



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 12, 2016

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

The Speaker conveyed the following Petition –

“Honourable Members,

Standing Order 41 relating to Messages requires the Speaker to expeditiously report to the House any Messages received from the Senate. In this regard, Honourable Members, I wish to report that on Thursday 31<sup>st</sup> March, 2016, in accordance with the provisions of Article 110(4) of the Constitution, I received a Message from the Senate regarding the passage of the Water Bill (National Assembly Bill No.7 of 2014).

Honourable Members, the message states and I quote –

*“THAT, the Water Bill (National Assembly Bill No.7 of 2014) which was published in the Kenya Gazette Supplement No.27 of 17<sup>th</sup> March, 2014 as a Bill originating in the National Assembly was passed with amendments by the Senate on, Tuesday, 22<sup>nd</sup> March, 2016. The Senate now seeks the concurrence of the National Assembly on the said Bill.”*

Honourable Members, The Senate has amended 22 Clauses of the 155 Clauses of the said Bill. I am aware that the Clerk has since circulated the amendments to Members in accordance with the requirements of Standing Order 145 including submitting to the Departmental Committee on Environment and Natural Resources during the recess period.

The Committee is expected to submit its report on the amendments to the House expeditiously. I wish to remind the House that the National Assembly will only consider the amendments made by the Senate, and not any other parts of the Bill.

Honourable Members, I also wish to report that I received three other messages from the Senate regarding the passage of the following Bills:-

- (i) The Office of the County Printer Bill (Senate Bill No.42 of 2014);
- (ii) The Kenya National Examinations Council (Amendment) Bill (Senate Bill No.7 of 2015); and
- (iii) The Office of the County Attorney Bill (Senate Bill No.37 of 2014).

Honourable Members, these Bills were passed by the Senate on March 22, 2016 with amendments. The Senate now seeks the concurrence of the National Assembly to the said Bills in accordance with the Provisions of Article 110 of the Constitution.

Honourable Members, I am aware that the Clerk has also circulated copies of the three Bills. After being read a First Time pursuant to the provisions of Standing Order 143, the Bills will stand committed to the following Departmental Committees for consideration:-

S/No.	Bill	Departmental Committee
(1)	The Office of the County Printer Bill (Senate Bill No.42 of 2014)	Administration and National Security
(2)	The Kenya National Examinations Council (Amendment) Bill (Senate Bill No.7 of 2015)	Education, Research and Technology
(3)	The Office of the County Attorney Bill (Senate Bill No.37 of 2014)	Justice and Legal Affairs

The Committees are expected to submit their respective reports before the Bills are considered by the House at Second Reading.

I also direct that, before the Bills are scheduled for First Reading, the Liaison Committee, which is now performing the roles of the Budget and Appropriations Committee, submits to the House its recommendations pursuant to Provisions of Article 114 of the Constitution relating to money Bills.

Thank you".

## 5. PETITIONS

The following Petitions were presented –

- (i) The Speaker conveyed the following Petition –

"Honourable Members,

In accordance with the provisions of Standing Order 225 (2) (b), I wish to convey to the House that my office is in receipt of a Petition signed by a group of fifteen (15) individuals referring themselves as the "*Devolution Forum*". The said group is praying that the National Assembly, effects appropriate amendments to the Standing Orders to enhance public

participation as contemplated in Article 118 of the Constitution with regard to public access to parliament and participation.

Honourable Members,

Standing Orders 127 (3) provides for consideration of public views and recommendations on Bills while Standing Orders 198 provides for public access to meetings of Select Committee. Nevertheless, the Petitioners aver that Parliament has failed to –

- (i) provide adequate opportunities for meaningful public participation in the House business;
- (ii) adequately educate the public on issues before the House; and
- (iii) provide sufficient time for the public to deliberate, consult and offer feedback to matters before the House.

The Petitioners pray that the National Assembly through the Procedure and House Rule Committee amends the Standing Orders to –

- (i) provide for a period of at least two months for public involvement in legislative and other business of the House;
- (ii) provide for public awareness on matters before the House; and
- (iii) Make any other order or direction that it deems fit in the circumstances of the case.

Honourable Members,

You may wish to note that this is a very unique Petition as the prayers sought by the Petitioners propose amendments to our Standing Orders. This will require meticulous consideration as they propose to basically alter the manner in which we conduct business. I am aware that the Procedure and House Rules Committee, which I chair, is currently considering various proposals for amendment of our Rules of Procedure.

This Petition therefore stands committed to the Procedure and House Rules Committee, for consideration together with the rest of the proposals. The Committee is required to report its findings to the Petitioners and the House. The Committee should also undertake to hear the Petitioners with a view to incorporating their proposals in our Rules of Procedure relating to public participation in the legislative business.

Thank you”.

- (ii) The Member for (Hon. Silverse Anami) presented a Petition on behalf of the residents of Kakamega, and in particular, Shinyalu Constituency regarding the destruction of Kakamega rain forest;

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

## 6. PAPERS LAID

The following Papers were laid on the Table –

- (i) The Address of the H. E. the President delivered on March 31, 2016;

- (ii) The Report on the measures taken with progress achieved in the realization of National Values and Principles of Governance submitted by H. E. the President on March 31, 2016;
- (iii) The Report on progress made in fulfilment of the International Obligations of the Republic submitted by H.E. the President on March 31, 2016;
- (iv) Annual Report to Parliament on the State of National Security submitted by H. E. the President on March 31, 2016;
- (v) Schedule of cases pending before Court as at 30th March, 2016 submitted by H. E. the President on March 31, 2016;
- (vi) Schedule of Properties identified/frozen/recovered/seized as proceeds of crime in respect of National Youth Service fraud and other cases submitted by H. E. the President on March 31, 2016;
- (vii) The Public Finance Management (National Government Affirmative Action Fund) Regulations, 2016 and the Explanatory Memorandum (*pursuant to section 18 of the Public Finance Management Act*);
- (viii) The Capital Markets (Derivatives Markets) Regulations, 2015 and the Explanatory Memorandum (*pursuant to section 12 of the Capital Markets Act*);
- (ix) The Corporate Governance Practices for Issuers of Securities to the Public, 2015 and the Explanatory Memorandum (*pursuant to section 12 of the Capital Markets Act*);
- (x) The Guidelines on Prevention of Money Laundering and Terrorism Financing in the Capital Markets, 2015 and the Explanatory Memorandum (*pursuant to section 12 of the Capital Markets Act*);
- (xi) The Capital Markets (Licencing Requirements) (General) (Amendment) Regulations, 2016 and the Explanatory Memorandum (*pursuant to section 12 of the Capital Markets Act*); and
- (xii) The Capital Markets (Securities) (Public Offers, Listing and Disclosure) (Amendment) Regulations, 2016 and the Explanatory Memorandum (*pursuant to section 12 of the Capital Markets Act*).
- (xiii) The National Government Budget Implementation Review Half Year Report for the Financial Year 2015/16 from the Office of the Controller of Budget.

*(The Leader of the Majority Party)*

- (xiv) The Report of the Departmental Committee on Environment and Natural Resources Delegation to the All-African Parliamentary Conference on Sustainable Development Goals (SDGs) held in Abuja, Nigeria from 9<sup>th</sup> to 11<sup>th</sup> March, 2016.

*(The Hon. Wilbur Ottichilo – Member of the Delegation)*

- (xv) The Report of the Mediation Committee on the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014).

*(The Chairperson, Departmental Committee on Justice and Legal Affairs)*

7. **NOTICES OF MOTION**

The following Notices were given –

- (i) **Notice of Motion – Presidential Address**  
(The Leader of the Majority Party)

**THAT**, pursuant to the provisions of Standing Order 24(6), the thanks of the House be recorded for the exposition of public policy contained in the Address of the President delivered on Thursday, 31<sup>st</sup> March 2016, laid on the Table of the House today Tuesday, 12<sup>th</sup> April 2016.

- (ii) **Notice of Motion – Report on the National Values and Principles of Governance**  
(The Leader of the Majority Party)

**THAT**, pursuant to Article 132(1)(c)(i) of the Constitution, this House notes the Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance submitted by H.E. the President on Thursday, 31<sup>st</sup> March 2016, laid on the Table of the House today Tuesday, 12<sup>th</sup> April 2016.

- (iii) **Notice of Motion – Report on the fulfillment of the International Obligations**  
(The Leader of the Majority Party)

**THAT**, pursuant to Article 132(1)(c)(iii) of the Constitution, this House notes the Report on Progress made in fulfillment of the International Obligations of the Republic submitted by H.E. the President on Thursday, 31<sup>st</sup> March 2016, laid on the Table of the House today Tuesday, 12<sup>th</sup> April 2016.

- (iv) **Notice of Motion – Annual Report on the State of the Security**  
(The Leader of the Majority Party)

**THAT**, pursuant to Article 240(7) of the Constitution and Section 16 of the National Security Council Act, this House notes the Annual Report to Parliament on the State of National Security submitted by H.E. the President on Thursday, 31<sup>st</sup> March 2016, laid on the Table of the House today Tuesday, 12<sup>th</sup> April 2016.

- (v) **Notice of Motion – Approval of the Mediated Version of the Political Parties (Amendment) Bill (Senate Bill No.3 of 2014)**  
(The Chairperson, Mediation Committee)

**THAT**, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Political Parties (Amendment) Bill (Senate Bill No.3 of 2014), laid on the Table of the House today, Tuesday, April 12, 2016, and approves the mediated version of the Political Parties (Amendment) Bill (Senate Bill No.3 of 2014)

- (vi) **Notice of Motion – Adoption of the Report All-African Parliamentary Conference on Sustainable Development Goals**  
(Hon. Wilbur Ottichilo, Member, Departmental Committee on Environment and Natural Resources)

**THAT**, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the All-African Parliamentary Conference on Sustainable

Development Goals (SDGs) held from 9<sup>th</sup> to 11<sup>th</sup> March, 2016, laid on the Table of the House today Tuesday, 12<sup>th</sup> April 2016.

8. **THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Land Laws (Amendment) Bill (National Assembly Bill No.55 of 2015) be now read a Second Time

*(The Leader of the Majority Party – 09.03.2016)*

Debate on the Second Reading having been concluded on Wednesday, March 30, 2016 (Afternoon Sitting);

Question put and agreed to;

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

9. **THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016) be now read a Second Time

*(The Chairperson, Departmental Committee on Justice & Legal Affairs – 17.03.2016)*

Debate on the Second Reading having been concluded on Wednesday, March 30, 2016 (Afternoon Sitting);

Question put and agreed to;

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

10. **THE ANTI-DOPING BILL (NATIONAL ASSEMBLY BIL NO.6 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Anti-Doping Bill (National Assembly Bill No.6 of 2016) be now read a Second Time

*(The Leader of the Majority Party)*

Debate arising;

*(Change of Chair from the Speaker to the First Chairperson)*

Mover replied;

Question of the Second Reading deferred to another day.

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

11. 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, April 13, 2016 at 9.30 a.m.

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