



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (SECOND SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
WEDNESDAY, APRIL 18, 2018 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*. MOTION – WAIVER OF CHARGES AND ESTABLISHMENT OF AN EMPLOYMENT DATABASE

(The Hon. Faith Wairimu Gitau, M.P.)

THAT, aware that the average youth population in Kenya is thirty five (35) percent of the total population of the country; further aware that majority of this population is in the job market entry level; noting that Article 55 of the Constitution obligates the State to take measures to ensure that the youth access employment; concerned that this access is hindered by the requirement to produce numerous documentation including a *tax compliance certificate (KRA)*, *certificate of good conduct (DCI)*, *higher education loan clearance certificate (HELB)*, *EACC clearance*, *Credit Reference Certificate (CRB)*; further concerned that these documents cost not less than four thousand five hundred shillings (Ksh.4,500) to acquire; deeply concerned that most of the jobseekers in the youth bracket cannot raise this prohibitive amount for purposes of job application; this House urges the Government through the Ministry of Public Service, Youth and Gender Affairs to waive the payment of these fees by job-seeking youth in the country, and further urges the Ministry to immediately fast-track implementation of the National Employment Authority Act which requires the establishment and maintenance of an integrated and up-to-date database of all persons seeking employment.

(Question to be put)

9*. **MOTION – DECLARATION OF CANCER AS A NATIONAL DISASTER AND ESTABLISHMENT OF CANCER FUND**

(The Hon. Catherine Waruguru, M.P.)

THAT, aware that cancer causes more deaths than HIV, TB and Malaria combined; further aware that 30% of cancers are curable if detected early; 30% of cancers are treatable with prolonged survival if detected early; and 30% of cancer patients can be provided with adequate symptom management and care; deeply concerned that cancer is the third highest cause of morbidity in Kenya after infectious diseases and cardiovascular diseases; noting that effective treatments require availability of specialists, chemotherapy services, essential drugs for pain management and adequate infrastructure in treatment and avoidance of distant referral and delays in treatment administration; further aware that, there is need for clear policies concerning terminal pain management, financial and human resources support and palliative care for cancer patients; this House **urges** the Government to declare cancer as a national disaster and establish a cancer fund to cater for cancer treatments and care.

(Question to be put)

10*. **MOTION – ESTABLISHMENT OF PROGRAMMES AND INTERVENTIONS TO ENCOURAGE UPTAKE OF COUNSELING SERVICES**

(The Hon. Rose M. Museo, M.P.)

THAT, aware that there are over 200 classified types of mental disorders, the most common ones being clinical depression, Post-traumatic Stress Disorder (PTSD), bipolar disorder, anxiety disorders, schizophrenia and Attention Deficit Hyperactivity Disorder (ADHD); concerned that Kenya's mental health policy estimates that about twenty five(25) percent of out-patients and about forty (40) percent of in-patients suffer from mental health conditions with the most frequent diagnosis of mental illnesses made in general hospital settings being depression, substance abuse, stress and anxiety disorders; deeply concerned that the current worrying trend of increased domestic violence among Kenyan families has resulted in suicides, deaths, injuries, psychological trauma, orphaned and unstable children; noting that the prevalence of mental disorders may also be attributed to the noted cases of suicide, homicides and violence at household level; further noting that despite the strategies and guidelines that the Government has put in place towards achieving the highest standard of mental health, prevalence of mental disorders remains high, this House **urges** the Government to urgently establish programmes and interventions to encourage uptake of counseling services among individuals, families and communities to mitigate effects of mental disorders.

11*. **MOTION – ESTABLISHMENT OF CIVIL REGISTRATION CENTRES
IN EVERY CONSTITUENCY**
(The Hon. Martha Wangari, M.P.)

THAT, aware that every birth in Kenya must be registered by the Department of Civil Registration and documented through a Birth Certificate; further aware that subsequent registration of citizens and acquisition of documentation such as identity cards and passports, school admissions, registration of exams, and access to opportunities such as employment depends and relies on Birth Certificates; deeply concerned that the Department of Civil Registration Services has over time experienced backlogs in the issuance of Birth Certificates as a result of among other factors, inadequate personnel, unwillingness to embrace Information Communication and Technology (ICT), inadequate funding, and inadequate materials used in registration of persons; further deeply concerned that registration services are not easily accessible to majority of Kenyans owing to the few registration centers in place, this House **urges** the Government to consider establishing Civil Registration Centres in every Constituency and ensure full implementation of the Kenya Citizens and Foreign Nationals Management Service Act, 2011.

12*. **MOTION - EXPANSION OF THE SCHOOL FEEDING PROGRAMME TO
ALL PUBLIC PRIMARY SCHOOLS**
(The Hon. Vincent Kemosi Mogaka, M.P.)

THAT, aware that Article 53(1)(c) of the Constitution guarantees every child the right to basic nutrition, shelter and health; cognizant of the fact that primary school-aged children are at a stage where a child requires nutritional meals for healthy mental and physical development and growth; aware that school feeding programmes have been implemented in Kenya since the 1980's with varying degrees of success, and with heavy reliance on foreign aid and management; noting that the Kenyan Government introduced a Homegrown School Feeding Programme (HGSFP) in 2009, a more sustainable and nationally integrated programme by the national government funded school meals programme through multi-sectoral cooperation; appreciating that the school feeding programme has played an integral part in realizing the country's goal of universal primary education through incentivizing the enrollment and retention of children; further noting that the feeding programme targets food inequality in the most vulnerable areas of Kenya, including school districts in the Arid and Semi-Arid Areas (ASAL) and the informal urban slums of large cities such as Nairobi and Mombasa; this House **urges** the Government to expand the primary school feeding programme to all public primary schools in the Country.

*** Denotes Orders of the Day**

N O T I C E

The House resolved on Wednesday, March 28, 2018 as follows:-

THAT, notwithstanding the provisions of Standing Order 97(4), each speech in a debate **in respect of the ordinary individual Members' Motions**, be limited in the following manner:- A maximum of two (2) hours with not more than fifteen (15) minutes for the Mover and five (5) 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 ten (10) minutes each, and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; 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.

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), April 18, 2018

(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), April 18, 2018:-

A. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF BILLS

(The Leader of Majority Party)

B. THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY NO. 10 OF 2018)

(The Leader of Majority Party)

First Reading

C. THE TAX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY NO. 11 OF 2018)

(The Leader of Majority Party)

First Reading

D. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY NO. 12 OF 2018)

(The Leader of Majority Party)

First Reading

E. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL (NATIONAL ASSEMBLY NO. 13 OF 2018)

(The Leader of Majority Party)

First Reading

F. SPECIAL MOTION – REPORT ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS MEMBER OF THE JUDICIAL SERVICE COMMISSION

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

(Motion as amended)

(Question to be put)

G. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

Second Reading

(Question to be put)

H. COMMITTEE OF THE WHOLE HOUSE

- (i) The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)
(The Leader of the Majority Party)
 - (ii) The Irrigation Bill (National Assembly Bill No. 46 of 2017)
(The Leader of the Majority Party)
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REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, APRIL 18, 2018 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*. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF BILLS

(The Leader of Majority Party)

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the following Bills from **14 to 8 days-**

- (i) The County Governments Retirement Scheme Bill (National Assembly Bill No. 10 of 2018)
(The Leader of Majority Party)
- (ii) The Tax Laws (Amendment) Bill (National Assembly Bill No. 11 of 2018)
(The Leader of Majority Party)
- (iii) The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018)
(The Leader of Majority Party)
- (iv) The Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No.13 of 2018)
(The Leader of Majority Party)

- 9*. **THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL**
(NATIONAL ASSEMBLY BILL NO. 10 OF 2018)
(The Leader of Majority Party)

First Reading

- 10*. **THE TAX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2018)**
(The Leader of Majority Party)

First Reading

- 11*. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL**
(NATIONAL ASSEMBLY BILL NO. 12 OF 2018)
(The Leader of Majority Party)

First Reading

- 12*. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL**
(NATIONAL ASSEMBLY BILL NO. 13 OF 2018)
(The Leader of Majority Party)

First Reading

- 13*. **MOTION – REPORT ON THE VETTING OF THE NOMINEE FOR**
APPOINTMENT AS MEMBER OF THE JUDICIAL SERVICE
COMMISSION
(The Chairperson, Departmental Committee on Justice and Legal
Affairs)

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of the nominee for appointment as a Member of the Judicial Service Commission, laid on the Table of the House on Thursday, April 12, 2018, ***subject to deletion of Recommendation No. (iii) appearing on page 19 of the Report***, and in furtherance to the provisions of Article 171(2)(c) as read together with Article 250(2)(b) of the Constitution, this House **resolves** as follows –

- (i) **THAT**, taking cognizance that the *ex-parte* conservatory High Court orders of 27th March, 2018, prohibited the National Assembly from vetting Hon. Justice Mohamed Abdullahi Warsame, (J.A) for appointment as a member of the Judicial Service Commission, and prohibited the National Assembly from exercising its approval authority as required under Article 250(2)(b) of the Constitution, pending the outcome of the court case;

(No. 31)

WEDNESDAY, APRIL 18, 2018

- (ii) **THAT**, recognizing that the *ex-parte* conservatory High Court orders of 27th March, 2018, also prohibited the House from exercising the vetting and approval requirements set out in sections 3, 6, 7 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011 within the time period established by sections 8 and 13 of the said law;
- (iii) **NOW THEREFORE**, the National Assembly, having been prohibited from confirming the suitability of Hon. Justice Mohamed Abdullahi Warsame, (J.A) for appointment as a member of the Judicial Service Commission, as contemplated under Article 250(2)(b) of the Constitution, within the time period set out in law, **is unable to approve** his appointment as a member of the Judicial Service Commission.

(Motion as amended)

(Question to be put)

14*. THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

Second Reading

(Question to be put)

15*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)
(The Leader of the Majority Party)
- (ii) The Irrigation Bill (National Assembly Bill No. 46 of 2017)
(The Leader of the Majority Party)

*** Denotes Orders of the Day**

N O T I C E S

I. THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2017)

1) Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing intends to move the following amendments to the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the words “county roads agency” and substituting therefor the following new definition—

“county roads agency” means a roads agency established by a county government which shall be responsible for the management, development and maintenance of a county road.”; and

- (b) in the definition of the words “Road Fund” by deleting the word “Road”.

CLAUSE 7

THAT, Clause 7 of the Bill be amended be amended in sub-clause (1) by deleting paragraph (h) and substituting therefor the following new paragraph—

“(h) the Engineers Board of Kenya; ”

CLAUSE 10

THAT, Clause 10 of the Bill be amended in the marginal notes by deleting the words “Classification of national trunk and county roads” and substituting therefor the words “Classification of public roads”.

CLAUSE 13

THAT, clause 13 of the Bill be amended in sub-clause (2) by—

- (a) inserting the words “including through public private partnerships” at the end of paragraph (a);
- (b) inserting the words “Classes S,A and B” immediately after the words “national trunk roads” appearing in paragraph(b);
- (c) inserting the words “Classes S,A and B at the end of paragraph (c);

(d) inserting the words “and any other regulations under this Act” immediately after the word “Act” appearing in paragraph (d);

(No. 31)

WEDNESDAY, APRIL 18, 2018

(205)

(e) inserting the following new paragraph immediately after paragraph (d) –

“(da) controlling, operating and managing toll roads under its jurisdiction ;”

(f) inserting the words “Classes S, A and B” immediately after the words “national trunk roads” appearing in paragraph(f);

(g) inserting the words “Classes S, A and B” immediately after the words “national trunk roads” appearing in paragraph(g);

(h) inserting the words “Classes S, A and B at the end of paragraph (h);

(i) inserting the words “Classes S, A and B at the end of paragraph (i);

(j) inserting the words “Classes S, A and B at the end of paragraph (j); and

(k) inserting the words “Classes S, A and B at the end of paragraph (k).

CLAUSE 14

THAT, Clause 14 of the Bill be amended –

(a) in sub-clause (2) by–

(i) deleting the words “from amongst the members appointed under paragraph (f) appearing in paragraph (a);

(ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;

(iii) deleting sub-paragraphs (ii),(iii)and(v) appearing in paragraph (f); and

(iv) inserting the following new paragraph immediately after paragraph (f) –

“ (g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”

(b) in sub-clause (3) by deleting the word “Authority” and substituting therefor the word “ Board”.

(c) in sub-clause (4) by deleting the figure “(1)” and substituting therefor the figure “ (2)”.

(d) in sub-clause (5) by deleting the figure “(1)” and substituting therefor the figure “ (2)”.

CLAUSE 16

THAT, clause 16 of the Bill be amended in sub-clause (2) by–

(a) inserting the words “including through public private partnerships” at the end of paragraph (a);

(b) inserting the following new paragraph immediately after paragraph (b)—

“(ba) overseeing roadside developments to ensure compliance with the provisions of this Act and guidelines as may be prescribed by the Authority.”

(No. 31)

WEDNESDAY, APRIL 18, 2018

(206)

CLAUSE 17

THAT, Clause 17 of the Bill be amended –

(a) in sub-clause (1) by–

(i) re-numbering the existing sub-clause (1) as sub-clause (2); and

(ii) inserting the following new sub-clause (1)–

“(1) There is established the Board of the Kenya National Urban Roads Authority”.

(b) in the proposed new sub-clause (2) by–

(i) deleting the words “from amongst the members appointed under paragraph (f)” appearing in paragraph (a);

(ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;

(iii) deleting sub-paragraphs (ii),(iii)and(iv) appearing in paragraph (f);

(iv) deleting the word “Physical” appearing in sub-paragraph (v) of paragraph (f) ;and

(v) inserting the following new paragraph immediately after paragraph (f) –

“(g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”

(c) in sub-clause (3) by –

(i) re-numbering the existing sub-clause (2) as sub-clause (3); and

(ii) deleting the words “Authority” in the proposed new sub-clause (3) and substituting therefor the words “ Board”.

CLAUSE 19

THAT, Clause 19 of the Bill be amended –

(a) by deleting the words “and D” in sub-clause (1) ;

(b) in sub-clause (2) by–

(i) inserting the words “including through public private partnerships” at the end of paragraph (a); and

(ii) inserting the following new paragraph immediately after paragraph (b)—

“(ba) overseeing roadside developments to ensure compliance with the provisions of this Act and guidelines as may be prescribed by the Authority.”

CLAUSE 20

THAT, Clause 20 of the Bill be amended–

(a) in sub-clause (2) by–

- (i) deleting the words “from amongst the members appointed under paragraph (f)” appearing in paragraph (a);

(No. 31)

WEDNESDAY, APRIL 18, 2018

(207)

- (ii) deleting the word “five” appearing in paragraph (f) and substituting therefor the word “two”;
 - (iii) deleting sub-paragraphs (ii),(iii)and(v) appearing in paragraph (f); and
 - (iv) inserting the following new paragraph immediately after paragraph (f)
 - “ (g) two persons appointed by the Cabinet Secretary through a transparent and formal process taking into consideration the regional and ethnic diversity of the people of Kenya.”
- (b) in sub-clause (3) by deleting the word “Authority” and substituting therefor the word “Board”.

CLAUSE 22

THAT, Clause 22 of the Bill be amended –

(a) in sub-clause (1) by –

- (i) inserting the words “in engineering, accounting, law, survey, planning or management” immediately after the words “degree” appearing in paragraph (a); and
- (ii) deleting the words “the relevant field” appearing in paragraph (b) and substituting therefore the words “in engineering, accounting, law, survey, planning or management”.

(b) in sub-clause (2) by inserting the word “or” at the end of paragraph (d).

(c) by deleting sub-clause (3).

CLAUSE 29

THAT, Clause 29 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause–

“(4) The Director-General shall be appointed for a term of four years and may be eligible for re-appointment for one further term of four years.”

CLAUSE 45

THAT, Clause 45 of the Bill be amended in sub-clause (3) by deleting the words “sixty” and substituting therefor the words “thirty”.

CLAUSE 48

THAT, Clause 48 of the Bill be amended –

(a) by inserting the following new sub-clause immediately after sub-clause (1) –

“(1A) An Authority exercising its powers under sub-section (1) shall not be liable to payment of any levies and charges not imposed by the national government”; and

(b) in sub-clause (7) by deleting the words “adequately” and substituting therefor the words “may be adequate”.

(No. 31)

WEDNESDAY, APRIL 18, 2018

(208)

CLAUSE 52

THAT, Clause 52 of the Bill be amended in sub-clause (4) by inserting the words “as prescribed by the Cabinet Secretary” at the end of paragraph (b).

CLAUSE 53

THAT, Clause 53 of the Bill be amended in the opening sentence to sub-clause (2) by inserting the words “furniture” immediately after the words “road”.

CLAUSE 54

THAT, Clause 54 of the Bill be amended—

- (a) by re-numbering the existing Clause (1) as sub-clause (1);
- (b) in the proposed new sub-clause (1) by inserting the words “ bridge or tunnel” immediately after the words “national trunk road”; and
- (c) by inserting the following new sub-clause immediately after the proposed new sub-clause (1)—
“(2) Subject to sub-section (1), no free alternative shall be provided for any national toll road, bridge or tunnel.”

CLAUSE 56

THAT, Clause 56 of the Bill be amended —

- (a) in sub-clause (2) by inserting the words “designing, constructing, operating” immediately before the words “maintaining” appearing in paragraph (a)”;
- (b) in sub-clause (4) —
 - (i) by deleting paragraph (f) and substituting therefor the following new paragraph—
“(f) the manner in which the proceeds of the charges shall be collected, administered and allocated;”and
 - (ii) by inserting the following new paragraphs immediately after paragraph (f)—
“(fa) the collection of user related charges by a private party under a public private partnership arrangement; and
(fb)the remittance of all collected user charges in a manner prescribed by the Cabinet Secretary responsible for finance.”
- (c) by inserting the following new sub-clause immediately after sub-clause (4) —
“(5) Regulations made under sub-section (4) may prescribe a penalty in respect of any contravention of any provisions thereof.”

CLAUSE 60

THAT, Clause 60 of the Bill be amended by inserting the words “regulations made by” immediately after the words “and”.

CLAUSE 64

THAT, Clause 64 of the Bill be amended –

- (a) by re-numbering the existing Clause (1) as sub-clause (1);
- (b) in the proposed new sub-clause (1) by inserting the words “and the state department responsible for infrastructure” immediately after the words “Kenya Roads Board”; and
- (c) by inserting the following the new sub-clause immediately after sub- clause (1) –
 - ‘(2) The annual roads works programme under sub-section (1) shall not include roads developed or managed under a public private partnership agreement.’

CLAUSE 65

THAT, Clause 65 of the Bill be amended in sub-clause (1) by inserting the words “including road projects intended to be developed through public private partnerships” immediately after the words “road investment program”.

CLAUSE 66

THAT, Clause 66 of the Bill be amended by deleting the word “the” and substituting therefor the word “sound”.

CLAUSE 67

THAT, Clause 67 be amended—

- (a) by re-numbering the existing Clause (1) as sub-clause (1);
- (b) by inserting the following new sub-clause immediately after the proposed new sub-clause (1) –
 - “(2) Despite sub-section (1), under a public private partnership arrangement, the terms of the project agreement shall prevail.”

CLAUSE 68

THAT, Clause 68 of the Bill be amended by deleting the words “section 45” and substituting therefor the words “section 67”.

CLAUSE 69

THAT, Clause 69 of the Bill be amended by deleting the words “section 55” and substituting therefor the words “section 54”.

CLAUSE 71

THAT, Clause 71 of the Bill be amended be by inserting the following new sub-clause immediately after sub-clause (3) –

“(3A) Despite sub-section (3), any agreement entered into by an Authority relating to programmes financed by the Fund shall be made in consultation with the Kenya Roads Board.”

(No. 31)

WEDNESDAY, APRIL 18, 2018

(210)

CLAUSE 72

THAT, Clause 72 of the Bill be amended by inserting the words “Subject to approval by the Cabinet Secretary” at the beginning of the Clause.

CLAUSE 73

THAT, Clause 73 of the Bill be amended in sub-clause (1) by inserting the words “Subject to approval by the Cabinet Secretary” at the beginning.

CLAUSE 75

THAT, Clause 75 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) A county government shall obtain the respective Authority’s written approval if it intends to carry out road works on a county road or make changes to the management of a county road where the works or changes would—

- (i) require the carrying out of road works on a national trunk road;
- (ii) otherwise have a significant adverse impact on a national trunk road; or
- (iii) have a significant impact on the planning of a national trunk road or a future national trunk road.

(b) in sub-clause (9) by deleting the words “chief executive” and substituting therefor the words “Director General”.

CLAUSE 78

THAT, Clause 78 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority’s”;

(b) in sub-clause (2) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”;

(c) in sub-clause (3) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”;

(d) in sub-clause (4) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”; and

(e) in sub-clause (5) by inserting the words “or a private party under a public private partnership arrangement” immediately after the words “Authority”.

CLAUSE 79

THAT, Clause 79 of the Bill be amended in the opening sentence to sub-clause (1) by inserting the word “furniture” immediately after the word “road”.

(No. 31)

WEDNESDAY, APRIL 18, 2018

(211)

CLAUSE 101

THAT, Clause 101 of the Bill be amended by deleting the words “being either a department or division”.

CLAUSE 102

THAT, Clause 102 of the Bill be amended –

(a) in sub-clause (2) by –

(i) deleting the word “and” appearing immediately after the words ‘Kenya National Highways Authority’; and

(ii) inserting the words “ and the Kenya National Urban Roads Authority” at the end .

(b) in sub-clause (5) by deleting paragraph (d) and substituting therefor the following new paragraph–

“(d)the annual estimates of the former Kenya National Highways Authority, Kenya Urban Roads Authority and Kenya Rural Roads Authority for the financial year in which this Act commences shall be deemed to be the annual estimates of the Kenya National Highways Authority under this Act and the annual estimates of the former Kenya Urban Roads Authority shall be deemed to be the annual estimates of the Kenya National Urban Roads Authority and the annual estimates of the former Kenya Rural Roads Authority shall be deemed to be the annual estimates of the Kenya National Secondary Roads Authority for the remainder of that financial year.”

FIRST SCHEDULE

THAT, the First Schedule of the Bill be amended–

(a) in Part A, by deleting the classification of Secondary National Trunk Roads and substituting therefor the following new classification–

Secondary National Trunk Roads	Class C	Roads forming important regional routes, linking County headquarters or other regionally important centers, constituency headquarters, Municipal or Town Council Centres and other towns to each other and to Class A, B, H or J roads. Required to collect regional and local traffic and channel it to class A, B H and J roads.
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(b) in Part B, by inserting the following new classification at the beginning–

Class D Roads meant to collect traffic from lower class roads and channel it to the higher class roads. They are required to provide lower level of services than arterial roads at lower permissible speed over shorter distances with limited access control. Meant to collect traffic from lower roads and connect it with Class C roads.

(No. 31)

WEDNESDAY, APRIL 18, 2018

(212)

THIRD SCHEDULE

THAT, the Third Schedule to the Bill be amended in the proposed amendment to section 6(2)(d) of the Kenya Roads Board Act No.7 of 1999, as follows—

- (a) in paragraph (2) by deleting the words “Thirty (30%)” and substituting therefor the words “twenty eight (28%);
- (b) by deleting paragraph (4) and substituting therefor the following new paragraph—
“(4) Sixteen (16%) per centum is allocated to the county governments equally as conditional grants in respect of county roads; ”and
- (c) in paragraph (6) by —
 - (i) deleting the words “six (6) per centum” and substituting therefor the words “seven (7%) per centum; and
 - (ii) inserting the words “and training” immediately after the word “development” appearing in sub-paragraph (a).

THAT, the Third Schedule to the Bill be amended in the proposed amendment to section 6(2)(l) of the Kenya Roads Board Act No.7 of 1999 by inserting the following new paragraph immediately after paragraph (k) –

“(ka) every five years conduct an inventory and condition survey of all public roads and submit copies of the report to the Cabinet Secretary and the National Assembly for consideration.”

THAT, the Third Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 17A of the Kenya Roads Board Act No.7 of 1999 –

Insert the following—

s.30

“(1) The Board may withhold funds of any road agency or county government that fails to comply with the public road standards prescribed by the Cabinet Secretary.”

2) Notice is given that the Leader of the Majority Party (Hon. Aden Duale) intends to move the following amendment to the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) at the Committee Stage—

THIRD SCHEDULE

THAT, the Third Schedule be amended by inserting the following row immediately after the proposed amendment to section 6(2) of the Kenya Roads Board Act No.7 of 1999 —

(No. 31)

WEDNESDAY, APRIL 18, 2018

(213)

s.12 Delete and substitute therefor with the following—

“(2) A person shall be qualified for appointment as the Executive Director if that person-

- (a) holds a Master’s degree in finance, accounting, law or engineering from a university recognized in Kenya;
- (b) has knowledge and at least ten years’ experience in a relevant field; has served in a senior management position for a period of at least five years; and
- (c) satisfies the requirements of Chapter Six of the Constitution”

3) Notice is given that the Member for Kibwezi West (Hon. Dr. Patrick Musimba) intends to move the following amendments to the Kenya Roads Bill (National Assembly Bill No.47 of 2017) at the Committee Stage—

LONG TITLE

THAT, the long title of the Bill is amended by deleting the word “public”.

CLAUSE 2

THAT, Clause 2 of the Bill is amended by inserting the following new definition in the proper alphabetical sequence-

“private road” means a road that is constructed by any person other than the Government on a privately owned land, which is open for use by members of the public at a fee.

NEW PART

THAT, the Bill is amended by inserting the following new Part immediately after section 11-

- | | |
|-------------------------------|--|
| Registration of private roads | 11A. (1) A person who intends to construct a private road shall apply to the Cabinet Secretary for registration of the road.

(2) An application under subsection (1) shall- <ul style="list-style-type: none">(a) Indicate the function to be served by the road;(b) Indicate the class of road to be constructed in accordance with |
|-------------------------------|--|

- the First Schedule to this Act;
- (c) Be accompanied by the construction plans;
 - (d) Be accompanied by the prescribed fee; and
 - (e) Contain any other information that may be prescribed by the Cabinet Secretary.

(No. 31)

WEDNESDAY, APRIL 18, 2018

(214)

(3) If the applicant meets the prescribed requirements, the Cabinet Secretary shall approve the construction of the road.

(4) Upon completion of the road construction and inspection of the road by the Cabinet Secretary, the Cabinet Secretary shall register the road and publish such registration in the Gazette.

Inspection
of private
roads

11B. The Cabinet Secretary may, from time to time, inspect a private road to ensure that the prescribed standards are complied with.

4) Notice is given that the Member for Ruaraka (Hon. Tom Kajwang) intends to move the following amendments to the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) at the Committee Stage—

CLAUSE 2

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

- (a) "city" means an area conferred with the status of a city under section 8 of the Urban Areas and Cities Act No. 13 of 2011;"
- (b) "owner" means a person registered as a legal owner of land under the relevant written laws;"

CLAUSE 13

THAT, Clause 13 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)—

"(ba) overseeing roadside developments to ensure compliance with the provisions of this Act and guidelines as may be prescribed by the Authority."

CLAUSE 14

THAT, Clause 14 of the Bill be amended—

- (a) in sub-clause (3) by deleting the expression "(1) (b) to (d) and substituting therefor the expression "(1) (b), (c) and (d)"; and
- (b) in sub-clause (4) by inserting the word "each" immediately before the words "submit three";

CLAUSE 17

THAT, Clause 17 of the Bill be amended—

(a) in sub-clause (2) by deleting the expression “(1) (b) to (d) and substituting therefor the expression “(1) (b), (c) and (d)”;

(b) in sub-clause (3) by inserting the word “each” immediately before the words “submit three”;

(No. 31)

WEDNESDAY, APRIL 18, 2018

(215)

CLAUSE 20

THAT, Clause 20 of the Bill be amended —

(a) in sub-clause (3) by deleting the expression “(1) (b) to (d) and substituting therefor the expression “(1) (b), (c) and (d)”;

(b) in sub-clause (4) by inserting the word “each” immediately before the words “submit three”;

CLAUSE 22

THAT, Clause 22 of the Bill be amended in sub-clause (1) by—

(a) inserting the words “in engineering, survey, planning or management” immediately after the words “a degree” appearing in paragraph (a);

(b) deleting the words “the relevant field” appearing in paragraph (b) and substituting therefor the words “engineering, survey, planning or management”;

CLAUSE 39

THAT, Clause 39 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “may” and substituting therefor the word “shall”;

(b) in sub-clause (2) by deleting the word “may” and substituting therefor the word “shall”;

(c) in sub-clause (3) by inserting the words “in writing” immediately after the words “Cabinet Secretary nominate”.

CLAUSE 48

THAT, Clause 48 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (6)—

(6A) For avoidance of doubt, nothing contained in this section shall absolve any Authority from liability to compensate owner or occupier of land just compensation or overt market value of any soil, clay, rock, gravel, murrum, lime, sand, shale, shingle, slate, surface soil or any other material for the construction of any road.

(6B) Where the quantum of compensation made under sub-section (6A) is disputed either by the owner, occupier of land or the Authority, the parties may enter into mutual arbitration within sixty days of the dispute or in accordance with the law relating to Arbitration.

(6C) Despite the provisions of sub-section (6B), the Authority may in lieu of arbitration acquire such land compulsorily in accordance with the provisions of the Constitution and the Land Act, 2012.

(No. 31)

WEDNESDAY, APRIL 18, 2018

(216)

CLAUSE 60

THAT, Clause 60 of the Bill be amended by deleting the words “and National Treasury” and substituting therefor the words “and the Cabinet Secretary responsible for matters relating to the National Treasury”.

CLAUSE 67

THAT, Clause 67 of the Bill be amended by deleting the word “their” and substituting therefor the word “its”.

CLAUSE 73

THAT, Clause 73 of the Bill be amended in sub-clause (2) by deleting the word “must” appearing in paragraph (a) and substituting therefor the word “shall.”

CLAUSE 74

THAT, Clause 74 of the Bill be amended by deleting the words “relevant/respective” and substituting therefor the word “relevant”.

CLAUSE 76

THAT, Clause 76 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) A county government may exercise in relation to a national trunk road in its area the all powers that it may exercise in respect of a county road in its area:

Provided notification of the actions or powers intended has been provided and consented to by the National Agency with delegated powers over the road.

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

(3) If there is no contract of the kind mentioned in section 72 between the Authority and a county government, a county government shall not exercise any of its powers on a national trunk road within its area of jurisdiction.

(c) by deleting sub-clause (4);

(d) by deleting sub-clause (5);

(e) by deleting sub-clause (6).

CLAUSE 90

THAT, Clause 90 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(a) by affixing the notice in a conspicuous place at the office of the Director General; or

(No. 31)

WEDNESDAY, APRIL 18, 2018

(217)

FIRST SCHEDULE

THAT, the First Schedule of the Bill be amended—

(c) in Part A, by deleting the classification of Secondary National Trunk Roads and substituting therefor the following new classification—

Secondary National Trunk Roads	Class C	Roads forming important regional routes, linking County headquarters or other regionally important centers, constituency headquarters, Municipal or Town Council Centres and other towns to each other and to Class A, B, H or J roads. Required to collect regional and local traffic and channel it to class A, BH and J roads.
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5) Notice is given that the Member for Manyatta (Hon. John Muchiri) intends to move the following amendment to the Kenya Roads Bill (National Assembly Bill No. 47 of 2017) at the Committee Stage—

CLAUSE 27

THAT, Clause 27 of the Bill be amended—

(a) in sub clause (1) by deleting the word “may” appearing immediately after the words “A Board” and substituting therefor the word “shall”

(b) in sub clause (2) by deleting the word “may” appearing immediately after the words “The Board” at the beginning of the sub clause and substituting therefor the word “shall”;

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

(3) The Committee shall ensure that such relevant stakeholders and agencies are involved in the decisions of the Committee.

II. THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2017)

- 1) Notice is given that the Chairperson of the Departmental Committee on Agriculture and Livestock intends to move the following amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017) at the Committee Stage—

CLAUSE 2

THAT clause 2 of the Bill be amended by in the definition of the term “authority” by deleting the word “development”.

CLAUSE 6

THAT, clause 6 of the Bill be amended in sub clause (2) by—

- (a) deleting the words “by the counties” appearing in paragraph (b);
- (b) deleting the word “promote” and substituting therefor the word “facilitate”; and
- (c) inserting the following new paragraphs immediately after paragraph (h)—

“(ha) in collaboration with county governments, gather information and maintain data bases on irrigation development and management including data on irrigation water supplies, demands, projects, irrigated areas, management performance, potential for expansion and human resources;”

“(hb) conduct periodic technical and management audits of irrigation schemes infrastructure, governance, management and financing.”

PART III TITLE

THAT, the title of Part III of the Bill be amended by deleting the word “development” appearing immediately after the word “irrigation”.

CLAUSE 7

THAT, Clause 7 of the Bill be amended in sub clause (1) by deleting the word “development” appearing immediately after the word “irrigation”.

CLAUSE 8

THAT, Clause 8 of the Bill be amended—

(a) in sub clause (2) by

(i) inserting the words “the county government” immediately after the word “finance” appearing in paragraph (c)

(ii) deleting paragraph (e); and

(iii) deleting paragraph (i).

(b) in sub clause (3) by —

(i) deleting the word “shall” and substituting therefor the word “may”

(ii) deleting the words “primarily through the Authority and with the permission of the Cabinet Secretary, such powers and functions are best performed directly by the authority” appearing immediately after the word “contracts”.

CLAUSE 9

THAT, Clause 9 of the Bill be amended —

(a) in sub clause (1) by—

(i) inserting the following new paragraph immediately after paragraph (d)

“(da) the Principal Secretary responsible for water or his representative;” —

(ii) deleting the word “President” appearing immediately after the words “appointed by the”; and

(b) in sub clause (5) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) holds relevant academic and professional qualification including a university degree or its equivalent in any field.”

CLAUSE 12

THAT, Clause 12 of the Bill be amended in sub clause (2) by—

(a) deleting paragraph (c) and substituting therefore the following new paragraph

“(c) holds a relevant academic and professional qualifications including a university degree in engineering or agriculture or any field related to irrigation; and” and

(No. 31)

WEDNESDAY, APRIL 18, 2018

(220)

(b) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) has at least fifteen years’ experience in the management of a public or private institution, five of which should be at senior management level or is a distinguished scholar in a discipline relevant to irrigation.”

CLAUSE 15

THAT, Clause 15 of the Bill be amended in sub clause (2) by deleting the words “in pursuant” and substituting therefor the words “pursuant to”.

CLAUSE 19

THAT, Clause 19 of the Bill be amended in sub clause (1) by deleting the word “manage” appearing before the word “existing” and substituting therefor the word “oversee”.

CLAUSE 20

THAT, Clause 20 of the Bill be amended by deleting in sub clause (3).

CLAUSE 25

THAT, Clause 25 of the Bill be amended in sub clause (1) by —

(a) deleting the word “property” appearing before the word “operation”; and

(b) inserting the word “irrigation” immediately after the words “association or at”.

CLAUSE 26

THAT, the Bill be amended by deleting Clause 26 and substituting with the following new clause—

“**26.** Where the water users association or at the irrigation scheme level is unable to resolve a dispute, the same shall be referred to the Dispute Resolution Committee at the first instance to consider and determine the matter before the same is referred to Court.”

NEW CLAUSE

THAT, the Bill be amended by introducing the following new clause immediately after clause 32-

32A.
Abstraction of
water.

32A. Any person who abstracts water from an irrigation system or disrupts the distribution plan of a scheme commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term of one year or to both such fine and imprisonment.

(No. 31)

WEDNESDAY, APRIL 18, 2018

(221)

CLAUSE 33

THAT, Clause 33 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (f)—

“(fa) prescribe fees payable by irrigation water users based on costs of operation and maintenance of the scheme;”

CLAUSE 34

THAT, Clause 34 be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (f)—

“(fa) The members of the National Irrigation Board established under the Irrigation Act Cap 347, shall continue in office as members of the Board until the expiry of their existing terms”.

The House resolved on Wednesday, February 14, 2018 as follows:-

- III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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NOTICE PAPER

Tentative business for

Thursday, April 19, 2018

(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, April 19, 2018:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Irrigation Bill (National Assembly Bill No. 46 of 2017)
(The Leader of the Majority Party)

(If not concluded on Wednesday, April 18, 2018 – Afternoon sitting)

- (ii) The Energy Bill (National Assembly Bill No. 50 of 2017)
(The Leader of the Majority Party)

B. MOTION – REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2018

(The Chairperson, Committee on Delegated Legislation)
