



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, FEBRUARY 24, 2016**

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

The Member for Baringo South (Hon. Grace Kipchoim) presented a Petition on degazettement of Muchongoi Settlement Scheme on behalf of the people of Mochongoi in Baringo South Constituency;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(2).

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Report of the Auditor-General on the Financial Statements of the Kenya National Congress Party for the year ended 30<sup>th</sup> June, 2010;
- (ii) The Report of the Auditor-General on the Financial Statements of the United Democratic Movement Party for the year ended 30<sup>th</sup> June, 2011;
- (iii) The Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2012 and the certificates therein:-
  - a) The Social Democratic Party;
  - b) United Democratic Movement Party;
  - c) The Party of Independent Candidates of Kenya;
  - d) The Kenya National Congress Party; and
  - e) The National Labour Party.
- (iv) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2013 and the certificates therein:-

- (i) The Party of National Unity;
  - (ii) The Saba Saba Asili Party; and
  - (iii) The Social Democratic Party
- (v) The 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) Kenya School of Law;
  - b) The Cash Transfer for Orphans & Vulnerable Children Programme – IDA Grant No. TF097272;
  - c) The Cash Transfer for Orphans & Vulnerable Children Programme – IDA Credit No. 4553-KE;
  - d) Small Towns and Rural Water Supply & Sanitation Project ADB Loan;
  - e) Kenya Universities and Colleges Central Placement Service;
  - f) National Humanitarian Fund;
  - g) Anti-Counterfeit Agency;
  - h) SACCO Societies Regulatory Authority; and
  - i) Kenya Film Classification Board.
  - j)

*(The Leader of Majority Party)*

## 6. NOTICES OF MOTION

The following Notices of Motions were issued:

### (i) NOTICE OF MOTION – DECLARATION OF KAMUKUNJI GROUNDS AS A NATIONAL MONUMENT

(Hon. Yusuf Hassan Abdi, M.P.)

**THAT**, aware that the Kamukunji grounds is undoubtedly one of the most important public spaces in Kenya's political history; further aware that it was here that our national leaders held groundbreaking political rallies that mobilized the masses in the struggle for freedom and independence from colonial rule; cognizant of the fact that for the last 40 years, the Kamukunji grounds have continued to play a significant role in the Kenyan peoples' struggle for human rights and democracy, specifically the Saba Saba Rally that brought an end to the one-party rule ushering in a new era of multi-party democracy; concerned that the historic ground has been forgotten and neglected yet the great men and women of this great nation suffered so that we could be free; this House resolves that the Government declares the Kamukunji grounds a protected national monument and a historic place of great importance and transforms it into a safe and livable public space for present and future generations.

### (ii) NOTICE OF MOTION – ESTABLISHMENT OF A SELECT COMMITTEE TO INQUIRE INTO THE CIRCUMSTANCES & FORCES BEHIND VULNERABILITY OF YOUNG PERSONS TO RADICALIZATION

(Hon. Kanini Kega, M.P.)

**THAT**, aware that national security, peace and stability is integral for national development; worried that the stability of Kenya continues to be susceptible to sporadic terror attacks by militant groups; further concerned that the escalating incidences of terrorism and violence could be attributed to radicalization of young people; alarmed that the number of young persons from across the country being lured or coerced into joining

radical terrorist organizations continues to increase; concerned that despite the history of extremism and radicalization in the country, little empirical inquiry has been conducted to determine the forces behind youth vulnerability to religious and other forms of radicalization; cognizant of the fact that spontaneous and reactionary Government responses in combating extremism and radicalization has borne little fruit; appreciating the role that comprehensive understanding of factors behind radicalization and extremism can play in overcoming this vice; this House **resolves** to establish a select Committee to inquire into and report within ninety (90) days on the circumstances and forces behind vulnerability of young persons to radicalization, and approves the following Members to constitute the Committee:-

1. The Hon. Kanini Kega, MP;
2. The Hon. Yusuf Hassan, MP;
3. The Hon. Mishi Juma, MP;
4. The Hon. Francis Chachu Ganya, MP;
5. The Hon. Kimani Ngunjiri, MP;
6. The Hon. David Ochieng, MP;
7. The Hon. Florence Kajuju, MP;
8. The Hon. Elias Bare Shill, MP;
9. The Hon. Eng. Mohammed Mahamud, MP;
10. The Hon. Richard Nyogaka Tongi, MP;
11. The Hon. Christopher Nakuleu Doye, MP;
12. The Hon. David Pkosing, MP;
13. The Hon. David Kangogo, MP;
14. The Hon. Sara Korere, MP;
15. The Hon. Chrisantus Wamalwa, MP;
16. The Hon. Jessica Mbalu, MP; and
17. The Hon. John Serut, MP.

**(iii) NOTICE OF MOTION- IMPROVING MANAGEMENT OF CANCER IN THE COUNTRY**  
(Hon. Gladys Wanga, M.P.)

**THAT**, aware that cancer is a leading cause of death globally with more than 70% of all cancer deaths occurring in developing countries; further aware that in Kenya, the disease ranks third among the main causes of death after infections and cardiovascular diseases and accounts for up to 18,000 deaths annually, with over 82,000 new cases reported annually; noting that over one-third of cancer patients experience clinical anxiety and depression, profoundly affecting the families psychologically and economically; cognizant of the fact that some of the patients travel up to 600 kilometers to Kenyatta National Hospital (KNH), the only public hospital that hosts most of the oncologists in Kenya; further cognizant of the fact that the remaining small number of oncologists are mainly based in Nairobi; deeply concerned that only a few patients get admission or outpatient treatment due to monetary constraints; this House resolves that the Government mitigates the situation by offering scholarships to at least one (1) Medical Masters student per County to study oncology, and signing contractual agreements with them to serve in designated cancer treatment and management centres; building partnerships with existing medical institutions in local public universities for provision of training opportunities; and emphasizing on the use of telemedicine and E-Medicine to eliminate distance barriers and improve access to medical services.

(iv) **NOTICE OF MOTION– REPORT ON RESOLUTIONS FOR THE PERIOD APRIL TO NOVEMBER, 2015**

(Hon. Soipan Tuya, M.P.)

**THAT**, this House adopts the Report of the Select Committee on Implementation Status of House Resolutions for the Period April to November, 2015, laid on the Table of the House on December 02, 2015

7. **STATEMENTS ON STATUS OF BUSINESS BEFORE COMMITTEES**

In accordance with the Speaker's Communication of October 14, 2015, the following Chairpersons apprised the House on the status of the Business pending before their respective Committees –

- (i) Committee on Implementation;
- (ii) Joint Committee on National Cohesion and equal Opportunity; and
- (iii) Joint Committee on Parliamentary Broadcasting and Library

8. **MOTION - REPORT ON PROGRESS ACHIEVED IN REALIZATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE**

Motion made and Question proposed -

THAT, pursuant to Article 132(1)(c)(i) of the Constitution, this House notes the Report on the measures taken and progress achieved in the realization of national values and principles of governance submitted by His Excellency the President on Thursday, March 26, 2015, and laid on the Table of the House on Tuesday, March 31, 2015.

*(Majority Party Whip – 23.02.2016)*

Debate on the Motion having been concluded on Tuesday, February 23, 2016;

Question put and agreed to.

9. **MOTION - THE ANNUAL REPORT TO PARLIAMENT ON THE STATE OF NATIONAL SECURITY**

Motion made and Question proposed -

THAT, pursuant to Article 240(7) of the Constitution and Section 16 of the National Security Council Act, this House notes the Annual Report to Parliament on the State of National Security submitted by His Excellency the President on Thursday, March 26, 2015, and laid on the Table of the House on Tuesday, March 31, 2015.

*(Majority Party Whip – 23.02.2016)*

Debate on the Motion having been concluded on Tuesday, February 23, 2016;

Question put and agreed to.

10. **MOTION - REPORT ON FULFILLMENT OF INTERNATIONAL OBLIGATIONS**

Motion made and Question proposed -

THAT, pursuant to Article 132(1)(c)(iii) of the Constitution, this House notes the Report on Progress made in fulfilment of International Obligations of the Republic submitted by his Excellency the President on Thursday, March, 26, 2015, and laid on the Table of the House on Tuesday March 31, 2015.

*(Majority Party Whip – 23.02.2016)*

Debate on the Motion having been concluded on Tuesday, February 23, 2016;

Question put and agreed to.

11. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The First Chairperson of the Committees

**Amendments recommended by H. E. the President**

(i) **National Employment Authority Bill (National Assembly Bill No. 8 of 2015)**

New Clause 45 proposed -

**THAT**, the Bill be amended by adding new clause 45 immediately after clause 44 as follows:-

Transitional  
and saving  
provisions

45. (1) Upon the commencement of this Act, the functions that were immediately before the commencement of this Act being undertaken by the National Employment Bureau within the Ministry responsible for labour shall be transferred to the Authority.

(2) All property, assets, rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on or enforced against the Government in respect of the National Employment Bureau shall, on the commencement of this Act, be transferred to, vested in, imposed on or be enforceable against the Authority.

(3) The lawful directions, orders, rules, authorizations and other things published, made, given or done by the National employment Bureau relating to its functions subsisting at the commencement of this Act shall be deemed to have been published, given, made or done by the Authority.

(4) Any legal act or thing done or purported to be done or any act or thing omitted to be done on behalf of, or in the name of the National Employment Bureau that relates to its functions before the commencement of this Act, by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be an act or thing made or done or omitted to be done by the Authority.

(5) The Cabinet Secretary for Finance, may, in consultation with the Cabinet Secretary, by Order in the Gazette direct that any assets and liabilities which immediately before the Commencement of this act, were vested in the government for the use of the National Employment Bureau shall on such commencement vest in the Authority.

(6) Every person who immediately before the commencement of this Act, was an employee of the National Employment bureau shall, upon the commencement of this Act, be employed or appointed as a member of Staff of the Authority for the unexpired period, if any, of the term.

(7) The employees of the Government who were, immediately before the commencement of this Act, serving in the National Employment Bureau at the Ministry responsible for Labour shall, upon the commencement of this Act be given a option to serve in the Authority and if not appointed by the Authority be redeployed in the Public Service.

*(The Leader of the Majority Party)*

Motion made and Question proposed;

THAT, the New Clause 45 be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed;

THAT, the New Clause 45 be part of the Bill

Question put and agreed to;

Amendments to be reported.

(ii) **The Small Claims Court Bill (National Assembly Bill No. 51 of 2015)**

New Clause 37 proposed -

**THAT**, Clause 37 of the Bill be amended by inserting the following subclause immediately after subclause (1)-

"(2) Where an application is made to the court for the issue of any process to enforce an order requiring a party to pay money to another as an alternative to compliance with a work order, that Court shall give notice of application to the party against whom enforcement is sought."

Motion made and Question proposed;

THAT, the New Clause 37 be read a Second Time

Debate arising;

Question put and agreed to;

Motion made and Question proposed;

THAT, the New Clause 37 be part of the Bill

Question put and agreed to;

Amendments to be reported.

12. **HOUSE RESUMED** - the Second Chairperson of Committees in the Chair

(i) **National Employment Authority Bill (National Assembly Bill No. 8 of 2015)**

Amendments reported.

Motion made and Question proposed –

THAT, amendments recommended by H. E. the President be approved

*(The Leader of the Majority Party)*

Question put and agreed to;

(ii) **The Small Claims Court Bill (National Assembly Bill No.51 of 2015)**

Amendments reported;

Motion made and Question proposed –

THAT, amendments recommended by H. E. the President be approved

*(The Leader of the Majority Party)*

Question put and agreed to;

13. **THE CONTROLLER OF BUDGET BILL (NATIONAL ASSEMBLY BILL NO.21 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Controller of Budget Bill (National Assembly Bill No.21 of 2015) be now read a Second Time

*(The Leader of the Majority Party– 17.02.2016)*

Debate interrupted on Wednesday, February 17, 2016 (Afternoon Sitting) resumed;

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

Debate ongoing;

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

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.

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  
Thursday, February 25, 2016 at 2.30 p.m.