



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 05, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding – the Speaker**
4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication –

Queen's Baton Relay – Gold Coast XXI Commonwealth Games

"Honourable Members,

I am in receipt of a Communication from the National Olympic Committee of Kenya informing Parliament of the Queen's Baton Relay - Gold Coast 2018. As you may be aware, the Queen's Baton Relay, similar to the Olympic Torch Relay, is a sports event around the world held prior to the beginning of the Commonwealth Games. The Baton carries a message from the Head of the Commonwealth, currently Queen Elizabeth II. The Relay traditionally begins at Buckingham Palace in London as part of the city's Commonwealth Day festivities. The Queen entrusts the Baton to the first Relay runner and at the end of the Opening Ceremony of the games, the final relay runner hands the baton to the Queen or her representative who reads the message aloud to officially open the Games.

Honourable Members, the Baton was, therefore, launched on 15th March, 2017 at the Buckingham Palace by Her Majesty Queen Elizabeth II and commenced its journey in the international Sector by covering the African Region. The Baton will travel for 388 days spending time in every nation and territory of the Commonwealth. In this regard therefore, the Queen's Baton is expected to arrive in Kenya from Lagos, Nigeria today, Wednesday, 5th April, 2017 since Kenya is a Member of the Commonwealth countries and has a profound athletics record in the Commonwealth games.

Honourable Members, H.E. the President will receive the Queen's Baton at Kenyatta International Convention Centre, (KICC) on Thursday, April 06, 2017 at 10.00 a.m. Thereafter, the Relay-Baton will be received Parliament Buildings.

This is therefore to request you, Honourable Members, to accompany me, the Chairperson of the Departmental Committee on Labour and Social Welfare and the Chairperson of the Bunge Sports Club, the Hon. Wafula Wamunyinyi to receive the baton in Parliament and conduct a short relay at the Parliament Gardens. All Members are invited to congregate at the Main Gate, facing KICC for a mock Relay at 10.45 am, tomorrow, Thursday, April 6th, 2017.

Thank you".

5. **PETITION**

The Member for Gichugu (Hon. Njogu Barua) presented a Petition on behalf of members of Karithathi Farmers' Co-operative Society regarding non-remittance of coffee produce sale to the Society by Kenya Planters Co-operative Union;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1)

6. **PAPER LAID**

The following Paper was laid on the Table –

The First Commissioner's End Term Report of the Commission on Revenue Allocation

(The Leader of the Majority Party)

7. **NOTICE OF MOTION**

The following Notice was given –

THAT, this House **notes** the Progress Report of the Departmental Committee on Finance, Planning and Trade on the Petition for the Removal from office of the Auditor-General, Mr. Edward R.O. Ouko, CBS, laid on the Table of the House on Thursday, March 30, 2017.

(Hon. Ronald Tonui, Member, Departmental Committee on Finance, Planning and Trade)

8. **PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF A BILL**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Finance Bill (National Assembly Bill No. 16 of 2017), from fourteen (14) to three (3) days.

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

Question put and agreed to:

9. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE CLINICAL OFFICERS (TRAINING, REGISTRATION AND LICENSING) BILL (NATIONAL ASSEMBLY BILL NO.27 OF 2016)**

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Clinical Officers (Training, Registration and Licensing) Bill (National Assembly Bill No. 27 of 2016)

(Hon. Leonard Sang)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Clinical Officers (Training, Registration and Licensing) Bill (National Assembly Bill No.27 of 2017) be now read a Third Time

(Hon. Leonard Sang)

Question put and agreed to;

Bill read a Third Time and **passed.**

10. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE LIVESTOCK AND LIVESTOCK PRODUCTS DEVELOPMENT AND MARKETING BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2016)**

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Livestock and Livestock Products Development and Marketing Bill (National Assembly Bill No.44 of 2016).

(The Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Livestock and Livestock Products Development and Marketing Bill (National Assembly Bill No.44 of 2016) be now read a Third Time

(The Leader of the Majority Party)

Question put and agreed to

Bill read a Third Time and **passed.**

11. **THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO.15 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Appropriation Bill (National Assembly Bill No. 15 of 2017) be now read a Second Time

(Chairperson, Budget and Appropriations Committee – 04.04.2017)

Debate on the Second Reading having been concluded on Tuesday, April 04, 2017;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House today

12. **THE EQUALIZATION FUND APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Equalization Fund Appropriation Bill (National Assembly Bill No.12 of 2017) be now read a Second Time

(Chairperson, Budget and Appropriations Committee – 04.04.2017)

Debate on the Second Reading having been concluded on Tuesday, April 04, 2017;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House today

13. **THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Kenya National Examinations Council (Amendment) Bill (National Assembly bill No.42 of 2016) be now read a Second Time

(Hon. Alfred Agoi – 29.03.2017)

Debate on the Second Reading having been concluded on Wednesday, April 05, 2017;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House tomorrow;

Thereupon the House resolved into Committee.

14. **FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2017)**

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

15. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

(i) **The Appropriation Bill (National Assembly Bill No.15 of 2017)**

Clauses 2 & 3 - agreed to

Schedule - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments;

(ii) **The Equalization Fund Appropriation Bill (National Assembly Bill No.12 of 2017)**

Clauses 2 & 3 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments;

(iii) **The Prevention of Torture Bill (National Assembly Bill No.47 of 2016)**

Order deferred to another day

(iv) **Elections- Related Regulations**a. **The Draft Elections (Technology) Regulations, 2017**

Regulations 3, 4,5,6,7and 8 - agreed to

Regulation 9 - amendment proposed –

THAT, Regulation 9 of the draft Elections (Technology) Regulations, 2017 is amended in sub Regulation (2) by deleting the words "The commission may publish" and substituting therefor the words "The commission shall publish".

(Hon. David Eseli)

Question of the amendment proposed;

Question put and agreed to;

Regulation 9 - as amended agreed to

Regulations 10, 11, 12, 13, 14, 15,16,17,18, 19 and 20 - agreed to

Regulation 21 - amendment proposed –

THAT, Regulation 21 of the draft Elections (Technology) Regulations, 2017 be amended by inserting the following sub regulation immediately after sub regulation (3) —

“(4) Where the Commission engages a consortium in the manner specified in sub regulation (3), the commission shall require the service provider to use internal roaming services.”

(Hon. (Dr.) Patrick Musimba)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Regulation 21 - as amended agreed to

Regulation 22 - amendment proposed –

THAT, Regulation 22 of the draft Elections (Technology) Regulations, 2017 be amended —

(a) by renumbering the existing provision as sub-regulation(1).

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

—
“(2) The Commission shall before publishing the network coverage under sub - regulation (1), ensure that a quantity of service parameter test is carried out”

(Hon. (Dr.) Patrick Musimba)

Question of the amendment proposed;

Debate arising;

Debate arising;

Question put and negatived;

Regulation 22 - agreed to

Regulations 23, 24, 25, 26 & 27, 28,29,30,31 and 32 - agreed to

Regulation 33 - amendment proposed –

THAT, Regulation 33 of the draft Elections (Technology) Regulations, 2017 is amended in paragraph (c) by deleting the expression “Majority Party (1) and Minority Party (1)” appearing in subparagraph (v) and substituting therefor the expression “Majority Party (2) and Minority Party (2)”

(Hon. David Eseli)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Regulation 33 - agreed to

Regulation 34 - agreed to

Regulation 35 - amendment proposed -

THAT, Regulation 35 of the draft Elections (Technology) Regulations, 2017 is amended by deleting the word commission and substituting therefor the words "The commissioner in charge of ICT or in his or her absence, the Director in charge of ICT"

(Hon. David Eseli)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Regulation 35 - agreed to

Regulation 36 - amendment proposed -

THAT, Regulation 36 of the draft Regulations be amended by **deleting** sub-Regulation (1) and substituting therefor the following-
"(1) the committee shall hold its first sitting within two week of these regulations coming in force to asses and determine frequency venue and time of their sitting guided by the relevant workload"

(Hon. David Eseli)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Regulation 36 - agreed to

Regulation 37 - agreed to

Regulation 38 - amendment proposed -

THAT, Regulation 38 of the draft Regulations be amended by deleting paragraph (b)

(Hon. David Eseli)

Proposed amendment withdrawn by the Mover

Regulations to be reported with amendments;

b. **The Draft Elections (Registration of Voters) (Amendment) Regulations, 2017**

Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25 - agreed to

Regulation 2 - agreed to

Title - agreed to

Regulation 1 - agreed to

Regulations to be reported without amendments;

c. **The Draft Elections (Voter Education) Regulations, 2017**

Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 & 22 - agreed to

Schedule - agreed to

Title - agreed to

Regulation 1 - agreed to

Regulations to be reported without amendments;

d. **The Draft Elections (General) Regulations, 2017**

Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 & 29 - agreed to

Regulation 30 - amendment proposed -

THAT, Regulation 30 of the draft Elections (General) Regulations , 2017 that seeks to amend Regulation 75 of the Principal Regulations be amended in by inserting the words "and the total number of those identified electronically" immediately after the word "voter"

(Hon. David Eseli)

Proposed amendment withdrawn by the Mover

Regulations 30, 31, 32, 33, 34, 35 & 36 - agreed to

Regulation 37 - amendment proposed -

THAT, the draft regulations be amended in Regulation 87 in sub-regulation (3) by deleting the word " County" appearing in paragraph (c) and substituting therefor the word "constituency".

(Hon. David Eseli)

Proposed amendment withdrawn by the Mover

Regulations 38, 39, 40, 41 & 42 - agreed to

Schedule - agreed to

Title - agreed to

Regulation 1 - agreed to

Regulations to be reported without amendments;

e. **The Draft Elections (Party Primaries and Party Lists) Regulations, 2017**

Regulations 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 & 28 - agreed to

Title - agreed to

Regulation 1 - agreed to

Regulations to be reported without amendments;

16. **HOUSE RESUMED** – the Third Chairperson in the Chair

(i) **The Appropriation Bill (National Assembly Bill No.15 of 2017)**

Bill to be reported without amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Chairperson, Budget and Appropriations Committee)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Appropriation Bill (National Assembly Bill No.15 of 2017) be now read a Third Time

(Chairperson, Budget and Appropriations Committee)

Question deferred to another day

(ii) **The Equalization Fund Appropriation Bill (National Assembly Bill No.12 of 2017)**

Bill to be reported without amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Chairperson, Budget and Appropriations Committee)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Equalization Fund Appropriation Bill (National Assembly Bill No.12 of 2017) be now read a Third Time

(Chairperson, Budget and Appropriations Committee)

Question deferred to another day

- (iii) The Draft Elections (*Technology*) Regulations, 2017;
- (iv) The Draft Elections (*Registration of Voters*) (Amendment) Regulations, 2017;
- (v) The Draft Elections (*Voter Education*) Regulations, 2017;
- (vi) The Draft Elections (*General*) (Amendment) Regulations, 2017; and
- (vii) The Draft Elections (*Party Primaries and Party Lists*) Regulations, 2017;

Regulations reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Chairperson, Committee on Delegated Legislation)

Question deferred to another day

17. **MOTION – APPROVAL OF ELECTIONS-RELATED REGULATION**

Motion made and Question proposed –

THAT, this House adopts the Reports of the Committee on Delegated Legislation on its consideration of the Elections-related Regulations laid on the Table of the House on Wednesday, March 29, 2017, and pursuant to provisions of sections 44(6) and 109(3) of the Elections Act, 2011, approves the following Elections-related Regulations:

- (i) The Draft Elections (*Technology*) Regulations, 2017;
- (ii) The Draft Elections (*Registration of Voters*) (Amendment) Regulations, 2017;
- (iii) The Draft Elections (*Voter Education*) Regulations, 2017;
- (iv) The Draft Elections (*General*) (Amendment) Regulations, 2017; and
- (v) The Draft Elections (*Party Primaries and Party Lists*) Regulations, 2017;

(Chairperson, Committee on Delegated Legislation – 04.04.2017)

Debate interrupted on Tuesday, April 04, 2017 resumed;

(Change of Chair from the Third to the Fourth Chairperson)

Mover replied;

Question deferred to another day

18. THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL (NATIONAL ASSEMBLY BILL NO.5 OF 2017)

Order deferred to another day

19. THE PRESIDENT'S AWARD BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2017)

Order deferred to another day

20. THE LEGAL METROLOGY BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2017)

Order deferred to another day

And the time being ten minutes past Six O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

21. HOUSE ROSE - at ten minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, April 06, 2017 at 2.30 p.m.

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