



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

WEDNESDAY, AUGUST 24, 2016 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*. **MOTION – APPROVAL OF THE MEDIATED VERSION OF THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015**
(The Chairperson, Mediation Committee)

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House **adopts** the Report of the Mediation Committee on its consideration of the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015), laid the Table of the House on Tuesday, 23rd August 2016, and **approves** the Mediated Version of the Forest Conservation and Management Bill, 2015.

(Excerpt of the contended Clauses, as mediated, is published in the Notices)

(Question to be put)

9*. **MOTION – APPROVAL OF THE MEDIATED VERSION OF THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION BILL, 2015**
(The Chairperson, Mediation Committee)

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House **adopts** the Report of the Mediation Committee on its consideration of the Natural Resources (Classes of Transactions Subject to Ratification)

Bill (National Assembly Bill No. 54 of 2015), laid on the Table of the House on Tuesday, 23rd August 2016, and **approves** the Mediated Version of the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015.

(Excerpt of the contended Clauses, as mediated, is published in the Notices)

(Question to be put)

10*. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2015)

(The Leader of the Majority Party)

Second Reading

(Mover to reply)

11*. SPECIAL MOTION – ADOPTION OF REPORT OF THE JOINT PARLIAMENTARY SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

(The Deputy Leader of the Majority Party)

THAT, pursuant to the resolution of the House of July 6, 2016 regarding the establishment of a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC), and paragraphs 7 and 8 of the Houses of Parliament (Joint Sittings) Rules, this House:

- (i) **adopts** the Report of the Committee laid on the Table of the House on Thursday, August 18, 2016;
- (ii) **commits** to the recommendations of the Committee regarding:
 - a) allegations against Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission, specifically on credibility, impartiality, integrity and independence;
 - b) legal mechanisms for the vacation from office of the current Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission in accordance with the Constitution;
 - c) legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and

...../11*(cont'd)

d) legal, policy and institutional reforms to improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and

(iii) **resolves** to establish a mechanism by which it shall oversight the implementation of the recommendations in the Report and the electoral processes until the 2017 General Elections.

12*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL
(NATIONAL ASSEMBLY BILL NO. 58 OF 2015)

(The Leader of the Majority Party)

Second Reading

13*. THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF
2014)

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

Second Reading

14*. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL
CHILDREN POLICY

(The Chairperson, Departmental Committee on Labour and Social Welfare)

THAT, this House adopts Sessional Paper No. 6 of 2014 on the National Children Policy, laid on the Table of the House on Tuesday, August 25, 2015.

15*. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL
POLICY ON ELIMINATION OF CHILD LABOUR

(The Chairperson, Departmental Committee on Labour and Social Welfare)

THAT, this House adopts Sessional Paper No. 1 of 2015 on the National Policy on Elimination of Child Labour, laid on the Table of the House on Wednesday, August 19, 2015.

16*. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 30 OF 2015)

(The Leader of the Majority Party)

Second Reading

17*. MOTION - RATIFICATION OF THE DEFENCE COOPERATION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA & THE GOVERNMENT OF UNITED KINGDOM

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation, laid on the Table of the House on Wednesday, 6th July, 2016, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation.

(Resumption of debate interrupted on Tuesday, July 19, 2016)

*** Denotes Orders of the Day**

NOTICES

I. THE MEDIATED VERSION OF THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015

Contended Clauses: 9, 72, 75, 77 and Third Schedule

(Excerpt of the mediated version of the Bill on the contended Clauses)

“RESOLUTIONS OF THE MEDIATION COMMITTEE”

The Mediation Committee held two sittings on 16th and 18th August, 2016 and unanimously resolved the contention on Clauses 9, 72, 75 77 and Third Schedule of the Bill as follows:-

CLAUSE 9

THAT, clause 9 (1) of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)-

(3A) A person shall not be appointed to the Board if the person—

- (a) has been convicted of a criminal offence and imprisoned for a term exceeding six months without the option of a fine;
- (b) is a member of a governing body of a political party;
- (c) has previously been removed from public office for contravention of the provisions of the Constitution or any other written law;
- (d) is an un-discharged bankrupt; and
- (e) violates the Constitution or any other written law.

CLAUSE 72

THAT, clause 72 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Any register maintained under this section shall be open for inspection by the members of the public at the office of the Chief Conservator of Forests.”

CLAUSE 75

THAT, clause 75 remains as is in the Bill;

“(1) Where a provision of this Act requires a person to conserve or protect the environment, the relevant provisions of the Environmental Management and Co-ordination Act, 1999, shall also apply with respect to the manner in which the conservation or protection shall proceed.”

CLAUSE 77

THAT, clause 77 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)-

(aa) The land in section (a) shall not include government settlement schemes already registered before the commencement of this Act;

THIRD SCHEDULE

THAT, the Third Schedule be amended by deleting the following items;

- (a) deleting item 5-Aberdare;
- (b) deleting item 9-Aberdare;
- (c) deleting item 131-Mt. Elgon;
- (d) deleting item 99-Mt. Kenya
- (e) deleting item 103-Mt. Kenya
- (f) deleting item 107-Mt. Kenya;
- (g) deleting item 115-Mt. Londiani;
- (h) deleting item 119-Mt. Londiani;
- (i) deleting item 200-Tinderet;
- (j) deleting item 204-Tinderet
- (k) deleting item 236-Turbo;
- (l) deleting item 292-Western Mau;
- (m) deleting item 278-Mangrove Swamps;
- (n) deleting item 282-Mangrove Swamps;
- (o) deleting item 286-Mangrove Swamps; and
- (p) deleting item 290-Mangrove Swamps

II. THE MEDIATED VERSION OF THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION BILL, 2015

Contended Clause: New Clause 9(A)

(Excerpt of the mediated version of the Bill on the contended Clause)

“RESOLUTIONS OF THE MEDIATION COMMITTEE”

The Mediation Committee held three sittings on 16th and 18th August, 2016 on morning and afternoon sessions and unanimously resolved the contention on New Clause 9(A) of the Bill as follows:-

NEW CLAUSE 9(A)

THAT, the Bill be amended by inserting the following new clause immediately after clause 9

Procedure for approval by
the Parliament.

9A. (1) The process of approval of an agreement shall commence in the National Assembly.

(2) The National Assembly shall consider an agreement within thirty days of its submission to the National Assembly and shall forward its resolution to the Senate for consideration.

(3) If within thirty days of submission of an agreement to the National Assembly, the National Assembly has not forwarded its resolution on the agreement to the Senate, the Senate shall commence its consideration of the agreement and shall forward its resolution to the National Assembly.

(4) If both Houses —
(a) approve the ratification of an agreement; or
(b) do not approve the ratification of an agreement;
the Speaker of the National Assembly shall, within seven days of the decision, notify the relevant Cabinet Secretary.

The House resolved on Wednesday, February 10, 2016 as follows:-

- I. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on 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.

 - II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, 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.

 - III. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
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NOTICE PAPER I

Tentative business for

Thursday (Morning), August 25, 2016

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following ***tentative*** business to appear in the Order Paper for Thursday (Morning), August 25, 2016:-

A. MOTION – APPROVAL OF THE MEDIATED VERSION OF THE THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2015)

(The Chairperson, Mediation Committee)

B. MOTION – APPROVAL OF THE MEDIATED VERSION OF THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)

(The Chairperson, Mediation Committee)

C. COMMITTEE OF THE WHOLE HOUSE

The Finance Bill (National Assembly Bill No. 20 of 2016)

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

D. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, August 24, 2016, Afternoon Sitting)

E. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2016)

(The Chairperson, the National Government Constituency Development Fund Committee)

Second Reading

F. THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014)

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

Second Reading

(If not concluded on Wednesday, August 24, 2016, Afternoon Sitting)

G. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL CHILDREN POLICY

(The Chairperson, Departmental Committee on Labour and Social Welfare)

(If not concluded on Wednesday, August 24, 2016, Afternoon Sitting)

H. MOTION - APPROVAL OF SESSIONAL PAPER ON THE NATIONAL POLICY ON ELIMINATION OF CHILD LABOUR

(The Chairperson, Departmental Committee on Labour and Social Welfare)

(If not concluded on Wednesday, August 24, 2016, Afternoon Sitting)

I. THE BETTING, LOTTERIES AND GAMING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2015)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, August 24, 2016, Afternoon Sitting)

J. MOTION - RATIFICATION OF THE DEFENCE COOPERATION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA & THE GOVERNMENT OF UNITED KINGDOM

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

(If not concluded on Wednesday, August 24, 2016, Afternoon Sitting)



NOTICE PAPER II

Tentative business for

Thursday (Afternoon), August 25, 2016

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following *tentative* business to appear in the Order Paper for Thursday (Afternoon), August 25, 2016:-

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Warehouse Receipts System Bill (National Assembly Bill No. 12 of 2015)
(The Leader of the Majority Party)
- (ii) The Civil Aviation (Amendment) Bill (National Assembly Bill No. 14 of 2016)
(The Leader of the Majority Party)

B. THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)

(The Chairperson, Departmental Committee on Administration and National Security)

Second Reading

C. MOTION – ADOPTION OF THE TWENTIETH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE

(The Chairperson, Public Investments Committee)

D. THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILL NO. 24 OF 2014)

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

E. THE NATIONAL YOUTH SERVICE BILL (SENATE BILL NO. 26 OF 2014)

(The Chairperson, Departmental Committee on Labour and Social Welfare)

Second Reading

F. THE COUNTY EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 23 OF 2014)

(The Chairperson, Departmental Committee on Education, Research and Technology)

Second Reading

G. THE WITNESS PROTECTION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2016)

(The Leader of the Majority Party)

Second Reading

...../Appendix I

APPENDIX I

PETITIONS to be presented on

Wednesday (Afternoon), August 24, 2016

It is notified that, pursuant to Standing Orders 225, the following Petitions will be presented to the House **today, Wednesday (Afternoon), August 24, 2016:-**

NO.	<u>PETITION TO BE PRESENTED BY</u>	<u>SUBJECT</u>	<u>PETITIONER(S)</u>
001	The Hon. Speaker, <i>Pursuant to Standing Order 225(2)(b)</i>	Proposed review of the Constitution	One Rage Ismael
002	The Member for Nakuru Town East(The Hon. David Gikaria M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Revocation and cancelation of title for land parcel LR No. Nakuru Municipality Block 23/108	Residents of Biashara Ward and Parents of Naka Primary School
003	The Member for Murang'a County (The Hon. Sabina Chege M.P.), <i>Pursuant to Standing Order 225(2)(a)</i>	Attempted irregular transfer of land	Shareholders of Nanga Kihoto (Naivasha) Limited
