



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SPECIAL SITTING

TUESDAY, DECEMBER 20, 2016 AT 3.00 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 – ALTERATION OF THE CALENDAR OF THE HOUSE (REGULAR SESSIONS)

(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 28(4), relating to the Calendar of the House, this House **resolves** to alter its Calendar for the Fourth Session, so that-

- (i) the Fourth Session terminates on the 23rd Day of January, 2017; and,
- (ii) the House resumes for its *regular sessions* at the commencement of the Fifth Session on Tuesday, the 24th Day of January, 2017 at 2.30 pm.

9*. MOTION – APPOINTMENT OF MEMBERS TO THE COMMISSION FOR REVENUE ALLOCATION

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

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the Vetting of Nominees for Appointment to the Commission for Revenue Allocation, laid on the Table of the House on Tuesday, December 20, 2016 (Morning Sitting), and pursuant to the provisions

of Article 215 of the Constitution and Section 9 of the Commission of Revenue Act, 2011, **approves** the appointment of the following persons as Members of the Commission of Revenue Allocation:-

- (i) Prof. Edward Akong'o Oyugi;
- (ii) Mr. Peter Gachuba Njeru;
- (iii) Mr. Kishanto Suuji;
- (iv) Dr. Irene C. Koech Asienga;
- (v) Ms. Fouzia Abdikadir Dahir;
- (vi) Mr. Humprey Wattanga; and
- (vii) Mr. Peter Kiko Kimuyu.

10*. MOTION – APPOINTMENT OF MEMBERS TO NATIONAL CLIMATE CHANGE COUNCIL

(The Chairperson, Departmental Committee on Environment and Natural Resources)

THAT, pursuant to Section 7 of the Climate Change Act, 2016, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(4), this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the vetting of the Nominees for appointment as Members of the National Climate Change Council, laid on the Table of the House on Tuesday, December 20, 2016 (Morning Sitting), and **approves** the recommendations of the Committee as follows:-

- (i) **Approves** the appointment of Messrs. Suresh Patel and John Kioli as Members of the National Climate Change Council;
- (ii) **Rejects** the appointment of Ms. Cynthia Wechabe and Dr. Jane Mutheu as Members of the Climate Change Council; and
- (iii) **Recommends** that the appointing authority submits nominees of the female gender to represent the marginalized communities and Commission for University Education as prescribed by Public Appointments (Parliamentary Approval) Act.

11*. MOTION – ADOPTION OF THE REPORT ON THE BUDGET POLICY STATEMENT AND THE DEBT MANAGEMENT STRATEGY FOR 2017/2018 AND THE MEDIUM TERM

(The Chairperson, Budget and Appropriations Committee)

THAT, pursuant to the provisions of Section 25(7) of the Public Finance Management Act and Standing Order 232, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement and the

Debt Management Strategy for 2017/2018 and the Medium Term, laid on the Table of the House on Tuesday, December 20, 2016 and **approves** the Budget Ceilings in respect of the various Votes and Programmes in the National Government, the Judiciary, and Parliament as contained in the Schedule.

12*. MOTION – REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON THE ELECTION CAMPAIGN FINANCING REGULATIONS, 2016

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its Consideration of the Election Campaign Financing Regulations, 2016, laid on the Table of the House today Tuesday, December 20, 2016 (Morning Sitting), and-

- (a) pursuant to the provisions of Sections 18 and 19 of the Statutory Instruments Act, 2013 and Standing Order 210(4) (b), **rejects** the Draft Election Campaign Financing Regulations, 2016 as they contravene Section 5 of the Election Campaign Financing Act, 2013 and Section 13(a) of the Statutory Instruments Act, 2013; and,
- (b) **resolves** that the Justice and Legal Affairs Committee introduces relevant legislation to amend appropriate sections of the Election Campaign Financing Act, 2013 particularly sections 5 and 18 to give suitable timelines for compliance to enable the Independent Electoral and Boundaries Commission (IEBC) submit fresh regulations for approval.

13*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE ELECTION LAWS (AMENDMENT) BILL NATIONAL ASSEMBLY BILL NO. 3 OF 2015)

(The Leader of the Majority Party)

THAT, this House do agree with the Report of Committee of the Whole House on its consideration of the Election Laws (Amendment) Bill (National Assembly Bill No. 3 of 2015)

*(Resumption of debate interrupted on Tuesday, December 20, 2016
- Morning Sitting)*

Amendment proposed:

THAT, the Motion be amended by inserting the words “subject to re-committal of long Title and Clauses 4, 7, 11, 12, 14 and 32.

(The Leader of the Majority Party)

NOTICES

I.THE ELECTION LAWS (AMENDMENT) (NO. 3) BILL, 2015

(Subject to recommitment of the Bill)

1. Notice is given that the Leader of Majority Party (Hon. Aden Duale), intends to move the following amendments to the Election Laws (Amendment) (No.3) Bill, 2015 at the Committee Stage—

CLAUSE 7

THAT clause 7 of the Bill be amended—

- (a) in paragraph (a) by deleting sub paragraph (ii) and substituting therefor the following new sub paragraph—

“(ii) in the case of a member of a county assembly, a degree from a university recognized in Kenya.”

- (b) in paragraph (b) by deleting subsection (1A) and substituting thereof the following new subsection—

“(1A) Notwithstanding subsection (1), this section shall come into force and shall apply to qualifications for candidates in the general elections to be held after the 2017 general elections.”

2. Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs (Hon. Samuel Chepkong'a), intends to move the following amendments to the Election Laws (Amendment) (No.3) Bill, 2015 at the Committee Stage—

CLAUSE 4

NEW CLAUSE 4A

THAT, the Bill be amended by inserting the following new clause after clause 4—

Amendment of section 6A of
No. 24 of 2011.

4A.Section 6A of the Elections Act, 2011 is amended in subsection (1) by deleting the word “ninety” and substituting therefor the word “sixty.”

CLAUSE 11**NEW CLAUSE 11A**

THAT, the Bill be amended by inserting the following new clause after clause 11—

Amendment of section 33 of
No. 24 of 2011.

11A. Section 33 of the Elections Act, 2011 is amended in subsection (1) by inserting the words “and symbol” immediately after the words “submitted to the Commission the name” appearing in paragraph (c).

CLAUSE 14**NEW CLAUSE 14A**

THAT the Bill be amended by inserting the following new clause immediately after clause 14—

Amendment of section 44 of
No. 24 of 2011.

14A.Section 44 of the Elections Act, 2011 is amended in subsection (4) by deleting the word “eight” appearing in paragraph (a) and substituting therefor the word “six.”

NEW CLAUSE 14B

THAT, the Bill be amended by inserting the following new clause immediately after the proposed new clause 14A—

Amendment of
section 44 of
No. 24 of 2011.

14B.(1)Notwithstanding the provisions of sections 39 and 44, the Commission shall put in place a complementary mechanism for identification and transmission of election results that is simple, accurate, verifiable, secure, accountable and transparent to ensure that the Commission complies with Article 38 (2) and (3) of the Constitution.

(2)The Commission shall use the complementary mechanism referred to in sub-section (1) for identification and transmission of election results only where the technology initially deployed fails.

(3)Before using the complementary mechanism referred to in sub-section (1)for identification and transmission of election results, the Commission shall notify the public and all candidates and shall immediately cause the notification to be published in the electronic media and in at least two daily newspapers of nationwide circulation detailing the reasons necessitating the use of the alternative mechanism.

CLAUSE 32**NEW CLAUSE 32A**

THAT, the Bill be amended by inserting the following new clause immediately after clause 32—

32A. The Elections Campaign Financing Act, 2013 is amended by inserting the following new section immediately after section 1—

Suspension of operation of
Act.

1A. The operation of this Act is suspended and the Act shall come into force immediately after the general elections to be held in the year 2017.

NEW CLAUSE 32B

THAT, the Bill be amended by inserting the following new clause immediately after the proposed new clause 32A—

Amendment of section 6 of
No. 42 of 2013.

32B. Section 6 of the Elections Campaign Financing Act, 2013 is amended in subsection (5) by deleting the word “eight” appearing in paragraph (a) and substituting therefor the word “two.”

3. **Notice is given that the Member for Kipkelion East (Hon. Joseph Limo), intends to move the following amendment to the Election Laws (Amendment) (No.3) Bill, 2015 at the Committee Stage—**

CLAUSE 7

THAT, clause 7 of the Bill be amended in paragraph (b) by inserting the following new subsection immediately after the proposed new subsection (1B)-

“(1C) Notwithstanding the provisions of this section, a person may be nominated as a candidate for an election under this Act if that person-

- (a) in the case of Member of Parliament, has previously been elected as a Member of Parliament; or
- (b) in the case of member of a county assembly, has previously been elected as a member of a county assembly.”

4. Notice is given that the Nominated Member (Hon.Isaac Mwaura), intends to move the following amendments to the Election Laws (Amendment) Bill, 2016 at the Committee Stage—

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 11-

11A. Section 34 of the Elections Act, 2011 is amended by inserting the following new sub-section immediately after subsection (2)—

Amendment of
section 34 of No.24
of 2011.

(2A) The party list referred to under subsection (2) shall be of equal gender representation consisting of-

- (a) four persons representing the youth;
- (b) four persons representing persons with disabilities of different types and categories; and
- (c) four persons representing ethnic minorities, marginalized groups and workers.

5. Notice is given that the Member for Busia County (Hon. Florence Mutua), intends to move the following amendments to the Election Laws (Amendment) (No.3) Bill, 2015 at the Committee Stage—

NEW CLAUSE 12A

THAT, the Bill be amended by inserting the following new clause immediately after clause 12-

Amendment of
section 35 of No.
24 of 2011.

12A. Section 35 of the Elections Act, 2011 is amended by deleting the words “at least forty-five days before the date of” and substituting therefor the words “within fourteen days after”.

6. Notice is given that the Member for Kibra (Hon. Kenneth Okoth), intends to move the following amendments to the Election Laws (Amendment) (No. 3) Bill, 2015 at the Committee Stage—

CLAUSE 5

THAT, the Bill be amended by deleting clause 5 and substituting therefor the following clause—

Amendment of
section 13 of
No. 24 of 2011.

9. Section 13 of the Elections Act, 2011 is amended in subsection (1) by deleting the word “sixty” appearing immediately after the words “at least” and substituting therefor the words “one hundred”.

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following clause—

Amendment of
section 28 of
No. 24 of 2011.

9. Section 28 of the Elections Act 2011 is amended by deleting the word “sixty” appearing immediately after the words “at least” and substituting therefor the words “one hundred”.

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

II.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.

III.THAT, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.

APPENDIX

PETITIONS to be presented on

Tuesday (Afternoon), December 20, 2016

It is notified that, pursuant to Standing Orders 225, the following Petition will be presented to the House **today, Tuesday (Afternoon), December 20, 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)(a)</i>	Removal of ban on consumption of foods derived from genetically modified organisms and for issuance of permit for national performance trial of locally developed of <i>Bt maize</i>	Members of Kenya Biotechnology Consortium (KUBICO)
002	The Nominated Member (The Hon. Isaac Mwaura, M.P), <i>Pursuant to Standing Order 225(2)(a)</i>	Enactment of legislation on prevention and management Sickle Cell Anemia condition	Persons living with Sickle Cell
