



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, APRIL 21, 2016

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

The Speaker conveyed the following Messages –

(i) **The Passage by the Senate of the Anti-Doping Bill, 2016 and the Statute Law Miscellaneous (Amendments)(No. 2) Bill, 2013**

"Honourable Members, Standing Order 41 relating to Messages requires the Speaker to expeditiously report to the House any Messages received from the Senate. In this regard, Honourable Members, I wish to report that on Thursday, 21st April, 2016, in accordance with the provisions of Article 110 (4) of the Constitution, I received two Messages from the Senate.

Honourable Members, the Messages convey that the Senate has, today morning, passed the Anti-Doping Bill (National Assembly Bill No.6 of 2016) in the form passed by the National Assembly on Tuesday 19th April, 2016. Similarly, the Senate also by way of a resolution, **approved** the mediated version of the Statute Law Miscellaneous (Amendments) (No. 2) Bill (National Assembly Bill No.33 of 2013) in the form approved by the National Assembly on 29th March, 2016.

Honourable Members, in this regard, I will now proceed to present the two Bills to H.E the President for assent in accordance with the provisions of Articles 109 and 113(3) of the Constitution.

I thank you!"

(ii) **The approval by the Senate of the Second Basis for Equitable Sharing of National Revenue allocated to Counties**

"Honourable Members, Standing Order 41 requires the Speaker to expeditiously report to the House any Messages received from the Senate. In this regard, Honourable Members, I wish to report that this afternoon, Thursday, 21st April, 2016, I received a Message from

the Senate regarding the approval of the Second Basis for Equitable Sharing of National Revenue allocated to Counties.

Honourable Members, as contemplated under Article 217 of the Constitution, the National Assembly may consider the Senate's resolution and vote to approve it with or without amendments, or reject it in *toto*. Hon. Members, this being a Special Motion, the House has fourteen (14) days within which to make a decision in one way or the other. However, since the Formula has implications on the Division of Revenue Bill and the County Allocation of Revenue Bill, it requires to be concluded expeditiously and before the passage of these two Bills. I have therefore allowed the Leader of the Majority to give Notice of Motion on this matter today.

Honorable Members, in this regard the Message and accompanying documents stand committed to the Liaison Committee. The Committee is expected to consider and submit a report to the House by **Wednesday 27th April, 2016** so that the motion may be considered on **Thursday next week, the 28th day of April 2016**.

I thank you!"

5. **PETITION**

The following Petitions were presented –

- (i) Petition regarding student unrest in public universities in the Country presented by the Member for Kitutu Chache South (Hon. Richard Onyonka, M.P.) on behalf of the residents of Kitutu Chache South Constituency; and
- (ii) Petition regarding the erection of speed bumps on Kakamega-Mumias Road presented by the Lurambi (Hon. Raphael M. Otaalo, M.P.) on behalf of the residents of Lurambi Constituency.

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

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (a) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates therein:-
 - (i) Women Enterprise Fund;
 - (ii) Policy Holders Compensation Fund; and
 - (iii) Competition Authority of Kenya.
- (b) The Report of the Auditor General on the Financial Statements of the Kenya Post Office Savings Bank for the year ended 31st December 2014 and the certificate therein.
- (c) The Annual Reports on the Financial Statements in respect of the following institutions for the year ended 30th June, 2014:-
 - (i) Communications Authority of Kenya;
 - (ii) Kenya Broadcasting Corporation;

- (iii) Postal Corporation of Kenya;
- (iv) Kenya Yearbook Editorial Board; and
- (v) National Communications Secretariat.

(The Leader of the Majority Party)

(d) The Reports of the Departmental Committee on Lands on:

- (i) The Land Dispute between Kilifi Aircharters and Kiwandani residents; and
- (ii) Ngati Farmers' Cooperative Society land dispute.

(The Chairperson, Departmental Committee on Lands)

7. **NOTICE OF SPECIAL MOTION**

The following Notice of Special Motion was given -

- i) **Notice of Special Motion - Approval of Second Basis for Equitable Sharing of National Revenue Allocated to Counties**
(The Leader of Majority Party)

THAT, pursuant to the provisions of Article 217 of the Constitution, as read together with Section 16 of the Sixth Schedule to the Constitution, this House **concurs** with the Senate and approves the following Second Basis for Equitable Sharing of National Revenue allocated to Counties:

No.	Parameter	Current Formula (First Basis)	Proposed Formula (Second Basis)
1	Population	45%	45%
2	Basic Equal Share	25%	26%
3	Poverty	20%	18%
4	Land Area	8%	8%
5	Fiscal Responsibility	2%	2%
6	Development Factor	-	1%
	TOTAL	100%	100%

- ii) **Notice of Motion - Report on the Land Dispute between Kilifi Aircharters and Kiwandani Residents**
(The Chairperson, Departmental Committee on Lands)

THAT, this House adopts the Report of the Departmental Committee on Lands on the Land Dispute between Kilifi Aircharters and Kiwandani Residents, laid on the Table of the House on Thursday, 21st April, 2016.

iii) **Notice of Motion – Report on Ngati Farmers’ Cooperative Society Land Dispute**
(The Chairperson, Departmental Committee on Lands)

THAT, this House adopts the Report of the Departmental Committee on Lands on Ngati Farmers’ Cooperative Society Land Dispute, laid on the Table of the House on Thursday, 21st April, 2016.

8. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, April 26, 2016.

9. **PERSONAL STATEMENT PURSUANT TO STANDING ORDER 84**

Pursuant to the provisions of Standing Order 84, the Member for Othaya (Hon. Mary Wambui) issued a personal statement regarding an adverse mention of herself in the course of debate in the morning Sitting of Thursday, April 21, 2016 by another Member. The Member informed the House that the Member for Kiminini (Hon. Chrisantus Wamalwa) had, during debate on a Bill, mentioned that female politicians, including herself, are wealthy and therefore do not need financial support from political parties. This, she noted, was inaccurate.

10. **MANDATE OF COMMITTEES IN RELATION TO AUDIT REPORTS OF POLITICAL PARTIES**

Rising on his place on a Point of Order, the Member for Garissa Township (Hon. Aden Duale) sought the direction of the Speaker on, *inter alia*, the management and consideration of reports of the Auditor-General on the audited accounts of political parties. The Speaker is to issue a Communication.

11. **DEFERMENT OF BUSINESS PURSUANT TO STANDING ORDER 40(2)**

Pursuant to the provisions of Standing Order 40(2), the Speaker deferred the consideration of the Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015) in the Committee of the Whole House.

12. **COMMITTEE OF THE WHOLE HOUSE**

The Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015)
(The Leader of the Majority Party)

Order deferred to another day

13. **THE JUDICIARY FUND BILL (NATIONAL ASSEMBLY BILL NO.03 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Judiciary Fund Bill (National Assembly Bill No. 3 of 2016) be now read a Second Time

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate arising;

(Change of Chair from the Hon. Speaker to the Second Chairperson)

Mover replied;

Question of the Second Reading deferred to another day.

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.

14. 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
Tuesday, April 26, 2016 at 2.30 p.m.

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