



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**TUESDAY, APRIL 10, 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\*. THE COMPUTER AND CYBERCRIMES BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2017)**

(The Leader of the Majority Party)

Second Reading

*(Question to be put)*

**9\*. THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2017)**

(The Leader of the Majority Party)

Second Reading

**10\*. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2017)**

(The Leader of the Majority Party)

Second Reading

**11\*. 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 Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017)  
(The Leader of the Majority Party)

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**\* Denotes Orders of the Day**

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## **NOTICES**

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

Notice is given that the Chairperson of the Departmental Committee on Transport, Public Works and Housing (Hon. David Pkosing) 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 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); and

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

#### **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”.

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(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) ; and
- (b) in sub-clause (2) by inserting the words “including through public private partnerships” at the end of paragraph (a).

### **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);
- (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 or management” immediately after the words “degree” appearing in paragraph (a); and

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- (ii) deleting the words “the relevant field” appearing in paragraph (b) and substituting therefore the words “in engineering, accounting, law, survey 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”.

### **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)–

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“(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”.

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## **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.”

## **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—



- (a) require the carrying out of road works on a national trunk road;
  - (b) otherwise have a significant adverse impact on a national trunk road; or
  - (c) 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”.

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### **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”.

### **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

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**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 or B roads. Required to collect regional and local traffic and channel it to class A and B roads; and
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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.
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**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).

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**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 advise the Cabinet Secretary.”

**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.”

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

- II.** **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** 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**

**Wednesday (Morning), April 11, 2018**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Wednesday (Morning), April 11, 2018:-

**A. MOTION – WAIVER OF CHARGES AND ESTABLISHMENT OF EMPLOYMENT DATABASE**

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

*(Resumption of debate interrupted on Thursday, March 29, 2018 – Morning sitting)*

*(Balance of time –1hr 3 minutes)*

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

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

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

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

**D. MOTION – ESTABLISHMENT OF CIVIL REGISTRATION CENTRES IN EVERY CONSTITUENCY**

(The Hon. Martha Wangari, M.P.)

## **NOTICE PAPER II**

### **Tentative business for**

### **Wednesday (Afternoon), April 11, 2018**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the House Business Committee, at their last meeting, approved the following *tentative* business to appear in the Order Paper for Wednesday (Afternoon), April 11, 2018:-

**A. THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2017)**  
(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, April 10, 2018)*

**B. THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2017)**  
(The Leader of the Majority Party)

Second Reading

*(If not concluded on Tuesday, April 10, 2018)*

**C. 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 Copyright (Amendment) Bill (National Assembly Bill No. 33 of 2017)  
(The Leader of the Majority Party)

*(If not concluded on Tuesday, April 10, 2018)*

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# **APPENDIX**

## **THE NATIONAL ASSEMBLY**

### **SCHEDULE of Questions for**

**Tuesday, April 10, 2018**

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It is notified that pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for Health, Education, Transport Infrastructure, Housing and Urban Development will appear before the following Departmental Committees on **Tuesday, April 10, 2018** at the times hereunder:-

<b><u>Departmental Committee</u></b>	<b><u>Cabinet Secretary</u></b>	<b><u>Time</u></b>	<b><u>Venue</u></b>
(i) Health	<i>Cabinet Secretary for Health</i>	10.00 am – 11.00 am	<i>The Mini Chamber, County Hall</i>
(ii) Education and Research	<i>Cabinet Secretary for Education</i>	11.00 am – 12.00 pm	<i>The Mini Chamber, County Hall</i>
(iii) Transport, Public Works & Housing	<i>Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development</i>	11.00 am -12.00 pm	<i>The National Assembly Main Chamber</i>

The Committees' Agenda has been determined as follows-

#### **AGENDA**

1. Prayers
2. Communication from the Chairperson(s)

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## **I. QUESTIONS UNDER THE DEPARTMENTAL COMMITTEE ON HEALTH**

### **Questions to the Cabinet Secretary for Health:**

**(i) Question No. 018/2018 by the Member for Tharaka - Nithi County (Hon. Beatrice Nkatha, MP):-**

Could the Cabinet Secretary inform the Committee the rationale behind the current sixty-day activation period after application or renewal of NHIF cover by an applicant; could the Cabinet Secretary also state whether this period can be reduced to thirty (30) days to allow citizens to enjoy the benefits of the NHIF scheme sooner?

**(ii) Question No. 022/2018 by the Member for Nakuru Town East Constituency (Hon. David Gikaria, MP):-**

Is the Cabinet Secretary aware that persons aged above sixty (60) years have to travel from various parts of the country to Nairobi to register for NHIF; and, could the Cabinet Secretary apprise the Committee on the administrative mechanisms that exist in constituencies or counties for enrollment and registration of persons aged above sixty (60) into the NHIF scheme?

## **II. QUESTION UNDER THE DEPARTMENTAL COMMITTEE ON EDUCATION & RESEARCH**

### **Question to the Cabinet Secretary for Education:**

**Question No. 011/2018 by the Member for Homa Bay Town Constituency (Hon. Peter Kaluma, MP):-**

Cognizant that the teacher - student ratio for basic education is estimated at 4:23 according to the World Bank, could the Cabinet Secretary apprise the Committee on the current teacher - student ratios in public primary and secondary schools in Kenya; provide the number of unemployed trained teachers in Homa Bay County in particular; confirm the existence of a data bank on the number of unemployed trained teachers as well as the number of available vacancies in schools throughout the country; and state what steps are being taken to ensure that the unemployed trained teachers are hired?

## **III. QUESTIONS UNDER THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING**



**Questions to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:**

- (i) **Question No. 029/2018 by the Member for Manyatta Constituency (Hon. John Muchiri Nyaga, MP): -**

Aware that Kenya Urban Roads Authority (KURA) is responsible for the management, development, rehabilitation and maintenance of urban national trunk roads; and noting that stakeholder's involvement is paramount in implementation of any project including roads; could the Cabinet Secretary apprise the Committee on the Authority's measures in place, if any, to ensure that KURA involves all key stakeholders including immediate beneficiaries at the Constituency level in development, rehabilitation and maintenance of road programmes for all urban trunk roads?

- (ii) **Question No. 019/2018 by the Member for Nakuru Town East Constituency (Hon. David Gikaria, MP):-**

Could the Cabinet Secretary inform the Committee the circumstances that led to a plane crash belonging to Flex Air Charters in Lake Nakuru on 21<sup>st</sup> October 2017 leading to the loss of five persons on board; further explain progress made on the investigation into the crash and also in the recovery of the bodies of the deceased so far and why the recovery mission has halted; and state what measures the Ministry is instituting to ensure that the airline compensates the families of the deceased?

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