



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

PROGRAMME OF PARLIAMENTARY BUSINESS

WEEK COMMENCING TUESDAY 3RD OCTOBER, 2006

** 9TH PARLIAMENT * 5TH SESSION*

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FOR THE WEEK COMMENCING TUESDAY 3RD OCTOBER, 2006

TUESDAY: Communication from the Chair, Petitions, Papers Laid, Notices of
03/10/06 Motion and Questions

A. COMMITTEE OF SUPPLY - (*9th Allotted Day*)

THAT, Mr. Speaker do now leave the Chair

- (i) Vote 30 - Ministry of Energy
- (ii) Vote 31 - Ministry of Education
- (iii) Vote 11 - Ministry of Health

B. BILLS: FIRST, SECOND, COMMITTEE STAGE AND THIRD READING

<u>No.</u>	<u>Title</u>	<u>Ministry</u>
1.	The HIV and AIDS Prevention and Control Bill	Ministry of Health
2.	The Tobacco Control Bill	Ministry of Health
3.	The Constitution of Kenya (Amendment) (No.1) Bill	Ministry of Constitutional Affairs
4.	The Tobacco Control (No.2) Bill	Ministry of Health
5.	The Fiscal Management Bill	Ministry of Finance
6.	The Statute Law (Miscellaneous Amendments) Bill	Attorney General

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| 7. | The Witness Protection Bill | Attorney General |
| 8. | The Kenya Institute for Public Policy Research and Analysis Bill | Ministry of Planning and National Development |
| 9. | The Refugees Bill | Ministry of Immigration and Registration of Persons |
| 10. | The International Crimes Bill | Attorney General |
| 11. | The Finance Bill (Bill No.21) | Ministry of Finance |
| 12. | The Licensing (Repeals and Amendments) Bill (Bill No.22) | Ministry of Finance |
| 13. | The Nutritionists and Dieticians Bill | Ministry of Health |
| 14. | The Microfinance Bill | Ministry of Finance |

C. MOTION - (Chairman, Select Committee Investigating the Death of the late Anthony Ndilinge, M.P) (Office of the President)

THAT, this House adopts the Report of the select Committee investigating the death of the late Hon. Anthony Wambua Ndilinge, M.P for Kilome, laid on the Table of the House on Thursday 4th May, 2006

D. MOTION - (Chairman, Select Committee on the Death of the late Dr. Robert Ouko) (Office of the President)

THAT, this House adopts the Report of the Select Committee on the death of the late Dr. Robert Ouko laid on the table of the House on the 12th May, 2005.

E. MOTION - (The Chairman, Public Investments Committee)

THAT, this House adopts the Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on Tuesday 27th June, 2006.

F. MOTION - (Mr. Andrew Ligale)

THAT, this House adopts the Report of the 114th Inter-Parliamentary Union (IPU) Assembly held in Nairobi from 7th to 12th May, 2006 laid on the Table of the House on Thursday 27th July, 2006.

G. **MOTION** – (Chairman of Departmental Committee of Administration of Justice and legal Affairs)

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the deliberation on the nomination of Commissioners to the Kenya National Commission on Human rights laid on the Table of the House on Wednesday, 19th July, 2006.

H. Any Other Government Business.

MORNING SITTING

WEDNESDAY:

04/10/06

Communication from the Chair, Petitions, Papers Laid, Notices of Motion and Questions

A*. MOTION – (Mr. Oloo Aringo)
(Ministry of Regional Development)

THAT, whereas the National Assembly approved a resolution calling on the Government to reclaim the Yala Swamp and to implement irrigated farming to increase food production and to promote commercial farming in the area; and being aware that the Government, through the Lake Basin Development Authority, signed a Memorandum of Understanding with Dominion Farms Limited for the development of the Yala Swamp; this House urges the Government to set up a technical committee of experts to investigate and report on the extent of the implementation of this project and to recommend an action plan on how the project can be expanded in Siaya, Bondo and Busia; and further that the report of the findings of the technical committee be tabled in the House within six months.

B.** MOTION – (Prof. Julia Ojiambo)
(Ministry of Finance)

THAT, cognizant of the fact that the poor, especially women, and other vulnerable groups suffer marginalization in their struggle to have access to economic resources owing to the inequitable legal frameworks currently in place; further aware that there is need to encourage investment and promote enterprise in rural and urban areas targeting these vulnerable groups; this House do grant leave to introduce a Community Social Enterprise Bill in order to provide entrepreneurial skills and financial support for these socially excluded groups.

C.** MOTION – (Mr. Joe Khamisi)
(Ministry of Lands)

THAT, in view of the chronic problem of landlessness in the country and especially in the Coast Province and cognizant of the fact that large tracks of land are owned by absentee landlords, this House urges the Government to urgently take all measures necessary to acquire the said land from absentee landlords and distribute it to squatters already residing within the land and in neighbouring villages.

D.** MOTION – (Mr. Macharia Mukiri)
(Ministry of Justice and Constitutional Affairs)

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Constitution of Kenya (Amendment) Bill, 2006 to amend Section 97 of the Constitution to provide for dual citizenship and for matters incidental thereto and connected therewith.

E.** MOTION – (Mr. G. G. Kariuki)
(Ministry of Lands)

THAT, noting with concern the plight of scores of Kenyans who are landless across the country and whose earnings are barely enough to sustain them; noting further that there is no clear land use policy and aware that thousands of hectares of land belonging to the government or private individuals lie idle; this House do grant leave to introduce a Bill entitled The Squatters Settlement Scheme Bill for purposes of settling all genuine squatters in the country.

F.** MOTION – (Prof. Anyang' Nyong'o)
(Ministry of Information)

THAT, this House do grant leave for the introduction of a Bill for an Act of Parliament entitled the Freedom of Information Bill for the purposes of nurturing information resources as a tool for development.

G.** MOTION – (Mr. Oloo Aringo)
(Ministry of Justice and Constitutional Affairs)

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the National Constituent Assembly Bill to provide for the establishment of a National Constituent Assembly where negotiations will be held to generate a new democratic constitution which shall be made available to the people of Kenya for scrutiny and approval in a national referendum and for matters connected thereto and related therewith.

H.** MOTION – (Mr. Macharia Mukiri)
(Ministry of Justice and Constitutional Affairs)

THAT, considering the important role played by the Kenya Anti-Corruption Commission (KACC) as a key organ in the fight against graft and hence the need to strengthen it; this House do grant leave to introduce a Bill for an Act of Parliament entitled the Constitution of Kenya (Amendment) Bill, 2006 to amend Section 26 of the Constitution and to introduce Section 26(A) in order to entrench KACC in the Constitution and for matters incidental thereto and connected therewith.

I.** **MOTION** – (Mr. Joe Khamisi)
(Ministry of Agriculture)

THAT, recognizing that cashewnut farming has the potential of generating more than 2 billion Kenya shillings in foreign currency annually if properly exploited; noting that the Kenya Cashewnut Factory in Kilifi was closed down under mysterious circumstances in 1998 and its machinery and equipment sold off thus depriving thousands of farmers and workers of their livelihood and completely ruining the industry; this House resolves to establish a Select Committee to investigate the circumstances that led to the collapse of the Kenya Cashewnut Factory Ltd., and to determine whether or not corruption was involved in its closure and disposal and that the Committee reports its findings to parliament within 8 months of its formation and that the following be members of the Committee:

The Hon. Joe Khamisi, M.P.
The Hon. Lucas Maitha, M.P.
The Hon. (Dr.) E. Keino, M.P.
The Hon. Eric Gor Sunguh, M.P.
The Hon. A.A. Bahari, M.P.
The Hon. (Prof.) Julia Ojiambo, M.P.
The Hon. (Dr.) N.N. Shaban, M.P.
The Hon. Zaddock Syongo, M.P.
The Hon. J. Kihara, M.P.
The Hon. M.K. Cheboi, M.P.
The Hon. J.W. Nyaga, M.P.

J.** **MOTION** - (Mr. Macharia Mukiri)
(Ministry of Finance)

THAT, in view of the important role electricity plays in the daily lives of ordinary Kenyans and considering that most citizens are unable to access electricity due to the fact that it is expensive; this House resolves that Value Added Tax (VAT) charged on those applying for installation of electric power be waived.

K.** **MOTION** - (Mr. G. G. Kariuki)
(Ministry of Wildlife and Natural Resources)

THAT, noting with concern that there is no National Wildlife and Land use policy in the country, this House urges the Government to introduce a Sessional Paper on National Wildlife Policy outlining guidelines in Wildlife Conservation and Management in order to develop and sustain the resources.

L. MOTION - (Dr. Adhu Awiti)
(Ministry of Finance)**

THAT, being aware that most State Corporations are the economic mainstay of the country; this House urges the Government not to undertake any privatization exercise until a sessional paper on privatization, outlining the merits and demerits of privatizing each State Corporation, is prepared and presented to the House for consideration.

M. MOTION- (Mr. Joshua Ojodeh)
(Ministry of Energy)**

THAT, taking into account the rampant poverty that has gripped many Kenyans; having regard to the fact that the pricing of petroleum products has been on a steep increase over the last couple of years; cognizant of the fact that any increase in prices on petroleum products affects the prices of almost all the commodities; and aware that arbitrary price increase on petroleum products only enhances the revenue of the multinational oil companies; this House do grant leave to introduce a Bill for an act of Parliament to amend the Petroleum Act, Cap 116, Laws of Kenya, in order to give power to the Minister responsible for matters relating to petroleum products to fix the maximum price in respect of sale of petroleum products.

N. MOTION - (Prof. Anyang' Nyong'o)
(Attorney-General)**

THAT, this House do grant leave for the introduction of a Bill for an Act of Parliament entitled "The Establishment of Ministries Bill" in Pursuance of section 16 of the Constitution of the Republic of Kenya.

O. MOTION - (Mr. Katoo ole Metito)
(Ministry of Education)**

THAT, given the debilitating effects of HIV/AIDS in the country, taking cognizance of the high number of orphans estimated at 1.2 million; noting the increased primary school enrolment occasioned by free primary education program, and further noting that the increase is not reflected in secondary schools, this House urges the government to implement free secondary education program for children orphaned by HIV/AIDS and other causes.

(Resumption of debate interrupted on Wednesday 2nd August, 2006)

**P*. MOTION - (Mr. Gor Sunguh)
(Ministry of Finance)**

THAT, this House do grant leave to introduce a Bill for an Act of Parliament to repeal the Restrictive Trade Practices, Monopolies and Price Control Act (Cap. 504 of the Laws of Kenya) and to replace the same with appropriate law entitled **The Competition Act** in order to reduce monopoly and collusion between firms and for matters incidental and connected therewith.

Q.****MOTION** – (Mr. Oloo Aringo)

(Office of the Vice-President and Leader of Government Business)

THAT, this House resolves to establish a **Select Committee** to be designated **the Committee of Selection**, which shall consist of a Chairperson and a Vice-Chairperson and thirteen other members who shall be appointed by the House at the commencement of every Parliament as follows:

- (i) The members of **the Committee of Selection** shall serve in the Committee during the life of Parliament.
- (ii) **The Committee of Selection** shall consider the list as submitted by political parties and shall discuss and agree on the sharing out of slots in **Select, Departmental, Housekeeping and the Ad Hoc Committees** and prepare the list of the Members to compose the committees for appointment by the House.
- (iii) In placement of members to various committees, the **Committee of Selection** will ensure that the process is all-inclusive and equitably distributed among political parties; that every member shall be designated to serve in at least one committee; and that the professional/academic and special skills possessed by members shall be considered in the compilation of the list of the membership of the committees.
- (iv) **The Committee of Selection** shall present for appointment by the House a list of designations of all committees in the first ten sitting days after its appointment.
- (v) The members who are aggrieved regarding their placement shall appeal to a Board of Appeal which shall comprise the Leader of Government Business, the Leader of the Official Opposition, the Government Chief Whip, the Chief Whip of the Opposition and one woman member appointed by the House.
- (vi) That, a member absenting himself/herself from three or more consecutive sittings of a committee without the permission of the Chairperson may be discharged and shall be replaced by the nominating party.

- (vii) A majority of the members of the committee shall constitute a quorum.

**R*. MOTION – (Mr. Wycliffe Oparanya)
(Office of the President)**

THAT, cognizant of the Government's past efforts in mitigating and minimizing the impact of disasters; aware that the National Disaster Operation Centre in the Office of the President lacks the capacity to effectively deal with all types of disasters; alarmed that Kenya has in the recent past been exposed to a variety of disasters including fires, highland malaria, swamp fever, floods, drought, famine, HIV/AIDS; transport accidents and terrorism leading to loss of human life, economic losses and environmental damage; noting the lack of a policy framework for an effective and comprehensive disaster management strategy and preparedness. This House do grant leave to introduce a Bill for an Act of Parliament to establish an autonomous National Disaster Management Authority with the mandate and capacity to harness disaster preparedness and response.

**S*. MOTION – (Mr. Wycliffe Oparanya)
(Ministry of Education)**

THAT, aware that the high level of underemployment and unemployment among our university and middle level training institution graduates arises partly from offering of courses that have a diminished job market or mismatched with the country's job market demands, this House urges the Government to streamline the courses offered in our colleges to ensure that only those courses that are market driven and well matched with the country's development needs are on offer.

T. MOTION - (Mr. Zaddock M. Syongoh)
(Ministry of Trade and Industry)**

THAT, aware that the Distributive Trade Sector and related services account for more than 20% of the country's GDP and employment, and considering that the Distributive Trade Sector is the primary catalyst and facilitator of sustainable growth of the manufacturing, agricultural, livestock and fisheries sectors; concerned that in spite of its pivotal role in the economy, distributive trade is presently conducted haphazardly due to lack of structured institutional and legal framework, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Trade Co-ordination

and Promotion Bill to provide for the establishment of External Trade and Internal Trade Co-ordination and Promotion Authorities respectively, National Chamber and Commerce and Joint Trade Advisory Board and for their functions and related matters.

**U*. MOTION - (Mr. Daniel Karaba)
(Ministry of Education)**

THAT, considering that the country spends over Kshs.400 million in form of foreign currency when parents take their sons/daughters to other countries for "A" level education; considering further that students from Kenya are at times required to undergo "A" level studies before proceeding to universities abroad; this House urges the Government to abolish the 8-4-4 System of Education and re-introduce the 7-4-2-3 System.

V*. MOTION - (Mr. M. Y. Haji)
(Ministry of Planning and National Development)**

THAT, in view of the devastating effect of the famine induced drought that affected Northern, parts of Eastern, Coast and Rift Valley Provinces that occasioned major losses of human lives and livestock late last year and early this year; aware that during the mourning of our colleagues who died of plane crash, this House in unison made a firm appeal to the Government to initiate a Marshall Plan for the development of the affected regions through the current Budget; noting that the Government has not factored these concerns in the current Budget; aware that the allocation of CDF is based among other things on the Poverty Index of the Constituency and that the current CDF allocation to Constituencies is based on past indices; this House urges the Government to urgently set up a Pilot Poverty Index with a view to matching the current needs and problems affecting the Constituencies in these regions.

**W*. MOTION – (Mr. Wycliffe Oparanya)
(Office of the President)**

THAT, affirming that the Government is committed to the rule of law and the rights of its citizens; concerned that police and prison cells have not for a long time been expanded to accommodate suspects arrested for various crimes; cognizant of the fact that under the Kenyan Constitution nobody is guilty until proven otherwise; aware of the need to safeguard health and dignity of the suspects during their stay in police or prison cells; noting that such people are forced to relieve themselves in buckets; a system that was started by the colonial masters and considering that convicts in prisons now enjoy modern facilities; this House urges the Government to outlaw the use of buckets in police and prison cells and introduce proper sanitation facilities.

**X*. MOTION – (Mr. Wycliffe Oparanya)
(Ministry of Agriculture)**

THAT, noting with concern that Kenya is a net importer of maize; aware that substantial foreign exchange is used in the importation of maize; conscious that maize is the staple food for Kenyan people; this House urges the Government to set up a technical committee of experts to come up with recommendations and an action plan on how this country can be self sufficient in maize production and that the report on the findings of the technical committee of experts be tabled in this House within four months of its establishment.

*** Denotes Motions of which Notices have not been Given**

*** * Denotes Motions of which Notices have been Given**

*** * * Denotes Party Sponsored Motions**

AFTERNOON SITTING

WEDNESDAY:
04/10/06

Communication from the Chair, Petitions, Papers Laid, Notices of Motion and Questions.

A. COMMITTEE OF SUPPLY – (10th Allotted Day)

THAT, Mr. Speaker do now leave the Chair

- (i) **Vote 30** - **Ministry of Energy**
- (ii) **Vote 31** - **Ministry of Education**
- (iii) **Vote 11** - **Ministry of Health**

B. BILLS: FIRST, SECOND, COMMITTEE STAGE AND THIRD READING

<u>No.</u>	<u>Title</u>	<u>Ministry</u>
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2.	The Tobacco Control Bill	Ministry of Health
3.	The Constitution of Kenya (Amendment) (No.1) Bill	Ministry of Constitutional Affairs
4.	The Tobacco Control (No.2) Bill	Ministry of Health
5.	The Fiscal Management Bill	Ministry of Finance
6.	The Statute Law (Miscellaneous Amendments) Bill	Attorney General
7.	The Witness Protection Bill	Attorney General
8.	The Kenya Institute for Public Policy Research and Analysis Bill	Ministry of Planning and National Development
9.	The Refugees Bill	Ministry of Immigration and Registration of Persons
10.	The International Crimes Bill	Attorney General
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14. The Microfinance Bill Ministry of Finance

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E. MOTION - (The Chairman, Public Investments Committee)

THAT, this House adopts the Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on Tuesday 27th June, 2006.

F. MOTION - (Mr. Andrew Ligale)

THAT, this House adopts the Report of the 114th Inter-Parliamentary Union (IPU) Assembly held in Nairobi from 7th to 12th May, 2006 laid on the Table of the House on Thursday 27th July, 2006.

G. MOTION - (Chairman of Departmental Committee of Administration of Justice and legal Affairs)

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the deliberation on the nomination of Commissioners to the Kenya National Commission on Human rights laid on the Table of the House on Wednesday, 19th July, 2006.

H. Any Other Government Business.

THURSDAY:
05/10/06

Communication from the Chair, Petitions, Papers Laid, Notices of Motion and Questions.

A. COMMITTEE OF SUPPLY - (11th Allotted Day)

THAT, Mr. Speaker do now leave the Chair

(i) Vote 31 - Ministry of Education

(ii) Vote 11 - Ministry of Health

(iii) Vote 07 - Ministry of Finance

B. BILLS: FIRST, SECOND, COMMITTEE STAGE AND THIRD READING

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H. Any Other Government Business.
