



REPUBLIC OF KENYA

TWELFTH PARLIAMENT - FIRST SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 29, 2017

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

The Speaker administered the Oath of Affirmation to the following Member –

**ONYONKA, Richard Momoima**

5. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication on the Matter of the appointment of the Leadership of the Minority Party –

“Honourable Members, You will recall that on the 12<sup>th</sup> of October 2017, I issued a communication on the status of the filing of the various leadership positions by the minority coalition in this 12<sup>th</sup> Parliament namely the positions of Leader of the Minority Party, Deputy Leader of the Minority Party, Minority Whip and Deputy Minority Whip. More importantly, I did direct the Minority Coalition to comply with the provisions of Standing Order 20 (4) and the rules of the Coalition in communicating to my office the names of the persons appointed as Leader of Minority Party, Deputy Leader of Minority Party, Minority Whip and Deputy Minority Whip.

Honorable Members, I wish to inform the House that, by letters dated 16<sup>th</sup> November 2017 and 29<sup>th</sup> November 2017, which are supported by the minutes of the NASA parliamentary group meetings held 2<sup>nd</sup> November 2017 and 25<sup>th</sup> November 2017 respectively,. The NASA Coalition has formally written to my Office communicating its leadership in the House as follows-

- (a) Leader of the Minority Party- The Hon. John Mbadi, MP
- (b) Deputy Leader of the Minority Party- The Hon. Robert Mbui, MP
- (c) Minority Chief Whip –The Hon. Junet Nuh Mohammed, MP
- (d) Deputy Minority Chief Whip- The Hon. Chris Wamalwa, MP

Honourable Members, the NASA coalition has now fully complied with their Coalition procedures in submitting the names of its leadership in the House. In this regard, I confirm that the said names now constitute the coalition's leadership in the House in the respective capacities as advised. In the circumstances, I hereby call upon the Majority and Minority Leadership in the House to move with speed and submit the names of the members they wish to serve in the Committee on Selection, the Committee on Appointments and thereafter, the various other Committees of the House. This will enable the House proceed with its usual business in the fulfillment of its constitutional mandate. Indeed, I am aware that the Clerk has previously formally communicated to the party leadership the need to submit their nominees to the said Committees for subsequent prioritization by the House Business Committee and consideration by the House. I thank you".

## 6. MESSAGES

The following Messages from the Senate were conveyed:-

### a. The County Allocation of Revenue (Amendment) Bill (Senate Bill No. 9 of 2017)

Honourable Members, Standing Order 41(4) requires the Speaker to report to the House any Message(s) received from the Senate at the first convenient opportunity.

Honourable Members, In this regard, I wish to report to the House that, on Wednesday, November 15, 2017, I received a Message from the Senate regarding the passage of the County Allocation of Revenue (Amendment) Bill (Senate Bill No. 9 of 2017), which was published in the Kenya Gazette Supplement No. 167 of 2017. The Message reads in part, and I quote, the Senate considered and passed the said Bill on Thursday, 9th November, 2017 without amendments."

Honourable Members, given the urgency of the passage of this Bill and in accordance with the provisions Standing Order 143, I have directed that, the Bill be read a first time today. Thereafter, should the House agree with the procedural motion, the Bill may be considered in all stages in the course of today or tomorrow. A copy of the Bill and the advice from the Parliamentary Budget Office have since been circulated. I thank you.

### b. The establishment of a Joint Select Committee on election of Members to the East African Legislative Assembly (EALA)

Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to convey to the House a Message received from the Senate on Friday, 17th November 2017 regarding the resolution of the Senate on establishment of a Joint Select Committee on the Election of Members to the East African Legislative Assembly (EALA). The message states in part and I quote, that

"...on Thursday, November 9, 2017, the Senate resolved to establish a Joint Select Committee consisting of five (5) Members of each House to undertake the functions contemplated under the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, 2017."

Honourable Members, I also wish to inform the House that the Senate has appointed the following Members to represent it in this Committee, in addition to those appointed by the National Assembly:

1. Sen. Aaron Cheruiyot;
2. Sen. (Dr.) Abdulahi Ibrahim Ali;
3. Sen. Millicent Omanga;
4. Sen. Mutula Kilonzo Junior; and
5. Sen. Rose Nyamunga.

Honourable Members, In this regard, when we get to Order No. 7 on Statements, I will give an opportunity to the Co-Chairperson of the Joint Select Committee on Election of Members to EALA, the Hon. Katoo Ole Metito, MP, to apprise the House and the public on the progress of the activities that the Joint Committee has been undertaking, the timelines and the next course of action regarding the EALA elections. I thank you.

## 7. PAPERS LAID

The following Papers were laid on the Table –

- (i) Lists of Nominees to seventeen (17) National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board.
- (ii) Annual Report and Financial Statements of the University of Nairobi for the year ended 30th June, 2016.
- (iii) The Reports of the Auditor-General on the Financial Statements in respect the following Institutions for the year ended 30th June, 2016 and the certificates therein:
  - a) Kerio Valley Development Authority;
  - b) Kenya School of Government;
  - c) Moi University;
  - d) Information & Communications Technology Authority; and
  - e) Rongo University College.
- (iv) The Reports of the Auditor-General on the Financial Statements in respect the following Constituencies for the year ended 30th June, 2016 and the certificates therein:
  - a) Keiyo North Constituency;
  - b) Igembe Central Constituency;
  - c) Mbeere North Constituency;
  - d) Marakwet East Constituency;
  - e) Aldai Constituency;
  - f) Emgwen Constituency;
  - g) Turkana South Constituency;

- h) Turkana North Constituency;
- i) Chesumei Constituency;
- j) Kacheliba Constituency;
- k) Cherangany Constituency;
- l) Saboti Constituency;
- m) Mbeere South Constituency; and
- n) Loima Constituency.

*(Majority Party Whip)*

8. **NOTICES OF MOTION**

The following Notices were given –

**a. Lists of Nominees to seventeen (17) National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board**

**THAT**, pursuant to the provisions of Section 43(4) and Regulation 5(10) of the National Government Constituency Development Fund, 2015, this House approves the list of nominees for appointment to the following seven (7) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Wednesday, November 29, 2017: -

- a) Isiolo South Constituency
- b) Msambweni Constituency
- c) Mwingi North Constituency
- d) Rangwe Constituency
- e) Starehe Constituency
- f) Ugenya Constituency
- g) Luanda Constituency
- h) Balambala Constituency
- i) Embakasi North Constituency
- j) Emuhaya Constituency (additional names)
- k) Hamisi Constituency
- l) Homabay Town Constituency
- m) Kitutu Chache North Constituency
- n) Nyakach Constituency
- o) Saboti Constituency
- p) Wajir North Constituency (additional names)
- q) Lagdera Constituency

*(Majority Party Whip)*

**b. Provision of Salary Incentives and adequate decent housing for Police Officers who are deployed to serve in Northern Kenya and other hardship areas**

**THAT**, acknowledging that the Kenya Police play a very important role in providing assistance to the public when in need, maintenance of law and order, preservation of peace, protection of life and property, investigation of crimes, collection of criminal intelligence, prevention and detection of crime, apprehension of offenders, enforcement of laws and regulations with which it is charged among other roles as provided for under

Section 24 of the National Police Service Act; concerned that many police officers across the Country especially those working in Northern Kenya and other high risk and hardship areas continue to work under very difficult environment characterized by among others, inadequate and inhabitable, deplorable and congested living quarters, insufficient tools for work and poor salaries and allowances; further concerned that the difficult working environment for the police officers has often led to frustrations, demotivation and occupational stress among officers with many of them exiting the force in search of other jobs; this House urges the National Police Service Commission and the Salaries and Remuneration Commission to provide salary incentives and adequate decent housing for Police Officers who are deployed to serve in Northern Kenya and other hardship areas.

*(The Hon. Omar Mohamed Maalim, MP)*

9. **STATEMENT**

The Hon. Katoo Ole Metito, MP issued a statement on the status of the process of election of Members of the East African Legislative Assembly (EALA), 2017.

10. **PROCEDURAL MOTION- EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

Motion made and Question proposed –

**THAT**, pursuant to the provisions of Standing Order 256 (*Exemption of business from Standing Orders*), this House orders that the business appearing under Order No. 10 be exempted from the provisions of Standing Order 127(1) on referral of a Bill to the relevant Committee upon First Reading.

*(Majority Party Whip)*

Debate arising;

Question put and agreed to.

11. **MOTION – ADOPTION OF SESSIONAL PAPER NO.7 OF 2016 ON MINING AND MINERALS POLICY**

Motion made and Question proposed –

**THAT**, this House adopts Sessional Paper No. 7 of 2016 on the Mining and Minerals Policy, laid on the Table of the House on Wednesday, October 11, 2017.

Debate on the Motion having been concluded on Wednesday, November 8, 2017;

Question put and agreed to.

12. **THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2017)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time today.

13. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2017) 2017**

(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)

14. **THE PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) BILL (NATIONAL ASSEMBLY BILL NO.40 OF 2017)**

Order for Second Reading read;

Bill withdrawn by the Mover pursuant to Standing Order 140

15. **THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2017)**

Order for Second Reading read;

Bill withdrawn by the Mover pursuant to Standing Order 140

16. **THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL (SENATE BILL NO. 9 OF 2017)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the County Allocation of Revenue (Amendment) Bill (Senate Bill No.9 of 2017) be now read a Second Time

*(The Leader of the Majority Party)*

Debate arising;

Mover replied;

Question put and agreed to.

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

Thereupon the House resolved into Committee.

17. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson of Committees in the Chair

The County Allocation of Revenue (Amendment) Bill (Senate Bill No. 9 of 2017)

Clause 2- - agreed to

Clause 3- - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments;

18. HOUSE RESUMED – the Second Chairperson of Committees in the Chair

The County Allocation of Revenue (Amendment) Bill (Senate Bill No. 9 of 2017)

Bill reported without amendments;

Motion made and Question proposed –

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

*(The Deputy Majority Party Whip)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the County Allocation of Revenue (Amendment) Bill (Senate bill No.9 of 2017) be now read a Third Time

*(The Deputy Majority Party Whip)*

Question put and agreed to;

Bill read a Third Time and **passed.**

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

19. HOUSE ROSE - at five minutes to Five O'clock

MEMORANDUM

The Speaker will take the Chair on Thursday, November 30, 2017 at 2.30 p.m.