



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 21, 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 –

- (a) The Reports of the Auditor General on the Financial Statements of the Constituencies Development Fund for the year ended 30th June, 2014 and the certificates therein, in respect of the following constituencies –

- (i) Shinyalu
- (ii) Webuye
- (iii) Tongaren
- (iv) Mt. Elgon
- (v) Maragwa
- (vi) Kiambu Town
- (vii) Mathira
- (viii) Ruiru
- (ix) Kandara
- (x) Saboti
- (xi) Wundanyi
- (xii) Eldama Ravine
- (xiii) Kwanza
- (xiv) Baringo Central
- (xv) Mogotio

(The Leader of the Majority Party)

- (b) The Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the visit to Japan for talks on Official Development Assistance (ODA) for Economic Growth in Kenya, held on 4-8 October, 2014

*(Hon. Benjamin Washiali, Member, Departmental Committee on
Agriculture, Livestock and Co-operatives)*

- (c) The Report of the Departmental Committee on Environment and Natural Resources on Senate Amendments to the Mining Bill, 2014

(Hon. Chachu Ganya, Member, Departmental Committee on Environment and Natural Resources)

5. **STATEMENTS**

- (a) The Hon. Moses Lessonet, M.P., Chairperson, Constituencies Development Fund Committee updated the House on Constituencies Development Fund (CDF) disbursements for the 2015/16 Financial Year.
- (b) In accordance with the Speaker's communication of 14th October, 2015, the Chairpersons of the following Committees appraised the House on the Status of the Business pending before their respective Committees:
- (i) The Hon. Asman Kamama, M.P.- Chairperson, Departmental Committee on Administration and National Security;
 - (ii) The Hon. Benjamin Washiali, M.P. on behalf of the Chairperson, Departmental Committee on Agriculture, Livestock and Cooperatives; and
 - (iii) The Hon. Benjamin Langat, M.P.- Chairperson, Departmental Committee on Finance, Planning and Trade.

6. **MOTION - THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO.42 OF 2013)**

Order for Motion read;

Motion made and Question proposed –

THAT, the Senate Amendments to the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) be now considered.

(Hon. Chachu Ganya on behalf of the Chairperson, Departmental Committee on Environment and Natural Resources – October 21, 2015 (AM))

Debate on the Motion having been concluded on Wednesday, October 21, 2015 (Morning Sitting);

Question put and agreed to;

Senate amendments committed to the Committee of the whole House today;

7. **PROCEDURAL MOTION - THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2014)**

Order for Motion read;

Motion made and Question proposed –

THAT, Pursuant to the provisions of Standing Order 49 (2) (a), this House resolves to rescind the decision made by the House on Wednesday, October 14, 2015 (Morning Sitting) regarding the Question that “this House do agree with the Report of the Committee of the whole House on the Parliamentary Powers and Privileges Bill (National Assembly Bill No 35 of 2014)” and further pursuant to the provisions of

Standing Order 136 resolves to agree with the Committee of the whole House on the said report subject to re-committal of Clauses 34 and 37 of the Bill.

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to.

8. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

The Parliamentary Powers and Privileges Bill, (National Assembly Bill No.35 of 2014)

(Re-committal of Clauses 34 and 37)

Clause 34 - amendment proposed –

THAT, the Bill be amended by deleting clause 34

(Leader of the Majority Party)

Debate arising;

Question of the amendment put and agreed to;

Clause 34 - deleted

Clause 37 - amendment proposed –

THAT, the Bill be amended by deleting clause 37 and substituting therefor the following clause –

Officers of a House of Parliament to have powers of police officer.

37. (1) Every officer of a House of Parliament shall, for the purposes of this Act and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a police officer. (2) In this section, “officer of a House of Parliament” means any officer acting within the precincts of Parliament under the orders of the Speaker.”

(Leader of the Majority Party)

Debate arising;

Question of the amendment put and agreed to

Clause 37 - as amended agreed to.

Bill to be reported with amendments;

9. **HOUSE RESUMED** - The Third Chairperson in the Chair

Bill reported with amendments;

The Parliamentary Powers and Privileges Bill, (National Assembly Bill No. 35 of 2014)

Motion made and Question proposed:-

THAT, the House do agree with the Committee of the whole House in the said report

(The Leader of the Majority Party on behalf of the Hon Aden Keynan)

Debate arising;

Question put and agreed to.

Motion made and Question proposed –

THAT, the Parliamentary Powers and Privileges Bill, (National Assembly Bill No. 35 of 2014) be now read a Third Time

(The Leader of the Majority Party on behalf of the Hon. Aden Keynan)

Question of the Third Reading deferred to another day.

10. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

Consideration of the Senate Amendments to the National Drought Management Authority Bill (National Assembly Bill No.42 of 2013)

Clause 4 - **Senate Amendment**

THAT, clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Authority shall establish offices in each county.

(Hon. Chachu Ganya on behalf of the Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Clause 8 - Senate Amendment

THAT, clause 8 of the Bill be amended-

(a) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)-

(da) one person who shall be nominated by the Council of County Governors.

(b) in sub-clause (5) by inserting the words “and (1)(da)” immediately after the words subsection (1)(d).

(Hon. Chachu Ganya, on behalf of the Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising

Question put and agreed to;

Clause 8 - as amended agreed to.

Bill to be reported with amendments;

HOUSE RESUMED - The Third Chairperson in the Chair

Bill reported with amendments;

11. **Consideration of the Senate Amendments to the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013)**

Order for Motion read;

Motion made and Question proposed:-

THAT, the House do agree with the Committee of the whole House in the said report

(Hon. Chachu Ganya, on behalf of the Chairperson, Departmental Committee on Environment and Natural Resources)

Debate arising;

Question deferred to another date.

12. **THE COURT OF APPEAL (ORGANIZATION AND ADMINISTRATION) BILL (NATIONAL ASSEMBLY BILL NO.52 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Court of Appeal (Organization and Administration) Bill (National Assembly Bill No. 52 of 2015) be now read a Second Time

(The Leader of the Majority Party – 15.10.2015)

Resumption of debate interrupted on Thursday, October 15, 2015;

There being no Members wishing to contribute; and the mover not being present to reply;

Question for the Second Reading deferred to another day.

13. **MOTION – CONSIDERATION OF SENATE AMENDMENTS TO THE MINING BILL NATIONAL ASSEMBLY BILL NO.9 OF 2014)**

Order for Motion read;

Motion made and Question proposed –

THAT, the Senate Amendments to the Mining Bill National Assembly Bill No.9 of 2014) be considered

(Hon. Chachu Ganya, on behalf of the Chairperson, Departmental Committee on Environment and Natural Resources)

Debate arising;

Mover replied;

Question of the Second Reading deferred to another day.

14. **COMMITTEE OF THE WHOLE HOUSE**

Consideration of the Senate Amendments to the Mining Bill (National Assembly Bill No.9 of 2014)

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

Order deferred to another day.

15. **THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2015)**

(The Leader of the Majority Party)

Order for Second Reading read;

Order deferred to another day.

16. **THE PROTECTION OF TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015)**

(The Leader of the Majority Party)

Order for Second Reading read;

Order deferred to another day.

17. **THE FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

(The Leader of the Majority Party)

Order for Second Reading read;

Order deferred to another day.

18. **MOTION - ESTABLISHMENT OF A SELECT COMMITTEE**

Order for Motion read;

Motion made and Question proposed -

THAT, aware that following the 2007 post-election violence, various state and non-state agencies carried out independent investigations, either on their own motion 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 Election Violence;

(b) also resolves that the Committee elects its chairperson and vice-chairperson from amongst its Members;

(c) further resolves that the 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 tabled in the House on 4th December 2008 ; and,

(d) approves the appointment of the following Members to the Committee:-

1. The Hon. Florence Kajuju, MP
2. The Hon. Moses Cheboi, MP
3. The Hon. Kimani Ichung'wah, MP
4. The Hon. Alice Ng'ang'a, MP
5. The Hon. David Ochieng, MP
6. The Hon. Tom J. Kajwang, MP
7. The Hon. Boniface Otsiula, MP
8. The Hon. Samuel Chepkonga, MP
9. The Hon. Mati Munuve, MP
10. The Hon. David Gikaria, MP
11. The Hon. Jimmy Angwenyi, MP
12. The Hon. Abdulaziz Farah, MP
13. The Hon. Mishi Mboko, MP
14. The Hon. Katoo Ole Metito, MP
15. The Hon. Wilber Ottichillo, MP

(This is a Majority Party Sponsored Motion)

(Hon. Samuel Chepkonga – October 14, 2015 (PM)

Order deferred to another day.

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

19. **HOUSE ROSE** - at twenty-two minutes past Six O'clock.
-

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, October 22, 2015 at 2.30 p.m.

-- x --