



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, AUGUST 29, 2018 AT 9.30 A.M**

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

**4. PETITIONS**

The Member for Bobasi Constituency, Hon. Innocent Momanyi, MP, presented a Petition on behalf of residents of Nyamonema Village in Bobasi Constituency regarding dangerous blasting of rocks in Nyamonema Village, Getenga Sub-Location, Nyangiti Location in Bobasi Constituency.

Petitions were referred to the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 227(2).

**5. NOTICES OF MOTION**

The following Notices of Motion were given –

- (i) **THAT**, aware that buildings in more than one (100) government secondary schools in the country have been torched this year, with many of the arson incidents being blamed on students; further aware that learning in many of these schools has been severely interfered with thus affecting the learning timetable; noting that the number of students arrested for allegedly burning or conspiring to burn school buildings around the country now stands at over one hundred and fifty (150); cognizant that these students are aged below eighteen (18) and are thus juvenile offenders; further cognizant that Article 53(1)(f) of the Constitution provides that every child has the right not to be detained, except as a measure of last resort, and when detained, to be held for the shortest appropriate period of time; and separate from adults and in conditions that take account the child's sex and age; appreciating that Section 18(2) of the Children's Act provides that a child offender shall be separated from adults in custody; further appreciating that the Children Act, 2001 advances the protection of children from any action deemed "hazardous or likely to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."; deeply concerned that delinquency trends tend to lead to adult crime and thereby a lifelong criminal career not managed appropriately; this House resolves that the National

Government puts in place administrative measures to ensure that child offenders are not remanded or incarcerated in adults' remand; and strengthens the existing rehabilitation schools in the Country as a measure to ensure delinquent adolescents are effectively rehabilitated while making them accountable for crimes committed.

*(Hon. Benjamin Washiali)*

(ii) **THAT**, taking into consideration the findings of the Departmental Committee on Finance and National Planning in their Report on the Vetting of the Nominees for Approval as Chairperson and Members of the Salaries & Remuneration Commission, laid on the Table of the House on Wednesday, August 29, 2018, and pursuant to the provisions of Article 250(2)(b) and section 7(11) of the Salaries and Remuneration Commission Act, this House:

(a) **approves** the appointment of the following to the Salaries & Remuneration Commission –

- (i) Ms. Lyn Cherop Mengich - Chairperson;
- (ii) Dr. Leah Mumbua Munyao - nominated by the Teachers Service Commission;
- (iii) Ms. Halima Abdille Mohammed - nominated by the Parliamentary Service Commission;
- (iv) Mr. John Kennedy Monyoncho - nominated by the Defence Council;
- (v) Dr. Amani Yuda Komora - nominated by the umbrella body representing Employers;
- (vi) CPA Sophie Moturi - nominated by a Joint forum of professional Bodies;
- (vii) Ms. Margaret Sawe - nominated by the Senate on behalf of the County Governments; and
- (viii) Hon. Dalmas Otieno Onyango - nominated by the Public Service Commission.

(b) **rejects** the appointment of Ms. Nelly Peris Ashubwe, a nominee of the umbrella body representing Trade Unions to the Salaries & Remuneration Commission.

*(Vice Chairperson, Departmental Committee on Finance and National Planning)*

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

Motion made and Question proposed -

**THAT**, this House orders that the business appearing as Order Nos. 9 & 10 be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

*(The Leader of the Majority Party)*

Question proposed;

There being no debate arising;

Question put and agreed to.

**7. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2018)**

Motion having been made and question proposed –

**THAT**, the Finance Bill (National Assembly Bill No. 20 of 2018) be read a Second Time;

*(Chairperson, Departmental Committee on Finance and National Planning –  
23.8.2018)*

Debate having been concluded on Tuesday, August 28, 2018 (*Afternoon Sitting*);

Question put and agreed to;

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

**8. THE DIVISION OF REVENUE (AMENDMENT) BILL (SENATE BILL NO. 14 OF 2018)**

Motion made and Question proposed –

**THAT**, the Division of Revenue (Amendment) Bill (Senate Bill No. 14 of 2018) be read a Second Time;

*(Chairperson, Budget and Appropriations Committee)*

Question proposed;

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Kilifi North Constituency (Hon. Baya Yaa) claimed to move that the Mover be now called upon to reply;

And the Deputy Speaker having allowed the Member interrupted to conclude his speech;

Thereupon question put and agreed to;

Mover replied;

Rising in his place on a Point of Order pursuant to Standing Order 53(3), the Member for Kilifi North Constituency (Hon. Baya Yaa) requested that the putting of the Question be deferred to another day;

And the Deputy Speaker having acceded to the request;

Thereupon, question deferred.

Rising in his place on a Point of Order pursuant to Standing Order 35, the Member for Kipkelion West Constituency (Hon. Hillary Kosgei) objected that there was no quorum present in the House;

And the Deputy Speaker having ascertained the claim, caused the division bell to be rung for ten minutes;

*(Change of Chair from Deputy Speaker to the Second Chairperson)*

And quorum having been attained at expiration of eight minutes;  
Proceedings resumed.

**9. THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 5 OF 2018)**

Motion made and Question proposed –

**THAT**, the Constitution of Kenya (Amendment) (No. 2) Bill (National Assembly Bill No. 5 of 2018) be read a Second Time.

*(Hon. Chris Wamalwa)*

Debate arising;

*(Change of Chair from Second to Fourth Chairperson)*

And the time being One O'clock the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

**10. HOUSE ROSE** - at One O'clock.

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**MEMORANDUM**

The Speaker will take the Chair on today  
Wednesday, August 29, 2018 at 2.30 p.m.