



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 07, 2016

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 ON THE BUDGET STATEMENT FOR FISCAL YEAR 2016/2017

The Speaker conveyed the following Communication –

"Honourable Members,

I wish to welcome you back after the one month recess. It is my hope that you are well rested and rejuvenated for the remaining part of the Fourth Session.

"Honourable Members,

I wish to inform the House that pursuant to the provisions Standing Order 241 on "*pronouncement of Budget highlights and revenue raising measures before the Budget and Appropriation Committee*", the Cabinet Secretary to the National Treasury will present to the National Assembly **Budget Highlights and Revenue raising measures for the National Government** for the **Fiscal Year 2016/2017** on **Wednesday, 8th June 2016** at **2.30pm**.

In this regard, parking will be provided within **Comesa Grounds, Kenyatta International Convention Centre**. You are therefore requested to remove your vehicles parked at the former Ministers parking, currently reserved for the House Leadership, as this area is designated for a reception after the Budget Speech. Consequently on **Wednesday, 8th June 2016**, all vehicles should be driven to the designated parking areas after dropping off Members at Parliament Building. These measures are intended to ease congestion at the Main Building. Your Co-operation in this regard will be highly appreciated.

Thank you"

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Report of the Budget and Appropriations Committee on the Estimates of Revenue and Expenditure for 2016/2017 and the Medium Term;

(Chairperson, Budget and Appropriations Committee)

- (ii) The Traffic (Registration Plates) Rules, 2016 and the Explanatory Memorandum
(Referred to the Committee on Delegated Legislation)

- (iii) The Special Audit Report on National Youth Service;
(Referred to the Public Investments Committee)

- (iv) Memorandum on the Ratification of the East African Community Protocol on Privileges and Immunities-.

- (v) Memorandum on the Ratification of the East African Community Protocol to operationalize the extended jurisdiction of the East African Court of Justice.

- (vi) Memorandum on the Ratification of the Nile Basin Cooperative Framework Agreement.

- (vii) Agreement on the Nile Basin Cooperative Framework.

- (viii) Memorandum on the Ratification of the Protocol to the Constitutive Act of the African Union relating to the Pan African Parliament.
(Items (iv) to (viii) Referred to the Committee on Regional Integration)

- (ix) The fourth batch of nominees to three (3) National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board.

- (x) Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates therein:-

- a. Ministry of Energy and Petroleum;
- b. Parliamentary Service Commission;
- c. Unclaimed Financial Assets Authority; and
- d. Unclaimed Assets Trust Fund.

(The Deputy Majority Whip)

6. **NOTICES OF MOTION**

The following Notices of Motion were given –

(i) **Approval of the nominees to the National Government Constituencies Development Fund**

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund (CDF) Act, 2015, this House approves the nominees to the following three Constituency Committees of the National Government Constituencies Development Fund, laid on the Table of the House on 7th June, 2016 –

- (a) Isiolo North Constituency;
- (b) Laffey Constituency; and,
- (c) Nyakach Constituency.

(Chairperson, Public Accounts Committee)

(ii) **Adoption of Report on Estimates of Revenue and Expenditure for 2016/2017**

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Estimates of Revenue and Expenditure for the Financial Year 2016/2017 and the Medium Term, laid on the Table of the House on 7th June, 2016.

(Chairperson, Budget & Appropriations Committee)

7. **MOTION – CONSIDERATION OF THE SENATE AMENDMENTS TO THE WATER BILL (NATIONAL ASSEMBLY BILL NO.8 OF 2014)**

Motion made and Question proposed –

THAT, the Senate Amendments to the Water Bill (National Assembly Bill No.14) be now considered

(Chairperson, Departmental Committee on Environment and Mineral Resources - 05.05.2016)

Debate interrupted on Thursday, May 05, 2016 resumed;

There being no further debate on the Motion;

Question put and agreed to;

Thereupon, the House resolved into Committee.

8. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

Consideration of Senate Amendments to the Water Bill (National Assembly Bill No.8 of 2014)

Clause 2

Senate Amendment

THAT, clause 2 of the Bill be amended by inserting the following new definition in its proper alphabetical order –

"wetland" means an area where plants and animals have become adapted to temporary or permanent flooding by saline, brackish or fresh water".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 2 negatived

Clause 8

Senate Amendment

THAT, clause 8 be amended in sub clause (3) by inserting the words 'for domestic use' immediately after the words "water works".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 8 negatived

Clause 8B

Senate Amendment

THAT, clause 8B be amended in sub clause (5) by deleting the word "three" appearing immediately after the words "Resource Strategy every" and substituting therefor the word "five".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 8 B agreed to

Clause 19

Senate Amendment

THAT, clause 19 of the Bill be amended in sub clause (1) by inserting the words "geo referenced" immediately after the words "monitoring and".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 19 agreed to

Clause 24
Senate Amendment

THAT, clause 24 of the Bill be amended in sub clause (1)(b) by inserting the words "appointed by the appointing authority after approval by the county assembly" immediately after the words "the basin".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 24 agreed to

Clause 25
Senate Amendment

THAT, clause 25 of the Bill be amended by inserting the words "and county governments" immediately after the words "the Authority"

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 25 agreed to

Clause 30
Senate Amendment

THAT, clause 30 of the Bill be amended in sub clause (1)(d) by inserting the words "and rules and regulations" immediately after the words "harvesting policy".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 30 negatived;

Clause 63
Senate Amendment

THAT, clause 63 of the Bill be amended in the headnote appearing immediately before the clause by deleting the word "Boards" and substituting therefor the word "Agencies"

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 63 agreed to

Clause 64

Senate Amendment

THAT, clause 64 be amended in sub clause 1(b) by inserting the words "from the respective counties" immediately after the words "the Cabinet Secretary".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 64 negatived

Clause 72

Senate Amendment

THAT, clause 72 of the Bill be amended—

(a) in the marginal note by deleting the word "accreditation" and substituting therefor the word "licensing"; and

(b) in sub clause (3) by deleting the word "accreditation" appearing immediately after the words "applicant meets the" and substituting therefor the word "licensing".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 72 agreed to

Clause 73

Senate Amendment

THAT, clause 73 of the Bill be amended—

(1) in sub clause (1)—

(a) in the marginal note by deleting the word "accredited" and substituting therefor the word "licensed";

(b) by deleting the word "accredited" appearing immediately after the words "register of all" in the introductory phrase and substituting therefor the word "licensed";

(c) in paragraph by deleting the word "accredited" appearing immediately after the words "providers are" and substituting therefor the word "licensed"; and

(d) in paragraph(d) by deleting the word "accreditation" appearing immediately after the words "to their" and substituting therefor the word "licence";

- (2) in sub clause (2) by deleting the word "accredited" appearing immediately after the words "register of the" and substituting therefor the word "licensed"; and
- (3) in sub clause (4) by deleting the word "accredited" appearing immediately after the words "conduct of" and substituting therefore the word "licensed".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 73 agreed to

Clause 74

Senate Amendment

THAT, clause 74 of the Bill be amended—

- (1) in the marginal note by deleting the word "accreditation" and substituting therefor the words "a license";
- (2) in sub clause (1)—
- (a) by deleting the word "accreditation" appearing immediately after words "revoke the" in the introductory phrase and substituting therefor the word "license";
 - (b) in paragraph (a) by deleting the word "accreditation" appearing after the words "Board that the" and substituting therefor the word "licensing";
 - (c) paragraph (b) by deleting the word "accreditation" appearing immediately after the words "criteria for" and substituting therefor the word "licensing"; and
 - (d) in paragraph (c) by deleting the word "accredited" appearing immediately after the words "they were" and substituting therefor the word "licensed";
 - (e) in paragraph (e) by deleting the word "accreditation" appearing immediately after the words "conditions for" and substituting therefore the word "licensing".
- (3) In sub clause (2) by deleting the word "accreditation" appearing immediately after the words "revocation of" and substituting therefor the word "a license"; and
- (4) In sub clause (3) by deleting the word "accreditation" appearing immediately after the words "person whose" and substituting therefor the word "license".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 74 agreed to

Clause 75

Senate Amendment

THAT, clause 75 of the Bill be amended by deleting sub clause one and substituting therefor the following new sub clause —

(1)Each county government shall establish a water services provider.

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 75 negatived

Clause 102

Senate Amendment

THAT, clause 102 of the Bill be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

" A water user may enter into an agreement with any person with respect to the execution and maintenance by any party to the agreement of such works as the water user considers necessary or as the conditions of the water user may require for the

purpose of protecting the catchment areas, drainage of land, carrying out soil conservation measures, the control of vegetation or effectively collecting, conveying or preserving the purity and quantity of water which the water user is for the time being authorised to take."

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 102 negatived

Clause 109

Senate Amendment

THAT, clause 109 of the Bill be amended in sub clause (1) by inserting the words "geo referenced" immediately after the words "monitoring and".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 109 agreed to

Clause 114
Senate Amendment

THAT, clause 114 of the Bill be amended in sub clause (1) by deleting paragraph (g) and substituting therefor the following new paragraph —

(g) receive grants for onward lending to water services providers, counties and community schemes towards water services and water resources management projects for the underserved areas and urban poor;

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 114 negatived

Clause 115
Senate Amendment

THAT clause 115 be amended in sub clause (1) by deleting paragraphs (b) and (c).

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Senate amendment to Clause 115 negatived

CLAUSE 117
Senate Amendment

THAT, clause 117 of the Bill be amended in sub clause (1) by deleting the words “which shall be a subordinate court as provided under Article 169(1)(d) of the Constitution”.

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 117 agreed to

CLAUSE 130
Senate Amendment

THAT clause 130 of the Bill be amended by inserting the words “conservation and” immediately after the words “for the”.

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 130 agreed to

CLAUSE 139

Senate Amendment

THAT, clause 139 of the Bill be amended by inserting the words "a county government" immediately after the words "Cabinet Secretary".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 139 agreed to

CLAUSE 140

Senate Amendment

THAT, clause 140 of the Bill be amended in—

- (a) sub clause (2) (a) by deleting the word "commission" appearing immediately after the words "Authority, the" and substituting therefor the word "Board"; and
- (b) sub clause (2)(h) by inserting the words "or the Board" immediately after the word "Authority".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 140 agreed to

Clause 154

Senate Amendment

THAT, clause 154 of the Bill be amended in sub clause 5 by deleting the word "Board" appearing immediately after the words "event that the" and substituting therefor the word "Authority".

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Senate amendment to Clause 154 agreed to

Bill to be reported with amendments;

9. **HOUSE RESUMED** - the Second Chairperson in the Chair

The Senate Amendments to the Water Bill (National Assembly Bill No.7 of 2014)

Bill reported with amendments;

Motion made and Question proposed –

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

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Senate Amendments to the Water Bill (National Assembly Bill No.7 of 2014) be agreed to

(Chairperson, Departmental Committee on Environment and Mineral Resources)

Question put and agreed to;

Bill referred to the Mediation Committee.

10. **SPECIAL MOTION - APPROVAL OF FINANCING FOR THE DEVELOPMENT OF THE SECOND CONTAINER TERMINAL, PHASE II**

Motion made and Question proposed -

THAT, this House notes the *Sessional Paper No. 1 of 2016 on Government Guarantee on Borrowing for the Construction of the Second Container Terminal Phase II*, laid on the Table of the House on Thursday, March 10, 2016 and pursuant to the provisions of Article of the Constitution, and sections 50 and 58 of the *Public Finance Management Act (CAP 412C)* **approves** the Government of Kenya Guarantee against a loan of Japanese Yen **(Y) 32.116 billion**, equivalent to **Kshs 27.30 billion** at the current exchange rate, to be borrowed by the Kenya Ports Authority (KPA) from the Japan International Co-operation Agency (JICA) negotiated at the rate of 0.11% per annum and repayable in thirty four (34) years, with a six-year (6) moratorium, to finance Phase II of the development of the Second Container Terminal at the port of Mombasa as part of the Mombasa Port Development.

(The Leader of the Majority Party – 05.05.2016)

Debate adjourned on Thursday, May 05, 2016 (Afternoon Sitting) resumed;

Mover to reply.

11. **MOTION – APPROVAL OF NOMINEES TO THE CONSTITUENCY COMMITTEES OF NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND**

Motion made and Question proposed -

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund Act, 2015, this House **approves** the nominees listed hereunder to the respective Constituency Committees of the National Government Constituency Development Fund:–

31. LAFEY CONSTITUENCY

- | | | |
|----|----------------------|---|
| 1. | Mohamed Daar Bulle | Male Youth Representative |
| 2. | Mohamed Madey Hassan | Male Adult Representative |
| 3. | Amal Osman Haji | Female Youth Representative |
| 4. | Katra Noor Omar | Female Adult Representative |
| 5. | Hussein Bulle Hassan | Representative of Persons with Disability |
| 6. | Mursal Sheikh Abey | Nominee of the Constituency Office (Male) |
| 7. | Nasra Samow Bare | Nominee of the Constituency Office (Female) |

32. NYAKACH CONSTITUENCY

- | | | |
|----|-----------------------|---|
| 1. | Justus Ochieng Odhoch | Male Youth Representative |
| 2. | Joel Onono Mc Odongo | Male Adult Representative |
| 3. | Leah Akoth Aringo | Female Youth Representative |
| 4. | Hellen E. Were | Female Adult Representative |
| 5. | Nashon Ogada Osenya | Representative of Persons with Disability |
| 6. | Henry OkothOdingo | Nominee of the Constituency Office (Male) |
| 7. | Susan AtienoOtieno | Nominee of the Constituency Office (Female) |

33. ISIOLO NORTH CONSTITUENCY *(Additional Nominees)*

- | | | |
|----|----------------------|-----------------------------|
| 1. | Moses Lerosion Edwin | Male Adult Representative |
| 2. | Mary Naitore Kimathi | Female Youth Representative |

(Chairperson, Select Committee on the National Government Constituency Development Fund)

Debate arising;

Mover replied;

Question of the Motion deferred to another day.

12. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)

Order for Second Reading read;

Motion made and question proposed;

THAT, the Election Laws (Amendment) (No.3) Bill (National Assembly Bill No. 63 of 2015) be read a Second Time

(Chairperson, Departmental Committee on Justice & Legal Affairs – 04.05.2016)

Debate interrupted on Thursday, May 05, 2016 (Morning Sitting) resumed;

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

13. 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
Tuesday, June 07, 2016 at 2.30 p.m.

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