



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 21, 2016

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **MESSAGE FROM THE SENATE**

The Deputy Speaker conveyed the following Petition –

“Honourable Members,

“Pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I have received two Messages from the Senate regarding its decision on the following Bills:

- (i) The Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016);
- (ii) The Community Land Bill (National Assembly Bill No. 45 of 2015); and
- (iii) The Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015).

The first Message relates to the approval of the Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016). The Message reads in part, and I quote, that:-

*“the Political Parties (Amendment) Bill (National Assembly Bill No.2 of 2016) was passed by the Senate on Wednesday, 15<sup>th</sup> June, 2016, without amendments.”*

Honourable Members, you may recall that the National Assembly had passed the said Bill with amendments on Thursday, 21<sup>st</sup> April, 2016. In this regard, I will now proceed to present the said Bill to H.E. the President for assent in accordance with the provisions of Articles 110(5) and 113(3) of the Constitution.

Honourable Members, the second message relates to the decision of the Senate on the Community Land Bill (National Assembly Bill No. 45 of 2015) and the Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015). The Message states in part and I quote that:-

*“the Community Land Bill (National Assembly Bill No. 45 of 2015); and the Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015), were rejected, at the Second Reading, by the Senate on Wednesday, 15<sup>th</sup> June, 2016 ... the effect of which the said Bills are referred to a Mediation Committee”.*

Honorable Members, the said Bills are part of the Year Five Constitutional Bills that ought to have been passed by 27<sup>th</sup> August 2015. This period was extended to 27<sup>th</sup> August 2016. In this respect, the leadership of the Majority and Minority Parties in the House are hereby directed to expeditiously nominate Members for appointment to the Mediation Committee to consider the two Bills. Once constituted, the Committee will be expected to speedily embark on the process of developing mediated versions of the said Bills in accordance with Article 113 of the Constitution.

Thank you".

5. **PETITION**

The Deputy Speaker conveyed the following Petition –

**Alleged unlawful establishment of Municipal County/City Courts, County Inspectorate and Enforcement Units by various County Governments**

"Honourable Members,

Pursuant to the provisions of Standing Order 225(2) (b), I hereby convey to the House that my office is in receipt of a Petition from one Margaret Kiiru, a Member of the Nakuru County Assembly regarding alleged unlawful establishment of County/City Courts, County Inspectorate and Enforcement Units by various county governments.

Honourable Members, the Petitioner contends that since the year 2013, some County Governments have established and operationalized municipal/city courts at the county level to try offenders who flout County Government laws. This is despite of the repeal of the Local Governments Act (Cap 265) under which the said courts were established. She states that these courts unlawfully detain, harass and extort money from small scale traders particularly youth, women and vulnerable members of the society thereby causing untold agony to the affected. Further, the Petitioner cites that, in March 2015 the Chief Justice issued directive to abolish the courts.

Honourable Members, the Petitioners therefore pray that the National Assembly:

- (i) investigates the matter and recommends appropriate action against anyone found culpable;
- (ii) amends the relevant law to fully operationalize the county courts under the National Government; and
- (iii) causes the Auditor General to undertake a forensic audit on the accounts of the said courts.

Honourable Members, this Petition therefore stands committed to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee is requested to consider the Petition and report its findings within sixty days in accordance with Standing Order 227 (2).

Thank you".

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Supplementary Estimates II Programme Based Budget of the National Government of Kenya for the year ending 30<sup>th</sup> June, 2016;

- (ii) The Supplementary Estimates II (Recurrent Expenditure) for the year ending 30<sup>th</sup> June, 2016;
- (iii) The Supplementary Estimates II (Development Expenditure) for the year ending 30<sup>th</sup> June, 2016;
- (iv) The Annual Report and Financial Statements for the Kenya Airports Authority for the year ended 30<sup>th</sup> June, 2015;
- (v) The Annual Report and Financial Statements of the Privatization Commission for the year ended 30<sup>th</sup> June, 2014; and,
- (vi) Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2015 and the certificates therein:-
  - a) Constituencies Development Fund, Kisauni Constituency;
  - b) Constituencies Development Fund, Kinango Constituency;
  - c) Constituencies Development Fund, Mvita Constituency;
  - d) Ministry of Education, Science and Technology, State Department of Education; and
  - e) Ministry of Education, Science and Technology, State Department of Science and Technology.

*(The Leader of the Majority Party)*

- (vii) The Report of the Budget and Appropriations Committee on the consideration of the Second Basis for Equitable Sharing of the National Revenue among the County Governments

*(Chairperson, Budget and Appropriations Committee)*

7. **STATEMENT PURSUANT TO STANDING ORDER 44(2)**

Pursuant to Standing Order 43(1), the Member for Kisumu Town East (Hon. Shakeel Shabbir) made a general statement regarding the Petition at the High Court regarding the National Constituencies Development Fund (NGCDF) Act, 2015. The Deputy Speaker made reference to Standing Order 89(2) and ruled that the matter was *sub judice* and discussion of the matter was likely to prejudice its fair determination.

She nevertheless, called upon the Member for Kipipiri (Hon. Samuel Gichigi) to give an update on the Petition, without discussing the ongoing case.

8. **MOTION - ADOPTION OF THE REPORT ON THE BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2016/2017**

Order deferred to another day

9. **SPECIAL MOTION - FORMULA FOR EQUITABLE SHARING OF NATIONAL REVENUE ALLOCATED TO COUNTIES**

THAT, pursuant to the provisions of Article 217 of the Constitution, as read together with Section 16 of the Sixth Schedule to the Constitution, this House concurs with the Senate and approves the following Second Basis for Equitable Sharing of

National Revenue allocated to Counties:

No.	Parameter	Current Formula (First Basis)	Proposed Formula (Second Basis)
1	Population	45%	45%
2	Basic Equal share	25%	26%
3	Poverty	20%	18%
4	Land area	8%	8%
5	Fiscal Responsibility	2%	2%
6	Development Factor	-	1%
<b>Total</b>		<b>100%</b>	<b>100%</b>

*(Chairperson, Budget and Appropriations Committee)*

Rising in his place, the Nominated Member (Hon. Sakaja Johnson) claimed to move that the House do adjourn and resume after one and a half hour;

And the Deputy Speaker acceding to the claim;

Question put and agreed to

Thereupon, the House adjourned at twenty-four minutes past Three O'clock.

10. **HOUSE RESUMED** - the Deputy Speaker in the Chair

House resumed at Five O'clock

The Deputy Speaker having counted the Honourable Members present and confirmed that there was no Quorum, caused the Division Bell to be rung;

And there being no requisite quorum to start the business of the House, the Deputy Speaker ordered that the Quorum Bell be rung for another five minutes;

And there being no Quorum after expiry of the additional five minutes, the Deputy Speaker adjourned the House without Question put until the next sitting day pursuant to the Standing Orders..

11. **HOUSE ROSE** - at nine minutes past Five O'clock

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, June 22, 2016 at 9.30 a.m.