



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 16, 2016 AT 9.30 A.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 Health Records and Information Managers Bill (National Assembly Bill No. 24 of 2015)
(The Hon. Agostinho Neto, M.P.)

9*. MOTION – ACCESSIBILITY TO PUBLIC BUILDINGS BY PERSONS WITH DISABILITY

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

THAT, aware that Article 54 (c) of the Constitution provides that a person with disability is entitled to reasonable access to all places, public transport and information; further aware that Section 21 of the Persons with Disability Act, 2003 provides that persons with disabilities are entitled to a barrier-free and disability-friendly environment to enable them have access to buildings, roads and other social amenities, assistive devices and other equipment to promote their mobility; concerned that over the years, persons with disabilities have not been given the right to enjoy all their fundamental freedoms; cognizant of the fact that accessibility is vital in increasing the mobility of these individuals and reducing the ratio of dependency on people; this House **resolves** that the Government **provides Parliament with a clear plan of action with timelines for making** the necessary structural design adjustments to all public buildings, Government Ministries, departments and agencies

to make them more user-friendly to persons with disabilities, and that the National Council for Persons with Disabilities approves all new public structures to ensure their designs are compliant to minimum accessibility standards.

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

(Balance of time – 45 minutes)

(Motion as amended)

10*. MOTION – DECENTRALIZATION OF REGISTRATION OF NATIONAL IDENTIFICATION CARDS

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

THAT, aware that devolution was meant to devolve governance and public services across the country, including access to basic services like acquisition of identity cards, passports, birth certificates, voters cards, among others; further noting that currently all registration of national identity cards only happens at one centre in Nairobi; cognizant of the fact that this delays the acquisition of identity cards, thus denying Kenyans their right to employment, ability to vote, access to public funds like Uwezo Fund and other crucial services, this House resolves that the Government decentralizes the registration of national identification cards **and passports** to the county level to expedite the process and allow Kenyans to access public services in a timely manner.

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

(Balance of time – 20 minutes)

(Motion as amended)

11*. MOTION - IMPROVING MANAGEMENT OF CANCER IN THE COUNTRY

(The Hon. Gladys Wanga, MP)

THAT, aware that cancer is a leading cause of death globally with more than 70% of all cancer deaths occurring in developing countries; further aware that in Kenya, the disease ranks third among the main causes of death after infections and cardiovascular diseases and accounts for up to 18,000 deaths annually, with over 82,000 new cases reported annually; noting that over one-third of cancer patients experience clinical anxiety and depression, profoundly affecting the families psychologically and economically; cognizant of the fact that some of the patients travel up to 600 kilometers to Kenyatta National Hospital (KNH), the only public hospital that hosts most of the oncologists in Kenya; further cognizant of the fact the remaining small number of oncologists are mainly based in Nairobi; deeply concerned that only a few patients get admission or outpatient treatment due to monetary constraints; this House resolves that the Government mitigates the situation by offering scholarships to at least one (1) Medical Masters student per

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County to study oncology, and signing contractual agreements with them to serve in designated cancer treatment and management centres; building partnerships with existing medical institutions in local public universities for provision of training opportunities; and emphasizing on the use of telemedicine and E-Medicine to eliminate distance barriers and improve access to medical services.

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

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

Second Reading

*** Denotes Orders of the Day**

...../Notices

N O T I C E S

I. THE HEALTH RECORDS AND INFORMATION MANAGERS BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2015)

- 1) Notice is given that the Chairperson of the Departmental Committee on Health, intends to move the following amendments to the Health Records and Information Managers Bill, 2015 (National Assembly Bills No. 24) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definition in its proper alphabetical sequence—

‘public practise’ means the practise of health records and information management in a public health facility;

CLAUSE 5

THAT, clause 5 of the Bill be amended—

- (a) by renumbering the existing clause 5 as clause “5(1)”
- (b) in sub clause (1) by inserting the words “in consultation with the Cabinet Secretary to” immediately before the words “enter into agreement” appearing in paragraph (d)
- (c) by deleting sub-clause (3) and substituting therefor the following new sub clause—

“(3) The terms and conditions of service of the members of the Board shall be determined by the Board in consultation with the Cabinet Secretary and upon the advice of the Salaries and Remuneration Commission.”

CLAUSE 6

THAT, clause 6 of the Bill be amended—

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

“(3) The Board shall meet at least four times and not more than twelve times in every financial year.

- (4) The chairperson may at any time convene a special meeting of the Board and shall upon a written request signed by at least four members, convene a special meeting within fifteen days of such a request."

CLAUSE 7

THAT, clause 7 of the Bill be amended—

- (a) by renumbering the existing provision as sub clause (1);
- (b) in sub clause (1) by—
 - (i) deleting paragraph (c);
 - (ii) deleting paragraph (h) and substituting therefor the following new paragraph —

"(h) two Managers, one in public practise and the other in the private practise appointed by the Cabinet Secretary."
 - (iii) deleting the words "two other members" appearing in paragraph (i) and substituting therefor the words "one other member."

- (c) by inserting the following new sub clauses immediately after sub clause (1) —

"(2) The Registrar who shall be a registered Manager, shall be the Secretary to the Board."

"(3) The Board may appoint functional committees on finance, standards and education, registration and licensing, human resource, discipline and ethics for the effective performance of its functions."

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and inserting the following new clause —

"9. (1) The Board shall elect from among its members a chairperson and vice-chairperson who shall serve for a term of three years."

(2) The vice chairperson shall in the absence of the chairperson discharge the duties of the chairperson.

(3) In the absence of both the chairperson and the vice chairperson, the members present shall elect a member to preside at the meeting.

(4) Where a chairperson or vice chairperson for any reason vacates office before the term expires, a new chairperson shall be elected in the manner specified in sub section (1) in a meeting first scheduled immediately after the vacation of the office holder.

(5) notwithstanding the provisions of this subsection, the Cabinet Secretary may, if at any time it appears to him that the Board has failed to carry out any of its functions under this Act in the national interest, revoke or annul the appointment, nomination or election of any member of the Board and may himself nominate a new member in the place of that member for the remainder of the period of office of that member."

CLAUSE 10

THAT, clause 10 of the Bill be amended by deleting the expression "3" and substituting therefor the word "three"

CLAUSE 13

THAT, clause 13 of the Bill be amended—

- (a) by deleting the word "rolls" appearing in sub clause (3).
- (b) by deleting sub clause (4).

CLAUSE 14

THAT, clause 14 of the Bill be amended by deleting paragraph (b).

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in sub clause (1) by deleting the word "Registrar" and substituting therefor the word "Board."
- (b) in sub clause (3) by inserting the words "Upon the recommendation of the Board" immediately after the words "The Registrar shall"
- (c) by inserting the following new sub clause immediately after sub clause (4) —

"(5) A fee to be known as a retention fee, may be prescribed for payment annually or at such intervals as the Board may deem appropriate by any person whose name appears on a register as a condition of maintaining the name thereon."

CLAUSE 18

THAT, clause 18 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

"(1) A person, being in charge of a training institution in Kenya shall not —

- (a) admit persons for training for the purpose of qualifying for registration under this Act;
- (b) conduct a course of training or administer the examination prescribed for the purposes of registration under this Act; or
- (c) issue any document or statement implying that the holder thereof has undergone a course of training or passed the examinations prescribed by the Board for purposes of registration;

unless the training is to be conducted by the Kenya Medical Training College or an institution approved and accredited by the Kenya Medical Training College or is established or accredited under and the Universities Act 2012."

CLAUSE 19

THAT, clause 19 of the Bill be amended in sub clause (5) by deleting the words "shall be liable to" and substituting therefor the words "shall be liable on."

CLAUSE 23

THAT, clause 23 of the Bill be amended by deleting the word "enrolled" wherever it appears.

CLAUSE 24

THAT, clause 24 of the Bill be amended by deleting the word "enrolled" wherever it appears.

CLAUSE 26

THAT, clause 26 of the Bill be amended in sub clause (1) by —

(a) deleting paragraph (c) and substituting therefor the following new paragraphs

—

"(c) a representative of the Attorney-General."

(b) by delete (d) and substituting the following paragraph after paragraph —

"(d) a representative appointed by the Institute of Certified Public Secretaries."

(c) By inserting the following new paragraph immediately after paragraph (e) —

"(f) the Registrar who shall be an ex-officio member of the Committee."

CLAUSE 29

THAT, clause 29 of the Bill be amended in sub clause (6) by deleting the words "of the" appearing immediately before the words "appeal to the High Court."

CLAUSE 32

THAT, clause 32 of the Bill be amended by—

(a) deleting sub clause (1).

(b) in sub clause (2) by—

(i) inserting the word granted immediately after the "been"

(ii) deleting the words "may either on its own motion or" appearing in sub clause (2).

CLAUSE 33

THAT, clause 33 of the Bill be amended by deleting paragraph (i) and substituting therefor the following new paragraph—

“(i) is convicted of a crime under any other law.”

CLAUSE 36

THAT, clause 36 of the Bill be amended in sub clause (2) by deleting the words “those members of the Board who require to be elected” appearing in paragraph (j) and substituting therefor the words “the chairperson and the vice chairperson.”

NEW CLAUSE

THAT, the Bill be amended in **Part III** by inserting the following new clause immediately after clause 14—

Person
eligible to be
registered.

“14 A. (1) A person shall be eligible for registration under this Act as a health records and information manager if the person—

- (a) is the holder of at least a diploma or a degree in health records and information management which is recognised by the Board;
- (b) after obtaining that qualification, has engaged in training employment under the supervision of a registered health records and information manager for such period, being not less than six months, as the Board may approve;
- (c) the Board shall approve the suitability for registration of a person under paragraphs (a) and (b) through such examinations as may be administered by the Board from time to time;

2) **Notice is given that the Member for Kikuyu (Hon. Kimani Ichungwa) intends to move the following amendment to the Health Records and Information Managers Bill at the Committee of the whole House-**

THAT, the Bill be amended by-

- (i) inserting the following new Clause 18A immediately after Clause 18-
NEW CLAUSE 18A

Limitation of
powers on
approval or
accreditation
of university
academic
programmes

Limitation of powers on approval or accreditation of university academic programmes

18A (1) If there is a conflict between the provisions of this Act and the provisions of any the Universities Act in matters relating approval or accreditation of academic programmes offered by universities or any other part, the provisions of the Universities Act shall prevail.

(2) Despite the provisions of this Act, the approval or accreditation of any academic programme offered at a university shall be the exclusive mandate of the Commission for University Education established under the Universities Act to be exercised in accordance with the Universities Act at the exclusion of any other person or body, but the Commission shall consult with the Board before approving an academic programme in the field of health record and information management,

- (ii) inserting the following new Clause 37A immediately after Clause 37-
NEW CLAUSE 37A

Protection from personal liability

37A (1) No matter or thing done by a member of the Board or any officer, employee or agent of the Board shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Board, render the member, officer, employee or agent or any person acting under the directions personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Board of the liability to pay lawful compensation or damages to any person for injury to the person or property.

- 3) Notice is given that the Member for Machakos Town (Hon. Victor Munyaka) intends to move the following amendment to the Health Records and Information Managers Bill at the Committee of the whole House-

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 18-

CLAUSE 18A

Limitation of approval powers of the Board

The supervisory or approval powers of the Board as provided for in this Act shall not apply to a university granted a Charter under the universities Act, 2012.

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

Notice is given that the Nominated Member (Hon. Zuleikha Hassan Juma), wishes to move the following amendment to the motion on accessibility to public buildings by persons with disability —

THAT, the motion be amended by deleting all the words after “this House” in the tenth line, and substituting with the following–

“urges that the Government develops a clear plan of action to ensure the necessary structural adjustments to all public buildings and that the National Construction Authority only approves designs for new public structures that are compliant with the minimum accessibility standards (KS 21542) for persons with disabilities.”

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 **Bills NOT 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; 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.
- IV. **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

Tentative business for

Wednesday (Afternoon), March 16, 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), March 16, 2016:-

A. THE PROTECTION OF THE TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)

(The Leader of the Majority Party)

Third Reading
(Question to be put)

B. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF THE DIVISION OF REVENUE BILL, 2016)

(The Leader of the Majority Party)

C. THE DIVISION OF REVENUE BILL NATIONAL ASSEMBLY BILL NO. 4 OF 2016)

(The Leader of the Majority Party)

First Reading

D. COMMITTEE OF THE WHOLE HOUSE

The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015)

(The Leader of the Majority Party)

E. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)

(The Leader of the Majority Party)

Second Reading
(Resumption of debate interrupted on Tuesday, March 15 2016)

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate adjourned on Thursday, March 10, 2016 – Afternoon Sitting)

H. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

J. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)

(The Leader of the Majority Party)

Second Reading

K. THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)

(The Leader of the Majority Party)

Second Reading



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 16 2016 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
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7. Statements

8.** **THE PROTECTION OF THE TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)**

(The Leader of the Majority Party)

Third Reading

(Question to be put)

9*. **PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD**

(The Leader of the Majority Party)

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Division of Revenue Bill (National Assembly Bill No. 4 of 2016) from **14 to 6** days.

10*. **THE DIVISION OF REVENUE BILL NATIONAL ASSEMBLY BILL NO. 4 OF 2016)**

(The Leader of the Majority Party)

First Reading

11.** **COMMITTEE OF THE WHOLE HOUSE**

The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015)

(The Leader of the Majority Party)

12. THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, March 15 2016)

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

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

(Resumption of debate adjourned on Thursday, March 10, 2016 – Afternoon Sitting)

15. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2015)**

(The Leader of the Majority Party)

Second Reading

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

(The Leader of the Majority Party)

Second Reading

17*. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)

(The Leader of the Majority Party)

Second Reading

18*. THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

**** Denotes Bill with Constitutional Timeline**

NOTICES

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

- 1) Notice is given that the Chairperson of the Departmental Committee on Environment and Natural Resources, intends to move the following amendments to the Forest Conservation and Management Bill, 2015 at the Committee Stage—

LONG TITLE

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to give effect to Article 69 of the Constitution with regard to forest resources; to provide for the development and sustainable management, including conservation and rational utilization of all forest resources for the socio-economic development of the country and for connected purposes”

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- (a) deleting the definition of the word “forest” and substituting therefor with the following new definition—

“forest” means land which is declared or registered as a forest, or woody vegetation growing in close proximity in an area of over 0.5 of a hectares including a forest in the process of establishment, woodlands, thickets”;

- (b) deleting the definition of the word “forest manager” and substituting therefor with the following new definition—

“forest manager” means a person responsible for the management of a forest under his or her charge and implementation of this Act including—

- (a) in the case of a public forest, the Kenya Forest Service or the County Government as the case may be;
- (b) in the case of a community forest the person responsible for the management of community land under the relevant law; and
- (c) in the case of a private forest, the owner of the private forest;”

- (c) deleting the definition of the word “public forest” and substituting therefor with the following new definition—

“public forest” means forests as classified under 29(2) and (3); and

- (d) inserting the following new definitions in the proper alphabetical sequence—

“forest produce” includes bark, animal droppings, beeswax, canes, charcoal, creepers, earth, fibre, firewood, frankincense, fruit, galls, grass, gum, honey, leaves, flowers, limestone, moss, murrum, soil, myrrh, peat, plants, reeds, resin, rushes, rubber, sap, soil, seeds, spices, stones, timber, trees, water, wax, withies, and such other things as may be declared by the Cabinet Secretary to be forest produce for the purpose of this Act; and

“livestock” means domesticated animals such as cattle, goats, sheep, asses, poultry, horses, camels and pigs and includes their young thereof.”

CLAUSE 4

THAT, clause 4 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (d)-

- “(e) protection of indigenous knowledge and intellectual property rights of forests resources; and
- (f) international best practices in management and conservation of forests. ”

CLAUSE 5

THAT, clause 5 of the Bill be amended—

- (a) by deleting the words “Management Guidelines” appearing in the marginal note and substituting therefor the word “Policy”;
- (b) in sub-clause (1) by deleting the word “management”; and
- (c) in sub-clause (2) by deleting the word “management”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 5 —

National Forest Strategy.

5A. (1) The Cabinet Secretary shall, within one year of the commencement of this Act and every five years thereafter, following public participation, formulate a national forest strategy.

(2) The object of the Forest Strategy shall be to provide the Government's plans and programs for the protection, conservation and management of forests and forest resources.

(3) The Forest Strategy shall contain, among other things, details of —

- (a) existing forests and forest resources;
- (i) measures for the protection, conservation, and management of forests and forest resources;
- (ii) minimum forest reserve areas at national and county levels;
- (iii) programmes for achievement and maintenance of tree cover of at least ten per cent of the land area of Kenya;
- (iv) institutional capacity for forest research and technological development;
- (v) functional responsibility for national and county governments in relation to forest resources management and
- (vi) any other matters the Cabinet Secretary considers necessary.

(4) The Cabinet Secretary shall—

- (a) prepare and issue an annual report on the state of forests and forest resource strategies in Kenya; and
- (b) may direct any lead agency to prepare and submit to it, a report on the state of forests and forest resources under the administration of that lead agency.

(5) The Cabinet Secretary shall review the Forest Strategy every three years.

CLAUSE 6

THAT, clause 6 of the Bill be amended—

- (a) in sub clause (1) by deleting the words “which shall be the successor to the Kenya Forest service established under the Forests Act, 2005”; and
- (b) in sub clause (2) by deleting the word “shall” appearing immediately after the words “corporate name,”.

CLAUSE 7

THAT, the Bill be amended by deleting clause 7 and substituting therefor with the following new clause—

Functions of the
Service.

7. The functions of the Service shall be to —

- (a) conserve, protect and manage all public forests in accordance with the provisions of this Act;
- (b) prepare and implement management plans for all public forests and, where requested, assist in preparation of management plans for community forests or private forests in consultation with the relevant owners;
- (c) receive and consider applications for licenses or permits in relation to forest resources or management of forests or any other relevant matter in accordance with this Act;
- (d) establish and implement benefit sharing arrangements in accordance with the provisions of this Act;
- (e) assist county governments to build capacity in forestry and forest management in the counties;
- (f) in consultation with relevant stakeholders, develop programmes for tourism and for recreational and ceremonial use of national forests;
- (g) promote forestry education and training;
- (h) register and maintain a register of all forest management plans prepared for public forests;
- (i) collaborate with relevant persons in identifying research needs and applying research findings in relation to forests and forestry;
- (j) manage water catchment areas in relation to soil and water conservation, carbon sequestration and other environmental services in collaboration with relevant stakeholders;
- (k) prepare-
 - (i) a Forest Status Report for the Cabinet Secretary once in every two years;
 - (ii) a Resource Assessment Report for the Cabinet Secretary once in every five years;
- (l) consider and recommend to the Cabinet Secretary the establishment of public forests on un-alienated public land or any other public land;

- (m) consider and recommend to the Cabinet Secretary the determination and alteration of boundaries of public forests;
- (n) establish forest conservancy areas for purposes of conservation and management;
- (o) approve the provision of credit facilities and technical training for community-based forest industries, and the provision of incentives to persons for the sustainable utilization of wood and non-wood forest products;
- (p) implement and enforce rules and regulations governing importation, exportation and trade in forest produce; and
- (q) develop, maintain and regularly update a geographic information system database of all forests in Kenya.

CLAUSE 8

THAT, clause 8 of the Bill be amended—

(a) in sub clause (1)—

- (i) by deleting the words “from among the members of the Board” appearing in paragraph (a);
- (ii) by inserting the following new paragraphs immediately after paragraph (c)—

“(ca) the Inspector-General of the National Police Service or a designated representative;

(cb) the Director of the Kenya Forestry Research Institute or a designated representative; and

(b) by inserting the following new sub clause immediately after sub clause (1)—

“(1A) A person shall be qualified for appointment as chairperson to the Board if such person—

- (a) holds a minimum of a bachelors degree from a university recognized in Kenya;
- (b) has knowledge and experience of at least ten years in matters relating to any of the following—
 - (i) management of natural resources;
 - (ii) forest conservation and management; or
 - (iii) public administration and planning.
- (c) satisfies the requirements of Chapter six of the Constitution.”

CLAUSE 16

THAT, clause 16 of the Bill be amended by deleting sub clause (4) and substituting therefor the following new sub clause—

“(4) The Board shall formulate policies for the administration and management of the College.”

CLAUSE 17

THAT, clause 17 of the Bill be amended in sub clause (2) by —

- (a) deleting paragraph (d);
- (b) deleting paragraph (e); and
- (c) deleting paragraph (f).

CLAUSE 20

THAT, the Bill be amended by deleting clause 20 and substituting therefor with the following new clause—

Forestry functions of
County Governments.

20. (1) Each County Government—

- (a) shall implement national policies on forest management and conservation;
 - (b) shall manage all forests on public land defined under Article 62(2) of the Constitution;
 - (c) shall prepare an annual report, with the approval of the County Assembly, for the Service on the activities of the county government in relation to this Act and any national policies on forest management and conservation;
 - (d) shall promote afforestation activities in the county;
 - (e) shall advice and assist communities and individuals in the management of community forests or private forests; and
 - (f) may enter into joint management agreements with communities or individuals for the management of community forests or private forests.
- (2) A county assembly may enact legislation for the better carrying into effect of the provisions of this section.
- (3) The Service may if requested, collaborate, partner or offer assistance to the County Government for the better carry out the provisions of this Act.

CLAUSE 24

THAT, clause 24 of the Bill be amended in sub clause (2) by —

- (a) deleting the word “national” appearing in paragraph (a) and substituting therefor the word “public”; and
- (b) deleting the word “national” appearing in paragraph (b) and substituting therefor the word “public”.

CLAUSE 25

THAT, clause 25 of the Bill be amended in sub clause (3) by deleting the words "Public Audit Act, 2003" and substituting therefor the words "law relating to public audit."

CLAUSE 26

THAT, clause 26 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clauses —

"(2) The objects of the Trust Fund shall be to nurture, promote and support innovations and best practices in forest conservation and development including the support of—

- (a) community forestry programmes;
- (b) reforestation and afforestation programmes;
- (c) forestry extension programmes;
- (d) apprenticeships and vocational training; and
- (e) programmes for payment for ecosystem services,

(3) The Cabinet Secretary shall make rules for the management of the Trust Fund.

CLAUSE 27

THAT, clause 27 of the Bill be amended by inserting the words "and the Kenya Forest Service Board" immediately after words "Board of Trustees" appearing in paragraph (b).

CLAUSE 28

THAT, clause 28 of the Bill be amended by —

(a) deleting sub clause (2) and substituting therefor the following new sub clause—

(2) The Board of Trustees shall comprise of—

- (a) a chairperson and four other members appointed by the Cabinet Secretary in an open and competitive process;
- (b) the Director General or a designated representative, who shall be an ex-officio member of the Board;
- (c) the principal Secretary responsible for forestry who shall be an ex-officio member of the Board; and

(b) inserting the following new sub clause immediately after sub clause (3)—

"(4) The Cabinet Secretary shall make regulations for the management and administration of the Fund."

CLAUSE 29

THAT, clause 29 of the Bill be amended by renumbering sub clause (5) as sub clause (4).

CLAUSE 30

THAT, clause 30 of the Bill be amended by in sub clause (2) inserting the words “through a *Gazette* notice” immediately after the word “declare”.

CLAUSE 31

THAT, clause 31 of the Bill be amended in sub clause (4) by deleting the words “to the county government for” appearing immediately after the words “the community may apply”.

CLAUSE 32

THAT, clause 32 of the Bill be amended in sub clause (4) by inserting the words “of the land on which the forest is established.” immediately after the words “levied in respect”.

CLAUSE 33

THAT, clause 33 of the Bill be amended-

- (a) by deleting the word “Service” and substituting therefor the word “Board”; and
- (b) by deleting sub clause (5).

CLAUSE 43

THAT, clause 43 of the Bill be amended —

- (a) in the marginal note by deleting the words “national and county” and substituting therefor the word “public”;
- (b) in sub clause (4) by deleting the word “licence” and substituting therefor the word “concession”; and
- (c) by inserting the following new sub clause immediately after sub clause (7)—
 - “(7) A grantee of a concession shall provide a bond or some other form of financial security in this section referred to as “an Environmental Protection Bond”.
 - (8) An Environmental Protection Bond shall be of an amount sufficient to cover the costs associated with the implementation of the environmental obligations of the holder under this Act.
 - (9) An Environmental Protection Bond shall be in a form and for an amount as may be determined by the Cabinet Secretary having regard to the particular characteristics of the concession.”

CLAUSE 48

THAT, clause 48 of the Bill be amended—

- (a) in sub clause (1) by inserting the word “Service” immediately after the words “inform the” appearing in paragraph (f); and
- (b) by deleting sub clause (2) and substituting therefor the following new sub clause—

“(2) The management agreement between the Service and the community forest association shall confer on the association all or any of the following forest user rights—

- (a) collection of medicinal herbs;
- (b) harvesting of honey;
- (c) harvesting of timber or fuel wood;
- (d) grass harvesting and grazing;
- (e) collection of forest produce for community based industries;
- (f) ecotourism and recreational activities;
- (g) scientific and education activities;
- (h) plantation establishment through non-resident cultivation;
- (i) contracts to assist in carrying out specified forestry operations;
- (j) development of community wood and non-wood forest based industries;
and
- (k) other benefits which may from time to time be agreed upon between an association and the Service.

(3) Subject to sub section (1) –

- (a) none of the activities specified in this section shall be carried out so as to conflict with the conservation of biodiversity; and
- (b) the Director-General may, in consultation with the association, prescribe rules for the conduct of the activities specified in this section.

CLAUSE 49

THAT, clause 49 of the Bill be amended in sub clause (1) by inserting the words “association” immediately after the words “community forest”.

CLAUSE 52

THAT, clause 52 of the Bill be amended by inserting the words “, and in accordance with rules made under this act or other relevant laws” immediately after the words “social amenities”.

CLAUSE 53

THAT, clause 53 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) The Cabinet Secretary for the National Treasury, may on the recommendation by the Cabinet Secretary, propose tax and other fiscal incentives to increase investments in forest land use and forest resource utilization in order to promote forest conservation and management, and to prevent or abate forest degradation.”

CLAUSE 56

THAT, clause 56 of the Bill be amended in sub clause (3) by deleting the words "provisions of the Public Procurement and Asset Disposal Act, 2005" and substituting therefor the words "public procurement and asset disposal laws".

CLAUSE 59

THAT, clause 59 of the Bill be amended in sub clause (2) by deleting the word "may" and substituting therefor the word "shall".

CLAUSE 62

THAT, clause 62 of the Bill be amended in sub clause (2) by inserting the words "uniformed and disciplined" immediately after the word "Any".

CLAUSE 63

THAT, clause 63 of the Bill be amended in sub clause (1) -

- (a) by deleting the words "national, county" and substituting therefor the word "public"; and
- (b) by deleting the words "or is in occupation of a building authorised by the Director General or the County public officer responsible for forestry," appearing in paragraph (b).

CLAUSE 65

THAT, clause 65 of the Bill be amended by deleting the words "two hundred thousand shillings or to imprisonment for a term not exceeding one year" and substituting therefor the words "one million shillings or to imprisonment for a term not exceeding two years".

CLAUSE 66

THAT, clause 66 of the Bill be amended—

- (a) in sub clause (2) by deleting the words "national, provisional, county" and substituting therefor the words "public, provisional";
- (b) in sub clause (8) —
 - (i) by deleting the words "Service or County Department responsible forestry" appearing in paragraph (a) and substituting therefor the words "forest manager"; and
 - (ii) by deleting the words "Service or County Department responsible forestry" appearing in paragraph (b) and substituting therefor the words "forest manager".

CLAUSE 70

THAT, clause 70 of the Bill be amended in sub clause (2) by deleting the words "national forests, county forests" appearing in paragraph (c) and substituting therefor the words "public forests".

CLAUSE 76

THAT, clause 76 of the Bill of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

- (a) any land which immediately before the commencement of this Act, was gazetted or registered as a forest reserve as set out in the Third Schedule to this Act, or under any other relevant law shall be deemed to be a public forest under this Act; and

THIRD SCHEDULE

THAT, the Third Schedule of the Bill be amended by—

- (a) deleting the title “GAZETTED NATIONAL FOREST RESERVES” and substituting therefor the word “GAZETTED PUBLIC FORESTS”; and
- (b) deleting the expression “(s.30)” and substituting therefor the expression “(s.76(a))”;

2) **Notice is given that the Member for Sirisia (Hon. John Waluke), intends to move the following amendments to the Forest Conservation and Management Bill, 2015 at the Committee Stage—**

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 36—

Establishment
of sanctuaries
within public
forests

36A. (1) The Service may, on its own motion or upon request by a County Wildlife Conservation and Compensation Committee, establish a sanctuary within a public forest in the County, in accordance with the law relating to wildlife

(2) The Kenya Wildlife Service shall be responsible for the administration and management of sanctuaries established under subsection (1).

No. 47 of
2013

(3) Without prejudice to section 34 of the Wildlife Conservation and Management Act, 2013, the provisions of this Act on the variation or revocation of boundaries of a public forest shall apply with regard to the conversion of the use of a sanctuary established under subsection (1).

(4) For the purpose of this section the terms-

(a) “sanctuary”; and

(b) “County Wildlife Conservation and Compensation Committee”

has the meaning assigned to them by the Wildlife Conservation and Management Act, 2013;

3) Notice is given that the Member for Bura (Hon. Ali Wario), intends to move the following amendments to the Forest Conservation and Management Bill, 2015 at the Committee Stage—

CLAUSE 33

THAT, the Bill be amended by deleting clause 33 and substituting therefor the following new clause—

Variation of
boundaries or
revocation of
public forests.

33. (1) Any person may petition the National Assembly or the Senate, for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest.

(2) A petition under subsection (1) shall demonstrate that the variation of boundaries or revocation of the registration of a public forest or a portion of a public forest does not—

(a) endanger any rare, threatened or endangered species; or

(b) adversely affect its value as a water catchment area; and prejudice biodiversity conservation, cultural site protection of the forest or its use for educational, recreational, health or research purposes.

No.22 of 2012.

(3) A petition made under subsection (1) shall be considered in accordance with the provisions of the Petitions to Parliament (Procedure) Act and the Standing Orders of the relevant House.

(4) The Cabinet Secretary shall, within thirty days of the petition being committed to the relevant Committee, submit a recommendation on whether the petition should be approved subject to—

(a) the petition being subjected to an independent Environmental Impact Assessment; and

(b) public consultation being undertaken in accordance with the Second Schedule.

(5) If the relevant Committee, reports that it finds that the petition—

(a) does not disclose a ground for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest, no further proceedings shall be taken; or

(b) discloses a ground for the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest, the National Assembly or the Senate shall vote on whether to approve the recommendation.

(6) If the resolution under subsection (5) (b) is supported by a majority of the members of the National Assembly or the Senate, present and voting, the Cabinet Secretary shall publish a notice in the *Gazette*.

CLAUSE 76

THAT, clause 76 be amended by inserting the words “and subject to any variations as may be specified in the Third Schedule to this Act” immediately after the words “Forests Act, 2005—”.

THIRD SCHEDULE

THAT, the third schedule be amended by—

- (a) deleting the expression “(s.30)” and substituting therefor the expression “(s.76(a))”;
- (b) deleting the expression “29. Bangali 39/2/2013”; and
- (c) deleting the expression “31. Mbalambala 40/2/2013”.

4) Notice is given that the Member for Samburu North (Hon. Alois Lentoimanga), intends to move the following amendments to the Forest Conservation and Management Bill, 2015 at the Committee Stage—

CLAUSE 33

THAT, clause 33 be amended by inserting the following new subclause immediately after subclause (4)—

“(4A) Where the variation of the boundaries of a public forest or the revocation of the registration of a public forest or a portion of a public forest causes a forest community to be displaced from the forest, the community shall be entitled to—

- (a) relocation by the government to other areas or provision of alternative land for settlement;
- (b) compensation for the inconveniences suffered or for any damage caused by such variation or revocation”.

CLAUSE 44

THAT, clause 44 be amended by inserting the following new subclauses immediately after subclause (2)—

“(2A) Without prejudice to the generality of subsection (1), the Service may enter into a management agreement with any person who has acquired customary rights with respect to a public forest.

(2B) In entering into an agreement under this section, the Service shall give priority to applicants from the forest community associated with the public forest concerned, or persons residing in areas bordering the forest”.

CLAUSE 45

THAT, clause 45 be amended—

- (a) in subclause (1) by inserting the following new paragraph immediately after paragraph (d)—

“(da) the operations shall not infringe the customary rights of a forest community or interfere with their way of life”;

- (b) by inserting the following new subclause immediately after subclause (1)—

“(1A) Before giving consent under subsection (1), the Service shall conduct public consultation with the concerned forest community, the relevant community forest association and other persons residing in areas bordering the forest concerned”.

SECOND SCHEDULE

THAT, the Second Schedule be amended in paragraph 1(1) by inserting the following new subparagraph immediately after subparagraph (d)—

“(e) through the area chief, village administrators and community forest association, if any”.

- 5) **Notice is given that the Member for Ainabokoi (Hon. Samuel Chepkonga), intends to move the following amendments to the Forest Conservation and Management Bill, 2015 at the Committee Stage—**

CLAUSE 76

THAT, clause of the Bill be amended by inserting the following subclause immediately after subclause (a) —

“(aa) forest land degazetted for a public purpose shall not be deemed to be a national forest under this Act and the Cabinet Secretary shall, within six months of the commencement of this Act, grant titles to the allottees or intended allottees of such land;”

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, 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.

 - 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.
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NOTICE PAPER I

Tentative business for

Thursday (Morning), March 17, 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 Thursday (Morning), March 17, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

The Community Land Bill (National Assembly No. 45 of 2015)
(The Leader of the Majority Party)

B. THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 43 OF 2015)

(The Leader of the Majority Party)

Second Reading

C. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL
ASSEMBLY BILL NO. 2 OF 2016

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

Second Reading

D. 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

E. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF
2016)

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

Second Reading

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

(The Leader of the Majority Party)

Second Reading

NOTICE PAPER II

Tentative business for

Thursday (Afternoon), March 17, 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 Thursday (Afternoon), March 17, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015)
(The Leader of the Majority Party)
- (ii) The Health Bill (National Assembly Bill No.14 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 Wednesday, March 16, 2016 – Afternoon Sitting)

C. 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 Wednesday, March 16, 2016 – Afternoon Sitting)

D. THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2016)

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

Second Reading

(If not concluded on Thursday, March 17, 2016 – Morning Sitting)

E. THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, March 16, 2016 – Afternoon Sitting)

F. THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, March 16, 2016 – Afternoon Sitting)

APPENDIX

Status of Business Before Committees

Wednesday (Afternoon) March 16, 2016

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

A. Mediation Committee on the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 33 of 2013)

B. Committee on Delegated Legislation

C. Departmental Committee on Defence and Foreign Relations
