



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 10, 2016

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

The Speaker conveyed the following Message from the Senate-

"Honourable Members,

Pursuant to the provisions of Standing Order 41(5), I wish to report to the House that I have received a Message from the Senate regarding approval, by the Senate, of the Mediated Version of the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013), which is a Bill originally introduced by the Member for North Horr Constituency, the Hon. Francis Chachu Ganya, M.P.

The Message reads, and I quote – **"That, the Senate, on Tuesday, 1<sup>st</sup> March 2016, considered the report and the version of the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) as developed by the Mediation Committee appointed pursuant to Article 113(1) of the Constitution, and APPROVED the said version of the Bill."**

**Honourable Members**, you may recall that on 17<sup>th</sup> February 2016, the National Assembly had considered the Report and **approved** the same version of the said Bill in the form developed by the Mediation Committee. In this regard therefore, I will now proceed to present the Bill for Assent to H.E. the President in accordance with the provisions of Article 113(3) of the Constitution.

I thank you."

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Sessional Paper No. 1 of 2016 on the Government Guarantee on Borrowing by the Kenya Ports Authority for the Construction of the Second Container Terminal Phase II;
- (ii) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2013 and the certificates therein:-
  - (i) Chama Cha Mwananchi;
  - (ii) Wiper Democratic Movement – Kenya (WDM-K); and
  - (iii) Farmers Party.
- (iii) The Reports of the Auditor-General on the Financial Statements of the Kenya Law Reform Commission for the Year ended 30<sup>th</sup> June, 2015.

*(The Leader of the Majority Party)*

- (iv) Report of the Departmental Committee on Energy, Communication and Information on the 13<sup>th</sup> ITU World – Telecom/ICT Conference held in Hiroshima, Japan from 30<sup>th</sup> November to 2<sup>nd</sup> December 2015; and
- (v) Report of the Departmental Committee on Energy, Communication and Information on the World Radio Conference held in Geneva, Switzerland between 21<sup>st</sup> and 29<sup>th</sup> November 2015;

*(The Vice Chairperson, Departmental Committee on Energy, Communication and Information)*

- (vi) The Report of the Joint Committee on Parliamentary Broadcasting and Library on proposed amendments to the Standing Orders of both Houses regarding media-related activities in the precincts of Parliament.

*(Hon. Wesley Korir, Member, Joint Committee on Parliamentary Broadcasting and Library)*

## 6. NOTICES OF MOTION

The following Notices of Motion were given -

- (i) **Notice of Motion – Adoption of the Report on Proposed Amendments to media related activities in the precincts of Parliament Buildings**  
(The Hon. Wesley Korir, M.P.)

**THAT**, this House adopts the Report of the Joint Committee on Parliamentary Broadcasting and Library on proposed amendments to the Standing Orders of both Houses regarding media-related activities in the precincts of Parliament, laid on the table of the House, today, Thursday, March 10, 2016.

- (ii) **Notice of Motion – Approval for Government Borrowing for Second Container Terminal**  
(The Leader of the Majority Party)

**THAT**, pursuant to the provisions of Article 213 of the Constitution, sections 50 and 58 of the *Public Finance Management Act (CAP 412C)* and section 4 of the *National Government Loans Guarantee Act, 2011*, this House **notes** the *Sessional Paper No. 1 of 2016 on Government Guarantee on Borrowing for the Construction of the Second Container Terminal Phase II*, and **approves** the Government of Kenya Guarantee against a loan of Japanese Yen (Y) **32.116 billion**, equivalent to **Kshs 27.30 billion** at the current exchange rate, to be borrowed by the Kenya Ports Authority (KPA) from the Japan International Cooperation Agency (JICA) negotiated at the rate of 0.11% per annum and repayable in thirty four (34) years, with a six-year (6) moratorium, to finance Phase II of the development of the Second Container Terminal at the port of Mombasa as part of the Mombasa Port Development Project.

7. **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, March 15, 2016.

8. **PROCEDURAL MOTION - RESCISSION OF RESOLUTION ON THE APPOINTMENT OF THE BUDGET AND APPROPRIATIONS COMMITTEE**

Motion made and Question proposed –

**THAT**, pursuant to the provisions of Standing Order 49(2)(a), this House resolves to rescind its decision of **Tuesday, February 16, 2016 (Afternoon Sitting)** regarding the appointment of Members to the Budget and Appropriations Committee.

*(The Leader of the Majority Party)*

Debate arising;

Motion withdrawn by the Leader of the Majority Party, pursuant to Standing Order 58, with the leave of the House.

9. **MOTION - APPOINTMENT OF MEMBERS TO THE BUDGET AND APPROPRIATIONS COMMITTEE**

**THAT**, pursuant to the provisions of Standing Orders 175 and 207, this House **approves** the appointment of the following Members to the Budget and Appropriations Committee:-

1. Hon. Mutava Musyimi, M.P.;
2. Hon. Mary Emaase, M.P.;
3. Hon. Alfred Sambu, M.P.;
4. Hon. Benjamin Langat, M.P.;
5. Hon. Charles Nyamai, M.P.;
6. Hon. Clement Wambugu, M.P.;
7. Hon. Ferdinard Waititu, M.P.;

8. Hon. Jackson Kiptanui, M.P.;
9. Hon. Jamleck Kamau, M.P.;
10. Hon. John Mbadi, M.P.;
11. Hon. Mohamed Shidiye, M.P.;
12. Hon. Moses Lessonet, M.P.;
13. Hon. Moses Ole Sakuda, M.P.;
14. Hon. Nelson Gaichuhie, M.P.;
15. Hon. Ahmed I. Abass, M.P.;
16. Hon. Abdulaziz Farah, M.P.;
17. Hon. Alfred Agoi, M.P.;
18. Hon. Alice Ng'ang'a, M.P.;
19. Hon. Banticha Jaldesa, M.P.;
20. Hon. Benjamin Andola Andayi, M.P.;
21. Hon. Bitok S. Kirwa, M.P.;
22. Hon. Daniel Nanok, M.P.;
23. Hon. Dennis Kariuki, M.P.;
24. Hon. (Dr.) J. W. Nyikal, M.P.;
25. Hon. (Dr.) Reginalda Wanyonyi, M.P.;
26. Hon. Eng. Stephen Ngare, M.P.;
27. Hon. Fatuma Ali Ibrahim, M.P.;
28. Hon. Francis Njenga, M.P.;
29. Hon. Irshad Sumra, M.P.;
30. Hon. Isaack Mwaura, M.P.;
31. Hon. James Gakuya, M.P.;
32. Hon. James Luswet, M.P.;
33. Hon. Jared O. Opiyo, M.P.;
34. Hon. Jonathan Lati Lelelit, M.P.;
35. Hon. Joseph Limo, M.P.;
36. Hon. KK Stephen Kinyanjui, M.P.;
37. Hon. (Dr.) Makali Mulu, M.P.;
38. Hon. Moses Kuria, M.P.;
39. Hon. Charles Muriuki, M.P.;
40. Hon. (Dr.) Eseli Simiyu, M.P.;
41. Hon. Omar Mwinyi, M.P.;
42. Hon. Omondi George, M.P.;
43. Hon. Patrick Ole Ntutu, M.P.;
44. Hon. Peter Weru Kinyua, M.P.;
45. Hon. Priscilla Nyokabi, M.P.;
46. Hon. Richard Tong'i, M.P.;
47. Hon. Samuel Gichigi, M.P.;
48. Hon. Shukra Hussein Gure, M.P.;
49. Hon. Silverse Lisamula Anami, M.P.;
50. Hon. Suleiman Murunga Kasuti, M.P.; and
51. Hon. Tiyah Galgalo, M.P.

*(The Leader of the Majority Party)*

Notice of Motion withdrawn by the Leader of the Majority Party pursuant to Standing Order 51(1)

10. **MOTION - THE REPORT OF THE MEDIATED VERSION OF THE MINING BILL, 2014**

Motion made and Question proposed –

**THAT**, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Mining Bill, 2014 laid on the Table of the House, Tuesday, 8<sup>th</sup> March 2016, and **approves** the mediated version of the Mining Bill (National Assembly Bill No. 9 of 2014).

*(The Chairperson, Mediation Committee on the Mining Bill, 2014)*

Debate arising;

Mover replied;

Question deferred to another day.

11. **THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLYBILL NO. 55 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Land Laws (Amendment) Bill (National Assembly Bill No.55 of 2015) be now read a Second Time

*(The Leader of the Majority Party – 09.03.2016)*

Debate interrupted on Wednesday, March 09, 2016 (Afternoon Sitting) resumed;

Rising in his place under Standing Order 96, the Member for Narok North (Hon. Moitalel Ole Kenta) claimed to move “that the debate be now adjourned”

And the Second Chairperson acceding to the claim;

Question put and agreed to.

Debate on the Bill adjourned to another day.

12. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2015)**

Order for Second Reading read;

Order deferred to another day.

13. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed -

THAT, the Warehouse Receipts System Bill (National Assembly Bill No.12 of 2015) be now read a Second Time

*(Deputy Leader of the Majority Party)*

Rising in her place under Standing Order 96, the Member for Kiambu County (Hon. Annah Nyokabi) claimed to move "that the debate be now adjourned"

And the Second Chairperson acceding to the claim;

Question put and agreed to.

Debate on the Bill adjourned to another day.

14. **THE MISCELLANEOUS FEES AND LEVIES BILL (NATIONAL ASSEMBLY BILL NO.30 OF 2015)**

Order for Second Reading read;

Order deferred to another day.

15. **THE KENYA DEFENCE FORCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.41 OF 2015)**

Order for Second Reading read;

Order deferred to another day.

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

16. **HOUSE ROSE** - at six minutes to Six O'clock

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

The Speaker will take the Chair on  
Tuesday, March 15, 2016 at 2.30 p.m.

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