



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – SECOND SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JULY 22, 2014

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

The Member for Bura (Hon. Ali Wario) presented a Petition regarding the degazettement of Legal Notices No. 39 & 40 of 2013 on the declaration of Bangali and Mbalambala as Forest Areas, Forest Act No. 7 of 2005.

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1).

5. **PAPERS LAID**

The following Papers were laid on the Table –

- i) Cabinet Memorandum on the Protocol for the Establishment of the East African Monetary Union.
- ii) Commission for the Implementation of the Constitution (CIC) Report on the Implementation of the Constitution.
- iii) The Report of the Auditor-General on the Financial Statements of Coffee Board of Kenya for the year ended 30th June 2013, and the certificate of the Auditor-General therein.
- iv) The Report of the Auditor-General on the Financial Statements of the Independent Electoral and Boundaries Commission IEBC for the year ended 30th June 2013, and the certificate of the Auditor-General therein.
- v) The Report of the Auditor-General on the Financial Statements of Kenya Industrial Estates Limited for the year ended 30th June 2013, and the certificate of the Auditor-General therein.
- vi) The Report of the Auditor-General on the Financial Statements of the National Biosafety Authority for the year ended 30th June 2013, and the certificate of the Auditor-General therein.

- vii) The Report of the Auditor-General on the Financial Statements of Kenya Sisal Board for the year ended 30th June 2013, and the certificate of the Auditor-General therein.

(The Leader of the Majority Party)

- viii) Report of the Mediation Committee on the Division of Revenue Bill, 2014 Pursuant to Article 113 of the Constitution.

(Chairperson, Mediation Committee on the Division of Revenue Bill, 2014)

- ix) Report of the Departmental Committee on Environment and Natural Resources on the Consideration of the Climate Change Bill 2014

(Chairperson, Departmental Committee Environment and Natural Resources)

- x) Report of the Departmental Committee on Justice and Legal Affairs on the Nomination of Commissioners National Cohesion and Integration Commission

(Chairperson Departmental Committee on Justice & Legal Affairs)

6. **NOTICE OF MOTION** – (Chairperson of the Mediation Committee)

THAT, this House adopts the Report of the Mediation Committee on the Division of Revenue Bill, 2014 Pursuant to Article 113 of the Constitution, laid on the Table of the House today, July 22, 2014.

7. **NOTICE OF MOTION** – (Chairperson of the Departmental Committee on Justice & Legal Affairs)

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Nomination of Commissioners National Cohesion and Integration Commission, laid on the Table of the House today, July 22, 2014.

8. **STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**

Pursuant to Standing Order 44(2)(c), the following Members requested statements –

- i) the Member for Malindi (Hon. Dan Kazungu) from the Department Committee on Labour and Social Welfare regarding the state of the Vasco Da Gama Pillar in Malindi;
- ii) the Member for Mavoko (Hon. Patrick Makau) from to the Departmental Committee on Administration and National Security regarding infringement on the privacy of citizens through CCTV cameras in Machakos County;
- iii) the Member for Gilgil (Hon. Samuel Ndiritu) from the Chairperson of the Departmental Committee on Education, Research and Technology regarding demotion of one Joel Wanyoike of TSC No.304569 by the Teachers Service Commission;
- iv) the Member for Tinderet (Hon. Julius Melly) from the Chairperson of the Departmental Committee on Lands regarding eviction of the Ogiek Community from Kosabei, Tinderet;
- v) the Member for Molo (Hon. Jacob Macharia) from the Chairperson of the Departmental Committee on Administration and National Security regarding incidences of drugging of motorists in parking areas in the country; and

- vi) the Member for Laikipia North (Hon. Matthew Lempurkel) from the Chairperson of the Departmental Committee on Administration and National Security regarding the structure of administrative units in constituencies.
- vii) Statement by the Member for Isiolo County (Hon. Tiyah Galgalo) from the Chairperson of the Departmental Committee on Defence and Foreign Relations regarding alleged non-endorsement of the United Nations Declaration on Prevention of Sexual Violence in Conflict Situations, by Kenya was dropped in the absence of the member.

9. **THE VICTIM PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2013)**

Question put and agreed to;

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

10. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

First Chairperson in the Chair

The Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 33 of 2013)

Schedule - amendment proposed -

THAT the Bill be amended in the Schedule—

(a) in the proposed amendments to the Land Adjudication Act, (Cap 284) be amended by –

(i) deleting the proposed amendments to S.6(1)

(ii) deleting the proposed amendment to S.26(1)

(iii) deleting the proposed amendment to section 29(1)

(Leader of the Majority)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

(b) in the proposed amendment to the Transition to Devolved Government Act, (No.1 of 2012) be amended by deleting the proposed amendment to section 37

(Leader of the Majority)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

(c) in the proposed amendments to the Agriculture Fisheries and Food Authority Act, 2013 (No.13 of 2013—

(i) by deleting the proposed amendment to section 5(e).

(ii) by deleting paragraph (h)";

(iii) by deleting the proposed amendment to section 5(4);

(iv) by inserting the following new provision in its proper numerical sequence —

Provision	Amendment
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	Delete paragraph (a) of subsection (4) and substitute therefor the following new subsection—
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s.5(4)(a)	"(a) be persons who have expertise qualification and experience in agriculture, finance, law, administration, human resource management or any other relevant qualification as the appointing authority may determine"
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(v) by inserting the following new amendment in its proper numerical sequence —

Provision	Amendment
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	Delete subsection (1) and substitute therefor the following new subsection-
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s.10(1)	"(1) There shall be a Director General who shall be the Chief Executive Officer of the Authority to be recruited by the Board of the Authority through a competitive process."
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(vi) by deleting the second proposed amendment to section 11(2).

(vii) by inserting the following new amendment in its proper numerical sequence —

Provision	Amendment
s.11(5)	Delete subsection (5)

(viii) by deleting the proposed amendment to section 16.

(Chairperson, Departmental Committee on Agriculture)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

(ix) by inserting the following new amendments in their proper numerical sequence —

Provision	Amendment
	Delete subsection (2) and substitute therefor the following new subsection—
16(2)	Notwithstanding the provision of subsection (1) all levies imposed under the Act on scheduled crops, shall be applied towards the sustenance, development, provision and for the benefit of the crop or sector in respect of which the levies are imposed"; Delete subsection (3) and substitute therefor the following new subsections—
16(3)	All levies imposed under the Act shall be connected and remitted to the respective directorate responsible for the crops appearing under the First Schedule of the Crops Act and if not remitted on or before the date prescribed by the notice, the amount due shall be a civil debt recoverable summarily by the Authority"
16(4)	A percentage of the proceeds of any levy as imposed under the Act as shall be gazette by the Cabinet Secretary shall be remitted to the board"

(x) Delete the expression "subparagraphs "(vi), (ix) and (x)" of the proposed amendment to the First Schedule and substitute therefor the expression "(ix) and (x)"

(xi) by inserting the following new amendments in their proper numerical sequence —

Provision	Amendment
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First Schedule	Delete subparagraph (vi), and substitute therefor the following new subparagraph—
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“(vi) The Pyrethrum Regulatory Authority.”

(xii) Delete the proposed amendment to section 9 of the First Schedule and substitute therefor the following-

“The Cabinet Secretary may appoint an interim Board to be known as the Interim Management Committee with a secretariat to undertake the function of the Authority for a maximum period of two years or until a substantive Board is put in place, whichever is earlier”

Further amendment proposed –

THAT, section 9 of the First Schedule be further amended by deleting the word “two” and inserting the word “one” in place thereof

(William Kisang)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, the Bill be amended in the Schedule in the proposed amendments to the Agriculture, Fisheries and Food Authority Act, 2013-

- (a) in the proposed amendments to section 5(1) by deleting the proposed amendment relating to paragraph (i); and
- (b) by deleting the proposed amendment to section 40(1).

(Hon. Benjamin Washiali)

Proposed amendment withdrawn;

(d) in the proposed amendments to the Crops Act, (No.16 of 2013) by deleting the expression s.9(2) appearing on the marginal note and substituting therefor the expression s.9(3).

(Chairperson, Departmental Committee on Agriculture)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

(e) in the proposed amendments to the Kenya Agricultural and Livestock Research Act, 2013 (No.17 of 2013)—

(i) by deleting the proposed amendment to section 6(3) and substituting therefor the following new amendment—

“Delete paragraph (c)”

(ii) by inserting the following new amendments in their proper numerical sequence —

Provision	Amendment
s.6(3)	Delete paragraph (b), and substitute therefor the following new paragraph— “(b) at least two Deputy Directors whom shall include – (i) Deputy Director General- Crops; (ii) Deputy Director General- Livestock.

(iii) by deleting the proposed amendment to section 14(1).

(vi) by inserting the following new amendments in their proper numerical sequence —

<u>Provision</u>	<u>Amendment</u>
<u>s.15(a)</u>	Delete paragraph (a), and substitute therefor the following new paragraph— “holds a post graduate degree or its equivalent in a relevant area”

(v) by deleting the proposed amendment to section 16.

(vi) by inserting the following new amendments in their proper numerical sequence —

<u>Provision</u>	<u>Amendment</u>
<u>s.6(3)</u>	Insert the words “or crops” immediately after the word “Livestock”; Insert the words “or crops” immediately after the word “animal” in paragraph (b); Delete paragraph (c), and substitute therefor the following new paragraph—

"a postgraduate degree or its equivalent from a recognized university"

Delete the word "ten" appearing in paragraph (d), and substitute therefor the word "five"

(Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Bill be amended in the Schedule, in the provisions relating to the Crops Act, 2013, by inserting the following new provision in its proper numerical sequence—

<i>Provision</i>	<i>Amendment</i>
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First Schedule	Insert the following new item at the end thereof—
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Part 3

"Miraa *catha edulis*"

(Hon. Cyprian Iringo)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

<u>Schedule</u>	-	as amended <u>agreed to</u>
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<u>Clause 2</u>	-	<u>agreed to</u>
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<u>Title</u>	-	<u>agreed to</u>
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<u>Clause 1</u>	-	<u>agreed to</u>
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Bill to be reported with amendments;

11. **HOUSE RESUMED** - the Deputy Speaker in the Chair

The Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 33 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

(The Leader of the Majority Party)

Question put and agreed to.

Question of the Third Reading deferred to another day.

12. **THE MINING BILL (NATIONAL ASSEMBLY BILL NO.9 OF 2014)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Mining Bill (National Assembly Bill No.9 of 2014) be now read a Second Time

(The Leader of the Majority Party – 16.07.2014)

Debate interrupted on Thursday, July 17, 2014 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

13. **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
Wednesday, July 23, 2014 at 9.30 a.m.

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