



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 21, 2015

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**

The Speaker conveyed the following Communication –

ANNUAL NATIONAL PRAYER BREAKFAST

“Honourable Members, the Kenya National Assembly Prayer Fellowship Group shall host the Annual National Prayer Breakfast on Thursday, 28th May, 2015, at Safari Park Hotel, Nairobi. It is expected that over 1,500 guests shall be in attendance.

This Prayer Breakfast shall be an interdenominational prayer meeting sponsored by Members of Parliament. All Members of Parliament shall soon be receiving invitations to this event and are requested to confirm attendance in order to facilitate seating arrangements.

Hon. Members are, therefore, requested to confirm attendance with the Office of the Clerk at least by 30th April, 2015. You are kindly requested to make contributions towards the cause. You may contact the Chairman, Prayer Breakfast Group, Hon. (Capt.) Clement Wambugu, for any further clarification.

I thank you”.

5. **PETITIONS**

The following Petitions were presented –

- (i) The Petition on the legal recognition of the Kenya Association of Private Hospitals (KAPH) by the National Hospital Insurance Fund (NHIF) presented by the Member for Igembe Central (The Hon. Cyprian Iringo) on behalf of KAPH; and
- (ii) The Petition on the management of Ewaso Nyiro River by the Water Resources Management Authority presented by the Member for Wajir South Constituency (The Hon. Abdullahi Diriye) on behalf of the residents of the Ewaso Nyiro North catchment area in Wajir County.

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(2)

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Constituencies Development Fund Board Report on Projects Approvals and Disbursements Status, March, 2015 including restrictions on constituency accounts;
- (ii) The Ministry of Information, Communication and Technology Half Year Report on Project Implementation under the 2014/2015 MTEF Budget;
- (iii) The Report of the Auditor-General on the Financial Statements of the Office of the Attorney-General and Department of Justice for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (iv) The Report of the Auditor-General on the Financial Statements of the Council of Governors' Secretariat for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (v) The Report of the Auditor-General on the Financial Statements of Public Procurement Oversight Authority for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (vi) The Report of the Auditor-General on the Financial Statements of the National Council for Science, Technology and Innovation for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (vii) The Report of the Auditor-General on the Financial Statements of the Kenya Sugar Board for the year ended 30th June 2014, and the certificate of the Auditor-General therein; and
- (viii) The Report of the Auditor-General on the Financial Statements of the Kenya School of Law for the year ended 30th June 2014, and the certificate of the Auditor-General therein.

(Leader of Majority Party)

- (ix) Reports of the Departmental Committee on Environment & Natural Resources on -
 - (a) the United Nations Framework on Climate Change (UNFCCC) Summit, 2014 held in Lima, Peru from 1st to 12th December, 2014;
 - (b) the Petition on the degazettement of Nyambene National Reserve; and
 - (c) the Petition by the residents of Bura Constituency on the degazettement of Legal Notices No. 39 and 40 of 2013 on the declaration of Bangali and Mbalambala as forest areas.

(The Hon. Kathuri Murungi, M.P. – Member of the Departmental Committee on Environment & Natural Resources)

- (x) The Report of the Departmental Committee on Justice and Legal Affairs on the Removal of two Commissioners of the Ethics and Anti-Corruption Commission.

(Vice-Chairperson, Departmental Committee on Justice & Legal Affairs)

7. **NOTICE OF MOTION – ADOPTION OF THE REPORT ON THE PETITION FOR REMOVAL OF TWO COMMISSIONERS OF THE EACC**
(The Vice-Chairperson, Justice & Legal Affairs)

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Petition for Removal of two Commissioners of the Ethics and Anti-Corruption Commission (EACC), laid on the Table of the House on Tuesday April 21, 2015, and in accordance with the provisions of Article 251(3) of the Constitution and Standing Order 230(5), finds that the Petition **does** disclose sufficient grounds for the **removal** of Mr. Mumo Matemu and Ms. Irene Keino as Commissioners of the Ethics and Anti-Corruption Commission

8. **MOTION - ADOPTION OF THE REPORT ON THE PRIVATIZATION OF THE PUBLIC SECTOR OWNED/CONTROLLED SUGAR COMPANIES**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the Privatization of the Public Sector Owned/Controlled Sugar Companies (*Nzoia Sugar Company, South Nyanza Sugar Company, Chemilil Sugar Company, Muhoroni Sugar Company and Miwani Sugar Company*), laid on the Table of the House on Tuesday, December 2, 2014, **subject to the insertion of the following new Recommendations after Recommendation (ii) on page 16 -**

(iii) that any ancestral land currently held by any of the sugar companies remains under the ownership of the local community; and

(iv) that further consultations on the privatization process should be held between the Government, the sugar farmers and other key stakeholders, including the County Governments, before embarking on the implementation of the proposed recommendations.

(Chairperson, Departmental Committee on Finance, Planning & Trade - 25.02.2015)

Debate having been concluded on Thursday, April 16, 2015;

Question of the motion as amended put and agreed to.

Resolved accordingly

9. **MOTION - ADOPTION OF THE REPORT OF THE FIFTH ORDINARY SESSION OF THE PAN-AFRICAN PARLIAMENT**

Motion made and Question proposed –

THAT, this House adopts the Report of the Fifth Ordinary Session of the Pan-African Parliament and the Annual Speakers' Conference (2014), together with the Revised Protocol to the Constitutive Act Relating to the Pan-African Parliament, laid on the Table of the House on Thursday, February 12, 2015.

(Second Chairperson of Committees – 16.04.2015)

Debate having been concluded on Thursday, April 16, 2015;

Mover replied;

Question put and agreed to.

10. **MOTION - THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.11 OF 2015)**

Motion made and Question proposed -

THAT, the Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 11 of 2015) be now considered

(Chairperson, Budget and Appropriations Committee)

Debate arising;

Rising in his place on a Point of Order, the Member for Kwanza (Hon. Ferdinand Wanyonyi) claimed to move that "the Mover be now called upon to reply";

And the Speaker acceding to the claim;

Question put and agreed to;

Thereupon Mover replied;

Question put and negatived;

Resolved accordingly;

THAT, the Senate amendments to the Division of Revenue Bill (National Assembly Bill 11 of 2015) should **NOT** be considered

11. **COMMITTEE OF THE WHOLE HOUSE**

The Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)
(The Leader of the Majority Party)

Bill deferred to another day.

12. **MOTION - THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE**

Motion made and Question proposed -

THAT, this House adopts the Special Report of the Public Investments Committee on the Recapitalization and Balance Sheet Restructuring of Telkom Kenya Limited, laid on the Table of the House on Tuesday, April 29, 2014

(Chairperson, Public Investments Committee – 24.03.2015)

Debate interrupted on Thursday, March 24, 2015 resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Saboti (Hon. David Wafula) drew the attention of the Second Chairperson of Committees to the fact that there was no Quorum in the House;

And the Chairperson having counted the Honourable Members present and confirmed that there was no Quorum, caused the Division Bell to be rung;

And there being no Quorum after expiry of ten minutes;

And the time being twenty minutes to Six o'clock, the Second Chairperson of Committees interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. HOUSE ROSE - at forty-six minutes past Five o'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, April 22, 2015 at 9.30 a.m.

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