



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JUNE 08, 2017

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **PAPERS LAID**
The following Papers were laid on the Table –
 - (i) The Annual Report and Financial Statements of the Kenya Law Reform Commission for the financial year ended June 30, 2016;
 - (ii) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates therein:-
 - (a) Constituencies Development Fund Board; and
 - (b) Constituencies Development Fund Central Bank of Kenya Account.

(The Leader of the Majority Party)
 - (iii) The Report of the Public Investments Committee on the Petition by Hon. Protus Akuja on behalf of Residents of Turkana County regarding alleged financial impropriety by Eng. Daniel K. Baraza, former General Manager of National Irrigation Board.

(Chairperson, Public Investments Committee)
5. **NOTICE OF MOTION** – (Hon. Jude Njomo)
The following Notice of Motion was given –

THAT, this House adopts the Reports of the Kenya Delegations to the Assemblies of the Inter-Parliamentary Union (IPU) and Related Meetings as follows:

- (i) 131st, 130th and 129th Assemblies of the Inter-Parliamentary Union (IPU) and Related Meetings held in Geneva, Switzerland from 12th to 16th October, 2014, 16th to 20th March, 2014 and 7th to 9th October, 2013 respectively, laid on the Table of the House on Thursday, December 04, 2014;

- (ii) 134th and 133rd Assemblies held in Lusaka, Zambia from 17th to 23rd March, 2016 and Geneva, Switzerland from 15th to 21st October, 2016 respectively, laid on the Table of the House on Thursday, June 16, 2016; and
- (iii) 136th and 135th Assemblies, held in Dhaka, Bangladesh, from 1st to 5th April, 2017; and Geneva, Switzerland from 21st to 27th October, 2016 respectively laid on the Table of the House on Wednesday, June 07, 2017.

6. **STATEMENT**

Pursuant to the provisions of Standing Order 44(2), the Leader of the Majority Party gave a statement on the business of the House for the week commencing Tuesday, June 13, 2017.

7. **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 and Standing Order 243 of the Constitution, **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 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; and*
- (iii) *Effecting the consequential amendments to the First Schedule and the total sum approved accordingly.”*
(Chairperson, Budget and Appropriations Committee – 07.06.2017)

Amendment proposed –

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

“subject to:

- (i) ***Increment of Ksh 300 million to the National Intelligence Service under the ‘National Security Intelligence’programme for security-related interventions.***
- (ii) ***Increment of Ksh 2.5 billion to the Independent Electoral and Boundaries Commission under the ‘Management of Electoral Processes’programme for initial payment of printing of ballot papers.***
- (iii) ***Reallocation of Ksh 90 million within the State Department of Arts and Culture from General Administration, Planning and Support Services as follows: Ksh 50 million to the Kenya Film Commission and Ksh 40 million to the Kenya Film Classification Board under the ‘Artsprogramme for payment for contracts for ongoing international and local marketing campaigns and procurement of censorship suite, respectively.***
- (iv) ***Effecting the consequential amendments to the First Schedule and the total sum approved accordingly.”***

(Chairperson, Budget and Appropriations Committee)

Debate arising;

Amendment referred to the relevant Departmental Committees pursuant to the Standing Orders;

Order deferred.

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COMPANIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 23 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 Companies (Amendment) Bill (National Assembly Bill No.23 of 2017)

(Leader of the Majority Party)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Companies (Amendment) Bill (National Assembly Bill No. 23 of 2017) be read a Third Time

(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 TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2014)**

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 Traffic (Amendment) Bill (National Assembly Bill No. 33 of 2014)

(Hon. Joseph Lekuton)

Question put and agreed to.

Motion made and Question proposed –

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

Question put and agreed to;

Bill read a Third Time and passed.

10. **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)

(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 provisions relating to the National Employment Authority Act (No. 3 of 2016)**”

(Hon. Johnson Sakaja)

Debate arising;

Question put and agreed to;

11. **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. Agostino Neto)

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 7”**

(Chairperson, Departmental Committee on Administration & National Security)

Debate arising;

Question put and agreed to;

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee of the Whole House read;

IN THE COMMITTEE

The First Chairperson in the Chair

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

Recommittal of provisions relating to the National Employment Authority Act (No. 3 of 2016)

SCHEDULE

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)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Provisions relating to the National Employment Authority Act – agreed to

Bill to be reported with amendments.

(ii) The Refugees Bill (National Assembly Bill No. 29 of 2016)Recommittal of Clause 7

THAT, the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

The
Refugee
Advisory
Committee.

- 7.** (1) The Committee shall consist of—
- (a) the chairperson who has knowledge and experience in public affairs for a period of not less than ten years appointed by the Cabinet Secretary;
 - (b) the Principal Secretary or their representative from the Ministry responsible for refugee affairs ;
 - (c) the Principal Secretary or their representative from the ministry responsible for foreign affairs;
 - (d) the Principal Secretary or their representative from the Ministry responsible for devolution affairs;
 - (e) the Principal Secretary or their representative from the Ministry responsible for health;
 - (f) the Principal Secretary or their representative from the Ministry responsible for finance;
 - (g) the principal Secretary or their representative from the Ministry responsible for education;
 - (h) the Attorney-General or their representative;
 - (i) the Director of the Department of Immigration or their representative;
 - (j) the Inspector-General or their representative; and
 - (k) the Director, who shall be the Secretary to the Committee.
- (2) The Committee may when necessary co-opt for a specified period of time a representative from the host communities, a representative from Kenya National Commission for Human Rights and a representative from the United Nations High Commissioner for Refugees on an advisory role only and who shall have no right to vote.
- (3) The quorum for a meeting of the Committee shall be five members.
- (4) Each member of the Committee shall have one vote but in case of a tie in votes, the Chairperson shall have a casting vote.

(5) The chairperson shall convene at least four meetings in every year.

(6) Except as expressly provided in this Act, the Committee shall regulate its own procedure as it deems fit.

(Chairperson, Departmental Committee on Administration & National Security)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to.

Bill to be reported with amendments.

13. **HOUSE RESUMED** - the Fourth Chairperson 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.

(ii) **The Refugees Bill (National Assembly Bill No. 29 of 2016)**

Bill reported with amendments;

Motion made and Question proposed

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

(Chairperson, Departmental Committee on Administration and National Security)

Question deferred.

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

Order for Second Reading read;

Rising in his place on a Point of Order pursuant to Standing Order 35, the Member for Kibra Constituency (Hon. Kenneth Okoth) drew the attention of the Chair to the fact that there was no Quorum in the House;

And the Chair having ascertained the claim, ordered that the Division Bell be rung for ten minutes;

And there being **no** Quorum after expiry of ten minutes;

The Fourth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** - at eleven minutes past Four O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, June 13, 2017 at 2.30 p.m.

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