



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 07, 2015

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

The following Papers were laid on the Table –

- (i) The Office of the Controller of Budget Annual National Government Budget Implementation Review Report for the Financial Year 2014/2015 (*pursuant to Article 228(6) of the Constitution*);
- (ii) The Office of the Controller of Budget Annual County Governments Budget Implementation Review Report for the Financial Year 2014/2015 (*pursuant to Article 228(6) of the Constitution*);
- (iii) Legal Notice No. 165 of August 19, 2015 on the Income Tax Act (Cap 470);
- (iv) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Tetu Constituency for the year ended 30th June, 2014 and the certificate therein;
- (v) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Kuresoi North Constituency for the year ended 30th June, 2014 and the certificate therein;
- (vi) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Msambweni Constituency for the year ended 30th June, 2014 and the certificate therein.

- (vii) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Nyali Constituency for the year ended 30th June, 2014 and the certificate therein;
- (viii) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Kipkelion West Constituency for the year ended 30th June, 2014 and the certificate therein;
- (ix) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Lari Constituency for the year ended 30th June, 2014 and the certificate therein; and,
- (x) The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund – Kirinyaga Central Constituency for the year ended 30th June, 2014 and the certificate therein.

(The Leader of the Majority Party)

5. **NOTICE OF MOTION – ESTABLISHMENT OF A SELECT COMMITTEE**

(The Hon. Samuel Chepkong'a, M.P.)

THAT, aware that following the 2007 post-election violence, various state and non-state agencies carried out independent investigations, either on their own or in the exercise of their statutory functions; further aware that, some of those agencies, including the Commission appointed by the then President to inquire into the matters pertaining to the Post Election Violence (*the Waki Commission*), either submitted or publicized their findings and/or reports, which are yet to be discussed by the National Assembly; cognizant of the fact that the matter of possible compromise and allegations of skewed investigations has been of concern to the People of Kenya, including allegations that some of the witnesses who testified before the Commission and other agencies may have been procured; recalling that Article 95 of the Constitution provides that the National Assembly deliberates on and resolves issues of concern to the people; Further recalling that, in 2010, Parliament amended the Commission of Inquiry Act (CAP. 102) to accord the National Assembly an opportunity to receive and discuss such findings or reports; this House -

- (a) Resolves to establish a select Committee to inquire into and report on the allegations of the skewed and compromised investigations by the various state and non-state agencies on the matter of the 2007-Post Elections Violence;
- (b) Also resolves that the Select Committee elects its chairperson and vice-chairperson from amongst its Members;
- (c) Further resolves that the Select Committee submits its report to the House within ninety (90) days, to inform the debate on the subsequent motion for noting the contents of *the Report of the Commission of Inquiry into the Post Election Violence (CIPEV)* which was table in the House on 4th December 2008 ; and,
- (d) Approves the appointment of the following Members to the Select Committee:

- (i) The Hon. Florence Kajuju, MP
- (ii) The Hon. Moses Cheboi, MP
- (iii) The Hon. Kimani Ichung'wah, MP
- (iv) The Hon. Alice Ng'ang'a, MP
- (v) The Hon. David Ochieng, MP
- (vi) The Hon. Tom. J. Kajwang, MP
- (vii) The Hon. Boniface Otsiula, MP
- (viii) The Hon. Samuel Chepkonga, MP
- (ix) The Hon. Mati Munuve, MP
- (x) The Hon. David Gikaria, MP
- (xi) The Hon. Jimmy Angwenyi, MP
- (xii) The Hon. Abdulaziz Farah, MP
- (xiii) The Hon. MishiMboko, MP
- (xiv) The Hon. Katoo Ole Metito, MP
- (xv) The Hon. Wilber Ottichillo, MP.

6. **NOTICE OF MOTION – IMPROVEMENT OF SECURITY IN ALL GOVERNMENT AND PRIVATE INSTALLATIONS**

(The Hon. John Ndirangu, M.P.)

THAT, aware that Article 29 of the Constitution provides for the right of every citizen to freedom and security; further aware that this Country has faced numerous insecurity incidents in the recent past occasioned by terrorism attacks; cognizant of the fact that many lives have been lost due to the said attacks and that terrorists continue to issue threats of further attacks; deeply concerned that our security officers lack the requisite capacity and equipment to detect and deter such occurrences; this House urges the Government to speedily implement a mechanism to improve security in all strategic Government and private installations including Parliament, Government offices, shopping malls, worship places and other public places, in tandem with enforcing already existing security systems; conduct training for all security agencies on modern techniques of dealing with the incessant threat of terrorism and put in place stricter access controls in the said areas; and make provisions for regular mandatory audit/ checks to confirm that all Government institutions are enforcing and implementing measures already in place to improve security in their facilities.

7. **STATEMENT**

Rising in his place, the Member for Navakholo (Hon. Emmanuel Wangwe) made a statement regarding allegations of management crisis at the University of Nairobi. He cited alleged financial mismanagement, procurement and governance issues which were adversely affecting performance within the university fraternity. He therefore sought the intervention of the National Assembly through the Departmental Committee on Education, Research and Technology.

The Member for Belgut (Hon. Eric Arap Keter), on behalf of the Committee, committed to table a report on the matter within three (3) weeks.

8. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2015)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

9. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2015)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

10. **THE FOOD SECURITY BILL (SENATE BILL NO. 23 OF 2014)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

11. **THE MAGISTRATES' COURTS BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2015)**

Motion made and Question proposed –

THAT, the Magistrates' Courts Bill (National Assembly Bill No.41 of 2015) be now read a Second Time

(The Deputy Leader of the Majority Party – 01.10.2015)

Debate interrupted on Tuesday, October 06, 2015 resumed;

Rising under Standing Order 95, the Member for Homa Bay County (Hon. Gladys Wanga) claimed to move that “the Mover be now called upon to reply”;

And the Speaker acceding to the claim;

Question put and agreed to;

Thereupon the Mover replied;

Question of the Second Reading deferred to another day.

12. **THE HIGH COURT ORGANIZATION AND ADMINISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2015)**

Motion made and Question proposed –

THAT, the High Court Organization and Administration Bill (National Assembly Bill No. 47 of 2015) be now read a Second Time

(The Deputy Leader of the Majority Party)

Debate arising;

(Change of Chair from Speaker to Fourth Chairperson)

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.

13. **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, October 08, 2015 at 2.30 p.m.

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