



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 31, 2016

1. The House assembled at thirty minutes past Two O'clock

2. The Proceedings were opened with Prayer

3. Presiding – the Speaker

4. **PETITION**

The Nominated Member (Hon. Isaac Mwaura) presented a Petition on behalf of concerned citizens regarding recognition of persons with gender identity disorders;

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1).

5. **PAPERS LAID**

The following Papers were laid on the Table: -

- (i) The Annual Report of the Regional Center for Mapping of Resources for Development for the year 2015; and
- (ii) Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the Certificates therein:
 - The Kenya Veterinary Board; and
 - Kirinyaga University College.

(The Leader of the Majority Party)

- (iii) The Report of the Departmental Committee on Health on its consideration of Senate Amendments to the Health Bill (National Assembly Bill No. 14 of 2015).

(Chairperson, Departmental Committee on Health)

6. **NOTICE OF MOTION**

The following Notice of Motion was given –

Notice of Motion - Construction of Standardized Staffrooms/Storage Facilities for Schools

(The Hon. Jessica Mbalu)

THAT, aware that education is an important tool for empowering the people to actively engage in national development towards realization of Kenya's Vision 2030 and Sustainable Development Goals; **noting** that conducive working environment for teachers is essential for enhancing efficiency and safety of learning materials; **cognizant** of the fact that teachers in a number of public schools work from poor staffrooms while others operate in poor makeshift facilities in schools in all levels of government, including early childhood development schools (ECDs) some of which are without staffroom facilities, or equipment or books storage facilities; **concerned** that such poor working conditions constrain optimal service delivery by teachers and expose learning materials, including books purchased under the Free Primary Education and subsidized secondary school capitation funds, to destruction and theft; this House **urges** the National Government and the county governments to initiate a comprehensive programme to ensure that all public primary and secondary schools and ECDs have standardized staffrooms for teachers and safe custody of learning equipment and materials.

7. **STATEMENT**

In accordance with the Speaker's Communication of 14th October, 2015, the Chairperson, Departmental Committee on Labour and Social Welfare appraised the House on the status of the Business pending before the Committee and the Preliminary Report on the just concluded Olympic Games held in Rio de Janeiro, Brazil between 5th and 21st August, 2016.

8. **PROCEDURAL MOTION – RESOLUTION TO HOLD A SITTING ON THURSDAY MORNING**

Motion made and Question proposed-

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Morning Sitting on Thursday, 1st September, 2016 commencing from 9.30 a.m. to 1.00 p.m. for purposes of considering urgent Business before the House.

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

9. **PROCEDURAL MOTION – APPROVAL OF A SITTING AT 6.45 P.M**

Motion made and Question proposed-

THAT, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold a Sitting Today Wednesday, August 31, 2016 for not more than three (3) hours commencing at 6.45 p.m. for purposes of considering urgent Business before the House.

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

10. **THE PUBLIC SERVICE COMMISSION BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2015)**

(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)

11. **THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2016)**

(The Hon. Ferdinard Waititu, M.P.)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

12. **THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2016)**

Order for Third Reading read;

THAT, the Finance Bill (National Assembly Bill No. 20 of 2016) be now read a Third Time.

(Chairperson, Departmental Committee on Finance, Planning and Trade – 30.8.2016)

Debate on the Third Reading having been concluded on Tuesday, August 30, 2016;

Question put and agreed to;

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

13. **THE WAREHOUSE RECEIPTS SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2015)**

Order for Third Reading read;

THAT, the Warehouse Receipts Systems Bill (National Assembly Bill No. 12 of 2015) be now read a Third Time.

(The Leader of the Majority Party – 30.8.2016)

Debate on the Third Reading having been concluded on Tuesday, August 30, 2016;

Question put and agreed to;

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

14. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

(i) Civil Aviation (Amendment) (National Assembly Bill No. 14 of 2016)

Clauses 3, 4, 5 and 6 - agreed to

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) five other persons, not being public officers, appointed by the Cabinet Secretary through a competitive process and who shall be independent upon appointment and maintain such independence during their term of service on the Board, and of whom—

- (i) two shall have demonstrable knowledge and experience in the field of civil aviation;
- (ii) one shall have qualification and expertise in financial management or accounting and is a bona fide member of a professional body regulating the accountancy or the auditing profession, and in compliance with the requirements thereof;
- (iii) one shall have demonstrable knowledge and experience in aviation law or business; and
- (iv) one shall have demonstrable knowledge and experience in management.”

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to.

Clause 8 - agreed to

Clause 9 - amendment proposed –

THAT, clause 9 of the Bill be amended by deleting paragraph (a).

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

Proposed amendment withdrawn

Clause 9 - agreed to.

Clause 10 - agreed to.

Clause 11 - amendment proposed –

THAT, clause 11 of the Bill be amended in the proposed new paragraph (f) by deleting the words “landing fees”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clauses 11 - agreed to.

Clauses 12, 13, 14, 15, 16, 17, 18, 19 and 20 - agreed to.

Clauses 21, 22, 23, 24, 25 and 26 - agreed to.

Clause 27 - amendment proposed –

THAT, clause 27 of the Bill be amended by inserting the expression “in subsection (1)” immediately after the words “is amended”.

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

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 27 - as amended agreed to.

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

(ii) **The National Government Constituencies Development Fund (Amendment)**
(National Assembly Bill No. 37 of 2016)

Clause 2 - amendment proposed –

THAT, the Bill be amended by deleting clause 2.

(Hon. Aghostinho Neto)

Question of the amendment proposed –
Debate arising;

Question put and negatived.

Clause 2 - agreed to.

Clause 3 - amendment proposed –

THAT, the Bill be amended by inserting the following new clause immediately after clause 3 –

“3A Section 6 of the principal Act is amended by deleting the word “Cabinet Secretary” appearing in subsection (1) and substituting therefor the word “Board”-

(Chairperson, Select Committee on National Government Constituencies Development Fund)

Question of the amendment proposed –

Debate arising;

Question put and agreed to.

Clause 3 - as amended agreed to.

Clause 4 - agreed to.

Clause 5 - amendment proposed –

THAT, the Bill be amended by deleting clause 5 and substituting therefor the following new clause —

“ 5. Section 28 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection —

(1) The list of the proposed constituency projects shall be submitted to the Board within three months of the official release of the allocation table by the Board or such other time as may be determined by the Board”

(Chairperson, Select Committee on National Government Constituencies Development Fund)

Question of the amendment proposed –

Debate arising;

Question put and agreed to.

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed -

THAT, the Bill be amended by deleting clause 6 and substituting therefor the following new clause —

- “ 6. Section 34 of the principal Act is amended-
- (a) by deleting subsection (1) and substituting therefor the following new subsection —
 - (1) The budget ceiling for each constituency shall be the amount specified in section 4(1) divided equally among all constituencies subject to the provisions of section 8(1) and 23(1);
 - (b) by deleting subsection (2)”.

(Chairperson, Select Committee on National Government Constituencies Development Fund)

Question of the amendment proposed -

Debate arising;

Question of the amendment put and agreed to;

Further Amendment proposed -

THAT, the Bill be further amended by inserting the following -

“Section 34 of the principal Act is amended by inserting the following new sub-section immediately after sub-section (1) -

(1A) Notwithstanding subsection (1), the National Government may, where necessary, facilitate other projects or programmes falling within the purview of the National Government with funds other than the funds specified in subsection 4(1), through the National Government Constituencies Development Fund Committees established under section 43 -

(Hon. Katoo Ole Metito)

Question of the further amendment proposed -

Debate arising;

Question of the further amendment put and agreed to;

Question put and agreed to.

Clause 6 - as amended agreed to

Clauses 7 and 8 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

15. **HOUSE RESUMED** - the Fourth Chairperson in the Chair

(i) The Civil Aviation (Amendment) (National Assembly Bill No. 14 of 2016)

Bill reported with amendments;

Motion made and Question proposed –

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

(The Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Civil Aviation (Amendment) (National Assembly Bill No. 14 of 2016) be now read a Third Time

(The Leader of the Majority Party)

Debate arising;

Question put and agreed to;

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

(ii) The National Government Constituencies Development Fund (Amendment) (National Assembly Bill No. 37 of 2016)

Bill reported with amendments;

Motion made and Question proposed –

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

(Chairperson, Select Committee on National Government Constituencies Development Fund)

Question put and agreed to;

Motion made and Question proposed –

THAT, the National Government Constituencies Development Fund (Amendment) (National Assembly Bill No. 37 of 2016) be now read a Third Time

(Chairperson, Select Committee on National Government Constituencies Development Fund)

Debate arising;

Question put and agreed to;

Bill read a Third time and passed.

16. **THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2016)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Election Laws (Amendment) Bill (National Assembly Bill No. 37 of 2016) be now read a Second Time

(Leader of Majority Party and Leader of Minority Party)

Debate arising;

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

17. **HOUSE ROSE** - at thirty minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, August 31, 2016 at 6.45 p.m.

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