



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 16, 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 GUIDE ON THE CONSIDERATION OF THE BUDGET POLICY STATEMENT**

The Speaker conveyed the following Communication –

“Honourable Members,

Hon. Members, as you may have noted, the Budget Policy Statement (BPS) has been laid on the Table of the House pursuant to Standing Order 232(1) and section 25(2) of the Public Finance Management Act. For avoidance of doubt, the two provisions above require the Cabinet Secretary in charge of matter related to Finance to submit the Budget Policy Statement by the 15<sup>th</sup> of February every year. The National Treasury has therefore observed the requirement as today is the first sitting day after the 15<sup>th</sup> of February.

Hon. Members, Standing Order 232(4) require that upon being laid before the House, the BPS shall stand committed to the each Departmental Committee for deliberation according to their respective mandates. The Committees are thereafter required to make recommendations to the Budget and Appropriations Committee (BAC) to enable it to prepare a report to the House. It is however important to note that the House has make a resolution on the Policy within fourteen days pursuant to section 25(7) of the Public Finance Management Act.

Section 25(7) states -

***“Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.”***

Hon. Members, from the Supplementary Order Paper, I observe that the Budget and Appropriations Committee is one of the Committees being reconstituted today. The Departmental Committees and indeed the reconstituted Budget and Appropriations Committee should immediately embark on the consideration of the BPS in line with the

provisions of the Standing Orders and the Public Finance Management Act. For the avoidance of doubt, the House is required to make a resolution on the report of the Budget and Appropriations Committee within fourteen days from tomorrow, that is, on or before **March 01, 2016**.

Thank you".

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Mediation (Pilot Project) Rules, 2015 and the Explanatory Memorandum therein;
- (ii) The Witness Protection Rules, 2015 and the Explanatory Memorandum therein The Technical and Vocational Education and Training Institutions Regulations, 2015 and the Explanatory Memorandum therein;
- (iii) The Nairobi Centre for International Arbitration (Mediation) Rules, 2015 and the Nairobi Centre for International Arbitration (Arbitration) Rules, 2015 and the Explanatory Memoranda;
- (iv) The Public Service Commission Evaluation Report on Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for the year 2014/2015;
- (v) The Annual Report and Financial Statements of the Public Commission of Kenya for the year 2014/2015;
- (vi) The Office of the Controller of Budget First Quarter National Government Budget Implementation Review Report for the Financial Year 2014/2015;
- (vii) The Office of the Controller of Budget First Quarter County Governments Budget Implementation Review Report for the Financial Year 2014/2015;
- (viii) The Constituencies Development Fund Board Report on Projects Approvals and Disbursements Status, November, 2015 including restrictions on Constituency accounts;
- (ix) The Annual Report on the State of the Judiciary and the Administration of Justice for the period 2013/2014;
- (x) The Annual Report and Financial Statements of the Ethics and Anti-Corruption Commission for the year 2014/2015; and,
- (xi) The Annual Report and Financial Statements of University of Eldoret for the year ended June 30, 2014

*(The Leader of the Majority Party)*

- (xii) The Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the Benchmarking Visit to India on Warehouse Receipt Systems and Commodity Exchange on 18<sup>th</sup> to 24<sup>th</sup> October 2015.

*(Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)*

6. NOTICES OF MOTION

The following Notices of Motion were given –

(i) MOTION - REPORT ON THE REALIZATION OF 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, March 26, 2015, laid on the Table of the House on Tuesday, March 31, 2015.

(ii) MOTION - ANNUAL REPORT TO PARLIAMENT ON THE STATE OF NATIONAL 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, March 26, 2015, laid on the Table of the House on Tuesday, March 31, 2015.

(iii) MOTION - REPORT ON THE FULFILLMENT OF THE INTERNATIONAL OBLIGATIONS OF THE REPUBLIC

(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, March 26, 2015, laid on the Table of the House on Tuesday, March 31, 2015.

(iv) MOTION - REPORT OF THE MEDIATION COMMITTEE ON THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL, 2013

(Hon. (Dr) Wilbur Ottichilo, MP)

**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 the National Drought Management Authority Bill, 2013, laid on the Table of the House on Thursday, 17<sup>th</sup> December 2015, and **approves** the mediated version of the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013).

(v) MOTION - REPORT OF THE KENYA DELEGATIONS TO THE 131<sup>ST</sup>, 130<sup>TH</sup> AND 129<sup>TH</sup> ASSEMBLIES OF THE IPU AND RELATED MEETINGS

(Hon. Kabando wa Kabando, MP)

**THAT**, this House adopts the Report of the Kenya Delegations to the 131<sup>st</sup>, 130<sup>th</sup> and 129<sup>th</sup> Assemblies of the Inter-Parliamentary Union (IPU) and Related Meetings held in Geneva, Switzerland from 12<sup>th</sup> to 16<sup>th</sup> October, 2014, 16<sup>th</sup> to 20<sup>th</sup> March, 2014 and 7<sup>th</sup> to 9<sup>th</sup> October, 2013 respectively, laid on the table of the House on Thursday, December 4, 2014.

**7. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD**

Motion made and Question proposed -

**THAT**, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Political Parties (Amendment) Bill (National Assembly Bill No. 2 of 2016) from **14 to 11** days.

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

Debate arising;

Question put and agreed to.

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

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

Order for First Reading read;

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

**9. MOTION – RECONSTITUTION OF THE PUBLIC INVESTMENTS COMMITTEE**

Motion made and Question proposed -

**THAT**, pursuant to the provisions of Standing Orders 175 and 206, this House approves the appointment of the following Members to the Public Investments Committee:-

- 1) Hon. Adan Wehliye Keynan, CBS, MP
- 2) Hon. Anthony Ichung'wah Kimani, MP
- 3) Hon. (Dr.) Oburu Oginga, MGH, MP
- 4) Hon. (CPA) Thomas Ludindi Mwadeghu, CBS, MP
- 5) Hon. Sammy Mwaita, MP
- 6) Hon. John Olago Aluoch, MP
- 7) Hon. (Dr.) Paul Nyongesa Otuoma, EGH, MP
- 8) Hon. Dorcas Kedogo, MP
- 9) Hon. Abdullswamad Sheriff Nassir, MP
- 10) Hon. Beatrice Nkatha Nyaga, HSC, MP
- 11) Hon. Bernard Munywoki Kitungi, MP
- 12) Hon. Chrisanthus Wamalwa, CBS, MP
- 13) Hon. Cornelly Serem, MP
- 14) Hon. Johana Kipyegon Ngeno, MP
- 15) Hon. John Ogutu Omondi, MP
- 16) Hon. Korei Ole Lemein, MP
- 17) Hon. Mary Sally Keraa, MP
- 18) Hon. Onesmus Njuki, MP
- 19) Hon. Francis Mwanzia Nyenze, EGH, MP
- 20) Hon. Wafula Wamunyinyi, MP
- 21) Hon. Elias Bare Shill, MP
- 22) Hon. Adan M. Nooru, MP
- 23) Hon. John Muchiri Nyaga, HSC, MP
- 24) Hon. Franklin Mithika Linturi, MP
- 25) Hon. (Eng). John Kiragu, MP
- 26) Hon. Ejidius Njogu Barua, MP
- 27) Hon. Irungu Kang'ata, MP

*(Chairperson, Committee on Selection)*

Debate arising;

Question put and agreed to.

10. **MOTION – RECONSTITUTION OF THE BUDGET AND APPROPRIATIONS COMMITTEE**

**THAT**, pursuant to the provisions of Standing Orders 175 and 207, this House approves the appointment of the following Members to the Budget and Appropriations Committee:-

- 1) Hon. Mutava Musyimi, M.P.
- 2) Hon. Mary Emaase, M.P.
- 3) Hon. Alfred Sambu, M.P.
- 4) Hon. Benjamin Langat, M.P.
- 5) Hon. Clement Wambugu, M.P.
- 6) Hon. Ferdinard Waititu, M.P.
- 7) Hon. Jackson Kiptanui, M.P.
- 8) Hon. Jamleck Kamau, M.P.
- 9) Hon. John Mbadi, M.P.
- 10) Hon. Mohamed Shidiye, M.P.
- 11) Hon. Moses Lessonet, M.P.
- 12) Hon. Moses Ole Sakuda, M.P.
- 13) Hon. Nelson Gaichuhie, M.P.
- 14) Hon. Ahmed .I. Abass, M.P.
- 15) Hon. Abdulaziz Farah, M.P.
- 16) Hon. Alfred Agoi, M.P.
- 17) Hon. Alice Ng'ang'a, M.P.
- 18) Hon. Banticha Jaldesa, M.P.
- 19) Hon. Benjamin Andola Andayi, M.P.
- 20) Hon. Bitok S. Kirwa, M.P.
- 21) Hon. Daniel Nanok, M.P.
- 22) Hon. Dennis Kariuki, M.P.
- 23) Hon. (Dr.) J. W. Nyikal, M.P.
- 24) Hon. (Dr.) Reginalda Wanyonyi, M.P.
- 25) Hon. Eng. Stephen Ngare, M.P.
- 26) Hon. Fatuma Ali Ibrahim, M.P.
- 27) Hon. Francis Njenga, M.P.
- 28) Hon. Irshad Sumra, M.P.
- 29) Hon. Isaack Mwaura, M.P.
- 30) Hon. James Gakuya, M.P.
- 31) Hon. James Luswet, M.P.
- 32) Hon. Jared O. Opiyo, M.P.
- 33) Hon. Jonathan Lati Lelelit, M.P.
- 34) Hon. Joseph Limo, M.P.
- 35) Hon. KK Stephen Kinyanjui, M.P.
- 36) Hon. (Dr.) Makali Mulu, M.P.
- 37) Hon. Moses Kuria, M.P.
- 38) Hon. Charles Muriuki, M.P.
- 39) Hon. Dr. Eseli Simiyu, M.P.
- 40) Hon. Omar Mwinyi, M.P.
- 41) Hon. Omondi George, M.P.
- 42) Hon. Patrick Ole Ntutu, M.P.
- 43) Hon. Peter Weru Kinyua, M.P.
- 44) Hon. Priscilla Nyokabi, M.P.
- 45) Hon. Richard Tong'i, M.P.
- 46) Hon. Samuel Gichigi, M.P.
- 47) Hon. Shukra Hussein Gure, M.P.

48) Hon. Silverse Lisamula Anami, M.P.  
49) Hon. Suleiman Murunga Kasuti, M.P.  
50) Hon. Tiyah Galgalo, M.P.

*(Chairperson, Committee on Selection)*

Debate arising;

Rising in his place under Standing Order 96, the Member for South Mugirango (Hon. Manson Nyamweya) claimed to move that "debate on the Motion be now adjourned;

Question put and negatived;

Debate interrupted resumed;

Question of the Motion put and negatived;

Rising in their places on Points of Order, several Members claimed for a Division;

And there being the requisite number of Members required rising in support of the claim;

And the Speaker acceding to the claim directed the Division Bell to be rung;

And after expiry of ten minutes, the Bar having been drawn and the doors closed;

Thereupon, the House proceeded to an electronic vote;

Question put and upon an electronic vote negatived;

|                    |    |                    |     |                           |   |
|--------------------|----|--------------------|-----|---------------------------|---|
| <u><b>AYES</b></u> | 62 | <u><b>NOES</b></u> | 133 | <u><b>ABSTENTIONS</b></u> | 0 |
|--------------------|----|--------------------|-----|---------------------------|---|

#### 11. **MOTION - REPORT OF THE PUBLIC ACCOUNTS COMMITTEE**

Motion made and Question proposed -

**THAT**, this House adopts the Report of the Public Accounts Committee on the Special Audit Report of the Judicial Service Commission (JSC) and the Judiciary of May, 2014, laid on the Table of the House on Tuesday, 7<sup>th</sup> July, 2015, subject to;

- (i) deletion of recommendation number 2 appearing on page 136 of the Report;
- (ii) deletion of recommendation number 4 appearing on page 136 of the Report, and substituting therefor with the following –

"The various Commissioners of the Judicial Service Commission must take personal responsibility for allowances paid to them for attending meetings that were convened without the knowledge and approval of the Chief Justice. An audit of all such meetings should be undertaken and the responsible Commissioners surcharged";

- (iii) deletion of recommendation number 5 appearing on page 136 of the Report";
- (iv) deletion of recommendation number 19 on page 139 of the report, and substitution thereof with the following:-

"The security upgrades implemented by Mr. Simiyu Werunga, a security consultant and contractor, should be subjected to detailed audit by an independent Security Consultant, working jointly with relevant departments of the Government, and any

sums paid over and above fair market value be claimed from the consultant/contractor”;

- (v) insertion of the following words immediately after the words “Administration Committee of the JSC” appearing in the recommendation number 20 on page 139 of the Report:

“Commissioners Smokin Wanjala, Mohammed Warsame, Ahmednassir Abdullahi, Rev. Samuel Kobia, Christine Mango and Emily Ominde”; and

- (vi) Insertion of new recommendation number 23 on page 140 of the Report as follows:-

“23. That the Judicial Service Commission forthwith desists from interfering with the financial administrative and operational functions of the Judiciary; and further that National Assembly through the Departmental Committee on Justice and Legal Affairs, undertakes an urgent review of the Judicial Service Act 2011 to address through statute, the unlawful encroachment of the Judicial Service Commission into the administration of the Judiciary which falls outside of its mandate under Article 172 of the Constitution of Kenya”.

*(Chairperson, Departmental Committee on Justice and Legal Affairs - 11.02.2016)*

Debate interrupted on Thursday, February 11, 2016 resumed;

Mover replied;

Question put and agreed to.

## 12. **MOTION – ADOPTION OF THE REPORT ON THE CRISIS FACING THE SUGAR INDUSTRY IN KENYA**

Motion made and Question proposed -

**THAT**, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the Crisis Facing the Sugar Industry in Kenya, laid on the Table of the House on Thursday, 12<sup>th</sup> March, 2015.

*(Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives)*

Debate arising:

And the time being thirty minutes past Six O'clock, the Speaker 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  
Wednesday, February 17, 2016 at 9.30 a.m.

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