



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 15, 2018

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

The Speaker conveyed the following Messages from the President –

(i) **Nominee for appointment as Director for Public Prosecutions (DPP)**

Honourable Members, Pursuant to the provisions of Standing Order No. 42(1), I wish to report to the House that I have received a Message from His Excellency the President conveying his nomination of **Mr. Noordin Mohammed Haji** for appointment as the Director of Public Prosecutions. His Excellency the President, having exercised his powers under Article 157(2) of the Constitution and section 8(5) of the Office of the Director of Public Prosecution Act, 2013, now seeks the approval of the House.

Honourable Members, section 8 (6) of the Office of the Director of Public Prosecution Act, 2013 provides that the National Assembly shall, within twenty-one (21) days vet and consider the nominee, and may approve or reject the nominee. The Public Appointments (Parliamentary Approval) Act, 2011 requires the relevant Committee of the House to consider the suitability or otherwise of such a nominee and table its report for consideration by the House. The Act further requires that the public be given seven (7) days notification to submit their views regarding the suitability or otherwise of the nominee proposed for appointment to an office requiring Parliamentary approval.

In this regard, and in accordance with the provisions of Article 259(5)(a) of the Constitution as read together with section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, the seven (7) days' notification to the public shall start running on the day following the day when the notice is published in the dailies.

Honourable Members This Message, together with the Curriculum Vitae of the nominee therefore, stands committed to the Departmental Committee on Justice and Legal Affairs for consideration. Considering that the House is scheduled to proceed on short recess,

from 30th March 2018, it is advisable that the Committee expeditiously proceeds to notify the nominee and the public, commence the approval hearing after the seven day notification period, and table a Report on or before Wednesday, 28th March, 2018 to enable the House to consider the matter within the statutory timelines.

Thank you”.

(ii) **Nominees for appointment as Principal Secretaries and Ambassadors/High Commissioners**

“Honourable Members, I wish to report to the House that I have received a Message from His Excellency the President conveying his nominations of persons for appointment as Principal Secretaries and High Commissioners and Ambassadors. His Excellency the President, having exercised his powers under Article 132 (2) (e) and 155(3) (b), of the Constitution, H.E. the President is now seeking the National Assembly’s approval of the following persons for appointment to the offices of Principal Secretaries and Ambassadors/High Commissioners-

a) **Principal Secretaries**

	<u>Name</u>	<u>State Department</u>
(1)	Mr. Harry K. Kimtai	Livestock
(2)	Mr. Alfred Kipkorir Cheruiyot	Correctional Services
(3)	Jerome Okoth Ochieng	Information, Communication and Technology
(4)	Ms. Susan Komen Koech	East African Community
(5)	Mr. John Morangi Omenge	Mining

b) **Ambassadors/High Commissioners**

	<u>Name of Nominee</u>
(1)	Amb. Richard Titus Ekai
(2)	Eng. John Okuna Ogango
(3)	Hon. Wilfred Gisuka Machage
(4)	Hon. Mohamed Muktar Shidiye

Honourable Members, in accordance with the provision of Standing Order 45 (1) which requires that upon receipt of notification of nomination for appointments, such nominations shall stand committed to the relevant Departmental Committees for consideration, the nominations for appointment to the positions of Principal Secretaries and Ambassadors/High Commissioners are hereby referred to the respective Departmental Committees as follows-

	Departmental Committee	Nominee
(1)	Agriculture and Livestock	Mr. Harry K. Kimtai
(2)	Administration & National Security	Mr. Alfred Kipkorir Cheruiyot
(3)	Communication, Information and Innovation	Mr. Jerome Okoth Ochieng
(4)	Environment and Natural Resources	Mr. John Morangi Omenge

Honourable Members, the Departmental Committee on Defence and Foreign Relations shall vet the nominees proposed for appointment as Principal Secretary for the State Department for East African Community together with all nominees for appointment as High Commissioners and Ambassadors.

Honourable Members, section 8 of the Public Appointments (Parliamentary Approval) Act requires that a Committee shall consider a nomination and table a report for debate and decision in the House within fourteen (14) days from the date of notification. In this regard, and in accordance with the provisions of Article 259(5)(a) of the Constitution as read together with section 5 of the said Act, the seven (7) days' notification to the public shall start running on the day following the day when the notice is published in the dailies.

Honourable Members, it is advisable that the five Departmental Committees expeditiously proceeds to notify the respective nominees and the public, commence the approval hearings after the seven day notification period, and table their Reports on or before Wednesday, 28th March, 2018 to enable the House to consider the matter within the statutory timelines and before the short recess. This Message, together with the Curriculum Vitae of the nominee therefore, stands committed to the said five Departmental Committees I have enumerated for consideration.

Thank you".

5. PAPERS LAID

The following Papers were laid on the Table –

- a) Business transacted by the 4th Assembly of the East African Legislative Assembly at its 2nd Meeting of the 1st Session, Parliament of Uganda as follows: -
 - (i) Resolution of the Assembly to adopt and operationalize the Administrative and Financial Autonomy granted to the East African Legislative Assembly;
 - (ii) Resolution of the Assembly seeking special leave of the House to use records of the House for Court purposes in the East African Court of Justice (Case Ref. No. 2 of 2018);
 - (iii) The East African Community Statistics Bureau Bill, 2017;
 - (iv) The East African Community Monetary Institute Bill, 2017; and
 - (v) The East African Community Oath Bill, 2017.

- b) Performance Audit Report on the provision of Financial and Business Support Services to Women by Women Enterprise Fund (WEF) from the Office of the Auditor General for the period March, 2018.
- c) Performance Audit Report on implementation of Efficient Lighting Project by the Kenya Power and Lighting Company from the Office of the Auditor General for the period March, 2018.
- d) Performance Audit Report on operationalization of Constituency Industrial Development Centres by the Ministry of Industrialization and Enterprise Development from the Office of the Auditor General for the period March, 2018.
- e) The Annual Report and Financial Statements of the Kenya Pipeline Company for the year ended 30th June, 2017.
- f) The Reports of the Auditor-General on the Financial Statements of the State Department of Special Programmes in respect of the following programmes for the year ended 30th June, 2017 and the certificates therein: -
 - (i) Relief and Rehabilitation Cash Transfer Fund; and
 - (ii) Street Families Rehabilitation Trust Fund.
- g) The Annual Report and Financial Statements of the Kenya National Examinations Council for the year ended 30th June, 2016.
- h) The Report of the Auditor-General and Financial Statements of the Moi Teaching and Referral Hospital for the year ended 30th June, 2016 and the certificates therein.

(The Leader of the Majority Party)

- i) A 5-page Letter to the Speaker of the National Assembly dated 15th March 2018 from Hon. Tom Oluoch (Mathare Constituency) claiming that the Nairobi Metropolitan Area Transport Authority (National Assembly Bill No. 41 of 2017) is subjudice and unconstitutional;
- j) A 146-page bound Volume composed of, among other items and annextures, Petition to the High Court No. 94 of 2018.

(Hon. Tom Oluoch, MP)

6. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, March 20, 2018.

7. **BIPARTISAN RESOLVE TO SUPPORT THE INITIATIVE ON 'BUILDING BRIDGES TO A NEW KENYAN NATION', ANCHOR INCLUSIVITY & ENSURE COHESION IN KENYA**

Motion having been made on 14.03.2018 by the Leader of the Minority Party and Question

THAT, acknowledging that the meeting between His Excellency The President, The Hon. Uhuru Kenyatta and the distinguished Leader of the NASA Coalition, The Right Hon. Raila Odinga of Friday, March 09, 2018 putting aside political differences through building bridges marked an important and historic moment for the country; **aware that** this extraordinary opportunity will enable Kenyans to face and address the challenges currently faced, and openly and honestly discuss successes and failures and finally formulate and implement the necessary corrective measures for the country to move forward; **cognizant that**, ahead of and immediately after the 2017 general elections, Kenya witnessed a number of political upheavals including and not limited to the demonstrations and hate speech which threatened to polarize the country along political and ethnic differences; **recognizing that**, the Initiative by the two leaders made on 9th March, 2018 on **'Building Bridges to a new Kenyan Nation'** and aimed at ensuring an all-inclusive and cohesive Nation will require facilitation and support from all arms of government and relevant institutions; **committed** to the determination of all Kenyans to live in peace as one indivisible sovereign nation; **further recognizing that** there is need to roll out and implement programmes on shared objectives in a bipartisan manner as was agreed by the two distinguished leaders-

NOW THEREFORE-

- (a) the thanks of this House be recorded in commending the two distinguished leaders for providing leadership in the patriotic task of promoting unity, peace and harmony in the country and initiating the move towards **'Building Bridges to a new Kenyan Nation'**; and,
- (b) this House commits itself to support and advance, within its mandate, the aims and objectives of the initiative of **'Building Bridges to a new Kenyan Nation'**.

Debate on the Motion having been concluded on Wednesday, March 14, 2018 (Afternoon Sitting);

Question put and **agreed to.**

8. **THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Division of Revenue Bill (National Assembly Bill No.7 of 2018) be now read a Second Time

(Chairperson, Budget and Appropriations Committee)

Debate arising;

(Change of chair from Hon. Speaker to the First Chairperson of Committees [Hon. Roselinda Soipan Tuya, MP])

Rising in his place pursuant to Standing Order 95, the Member for Molo (Hon. Kimani Kuria, MP) claimed to move that “the Mover be now called upon to reply”.

And the Speaker not acceding to the claim;

Debate resumed;

Question for Mover to Reply put and agreed to;

Thereupon the Mover was called upon to reply;

Mover replied;

Question on the Motion put and **agreed to**

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

Thereupon, the House resolved into a Committee.

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The First Chairperson in the Chair

The Division of Revenue Bill (National Assembly Bill No.7 of 2018)

Clauses 2, 3, 4 & 5 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments;

10. **HOUSE RESUMED** - the First Chairperson in the Chair

The Division of Revenue Bill (National Assembly Bill No.7 of 2018)

Bill reported without amendments;

Motion made and Question proposed –

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

(Chairperson, Budget and Appropriations Committee)

Question put and **agreed to**;

11. **THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO.41OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Nairobi Metropolitan Area Transport Authority Bill (National Assembly Bill No.41of 2017) be now read a Second Time.

(The Leader of the Majority Party)

(Change of Chair from the First Chairperson to the Third Chairperson [Hon.Jessica Mbalu.MP])

The Hon. Tom Oluoch (Mathare Constituency) rose on a Point of Order seeking to have the Bill declared unconstitutional and claiming that it was subjudice. The Member tabled a Letter addressed to the Speaker of the National Assembly dated 15th March 2018 on the matter, as well as a 146-page bound volume containing Petition to High Court No. 94 of 2018 among other items;

The Chair undertook to have a Communication issued by the Speaker to guide Members on the matter before the conclusion of the Second Reading of the Bill;

Debate arising;

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

12. **HOUSE ROSE** - at two minutes past Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, March 20, 2018 at 2.30 p.m.

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