



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FIFTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JANUARY 25, 2017

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

The Speaker made the following communication to the House:–

Business that lapsed at the end of the Fourth Session

“Honourable Members, this communication relates to pieces of legislation and other business that lapsed upon the conclusion of the Fourth Session, yesterday 23rd January, 2017. Standing Order 141(2)(b) states that, “a Bill that has been published, read a first time or in respect of which the Second Reading has not been concluded at the end of two consecutive Sessions of Parliament shall lapse at the end of the Second Session and may be republished in the same or different form in accordance with Standing Order 114.”

In this regard, Honourable Members, the following Bills have since lapsed-

- (i) The Two-Third Gender Rule Laws (Amendment) Bill, 2015;
- (ii) The Election Laws (Amendment)(No. 2) Bill, 2015;
- (iii) The Parliamentary Service Bill, 2015;
- (iv) The Constitution of Kenya (Amendment)(No. 3) Bill, 2015;
- (v) The Constitution of Kenya (Amendment)(No. 5) Bill, 2015;
- (vi) The Constitution of Kenya (Amendment) (No. 6) Bill, 2015;
- (vii) The Military Veterans Bill, 2013;
- (viii) The Kenya Uwezo Fund Bill, 2015; and
- (ix) The International Crimes (Repeal) Bill, 2015.

Honourable Members, it is imperative to note that in accordance with our Standing Orders, the aforementioned Bills may be re-published, whether by the Members who had earlier sponsored them or by any other Member or Committee for consideration by the House. Similarly, all notices of motion that had been given in the previous Session have also lapsed. This includes notices of motion relating to adoption of Reports of Committees

as well as individual Members' motions which are ordinarily considered on Wednesday mornings. Committee Chairpersons and individual Members who wish to resubmit the motions are free to do so following the usual procedure. The House is accordingly guided.

I thank you."

5. PETITIONS

The following Petitions were presented to the House:-

(i) Petition reported by the Speaker Pursuant to Standing Order 225(2)(b)

Pursuant to the provisions of Standing Order 225(2)(b), the Speaker reported the following Petition to the House:-

Alleged detention of Mr. Silas KeragiaMaosa in the Republic of Rwanda

"Honourable Members, Pursuant to the provisions of Standing Order 225, I hereby convey a Petition from a Mr. Muriuki Wandeto on behalf of the family of Mr. Silas KeragiaMaosa. The Petitioner alleges that a Kenyan citizen has been detained in the Republic of Rwanda based on accusations of embezzlement of resources belonging to a private entity, Gulf Energy Limited.

Honourable Members, the Petitioner states that Mr. Maosa while employed by Gulf Energy Rwanda, was arrested, tried, convicted and remains incarcerated in Kigali, Rwanda. The Petitioner further states the family of Mr. Maosa has been denied access to him.

Honourable Members, in this regard, the Petitioner prays that the National Assembly recommends that the Ministry of Foreign Affairs intervene with a view to having the family of Mr. Silas Maosa granted permission by the Rwandese authorities to access the detainee and also intervene to have him repatriated to Kenya.

This Petition therefore stands committed to the Departmental Committee on Defence and Foreign Relations for consideration. The Committee is required to consider the Petition and report its findings in accordance with the provision of Standing Order 227 (2).

I thank you!"

(ii) Petition presented by a Member Pursuant to Standing Order 225(2)(a)

The Member for Kitui Rural Constituency (Hon. Charles Nyamai, MP) presented a Petition on behalf of parents and Board of Management of St. Augustine Kanyangi Boys Secondary School, regarding the alleged loss of funds belonging to St. Augustine Kanyangi Boys Secondary School.

The Petition was committed to the relevant Departmental Committees pursuant to the Standing Order 227.

6. PAPERS LAID

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

- (a) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2016 and the certificates therein:-
- (i) East African Portland Cement Company Limited;
 - (ii) Industrial and Commercial Development Corporation;
 - (iii) Tana Water Services Board;
 - (iv) Unclaimed Assets Trust Fund;
 - (v) National Communications Secretariat;
 - (vi) Kenya Pipeline Company Limited; and
 - (vii) Bukura Agricultural College.
- (b) The Report of the Auditor-General on the Financial Statements of the Judges and Magistrates Vetting Board for the period ended 31st July, 2016 and the certificate therein.

(The Leader of the Majority Party)

7. NOTICES OF MOTION

The Member for Marakwet (Hon. William Kisang, MP) gave a Notice of Motion pursuant to the provisions of Standing Order 33, seeking adjournment of the House to discuss a definite matter of urgent National Importance regarding increased cases of insecurity across the country.

And the Speaker being satisfied that the Notice meets the terms of Standing Order 33(3) directed that the Motion be considered from 5:30 p.m.

8. PERSONAL STATEMENT

The Member for Suba Constituency (Hon. John Mbadi, CBS, M.P.) made a personal Statement pursuant to Standing Order 84 regarding allegations leveled against him by the Leader of the Majority Party (Hon. Aden Duale, EGH, MP) on 23rd November 2016, that a company associated with him or his relatives allegedly benefited inappropriately from the National Youth Service contracts. He mentioned that Hon. Duale alleged that two (2) companies he claimed are associated with his wife namely; Omos Enterprises and Takawiri Enterprises Limited as having benefitted in the rip off.

He averred that he knew of no company in the name of Omos Enterprises that was related to him or his relatives, adding that whereas Takawiri Enterprises Limited was registered by his wife, it remained active until August 2012 and it was inconceivable that it could have benefited from NYS related scandals which happened much later. Hon. Mbadi was categorical that Hon. Duale's allegations were based on false information.

9. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2017)

(Chairperson, Budget and Appropriations Committee)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

10. THE OFFICE OF THE ATTORNEY GENERAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2017)

(Chairperson of the Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

11. THE REPRODUCTIVE HEALTH CARE BILL (SENATE BILL NO.17 OF 2014)

(Chairperson, Departmental Committee on Health)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

12. MOTION - APPROVAL OF THE CALENDAR OF THE HOUSE

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 28, this House approves the Calendar of the House (*Regular Sessions*) for the Fifth Session of the Assembly, as contained in the Schedule.

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

13. MOTION -APPOINTMENT OF THE CLERK OF THE NATIONAL ASSEMBLY

Motion made and Question proposed –

THAT, this House notes the Report of the Parliamentary Service Commission on the Recruitment of a Clerk of the National Assembly, laid on the Table of the House on Wednesday, January 25, 2017 and pursuant to the provisions of Article 128 (1) of the Constitution, **approves** the appointment of **Mr. Michael Rotich Sialai, EBS** as Clerk of the National Assembly, with effect from 22nd March, 2017.

(Majority Party Whip)

Debate arising;

Rising in his place on a point of order pursuant to Standing Order 95, the Member for Ainabkoi Constituency (Hon. Samuel Chepkong'a, MP) claimed to move "that the Mover be now called upon to reply;"

And the Speaker acceding to the claim;

Question put and agree to;

Thereupon Mover replied;

Question put and agreed to.

14. **THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Public Private Partnerships (Amendment) Bill (National Assembly bill No.25 of 2016) be now read a Second Time.

(The Leader of the Majority Party –19.10.2016)

Debate interrupted on Wednesday, October 19, 2016 – Afternoon Sitting- resumed;

Mover replied;

Question of Second Reading deferred to another day.

15. **MOTION – ADJOURNMENT OF THE HOUSE ON DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE**

Motion made–

THAT, the House adjourns to discuss a definite matter of urgent National Importance regarding increased cases of insecurity across the country

(Hon. William Kisang)

Debate arising;

Rising in his place on a point of order, pursuant to Standing Order 30(3)(a), the Member for Kibra (Hon. Kenneth Okoth, MP) move a Procedural Motion:-

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend its sitting time, today, by thirty (30) minutes.

There being no debate arising;

Question put and agreed to.

Debate interrupted resumed;

And the time being Seven O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at thirty minutes past Six O'clock

MEMORANDUM

The Speaker will take the Chair on
Thursday, January 26, 2017 at 2.30 p.m.