



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

SPECIAL SITTING

THURSDAY, DECEMBER 17, 2015

1. The House assembled at thirty minutes past Two O'clock

2. The Proceedings were opened with Prayer

3. PRESIDING – the Speaker

4. COMMUNICATIONS FROM THE CHAIR

The Speaker conveyed the following Communications –

(i) Resignation from Office of a Member of Parliament

"Honourable Members,

I wish to notify you that, yesterday afternoon at the rise of the House, I received a letter from the Member for Malindi Constituency, the Hon. Daniel Kazungu Mzee, conveying his decision to resign as a Member of Parliament. In his letter, dated December 16, 2015, the Member indicates that his resignation is informed by the decision of the H.E. the President to nominate him to the position of Cabinet Secretary, the subsequent approval by the National Assembly and in conformity with the provisions of Article 152(3) of the Constitution which provides that "*A Cabinet Secretary, shall not be a member of Parliament*".

The Member also requested me to convey his sincere appreciation to the leadership and administration of Parliament for facilitating his work towards enabling him to execute his mandate during his tenure as the Member for Malindi Constituency. He also indicates that he looks forward to interacting with Parliament in his new capacity.

Honourable Members, may I take this opportunity on my own behalf and that of the House to wish Hon. Daniel Kazungu well as he takes up his new responsibility in the Executive. I thank you".

(ii) Suspension of Committee Sittings

"Honourable Members,

Today's sitting marks the conclusion of what has been a notably busy Session for the National Assembly. All Committees, and especially those involved in the vetting process during the last two weeks, have worked tirelessly, and under strict deadlines to ensure the conclusion of business before them. I wish to commend the House for the diligence and commitment to the business of the House both in plenary and in its Committees throughout the year. Just to highlight part of the tremendous work done by this House this year, the House has transacted business as follows-

- a) regarding Bills, a total of 36 Bills have been passed by this House; 10 Bills were also passed and forwarded to the Senate for consideration; a further 16 Bills have undergone Second Reading and are now awaiting Committee of the Whole House. In addition, 4 Bills are undergoing the Mediation Process, while 2 were passed but lost, while 2 others were rejected by the House;
- b) on Motions, a total of 195 Motions were introduced. Of these, 142 were Ordinary Motions, 24 were Procedural Motions, while 29 were Special Motions. 138 Motions were adopted, 2 deferred, 3 withdrawn while 4 were lost or defeated. Another 48 Motions are awaiting debate.

Honourable Members, the House also considered and approved 14 *Sessional* Papers. In addition, a total of 228 Legislative proposals have been submitted for processing and publication into Bills. Out of these, 75 have been published the remaining 153 legislative proposals are pending before the Budget Committee and respective Departmental Committees. These legislative proposals are mainly by individual members and will result into what is commonly referred to as "private member" Bills upon publication.

Honourable Members, As the Session winds up and the House proceeds on recess, as is the tradition, it is prudent that Committees take a well-deserved break from the busy schedules of their own sittings and those of the plenary. This will allow you to spend valuable time with your families during the holiday season and also attend to your constituents. In addition, this will avail the officers and staff of Parliament an opportunity to take their annual leave and also begin preparations for the next Session.

Honourable Members, Even as we break, I wish to remind the Constituencies Development Fund (CDF) Committee together with the Committee on Delegated Legislation to continue engaging with the CDF Board and the relevant State Departments so as to ensure preparation of draft regulations that will fully operationalize all sections of the recently passed National Government Constituencies Development Fund Bill, 2015 within the prescribed timelines. Additionally, I also direct the Committee on Delegated Legislation to consider and conclude all statutory instruments before it expeditiously. This is in view of the amendments recently made to the Statutory Instruments Act through the Statute Law (Miscellaneous Amendments) Bill, 2015 which gives the Parliamentary Committee 28 days to consider all statutory instruments before it otherwise they stand approved in the form published and submitted to the House. The Committee should then inform the House on the actions taken upon resumption from recess.

Honourable Members, In view of the foregoing, I now direct that Committees conclude any business pending before them by Friday, December 18, 2015. Thereafter, no Committee Sittings shall be convened until Monday, February 1, 2016, unless special consideration is granted by my office. However, the Budget and Appropriations Committee, Public Accounts Committee and the Public Investments Committee are exempted from this decision so as to allow them time to conclude report writing on any pending matters as their term will come

to an end upon commencement of the Fourth Session in accordance with our Standing Orders. The three Committees are therefore at liberty to commence their sittings from Monday, January 18, 2016. In this regard, I take this early opportunity to remind the political party leaderships of the House to present names of their nominees to the three Committees, together with nominees of any other sessional committee to the Committee on Selection in good time.

Finally Honourable Members, I wish you a happy, safe and restful festive season, and a prosperous New Year. The House now stands adjourned until Tuesday, February 9, 2016 at 2.30 pm.

Thank you".

5. **MESSAGE FROM THE SENATE**

The Speaker conveyed the following Message –

"Honourable Members,

You will recall that on 18th and 23rd June, this year, following refusal to assent to the Public Audit Bill, 2014 (National Assembly Bill No. 38 of 2014), and the Public Procurement and Asset Disposal Bill, 2014 (National Assembly Bill No. 40 of 2014) by the President, this House did reconsider and pass, the two Bills again, fully accommodating the President's Reservations. This signified the passage of the two Bills a second time by the National Assembly. The Memoranda by H.E. the President together with the House Resolutions were thereafter forwarded to the Senate for consideration.

Honourable Members, pursuant to the provisions of Standing Order 41(4) relating to Messages from the Senate, I wish to report that I have received a Message from the Senate regarding the Approval of H.E. the President's Reservations to the Public Audit Bill, (National Assembly Bill No. 38 of 2014) and the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014).

Honourable Members, the Message from the Senate states in part, and I quote, "the Senate, on Wednesday, December 16, 2015 reconsidered and passed the Public Audit Bill, 2014 and the Public Procurement and Asset Disposal Bill 2014, fully accommodating the President's Reservations and without proposing any amendments to the said reservations."

Honourable Members, this decision of the Senate signifies the passage of the two Bills by Parliament with amendments that fully accommodating the President's Reservations in accordance with Article 115(3) of the Constitution. As I have stated, the National Assembly had already passed the two Bills fully accommodating the President's Reservations in June this year. Consequently, I will proceed to re-submit the two Bills to the President for assent in accordance to Article 115(3) of the Constitution.

Honourable Members, even as I do so, I wish to remind the House that the two Bills ought to have been enacted by Parliament by May 27, 2015, the original deadline of August 27, 2014 having been extended by nine months. Part of the difficulties that the two Houses faced would be attributable to shortcomings in the Rules of Procedure of both Houses regarding the manner of considering Presidential Reservations on Bills concerning county governments.

May I reiterate, Honourable Members, the guidance contained in my Communication to the House concerning this matter on June 16, 2015 and on July 28, 2015, and further request our Procedure and House Rules Committee to move with speed and seek concurrence with our counterparts in the Senate with a view to finding consensus on the matter in line with the Constitution.

Thank you".

6. **PAPERS LAID**

The following Papers were laid on the Table –

The Reports on the –

- (i) Kaimosi Friends University College Order, 2015;
- (ii) Kisumu National Polytechnic Order, 2014;
- (iii) Eldoret National Polytechnic Order, 2014;
- (iv) Human Resource Management Professionals (Registration and Training) Regulations, 2015; and
- (v) Kenya Technical Trainers Order, 2014.

(Chairperson, Committee on Delegated Legislation)

- (vi) Report of the Departmental Committee on Education, Research and Technology Delegation to the World Education Forum held Incheon, Korea in 2015.

(Chairperson, Departmental Committee on Education, Research and Technology)

- (vii) Report of the Mediation Committee of the National Drought Management Authority Bill, 2014 (National Assembly Bill No. 42 of 2013).

(Chairperson, Mediation Committee)

7. **NOTICE OF MOTION** – (Member, Committee on Delegated Legislation)

The following notice of Motion was given:-

THAT, this House adopts the Reports on –

- The Kaimosi Friends University College Order, 2015;
- The Kisumu National Polytechnic Order, 2014;
- The Eldoret National Polytechnic Order, 2014;
- The Human Resource Management Professionals (Registration And Training) Regulations, 2015; and
- The Kenya Technical Trainers Order, 2014;

laid on the Table of the House today, Thursday, December 17, 2015.

8. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO.6) BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2015)**

(The Leader of the Majority Party)

Order for First Reading read;

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

9. **SPECIAL MOTION - APPROVAL OF APPOINTMENT OF PRINCIPAL SECRETARIES FOR STATE DEPARTMENTS FOR HOUSING & URBAN DEVELOPMENT; PUBLIC WORKS; TRANSPORT; & MARITIME COMMERCE**

Order for Special Motion read;

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, **approves** the appointment of:-

- (i) **Ms. Aidah Munano** as the Principal Secretary, State Department for Housing and Urban Development;
- (ii) **Dr. Paul Maringa Mwangi** as the Principal Secretary, State Department for Public Works;
- (iii) **Mr. Wilson Nyakera Irungu** as the Principal Secretary, State Department for Transport; and
- (iv) **Mrs. Nancy Karigithu** as the Principal Secretary, State Department for Maritime Commerce.

(Chairperson, Departmental Committee on Transport, Public Works and Housing)

Debate on the Motion having been concluded on Thursday, December 17, 2015 (Morning Sitting);

Question put and agreed to.

10. **SPECIAL MOTION - APPROVAL OF APPOINTMENT OF PRINCIPAL SECRETARIES FOR STATE DEPARTMENTS FOR LIVESTOCK; AND IRRIGATION**

Order for Special Motion read;

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock & Cooperatives on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, **approves** the appointment of **Dr. Andrew K. Tuimur** as the Principal Secretary, State Department for Livestock, and **Mr. Patrick Nduati Mwangi** as the Principal Secretary, State Department for Irrigation.

(Chairperson, Departmental Committee on Agriculture, Livestock & Fisheries – 17.12.2015)

Debate on the Motion having been concluded on Thursday, December 17, 2015 (Morning Sitting);

Question put and agreed to.

11. **SPECIAL MOTION - APPROVAL OF APPOINTMENT OF PRINCIPAL SECRETARY FOR STATE DEPARTMENT FOR VOCATIONAL & TECHNICAL TRAINING**

Order for Special Motion read;

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Education, Research and Technology on the Vetting of a Person for Appointment as Principal Secretary, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, **approves** the appointment of **Dr. Dinah Jerotich Mwinzi** as the Principal Secretary, State Department for Vocational and Technical Training.

(Chairperson, Departmental Committee on Education, Research & Technology)

Debate on the Motion having been concluded on Thursday, December 17, 2015 (Morning Sitting);

Question put and agreed to.

12. **SPECIAL MOTION - APPROVAL OF APPOINTMENT OF PRINCIPAL SECRETARIES FOR STATE DEPARTMENTS FOR SOCIAL SECURITY & SERVICES; ARTS & CULTURE; & GENDER AFFAIRS**

Order for Special Motion read;

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, **approves** the appointment of:-

- (i) **Mrs. Susan N. Mochache** as the Principal Secretary, State Department for Social Security and Services;
- (ii) **Mr. Joseph Robert Okudo** as the Principal Secretary, State Department for Arts and Culture; and
- (iii) **Mrs. Zeinab W. Hussein** as the Principal Secretary, State Department for Gender Affairs.

(Vice-Chairperson, Departmental Committee on Education, Research & Technology)

Debate on the Motion having been concluded on Thursday, December 17, 2015 (Morning Sitting);

Question put and agreed to.

13. **SPECIAL MOTION - APPROVAL OF APPOINTMENT OF PRINCIPAL SECRETARY FOR YOUTH AND PUBLIC SERVICE**

Order for Special Motion read;

Motion made and Question proposed –

THAT, this House adopts the Report of the Joint Departmental Committees on Administration & National Security, and Labour and Social Welfare on the Vetting of a Person for Appointment as Principal Secretary, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, **approves** the appointment of **Mrs. Lilian Omollo** as the Principal Secretary, State Department for Youth and Public Service.

(Co-Chairpersons, Joint Departmental Committees on Administration and National Security, and Labour and Social Welfare)

Debate arising;

Question put and agreed to.

14. **SPECIAL MOTION - APPROVAL OF APPOINTMENT OF PRINCIPAL SECRETARY FOR STATE DEPARTMENT FOR HEALTH**

Order for Special Motion read;

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Health on the Vetting of a Person for appointment as Principal Secretary, laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Article 155(3)(b) of the Constitution, **approves** the appointment of **Dr. Nicholas Muraguri** as the Principal Secretary, State Department for Health.

(Chairperson, Departmental Committee on Health)

Debate arising;

Question put and agreed to.

15. **SPECIAL MOTION - APPROVAL OF APPOINTMENT TO THE ETHICS & ANTI-CORRUPTION COMMISSION (EACC)**

Order for Special Motion read;

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of Nominees for Appointment to the Ethics and Anti-Corruption Commission (EACC), laid on the Table of the House on Wednesday, December 16, 2015, and pursuant to the provisions of Section 10(3) of the Ethics and Anti-Corruption Commission Act (as amended), **approves** the appointment of the following persons to the Ethics and Anti-Corruption Commission (EACC).

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|--------------------------------|---|-------------|
| (i) Philip K.B. Kinisu | - | Chairperson |
| (ii) Dr. Dabar Maalim Abdi | - | Member |
| (iii) Paul Mwaniki Gachoka | - | Member |
| (iv) Sophia Lepuchirit | - | Member |
| (v) Rose Mghoi Mtambo Macharia | - | Member |

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Debate arising;

Question put and agreed to.

And the time being twenty minutes past Five O'clock, the Speaker adjourned the House without Question put pursuant to the Standing Orders.

16. HOUSE ROSE - at twenty minutes past Five O'clock
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MEMORANDUM

The Speaker will take the Chair on
Tuesday, February 9, 2016 at 2.30 p.m.

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