



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 24, 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. **PETITIONS**

(a) The Deputy Speaker conveyed the following Petition on Review of the Constitution–

“Honourable Members,

Pursuant to Standing Order 225 (2) (b), I wish to convey to the House that my office is in receipt of a Petition signed by one Mr. Rage Ismael Hussein a resident of Eldoret Town Constituency, Uasin Gishu County. In accordance with Article 256 (1) of the Constitution, the Petitioner is praying for the introduction in the National Assembly, of a Bill to amend the Constitution.

The Petitioner is proposing alteration of several Articles of the Constitution and legislation amongst them Article 27 (8), 97, 99, 131 and 260 with regard to definition of a youth, gender representation in elective positions, constitution of the National Assembly, the minimum qualifications for elective positions, public holidays and the currency. He is also seeks amendments to various pieces of legislation.

Honourable Members,

The Petitioner recommends the following amendments to the Constitution and the relevant legislations –

- (i) Article 9 of the Constitution to declare 10th October as a National Day which will be referred to as Katiba Day;
- (ii) Article 27(8) of the Constitution on Gender, to provide that the two-thirds rule only applies to appointive positions and not elective/competitive positions;

- (iii) Article 97 of the Constitution on the membership of the National Assembly to reduce the number of constituencies and abolish the positions for Women Representatives;
- (iv) Article 99 and the Political Parties Bill be amended to provide for no restriction on age limit to the elective positions; the minimum qualifications to be at least Kenya Certificate of Primary Education (KCPE);
- (v) Article 131 to provide that the President be above the law of the country and enact legislative to allow Presidency and/or Deputy Presidency to vie for other elective seat as Member of Parliament and once elected as president or vice president, the state officer relinquish the seat;
- (vi) Article 260 of the Constitution be amended under the item on Youth to define the maximum age limit for youth as 45 years; and,
- (vii) Notes and Coins issued by Central Bank of Kenya (CBK) to bear the portrait of the First President of Kenya, H.E. the Late Mzee Jomo Kenyatta.

Honourable Members,

You may wish to note that some of the prayers, among them the reduction of the number of constituency and images on the Kenyan currency, were sought by other petitioners. This Petition therefore stands committed to the Constitution Implementation Oversight Committee for consideration. The Committee is requested to consider the Petition and report its findings to the Petitioner and the House in accordance with Standing Order 227 (2). The Committee should also undertake to hear the Petitioner.

Thank you”.

(b) The following other Petitions were presented:

- (i) Petition by the Member for Nakuru Town East (Hon. David Gikaria M.P.) on behalf of residents of Nakuru Town East regarding revocation of Title Deed for Land Parcel LR No. Nakuru Municipality Block 23/108; and
- (ii) Petition by the Member for Murang’a County (The Hon. Sabina Chege M.P.) on behalf of shareholders of Nanga Kihoto Naivasha Limited, regarding alleged attempted Irregular Transfer of Land belonging to the company.

5. **PAPERS**

The following Papers were laid on the Table of the House:

- a) The Annual Reports and Financial Statements in respect of the following Institutions for the year ended 30th June, 2015:
 - (i) The South Eastern University; and
 - (ii) The Kenya Investment Authority.

(The Leader of the Majority Party)

b) The Reports of Mediation Committees on:-

- (i) The Energy Bill (National Assembly Bill No. 50 of 2015); and
- (ii) The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015).

(Hon. Muthomi Njuki, MP - Member, Mediation Committee)

6. **NOTICES OF MOTION**

The following Notices were given –

(i) **Approval of the Mediated Version of the Petroleum (Exploration, Development and Production) Bill, 2015**

(The Hon. Muthomi Njuki, MP - 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 Petroleum (Exploration, Development and Production) Bill, 2015, laid on the Table of the House today, Wednesday, 24th August 2016, and **approves** the Mediated Version of the Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015).

(ii) **Approval of the Mediated Version of the Energy Bill, 2015**

(The Hon. Muthomi Njuki, MP - 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 Energy Bill, 2015, laid on the Table of the House today, Wednesday, 24th August 2016, and **approves** the Mediated Version of the Energy Bill (National Assembly Bill No. 50 of 2015).

7. **STATEMENT - STATUS OF BUSINESS BEFORE COMMITTEES**

In accordance with the Speaker's Communication of October 14, 2015, the Chairpersons of the Departmental Committee on Justice and Legal Affairs, and Vice-Chairperson of the Departmental Committee on Finance, Planning and Trade apprised the House on the status of the Business pending before their respective Committees.

8. **MOTION - APPROVAL OF THE MEDIATED VERSION OF THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015**

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

(Hon. (Dr. Wilbur Ottichilo - Member, Mediation Committee – 24.08.2016)

Debate on the Motion having been concluded on Wednesday, August 24, 2016 (Morning Sitting);

Question put and agreed to.

9. **MOTION – APPROVAL OF THE MEDIATED VERSION OF THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION BILL, 2015**

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 its consideration of the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, laid on the Table of the House on 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).

(Hon. (Dr. Wilbur Ottichilo - Member, Mediation Committee – 24.08.2016)

Debate on the Motion having been concluded on Wednesday, August 24, 2016 (Morning Sitting);

Question put and agreed to.

10. **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 – 23.08.2016)

Debate on the Bill having been concluded on Wednesday, August 24, 2016 (Morning Sitting);

Mover replied;

Question put and agreed to.

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

11. **SPECIAL MOTION – ADOPTION OF REPORT OF THE JOINT PARLIAMENTARY SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)**

Motion made and Question proposed –

THAT, pursuant to the resolution of the House of July 6, 2016 regarding the establishment of a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission (IEBC), and paragraphs 7 and 8 of the Houses of Parliament (Joint Sitzings) Rules, this House:

- (i) **adopts** the Report of the Committee laid on the Table of the House on Thursday, August 18, 2016;
- (ii) **commits** to the recommendations of the Committee regarding:
 - a) allegations against Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission, specifically on credibility, impartiality, integrity and independence;
 - b) legal mechanisms for the vacation from office of the current Commissioners and the Secretariat of the Independent Electoral and Boundaries Commission in accordance with the Constitution;
 - c) legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and
 - d) legal, policy and institutional reforms to improve the electoral system and processes so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner; and
- (iii) **resolves** to establish a mechanism by which it shall oversight the implementation of the recommendations in the Report and the electoral processes until the 2017 General Elections.

*(Deputy Leader of the Majority Party and Member of the Joint
Parliamentary Select Committee)*

Procedural Motion – Limitation of Debate on the Report of the Joint Parliamentary Select Committee on Matters Relating to the IEBC

Rising on a point of order, the Member for Nakuru Town East (Hon. David Gikaria) claimed to move that, notwithstanding provisions of Standing Order 97(4) and the House resolution of February 10, 2016 regarding debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House, this House resolves that each speech in a debate on the Report of the Joint Parliamentary Select Committee on Matters Relating to the Independent Electoral and Boundaries Commission (IEBC) be limited to a maximum of five (5) minutes for any Member speaking;

And the Deputy Speaker acceding to the claim;

Question put and agreed to.

Debate on the Report arising;

Pursuant to Standing Order 96(1), the Member for Ainamoi, Hon. Benjamin Lang'at claimed to move that "the debate be now adjourned";

And the Deputy Speaker acceding to the claim;

Question put and negatived;

Standing in their places, more than thirty (30) Members claimed a Division;

And being satisfied that the claim meets the provisions of Standing Order 72, the Deputy Speaker directed that the Division Bell be rung for the purpose of carrying out a Division;

Thereupon, the House proceeded to an electronic vote;

Question put and upon a vote, negatived.

	<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
Electronic	19	92	2
Manual Voting	3	15	0
Total	22	107	2

Debate interrupted resumed;

Pursuant to Standing Order 1, the Deputy Speaker deferred the debate until tomorrow.

And the time being ten minutes to Six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. **HOUSE ROSE** - at ten minutes to Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, August 25, 2016 at 9.30 a.m.

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