



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JUNE 15, 2017 AT 6.50PM

1. The House assembled at ten minutes to Seven O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the First Chairperson
4. **MESSAGES**

The Presiding Officer conveyed the following Messages from the Senate:-

Conveyance of various Messages from the Senate

Honourable Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received the following Messages from the Senate –

1. Message on the Passage of the Mediated version of the Health Bill (*National Assembly Bill No. 14 of 2015*), which, as you may be aware was passed by this House on 25th May 2017. This now concludes the bicameral consideration of the said Bill;
2. Message on the passage of the Mediated version of the Division of Revenue (No. 2) Bill (National Assembly Bill No. 22 of 2017), which is listed for consideration by the National Assembly in this Second Sitting;
3. Message on the passage of the Parliamentary Powers and Privileges Bill (National Assembly Bill No. 35 of 2015 in the same form as passed by the National Assembly on October 22, 2015. This also concludes the bicameral consideration of the said Bill;
4. Message on the passage, **with amendments**, of the County Allocation of Revenue Bill (Senate Bill No. 2 of 2017), which is also listed for consideration by the National Assembly in this Second Sitting at all stages pursuant to the provisions of Standing Order 124; and,
5. Message on the adoption of the Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly, which is also listed for consideration by the National Assembly in this Second Sitting.

Honourable Members, it is my hope that the National Assembly will also pass, in the affirmative, the Bills and Reports that have been listed in the Order Paper for consideration, thus amiably bringing to an end the bicameral consideration of this business. With this presumption, I will accordingly proceed to present all the Bills that have been passed by both Houses to H.E. the President for Assent in accordance with the provisions of Article 113(3) of the Constitution.

Honourable Members, I also wish to report that the Senate has also agreed with the National Assembly on its amendments to the County Assembly Services Bill (Senate Bill No. 27 of 2014) and the County Early Childhood Education Bill (Senate Bill No. 32 of 2014). Further, the Senate has just passed and referred to the National the following Bills for consideration –

1. The Statutory Instruments Bill (Senate Bill No. 10 of 2015);
2. The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 8 of 2015);
3. The Persons with Disabilities (Amendment) Bill (Senate Bill No. 13 of 2015);
4. The National Cereals and Produce Board (Amendment) Bill (Senate Bill No. 15 of 2015);
5. The County Pension Scheme Bill(Senate Bill No. 20 of 2016)); and,
6. The Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No. 2 of 2016).

Honourable Members, conscious of the scheduled *sine die* recess at the rise of the House today, it is clear that there is almost no time for the National Assembly to consider these Bills, unless on a special sitting.

I thank you!

5. **PAPERS LAID**

The following Papers were laid on the Table of the House by the Leader of the Majority Party –

- (a) The Report of the Auditor-General on the Financial Statements of the Parliamentary Mortgage Scheme Fund for the year ended 30th June, 2016 and the certificate therein; and
- (b) Annual Report and Group Financial Statements of the Kenya Reinsurance Corporation Limited for the year ended 31st December, 2016.

The following Papers were laid on the Table of the House by the Vice Chairperson of the Departmental Committee on Finance, Planning and Trade (Hon. Nelson Gaichuhie) –

- a) Report of the Consideration of Sessional Paper No. 3 of 2017 on the Government Guarantee of USD 750 million (Ksh 77.48 billion) in support of Kenya Airways, and

- b) Report on the Consideration of Public Petition on the irregular transfer of Muiri Coffee Estate Limited property by the Kenya Commercial Bank.

6. **MOTION** **-REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON
CONSIDERATION OF THE PRESIDENT'S RESERVATIONS TO THE
FINANCE BILL (NATIONAL ASSEMBLY BILL NO.16 OF 2017)**

Motion made and Question proposed:-

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the President's Reservations to the Finance Bill (National Assembly Bill No.16 of 2017).

(Leader of the Majority Party)

Recommittal –

Motion made and Question proposed –

THAT, the Motion for agreement with the Report of the Committee of the Whole House be amended by inserting the words – “**subject to the recommittal of Clause 28D (for amendment of Clause 29)**”

(Leader of the Majority Party)

Question put and agreed to;

7. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 2 OF 2017)**

Order for First Reading read;

THAT, the County Allocation of Revenue (Senate Bill No.2 of 2017) be read a First Time.

(Chairperson, Budget and Appropriations Committee)

Bill read a first time pursuant to the Standing Orders.

8. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 2 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the County Allocation of Revenue Bill (Senate Bill No.2 of 2017) be now read a Second Time.

(Chairperson, Budget and Appropriations Committee)

Question put and Agreed to.

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

(i) President's Reservations to the Finance Bill, (National Assembly Bill No. 16 of 2017)

Recommittal of Clause 28D (for amending Clause 29 of the Bill)

Recommended Text:

NEW CLAUSE 29

THAT, a new clause be inserted in the Bill to read as follows:

**Amendment
of section
59B of
Cap.131.**

28D. Section 59B of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the word "fifteen" and substituting therefor the words "thirty-five".

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

President's Reservation to Clause 29 – agreed to

President's Reservation to be reported without amendments.

(ii) The County Allocation of Revenue Bill (Senate Bill No. 2 of 2017)

Clauses 1,2,3,4 &5 - Agreed to

Clauses 6,7,8,9 & 10 - Agreed to

Clauses 11, 12 & 13 - Agreed to

First Schedule - Agreed to

Second Schedule - Agreed to

Third Schedule - Agreed to

Fourth Schedule - Agreed to

Bill to be reported without amendments.

Change of Speakership from the First Chairperson to the Honourable Speaker.

10. **HOUSE RESUMED** - the Honourable Speaker in the Chair

(i) President's Reservations to the Finance Bill, (National Assembly Bill No. 16 of 2017)

President's Reservations reported without amendments;

Motion made and Question proposed

THAT, the House do agree with the Committee in its Report

(The Leader of the Majority Party)

Question put and Agreed to.

(ii) The County Allocation of Revenue Bill (Senate Bill No. 2 of 2017)

Bill reported without amendments;

Motion made and Question proposed

THAT, the House do agree with the Committee in its Report

(Chairperson, Budget and Appropriations Committee)

Question put and Agreed to.

Motion made and Question proposed

THAT, the County Allocation of Revenue Bill (Senate Bill No. 2 of 2017) be now read a Third Time.

(Chairperson, Budget and Appropriations Committee)

Question put and Agreed to.

11. **MOTION – APPROVAL OF THE NOMINEE FOR APPOINTMENT AS DIRECTOR GENERAL, FINANCIAL REPORTING CENTRE**

Motion made and Question proposed-

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the Vetting of the nominee for Appointment as the Director General of the Financial Reporting Centre, laid on the Table of the House on Wednesday, June 14, 2017 (Morning Sitting), and pursuant to the provisions of Section 25 of the Proceeds of Crime and Anti-Money Laundering Act, 2009, **approves** the appointment of **Saitoti Kimerei Maika** as Director-General of the Financial Reporting Centre.

(Vice Chairperson, Departmental Committee on Finance, Planning and Trade)

Question put and Agreed to.

12. **MOTION – APPROVAL OF THE MEDIATED VERSION OF THE DIVISION OF REVENUE BILL, 2017**

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 its consideration of the Division of Revenue Bill (National Assembly Bill No. 2 of 2017), laid on the Table of the House on Thursday June 15, 2017 (Morning Sitting), and **approves** the Mediated Version of the Division of Revenue Bill, 2017.

(Co-Chairperson, Mediation Committee, Hon. Mutava Musyimi)

Question put and Agreed to.

13. **MOTION – ADOPTION OF THE REPORT OF THE JOINT PARLIAMENTARY SELECT COMMITTEE ON THE ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY**

Motion made and Question proposed-

THAT, pursuant to Article 50 of the Treaty for the Establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017, this House adopts the Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly on its *consideration of the nominees for election as Members of the East African Legislative Assembly*, laid on the Table of the House on Thursday, June 15, 2017 (Morning Sitting).

(Co-Chairperson, Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly)

Debate Arising.

Mover Replied.

Question put and Agreed to.

14. **MOTION -CONSIDERATION OF THE PROPOSAL REGARDING GOVERNMENT GUARANTEE OF USD 750 MILLION IN SUPPORT OF THE RESTRUCTURING OF KENYA AIRWAYS**

Motion made and Question proposed-

THAT, pursuant to the provisions of Article 213 of the Constitution, and sections 50 and 58 of the Public Finance Management Act (CAP 412C), this House notes Sessional Paper No. 3 of 2017 on Government Guarantee in support of Restructuring of Kenya Airways, and **approves** the Government of Kenya Guarantee of United States Dollars (\$) 750 million, equivalent to Kshs 77.48 billion at the current exchange rate, to the US Exim Bank and eleven (11) local banks, for the restructuring of Kenya Airways PLC.

(Vice Chairperson of the Departmental Committee on Finance, Planning and Trade)

Debate Arising.

Mover Replied.

Question put and Agreed to.

15. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2017)**

Order for Second Reading Dropped by the Mover of the Bill (The Leader of the Majority Party) with Leave of the House and approval of the Honourable Speaker pursuant to the Standing Orders.

16. **MOTION -ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR OF THE NATIONAL ASSEMBLY (2017)**

Motion made-

THAT, this House do **Adjourn Sine Die** in accordance with the Calendar of the Assembly (Regular Sessions).

(Leader of the Majority Party))

Debate Arising.

And the time being one minute past Ten O'clock, the Honourable Speaker adjourned the House Sine Die without Question put pursuant to the Standing Orders.

17. **HOUSE ROSE** - at one minute past Ten O'clock.