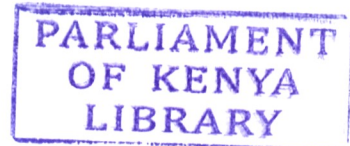


REPUBLIC OF KENYA



PARLIAMENT



ELEVENTH PARLIAMENT- SECOND SESSION

THE NATIONAL ASSEMBLY

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DIRECTORATE OF LEGISLATIVE & PROCEDURAL SERVICES

(TABLE OFFICE)

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**REPORT**

**OF THE FIRST PART OF THE**

**SECOND SESSION**

FEBRUARY - APRIL, 2014

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The Clerk's Chamber  
Kenya National Assembly,  
Parliament Buildings,  
Nairobi, Kenya



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# HIGHLIGHTS OF THE FIRST PART OF THE SECOND SESSION- 11<sup>TH</sup> PARLIAMENT

## I. RESUMPTION OF THE HOUSE

The National Assembly resumed its sittings on Tuesday, February 11, 2014 after the December recess and got down to serious legislative agenda. This included consideration of crucial Bills that included the Supplementary Estimates, 2014, and the Division of Revenue Bill, 2014, review and adoption of the Budget Policy Statement, and other Bills which had not been concluded in the last Session.

The National Assembly also passed its Calendar of Regular Sessions, introducing periods of short recess to give Members of Parliament (MPs) some time to visit their constituents. The longer recess periods, comprising of 25 days and above, will allow Members to spend more time in their various Committees scrutinizing various bills or financial documents so as to adhere to different constitutional and statutory deadlines. This is already shaping up to be a busy year, with the heavy workload spread out over a period of 131 sitting days in this Session, as compared to 108 sitting days in the First Session. The Sessional Calendar, as adopted by the House, forms part of this report (**Annex I**).

## II. SPECIAL SITTING OF PARLIAMENT

This was the second joint sitting of the Houses of Parliament since the official opening of the Eleventh Parliament in March 2013. On March 27, 2014 and in keeping with Article 132(1) (b) and (c) of the Constitution, **H.E. the President** addressed a special sitting of Parliament, and gave a State of the Nation address during which he tabled three reports as follows:

- a) Report on all the measures taken and the progress achieved in the realization of the national values, referred to in Article 10 of the Constitution;
- b) Report on the progress made in fulfilling the International Obligations of the Republic; and
- c) Report on the Nation's security, in accordance with Article 240(7) of the Constitution.

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The first report was to provide feedback to Parliament, and the citizens on the progress and achievements by the Government in fostering national values and principles of governance in the country. The report therefore includes measures taken towards this end in public institutions, and the progress made, the challenges encountered during the operationalization of this process, and recommendations on what strategies to incorporate for higher effectiveness.

The Report on International Obligations highlights the status and strength of Kenya's regional and international ties through the ratification of treaties, and accomplishments in fulfilling the ensuing obligations. The report also provides information on the specific treaties and agreements that Kenya is a part of at present.

The Report on the State of National Security touches on the security situation in the country within the last one year, challenges encountered, plus strategies and measures implemented to deal with the ongoing and future security threats.

The Members were able to discuss content of the first report during debate on the President's speech, while the other two reports will be prioritized for debate by the House during the second part of the second Session.

### **III. PARLIAMENTARY BUSINESS**

Standing Order 171 gives the House Business Committee the mandate to prepare the Parliamentary Calendar, monitor and oversee implementation of House Business, as well as programme business in the House, among the functions. In the first part of this Second Session, the House Business Committee held a total of ten (10) sittings to schedule the business before the House. The following is a highlight of what the House has considered during this period under review.

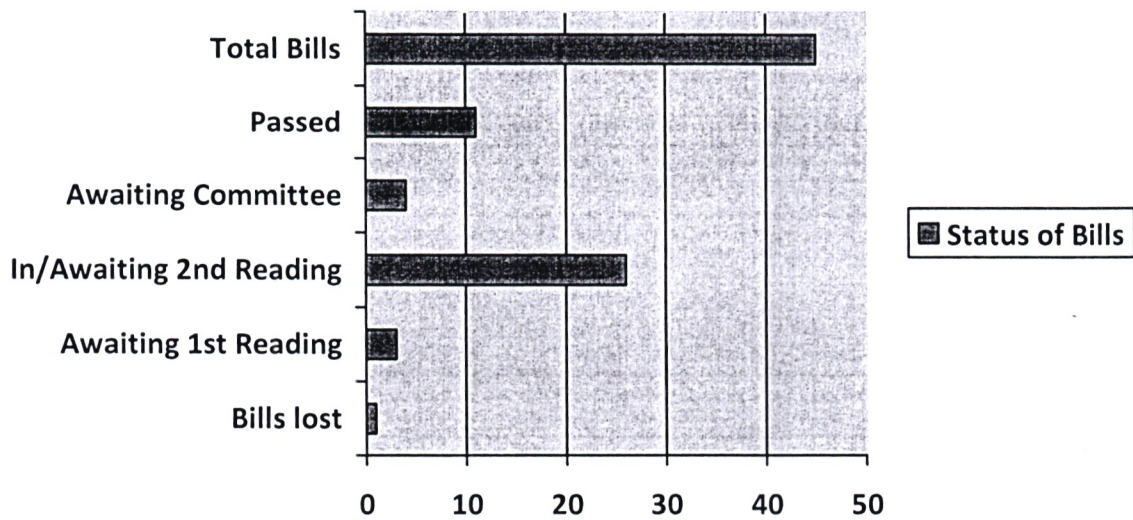
#### **A. BILLS**

As part of its legislative mandate, the House has considered a total of forty five Bills which are at different stages before the House as detailed in **Annex II**.

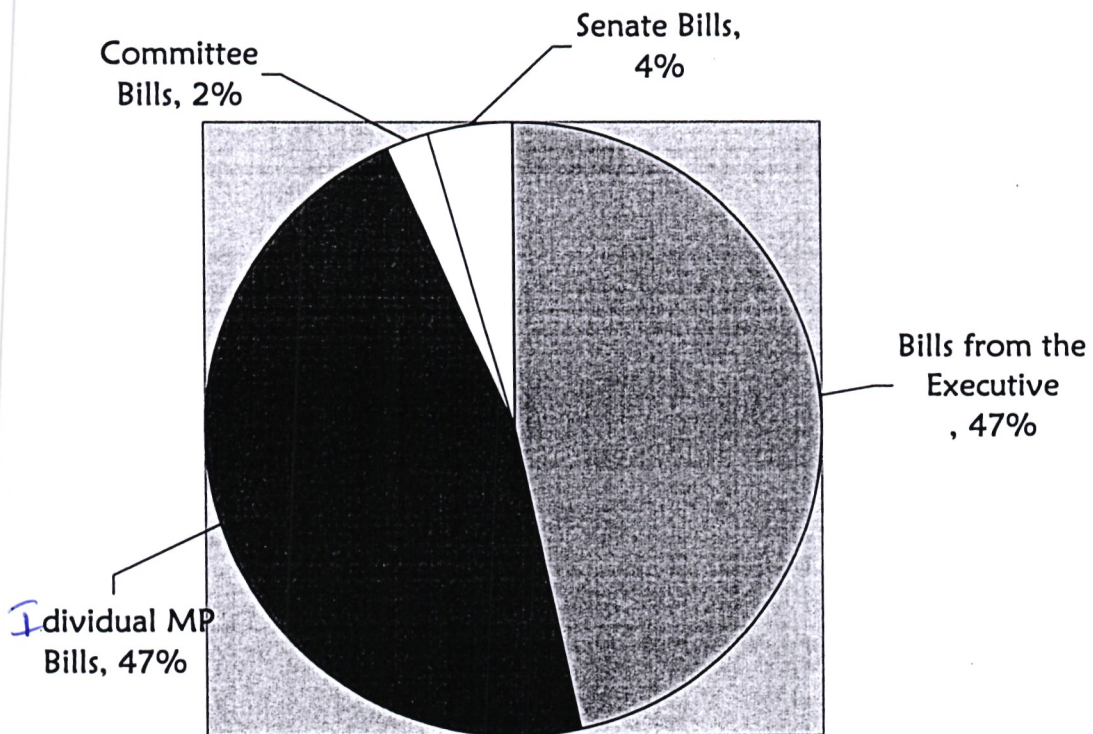
Of particular interest is the Marriage Bill, 2013, the National Police Service (Amendment) Bill, 2013, and the National Flag, Emblems and Names (Amendment) Bill, 2013 (National Assembly Bill), which elicited a lot of public participation and heated debate in the House.

Below is a snapshot of the stages of the various Bills:





In addition, the figure below shows a representation of the origin of the various Bills that have come before the House for deliberation:





1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

11. 12. 13. 14. 15. 16. 17. 18. 19. 20.

21. 22. 23. 24. 25. 26. 27. 28. 29. 30.

As is evident, the Members of the National Assembly are exercising their constitutional mandate fully by introducing a number of legislative proposals in the House, with these being equivalent to Bills originating from the Executive.

So far, in this part of the Session, the President has only refused to assent to two Bills as passed by the National Assembly, that is, the Insurance (Amendment) Bill, 2013, and the National Flag, Emblems and Names (Amendment) Bill, 2013. As stipulated in Article 115 of the Constitution and provisions of Standing Order 154, the President's reservations on the Bills have been referred back to the National Assembly with accompanying memoranda for further consideration. The Insurance (Amendment) Bill, 2013 has since been assented to.

In the previous Session, the Standing Orders were amended to ensure that all Bills began in the last Session do not lapse in the next Session. As such, pursuant to Standing Order 141, priority will be given to Bills began in the last Session (2013) to ensure that they are concluded with expeditiously as the life of bills was only extended by one Session.

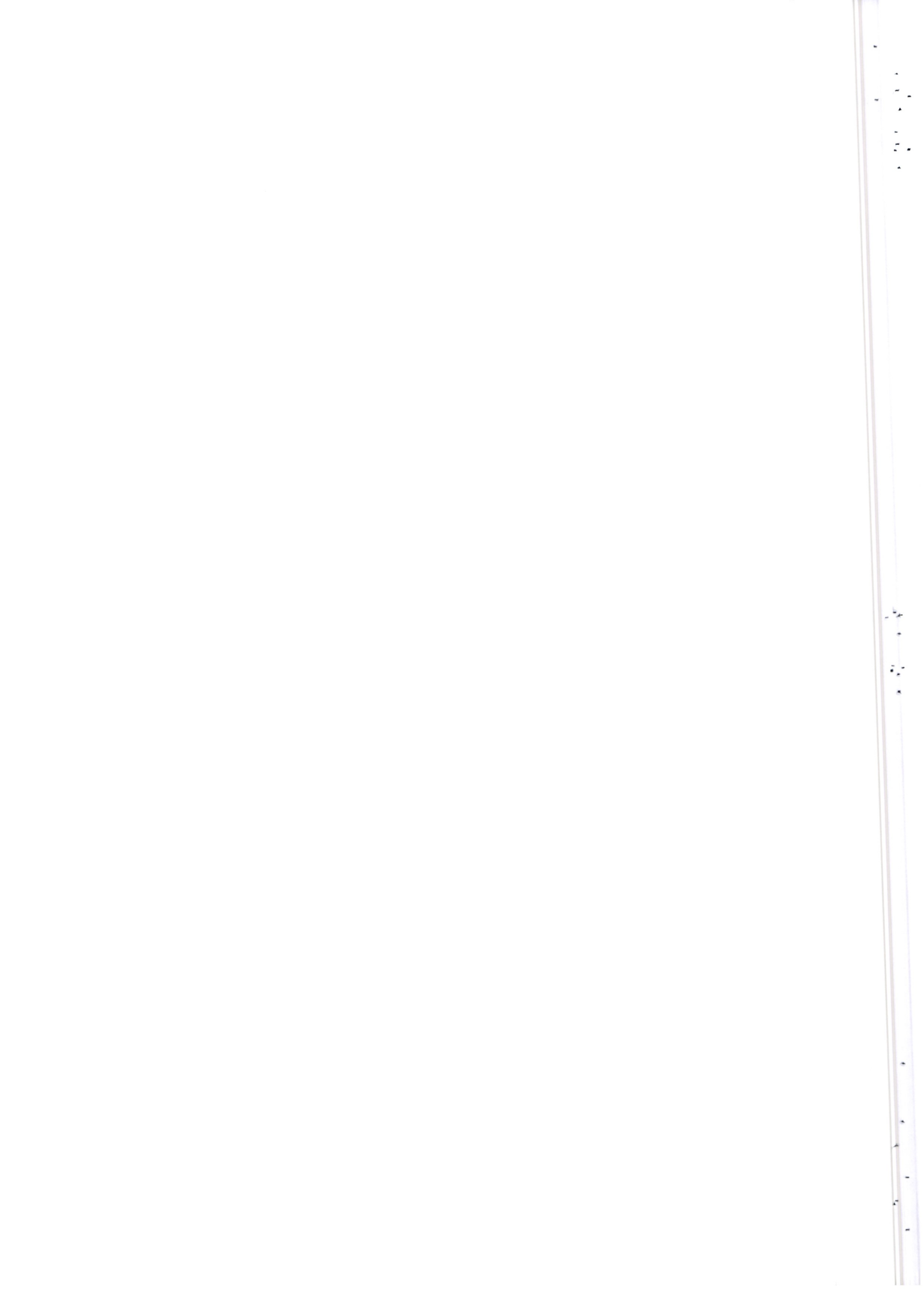
## **B. MOTIONS**

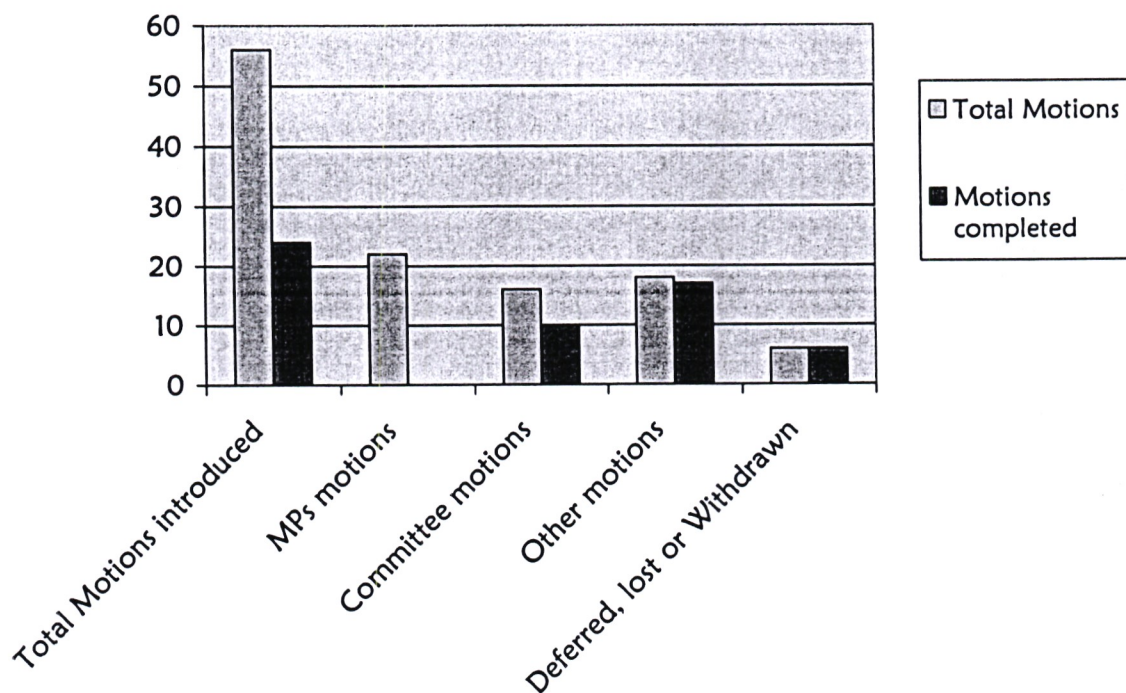
During the period under review, a total of fifty six (56) Motions have been submitted to the House, of which twenty two (22) motions were from individual Members, as detailed in **Annex III**.

However, an increased number of Bills submitted by individual Members in the current Session has led to these legislative proposals being given priority on Wednesday mornings. As such, no individual Members' motions have been debated and concluded. More innovative means of slotting the motions for debate may need to be considered, perhaps either setting aside another time for disposal of Members' motions, or alternating more frequently with debate on Bills.

During the period under review, only one motion was negatived, that is, the one on the Report of the Joint Sittings of the Departmental Committees on Administration & National Security and Defence & Foreign Relations on the Inquiry into the Terrorist Attacks at the Westgate Mall, and other Terror Attacks in Mandera and Kilifi. A few other motions were deferred or withdrawn for further consultations and deliberations at a later date.

Below is a chart showing the Motions introduced in the House, including a brief on their status.





### C. PETITIONS

During the period under review, a total of eight (8) Petitions were presented and are pending before relevant parliamentary committees. The number of petitions is increasing as the Members feel more comfortable in using this form of presenting issues from their constituents or other Kenyans in the House.

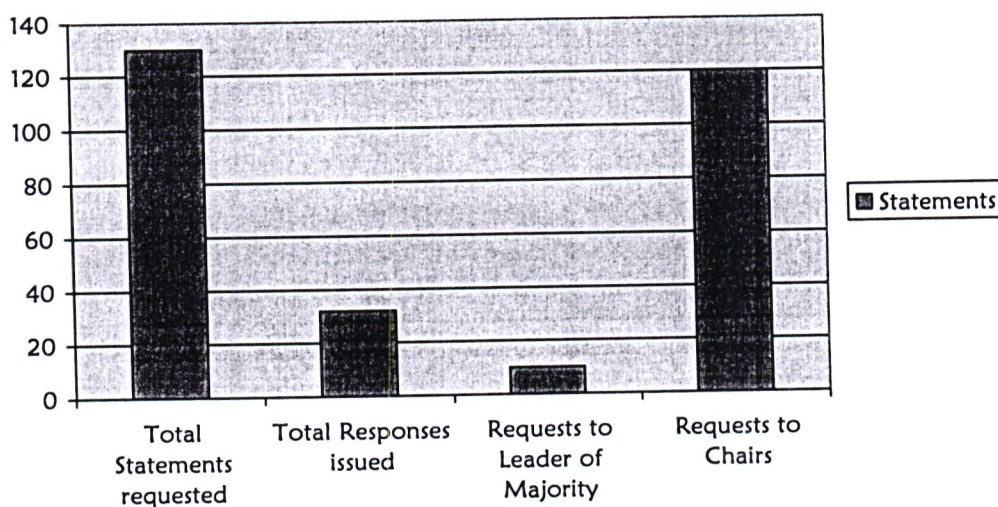
### D. STATEMENTS

A total of two hundred and nineteen (219) statements have been processed out of which one hundred and thirty (130) have been requested, thirty two (32) concluded, fifty nine (59) approved and awaiting placement on the Order Paper, and the remainder awaiting approval. This has occurred within ten weeks of sittings, whereas almost double this number of statements was requested in the entire last Session.

The number of statements requested by Members to the Leader of the Majority Party and the various Chairpersons has continued to rise weekly. The Procedure and House Rules Committee is currently in the process of considering options on how to better manage this process to

ensure Members do not remain frustrated when unable to seek answers or receive responses to matters arising in their local areas or even nationally.

Shown below is the distribution of Statements as requested in the House in this part of the Session:



## E. VETTING AND APPROVAL OF APPOINTEES TO PUBLIC OFFICES

In accordance with the Constitution, the House vetted the following for appointment to the offices indicated:-

- i. Chairperson and Members of the Kenya National Commission on Human Rights;
- ii. Member of the National Gender and Equality Commission;
- iii. Two non-members to the Parliamentary Service Commission.

The House approved the nominees in concurrence with the different Committees, with only one rejection of a nominee to the National Gender and Equality Commission.

## F. COMMITTEE REPORTS

During the period under review, Committees have continued to exercise their mandates. So far, a total of twenty seven (27) reports on diverse subject matters have been tabled. Reports relating to matters other than bills are eighteen (18) as detailed in **Annex IV**.

Some of the Committee reports that have been considered and adopted, include:

- i. The Report of the Committee on Regional Integration which was a consideration of the East African Community Cross Border Legal Practice Bill, 2014; the East African Community Integration (Education) Bill, 2014; and the East African Community Cooperative Societies Bill, 2014 forwarded by the East African Legislative Assembly (EALA).

Standing Orders 212 and 251 stipulate that the Committee on Regional Integration in the National Assembly will review and report on Bills or other records of relevant debates received from EALA. The National Assembly therefore received communication from EALA on the three Bills for consideration, and adopted the Committee's report with its subsequent recommendations on improving these bills. The effect of adopting this report will allow for these Bills to be amended as they will eventually be effected throughout the East African Community member states.

- ii. The Report of the Departmental Committee on Transport, Public Works and Housing on the consideration of Bilateral Air Services Agreements between the Government of the Republic of Kenya and the Government of the Republic of Angola; Mozambique; the Government of Canada and the State of Kuwait.

This report was adopted pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, and in essence allows for air services agreements between the Kenyan Government and those of the State of Kuwait, and the Governments of Canada, Angola, and Mozambique. These treaties enable scheduled air carriers to operate between territories, allow facilitation of trade between States, create cooperation arrangements between States' competition authorities thus facilitating alliances between Kenyan and other State carriers, and create market access between Kenya and other States.

- iii. The Public Accounts Committee report on the accounts of the Auditor-General for the financial years 2008/2009 and 2009/2010.

Pursuant to Article 203(3) of the Constitution, these accounts, as approved by the National Assembly, are supposed to form the basis for figures in the Division of Revenue Bill each year. As such, it is crucial for this report to be concluded each year to enable the Government to use accurate information in its forecasting and budgeting.

Other Committee reports that have been tabled in the House but not discussed include:

- i. The Report of the Select Committee on all matters relating to Khat (*Miraa*) which makes recommendations on how to handle the economic and social aspects of this crop in the country.
- ii. The Public Investments Committee Special Report on the procurement and financing of the construction of the Standard Gauge Railway from Mombasa to Nairobi (Phase I) and Nairobi to Malaba/Kisumu (Phase II). The Departmental Committee on Transport, Public Works and Housing had also prepared a report arising out of a statement requested by a Member on the same matter.
- iii. The Report of the Joint Committee on Energy, Communications and Information and Education, Research and Technology on the status of the San Marco Space Application Centre in Malindi, regarding the bilateral agreement between Kenya and Italy on the management of this centre.
- iv. The Report of the Departmental Committee on Health on the Devolution of Health Services, focusing on implementation challenges in the health sector, and proposed recommendations on how to handle the devolution of health services.
- v. The Report of the Public Accounts Committee on the Hire of an Aircraft for the Deputy President for a tour of Four African Nations in May, 2013 (The “Hustler’s Jet” Inquiry).
- vi. The Report of the Joint Committee on Budget & Appropriations and Finance, Planning & Trade on settlement of foreign court judgements against the Government of Kenya.

The National Assembly also continues to receive Sessional Papers from the various Ministries on proposed policies for implementation. These are usually tabled and referred to the relevant committees, but the House is yet

to debate and adopt the different Sessional Papers. For the period under review, only one Sessional Paper on National Values and Principles of Governance has been tabled and is awaiting debate.

## **G. COMMUNICATIONS FROM THE CHAIR**

The Speaker continued to guide the House on various matters through Communications from the Chair pursuant to Standing Order 40. This included issuance of considered rulings on matters arising on the floor of the House. So far the Speaker has issued thirteen (13) communications on various topical issues ranging from procedural matters to the operations and mandates of Committees. The most notable Communications were those regarding:-

- a) The special sitting of Parliament;
- b) Guidance on debate relating to the President's Address;
- c) Consideration of amendments to the Value Added Tax (Amendment) Bill, 2014, and other money bills as defined by Article 114 of the Constitution;
- d) Supplementary guidance on mandate of Audit Committees vis-à-vis Departmental Committees;
- e) Procedure for consideration of delegated legislation; and
- f) Nominees to various state offices, among others.

## **H. DEPLOYMENT OF KENYA DEFENCE FORCES TO SOUTH SUDAN**

Pursuant to Article 240(8)(a) of the Constitution and Section 18 of the Kenya Defence Forces Act (No. 25 of 2012), the Secretary of the National Security Council wrote to Parliament seeking approval for the deployment of troops. The National Assembly approved the deployment of the Kenya Defence Forces in South Sudan for purposes of regional peace support operations.

This was similar to a motion adopted in December 2013 during the First Session, with the difference being that this deployment was international.

It is anticipated that such approvals, as contemplated by the Constitution, will become more regular with the continued interaction of Parliament and



the Executive. This will also involve the expanded role of the Legislature in the ratification of treaties or international agreements.

#### **IV. INTERNATIONAL DESKS, 2014**

##### **A. The Inter-Parliamentary Union (IPU)**

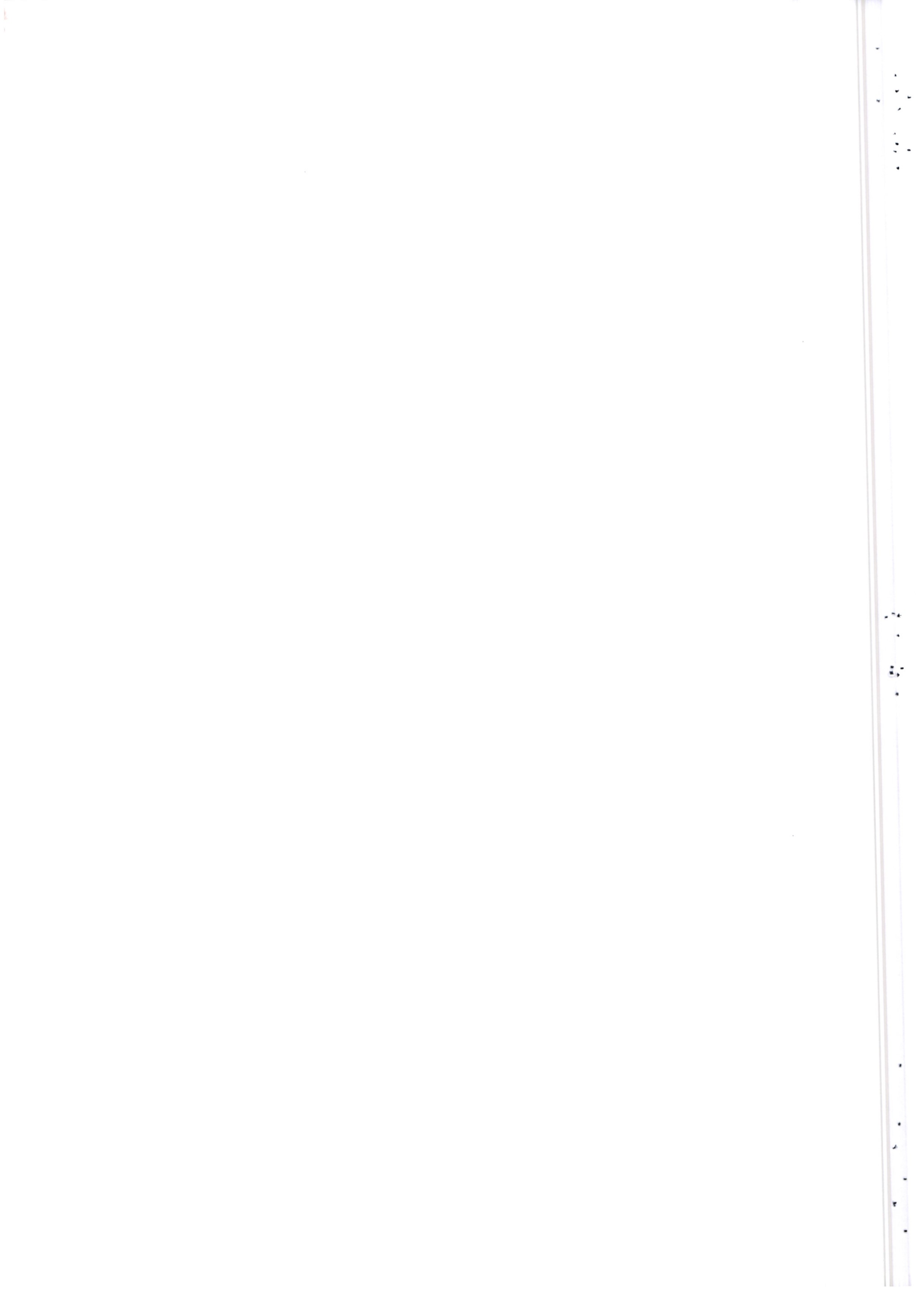
The IPU facilitates political parliamentary debate, dialogue and cooperation, assisting parliaments and parliamentarians throughout the world to fulfill their mandates. It also assists Parliaments in coping with a growing international agenda, and in contributing a Parliamentary dimension to the work of the United Nations and similar multilateral institutions.

The IPU Assembly is the principle statutory body that expresses the views of the Inter Parliamentary Union on political issues. It brings together Parliamentarians to study international problems and make recommendations for action. In March 2014, the IPU held its 130<sup>th</sup> Assembly and related meetings in Geneva, Switzerland. The most significant occurrence was the appointment of two Members of the Kenyan Parliament to the Bureaux of the Committee on Democracy and Human Rights, and the Committee on United Nations Affairs. The role of these Bureaux, which comprise of members from different regions of the world, among other things, guide the work of the IPU Standing Committees, discuss proposals for agenda items and develop work plans for their respective Committees.

##### **B. The Commonwealth Parliamentary Association (CPA)**

The Commonwealth Parliamentary Association (CPA), of which the Parliament of Kenya is a member, is an association of Parliamentarians from the Commonwealth countries. The CPA was formed to promote parliamentary democracy, and enhance governance, respect for individual rights and rule of law. It also facilitates co-operation between the Parliaments and Legislatures represented in it.

In the first part of the Second Session, the CPA only held two seminars. The first one was in March 2014 in Seychelles on the Role of Parliamentarians in the Protection of Human Rights, which was attended by two Members. The



second one, the 25<sup>th</sup> Commonwealth Parliamentary Seminar, was held in May 2014 in Dar-es-Salaam, Tanzania, and was attended by one Member.

### **C. The African, Caribbean, Pacific - European Union Assembly (ACP-EU)**

The ACP-EU Joint Parliamentary Assembly is one of the organs of joint institutions established under the ACP-EU Partnership Agreement, mostly known as the Cotonou Agreement. The Assembly was created out of a common desire to bring together the representatives of the African, Caribbean and Pacific states that have signed the Cotonou Agreement and the European Parliament.

The ACP-EU brings together more than 320 MPs from the 79 ACP Countries and Members of the European parliament, drawn from the 27 members states of the EU, commonly referred to as MEPs. The Parliament of Kenya has been a member of the ACP-EU Joint Parliamentary Assembly (JPA) since its inception.

In the period under review, the ACP-EU held two meetings. The first was the 11<sup>th</sup> Regional Meeting (East Africa) held in Port Louis, Mauritius in February 2014; Kenya was represented by two Members of the National Assembly. The second meeting was the 35<sup>th</sup> session of the ACP parliamentary Assembly and the 27<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly held in Strasbourg, France in March 2014; Kenya was represented by three Members of Parliament at these sessions.

### **D. The Pan-African Parliament (PAP)**

The Pan-African Parliament (PAP) was established according to the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (PAP Protocol) as one of the 10 Organs of the African Union. It was inaugurated on 18 March 2004 in Addis Ababa and moved to its current Seat in Midrand, Johannesburg - South Africa.

In the period under review, four Members of Parliament out of the five representing Kenya were sworn in during the plenary session in March 2014; the fifth one had been sworn in last year. There were also committee

meetings held during this session. The entire delegation comprises of three Members of the National Assembly, and two Members of the Senate.

## V. EMERGING ISSUES

### a) Handling of Subsidiary Legislation/Regulations/Statutory Instruments

The handling of these pieces of legislation was clarified through a considered ruling of the Speaker issued on March 26, 2014. This was due to the increased number of such regulations being forwarded to the National Assembly for consideration from various Ministries, in accordance with the Statutory Instruments Act, 2013 and the Standing Orders.

It was highlighted that according to the Statutory Instruments Act, 2013 and Standing Order 210:

- (i) Under section 12 of the Act, every statutory instrument tabled stands referred to the Committee on Delegated Legislation.
- (ii) It is presumed that the House, in delegating the power to make statutory instruments, has already signified its approval of that statutory instrument.
- (iii) As such, The Committee therefore only reports back to the House in the instances where it is desired to annul the whole or part of the statutory instrument. Where there is no desire to annul the whole or any part of a statutory instrument, that resolution is communicated to the Clerk who then communicates to the relevant state department or the authority that published the statutory instrument.
- (iv) The Committee is then obliged to scrutinize the statutory instrument in accordance with the criteria set out in the Act and upon completion of its scrutiny, there is no contemplation of any motion for approval or amendment of the statutory instrument, except for a motion of annulment where the Committee has recommended so.

The National Assembly has received eight pieces of delegated legislation for consideration in this part of the Session. Only one, the Public Finance

Management (Uwezo Fund) Regulations, 2013, has been approved so far.

#### **b) Continuing challenges on the removal of Question Time**

This has continued to be an area of concern, despite the guidelines issued by the Speaker on the form and content of Statements requested under Standing Order 44(2)(c). The number of requests continued to rise weekly, with many still pending for request on the floor. This has caused the Members a lot of frustration, especially when the response also takes a while to be issued by the relevant Chairs.

#### **c) Formation of the first Mediation Committee of both Houses**

In an unprecedented move, the motion on the County Governments (Amendment) Bill, 2013, was lost at the Second Reading in the National Assembly. The Bill was establishing a County Development Committee comprised of the political leadership of each county. Since this Bill had originated from the Senate, provisions of Standing Order 149 applied. A Mediation Committee was formed, which comprised of three Members drawn from each House. The Committee reviewed the contentious clauses of the Bill, and drafted a proposed compromise version of the Bill for fresh consideration by both Houses. The Committee's report, with the draft bill, was tabled in the National Assembly, but is yet to be debated. This matter will be prioritized upon the resumption of the House.

### **VI. WHAT'S AHEAD FOR THE NEXT PART OF THE SECOND SESSION**

The second part of the Second Session will resume on June 3, 2014 after a recess period of 33 days. The House will be faced with a heavy workload which comprises of the following:

- i. Consideration and approval of the Budget Estimates for the 2014/2015 financial year by the second week of June, and passage of the Appropriations Bill, 2014 before the end of June;
- ii. The review and passage of eight constitutional bills before August 28, 2014. These Bills are on:

- a) Consumer Protection (Article 46).
- b) Fair Hearing (Article 50).
- c) Fair Administrative Action (Article 47).
- d) Legislation regarding environment (Article 72).
- e) Procurement of public goods and services (Article 227).
- f) Right of persons detained or held in custody (Article 51).
- g) Values and principles of public service (Article 232).

Review of other important bills like:

- a) The Mediation Committee's version of the County Governments (Amendment) Bill, 2013;
- b) The Retirement Benefits (Deputy President & Designated State Officers) Bill, 2013;
- c) The Victim Protection Bill, 2013;
- d) The Mining Bill, 2014; and
- e) The Companies Bill, 2014, among others.

## VII. TRANSITION

Towards the end of the long recess period, on Wednesday May 21, 2014, the National Assembly lost a Member due to a sudden illness. The Hon. Joseph Ngugi Nyumu, was a first-time Member for Gatundu South Constituency, actively involved in the Departmental Committee on Education, Research and Technology, as well as the Constitutional Implementation Oversight Committee. He leaves behind a wife and two children.



# ANNEXTURES





# ANNEX I: CALENDAR OF THE ASSEMBLY (REGULAR SESSIONS), 2014

## SCHEDULE

### PART I: SITTINGS

PERIOD	DAYS
<b>Second Session, First Part</b> Tuesday, 11 <sup>th</sup> February– Wednesday, 30 <sup>th</sup> April, 2014	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>Second Session, Second Part</b> Tuesday, 3 <sup>rd</sup> June – Thursday, 28 <sup>th</sup> August, 2014	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>Second Session, Third Part</b> Tuesday, 23 <sup>rd</sup> September– Thursday, 4 <sup>th</sup> December, 2014	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)

### PART II: RECESS

<b>Second Session, First Part</b>	
(a) Short Recess:	Friday, 4 <sup>th</sup> April- Monday, April 14, 2014
(b) Long Recess:	Thursday, 1 <sup>st</sup> May - Monday, 2 <sup>nd</sup> June, 2014
<b>Second Session, Second Part</b>	
(c) Short Recess:	Friday, 4 <sup>th</sup> July- Monday, July 14, 2014
(d) Long Recess:	Friday, 29 <sup>th</sup> August- Monday, 22 <sup>nd</sup> September, 2014
<b>Second Session, Third Part</b>	
(e) Short Recess:	Friday, 31 <sup>st</sup> October- Monday, 10 <sup>th</sup> November, 2014
(f) Long Recess:	Friday, 5 <sup>th</sup> December- Monday, 9 <sup>th</sup> February, 2015



## ANNEX II: STATUS OF BILLS: FIRST, SECOND, COMMITTEE STAGE AND THIRD READINGS

### I. Bills Awaiting First Reading

NO.	BILL	SPONSOR
1.	The Kenya AIDS Control Authority Bill (National Assembly Bill No. 17 of 2014)	Hon. (Dr.) Rachel Nyamai, MP
2.	The Children (Amendment) Bill (National Assembly Bill No. 18 of 2014)	The Hon. George Kaluma, MP
3.	The Diabetes Management Bill (National Assembly Bill No. 19 of 2014)	Hon. (Dr.) Rachel Nyamai, MP

### II. Bills In/Awaiting Second Reading

NO.	BILL	SPONSOR
4.	The Constitution of Kenya (Amendment) (No.1) Bill (National Assembly Bill No. 15 of 2013)	Chairperson, Departmental Committee on Justice and Legal Affairs
5.	The Protection Against Domestic Violence Bill (National Assembly Bill No. 28 of 2013)	Chairperson, Departmental Committee on Justice and Legal Affairs
6.	The Kenya Qualifications Framework Bill (National Assembly Bill No. 29 of 2013)	The Leader of the Majority Party
7.	The Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 33 of 2013)	The Leader of the Majority Party
8.	The Military Veterans Bill (National Assembly Bill No. 34 of 2013)	The Hon. Adan Keynan, M.P.
9.	The Parliamentary Society of Kenya Bill (National Assembly Bill No. 35 of 2013)	The Hon. Adan Keynan, M.P.
10.	The Retirement Benefits (Deputy President and Designated State Officers) (National Assembly Bill No. 38 of 2013)	The Hon. John Mbadi, M.P.
11.	The National Flag, Emblems & Names (Amendment) Bill (Senate Bill No. 2 of 2013)	Chairperson, Departmental Committee on Justice and Legal Affairs

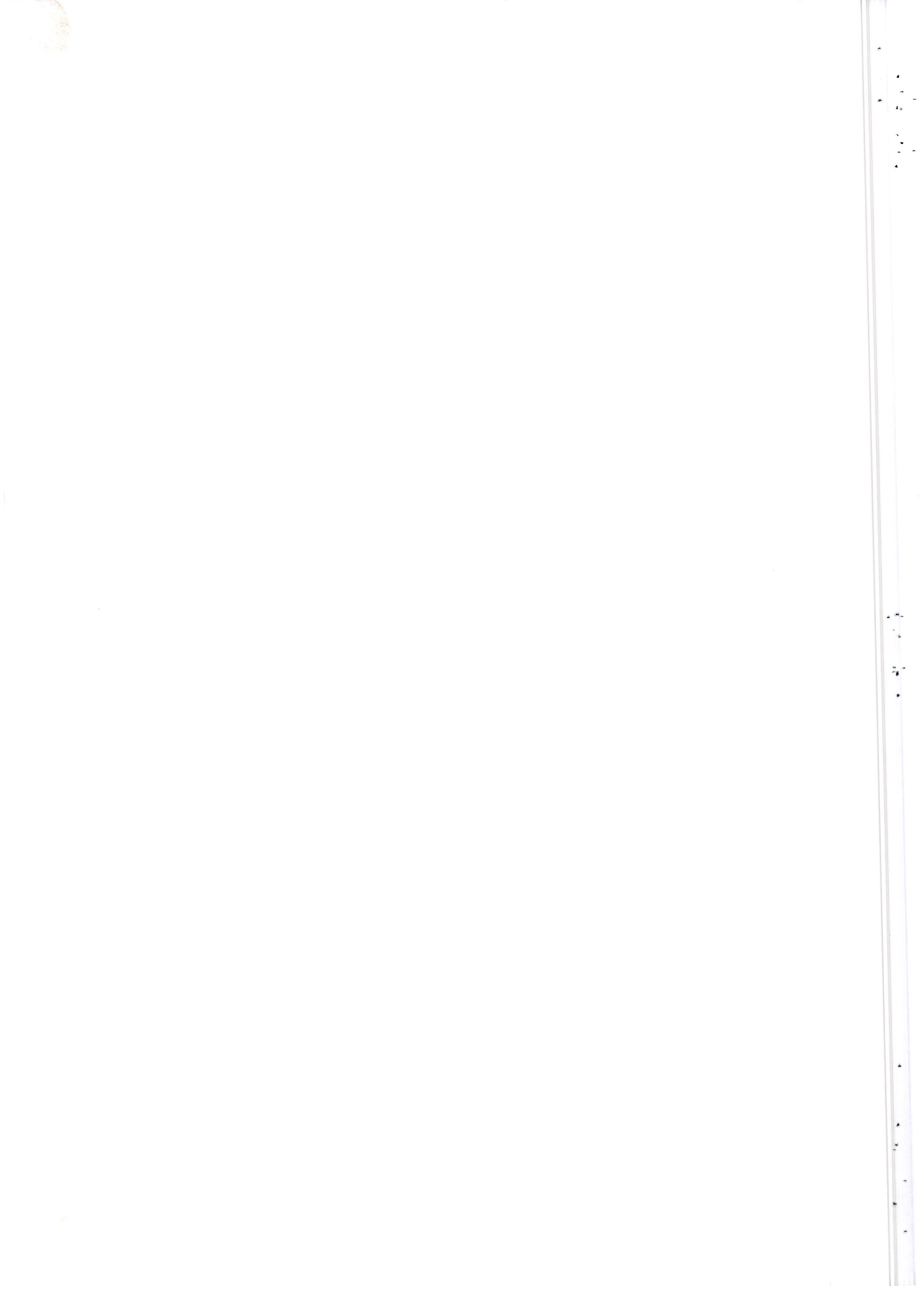
12.	The Physiotherapists Bill(National Assembly Bill No. 40 of 2013)	The Hon. Leonard K. Sang, M.P.
13.	The Victim Protection Bill (National Assembly Bill No. 41 of 2013)	The Hon. Millie Odhiambo-Mabona, M.P.
14.	The National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013)	The Hon. Francis Chachu Ganya, M.P.
15.	The Persons with Disabilities (Amendment) Bill (National Assembly Bill No. 43 of 2013)	The Hon. Wanjiku Muhia, M.P.
16.	The Climate Change Bill (National Assembly Bill No. 1 of 2014)	The Hon. Dr.Wilber Ottichilo, MP
17.	The Kenya National Aids Authority Bill (National Assembly Bill No. 2 of 2014)	The Hon. Jared O. Opiyo, MP
18.	The Pharmacy and Poisons (Amendment) Bill (National Assembly Bill No. 3 of 2014)	The Hon. Robert Pukose, MP
19.	The Private Security Regulation Bill (National Assembly Bill No. 4 of 2014)	The Leader of the Majority Party
20.	The Business Registration Service Bill (National Assembly Bill No. 5 of 2014)	The Leader of the Majority Party
21.	The Scrap Metal Bill (National Assembly Bill No. 6 of 2014)	The Leader of the Majority Party
22.	The Prohibition of Anti-Personnel Mines Bill (National Assembly Bill No. 7 of 2014)	The Leader of the Majority Party
23.	The Water Bill (National Assembly Bill No.8 of 2014)	The Leader of the Majority Party
24.	The Mining Bill (National Assembly Bill No.9 of 2014)	The Leader of the Majority Party
25.	The Order of Precedence Bill (National Assembly Bill No. 11 of 2014)	The Hon. Adan Keynan, MP
26.	The Alcoholic Drinks Control (Amendment) Bill (National Assembly Bill No. 14 of 2014)	The Hon. Kimani Ichung'wah, MP
27.	The Insolvency Bill, 2014	The Leader of the Majority Party
28.	The Companies Bill, 2014	The Leader of the Majority Party

### III. Bills Awaiting Committee of the Whole House

NO.	BILL	SPONSOR
1.	The Law Society of Kenya Bill (National Assembly Bill No. 25 of 2013)	The Leader of the Majority Party
2.	The Constitution of Kenya (Amendment) (No.2) Bill (National Assembly Bill No. 26 of 2013)	The Hon. Lati Lelelit, MP
3.	The Fertilizers and Animal Foodstuffs (Amendment) Bill (National Assembly Bill No. 36 of 2013)	The Hon. Chris Wamalwa, MP
4.	The Counsellors, Psychologists & Psychotherapists Bill (National Assembly Bill No. 39 of 2013)	The Hon. Wafula Wamunyinyi, MP

### Annex III: Status of Motions - 2014: Motions Awaiting Debate or Debated and Concluded

	SUBJECT	PROPOSER	REMARKS
1.	<b>THAT</b> , aware that it is the right of every Kenyan attaining 18 years to register and be issued with a National Identity Card (ID); and further aware that a National Identity Card represents 'proof' of Kenyan citizenship without which an individual cannot have access to basic services and the right to vote; cognizant that this number is now estimated at 12,000 in Wajir, Garissa and Mandera counties; this House urges the Government to extend amnesty to Kenyans living in the region who have wrongly registered as refugees in order to restore their privileges as Citizens of Kenya, including their integration into the community.	Hon. Abdullahi Diriyee, M.P.	Awaiting debate
2.	<b>THAT</b> , aware that the Senate passed a Motion that every County should have a public university; further aware that this country traditionally recognizes its heroes and heroines for their contribution towards development in various capacities, and in cognizance of the role played by H.E. the late Hon. Michael Wamalwa Kijana who hailed from Kitale in Trans Nzoia County, this House resolves that the Government renames and upgrades Kitale Technical Institute to be Wamalwa Kijana University of Science and Technology.	Hon. Chris Wamalwa, M.P.	Awaiting debate
3.	<b>THAT</b> , aware that since the inception and implementation of the Free Primary Education programme in January 2003, enrollment has increased from 5.9 million in 2003 to 8.7million pupils currently (an increase of 47.46%) in public primary schools; further aware that in order to reduce the cost of burden of primary education to parents, the government established the FPE annual capitation per child at Ksh. 1020.00 for primary schools; taking into account the need to meet the constitutional right of every Kenyan child to free and compulsory basic education; deeply concerned that the capitation grant has remained constant at Ksh. 1020.00 since 2003 despite the inflationary levels having risen, thus undermining the purchasing power for schools; this House urges the Government to increase the capitation	Hon. Abdullahi Diriyee, M.P.	Awaiting debate





	grant per child from Ksh. 1020.00 to Ksh. 3060.00 for primary schools.		
4.	<p><b>THAT</b>, aware that there is increased use of commercial motorcycles as a means of transport all over the country which in turn has led to a concomitant increase in the number of commercial motorcyclists, commonly known as boda bodas; acknowledging and appreciating the role played by the boda bodas in enhancing access to transport, communication and commercial activity especially in rural Kenya which is characterized by poor road networks; deeply concerned that most of the boda boda operators are not properly trained and licensed to operate the motorcycles leading to frequent motorcycle accidents and loss of lives, noting the prohibitively high costs of acquiring training and motorcycle riding licenses; deeply disturbed that most boda boda operators face incessant harassment and extortion from law enforcement officers despite the fact that the boda boda operators work under very difficult conditions; taking into account the invaluable contribution of the boda boda operators to the Kenyan economy; this House resolves that the Government immediately develops a targeted policy on operations of commercial motorcycles (boda boda), subsidizes the costs of acquisition of training and commercial motorcycle riding licenses, establishes motorcycle riding licensing units in every county and develops public awareness campaigns to ensure safety in commercial motorcycle transport in Kenya.</p>	Hon. David Ouma Ochieng, M.P.	Awaiting debate
5.	<p><b>THAT</b>, aware that various funds have been set up in this country to assist women and youth, namely the Kazi Kwa Vijana programme, Youth Enterprise Fund, and Women Enterprise Fund; also aware of the new Uwezo Fund targeting youth below 35 years and women of all ages; concerned that there is an apparent neglect of men aged 35 years and above, given that entrepreneurship is crucial in the 35 to 50 year age bracket; cognizant of the fact that Kenya is targeted to be an entrepreneurial nation by the year 2030, this House urges the Government to create a Fund encompassing people of all ages and genders for development of entrepreneurial skills and abilities to wholly address issues of creativity and innovation which are necessary pillars for stimulating economic growth and development.</p>	Hon. Humphrey Kimani Njuguna, M.P.	Awaiting debate

6.	<p><b>THAT</b>, aware that air transport in Southern and Eastern Africa is growing with three major African carriers including Kenya Airways Limited dominating international and domestic flights with international traffic in the region having grown at an annual average rate of 6.2 per cent between 2001 and 2007; Further, aware that Kenya Airways Limited provides 70 per cent international traffic through Nairobi compared to South African Airways and Ethiopian Airlines at 33 per cent and 83 per cent respectively in their hubs; Noting that Kenya Airway Limited enjoys monopoly in air transport in Kenya thus determining the rate of fares at will due to the monopoly they enjoy and that demand for air travel has increased tremendously; Given that there is no regulatory body in place to supervise and ensure fair opportunity for competition by different airlines to ensure checks on the excesses of the airlines and that a number of airlines that applied for license to operate domestic flights are yet to get approvals; this House resolves that the Government puts in place measures to fully liberalize the air fares including awarding licenses to other operators to make air travel affordable as a result of fair competition.</p>	Hon. Omar Mwinyi, M.P.	Awaiting debate
7.	<p><b>THAT</b>, aware that Article 42 of our Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) mandates the State to encourage public participation in the management, protection and conservation of the environment; deeply concerned that our homes, roads, public and private premises, work places, recreational areas and general environment are littered with plastics, solid and liquid wastes as well as lacking good general environmental aesthetics, this House resolves that the Government declares one Saturday of each month be dedicated by every Kenyan household, organized groups, public and private institutions and corporate organizations to cleaning and beautifying their immediate environment and public places and also initiates a proactive programme in all our schools to inculcate the culture of keeping our environment clean and healthy.</p>	Hon. (Dr.) Wilbur Ottichilo, M.P.	Awaiting debate
8.	<p><b>THAT</b>, aware that water is a crucial natural resource without which life would be impossible; noting that just like other Counties have mineral and non-mineral resources such as oil, gold and wildlife amongst others</p>	Hon. Humphrey Kimani Njuguna,	Awaiting debate

	from which they draw part of their revenue; others such as Kwale, Taita Taveta, Muranga and Nyandarua Counties have huge water resources, where for instance Muranga and Nyandarua provide 90% of Nairobi City County's water supply; deeply concerned that despite providing this crucial resource to the National Government, for which sales in Nairobi alone topped upwards of Kshs 200 million in 2012, while the producing Counties do not get a cent from these proceeds; this House resolves that Counties producing huge water resources benefit from at least 20% of proceeds from the same and that local residents within a 40km radius of the source of the water be supplied with piped water.	M.P.	
9.	<b>THAT</b> , aware that there are incessant traffic jams on Jogoo and Landhies Roads due to congestion; deeply concerned that the jams are an inconvenience to road users and a source of atmospheric pollution from hazardous motor vehicle carbon emissions; further aware that there are 50 acres of land on which the former Muthurwa Railway Estate stands and that this land is adequate for purposes of modernization and expansion of the existing roads and infrastructure to ease the congestion and traffic jams; this House urges the Government to urgently acquire the land from the Railway Pensioners Scheme for the expansion and modernization of the Jogoo and Landhies roads.	Hon. James Gakuya, M.P.	Awaiting debate
10.	<b>THAT</b> , aware that the Kenya Nuclear Electricity Board (KNEB) was created and tasked with spearheading the development of nuclear energy in the country; deeply concerned that the construction and maintenance of a nuclear plant is a highly technical, expensive and risky undertaking that potentially exposes a country to the threat of nuclear radiation and the challenge of disposal of radioactive nuclear waste; further aware that due to these inherent risks in nuclear energy production, many of the developed countries like Germany, India, Japan and South Africa amongst others have increasingly embarked on the systematic shut-down of their nuclear plants and instead are promoting the development of clean renewable energy, especially wind and solar energy; this House resolves that the Government stops any further investment in the development of nuclear	Hon. (Dr.) Wilbur Ottichilo, M.P.	Awaiting debate

	energy and instead invests in the development of renewable or green energy which is safe and abundant in the Country.		
11.	<b>THAT</b> , aware that cattle rustling is a major menace and security threat in the South and North Rift regions and other regions in the country; noting that cattle rustling involves forceful raiding of livestock from one community by another; concerned that such acts leaves behind destruction of property and loss of lives; deeply concerned that the menace has since left irreparable and negative socio-economic impact which include but not limited to increased:- number of widows, widowers , orphaned children, poverty, displacement of people leading to the emergency of Internally displaced persons (IDPS), disruption of educational programmes and other economic activities owing to the destruction and/or closure of educational, health and other institutions; deeply concerned that the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution; noting that the National Government is constitutionally obligated to guarantee the said constitutional rights to all Kenyans; deeply concerned that the National Government has failed to ensure the enjoyment of these rights by the people in the affected regions; this House resolves that the National Government declares cattle rustling as a national disaster and establish a Special Fund to be used in mitigating the losses suffered by and in compensating all victims of cattle rustling and resettle all Internally displaced persons across the country created by the menace.	Hon. William Cheptumo,  M.P.	Awaiting debate
12.	<b>THAT</b> , aware that the Country has been experiencing a series of fatal emergency situations that necessitate the need for urgent medical care and blood transfusions; deeply concerned that currently the country lacks sufficient blood reserves; noting that health services and blood donations in critical emergency situations are crucial to saving lives; this House resolves that the Government set up an Intensive Care Unit (ICU) and a blood transfusion unit in every constituency to provide medical care and blood in emergency situations.	Hon. Abdul Rahim Dawood, M.P.	Awaiting debate
13.	<b>THAT</b> , aware that there is lack of enforcement of the	Hon. John	Awaiting

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	Traffic Amendment Act No. 2 of 2012; concerned that deaths on our roads surpass 3,000 people per year with a significant number of debilitating injuries; further aware that majority of traffic police officers continue to extort bribes from motorists at the expense of passenger safety, this House resolves that the Government should ensure all OCPDs within whose division a road accident occurs, post comprehensive details of the nature and number of traffic offences, prosecutions done including those of attempts by motorists to bribe police officers, and the names and force numbers of officers stationed on the road on the day the accident occurs, on the websites of the Kenya Police Service, the Ministry of Transport and Infrastructure, and the Association of Kenya Insurers, to ensure that traffic laws are implemented without compromise.	Waiganjo, M.P.	debate
	<b>THAT</b> , this House adopts report of the Joint Committee on Energy, Communication and Information; and Education, Research and Technology on the Status of the San Marco Space Application Center in Malindi, laid on the Table of the House on March 12, 2014.	Hon.(Dr) Wilbur Ottichilo, M.P.	Awaiting debate
14.	<b>THAT</b> , aware that the ever increasing cost of power remains a burden to many Kenyans who find themselves struggling to pay or have their power disconnected; noting that numerous community driven water projects, especially water boreholes, have stalled due to the high cost of electricity; further aware that these challenges have the potential to greatly impact on livelihoods given that water is a necessity for life; this House resolves that the Government subsidizes power supply for community water projects to enable Kenyans without access to tapped water benefit from this crucial resource.	Hon. Jacob Macharia, M.P.	Awaiting debate
15.	<b>THAT</b> , aware that devolution was meant to devolve governance and public services across the country, including access to court services; further aware that courts are a crucial part of a functioning governance system without which the administration of justice cannot happen effectively and efficiently; deeply concerned that most Counties across the Country lack a division of the High Court, forcing litigants to travel long distances, thus occasioning delays in hearings and additional costs while pursuing justice; further aware that the Constitution of Kenya (2010) under Article 22 on enforcement of Bill of Rights; Article 50 on fair hearing and Article 6 (3) on	Hon. Chris Wamalwa, M.P.	Awaiting debate Adopted

	reasonable access to public services in all parts of the Republic cannot be fully realized if the Courts remain out of reach for a majority of the citizenry; this House resolves that a division of the High Court be set up in every County in order to ease access to justice.		
16.	<b>THAT</b> , aware that the process of obtaining national identification cards is long due to the fact that there is only one production centre in Nairobi that caters for the entire country; deeply concerned at the backlog of the production of these ID cards due to the centralization of the process; noting that the decentralization of administrative functions by way of devolution is central to the Government of the day and it is not an option but a constitutional choice, this House urges the Government to establish national identification production centres in every constituency as a way of decentralization to allow access of such services to the local people.	Hon. Geoffrey Odanga, M.P.	Awaiting debate
17.	<b>THAT</b> , aware that on 2 <sup>nd</sup> February, 2014 police officers raided the Masjid Musa Mosque in Mombasa county; further aware the police officers attacked the worshippers after they had conducted the afternoon prayers, in the name of fighting terrorism; concerned that the attack led to loss of lives and some people missing whose whereabouts is not known to date; this House resolves to establish a Select Committee to comprehensively investigate, inquire into all matters relating to the police raid in the mosques, review all the information that was available to the police and make recommendations on the way forward and further approves the following Members to constitute the Committee and the Committee tables its report within sixty (60) days –  Hon. Abdullswamad Shariff Nassir, MP Hon. Peter Kaluma, MP Hon. Johnson Sakaja, MP Hon. Joyce Lay, MP Hon. Ken Okoth, MP Hon. Kimani Ichung'wa, MP Hon. Ali Wario, MP Hon. Regina Muiya, MP Hon. John Mbadi, MP Hon. Hassan Aden, MP Hon. Elmi Mohamed, MP	Hon. Abdullswamad Sheriff Nassir, M.P.	Awaiting debate
18.	<b>THAT</b> , this House adopts the Report of the Departmental	Hon. Rachel	Awaiting

	Committee on Health on Devolution of Health Services laid on the Table of the House on Thursday, 20 <sup>th</sup> March, 2014.	Nyamai, M.P.	debate
19.	<b>THAT</b> , pursuant to provisions of Standing Orders 212 and 251, this House adopts and approves the Report of the Committee on Regional Integration on the consideration of the East African Community Cross Border Legal Practice Bill, 2014; the East African Community Integration (Education) Bill, 2014; and the East African Community Cooperative Societies Bill, 2014 laid on the Table of the House on Tuesday, 25 <sup>th</sup> March, 2014.	Hon. Florence Kajuju, M.P.	Debate Concluded and Adopted
20.	<b>THAT</b> , aware that water is one of the most basic human needs; concerned about children in primary schools, especially, those that do not have access to clean tapped water; also aware that the Government is already providing electricity and food to these schools; deeply concerned that lack of water leads to a host of hygiene-related problems including jigger infestation, cholera and others, this House resolves that the Government provides tapped water to all public facilities, especially primary schools, as water is life.	Hon. Andrew Mwadime, M.P.	Awaiting debate
21.	<b>THAT</b> , aware that the Transition Authority and the Council of Governors operationalized the devolution of health services in the country from the auspices of the national government to the county governments, as required under the Constitution of Kenya 2010; concerned that the delay in the devolution plan by the national Government has resulted to broken public healthcare system; Deeply concerned that most health facilities have/and are experiencing shortages of equipment and drugs, and doctors resigning due to frustrations in carrying out their duties effectively this being a major obstacle to saving patients' lives; noting that most hospitals have no adequate capacity to provide health services to the people, this House resolves that the National government takes over the functions of health services from counties which have no capacities to discharge such services until such a time when such county governments are ready to take over such functions as contemplated by Section 15 of the Sixth Schedule and Article 187 (I) of the Constitution of Kenya 2010.	Hon. Zuleikha Hassan Juma, M.P.	Awaiting debate

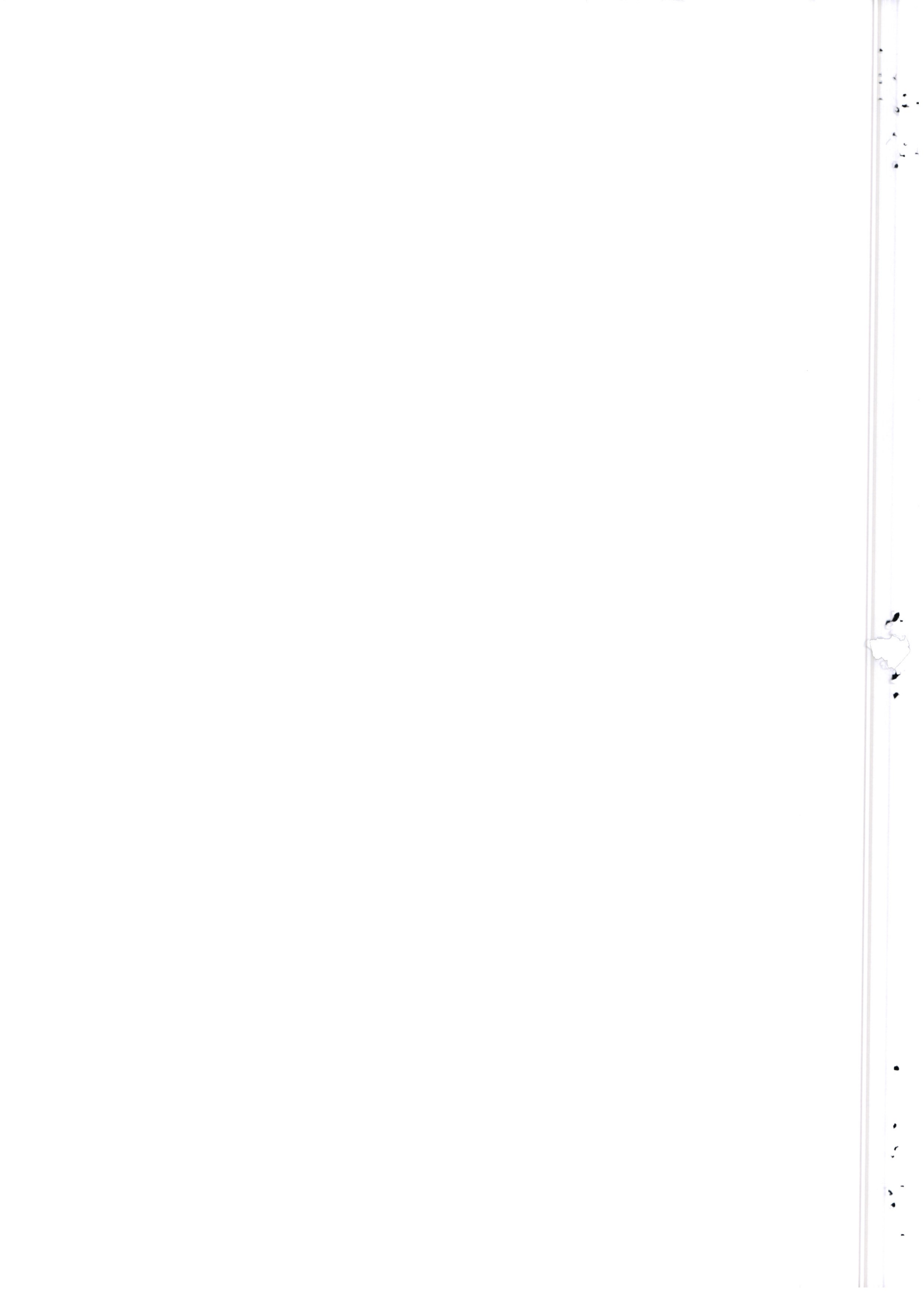


22.	<b>THAT</b> , pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the consideration of Bilateral Air Services Agreements between the Government of the Republic of Kenya and the Government of the Republic of Angola; Mozambique; the Government of Canada and the State of Kuwait.	Hon. Maina Kamanda, M.P.	Awaiting debate
23.	<b>THAT</b> , pursuant to Article 240 (7) of the Constitution and Section 16 of the National Security Council Act, this House notes the Annual Report to Parliament on the State of National Security submitted by H.E. the President on Thursday, March 27, 2014 and laid on the Table of the House on Tuesday, April 1, 2014.	Hon. Aden Duale, the Leader of the Majority Party	Awaiting debate
24.	<b>THAT</b> , pursuant to Article 132 (1)(c)(iii) of the Constitution, this House notes the Report on Progress made in fulfillment of the International Obligations of the Republic submitted by H.E. the President on Thursday, March 27, 2014 and laid on the Table of the House on Tuesday, April 1, 2014.	Hon. Aden Duale, the Leader of the Majority Party	Awaiting debate
25.	<b>THAT</b> , pursuant to the provisions of Article 113 of the Constitution and Standing Order 149, this House approves the Report of the Mediation Committee on the County Government (Amendment) No. 2 Bill, 2013 laid on the Table of the House on Tuesday, April 1, 2014.	Hon. Samuel Chepkonga, M.P. – Vice Chairperson, Mediation Committee	Awaiting debate

**Annex IV: Status of Committee Reports: Reports Tabled in 2014 (Does not include Reports on Bills)**

NO.	REPORT	COMMITTEE	REMARKS
1.	The Report of the Departmental Committee on Labour and Social Welfare on the approval for appointment of Dr. Florence Nyokabi Wachira and Dr. Abdillahi Alawy as Members of the National Gender and Equality Commission	Departmental Committee on Labour and Social Welfare	Report Adopted
2.	The Report of the Departmental Committee on Justice and Legal Affairs on the approval for appointment of the following nominees to the Kenya National Commission on Human Rights:  1. Ms. Kagwiria Mbogori – Chairperson 2. Ms. Suzanne Shatikha Chivusia – Member 3. Mr. George Morara Monyoncho – Member 4. Mr. Vincent Suyianka Lempaa – Member 5. Ms. Jedidah Wakonyo Waruhiu – Member	Departmental Committee on Justice and Legal Affairs	Report Adopted
3.	The Reports of the Public Accounts Committee on the Government of Kenya Accounts for the Years 2008/2009 and 2009/2010	Public Accounts Committee	Report Adopted
4.	The Budget and Appropriations Committee Report on the Supplementary Budget for 2013/2014	Budget and Appropriations Committee	Report Adopted
5.	The Report of the Budget and Appropriations Committee on the Budget Policy Statement, 2014	Budget and Appropriations Committee	Report Adopted
6.	The Report of the Committee on Regional Integration on the consideration of the East African Community Cross Border Legal Practice Bill, 2014; the East African Community Integration (Education) Bill, 2014; and the East African Community Cooperative Societies Bill, 2014	Committee on Regional Integration	Report Adopted
7.	The Report of the Departmental Committee	Departmental	Report

	on Transport, Public Works and Housing on the consideration of Bilateral Air Services Agreements between the Government of the Republic of Kenya and the Government of the Republic of Angola; Mozambique; the Government of Canada and the State of Kuwait	Committee on Transport, Public Works and Housing	Adopted
8.	The Report of the Departmental Committee on Health on Devolution of Health Services	Departmental Committee on Health	Awaiting debate
9.	The Report of the Joint Committee on Energy, Communication and Information; and Education, Research and Technology on the Status of the San Marco Space Application Center in Malindi	The Hon. (Dr) Wilbur Ottichilo, M.P.	Awaiting debate
10.	The Report of the Public Accounts Committee on the hire of an Aircraft for the Deputy President for a tour of four African Nations in May, 2013 (The "Hustler's Jet" Inquiry).	Public Accounts Committee (PAC)	Awaiting debate
11.	The Report of the Joint Committee on Delegated Legislation; and the Select Committee on the Constituencies Development Fund, on its consideration of the Constituencies Development Fund Regulations, 2014.	Joint Committee on Delegated Legislation; and the Select Committee on the Constituencies Development Fund,	Awaiting debate
12.	The Report of the Departmental Committee on Lands regarding a Petition by Members of the Ex Muthanga Farm Farmers Company Limited – Presented by Hon. Joseph Ngugi Nyumu, M.P.	Departmental Committee on Lands	Forwarded to the petitioners and the relevant Ministry for further action
13.	Report by the Committee on Implementation on the consideration of the status report by the Cabinet Secretary for Transport and Infrastructure on the resolution of the House on upgrading of 20km of roads to bitumen standards in every constituency.	Committee on Implementation	Report for Noting by the House
14.	Joint Report of the Budget & Appropriations Committee and the Departmental Committee on Finance, Planning & Trade on settlement of foreign court judgements against the	Budget & Appropriations Committee & Departmental	Notice of Motion withdrawn



	Government of Kenya.	Committee on Finance, Planning & Trade	under SO 51
15.	The Public Investments Committee Special Report on the Procurement and Financing of the National Social Security Fund Tassia II Infrastructure Development Project.	Public Investments Committee (PIC)	Notice of Motion withdrawn under SO 51
16.	The Public Investments Committee Special Report of the Restructuring of Kenya Petroleum Refinery Limited.	Public Investments Committee (PIC)	Notice of Motion withdrawn under SO 51
17.	The Public Investments Committee Special Report of the Recapitalization and Balance Sheet Restructuring of Telkom Kenya Limited.	Public Investments Committee (PIC)	Notice of Motion withdrawn under SO 51
18.	The Public Investments Committee Special Report on the Procurement and Financing of the construction of the Standard Gauge Railway from Mombasa to Nairobi (Phase I) and Nairobi to Malaba/Kisumu (Phase II).	Public Investments Committee (PIC)	Notice of Motion withdrawn under SO 51

