



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 04, 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. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication –

Delegation of Members of the Portfolio Committee on Finance and Economic Development from the Parliament of the Republic of Zimbabwe

“Honourable Members,

I am pleased to introduce to you a visiting delegation of Members of the Portfolio Committee on Finance and Economic Development from the Parliament of the Republic of Zimbabwe. The delegation is seated at the Speaker's gallery and comprises of the following:-

- | | | |
|--|---|---------------------------|
| 1. The Hon. David Chapfika, MP | - | Leader of the Delegation; |
| 2. The Hon. Felix T. Mhona, MP | - | Member; |
| 3. The Hon. Francis G. Mukwangwariwa, MP | - | Member; |
| 4. The Hon. Washington Musvaire, MP | - | Member; |
| 5. The Hon. Terence Mukupe, MP | - | Member; |
| 6. The Hon. Tapiwa Mashakada, MP | - | Member; |
| 7. The Hon. Dorcas Sibanda, MP | - | Member; |
| 8. The Hon. Tose W. Sansole, MP | - | Member; and |

9. Mr. Christian Ratsakatika

- Principal Committee Clerk

Honourable Members, the Delegation is in the country to share experiences and exchange ideas with their counterparts in the Departmental Committee on Finance, Planning and Trade; Budget and Appropriations Committee and Public Investments Committee on an array of issues relating to planning and economic development. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the Country.

5. MESSAGE FROM THE SENATE

The Speaker conveyed the following Message –

Appointment of Senators to the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No. 2 of 2017)

Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to report to the House that I am in receipt of correspondence from the Senate, dated 31st March 2017, conveying that the Senate has appointed the following Senators to represent the Senate in the Mediation Committee to consider the Division of Revenue Bill (National Assembly Bill No. 2 of 2017):-

1. Sen. Billow Kerrow, MP
2. Sen. Mutula Kilonzo Junior, MP
3. Sen.(Dr.) Agnes Zani, MP
4. Sen. Beatrice Elachi, MP; and
5. Sen. Mutahi Kagwe, MP

Honourable Members, you will recall that, on Tuesday, March 28, 2017, the National Assembly negatived all the Senate's amendments to the Division of Revenue Bill (National Assembly Bill No. 2 of 2017), effectively committing the Bill to a Mediation Committee in terms of Article 112(2)(b) of the Constitution. Subsequently, I appointed five Members to represent the National Assembly in the Mediation Committee and conveyed the National Assembly's decision to the Senate. With the appointment of Senators, the Mediation Committee is now fully constituted and may now commence the process of attempting to develop an agreed version of the Bill in accordance with the provisions of Article 113.

Honourable Members, you will agree with me that the Division of Revenue Bill is critical to the process of vertical sharing of revenue between the two levels of Government. Indeed Article 218 of the Constitution provides that the Bill ought to be passed at least two months before the end of the subsisting Financial Year. I therefore implore upon the Mediation Committee to expeditiously consider the contested sections of the Bill and submit a mediated version of the Bill to both Houses of Parliament within the timeline contemplated under Article 113(3) of the Constitution.

Thank you".

6. PETITION

The Member for Masinga (Hon. Benson Mbai) presented a Petition on land dispute between KENGEN and the residents of Kivaa and Kyangosi villages in Masinga constituency;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1)

7. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Fourth Quarterly Report of the Ethics and Anti-Corruption Commission covering the period 1st October to 31st December, 2016;
- (ii) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund for Matayos Constituency for the year ended 30th June, 2015 and the certificate therein; and
- (iii) The Hague Conventions plus their Memoranda as indicated below –
 - (a) The 15 November 1965, Hague Convention on Service Abroad of Judicial and Extra Judicial Documents in Civil and Commercial Matters (Hague Service Convention);
 - (b) The 18 March 1970, Hague Convention on the Taking Evidence Abroad in Civil or Commercial Matters (Hague Evidence Convention);
 - (c) The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents (Apostille Convention);
 - (d) The Hague Convention of 25 October 1980 on International Access to Justice;
 - (e) 19 October 1996, Hague Convention on jurisdiction, Applicable Law, Recognition, Enforcement and cooperation in respect of Parental Responsibility and Measures for the Protection of Children;
 - (f) 23 November 2007, Hague Convention on the International Recovery of Child Support and other forms of Family Maintenance; and
 - (g) 25 October 1980, Convention on the Civil Aspects of International Child Abduction.

(The Leader of the Majority Party)

- (iv) The Report of the Departmental Committee on Justice and Legal Affairs on its considerations of the Election Laws (Amendment) Bill, 2017

(Chairperson, Departmental Committee on Justice and Legal Affairs)

8. **PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF A BILL**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Equalization Fund Appropriation Bill (National Assembly Bill No.12 of 2017), from fourteen (14) to seven (7) days.

(Chairperson, Budget and Appropriations Committee)

Debate arising;

Question put and agreed to.

9. **THE OFFICE OF THE ATTORNEY GENERAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.1 OF 2017)**

Motion having been made and Question having been proposed –

THAT, the Office of the Attorney General (Amendment) Bill (National Assembly Bill No.1 of 2016) of 2017) e now read a Second Time

(Chairperson, Departmental Committee on Justice and Legal Affairs – 29.03.2017)

Debate on the Second Reading having been concluded on Wednesday, March 29, 2017;

Question put and Agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

10. **THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2017)**

(Chairperson, Budget and Appropriations Committee)

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time today.

11. **THE EQUALIZATION FUND APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2017)**

(Chairperson, Budget and Appropriations Committee)

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time today.

12. **MOTION –APPROVAL OF ELECTIONS-RELATED REGULATION**

Motion made and Question proposed –

THAT, this House adopts the Reports of the Committee on Delegated Legislation on its consideration of the Elections-related Regulations laid on the Table of the House on Wednesday, March 29, 2017, and pursuant to provisions of sections 44(6) and 109(3) of the Elections Act, 2011, approves the following Elections-related Regulations:-

- (i) The Draft Elections (*Technology*) Regulations, 2017;
- (ii) The Draft Elections (*Registration of Voters*) (Amendment) Regulations, 2017;
- (iii) The Draft Elections (*Voter Education*) Regulations, 2017;
- (iv) The Draft Elections (*General*) (*Amendment*) Regulations, 2017; and

- (v) The Draft Elections (*Party Primaries and Party Lists*) Regulations, 2017.

(Chairperson, Committee on Delegated Legislation – 30.03.2017)

Debate interrupted on Thursday, March 30, 2017 resumed;

Proposed Amendments by Hon. Eseli Simiyu;

Business Stood Down by the Hon. Speaker to accord Members sufficient time to analyze the proposed amendments.

13. **THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Appropriation Bill (National Assembly Bill No.15 of 2017) be now read Second Time

(Chairperson, Budget and Appropriations Committee)

(Change of Chair from the Speaker to the Fourth Chairperson)

Debate Arising;

Debate Concluded;

Mover Replied;

Question deferred to another day

14. **THE EQUALIZATION FUND APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Equalization Fun Appropriation Bill (National Assembly Bill No.12 of 2017) be now read a Second Time

(Chairperson, Budget and Appropriations Committee)

Debate Arising;

Debate Concluded;

Mover Replied;

Question deferred to another day

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
Wednesday, April 05, 2017 at 9.30 a.m.