



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JUNE 30, 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 Westlands (Hon. Timothy Wanyonyi) presented a Petition on behalf of University of Nairobi students regarding insecurity and injustices meted upon university students by police officers;

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) 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 –
 - Kisii University
 - Bukura Agricultural College
 - Sports Kenya
- (ii) Annual Report and financial statements for the Anti-Counterfeit Agency for the financial year 2014/2015

(The Leader of the Majority Party)

- (iii) The Report of the Departmental Committee on Environment and Natural Resources on the Twelfth Session of the United Nations Convention to Combat Desertification Conference of Parties (UNCCD COP 12) held in Ankara, Turkey from 12th to 23rd October, 2015

- (iv) The Report of the of the Departmental Committee on Environment and Natural Resources on a Study Visit to China regarding the Bamboo Sector undertaken from 5th to 12th September, 2015.

(Chairperson, Departmental Committee on Environment and Natural Resources)

- (v) The Report on the Petition by Nominated Member (Hon. Zuleikha Juma Hassan) on Deplorable working conditions of workers at Kwale International Sugar Company Ltd.

(Chairperson, Departmental Committee on Labour and Social Welfare)

6. NOTICES OF MOTION

The following Notices were given –

- (i) Adoption of the Report on the Study Visit to China regarding the Bamboo Sector undertaken from 5th to 12th September, 2015

(Chairperson, Departmental Committee on Environment and Natural Resources)

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Study Visit to China regarding the Bamboo Sector undertaken from 5th to 12th September, 2015, laid on the Table of the House today, Thursday, June 30, 2016

- (ii) Establishment of a Joint Parliamentary Select Committee on matters relating to the Independent Electoral and Boundaries Commission

THAT:

ACKNOWLEDGING that the sovereign power of the People of Kenya may be exercised directly or indirectly through their democratically elected representatives and that the People's sovereign power shall be exercised only in accordance with the Constitution;

RECOGNIZING that through pronouncements, sections of the Kenyan society have raised issues on the credibility, impartiality, integrity and independence of the Independent Electoral and Boundaries Commission, the electoral processes and the electoral law;

APPRECIATING the need to have the August 2017 general elections conducted by a body enjoying the broad confidence of most Kenyans;

NOW THEREFORE in accordance with the provisions of Article 1(1) and (2) of the Constitution of Kenya and Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the National Assembly **RESOLVES** that:-

- (i) The two Houses of Parliament establish a joint select committee consisting of fourteen (14) members, seven (7) each from the two Coalitions in Parliament.
- (ii) The mandate of the said joint select committee shall be to:
- (a) Inquire into the allegations against the Independent Electoral and Boundaries Commission (IEBC) Commissioners and the Secretariat;

- (b) On the findings of (a) above may recommend legal mechanisms for the vacation from office of the current Commissioners of the Independent Electoral and Boundaries Commission and Secretariat in accordance with the Constitution;
- (c) Recommend legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission and 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
- (d) On the basis of the findings and recommendations in (a), (b) & (c) prepare a report and a draft Bill or draft Bills.

THE NATIONAL ASSEMBLY FURTHER RESOLVES THAT:-

- (i) The Joint Select Committee shall report to Parliament within 30 days;
- (ii) The leaders of the two coalitions agree to issue statements separately to support the final report and Draft Bill or Bills;
- (iii) The Majority and Minority leaders in Parliament will signify the approval of the final report and draft Bill or Bills by affixing their signatures thereon prior to presentation to Parliament;
- (iv) The joint select committee shall have two Co-chairs each appointed by the respective Coalitions;
- (v) The Coalitions shall provide joint rapporteurs to the Joint Select Committee, but the official record will be the parliamentary hansard;
- (vi) The joint select committee and each coalition may engage experts, professionals and such other technical resource persons as they may deem necessary;
- (vii) The parliamentary Clerk's office shall provide secretarial services in accordance with the Standing Orders;
- (viii) The Committee shall receive views from experts, members of the public, the business community, civil society, religious groups, political parties, county governments and any other persons on matters relating to the Independent Electoral and Boundaries Commission and the electoral process;
- (ix) Each member of the joint select committee shall have one vote. Decisions in the select committee shall be made by two-thirds majority vote;
- (x) The Committee shall formulate its own rules of procedure; and
- (xi) The Joint Select Committee shall comprise the following members drawn from the two Coalitions in Parliament:

1. Hon. (Dr.) Naomi Shaban
2. Hon. (Eng.) Mohamud Mohamed Maalim
3. Hon. Jimmy Angwenyi
4. Hon. Moses Kuria
5. Hon. David Eseli Simiyu
6. Hon. Junet Mohammed
7. Hon. Mishi Mboko
8. Sen. Kiraitu Murungi (Co-chair)
9. Sen. James Orengo (Co-chair)
10. Sen. Kipchumba Murkomen
11. Sen. Beatrice Elachi
12. Sen. Johnson Muthama
13. Sen. Mutula Kilonzo Jnr
14. Sen. (Dr.) Boni Khalwale

(The Leader of the Majority Party)

7. PERSONAL STATEMENTS PURSUANT TO STANDING ORDER 84

- a) Pursuant to the provisions of Standing Order 84, the following Personal Statements were issued:
- b) The Member for Vihiga (Hon. Yusuf Chanzu) made a Personal Statement regarding a matter that appeared in the print media on Wednesday, June 29, 2016 alleging that his house was about to be auctioned by Equity Bank Limited following defaulting in loan repayment amounting to ksh.45 million.

The Member informed the House that contrary to media reports, he did not owe the bank any money but that he had guaranteed a named person to obtain a loan from the bank but the said person defaulted and absconded. At the moment, he was in the process of negotiating with the bank with a view to resolving the matter amicably.

- c) The Chairperson of the Departmental Committee on Administration and National Security (Hon. Asman Kamama) issued a statement to clarify on what transpired when the Cabinet Secretary for Interior and Coordination of National Government appeared before the Committee to answer questions from Members on Tuesday, 28th June, 2016. He informed the House that on said date, he was away in Kerio Valley where he was engaged in peacebuilding initiatives between warring communities in the North Rift. In his absence, the Hon. Lekuton, a ranking Member of the House and a Member of the Committee chaired the meeting.

He stated that after the meeting, some Members of the Committee invited the Cabinet Secretary for lunch. He clarified that, contrary to speculations, the gesture was not motivated by any sinister motive as the said Cabinet Secretary was a former colleague, having been a former Member of the House.

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, July 05, 2016.

9. MOTION – DECLARATION OF KAMUKUNJI GROUNDS A PROTECTED NATIONAL MONUMENT

Motion made and question proposed -

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.

(Hon. Yusuf Hassan – 22.06.2016)

Debate on the Motion having been concluded on Wednesday, June 29, 2016 (Morning Sitting);

Question put and agreed to.

10. **THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)**
(Chairperson, Departmental Committee on Administration and National Security)

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 UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)**
(Chairperson, Departmental Committee on Education, Research and Technology)

Order for First Reading read;

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

12. **THE COUNTY HALL OF FAME BILL (SENATE BILL NO. 33 OF 2014)**
(The Chairperson, Departmental Committee on Labour and Social Welfare)

Order for First Reading read;

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

13. **THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL (SENATE BILL NO. 40 OF 2014)**
(Chairperson, Departmental Committee on Administration and National Security)

Order for First Reading read;

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

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

Order for Second Reading read;

Motion made and Question proposed –

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

(The Leader of the Majority Party – 14.06.2016)

Debate interrupted on Thursday, June 23, 2016 resumed;

(Change of Chair from the Speaker to the First Chairperson)

Mover replied;

Question deferred to another day.

15. THE ELECTION LAWS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 63 OF 2015)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Election Laws (Amendment) Bill (National Assembly Bill No.63 of 2015) be now read a Second Time

(The Leader of the Majority Party – 14.06.2016)

Debate interrupted on Thursday, June 07, 2016 resumed;

And the time being thirty minutes past Six O'clock, the First 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

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, July 05, 2016 at 2.30 p.m.

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