



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 01, 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 ON A JOINT SITTING OF THE HOUSES OF PARLIAMENT ON TUESDAY, OCTOBER 6, 2015 FOR PURPOSES OF AN ADDRESS BY A VISITING DIGNITARY

The Speaker conveyed the following Communication –

“Honourable Members,

The Speakers of the Houses of Parliament have received a request from the Office of the President to allow His Excellency (Dr.) Jakaya Mrisho Kikwete, President of the United Republic of Tanzania to address a joint sitting of the Houses of Parliament on October 6, 2015. His Excellency President Kikwete will be on a state visit in the country.

Honourable Members, Standing Order 25(1) states and I quote -

“The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow a visiting Head of State or other such visiting dignitary, to address the Assembly, and may, in consultation with the Speaker of the Senate arrange for a joint sitting of Parliament for purposes of an address by such visiting Head of State or such other visiting dignitary”.

In this respect, Honourable Members, I wish to convey to the House that, having made the requisite consultations, the Speaker of the Senate and I have consented to the request. This is therefore to invite all Members to a Joint Sitting of the Houses of Parliament which will be held on Tuesday, 6th October, 2015 in the National Assembly Chamber, Main Parliament Buildings at 2.30 p.m. for purposes of an address by His Excellency (Dr.) Jakaya Mrisho Kikwete, President of the United Republic of Tanzania. I wish to take this earliest opportunity to request all of you, Hon. Members, to avail yourselves for this auspicious occasion.

Honourable Members, due to the enormous legislative agenda before the House particularly the various Bills with constitutional deadlines, the National Assembly will resume its ordinary sittings shortly after the address by His Excellency President Kikwete.

I thank you".

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Second Quarterly Report of the Ethics and Anti-Corruption Commission covering the period 1st April, 2015 to 30th June, 2015;
- (ii) The Annual Report and Financial Statements of Kenya Meat Commission for the year ended 30th June, 2014;
- (iii) The Annual Report and Financial Statements of Kibabii University College for the year ended 30th June, 2014;
- (iv) The Annual Report and Financial Statements of Agrochemical & Food Company Ltd for the Year ended 30th June, 2014;
- (v) The Report of the Auditor-General on the Financial Statements of Constituencies Development Fund Board for the year ended 30th June, 2014 and the certificate therein;
- (vi) The Report of the Auditor-General on the Financial Statements of Constituencies Development Fund for Kacheliba Constituency for the year ended 30th June, 2014 and the certificate therein;
- (vii) The Report of the Auditor-General on the Financial Statements of Constituencies Development Fund for Turkana East Constituency for the year ended 30th June, 2014 and the certificate therein; and,
- (viii) The Report of the Auditor-General on the Financial Statements of Constituencies Development Fund for Keiyo North Constituency for the year ended 30th June, 2014 and the certificate therein.

(The Leader of the Majority Party)

- (ix) The Report of the Departmental Committee on Transport, Public Works and Housing on the Engineering Technologists and Technicians Bill, 2015.

(Vice-Chairperson, Departmental Committee on Transport, Public Works and Housing)

- (x) The Reports of the Departmental Committee on Environment and Natural Resources on:
 - a. Its consideration of the Senate amendments to the National Drought Management Authority Bill, (National Assembly Bill No. 42 of 2013);
 - b. The investigation into Wildlife Poaching in Kenya; and

- c. The Petition by Geoffrey Elphas Kokonya on behalf of Bukhayo Council of Elders Regarding Construction of a Dam along Soi River.

(Chairperson, Departmental Committee on Environment and Natural Resources)

6. **NOTICE OF MOTION – REPORT ON THE INVESTIGATION INTO WILDLIFE POACHING IN KENYA**

(Chairperson, Departmental Committee on Environment and Natural Resources)

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the investigation into wildlife poaching in Kenya, laid on the Table of the House on Thursday, October 1, 2015.

7. **COMMENTS ON REPORT ON A PETITION PURSUANT TO STANDING ORDER 227(2)**

Pursuant to Standing Order 227(2), several Members of Parliament were accorded an opportunity comment on the Report tabled by the Departmental Committee on Environment and Natural Resources regarding a petition by Geoffrey Kokonya on behalf of Bukhayo Council of Elders regarding construction of a dam along Soi river wetland in Manyole area, Busia County.

8. **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, October 06, 2015.

9. **THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL (NATIONALASSEMBLY BILL NO.7 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Engineering Technologists and Technicians Bill (National Assembly Bill No.7 of 2015 be now read a Second Time

(Hon. Cecilia Ng'etich – 26.08.2015)

Debate on the Motion having been concluded on Wednesday, September 30, 2015 (Morning Sitting);

Question put and agreed to;

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

10. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO.6 OF 2014)**

Order for Second Reading read;

THAT, the Statute Law (Miscellaneous Amendments) Bill (Senate Bill No.6 of 2014) be now read a Second Time

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Debate on the Motion having been concluded on Wednesday, September 30, 2015 (Afternoon Sitting);

Question put and agreed to;

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

11. **COMMITTEE OF THE WHOLE HOUSE**

The Constitution of Kenya (Amendment) (No.2) Bill (National Assembly Bill No.2 of 2015)

Order for Committee read;

Order deferred to another day at the request of the Mover.

12. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2013)**

Order for Third Reading read;

Motion made and Question proposed;

THAT, the Constitution of Kenya (Amendment) Bill (National Assembly Bill (No.2) of 2013) be now read a Third Time

(Hon. Lati Lelelit – 26.02.2014)

This being the last attempt on the Third Reading;

Thereupon, the House proceeded to a Division as the Motion was Constitutional;

And the Speaker directed the Division Bell to be rung for five minutes to confirm whether there was the pre-requisite number of two-thirds majority of Members to carry out a Division;

Thereupon, the House proceeded to a Vote.

Question put and upon a Division agreed to;

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
246	2	Nil

Bill read a Third Time and referred to the Senate for consideration.

13. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.1 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Constitution of Kenya (Amendment) Bill (National Assembly Bill No.1 of 2015) be now read a Second Time

(Hon. David Ochieng' – 05.08.2015)

This being the last attempt on the Second Reading;

Thereupon, the House proceeded to a Division as the Motion was Constitutional;

And the Speaker directed that the House proceed directly to the vote as there was already the prerequisite number of two-thirds majority of Members present to carry out a Division;

Thereupon, the House proceeded to a Vote.

Question put and upon a Division **negatived.**

<u>AYES</u>	<u>NOES</u>	<u>ABSTENTIONS</u>
216	28	4

And there being less than two-thirds majority of Members required to support the Motion for Second Reading of the Bill pursuant to the provisions of Article 256(1)(d) of the Constitution, the Motion for Second Reading of the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 1 of 2015) was **negatived.**

14. **THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.2 OF 2015)**

Order for Third Reading read;

Order deferred to another day.

15. **MOTION - ADOPTION OF THE REPORT ON THE RESETTLEMENT OF SQUATTERS IN MURI; MATHENGETA; TUMUTUMU; RIAKANAU; DRAKE & KASEKU FARMS**

Motion made and Question proposed;

THAT, this House adopts the Report of the Departmental Committee on Lands on the Resettlement of Squatters in Muri; Mathengeta; Tumutumu/Riakanau Farm & Drake and Kaseku Farms, laid on the Table of the House on Thursday, June 12, 2014

(Chairperson, Departmental Committee on Lands – 30.9.2015)

Debate on the Motion having been concluded on Wednesday, September 30, 2015 (Afternoon Sitting);

Mover replied;

Question put and **agreed to.**

16. **MOTION -ADOPTION OF THE REPORT ON EAST AFRICAN COMMUNITY (EAC) PEACE AND SECURITY PROTOCOL, AND THE MUTUAL PEACE AND SECURITY PACT**

Motion made and Question proposed;

THAT, this House adopts the Report of the Committee on Regional Integration on East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact, laid on the Table of the House on Wednesday, 29th April, 2015 and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the East African Community (EAC) Peace and Security Protocol and the Mutual Peace and Security Pact.

(Chairperson, Committee on Regional Integration – 27.08.2015)

Debate interrupted on Thursday, August 27, 2015 resumed;

Mover replied;

Question of the Motion deferred to another day.

17. **THE MAGISTRATES' COURTS BILL (NATIONAL ASSEMBLY BILL NO.41 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Magistrates' Courts Bill (National Assembly Bill No.41 of 2015) be now read a Second Time

(The Deputy Leader of the Majority Party)

Debate arising;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Eldama Ravine (Hon. Moses Lessonet) drew the attention of the Third Chairperson to the fact that there was no Quorum in the House;

And the Chairperson having counted the Honourable Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being **no** Quorum after expiry of ten minutes;

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

18. **HOUSE ROSE** - at twenty minutes to Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, October 06, 2015 at 2.30 p.m.