



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, APRIL 21, 2016

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY NO. 45 OF 2015)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Community Land Bill (National Assembly Bill No.45 of 2015) be now read a Third Time

*(The Leader of the Majority Party)*

Debate on the Third Reading having been concluded on Wednesday, April 20, 2016 (Afternoon Sitting);

Question put and agreed to;

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

5. **MOTION - INITIATIVE TO PROMOTE CLEAN ENVIRONMENT**

Motion made and Question proposed –

**THAT**, aware that Article 42 of our Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) mandates the State to encourage public participation in the management, protection and conservation of the environment; deeply concerned that our homes, roads, public and private premises, work places, recreational areas and general environment are littered with plastics, solid and liquid wastes as well as lacking good general environmental aesthetics, this House resolves that the Government declares one **Thursday** of each month be dedicated by every Kenyan household, organized groups, public and private institutions and corporate organizations to cleaning and beautifying their immediate environment and public places and also

initiates a proactive programme in all our schools to inculcate the culture of keeping our environment clean and healthy.

*(Hon. (Dr.) Wilber Ottichilo)*

Debate on the Motion having been concluded on Wednesday, April 20, 2016 (Morning Sitting);

Question put and agreed to;

6. **MOTION - APPROVAL OF THE MEDIATED VERSION OF THE POLITICAL PARTIES (AMENDMENT) BILL, 2014**

Motion made and Question proposed –

**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 Consideration of the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014), laid on the Table of the House on Tuesday, 12<sup>th</sup> April 2016, and **approves** the Mediated Version of the Political Parties (Amendment) Bill (Senate Bill No. 3 of 2014).

*(Hon. Samuel Chepkong'a - Vice-Chairperson, Mediation Committee)*

Debate on the Motion having been concluded on Wednesday, April 20, 2016 (Afternoon Sitting);

Question put and agreed to;

7. **PROCEDURAL MOTION - EXTENSION OF THE PERIOD FOR CONSIDERATION OF A PETITION**

Motion made and Question proposed –

**THAT**, notwithstanding the provisions of Standing Order 227(2), this House resolves to extend the period for consideration of the Petition submitted by one Maj. (Rtd) Joel Kiprono Rop regarding a proposed Comprehensive Constitutional Amendment Bill, referred to the Constitutional Implementation Oversight Committee by a further period of twenty one (21) days from 14<sup>th</sup> April, 2016.

*(Vice-Chairperson, Constitutional Implementation Oversight Committee)*

Debate arising;

Question put and agreed to;

8. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The First Chairperson in the Chair

(i) **The County Governments (Amendment)(No.2) Bill (Senate Bill No. 2 of 2014)**

Clause 3 - agreed to

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments.

**(ii) The Political Parties (Amendment) Bill (National Assembly Bill No. 2 of 2016)**

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14 - agreed to

Clause 15 - amendment proposed –

**THAT**, clause 15 of the Bill be amended in paragraph (a) by inserting the following new sub-paragraph immediately paragraph (i)-

(j) has contravened the provisions of Article 81(b) of the Constitution;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to

Clause 16 - amendment proposed –

**THAT**, clause 16 of the Bill be amended by inserting the following new paragraph immediately before paragraph (a)-

(aa) by deleting sub-section (1) and substituting therefor the following new sub-section-

(1) The Fund shall be distributed as follows-

- (a) eighty percent of the Fund proportionately by reference to the total number of votes secured by each political party in the preceding general election;
- (b) fifteen percent of the Fund proportionately by reference to the proportion of women elected within each party in Parliament; and
- (c) five per cent for the administration expenses of the Fund

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

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 16 - agreed to

Clauses 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 & 28 - agreed to

**New Clause 16A proposed -**

**THAT**, the Bill be amended by inserting the following new clause 16A immediately after clause 16-

Insertion  
of new  
section  
26A in  
No. 11 of  
2011

**16A.** The principal Act is amended by inserting the following new section immediately after section 26-

The Special  
Elections  
Fund

26A.(1) There is established a Fund to be known as the Special Election Fund which shall be administered by the Registrar.

(2) The sources of the Fund shall consist of-

- (a) such moneys as may be provided by Parliament for that purpose;
- (b) contributions and donations to the Fund from any other lawful source;

(3) Moneys from the Fund shall be used to support women candidates in an election carried out under this Act.

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

Motion made and Question proposed -

THAT, the New Clause 16A be read a Second Time

Question put and negatived;

**New Clause 16B proposed -**

**THAT**, the Bill be amended by inserting the following new clause 16B immediately after clause 16-

Amendment of  
section 29 of No.  
11 of 2011

**16B.** Section 29 of the principal Act is amended in sub-section(1) by inserting the words "including details of the amount allocated and expended to promote representation of special interest groups in Parliament" immediately after the word "party" appearing in paragraph (b).

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

Proposed amendment withdrawn;

**New Clause 21A proposed -**

**THAT**, the Bill be amended by inserting the following new clause 21A immediately after clause 21-

Amendment of  
section 49 of No.  
11 of 2011

**21A.** Section 49 of the principal Act is amended in sub-section(2) by inserting the following new paragraphs immediately after paragraph (g)-

(h) prescribing procedures for nomination of candidates for a party at the National Delegates Conference for the National Assembly and the Senate that ensures representation of special interest groups;

(i) prescribing procedures for the consolidation of a party list that ensures that special interest groups are represented; and

(j) prescribing procedures for the distribution of the fifteen per cent allocation of the Fund to ensure adequate distribution to special interest groups elected in Parliament by each political party in the preceding general election.

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

Proposed amendment withdrawn;

Clause 2 - amendment proposed –

**THAT**, clause 2 of the Bill be amended by inserting the following new definition in proper alphabetical sequence-

"party primary" means the process through which a political party elects or selects its candidates for a forthcoming general election or for a forthcoming by-election;

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments;

9. **HOUSE RESUMED** - the Deputy Speaker in the Chair

**(i) The County Governments (Amendment) (No.2) Bill (Senate Bill No.2 of 2014)**

Bill reported without amendments;

Motion made and Question proposed-

THAT, the House does agree with the Committee in the said report

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

Question put and agreed to;

Motion made and Question proposed-

THAT, the County Governments (Amendment) (No.2) Bill (National Assembly Bill No.2 of 2014) be now read a Third Time

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

Question put and agreed to;

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

**(i) The Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the House does agree with the Committee in the said report

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

Question put and agreed to;

Motion made and Question proposed-

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

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

Question put and agreed to;

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

10. **THE CONSTITUTION OF KENYA (AMENDMENT) (No.4) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Constitution of Kenya (Amendment) (No. 4) Bill (National Assembly Bill No. 38 of 2015) be now read a Second Time

*(The Leader of the Majority Party – 22.03.2016)*

Debate interrupted on Thursday, March 24, 2016 resumed;

Rising in his place under Standing Order 95(1), the Member for Runyenjes (Hon. Cecily Mbarire) claimed to move that “the Mover be now called upon to reply”;

And the Deputy Speaker acceding to the claim;

Question that “the Mover be now called upon to reply” put and agreed to;

Thereupon, Mover replied;

Mover replied;

Question deferred to another day.

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

11. HOUSE ROSE - at five minutes past One O'clock

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

The Speaker will take the Chair today,  
Thursday, April 21, 2016 at 2.30 p.m.

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