



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIRST SESSION)

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, MAY 07, 2013

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer
3. **COMMUNICATION FROM THE CHAIR – FORMATION OF COMMITTEES OF THE ASSEMBLY**

The Speaker conveyed the following Communication –

“Honourable Members,

“You will recall that, on Thursday, May 02, 2013, I directed the Parliamentary Party Leaderships to submit names of Members proposed to be nominated to the remaining Committees for consideration by the House today, May 7, 2013. I had directed the Clerk to prepare a Supplementary Order Paper containing the names of Members nominated to the various Committees.

I wish to inform the House that, as at 1.30 pm, today, being the time by which a Supplementary Order Paper should be published, the office of the Clerk had only received the list of Members nominated to the remaining Committees from one of the coalition parties. This scenario now threatens to disrupt the smooth running of the businesses before this House.

The House had commenced on a very positive note when you approved names of members to serve on the four Committees, namely-

- (i) The House Business Committee;
- (ii) The Committee on Appointments;
- (iii) The Committee on Selection; and,
- (iv) The Procedure and House Rules Committee

Indeed, I am aware that the four Committees commenced their work immediately.

Honourable Members, the importance of Committees in any legislature, particularly in a Presidential system of governance, cannot be overemphasized. It is through Committees that the bulk of the work of the House ought to be undertaken. Any disruption of the committee system therefore is a threat to the work of the House. In this regard, there is urgent business that is already before the House, and whose period of consideration is limited by the Constitution, or a specific statute or our Standing Orders. I have in mind the following business-

- a) the consideration of the Division of Revenue Bill, 2013. This Bill was read a *First Time* on April 30, 2013. The Public Finance Management Act and the Standing Orders require the National Assembly to complete the consideration of this Bill within 10 days. This period will expire on Thursday, 9th May, 2013;
- b) the second urgent business is the consideration of the County Allocation of Revenue Bill, which is awaited from the Senate following the passage of the Division of Revenue Bill, 2013. This Bill will affect the budgeting in the County Governments and release of the Exchequer funds.
- c) the third such business is the process of approval of the nomination of the Deputy Chief Justice, which, ordinarily ought to be examined by the Departmental Committee on Justice and Legal Affairs;
- d) the relevant Departmental Committee also ought to have commenced examining the Petition on the Salaries and Remuneration Commission submitted by the Member for Igembe South last week. More importantly, the Committee ought to have facilitated the process of public participation on the budget cycle as required under Article 221(5) of the Constitution;
- e) the Budget and Appropriation Committee also ought to have commenced the process of examining the Estimates that were laid before this House last week.

Honourable Members, needless to say, soon, the names of persons nominated to serve as Principal Secretaries will be submitted to the House for approval. These names should be vetted by the relevant Departmental Committees.

As your Speaker, I will uphold the Oath of Office that I took on March 28, 2013 and always offer necessary guidance to this House on all matters that come before me. I want to assure the membership of this House that business will continue to be transacted. I have stated before that I will always be guided by the Constitution, statutes and the Standing Orders. In this regard and in order for the House to continue with the business before it, I direct as follows-

- (i) THAT, where names for formation of any Committee have been submitted and the list meets the minimum threshold set by Standing Order 177 (as amended on April 25, 2013), the names be brought to the House for consideration and approval; and,
- (ii) THAT, the Division of Revenue Bill, (Bill No. 1 of 2013) be placed in the Order Paper for tomorrow, Wednesday, May 8, 2013 (Morning and Afternoon Sessions), for Second Reading. Third Reading should also be concluded on Thursday, the 9th of May, 2013 and the Bill submitted to the Senate.
- (iii) THAT, any Member wishing to propose amendments to the Division of Revenue Bill, (Bill No. 1 of 2013) should submit their proposed amendments to the Clerk, at the rise of the House tomorrow the 8th of May, 2013.

I, also urge, the leaderships of parliamentary parties, both within and outside this House to continue consulting and submit the remaining names of members to form Committees, without further delay.

Honourable Members, I will be issuing further guidance on this and related matters again, in due course.

Thank you".

4. **SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER**

Pursuant to provisions of Standing Order, the Speaker ordered the Member for Nyando (Mr. Outa) to withdraw from the precincts of the Assembly for the remainder of the Sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

5. **PAPER LAID**

The following Paper was laid on the Table –

Estimates of Revenue, Grants and Loans of the Government of Kenya for the year ending June 30, 2014

(The Leader of the Majority Party)

6. **NOTICE OF MOTION - ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER NO.33 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE**

Rising in his place on a Point of Order, the Member for Turkana West (Mr Daniel Nanoki) claimed to move a Motion for the adjournment of the House under the provisions of Standing Order 33 in order to discuss a definite matter of national importance regarding the general state of insecurity in Turkana West constituency.

And the Speaker having acceded to the claim;

And there being sufficient number of Members rising in their places in support of the claim;

Thereupon, the Speaker directed that the Motion be moved at thirty minutes past Five O'clock today

7. **REDUCTION OF NATIONAL HOSPITAL INSURANCE FUND (NHIF) PENALTY SURCHARGE**

Motion made and Question proposed –

THAT, aware that the National Hospital Insurance Fund (NHIF) defaulters continue to be surcharged a penalty of 500% of the outstanding amount; and further aware that the penalty is barely affordable to majority of Kenyans, this House urges the Government to consider reducing the NHIF penalty surcharge to defaulters from the current 500% to 25%

(Mr. Joseph Gitari – 25.04.2013)

Debate interrupted on Thursday, April 30, 2013 resumed;

Mover replied;

Question put and agreed to.

8. **ESTABLISHMENT OF A LIVESTOCK INSURANCE FUND**

Motion made;

THAT, aware that livestock farming is the major source of income for the people living in the arid and semi-arid (ASAL) areas in the country; deeply concerned about the devastation caused by perennial droughts in most parts of the country, especially in the ASAL areas, that has occasioned heavy losses to livestock farmers thus greatly affecting them financially; noting that many farmers have lost almost all their livestock and experienced a sharp reduction in the quantity and quality of produce due to the harsh climatic conditions in the ASAL areas; convinced that unless these farmers are protected from the harsh climatic

conditions, livestock farming is likely to face the risk of irreversible economic ruin; this House urges the Government to urgently establish a Livestock Insurance Fund to cushion livestock farmers in all the ASAL areas against losses occasioned by drought.

(Mr. Abdulaziz Farah)

9. **ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER NO.33 TO DISCUSS A DENINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE GENERAL INSECURITY IN TURKANA WEST CONSTITUENCY**

Motion made and question proposed

THAT, this House do now adjourn

(Mr. Daniel Nanok)

Debate arising;

And the time being thirty minutes past Six O'clock, the Chairperson of Committees (Mr. Cheboi) interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. **HOUSE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, May 08, 2013 at 9.00 a.m.

--X--