



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 23, 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. **MESSAGES** –

The Deputy Speaker conveyed the following Message –

**APPROVAL OF THE MEDIATED VERSIONS OF THE COMMUNITY LAND BILL, 2015;
THE LAND LAWS (AMENDMENT) BILL, 2015; AND THE WATER BILL, 2014**

“Honourable Members, Standing Order 41(4) requires the Speaker to report to the House any Message(s) received from the Senate at the first convenient opportunity. In this regard, I wish to report to the House that, on Monday, August 22, 2016, I received Messages from the Senate on the following three Bills:

1. Approval of the Mediated Version of the Community Land Bill (National Assembly Bill No. 45 of 2015);
2. Approval of the Mediated Version of the Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015); and
3. Approval of the Mediated Version of the Water Bill (National Assembly Bill No. 7 of 2014).

Honourable Members, you may recall that the National Assembly had approved the Mediated Versions of the Community Land Bill (National Assembly Bill No. 45 of 2015) and the Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015) on Thursday, August 4, 2016 and that of the Water Bill (National Assembly Bill No. 7 of 2014) on Wednesday, August 10, 2016. Accordingly, I will now proceed to present the said Bills to H.E. the President for assent in accordance with the provisions of Articles 110(5) and 113(3) of the Constitution.

I thank you.”

5. **PETITIONS**

The following Petitions were presented –

- (i) The Member for Embakasi South (Hon. Ishard Sumra) on behalf of the family of one Mohamed Bakari on the alleged negligence by the Mombasa Hospital;
- (ii) The Member for Chuka/Igambang'ombe (Hon. Muthomi Njuki) on behalf of members of Meru South Sacco on Waiver of debt owed by the Sacco; and,
- (iii) The Member for Ndhiwa (Hon. Agostino Neto) on behalf of Next of kin and friends of the Late Berretta Reri on alleged detention of the body of the deceased by the Management of Nairobi Women's Hospital.

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(1)

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) 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:-
 - a. Lake Victoria North Water Services Board;
 - b. Chemilil Sugar Company Limited;
 - c. Nzoia Sugar Company Limited;
 - d. Kenya Revenue Authority; and
 - e. Kenyatta International Convention Centre

(The Leader of the Majority Party)

- (ii) The Reports of Mediation Committees on:-
 - a) The Forest Conservation and Management Bill, 2015; and
 - b) The Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015.

(Hon. Joyce Emanikor, Member - Mediation Committee)

7. **NOTICES OF MOTION**

The following Notices were given –

- (i) **Provision of NHIF cover to all persons aged 65 years and above**
(Hon. (Dr.) Njogu Barua, M.P.)

THAT, aware that persons aged 65 years and above who are estimated at 1.39 million, according to the 2015 Kenya National Bureau of Statistics Report, are more susceptible to disease and disability as they age; **further aware** that only a small fraction of the said population benefits from the monthly welfare program for the aged leaving a vast majority of them disadvantaged as they are not financially capable; **cognizant** of the fact that a 2012/2013 National Health Report from the Ministry of Health states that an

estimated 32% of the domestic income in Kenya is spent on medical expenses; **deeply concerned** that the same National Health Report highlights that 2.6 million Kenyans fall into poverty every year due to the burden of medical expenses, this House **urges** the Government to provide National Hospital Insurance Fund (NHIF) cover to all Kenyans aged 65 years and above to reduce the heavy burden on families, increase the productivity of Kenyans, ensure healthy lives and promote well-being for Kenyans of all ages in line with the Sustainable Development Goals of the United Nations.

(ii) **Approval of the Mediated Version of the Forest Conservation and Management Bill, 2015**

(Hon. Joyce Emanikor, M.P.- Member, Mediation Committee)

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 its consideration of the Forest Conservation & Management Bill, 2015, laid on the Table of the House today, Tuesday, 23rd August 2016, and **approves** the Mediated Version of the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015).

(iii) **Approval of the Mediated Version of the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015**

(Hon. Joyce Emanikor, M.P.- Member, Mediation Committee)

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 its consideration of the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, laid on the Table of the House today, Tuesday, 23rd August 2016, and **approves** the Mediated Version of the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015).

8. **NOTICE OF MOTION - ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A MATTER OF DEFINITE NATIONAL IMPORTANCE**

Rising in his place on a Point of Order, the Member for Rarieda (Hon (Eng.) Nicholas Gumbo) 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 urgent national importance regarding Kenya's performance at the Rio Janeiro Olympics, 2016.

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. **STATEMENTS**

The following Statements were made –

- (i) Statement by the Chairperson of the Public Accounts Committee (Hon. Nicolas Gumbo) inviting Members to the 2nd Annual Conference and AGM of the African Organization of Public Accounts Committees (AFROPAC) - August 29th to

September 2nd, 2016 at the Safari Park Hotel, Nairobi;

- (ii) Statement by the Member for Kisumu Town East (Hon. Shakeel Shabbir) regarding delayed disbursements of funds by National Government Constituencies Development Fund; and
- (iii) Statement by the Leader of Majority Party (Hon. Aden Duale) regarding examination of audited accounts of political parties.

10. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL, 2015**

Motion made and Question proposed -

THAT, the House do agree with the Report of the Committee of the whole House on its consideration of the Senate Amendments to Protection of the Traditional Knowledge and Cultural Expressions Bill (National Assembly Bill No. 48 of 2015).

(The Leader of the Majority Party – 18.08.2016)

Debate on the Senate Amendments having been concluded on Thursday, August 18, 2016 (Afternoon Sitting);

Question put and agreed to;

Senate Amendments **approved**.

11. **THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Finance Bill (National Assembly Bill No. 20 of 2016) be now read a Second Time

(Chairperson, Departmental Committee on Finance, Planning and Trade – 18.08.2016)

Debate on the Second Reading having been concluded on Thursday, August 18, 2016 (Afternoon Sitting);

Question put and **agreed to**;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

12. **THE KENYA ROADS BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2015)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Kenya Roads Bill (National Assembly Bill No.26 of 2015) be now read a Third Time

(The Leader of the Majority Party)

Debate on the Third Reading having been concluded on Thursday, August 18, 2016 (Afternoon Sitting);

Question put and agreed to;

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

13. **SPECIAL MOTION – APPROVAL OF THE DEPLOYMENT OF KENYA DEFENCE FORCES (KDF) TO SOUTH SUDAN**

THAT, pursuant to Article 240(8)(a) of the Constitution and section 18 of the Kenya Defence Forces Act, 2012, this House approves the deployment of the Kenya Defence Forces (KDF) for the purpose of regional peace support operations following an urgent troops surge requirement under the United Nations Mission in South Sudan (UNMISS).

(The Leader of the Majority Party)

Order deferred to another day.

14. **MOTION – ADOPTION OF THE REPORT ON THE INQUIRY INTO ALLEGATIONS OF FRAUD AND FINANCIAL MISMANAGEMENT AT THE YOUTH ENTERPRISE DEVELOPMENT FUND**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Public Investments Committee on the Inquiry into allegations of Fraud and Financial Mismanagement at the Youth Enterprise Development Fund, laid on the Table of the House on Wednesday, May 04, 2016.

(Chairperson, Public Investments Committee – 17.8.2016)

Debate interrupted on Thursday, August 18, 2016 (Afternoon Sitting) resumed;

(Change of Chair from the Deputy Speaker to the Third Chairperson)

Mover replied;

Question of the Motion deferred to another day.

15. **THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Universities (Amendment) Bill (National Assembly Bill No.67 of 2015) be now read a Second Time

(The Leader of the Majority Party)

Debate interrupted to allow the Motion on the adjournment of the House under Standing Order 33 to discuss a matter of definite National Importance pertaining to Kenya's performance at the Rio Janeiro Olympics, 2016.

16. ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A
MATTER OF DEFINITE NATIONAL IMPORTANCE REGARDING KENYA'S
PERFORMANCE AT THE RIO JANEIRO OLYMPICS, 2016

Motion made –

THAT, the House do now adjourn

(Hon. (Eng.) Nicolas Gumbo)

Debate arising;

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

17. 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
Wednesday, August 24, 2016 at 9.30 a.m.

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