



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIRST SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 28, 2017

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **PAPERS LAID**

The following Papers were laid on the Table –

Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2016 and the certificates therein: -

- (i) Privatization Commission;
- (ii) National Housing Corporation;
- (iii) Coast Development Authority;
- (iv) Kenya Safari Lodges and Hotels Limited;
- (v) Kenya Roads Board Project;
- (vi) University of Eldoret;
- (vii) Constituencies Development Fund - Central Bank of Kenya;
- (viii) Kenya Education Management Institute;
- (ix) Jomo Kenyatta University of Agriculture and Technology;
- (x) Public Trustee;
- (xi) Kenya Slum Upgrading Low Cost Housing and Infrastructure Trust Fund;
- (xii) Northern Kenya Conservation Project (Credit No. 1036);
- (xiii) Agricultural Settlement Fund Trustees;
- (xiv) National Government Constituencies Development Fund Board; and
- (xv) Ministry of Defence.

(The Leader of the Majority Party)

5. **NOTICE OF MOTION**

The following Notices of Motions were given –

(i) Establishment of an Ad-Hoc Committee consider Bills

THAT, aware that the country is still in an election cycle, arising out of the requirement for a fresh Presidential Election in October, 2017; further aware that there is need to legislate on and address certain legal lacunas and in compliance with judicial decisions asking Parliament to legislate on certain matters to ensure that the elections conform with the provisions of Article 81 of the Constitution on general principles for the electoral system; noting that such election-related matters would ordinarily require consideration by the relevant Committee of the House which is yet to be established; further noting the limited period of time before the date of the said fresh election; cognizant of the urgent need to consider and conclude with all matters relating to the elections to allow the Independent Electoral and Boundaries Commission ample time to implement any changes related to the review of the election-related laws; NOW THEREFORE, pursuant to the provisions of Standing Order 127(2) , this House resolves –

- (a) to establish a Select Committee be known as the Select Committee on the Election Laws, 2017 comprising of not more than fifteen Members, to examine and undertake public participation on the Election Laws (Amendment) Bill, (National Assembly Bill No.39 of 2017) and any other related Bills;
- (b) that, the Committee comprise of the following Members-
 - (i) The Hon. William Cheptumo Kipkiror, MP - Chairperson
 - (ii) The Hon. Gladys Jepkosgei-Boss Shollei, MP
 - (iii) The Hon. Isaac WaihenyaNdirangu, MP
 - (iv) The Hon. Ali Wario, MP
 - (v) The Hon. Jennifer Shamalla, MP
 - (vi) The Hon. Adan Haji Yusuf , MP
 - (vii) The Hon. George GitongaMurugara, MP
 - (viii) The Hon. Stanley Muthama, MP
 - (ix) The Hon. Alice MuthoniWahome, MP
- (c) that, the quorum of the Committee be the Chairperson and four other Members; and,
- (d) that, the Committee considers the matters under its mandate and reports to the Houses on or before Tuesday, October 10, 2017.

(Leader of the Majority Party)

(ii) Adjournment of the House pursuant to Standing Order 33 to discuss an urgent matter of national importance

THAT, pursuant to Standing Order 33(1), I seek leave to move for the adjournment of the House for purposes of discussing a matter of urgent national importance following tribal fighting which occurred in Trans Mara, specifically along the border of Kilgoris and Emurua Dikirr Constituencies. On September 22, 2017, ten people lost their lives and many others were injured. Currently, there remains tension in the area.

Hon. Speaker, it is for this reason that I therefore seek for the Adjournment of the House in order to discuss a definite matter of urgent national importance.

(Hon. Johana Ng'eno)

6. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF A BILL

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the following Bills:

- (i) The Public Trustee (Amendment) Bill (National Assembly Bill No.32 of 2017) from fourteen (14) days to ten (10) days;
- (ii) The Copyright (Amendment) Bill (National Assembly Bill No.33 of 2017) from fourteen (14) days to ten (10) days;
- (iii) The Election Offences (Amendment) Bill (National Assembly Bill No.38 of 2017) from fourteen (14) days to one (1) day; and
- (iv) The Election Laws (Amendment) Bill (National Assembly Bill No.39 of 2017) from fourteen (14) days to one (1) day.

(The Leader of the Majority Party)

Debate arising;

Mover replied;

Question put and agreed to;

Division claimed and thereupon division Bell rung;

Thereupon, the House proceeded to electronic and manual vote;

Question put and upon the electronic and manual vote, agreed to;

| AYES | NOES | ABSTANTION |
|-------------|-------------|-------------------|
| 144 | 53 | NIL |

7. THE PUBLIC TRUSTEE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2017)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time.

8. THE COPYRIGHT (AMENDMENT) BILL (NATIONAL ASSEMBLYBILL NO. 33 OF 2017)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time.

9. THE ELECTION OFFENCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2017)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time.

10. THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2017)

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time.

11. MOTION – APPROVAL OF SESSIONAL PAPER ON THE KENYAHEALTH POLICY

Motion made and Question proposed –

THAT, this House adopts Sessional Paper No. 2 of 2017 on the Kenya Health Policy for the period 2014-2030, laid on the Table of the House on Wednesday, September 13, 2017.

(The Leader of the Majority Party - 27.09.2017)

Debate on the Motion having been concluded on Wednesday, September 27, 2017 (Afternoon Sitting);

Question put and agreed to.

12. MOTION – APPROVAL OF RATIFICATION OF THE NILE BASIN COOPERATIVE FRAMEWORK AGREEMENT

Motion made and Question proposed –

THAT, cognizant of the Report of the Select Committee on Regional Integration of the 11th Parliament on the Ratification of the Nile Basin Cooperative Framework Agreement, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, this House **approves** the Ratification of the Nile Basin Cooperative Framework Agreement.

(The Leader of the Majority Party – 27.09.2017)

Debate on the Motion having been concluded on Wednesday, September 27, 2017 (Afternoon Sitting)

Question put and agreed to.

13. MOTION - ESTABLISHMENT OF AD-HOC COMMITTEE ON THE SUPPLEMENTARY ESTIMATES (FY 2017/2018)

Motion made and Question proposed –

THAT, aware that the country is proceeding to a fresh Presidential Election on October 26, 2017; further aware that this process requires a realignment of available resources to finance various election-related activities; noting that such reallocation of resources may only be achieved in accordance with the provision of Article 223 of the Constitution relating to Supplementary Appropriation; cognizant that, the Supplementary Estimates for the Financial Year 2017/2018 have since been laid on the Table of the House; also noting that the Budget and Appropriations Committee that would ordinarily examine such budget-related matters is yet to be established; further noting the urgent need to consider and conclude with the matters in time for the Presidential Elections; pursuant to the provisions of Standing Order 218, this House **resolves**–

- a) to establish an *Ad-Hoc* Committee, to be known as the ***Ad-Hoc Committee on the Supplementary Estimates***, to undertake the functions of the Budget and Appropriations Committee as contemplated in the Standing Orders in relation to the Supplementary Estimates, in particular the Supplementary Estimates for the financial year 2017/2018 and any legislation related to those Estimates;
- b) that, the Committee comprise of the following Members-
 - (i) The Hon. Joseph K. Limo, MP - Chairperson
 - (ii) The Hon. Ruth W. Mwaniki, MP
 - (iii) The Hon. Benard Masaka Shinali, MP
 - (iv) The Hon. Fatuma Gedi Ali, MP
 - (v) The Hon. (Dr.) Naomi Shaban, MP
 - (vi) The Hon. Alois Lentoimaga, MP
 - (vii) The Hon. Moses Lessonet, MP
 - (viii) The Hon. Kimani Ichung'wah, MP
 - (ix) The Hon. Khatib Mwashetani, MP
 - (x) The Hon. Qalicha Wario, MP
 - (xi) The Hon. Sarah Paulata Korere, MP

(The House awaits the appointment of six additional Members from the National Super Alliance Coalition)

- c) that, the quorum of the Committee be the Chairperson and four other Members; and,
- d) that, the Committee considers the matters under its mandate and reports to the House on or before **Tuesday, October 10, 2017**.

(The Leader of the Majority Party)

Debate arising;

Change of Chair from the Deputy Speaker to the First Chairperson of Committees

Change of Chair from the First Chairperson of Committees to the Deputy Speaker

Rising in her place on a Point of Order, the Hon. (Dr.) Naomi Shaban, MP claimed to move that the mover be called upon to reply pursuant to Standing Order 95.

Question put and agreed to.

Mover replied;

Question put and agreed to.

14. ADJOURNMENT MOTION - MATTER OF URGENT NATIONAL IMPORTANCE

Motion moved;

THAT, this House be adjourned to discuss conflict in Transmara.

(Hon. Johana Ng'eno, MP)

Debate Arising

15. ADJOURNMENT OF THE HOUSE

And the time being One O'clock, the Speaker interrupted the proceedings and adjourned the House **without** question put pursuant to the Standing Orders.

16. HOUSE ROSE - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, September 28, 2017 at 2.30 p.m.

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