



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 07, 2017 (AFTERNOON)

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

Pursuant to the provisions of Standing Order 225(2)(b), the Honourable Speaker presented a Petition on behalf of Mr. Peter Kimani Runo through which the Petitioner seeks the establishment of a Vetting Board for vetting presidential candidates.

5. **PAPERS LAID**

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

- a) Sessional Paper No. 3 of 2017 from the National Treasury on Government Guarantee of the USD 750 Million (Equivalent to KES 75.26 Billion) in support of restructuring of Kenya Airways.
- b) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2016 and the certificates therein:-
 - i. Council of Governors Secretariat; and
 - ii. Kenya Institute for Public Policy Research and Analysis.
- c) The Annual Report and Financial Statements of the Kenya Investment Authority for the financial year ended 30th June, 2016.
- d) The Performance Report of the Independent Policing Oversight Authority (IPOA) for the period July to December, 2016.
- e) The Marriage (Customary Marriage) Rules 2017 and the Explanatory Memorandum.
- f) The Marriage (Customary Marriage) Hindu Marriage Rules, 2017 and the Explanatory Memorandum.
- g) The Mining (Use of Local Goods and Services) Regulations 2017 and the Explanatory Memorandum.
- h) The Mining (Employment and Training) Regulations 2016 and the Explanatory Memorandum.
- i) The Mining (Work Programmes and Exploration Reports) Guidelines 2016 and the Explanatory Memorandum.

- j) The Mining (Use of Assets) Regulations 2017 and the Explanatory Memorandum.
- k) The Mining (State Participation) Regulations 2017 and the Explanatory Memorandum

The following Papers were laid on the Table by Hon. Charles Nyamai, MP (Member of the Departmental Committee on Lands) –

Reports of the Departmental Committee on Lands on its consideration of the following Petitions:

- a) Report on the Petition by Hon. David Gikaria on behalf of Residents of Nakuru Town East on the Revocation and Cancellation of Title Deed for land L/R. No. Nakuru Municipality Block 23/108 belonging to Naka primary School;
- b) Report on the Petition by Hon. Francis Mwangangi, MP concerning irregular acquisition of land in Ndalani Ward Yatta Constituency;
- c) Report on the Petition by Hon. Cyprian Kubai Iringo on behalf of the residents of Igembe Central Constituency regarding parcels of land allocated to the community; and
- d) Report on the Petition by residents of Pongwe Area, Lunga Lunga Constituency on Imminent Eviction from LR. No. 1083, Shimoni (Kwale).

The following Papers were laid on the Table by Hon. Michael Onyura, MP (Member of the Kenyan Delegation to the IPU) –

- a) The Report of the Kenya Delegations to the 136th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings held in Dhaka, Bangladesh, from 1st to 5th April, 2017; and
- b) The Report of the Kenya Delegations to the and 135th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings held in Geneva, Switzerland from 21st to 27st October, 2016.

6. **NOTICE OF MOTION**

The following Notice of Motion on the Approval of Government Guarantee to Support the Restructuring of Kenya Airways was given –

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 75.26 billion** at the current exchange rate, to the US Exim Bank and eleven (11) local banks, for the restructuring of Kenya Airways PLC.

(Leader of the Majority Party)

7. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Fourth Chairperson in the Chair

- (i) **The Statute Law (Miscellaneous Amendments)(No.2) Bill (National Assembly Bill No. 48 of 2016)**

NB: By Way of Communication made on February 9, 2017, the Speaker conveyed the Withdrawal of all provisions relating to the Copyright Act, 2011 from the Bill.

Provisions Relating to the Betting, Lotteries and Gaming Act (Cap 131) -agreed to.

Provisions Relating to the Pensions Act (Cap 189) -agreed to.

Provisions Relating to the Dairy Industry Act (Cap 336) -agreed to.

Provisions Relating to the Clinical Officers (Training, Registration and Licensing) Act (No. 9 of 1988) -agreed to.

Provisions Relating to the Kenya Roads Board Act (No. 7 of 1999) -Amendment Proposed to Section 12(2).

THAT the Bill be amended in the Schedule by inserting the following new row immediately after the proposed amendments to the Clinical Officers (Training, Registration and Licensing) Act, 1988 (No. 9 of 1988) (in regard to the Kenya Roads Board Act, 1999)—

Written law Provision Amendment

| | | |
|---|----------|---|
| The Kenya Roads Board Act, 1999 (No. 7 of 1999) | s. 12(2) | Delete subsection (2) and substitute therefor the following new subsection— (2) A person shall be qualified for appointment as the Executive Director if that person— (a) holds a Master's degree in finance, accounting, law or engineering from a university recognised in Kenya; (b) has knowledge and at least ten years' experience in a relevant field; (c) has served in a senior management position for a period of at least five years; and (d) satisfies the requirements of Chapter Six of the Constitution. |
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(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Provisions Relating to the Employment Act (No. 11 of 2007) -agreed to.

Provisions Relating to the Alcoholic Drinks Control Act (No. 4 of 2010) -agreed to.**Provisions Relating to the Kenya Institute of Curriculum Development Act (No. 4 of 2013)** -Amendment Proposed to Section 5 and Section 7.

THAT the Bill be amended in the Schedule in the proposed amendments to the Kenya Institute of Curriculum Development Act by —

(a) deleting the proposed amendment to section 5 and substituting therefor the following new amendments to section 5—

s.5 Delete subsection (2) and substitute therefor the following new subsection—

(2) The Council shall consist of—

- (a) a chairperson who shall be appointed by the President;
- (b) the Principal Secretary in the ministry responsible for matters relating to education and training or a representative designated by the Principal Secretary;
- (c) the Principal Secretary responsible for Treasury or a representative designated by the Principal Secretary;
- (d) one person to represent the Kenya National Examinations Council;
- (e) one person to represent the Teachers Service Commission;
- (f) the following members appointed by the Cabinet Secretary—
 - (i) one person to represent public universities;
 - (ii) one person, from the private sector;
 - (iii) one person nominated by the Kenya Primary Schools Head Teachers Association;
 - (iv) one person nominated by Kenya Secondary Schools Head Teachers Association;
- (g) the Director who shall be an *ex-officio* member.

Delete subsection (3)

(b) deleting the proposed amendment to section 7 and substituting therefor the following new amendments to section 7—

s.7 Insert the words 'if the chairperson or the member' immediately after the word 'vacant' in subsection (1)

Delete the words 'if the member' appearing immediately before the word 'resigns' in paragraph (a)

Delete subsection (2)

(The Chairperson, Departmental Committee on Education, Research and Technology)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Provisions Relating to the Crops Act (No. 16 of 2013) -agreed to.

Provisions Relating to the Technical and Vocational Education and Training Act (No. 29 of 2013) -Amendment Proposed to Section 2 (Deletion), Section 52 (Deletion) and Section 58 (Deletion).

THAT the Bill be amended in the Schedule in the proposed amendments to the Technical and Vocational Education and Training Act by —

- (a) deleting the proposed amendment to section 2;
- (b) deleting the proposed amendment to section 52; and
- (c) deleting the proposed amendment to section 58.

(Chairperson, Departmental Committee on Education, Research & Technology)

Question of the amendment proposed;

Debate arising;

Question put and Negatived.

Provisions Relating to the Public Procurement and Asset Disposal Act (No. 33 of 2015) -
-agreed to.

Provisions Relating to the National Employment Authority Act (No. 3 of 2016) -
Amendment Proposed to Section 28(1) and Section 30(3).

THAT, the Schedule to the Bill be amended in the proposed amendments to the National Employment Authority Act (No.3 of 2016) by inserting the following items in proper chronological sequence—

s.28(1) Delete and substitute therefor the following new sub-section—

“28. (1) Whenever a vacancy arises in a public or State office at the national government or county government, the concerned State office, public office or national government or county government shall convey details of the vacancy to the Authority.”

s.30 (3) Insert the words “county entity,” immediately after the words “State entity,”

(Hon. Johnson Sakaja)

Amendment not Considered due to the absence of the member;

Amendment Dropped.

Clause 2 - -agreed to.

Title - -agreed to.

Clause 1 - -agreed to.

Bill to be reported **with** amendments;

(ii) **The Companies (Amendment) Bill (National Assembly Bill No.23 of 2017)**

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10,11, 12, 13, 11, 12, 13, 14 & 15 - agreed to

Clauses 16, 17,18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 & 30 - agreed to

Clauses 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 & 45- agreed to

Clauses 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58 & 59 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments;

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

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

Bill reported with amendments;

Motion made and Question proposed –

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

(The Leader of the Majority Party)

Question deferred to another day

(ii) **The Companies (Amendment) Bill (National Assembly Bill No.23 of 2017)**

Bill 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 deferred to another day

9. **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) ***Reallocation of Ksh 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: Ksh 307 million for Bura Scheme Gravity Project, Ksh 100 million for Daua River Flood Water Control Project, and Ksh 100 million for Expanded National Irrigation Projects.***
- (ii) ***Increment of Ksh 550 million to the State Department for Livestock under the ‘Livestock Resource Management and Development’ programme for drought mitigation interventions in ASAL counties.***
- (iii) ***Effecting the consequential amendments to the First Schedule and the total sum approved accordingly.”***

(Chairperson, Budget and Appropriations Committee)

Debate arising;

Change of Speaker from the Honourable Speaker to the Fourth Chairperson.

Mover replied;

Question deferred.

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

THAT, the Constitution Of Kenya (Amendment)(No. 6) Bill (National Assembly Bill No. 65 Of 2015) be now read a Second Time

(The Leader of the Majority Party – June 06, 2017)

Order deferred.

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

(The Chairperson, Departmental Committee on Transport, Public Works & Housing)

THAT, this House adopts Sessional Paper No. 3 of 2016 on the National Housing Policy, laid on the Table of the House on November 15, 2016.

Order deferred.

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

(The Chairperson, Departmental Committee on Environment & Natural Resources)

THAT, this House adopts the National Climate Change Framework Policy Sessional Paper No. 5 of 2016, laid on the Table of the House on Thursday, December 20, 2016.

Order deferred.

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

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Order deferred.

14. **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.

(The Chairperson, Public Investments Committee)

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

15. **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
Thursday, June 08, 2017 at 2.30 P.m.

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