



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 18, 2015

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. Presiding – the Speaker
4. MESSAGE FROM H.E. THE PRESIDENT

The Speaker conveyed the following Message;-

“Honourable Members, in accordance with the provisions of Standing Order 42(1) I wish to convey a Message from H.E. the President regarding the proposed appointment of a Member of the Kenya National Commission on Human Rights.

The Message reads, and I quote, **“Pursuant to the Kenya National Commission on Human Right Act, No. 14 of 2011, I have nominated Dr. Samuel Njuguna Kabue for appointment as a Member of the Kenya National Commission on Human Rights. The nominee is physically challenged and his appointment will ensure equity in the Commission, as per Article 54 (2) of the Constitution.”**

Honourable Members, Section 11(7) of the Kenya National Commission on Human Rights Act No. 14 of 2011 requires the National Assembly to consider the nominee within twenty-one days.

Further, Standing Order 45 requires that upon receipt of a notification of nomination for appointment to a State Office or other office as is under the Constitution or under any other legislation required to be approved by the House, the nomination shall stand committed to the relevant Departmental Committee of the House for consideration. In this regard, this Message together with the curriculum vitae stand committed to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings and submit their report to the House on or before March 5, 2015.

5. PAPERS LAID

- i. Report of the Auditor-General on the Financial Statements of the Geothermal Development Company Limited for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- ii. Report of the Auditor-General on the Financial Statements of the Kenya Roads Board for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- iii. Report of the Auditor-General on the Financial Statements of the Parliamentary Car Loan Scheme Fund for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- iv. Report of the Auditor-General on the Financial Statements of the Kenya Vision 2030 Delivery Secretariat for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- v. Report of the Auditor-General on the Financial Statements of the University of Nairobi Enterprises and Services Limited for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- vi. Report of the Auditor-General on the Financial Statements of the Kenya Marine and Fisheries Research Institute for the year ended 30th June 2014, and the certificate of the Auditor-General therein; and
- vii. Report of the Auditor-General on the Financial Statements of the Registrar of Political Parties for the year ended 30th June 2014, and the certificate of the Auditor-General therein.

(The Leader of the Majority Party)

- viii. The Report on the Departmental Committee on Health on the consideration of the Mental Health Bill, 2014; and
- ix. The Report of the Departmental Committee on Health on the consideration of the In-Vitro Fertilization Bill, 2014.

(Chairperson, Departmental Committee on Health)

- x. The Report of the Departmental Committee on Labour and Social Welfare on the Petition regarding the removal of the Chairperson of the National Gender and Equality Commission.

(Chairperson, Departmental Committee on Labour and Social Welfare)

6. **NOTICE OF MOTION - SERVICE BY POLICE AND PRISONS OFFICERS
UPON COMPLETION OF SPECIALIZED TRAINING**
(Hon. John Waluke)

THAT, aware that the Kenya Police Service spends considerable resources on training officers among the cadre of trainees; further aware that many of the police detectives are hired by other government and private institutions as soon as they acquire the necessary expertise and experience; deeply concerned that this results in delayed and botched investigations and failed conclusion of critical prosecutions plus a high number of acquittals due to perennial shortage of specialized officers in critical departments such as ballistics, forensics, document examinations, fraud detection, money laundering, transnational crime and cyber-crime; cognizant of the fact that private employers are able to offer superior terms, this House urges the Government to ensure that any Regular Police, Administration Police officer and Prisons Officer who benefits from specialized training at the taxpayers' expense should serve in the public sector for at least ten (10) years before leaving for the private sector or refund the public funds used in their training.

7. **MOTION - NAMING OF THREE MEMBERS FOR GROSSLY DISORDERLY
CONDUCT**

Rising on a Point of Order Pursuant to Standing Orders 107 and 108, the Member for Ainamoi Constituency (Hon. Benjamin Langat) invited the Speaker to name the following Honourables Members for grossly disorderly conduct in the House on Thursday, December 18, 2014;

- i. Member for Suba Constituency (Hon. John Mbadi);
- ii. Member for Homa Bay County (Hon. Gladys Wanga); and
- iii. Member for Shinyalu Constituency (Hon. Silvernce Anami)

And the Speaker acceding to the invitation, named the three (3) Members accordingly.

8. **MOTION - SUSPENSION OF THREE MEMBERS UPON BEING NAMED
FOR GROSS DISORDERLY CONDUCT**

Rising in his place pursuant to the provisions of Standing Order 108(2), the Member for Nakuru Constituency (Hon. David Gikaria) moved that the following Honourable Members be suspended from the service of the House for four consecutive (4) sittings for being named for grossly disorderly conduct;

- i. Member for Suba Constituency (Hon. John Mbadi);
- ii. Member for Homa Bay County (Hon. Gladys Wanga); and
- iii. Member for Shinyalu Constituency (Hon. Silvernce Anami)

Question put and agreed to

Rising on a point of Order, several Members claimed for a Division;

And there being requisite number of Members rising in their places in support of the claim;

And the Speaker acceding to the claim, directed that a Division bell be rung;

And after the expiry of ten minutes, the bar having been drawn and the doors closed;

Thereupon the House proceeded for an electronic vote;

Question put and upon a Division agreed to;

AYES

NOES

ABSTENTIONS

101

52

2

There upon the three (3) Members withdrew from the Chamber.

9. **NOTICE OF MOTION - ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE DETERIORATING SECURITY IN MUKUTANI WARD IN BARINGO COUNTY**

Rising in her place pursuant to the provisions of Standing Order 33, the Member for Baringo County (Hon. Grace Kipchoim) claimed to move a motion for the adjournment of the House under the provisions of Standing Order 33 to discuss a definite matter of urgent national importance regarding deteriorating state of security in Mukutani Ward in Baringo County.

And the Speaker acceding to the claim;

And there being sufficient number of Members rising in their places in support of the claim;

Thereupon, the Speaker directed that the Motion be moved at Thirty Minutes past Five O'clock.

10. **THE PUBLIC AUDIT BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)**

Order of Second Reading read;

THAT, the Public Audit (National Assembly Bill No. 38 of 2014) be now read a Second Time.

(The Leader of the Majority Party)

Debate concluded on Tuesday, February 17, 2015;

Question put and agreed to

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

11. **PROCEDURAL MOTION - LIMITATION OF SPEECH IN A DEBATE**

Motion made and Question proposed;

THAT, notwithstanding the resolution made by the House on Wednesday, February 11, 2015, this House orders that each speech on the Debate on **the Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40. of 2014)** be limited as follows:- A maximum of sixty (60) minutes for the mover in moving and thirty (30) minutes in replying and a maximum of thirty (30) minutes for any other Member, except the Leader of the majority Party and the Leader of the minority Party, who shall be limited to a maximum of forty five (45) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.

(Hon. Eng. Nicholas Gumbo)

Debate arising;

Question put and agreed to

12. **MOTION - NAMING OF SIX MEMBERS FOR GROSSLY DISORDERLY CONDUCT**

Rising in his place pursuant to Standing Orders 107 and 108, the Member for Seme Constituency (Hon. (Dr.) James Nyikal) invited the Speaker to name the following Honourable Members for grossly disorderly conduct in the House on Thursday, December 18, 2014;

- i. Member for Gatundu South Constituency (Hon. Moses Kuria),
- ii. Member for Njoro Constituency (Hon. Joseph Kiuna),
- iii. Member for Chesumei Constituency (Hon. Elijah Lagat),
- iv. Member for Chuka/Igambang'ombe Constituency (Hon. Muthomi Njuki),
- v. Member for Thika Town Constituency (Hon. Alice Ng'ang'a),
- vi. Member for Bahati Constituency (Hon. Kimani Ngunjiri)

And the Speaker acceding to the invitation, named the six (6) Members accordingly.

13. **MOTION - SUSPENSION OF SIX MEMBERS UPON BEING NAMED FOR GROSS DISORDERLY CONDUCT**

Rising in his place pursuant to Standing Order 108(2), the Member for Budalangi Constituency (Hon. Ababu Namwamba) claimed to move that the following six (6) Honourable Members be suspended from the service of the

House for four consecutive (4) sittings for being named for grossly disorderly conduct;

- i. Member for Gatundu South Constituency (Hon. Moses Kuria),
- ii. Member for Njoro Constituency (Hon. Joseph Kiuna),
- iii. Member for Chesumei Constituency (Hon. Elijah Lagat),
- iv. Member for Chuka/Igambang'ombe Constituency (Hon. Muthomi Njuki),
- v. Member for Thika Town Constituency (Hon. Alice Ng'ang'a), and
- vi. Member for Bahati Constituency (Hon. Kimani Ngunjiri)

Question put and agreed to

Rising on a point of Order, several Members claimed for a Division;

And there being the requisite number of Members rising in support of the claim;

And the Speaker acceding to the claim, directed that the Division bell be rung;

And after expiry of ten minutes, the bar having been drawn and the doors closed;

Thereupon the House proceeded for electronic vote;

Question put and upon a Division negated;

AYES

NOES

ABSTENTIONS

63

69

Nil

14. **THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL (NATIONAL ASSEMBLY BILL NO. 40. OF 2014)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the **Public Procurement and Asset Disposal Bill (National Assembly Bill No. 40 of 2014)** be now read a Second Time.

(The Leader of the Majority Party)

Debate arising;

15. **MOTION – ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A DIFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING DETERIORATING SECURITY SITUATION IN BARINGO COUNTY**

Motion made;

THAT, the House do now adjourn

(Hon. Grace Kipchoim)

Debate arising;

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

16. HOUSE ROSE - at forty minutes past six O'clock.

MEMORANDUM

The Speaker will take the Chair on.
Thursday, February 19, 2015 at 2.30 p.m.

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