

**THAT**, Clause 34 of the Bill be amended in sub clause (1) by deleting the words "in each case" and substituting therefor the words "appointed in accordance with the regulations made under section 53."

**CLAUSE 41**

**THAT**, Clause 41 of the Bill be amended-

(a) in sub clause (2) by deleting the words "at the constituency as may be designated by the Cabinet Secretary or an alternate;" appearing in paragraph (a) and substituting therefor the words "responsible for coordination of national government functions.";

(b) by inserting the following new sub clause immediately after sub clause (6).

(6A) The members of the Constituency Committee shall at the first meeting elect a chairperson from among the persons appointed under paragraphs (b), (c), (d), (e) and (g).

(c) in sub clause (8) by deleting the words "irrespective of a term of Parliament"

**CLAUSE 42**

**THAT**, Clause 42 of the Bill be amended in sub clause (1) by —

(a) by deleting the marginal note and substituting therefor the following new marginal note—

"Dissolution of Constituency Committee"

(b) deleting paragraph (c);

(c) deleting paragraph (d)

**CLAUSE 45**

**THAT**, Clause 45 of the Bill be amended —

(a) by deleting the marginal note and substituting therefor the following new marginal note—

"Projects involving personal awards to be excluded"

(b) by deleting sub clause (2);

(c) by inserting the following new clause immediately after clause 45.

Social security  
programmes etc to  
be considered as  
development  
projects.

45A. The funding of social security programmes, education bursary schemes, mock examinations and continuous assessment tests shall be considered as development projects for the purposes of the Act provided that such projects shall not be allocated more than thirty five per centum of the total funds allocated for the constituency in any financial year.

### **CLAUSE 49**

**THAT**, the Bill be amended by inserting the following new clause immediately after clause 49.

Citizens Projects  
Oversight  
Committees

**49A.** (1) There is established a Citizens Project Oversight Committee for every project undertaken this Act.

(2) The Citizens Projects Oversight Committee shall be comprised of not more than five members for every project, appointed by the Member of Parliament for the constituency in consultation with other stakeholders.

(3) Each Member of Parliament shall at least twice in every financial year, and upon giving notice of at least fourteen days, convene a Citizens Projects Oversight Committee forum for purposes of—

(a) mobilizing and sensitizing the respective target groups on any matter related to the Fund; and

(b) soliciting views, opinions and proposals from the public in regard to the Fund and presenting the views and opinions to the National Assembly;

(4) The public may in a Citizens Projects Oversight Committee forum—

(a) make recommendations to the Constituency Committee for the better implementation of projects undertaken under the Act;

(b) witness the commissioning of projects and issuance of cheques and other disbursements by the Constituency Committee; and

(c) express their views on the implementation of the Fund;



- (5) The members of the Citizens Projects Oversight Committee shall serve on a voluntary basis for the duration of the respective project and shall not be entitled to any payments or allowances from the funds allocated under this Act.

**CLAUSE 52**

**THAT**, Clause 52 of the Bill be amended in sub clause (4) by deleting the words “the Cabinet secretary may appoint an arbitrator whose costs shall be jointly borne by the parties” and substituting therefor the words “any of the parties may apply to the Cabinet Secretary to reconsider the Board’s decision and determine the matter”.

**CLAUSE 53**

**THAT**, Clause 53 of the Bill be amended in sub clause (3) by inserting the following new paragraph immediately after paragraph (a) —

“(aa) the procedure for appointment and removal of members of the project management committees”.

- 2) **Notice is given that the Member for Kiharu (Hon. Irungu Kang’ata), intends to move the following amendments to the National Government Constituencies Development Fund Bill, 2015 at the Committee Stage—**

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by deleting the definition of “project management committee” and substituting therefor the following new definition—

“project management committee” means a committee appointed by the Constituency Committee to implement a project;

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

“(c) include any other project undertaken pursuant to Article 187 of the Constitution.”

**CLAUSE 34**

**THAT** clause 34 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (1)—

“(1A) No project shall commence without public presentation of the project’s cheque to the project management committee by any member of the Constituency Committee in the presence of the member representing the constituency in the National Assembly”.

“(1B) The tenure of members of the project management committees shall terminate at the end of every project”.

**CLAUSE 42**

**THAT** clause 42 of the Bill be amended by deleting the word "Board" wherever it appears and substituting therefor the words "National Assembly";

**CLAUSE 45**

**THAT** clause 45 of the Bill be amended in sub-clause (2) by deleting the words "twenty-five per centum (25%)" and substituting therefor the words "fifty per centum (50%)".

*(Subject to the provisions of Article 114)*

**CLAUSE 53**

**THAT** clause 53 of the Bill be amended in sub-clause (3) by inserting the following new paragraph immediately after paragraph (a)—

"(aa) the manner of appointment, qualification and grounds for dismissal of members of the project management committees."

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**The House resolved on Wednesday, February 11, 2015 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 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.
- 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.

# NOTICE PAPER

Tentative business for

Thursday (Morning) December 03, 2015

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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 Thursday October 29, 2015:-

**A. COMMITTEE OF THE WHOLE HOUSE**

- (i) The Government Proceedings (Amendment) Bill (Senate Bill No. 10 of 2014)  
(The Chairperson, Departmental Committee on Justice and Legal Affairs)
- (ii) The Physical Planning Bill (National Assembly Bill No. 46 of 2015)  
(The Leader of the Majority Party)
- (iii) The Health Bill (National Assembly Bill No. 14 of 2015)  
(The Leader of the Majority Party)

**B. THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Wednesday, 2<sup>nd</sup> December, 2015 – Afternoon Sitting)*

**C. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Wednesday, 2<sup>nd</sup> December, 2015 – Afternoon Sitting)*

**D. THE LEGAL AID BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2015)**

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Wednesday, 2<sup>nd</sup> December, 2015 – Afternoon Sitting)*

**E. MOTION - REPORT ON THE SPECIAL AUDIT REPORT ON THE JUDICIAL SERVICE COMMISSION (JSC) AND THE JUDICIARY**

(The Chairperson, Public Accounts Committee)

*(If not concluded on Wednesday, 2<sup>nd</sup> December, 2015 – Afternoon Sitting)*

# APPENDIX

## Status of Business Before Committees

Wednesday December 02, 2015

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In accordance with the Speaker's communication of 14<sup>th</sup> October, 2015 the Chairpersons of the following Committees will **today** be called upon to appraise the House on the Status of the Business pending before their respective Committees:

**A. The Departmental Committee on Transport, Public Works and Housing**

**B. The Budget and Appropriations Committee**

**C. The Catering and Health Club Committee**

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