



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, JULY 05, 2016**

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

The following Papers were laid on the Table –

- (i) The Kenya Accountants and Secretaries National Examinations Board (KASNEB);
- (ii) Kenya School of Monetary Studies;
- (iii) Ministry of Industrialization and Enterprise Development;
- (iv) Agro-Chemical and Food Company Limited;
- (v) Jaramogi Oginga Odinga University of Science and Technology;
- (vi) Karatina University;
- (vii) Postal Corporation of Kenya;
- (viii) The State Department of Devolution;
- (ix) The State Department of Infrastructure;
- (x) The State Department of Interior;
- (xi) Kilifi North Constituency Development Fund;
- (xii) Coast Development Authority; and
- (xiii) National Museums of Kenya.

*(The Leader of the Majority Party)*

5. **STATEMENTS PURSUANT TO STANDING ORDER 44**

- (i) Pursuant to the provision of Standing Order 44, the Leader of the Majority Party sought the Speaker's guidance on the Court Order reversing the decision of the House regarding the suspension of the Member for Ugunja (Hon. Opiyo Wandayi);

Thereupon, the Speaker promised to issue a Communication on the same at a later date if and when the Court Order was made available.

- (ii) Pursuant to the provision of Standing Order 44, the Chairperson, Departmental Committee on Justice and Legal Affairs (Hon. Samuel Chepkong'a) issued a statement on behalf of the Committee regarding the recent murder of lawyer Willie Kimani, his

client Josephat Mwenda and their taxi driver Joseph Muiruri. He observed that it was evident that Mr. Kimani was brutally murdered because of his professional duty as a lawyer in the service of members of a society in quest for justice in the face of impunity perpetrated by people who were supposed to protect him.

He further observed that systemic problems persist in the investigation, prosecution and punishment of heinous crimes. He added that the failure by the police force to effectively address past violations of people's rights by its officers had led to the rise in rogue officers and extra-judicial killings of innocent Kenyans.

He conveyed the Committee's condolences to the bereaved families and called upon the Inspector-General of Police, the Director General of Criminal Investigations Department, the Director of Public Prosecutions, and all other relevant authorities to ensure prompt, impartial and effective investigations into the murders are undertaken.

6. **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 on the Second Reading having been concluded on Thursday, June 30, 2016;

Question put and agreed to;

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

7. **MOTION – ESTABLISHMENT OF A JOINT PARLIAMENTARY SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION**

Motion made and Question proposed -

**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 that 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)*

Debate arising;

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

Rising in his place on a Point of Order, pursuant to Standing Order 95, the Member for Homa Bay Town (Hon. Peter Kaluma) claimed to move that "the Mover be now called upon to reply";

And the Deputy Speaker acceding to the claim;

Question put and agreed to;

Thereupon Mover replied;

Question deferred to another day

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

8. **HOUSE ROSE** - at twenty six minutes past Six O'clock

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### **M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, July 06, 2016 at 9.30 a.m.

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