



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – (FIFTH SESSION)**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, JUNE 13, 2017**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication –

**Visiting delegation from the Parliament of Uganda**

“Honourable Members,

I wish to introduce to you a delegation of Members of the **Standing** Committee on Appointments from Parliament of Uganda. The delegation is seated at the Speaker’s Row and comprises of the following:-

- |                                  |                            |
|----------------------------------|----------------------------|
| (i) The Hon.Chekamondo Rukiya    | - Leader of the Delegation |
| (ii) The Hon.Lowila C.D Oketayot | - Member                   |
| (iii) The Hon. Mwijukye Francis  | - Member                   |
| (iv) The Hon. Rwakoojo Robinah   | - Member                   |
| (v) Mrs. Jane L. Kibirige        | - Clerk to Parliament      |
| (vi) Ms. Glorious Kamayangi      | - Clerk Assistant          |

The Delegation is in the country to exchange ideas and share experiences with their counterparts in the Committee on Appointments on issues relating to approval of Presidential nominees and also share experiences on matters of Parliamentary Service Commission among others. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful deliberations during their stay in the country.

Thank you”.

5. **PETITION**

The Speaker conveyed the following Petition –

**Excision of the Mt. Kenya Forest**

“Honourable Members,

Pursuant to the provisions of Standing Order 225 (2) (b), I wish to convey to the House that my office is in receipt of a Petition, signed by three persons namely Patrick Muriuki Kirigia, Robert Wanjau Gichohi and Lucy Mirigo Munyi on behalf of members of Mt. Kenya Forest Squatters and residents of Meru County. The Petitioners allege irregular allocation of land set aside for settlement of Squatters.

The Petitioners contend that a total of nine hundred and thirty hectares (930 Ha) of land was excised from the Mt. Kenya Forest in Ontulili area in Meru for settlement of squatters. Further, the Petitioners allege that after the conveyance process the title deed of the Ontulili Block of Mt. Kenya was irregularly issued to an individual instead being issued in favour of the squatters.

Honourable Members, the Petitioners are therefore praying that the National Assembly investigates the allocation and ownership of Ontulili Block of Mount Kenya L.R. No.12234 and inquires into the matter of Ontulili Squatters with a view of having the one thousand four hundred and thirty five thousand (1,435) families currently living in deplorable and inhuman conditions settled on excisions in Ontulili Block of Mount Kenya L.R. 12234 gazetted as Legal Notices No.68/1975 and 107/1977.

Honourable Members, pursuant to the provisions of Standing Order 227, the Petition stands committed to the Departmental Committee on Lands for consideration. In considering the Petition, the Committee is encouraged to engage the Petitioners.

Thank you”.

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Public Private Partnerships (Project Facilitation Fund) Regulations, 2017 and the Explanatory Memorandum;
- (ii) National Police Service Standing Orders and the Explanatory Memorandum;
- (iii) The Office of the Controller of Budget Half Year County Governments Budget Implementation Review Report for the Financial Year 2016/2017
- (iv) 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, 2016 and the certificates therein:-
  - (a) Kenya Institute of Mass Communication;
  - (b) Coast Water Services Board;
  - (c) Kenya Maritime Authority;
  - (d) Railway Development Levy Fund (Operations Account) from the Ministry of Transport, Infrastructure, Housing and Urban Development

- (e) Mechanical and Transport Fund from the Ministry of Transport, Infrastructure, Housing and Urban Development;
- (f) Lands Limited;
- (g) Agricultural Development Corporation;
- (h) Parliamentary Mortgage Scheme Fund; and
- (i) Petroleum Development Levy Fund.

*(The Leader of the Majority Party)*

- (v) The Fifth Report of the Procedure and House Rules Committee on amendments of the Standing Orders

*(Hon. Moses Cheboi)*

7. **NOTICE OF MOTION** – (Hon. Moses Cheboi)

The following Notice was given –

THAT, this House adopts the Fifth Report of the Procedure and House Rules Committee on amendments of the Standing Orders, laid on the Table of the House today, Tuesday, June 13, 2017.

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2016)**

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 Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 48 of 2016)

*(The Leader of the Majority Party)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 48 of 2016) be now read a Third Time

*(The Leader of the Majority Party)*

Question put and agreed to;

Bill read a Third Time and passed.

9. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO.29 OF 2016)**

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 Refugees Bill (National Assembly Bill No.29 of 2016)

*(Hon. Agostinho Neto)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the Refugees Bill (National Assembly Bill No. 29 of 2016) be now read a Third Time

*(Hon. Agostinho Neto)*

Question put and agreed to;

Bill read a Third Time and passed.

10. **MOTION – ADOPTION OF REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON THE SECOND SUPPLEMENTARY BUDGET FOR THE FINANCIAL YEAR 2016/2017**

Motion made and Question proposed –

**THAT**, this House adopts the Report of the Budget & Appropriations Committee on the Second Supplementary Estimates for the Financial Year 2016/2017, laid on the Table of the House on Tuesday, June 6, 2017 and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243, **approves**–

- (i) an increment of the total recurrent expenditure for Financial Year 2016/2017 by **Kshs. 6,493,177,978** in respect of the Votes as contained in the Schedule;
- (ii) an increment of the total capital expenditure for Financial Year 2016/2017 by **Kshs.42,132,984,988** in respect of the Votes as contained in the First Schedule;
- (iii) an overall increment in the total budget for Financial Year 2016/2017 by **Kshs.48,626,162,966** in respect of the Votes as contained in the First Schedule; and
- (iv) further resolves that the First Schedule forms the basis of the enactment of the Second Supplementary Appropriations Act, 2017.

*“Subject to –*

- (i) *Irrigation Projects;*
- (ii) *reallocation of Kshs. 507 million within the State Department for Irrigation under the ‘Irrigation and Land Reclamation’ programme from Thiba Dam to the National Irrigation Board to clear pending bills in the following projects: Kshs. 307 million for Bura Scheme Gravity Project, Kshs. 100 million for Daua River Flood Water Control Project, and Kshs. 100 million for Expanded National*
- (iii) *increment of Kshs. 550 million to the State Department for Livestock under the ‘Livestock Resource Management and Development’ programme for drought mitigation interventions in ASAL counties; and*
- (iv) *effecting the consequential amendments to the First Schedule and the total sum approved accordingly”.*

Amendment proposed –

THAT, the Motion be amended by inserting the following words immediately after the words “Second Supplementary Appropriations Act, 2017”–

*“Subject to –*

*increment of Ksh300 million to the National Intelligence Service under the 'National Security Intelligence' programme for security-related interventions.*

- (a) *increment of Ksh2.5 billion to the Independent Electoral and Boundaries Commission under the 'Management of Electoral Processes' programme for initial payment of printing of ballot papers.*
- (b) *reallocation of Ksh90 million within the State Department of Arts and Culture from General Administration, Planning and Support Services as follows: Ksh50 million to the Kenya Film Commission and Ksh40 million to the Kenya Film Classification Board under the 'Arts programme for payment for contracts for ongoing international and local marketing campaigns and procurement of censorship suite, respectively.*
- (c) *effecting the consequential amendments to the First Schedule and the total sum approved accordingly."*

*(Chairperson, Budget and Appropriations Committee)*

Debate interrupted on Thursday, June 08, 2017 resumed;

Mover replied;

Question put and agreed to.

**Resolved Accordingly -**

**THAT**, this House adopts the Report of the Budget & Appropriations Committee on the Second Supplementary Estimates for the Financial Year 2016/2017, laid on the Table of the House on Tuesday, June 6, 2017 and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243, **approves**-

- (v) an increment of the total recurrent expenditure for Financial Year 2016/2017 by **Kshs. 6,493,177,978** in respect of the Votes as contained in the Schedule;
- (vi) an increment of the total capital expenditure for Financial Year 2016/2017 by **Kshs.42,132,984,988** in respect of the Votes as contained in the First Schedule;
- (vii) an overall increment in the total budget for Financial Year 2016/2017 by **Kshs.48,626,162,966** in respect of the Votes as contained in the First Schedule; and
- (viii) further resolves that the First Schedule forms the basis of the enactment of the Second Supplementary Appropriations Act, 2017;

*"Subject to –*

*(a) Irrigation Projects;*

*(b) reallocation of Kshs. 507 million within the State Department for Irrigation under the 'Irrigation and Land Reclamation' programme from Thiba Dam to the National Irrigation Board to clear pending bills in the following projects: Kshs. 307 million for Bura Scheme Gravity Project, Kshs. 100 million for Daua River Flood Water Control Project, and Kshs. 100 million for Expanded National;*

- (c) increment of Kshs. 550 million to the State Department for Livestock under the 'Livestock Resource Management and Development' programme for drought mitigation interventions in ASAL counties; and
- (d) effecting the consequential amendments to the First Schedule and the total sum approved accordingly".

"Subject to –

- (a) increment of Ksh300 million to the National Intelligence Service under the 'National Security Intelligence' programme for security-related interventions.
- (b) increment of Ksh2.5 billion to the Independent Electoral and Boundaries Commission under the 'Management of Electoral Processes' programme for initial payment of printing of ballot papers;
- (c) reallocation of Ksh90 million within the State Department of Arts and Culture from General Administration, Planning and Support Services as follows: Ksh50 million to the Kenya Film Commission and Ksh40 million to the Kenya Film Classification Board under the 'Arts programme for payment for contracts for ongoing international and local marketing campaigns and procurement of censorship suite, respectively.
- (d) effecting the consequential amendments to the First Schedule and the total sum approved accordingly."

11. **MOTION- ADOPTION OF THE TWENTY FIRST REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON THE AUDITED ACCOUNTS OF STATE CORPORATIONS**

Motion made and Question proposed –

**THAT**, this House adopts the Twenty First Report of the Public Investments Committee on the Audited Accounts of State Corporations, laid on the Table of the House on Thursday, May 18, 2017

*(Chairperson, Public Investments Committee – 07.06.2017)*

Debate interrupted on Wednesday, June 07, 2017 (Afternoon Sitting) resumed;

Amendment proposed -

- (i) deletion of Committee's recommendations under paragraph 14 appearing on page 378 of the Report;
- (ii) deletion of the Committee's observations and recommendations under paragraph 15 appearing on page 379 of the Report; and
- (iii) deletion of Committee's observations and recommendations under paragraph 16 appearing on page 382 of the Report.

*(Hon. Korei Lemein)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Debate on the Motion as amended resumed;

*(Change of Chair from the Speaker to the First Chairperson)*

Mover replied;

Question deferred to another day.

12. **MOTION – ADOPTION OF SESSIONAL PAPER NO.3 OF 2016 ON THE NATIONAL HOUSING POLICY**

Order deferred to another day

13. **MOTION – ADOPTION OF SESSIONAL PAPER NO.5 OF 2016 ON THE NATIONAL CLIMATE CHANGE FRAMEWORK POLICY**

Order deferred to another day

14. **THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2017)**

Order deferred to another day

15. **MOTION – ADOPTION OF REPORTS OF THE KENYA DELEGATIONS TO THE ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS**

Order deferred to another day

16. **THE CONSTITUTION OF KENYA (AMENDMENT)(NO. 6) BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2015)**

Order deferred to another day

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

17. **HOUSE ROSE** - at twenty-five minutes to Six O'clock.

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

The Speaker will take the Chair on  
Wednesday, June 14, 2017 at 9.30 a.m.

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