



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, APRIL 12, 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 ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2017)**
(The Leader of the Majority Party)

Second Reading
(Question to be put)

- 9*. **THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2017)**
(The Leader of the Majority Party)

Second Reading

- 10*. **COMMITTEE OF THE WHOLE HOUSE**

The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)
(The Leader of the Majority Party)

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

(The Leader of the Majority Party)

Second Reading

**12*. THE KENYA COAST GUARD SERVICE BILL (NATIONAL ASSEMBLY
BILL NO. 45 OF 2017)**

(The Leader of the Majority Party)

Second Reading

*** Denotes Orders of the Day**

NOTICES

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); and
- (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”.

(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
- (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)—
“(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 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—

- (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”.

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 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).

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 amendments 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 —

Delete and substitute therefor with the following—

- s.12 “(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

1. The long title of the Bill is amended by deleting the word “public”.
2. 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

3. 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-

- (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.

(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 2017 (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 7

THAT, Clause 7 of the Bill be amended by—

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

(2A) In the absence of the Chairperson at any meeting, the Members of the Board shall elect one of them to act as the Chairperson.

(2B) Unless otherwise provided for under this Act, any four Members of the Board present shall constitute a quorum.

(2C) The Chairperson shall have a casting vote whenever there is a tie in decision making by the Board.

CLAUSE 13

THAT, Clause 13 of the Bill be amended in subclause (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 (2)—
 - (i) by deleting paragraph (f) and substituting therefor the following new paragraph—
 - (f) two persons, appointed by the Cabinet Secretary upon nomination by the following organizations—
 - (ii) by deleting sub-paragraph (ii);
 - (iii) by deleting sub-paragraph (iii);
 - (iv) by deleting sub-paragraph (v);
 - (v) by inserting the following new paragraph immediately after paragraph (f)—

- (g) two persons, appointed by the Cabinet Secretary through a competitive and transparent process taking into consideration regional and diversity of the people of Kenya.
- (b) in sub-clause (3) by deleting the expression “(1) (b) to (d) and substituting therefor the expression “(1) (b), (c) and (d)”;
- (c) in sub-clause (4) by inserting the word “each” immediately before the words “submit three”;
- (d) in sub-clause (5), by deleting the words “may both not” and substituting therefor the words “shall not both”;
- (e) by inserting the following new sub-clauses immediately after sub-clause (5)—
 - (6) Where the Principal Secretary in the ministry or State department responsible for matters relating to roads and the Principal Secretary in the ministry or State department responsible for matters relating to transport or their alternates both serve under the same Cabinet Secretary, the Cabinet Secretary shall appoint either of the Principal Secretaries to be a Member of the Board.
 - (7) Unless otherwise provided for under this Act, any five Members of the Board present shall constitute a quorum.

CLAUSE 17

THAT, Clause 17 of the Bill be amended—

- (a) in sub-clause (1) —
 - (i) by deleting paragraph (f) and substituting therefor the following new paragraph —
 - (f) two persons, appointed by the Cabinet Secretary upon nomination by the following organizations—
 - (ii) by deleting sub-paragraph (ii);
 - (iii) by deleting sub-paragraph (iii);
 - (iv) by deleting sub-paragraph (iv);
 - (v) by inserting the following new paragraph immediately after paragraph (f) —
 - (g)two persons, appointed by the Cabinet Secretary through a competitive and transparent process taking into consideration regional and diversity of the people of Kenya.
- (b) in sub-clause (2) by deleting the expression “(1) (b) to (d) and substituting therefor the expression “(1) (b), (c) and (d)”;
- (c) in sub-clause (3) by inserting the word “each” immediately before the words “submit three”;
- (d) in sub-clause (4), by deleting the words “may both not” and substituting therefor the words “shall not both”;
- (e) by inserting the following new sub-clauses immediately after sub-clause (4)—

- (5) Where the Principal Secretary in the ministry or State department responsible for matters relating to roads and the Principal Secretary in the ministry or State department responsible for matters relating to transport or their alternates both serve under the same Cabinet Secretary, the Cabinet Secretary shall appoint either of the Principal Secretaries to be a Member of the Board.
- (6) Unless otherwise provided for under this Act, any five Members of the Board present shall constitute a quorum.

CLAUSE 19

THAT clause 19 of the Bill be amended in sub-clause (1) by deleting the words “ and D” and substituting therefor the words “and I”.

CLAUSE 20

THAT, Clause 20 of the Bill be amended—

(a) in sub-clause (2) —

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

(f) two persons, appointed by the Cabinet Secretary upon nomination by the following organizations—

(ii) by deleting sub-paragraph (ii);

(iii) by deleting sub-paragraph (iii);

(iv) by deleting sub-paragraph (iv);

(v) by inserting the following new paragraph immediately after paragraph (f) —

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

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

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

(d) in sub-clause (5), by deleting the words “may both not” and substituting therefor the words “shall not both”;

(e) by inserting the following new sub-clauses immediately after sub-clause (5)—

(7) Where the Principal Secretary in the ministry or State department responsible for matters relating to roads and the Principal Secretary in the ministry or State department responsible for matters relating to transport or their alternates both serve under the same Cabinet Secretary, the Cabinet Secretary shall appoint either of the Principal Secretaries to be a Member of the Board.

(7) Unless otherwise provided for under this Act, any five Members of the Board present shall constitute a quorum.

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”;
- (c) deleting the word “and” appearing in paragraph (b);
- (d) inserting the word “and” immediately after the words “the Constitution” in paragraph (c);
- (e) inserting the following new paragraph immediately after paragraph (c)—
 - (d) is a citizen of the Republic of Kenya.

CLAUSE 38

THAT, Clause 38 of the Bill be amended by inserting the words “mortgage schemes” immediately after the words “medical benefits” in paragraph (c).

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 46

THAT, clause 46 of the Bill be deleted.

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.

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 65

THAT, Clause 65 of the Bill be amended in sub-clause (1) by deleting the words “national and county government” and substituting therefor the words “Council of Governors”.

CLAUSE 67

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

CLAUSE 70

THAT, Clause 70 of the Bill be deleted and substituted therefor the following new clause—

Authority to have power of a county government for National trunk roads.

70. An Authority may exercise, in respect of a National trunk road within the jurisdiction of a county government, all powers which that county government may exercise in relation to a county road within its area of jurisdiction.

CLAUSE 73

THAT, Clause 73 of the Bill be amended —

- (a) in sub-clause (1) by deleting the words “under which the authority supplies funds to the county” and substituting therefor the words “for the supply of funds by the Authority to a county government.”
- (b) 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”.

INSERTION OF NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 73—

Authority to
enter into a
contract in
writing with any
county
government.

73A. (1) Subject to approval by the Cabinet Secretary, an Authority may, in relation to a national trunk road, enter into a contract in writing with any county government with jurisdiction over the area traversed upon by the national trunk road for the sharing of revenue, profit, accruals or any other receivable which the Authority may raise as a result of levies, charges or fees imposed for the provision of services or facilities or use of any road reserve under its jurisdiction pursuant to section 67 of this Act.

(2) The Authority shall, at least ninety days before the execution of such contract cause to be published in the gazette and in at least two newspapers with wide circulation within the relevant county, the terms and conditions of the said contract.

(3) The Authority shall through the notice issued under sub-section (2), invite for comments through written memoranda from the public.

(4) The Authority shall keep proper record of any written memoranda submitted by the public and shall avail on demand, such records to the public in accordance with the Constitution and the law relating to access to information.

(5) Where any dispute arises between the Authority and county government as to terms and conditions of a contract for revenue sharing, parties to the dispute may, by consent, submit to an arbitration process or refer the dispute to the Inter-Governmental Relations Technical Committee.

(6) The decision of arbitration or of the Committee shall be final on the issue as to terms and conditions of the contract.

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, in relation to a national trunk road traversing its area of jurisdiction, exercise all powers that it may exercise with respect to county roads within its area.

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

(1A) Where a county government intends to exercise powers relating to a national trunk road within its area of jurisdiction, the county government shall notify the relevant Authority in writing of intended action or exercise of power including limit of such action or power and persons likely to incur liability for the action or use of such power.

(1B) Where a county government issues notice to the Authority of its intention to act upon a national trunk road within its area of jurisdiction, the Authority shall within a reasonable time, but in any case, a period not exceeding twenty-one days, give its consent or decline the request by giving reasons thereof in writing.

- (c) by deleting sub-clause (3);
- (d) by deleting sub-clause (4);
- (e) by deleting sub-clause (5);
- (f) by deleting sub-clause (6).

CLAUSE 90

THAT, Clause 90 of the Bill be amended —

- (a) by deleting paragraph (b);
- (b) by inserting the word “ or ” immediately after the word “Director-General” appearing in paragraph (a).

FIRST SCHEDULE

THAT, the First Schedule to the Bill be amended in Part A by inserting the following new class of public roads immediately after class C—

Class I. Roads within the cities linking the Central Business Districts of those cities to residential estate or forming important commuter inlets or outlets or otherwise required to collect regional or local traffic to or from cities residential estates and channel it to or from Class A or B roads or any other higher class roads.

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.

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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STATEMENT

Pursuant to the provisions of Standing Order 44(2)(c), the Speaker shall, **today** allow the following Member to make a Statement to the Chairpersons of the Budget and Appropriations and National Government Constituencies Development Fund Committees:-

GS/NO. STATEMENT TO BE

SUBJECT

001/2018 RAISED BY

The Hon. Anthony Aluoch, MP,
Member for Mathare Constituency
pursuant to Standing Order 44(2)(c)

The need for the line Ministry to provide for the budget for establishment of Information Communication & Technology Hubs in every Constituency instead of placing it under the National Government Constituencies Development Fund.

NOTICE PAPER I

Tentative business for

Tuesday, April 17, 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 Tuesday, April 17, 2018:-

A. COMMITTEE OF THE WHOLE HOUSE

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

(If not concluded on Thursday, April 12, 2018)

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

B. THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2017)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, April 12, 2018)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, April 12, 2018)

D. THE KENYA COAST GUARD SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2017)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, April 12, 2018)
