



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (SECOND SESSION)

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 27, 2014

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

3. **PAPERS LAID**

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

- (i) Financial Statements of Capital Markets Authority for the year ended 30th June, 2013;
- (ii) Financial Statements of Industrial and Commercial Development Corporation for the year ended 30th June, 2013;
- (iii) Financial Statements of Lands Limited (a subsidiary of Agricultural Development Corporation) for the year ended 30th June, 2013;
- (iv) Financial Statements of Agricultural Development Corporation for the year ended 30th June, 2013;
- (v) Financial Statements of Kenya Institute of Education for the year ended 30th June, 2012; and
- (vi) Report of the Public Accounts Committee on the Government of Kenya Accounts for the years 2008/2009 and 2009/2010.

(Leader of the Majority Party)

- (vii) Report of the Departmental Committee on Justice and Legal Affairs on the approval for appointment of the nominees to the Kenya National Commission on Human Rights.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

4. **STATEMENT PURSUANT TO STANDING ORDER 44(1)**

Pursuant to the provisions of Standing Order 44(1), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing March 04, 2013.

5. **STATEMENT PURSUANT TO STANDING ORDER 44(2)b**

Pursuant to the provisions of Standing Order 44(1), the Chairperson, Departmental Committee on Administration and National Security issued a statement regarding the promotion of Chiefs and Assistant Chiefs, in response to a request by the Member for Kajiado Central (Gen (Rtd) Nkaissero).

The Chairperson informed the House that positions for Chiefs and Assistant Chiefs in Kajiado Central Sub-County were advertised and interviews conducted in Kumpa and Orinie which were created in 2012. Impiro Sub-Location fell vacant since the area's Assistant Chief was promoted to the position of a Chief.

He also informed the House following the interviews for the positions advertised, consequently, results were submitted to the District Commissioner through the provincial administration. The Principal Secretary authorized the Provincial Commissioner to effect the appointments in the Kumpa and Orinie Locations. However, an adverse report was received through the Kajiado County Commissioner of the successful candidates in the three administrative units, and as a result, the appointments were shelved and the positions re-advertised.

6. **COMMITTEE OF THE WHOLE HOUSE****IN THE COMMITTEE**

Second Chairperson of Committees in the Chair

(i) **The National Police Service Commission (Amendment) Bill (National Assembly Bill No.17 of 2013)**

Clause 4 - agreed to

Clause 5 - amendment proposed -

THAT, clause 5 be deleted

(Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

Question of the amendment proposed, put and agreed to;

Further amendment proposed -

THAT, clause 5 be deleted.

(Mr. Alfred Agoi)

Debate arising;

Proposed amendment withdrawn;

Further amendment proposed –

THAT, clause 5 be amended in the proposed new sub-section by deleting the words **“with the consent”** and substituting therefor the words **“in consultation with’**,

(Ms. Millie Odhiambo)

Debate arising;

Proposed amendment withdrawn;

Clause 5 - deleted

Clause 6 - amendment proposed –

THAT, clause 6 be deleted

(Mr. Alfred Agoi)

Debate arising;

Question of the amendment proposed, put and agreed to;

Further amendment proposed –

THAT, clause 6 be deleted

(Ms. Millie Odhiambo)

Debate arising;

Proposed amendment withdrawn;

Clause 6 - deleted

Clause 7 - amendment proposed –

THAT, clause 7 be deleted.

(Mr. Alfred Agoi)

Debate arising;

Question of the amendment proposed, put and negatived;

Further amendment proposed –

THAT, clause 7 be deleted and replaced with the following new clause—

Amendment
of the Second
Schedule of
No. 30 of
2011.

7. The principal Act is amended in the Second Schedule by deleting paragraph 3 and substituting therefor the following new paragraph—

Quorum.

3. The quorum of meetings of the Commission shall be six members, who shall include—

- (a) the four members appointed under Article 246(2)(a)(i) and (iii) of the Constitution; and
- (b) any two of the members appointed under Article 246(2)(b) and (c).

(Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

Question of the further amendment proposed, put and agreed to

Clause 7 - as amended agreed to

Clause 8 - amendment proposed –

THAT, clause 8 be amended in sub-clause (7) be deleting the words “**fourteen**” and substituting therefor the words “**four**”.

(Ms. Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to;

Clause 8 - as amended agreed to

Clause 2 - amendment proposed –

THAT clause 2 be deleted;

(Mr. Alfred Agoi)

Debate arising;

Question of the amendment proposed, put and negatived;

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments;

(ii) **The Kenya Heroes Bill (National Assembly Bill No. 30 of 2013)**

Clause 3 - agreed to

Clause 4 - amendment proposed -

THAT, Clause 4 be amended by deleting the word "co-opt" appearing in sub clause (5) and substituting therefor the words "hire as consultants".

(Ms. Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to:

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed -

THAT, Clause 5 be amended by inserting the words "through a public and participatory process" immediately after the word "recommend" appearing in paragraph (b).

(Ms. Millie Odhiambo)

Proposed amendment withdrawn;

Clause 5 - agreed to

Clauses 6-7 - agreed to

Clause 8 - amendment proposed -

THAT, Clause 8 be amended-

(a) in sub clause (1) by inserting the following new subparagraphs immediately after subparagraph (vi) of paragraph (a)-

- (vii) human rights;
- (viii) environment;

(b) in sub clause (2) by inserting the following new paragraph immediately after paragraph (b)-

(c) "in violation of Chapter Six of the Constitution".

(c) by inserting a new subsection (3) as follows-

(3)The Cabinet secretary shall appoint the six members of the Council referred to in section 4(3) (e), one from each list nominated by-

- (a) the Kenya National Union of Teachers;
- (b) the Central Organization of Trade Unions;
- (c) the Law Society of Kenya;
- (d) the Kenya Professionals Association;
- (e) a joint forum of religious leaders; and

(f) a network of civil societies.

(Ms Millie Odhiambo)

Proposed amendment (c) withdrawn;

Debate arising;

Question of the amendment proposed, put and agreed to;

Clause 8 - as amended agreed to.

Clauses 9-11 - agreed to

Clause 12 - amendment proposed –

THAT, Clause 12 be amended by inserting the words “through an open and competitive process” immediately after the words “by the Council” appearing in sub clause (1).

(Ms. Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to;

Clause 12 - as amended agreed to

Clauses 13-14 - agreed to

Clause 15 - amendment proposed –

THAT Clause 15 be amended by deleting the words “may include persons who are not members of the Council but have the requisite expertise” appearing in sub clause (2) and substituting therefor with the words “may from time to time hire experts to assist in carrying out work in their area of expertise”.

(Ms. Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to;

Clause 15 - as amended agreed to.

Clauses 16-20 - agreed to

Clause 21 - amendment proposed –

THAT Clause 21 be amended by inserting the words “through an open and competitive process” immediately after the word “appointed” appearing in sub clause (4)

(Ms. Millie Odhiambo)

Proposed amendment withdrawn;

Clause 21 - agreed to

Clauses 22-28 - agreed to

Clause 29 - amendment proposed –

THAT Clause 29 be amended in sub clause 4 by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) “any form of conduct that is in violation of Chapter Six of the Constitution”.

(Ms. Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to;

Clause 29 - as amended agreed to

Clause 30 - agreed to

First Schedule - amendment proposed –

THAT, the First Schedule be amended by inserting the following new rows and columns immediately after item 11-

12	HUMAN RIGHTS	<ul style="list-style-type: none"> • patriotism • vision • Integrity • Commitment • Courage • Optimism • Patience • Reliability • Courage • Talent • innovation,
13	NATIONAL COHESION AND INTEGRATION	<ul style="list-style-type: none"> • patriotism • vision • Integrity • Commitment • Courage • Optimism • Patience • Reliability • Courage • Talent • innovation,

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14	ENVIRONMENTAL CONSERVATION	<ul style="list-style-type: none"> • patriotism • vision • Integrity • Commitment • Courage • Optimism • Patience • Reliability • Courage • Talent • Innovation,

(Ms Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to;

First Schedule - as amended agreed to

Second Schedule - agreed to

Third Schedule - amendment proposed -

THAT, the Third Schedule be amended-

(a) in paragraph 1 by deleting the words "without the permission of the Chairman" appearing in item (ii) of sub-paragraph (b) and substituting therefor the words "without justifiable grounds";

(b) by deleting paragraph 2 and replacing therewith a new sub-clause as follows-

(2) Where the office of a member becomes vacant, the office shall be filled in the same manner as that of a new appointment under this Act.

(Ms. Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to;

Third Schedule - as amended agreed to

Fourth Schedule - amendment proposed-

THAT, the Fourth Schedule be amended by deleting the words "HAS FULFILLED THE REQUIREMENTS FOR RECOGNITION AS A HERO UNDER THE KENYA HEROES ACT AND HAS BEEN DULY HONORED AS SUCH" and replacing therewith the words "HAS BEEN DULY RECOGNIZED FOR HIS/HER REMARKABLE WORK IN KENYA IN THE FIELD OF AND BY THE POWER CONFERRED UPON ME BY THE CONSTITUTION OF KENYA AND THE KENYA HEROES, ACT, HEREBY CONFER HIM/HER WITH THE STATUS OF A NATIONAL HERO."

(Ms. Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to;

Fourth Schedule - as amended agreed to

Title - agreed to.

Clause 2 - amendment proposed -

THAT Clause 2 be amended-

(a) in the definition of "child" by inserting the words "of a hero" immediately after the word "child";

Proposed amendment (a) withdrawn;

(b) in the definition of "Cabinet Secretary" by deleting the word "heroes" and substituting therefor the words "national heritage"

(c) by inserting the following new definition in its proper alphabetical sequence-

"child hero" means a hero who is below the age of eighteen years;

(Ms. Millie Odhiambo)

Debate arising;

Question of the amendment proposed, put and agreed to;

Clause 2 - as amended agreed to

Clause 1 - agreed to.

Bill to be reported with amendments;

7. **HOUSE RESUMED** - The Deputy Speaker in the Chair

(i) **The National Police Service Commission (Amendment) Bill (National Assembly Bill No.17 of 2013)**

Bill reported with amendments;

Motion made and Question proposed:-

THAT, the House do agree with the Committee of the whole House in the said report.

(Chairperson, Departmental Committee on Administration of and National Security)

Debate arising;

Question put and agreed to.

Motion made and Question proposed –

THAT, the National Police Service Commission (Amendment) Bill (National Assembly Bill No.17 of 2013) be now read a Third Time

(Chairperson, Departmental Committee on Administration of and National Security)

Question put and agreed to;

Bill read a Third Time and passed.

(ii) **The Kenya Heroes Bill (National Assembly Bill No. 30 of 2013)**

Bill reported with amendments;

Motion made and Question proposed:-

THAT, the House do agree with the Committee of the whole House in the said report

(Leader of the Majority Party)

Debate arising;

Question put and agreed to.

Motion made and Question proposed –

THAT, the Kenya Heroes Bill (National Assembly Bill No.30 of 2013) be now read a Third Time

(Leader of the Majority Party)

Question put and agreed to;

Bill read a Third Time and passed.

8. **THE NATIONAL POLICE SERVICE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.18 OF 2013)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the National Police Service (Amendment) Bill (National Assembly Bill No.18 of 2013) be now read a Second Time

(Chairperson, Departmental Committee on Administration and National Security)

Debate arising;

Mover replied;

Question put and agreed to;

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

9. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO.4 OF 2013)

Order deferred

10. THE KENYA QUALIFICATIONS FRAMEWORK BILL (NATIONAL ASSEMBLY BILL NO.29 OF 2013)

Order deferred

11. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.1) BILL (NATIONAL ASSEMBLY BILL NO.15 OF 2013)

Order deferred

12. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.33 OF 2013)

Order deferred

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Garissa Township (Mr. Duale) drew the attention of the Deputy Speaker to the fact that there was no Quorum in the House;

And the Deputy Speaker having counted the Honourable Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being **no** Quorum after expiry of ten minutes;

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

13. HOUSE ROSE - at six minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, March 04, 2014 at 2.30 p.m.