



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 14, 2015

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the Speaker
4. **COMMUNICATION FROM THE CHAIR REGARDING PENDING BUSINESS BEFORE COMMITTEES**

The Speaker conveyed the following Communication –

“Honourable Members,

As you are aware, Parliament conducts a lot of its work through Committees. In fact, matters pertaining to public Petitions, Bills and legislative proposals are routinely referred to various parliamentary Committees for consideration. However, it has been noted that on many occasions, there have been inordinate delays in the processing of certain business by some Committees.

Honourable Members,

As part of its mandate to monitor and oversee implementation of business in the House as contemplated under Standing Order 171(5), the House Business Committee is of the view that Committee Chairpersons ought to regularly apprise the House on progress of business before them. This should take the form of brief reports to be presented when determined by the Speaker, and should not take more than ten minutes each. Such report should provide a summary of Bills, Legislative Proposals, Petitions, Statutory Instruments, and any other business referred to the Committees by the House or the Speaker.

Honourable Members,

I have therefore determined that this reporting will commence from next week, Wednesday, October 21, 2015, in the afternoon. The process shall begin with two Departmental Committees, following the order in which those Committees are listed in the Second Schedule to the Standing Orders. Thereafter, I will also accord an opportunity to other select Committees to provide progress reports on matters before them. Consequently, next week I expect the Chairpersons of the Committee on Administration

and National Security, and the Committee on Agriculture, Livestock and Cooperatives to brief the House on status of pending business before their respective Committees. Due to the heavy financial business before the Departmental Committee on Finance, Planning and Trade, some of which have statutory and fiscal deadlines, I will also allow the Chairperson of that Committee to give a status report of the business pending before the Committee during the same sitting.

Honourable Members,

To this end, Committees are notified that, in addition to budgetary approvals, requests to hold meetings outside Nairobi, including foreign travel will be approved on the basis of conclusion of committee work. Should it be necessary, I will not hesitate to suspend travel by any Committee that plans to undertake such travels or visits before completing pending business before them.

In conclusion, Honourable Members, I also wish to implore the Liaison Committee to assist the House in administering this requirement.

I thank you.”

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Teachers Service Commission (Code of Conduct and Ethics for Teachers) Regulations, 2015 and the Explanatory Memorandum.
- (ii) 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:-
 - (a) Samburu East Constituency;
 - (b) Nakuru East Constituency;
 - (c) Bomet East Constituency;
 - (d) Bomet Central Constituency;
 - (e) Endebess Constituency;
 - (f) Cherangany Constituency;
 - (g) Teso South Constituency;
 - (h) Ainamoi Constituency;
 - (i) Kipkelion East Constituency;
 - (j) Samburu North Constituency;
 - (k) Sigowet/ Soin Constituency;
 - (l) Laikipia West Constituency; and
 - (m) Gatundu South Constituency.

(The Leader of the Majority Party)

- (iii) The Reports of the Departmental Committee on Lands on its consideration of -

- (a) The Community Land Bill, 2015;
- (b) The Physical Planning Bill, 2015; and
- (c) The Land Laws (Amendment) Bill, 2015

(Chairperson, Departmental Committee on Lands)

6. **NOTICE OF MOTION - ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE**

Rising in his place on a Point of Order, the Member for Kisumu West (Hon. Olago Aluoch) claimed to move a Motion for the adjournment of the House under the provisions of Standing Order 33 in order to discuss a definite matter of urgent national importance regarding the recent unrest and death of students at Maseno University;

And the Speaker having acceded 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 today.

7. **THE ELECTION LAWS (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 53 OF 2015)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the Departmental Committee on Justice and Legal Affairs pursuant to Standing Order 127(1)

8. **THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL (NATIONAL ASSEMBLY BILL NO. 54 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 SMALL CLAIMS COURT BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Small Claims Court (National Assembly Bill No. 51 of 2015) be now read a Second Time

(The Leader of the Majority Party – 13.10.2015)

Debate interrupted on Tuesday, October 13, 2015 resumed;

Rising under Standing Order 95, the Member for Mvita (Hon. Abdullswamad Nassir) 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 Mover replied;

Question put and agreed to.

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

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

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)

Debate arising;

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

11. **ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING UNREST AND DEATH OF STUDENTS AT MASENO UNIVERSITY**

Motion made –

THAT, the House do now adjourn;

(Hon. Olago Aluoch)

Debate arising;

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.

12. **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 15, 2015 at 2.30 p.m.

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