



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIRST SESSION)

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 30, 2013

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications –

(i) **DEMISE OF THE LATE HON. SEN. MUTULA KILONZO, EGH, MP**

"Honorable Members,

"It is with a lot of sorrow that we have learnt of the sad news of the sudden demise of the late Senator for Makueni County and immediate former Minister for Education, the late Hon. Mutula Kilonzo. The late Mutula Kilonzo passed on last Saturday, 26th April, 2013 at his ranch in Maanzoni, Machakos County.

The late Senator Mutula Kilonzo was born in 1948 to the late Wilson Kilonzo and Rhoda Koki Kilonzo. He was educated at Mbooni Primary School and Machakos High School before joining University of Dar es Salaam in 1969, graduating with a First Class Honours Degree in Law—the first in the East African region. He was later admitted to the bar in 1976.

Upon graduation from the School of Law, he went into private legal practice by opening a law firm which thrust him to limelight in the manner in which the firm handled the clients' cases. The late Kilonzo also served as Chairman of the Law Society of Kenya 1983-5 and was also a former Member of the International Bar Association and African Bar Association. Because of his sterling performance in the legal profession, the late Mutula was decorated as Elder of the Order of the Burning Spear (EBS) of Kenya in 1994. Later in 2003 he was appointed Senior Counsel of Kenya under the Advocates Act. He was an astute lawyer and a legal practitioner of distinction who recorded significant successes in his long career.

Honorable Members,

The late Mutula made his political debut in 2003 when he was nominated by KANU as Member of Parliament. In 2007 he was elected Member of Parliament for Mbooni Constituency. Honourable Members will also remember that he also served as one of the Mediators in the Panel of the Kenya National Dialogue and Reconciliation Process in early 2008, helping to steer the country back to the path of peace. In April 2008 the late Mutula Kilonzo was appointed Minister for Nairobi Metropolitan Development. In December the same year he was decorated as Elder of the Order of the Golden Heart of Kenya (EGH). The late Member also served between May 2009 and March 27th, 2012 as Minister for Justice, National Cohesion and Constitutional Affairs, and thereafter as Minister for Education on 28th March, 2012 till his election as Senator for Makueni County.

In his contribution in the House, the late Mutula was an avid debater and stickler to detail. He will also be remembered for his role in midwifing the Constitutional process as the Minister in charge. His colleagues in the Senate and Parliament in general shall miss his contribution and counsel, particularly in dealing with the remaining legislation relating to the implementation of the Constitution and more so devolution.

Honourable Members,

Allow me, on my own behalf and on behalf of all Members of this House and the Senate and staff of both Houses, to pass our heartfelt condolences to the family, the people of Makueni and all his friends for the loss of such a great patriot, a citizen worth emulating and a great family man.

I wish to now ask all Honourable Members to stand to observe a minute's silence in honour of the departed colleague.

Thank you".

(ii) **DELEGATION FROM REPUBLIC OF SOUTH SUDAN**

"Honourable Members,

I wish to introduce to you Mr. Afarem Wani Peter who is seated at the Speaker's Row.

Mr. Wani is the Director General of Governance at the Ministry of Parliamentary Affairs of the Republic of South Sudan. The officers, along with other senior officials from South Sudan, is currently attending leadership training at the Kenya School of Government. As part of the attachment, Mr. Wani is on a one-week attachment programme here at the Kenyan Parliament.

On behalf of myself and that of the Honourable Members, let me welcome the officer to our Parliament and wish him well during his study visit".

4. MESSAGE FROM THE H.E. THE PRESIDENT

The Speaker conveyed the following Message from the President –

“Honourable Members,

“Standing Order 42(1) relating to Messages from the President provides that -

‘The Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House’.

In this regard, Honourable Members, I wish to convey the following Message from H.E. the President.

The Message, whose subject is **NOMINEES FOR CABINET SECRETARIES**, was submitted by way of a letter dated April 29, 2013 addressed to my office for submission to the House, and I quote -

“I, Hon. Uhuru Kenyatta, President and Commander-in-Chief of the Defense Forces of the Republic of Kenya, in exercise of the powers vested in me by Article 152 of the Constitution of Kenya, do hereby submit my nominees for the Office of the Cabinet Secretary in respective Ministries for approval by the National Assembly-

S/NO	MINISTRIES	NOMINEES
1.	Devolution and Planning	Ms Ann Waiguru
2.	Defense	Amb. Raychelle Omamo
3.	Foreign Affairs	Amb. Amina Mohammed
4.	Education, Science and Technology	Prof. Jacob Kaimenyi
5.	The National Treasury	Mr. Henry K. Rotich
6.	Health	Mr. James Wainaina Macharia
7.	Transport and Infrastructure	Eng. M. S. M. Kamau
8.	Environment, Water and Mineral Resources	Prof. Judi Wangalwa Kakhungu
9.	Land, Housing and Urban Development	Hon. Charity Ngilu
10.	Information, Communication and Technology (ICT)	Dr. Fred Okengo Matiang'i
11.	Sport, Culture and the Arts	Dr. Hassan Wario Arero
12.	Energy and Petroleum	Mr. Davis Chirchir

13.	Agriculture, Livestock and Fisheries	Mr. Felix Kiptarus Koskei
14.	Industrialization and Enterprise Development	Mr. Adan Abdulla Mohammed
15.	East African Affairs, Commerce and Tourism	Mrs. Phylis Jepkosgei Kipkingor-Kandie
16.	Mining	Hon. Najib Balala

Honourable Members,

Article 152(2) of the Constitution provides that "*The President shall nominate and, with the approval of the National Assembly, appoint Cabinet Secretaries*" Section 3 of the Public Appointments (Parliamentary Approval) Act, (No.33 of 2011), provides for the exercise of the powers of appointment under the Constitution. Under the said law and Part XI of our Standing Orders, the National Assembly is required to conclude the process of approval or rejection of the nominees within fourteen days from the date of the notification.

Standing Order 204(4) provides that "The Committee on Appointments shall consider, for approval by the House, appointments under Article 152(2) of the Constitution (cabinet secretaries)" In this regard, I wish to guide the Committee and the House as follows-

- (i) *the Committee on Appointments should notify the Nominees and the general public of the time and place for holding the approval hearings, at least seven days prior to the hearings. In order to manage our time optimally, the notification should therefore be made tomorrow, Wednesday May 1, 2013;*
- (ii) *the Committee may therefore commence the approval hearings on May 8th, 2013. The hearings shall be open to the public, unless, the Committee decides to hold any part of the proceedings in camera; and,*
- (iii) *thereafter, the Committee should table its Report before this House on or before Tuesday, May 14, 2013 for consideration.*

Pursuant to the provisions of paragraph (3) of Standing Order 42 (*Messages from the President*), I hereby refer the Message from H.E. the President containing the names of the sixteen Nominees together with their curriculum vitae to the Committee on Appointments to undertake the necessary approval hearings.

Hon. Members,

I also direct the Committee on Appointments to meet at 4.30 p.m today in Room No. 7 Main Parliament Buildings to chart the way forward and commence the process.

Thank you".

5. **NOTICE OF MOTION - ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER NO.33 TO DISCUSS A MATTER OF DEFINITE NATIONAL IMPORTANCE**

Rising in his place on a Point of Order, the Member for Kanduyi (Mr. Wamunyinyi) claimed to move a Motion for the adjournment of the House under the provisions of Standing Order 33 in order to discuss a definite matter of national importance regarding the recent cases of violence in Bungoma County.

And the Speaker having acceded to the claim;

And there being sufficient number of Members rising in their places in support of the claim;

Thereupon, the Speaker directed that the Motion be moved at thirty minutes past Five O'clock today

6. **PROCEDURAL MOTION – REDUCTION OF BILL PUBLICATION PERIOD**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 120, this House directs that the Publication period of the Division of Revenue Bill (Bill No.1 of 2013) be reduced from 14 to 1 day

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to

7. **THE DIVISION OF REVENUE BILL (BILL NO.1 OF 2013)**

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time tomorrow;

8. **REDUCTION OF NATIONAL HOSPITAL INSURANCE FUND (NHIF) PENALTY SURCHARGE**

Motion made and Question proposed –

THAT, aware that the National Hospital Insurance Fund (NHIF) defaulters continue to be surcharged a penalty of 500% of the outstanding amount; and further aware that the penalty is barely affordable to majority of Kenyans, this House urges the Government to consider reducing the NHIF penalty surcharge to defaulters from the current 500% to 25%

(Mr. Joseph Gitari – 25.04.2013)

Debate interrupted on Thursday, April 25, 2013 resumed;

And there being interruption in the Hansard recording system, the Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

9. HOUSE ROSE - at fifteen minutes past Four O'clock.
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M E M O R A N D U M

The Speaker will take the Chair on
Thursday, May 02, 2013 at 2.30 p.m.

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