



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JULY 19, 2016

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

The Deputy Speaker conveyed the following Message from H.E. the Senate –

“Honourable Members,

Standing Order 41 relating to Messages requires the Speaker to expeditiously report to the House any Message(s) received from the Senate. In this regard, Honourable Members, I wish to report that on Tuesday 19<sup>th</sup> July, 2016, I received Messages from the Senate regarding the passage of the following eleven (11) Bills:-

- (i) Approval of the Access to Information Bill (National Assembly Bill No. 36 of 2015);
- (ii) Approval of the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015);
- (iii) Approval of the Protection of Traditional Knowledge and Cultural Expressions Bill (National Assembly Bill No. 48 of 2015);
- (iv) Approval of the Energy Bill (National Assembly Bill No. 50 of 2015);
- (v) Approval of the Natural Resources (Classes of Transactions Subject to Ratification Bill (National Assembly Bill No. 54 of 2015);
- (vi) Approval of the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015);
- (vii) Approval of the Fisheries Management and Development Bill (National Assembly Bill No. 18 of 2014);
- (viii) Approval of the Health Bill (National Assembly Bill No. 14 of 2015);
- (ix) Approval of the Kenya National Examinations Council (Amendment) (No.2) Bill (Senate Bill No. 14 of 2015);
- (x) Approval of the Cancer Prevention And Control (Amendment) Bill, (Senate Bill No. 3 of 2015); and
- (xi) Approval of the Seeds and Plant Varieties (Amendment) (National Assembly Bill No. 43 of 2015).

Honourable Members, these Bills were passed by the Senate on 13<sup>th</sup> and 14<sup>th</sup> July 2016 with amendments. The Senate now seeks the concurrence of the National Assembly to the ten (10) Bills in accordance with Article 110 of the Constitution

Honourable Members, I am aware that the Clerk has since circulated the amendments to Members in accordance with the requirements of Standing Order 145. The Bills will stand committed to the following Departmental Committees for consideration:-

S/No.	Bill	Departmental Committee
1.	The Access to Information Bill (National Assembly Bill No. 36 of 2015)	Energy, Communication and Information
2.	The Energy Bill (National Assembly Bill No. 50 of 2015)	
3.	The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015)	
4.	The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015)	Environment and Natural Resources
5.	The Natural Resources (Classes of Transactions Subject to Ratification Bill (National Assembly Bill No. 54 of 2015)	
6.	The Protection of Traditional Knowledge and Cultural Expressions Bill (National Assembly Bill No. 48 of 2015)	Labour and Social Welfare
7.	The Fisheries Management and Development Bill (National Assembly Bill No. 18 of 2014)	Agriculture, Livestock and Cooperatives
8.	The Health Bill (National Assembly Bill No.14 of 2015)	Health

Honorable Members, the first seven (7) Bills are part of Year Five Constitutional Bills that ought to be passed by Parliament on or before 27<sup>th</sup> August 2016. In this regard, the Committees are requested to consider and submit reports on the Bills without delay. 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, the Seeds and Plant Varieties (Amendment) Bill, (National Assembly Bill No. 43 of 2015) was passed without amendments. In this regard, I will now proceed to present the said Bill to H.E. the President for assent in accordance with the provisions of Articles 110(5) and 113(3) of the Constitution.

Honourable Members, the two Senate Bills namely the Cancer Prevention and Control (Amendment) Bill, (Senate Bill No. 3 of 2015) and the Kenya National Examinations Council (Amendment) (No.2) Bill (Senate Bill No. 14 of 2015) stand committed to the Departmental Committee on Health and the Education, Research and Technology Committee respectively for consideration.

I direct that, before the said Senate Bills are scheduled for First Reading, the Budget and Appropriations Committee should submit to the House its recommendations pursuant to Article 114 of the Constitution relating to money Bills. May I on behalf of the House, take this opportunity to commend the Senate for considering these Bills. In this regard, I beseech this House to also respond by prioritizing Senate Bills.

Thank you".

5. **PETITION**

The Member for Nyeri Town (Hon. Esther Murugi) presented a Petition on behalf of residents of Nyeri Town Constituency regarding the banning of the use of asbestos as a roofing material;

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 Coffee (General) Regulations, 2016 and the Explanatory Memorandum;
- (ii) The Agreement Concerning cooperation in Threat Reduction Biological Engagement Programs between the Government of the Republic of Kenya and the Government of the United States of America (*pursuant to section 8 of the Treaty Making and Ratification Act, 2012*);
- (iii) The Office of the Controller of Budget Third Quarter County Budget Implementation Review Report for the Financial Year 2015/2016 (*pursuant to Article 228(6) of the Constitution*).
- (iv) The Office of the Director of Public Prosecutions Annual Anti-Corruption Report for the period 1<sup>st</sup> January 2015- 31<sup>st</sup> December 2015 (*pursuant to section 37 of the Anti-Corruption and Economic Crimes Act, 2003*).
- (v) Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2015 and the certificates therein:-
  - (a) The National Council for Persons with Disabilities;
  - (b) The State Department of Planning;
  - (c) The Athi Water Services Board;
  - (d) The Kenya Revenue Authority;
  - (e) The Geothermal Development Company Limited;
  - (f) The Kenya National Trading Corporation;
  - (g) The Numerical Machining Complex Limited;
  - (h) The Tourism Finance Corporation;
  - (i) The Kenya National Assurance Company (2001) Limited; and
  - (j) The Kenya National Highways Authority.

*(The Leader of the Majority Party)*

- (vi) The Reports of the Departmental Committee on Justice and Legal Affairs on its consideration of:

- (a) the Petition for the Removal of the Chairperson and Members of the Independent Electoral and Boundaries Commission; and
- (b) the Independent Electoral and Boundaries Commission (Amendment) Bill, 2016.

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

- (vii) The Report of the Departmental Committee on Education, Research and Technology on its consideration of the Kenya National Examination Council (Amendment) Bill, 2016.

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

- (viii) Reports of the Departmental Committee on Health on its consideration of:-

- (a) the petition by one Elijah Kingori Githima regarding the deplorable State of Mental Health Care Facilities in Kenya; and
- (b) the petition regarding alleged Mismanagement and Misappropriation of Funds at the Kenya Medical Research Institute.

*(Chairperson, Departmental Committee on Health)*

- (ix) The Report of the Committee of Privileges regarding the matter of the suspension of the Member for Ugunja, Hon. James Opiyo Wadayi from the service of the House.

*(The Hon. Moses Cheboi, M.P. - Ag. Chairperson, Committee on Privileges)*

## 7. **NOTICE OF MOTION**

The following Notice of Motion was given:

### **Adoption of the Report on the Petition for the Removal of the Chairperson and Members of the Independent Electoral and Boundaries Commission**

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

**THAT**, this House **adopts** the Report of the Departmental Committee on Justice and Legal Affairs on its consideration of a Petition for the Removal of the Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC), laid on the Table of the House on Tuesday, July 19, 2016, and pursuant to Standing Order 230(5), and in view of the fact that the High Court in Petition No.356 of 2014 expunged all adverse references in the special audit dated June 06, 2014 upon which the Petition is premised, finds that the Petition as submitted **DOES NOT** disclose a sufficient ground as contemplated under Article 251 of the Constitution for removal of the Chairperson and Members of the Independent Electoral and Boundaries Commission (IEBC).

## 8. **NOTICE OF MOTION - ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A MATTER OF DEFINITE NATIONAL IMPORTANCE REGARDING BURNING OF SCHOOL BUILDINGS BY STUDENTS**

Rising in his place on a Point of Order, the Member for Kiminini (The Hon. Chris Wamalwa) 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 burning of school buildings by students in the country;

And the Deputy Speaker having acceded to the claim;

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

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

9. **THE VALUE ADDED TAX (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2016)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Value Added Tax (Amendment) Bill (National Assembly Bill No.7 of 2016) be now read a Third Time

*(The Wafula Wamunyinyi – 06.07.2016 (PM))*

Debate on the Bill having been concluded on Wednesday, July 06, 2016 (Afternoon Sitting);

Question put and agreed to;

Bill read a Third Time and **passed**.

10. **THE COMPETITION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2016)**  
(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)

11. **THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2016)**  
(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)

12. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2016)**  
(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)

13. **THE PRIVATIZATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2016)**

(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)

14. **THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2016)**

(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)

15. **MOTION- RE-APPOINTMENT OF MEMBERS TO THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

Motion made and Question proposed –

**THAT**, pursuant to the provisions of Standing Orders 175, and further to the resolutions of the House of October 08, 2013 and April 28, 2016 on appointment of Members to respective Committees, this House further **approves** the re-appointment of the following Members to the Departmental Committee on Justice and Legal Affairs, who had been discharged by the nominating Party:-

- (i) The Hon. Olago Aluoch, M.P.
- (ii) The Hon. T. J. Kajwang, M.P.
- (iii) The Hon. Fatuma Ibrahim Ali, M.P.
- (iv) The Hon. Peter Kaluma, M.P.
- (v) The Hon. Ben Momanyi Orari, M.P.
- (vi) The Hon. David Ouma Ochieng, M.P.
- (vii) The Hon. Neto Agostinho, M.P.
- (viii) The Hon. (Bishop) Mutua Mutemi, M.P.
- (ix) The Hon. Christine Oduor Ombaka, M.P.
- (x) The Hon. Mwamkale William Kamoti, M.P.
- (xi) The Hon. Benjamin Andayi, M.P.

*(The Majority Party Whip – 06.07.2016)*

Debate interrupted on Wednesday, July 06, 2016 (Afternoon Sitting) resumed;

*(Change of Chair from the Deputy Speaker to the Second Chairperson)*

Mover replied;

Question put and agreed to.

16. **MOTION - RATIFICATION OF THE DEFENCE CO-OPERATION AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA & THE GOVERNMENT OF UNITED KINGDOM**

Motion made and Question proposed –

**THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Cooperation, laid on the Table of the House on Wednesday, 6th July, 2016, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Defence Co-operation.

*(Chairperson, Departmental Committee on Defence & Foreign Affairs)*

*(Change of Chair from the Deputy Speaker to the Second Chairperson of Committees)*

Debate arising;

Debate interrupted to allow the Motion on the adjournment of the House under Standing Order 33 to discuss a matter of definite National Importance.

17. **ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A MATTER OF DEFINITE NATIONAL IMPORTANCE REGARDING THE BURNING OF SCHOOL BUILDINGS BY STUDENTS**

Motion made –

THAT, the House do now adjourn

*(Hon. Chrisantus Wamalwa)*

Debate arising;

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.

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

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, July 20, 2016 at 9.30 a.m.

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