

NATIONAL ASSEMBLY

OFFICIAL REPORT

SPECIAL SITTING

Thursday, 26th May, 2016

The House met at 9.30 a.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Ring the Quorum Bell, we do not have quorum.

(The Quorum Bell was rung)

Order, Hon. Members! We now have quorum. Member for Meru County, we have quorum and we can commence business.

COMMUNICATION FROM THE CHAIR

DEMISE OF HON. SOITA SHITANDA

Hon. Speaker: Hon. Members, this Communication relates to the demise of Hon. Soita Shitanda, EGH, a former Member of Parliament for Malava Constituency. It is on a sad note that I announce to the House the demise of Hon. Peter Soita Shitanda, EGH. The late Hon. Soita Shitanda is a former Member for Malava Constituency. He passed on, on Tuesday 24th May 2016 while undergoing treatment at the Nairobi Hospital.

Hon. Members, the late Hon. Shitanda was born on 9th November 1958 in Malava Constituency, Kakamega County. He attended Malava Boys High School before joining the Kenya Polytechnic, where he trained as an accountant. In 1979, he joined the Civil Service as an accounts trainee at the National Treasury, where he rose through the ranks to become Accountant I.

The late Hon. Shitanda joined politics in 1997. He was elected the Member of Parliament for Malava Constituency, which he represented in the 8th, 9th and 10th Parliaments successively. Before his appointment to the Cabinet, he was a good debater and an astute Member of various House Committees, among them the Departmental Committee on Justice and Legal Affairs. He was a charismatic Chair of the Public Accounts Committee (PAC) and the Departmental Committee on Finance, Planning and Trade.

Hon. Members, in 2004, the late Hon. Shitanda was appointed to the Cabinet as an Assistant Minister for Public Service in the Office of the President. He was later elevated to the position of Minister for Housing in 2005, a portfolio he held until March 2013.

The late Hon. Shitanda will be remembered for instituting various strategic reforms regarding housing for civil servants while at the helm of the Ministry of Housing. He introduced a housing scheme for civil servants. He streamlined and reorganised the National Housing Corporation to enable it to undertake more housing projects and hence bridge the housing deficit for civil servants.

He also foresaw the implementation of the National Housing Policy and the Kenya Slum Upgrading Programme across the country. Until the time of his demise, the late Hon. Shitanda was the Chairman of the Agricultural Development Corporation (ADC).

Hon. Members, on behalf of all Members of the National Assembly, Parliamentary Service Commission (PSC) and, indeed, on my own behalf, I wish to convey our condolences to his family, family friends and the people of Malava Constituency for the great loss. As the National Assembly, we assure the family of our support during this period of grief. In honour of the exemplary and illustrious service rendered to the nation and society by the late Hon. Shitanda, I now request that we all stand to observe a minute of silence.

(Hon. Members observed a minute of silence)

May his soul rest in eternal peace. Thank you.

I will allow a few members to give their condolences. We will start with Hon. Maanzo.

Hon. Maanzo: Thank you, Hon. Speaker. I wish to condole with the family of the late Hon. Shitanda and the people of Malava. As you heard, Hon. Shitanda introduced several important things in the country. One of them was housing for civil servants. Though the programme had been started before he came in, he boosted it. He also boosted the Slum Upgrading Programme which is going on up to now, especially lighting in slums. That has helped many Kenyans. We brought a Petition to the House to urge the Government to make budgetary provisions to complete some of the projects which were started under the civil servant housing scheme in several counties. In his honour, the Government and Parliament should complete those projects, so that they can serve the people of Kenya for a long time.

Thank you, Hon. Speaker.

Hon. Speaker: Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker. I stand to send condolences on behalf of my family, my constituency, myself and the country at large to the family and friends of Hon. Shitanda, whom I had the privilege to serve with in the 10th Parliament as a Minister and as a Member of this House. I am sure that the people of Malava, the people of western Kenya and Kenya as a whole, have lost a great leader. Hon. Injendi, who took over the constituency after Hon. Shitanda in the 11th Parliament, will attest to it that even after he lost to Hon. Injendi, Hon. Shitanda participated in a lot of development activities in the constituency. So, we join his family and former constituents and condole with them. We ask the Almighty God to rest his soul in eternal peace.

Hon. Speaker: Hon. Eseli Simiyu.

Hon. (Dr.) Simiyu: Thank you, Hon. Speaker. On my own behalf and on behalf of my family and the people of Tongaren Constituency and Bungoma County at large, I send our

heartfelt condolences to the family of the late Hon. Soita Shitanda, whose maternal home is Bungoma County.

Hon. Soita Shitanda was an astute politician and businessman and knew exactly what to do for his constituents to ensure that their economic wellbeing is improved. In fact, Hon. Soita Shitanda goes down in history as one of the Members of Parliament who put the welfare ahead of his own welfare.

Hon. Speaker, as you read his history, you realised that some of the best politicians do not necessarily have to have gone through a university. Indeed, the obsession with university education might have played a role in curtailing Hon. Soita's political career. However, all said, we deeply feel the loss and we pray to God that he lays his soul in eternal peace and that he will give the family strength to carry on in his absence.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. David Were.

Hon. Were: Thank you, Hon. Speaker. On my behalf and on behalf of my family and that of the people of Matungu, I send condolences to the family of the late Hon. Peter Shitanda, who was a colleague in the 9th and 10th Parliaments and also a friend. We worked very closely with Hon. Shitanda. I remember very clearly that in June 2004, we were both appointed Assistant Ministers by the Former President, His Excellency Mwai Kibaki. I worked very closely with Hon. Soita as Members of the National Alliance Rainbow Coalition Government and also as Member of FORD (K). It is with Hon. Soita Shitanda that we formed the New FORD (K) in 2006. He was our first Chairman of New FORD (K).

Hon. Shitanda was a very good politician and also a fighter for the sugar industry. I remember he fought very hard for the establishment of Butali Sugar Company, which had problems in its initial stages. Hon. Soita, single-handedly, fought until Butali Sugar Company was established. Hon. Soita Shitanda did not lose to Hon. Malulu Injendi, but he went for the governor's seat, whose requirement is that one must have a degree. I confirm that Hon. Soita went for the governor seat. His papers were verified and he was cleared at the Kakamega High School in my presence. He went for the gubernatorial seat under the New FORD (K), but unfortunately he lost to the current Governor, Hon. Oparanya.

I condole with the family of Hon. Soita Shitanda, a friend whom I worked with very closely. He was an astute politician who was focussed in the development of his constituency and the western region at large. May God rest his soul in eternal peace.

Hon. Speaker: Hon. Michael Onyura.

Hon. Onyura: Thank you, Hon. Speaker. I also express my condolences and those of the people of Butula Constituency to the family of the late Soita and the people of Malava Constituency.

The little history you have outlined shows that he was a very hardworking person who was self-made and who rose from very humble beginning to one of the highest offices in this land. He served as a Cabinet Minister. Beyond that, you are just talking about the President and Vice President. Reaching that level shows the kind of person he was.

He was also a very good communicator with a sense of humour. I listened to some of his speeches, particularly on vernacular radio stations and he could communicate very well. The people of Malava and those of western Kenya have lost a very effective and good leader. I pray that his soul rests in eternal peace.

Hon. Speaker: The Member for Malava.

Hon. Injendi: Thank you, Hon. Speaker. I also rise to condole with the family on my own behalf and that of the people of Malava. As Hon. Were has mentioned, Soita did not lose to me. He went for the position of governor and then I took over his position.

The late Soita was a strong man. We used to be his followers from 1997 to 2013. What he achieved for Malava cannot be compared to achievement by any other Member of Parliament during that time. I remember his fight for the Butali Sugar Factory. It was a fierce fight. He put in so much and he finally saved the people of Malava from the woes of sugar production. We will live to remember him, particularly for his contribution to the sugar industry. We will live to remember him for fighting for Malava to have a district called Kakamega North District. We will live to remember him for bringing us a district hospital. We will live to remember him for what he did for the poor of Malava. He was a strong man and I can confess that we feel his loss. I can say his shoes were big and I am praying to God to help me so as to also reach his level.

We have set the burial for 4th June 2016 at his home. The funeral service will be at Tande Primary School, which is just next to his home. We are planning to have his body removed from the Lee Funeral Home on Wednesday for a church service in Nairobi. Then the body will have an overnight stay at his home in Runda. His body will leave Nairobi for Malava on Thursday.

We will remember him as a strong person. Very interestingly, being my first time in Parliament, I do not know who I can compare to Hon. Soita. He was a friend to all. In western politics, he easily mingled with the supporters of Jubilee Coalition and had many friends in CORD. As we visit his Runda home, it is very clear that people from Jubilee and ODM are coming in. I would urge those who take very strong party-line positions to, please, appreciate all across the divide. We mourn a hero in Kabras, a hero in Malava, a hero in Kakamega County.

Hon. Speaker: Hon. Amina Abdalla.

Hon. (Ms.) Abdalla: Thank you, Hon. Speaker. I want to join my colleagues in sending my condolences to the family and friends of the late Hon. Soita Shitanda. I served with him in the 9th and 10th Parliaments. He was one of the most humorous Members of this House who turned every serious thing into an interesting one. You would really enjoy yourself if you had the opportunity to travel with Hon. Shitanda. I really want to pray for his family, the people of Malava and those who have immensely benefitted from the great work he did here as a legislator.

Mine is to tell my colleagues that it is one thing to serve in this House, but it is another thing to have something for which you can be remembered for. Hon. Shitanda was the “sugar” guy. In fact, the last time I saw him when he was unwell I told him: “You fought the sugar wars so much until you got diabetes”. I am really sad for the loss and I wish his family the best.

Hon. Speaker: Hon. Members, those of us who knew Hon. Shitanda know that he was really a nationalist. Let us not make Hon. Shitanda a county figure. In the interest of representation, let me give an opportunity to the Deputy Whip of the Majority Party, Hon. Benjamin Washiali, to give his condolences.

As we move towards the tail-end of this Parliament, there may be need for us to consider including in the Order Paper a place for tributes, so that when we have issues about which any Member feels that they need to make some comments or pay tribute, we have a structured way to do it.

Hon. Washiali.

Hon. Washiali: Thank you, Hon. Speaker. On my behalf and on behalf of my family and that of the people of Mumias East Constituency and the members of the United Democratic Front, which I lead, I would like to send condolences to the family of Hon. Peter Soita Shitanda,

who has been a very close friend of mine. You will remember that in the 10th Parliament, he was representing Malava while I was representing the entire Mumias Constituency. I remember Shitanda as a very articulate man, especially on sugar matters.

We who are cooperating and working together with the Jubilee Government are really hit hard because Hon. Shitanda was our supporter number one. We were working together with him in marketing and popularising the Jubilee Coalition.

I want to take this opportunity to warn politicians who like taking advantage of funerals to make statements that are not in favour of the bereaved family and the situation. We have had previous functions being misused by politicians. Therefore, I just want to request that anybody willing to come and join us in western Kenya should come with a clear mind to say *pole* to the family and the people of Malava.

We have also provided a condolence book which we are going to display outside the Chamber. Just like you said earlier, we would expect leaders who are here to take advantage of this day and put their remarks that will go a long way to portray their feelings to the family. Hon. Shitanda had been in hospital for quite some time and has left behind a huge bill. I therefore, request that any Member who is willing to support the family should assist us by giving some contribution. We will prepare a list, with your permission, Hon. Speaker, so that Members can also assist.

I want to pray to God to give the family strength at this time of mourning, so that we can finalise this function.

Thank you, Hon. Speaker.

Hon. Speaker: I think that should conclude the matter. I will be making the next Communication at Order No.8. We can move to the next Order.

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Thursday 26th May 2016:-

Nominees to the National Government Constituency Development Fund Committees constituting the following constituencies under the Eleventh Batch:-

Wundanyi Constituency, Matayos Constituency and Teso South Constituency.

Nominees to the National Government Constituency Development Fund Committees constituting the following constituencies under the Twelfth Batch:-

Wajir North Constituency, Daadab Constituency, Bura Constituency, Kajiado East Constituency, Kwanza Constituency, Lagdera Constituency, Alego Usonga Constituency, Magarini Constituency, Tarbaj Constituency, Eldas Constituency, Voi Constituency, Kuresoi South Constituency, Gatanga Constituency, Borabu Constituency, Bomet Central Constituency, Samburu West Constituency, Samburu North Constituency, Tetu Constituency, Isiolo South Constituency, Mwingi Central Constituency, Ndia Constituency, Karachuonyo Constituency, Muhoroni Constituency, Roysambu Constituency, Kisumu Central Constituency, Isiolo North Constituency, Embakasi South Constituency, Subukia Constituency, Dagoretti South Constituency, Mwea Constituency and Sabatia Constituency.

The Capital Markets (Nairobi Securities Exchange Limited Shareholding) Regulations 2016, and the Explanatory Memorandum thereof.

The East African Community Protocol on Information and Communications Technology Networks and the Memorandum thereof.

The Fourth Quarterly Report of the Ethics and Anti-Corruption Commission for the period covering October to December 2015.

The Annual Report and Financial Statements of Brand Kenya Board for the 2014/2015 Financial Year.

The 2016 Economic Survey from the Kenya National Bureau of Statistics.

I hope the Chairman of the Select Committee on the National Government Constituencies Development Fund will be here in the afternoon to move the Motion for the adoption of these names.

Hon. Speaker: The Capital Markets (Nairobi Securities Exchange Limited Shareholding) Regulations 2016 is referred to the Committee on Delegated Legislation while the East African Community Protocol on Information and Communications Technology Networks and the Memorandum thereof is referred to the Committee on Regional Integration.

Next Order.

NOTICE OF MOTION

Hon. Speaker: Hon. Lessonet, the Leader of the Majority Party has just indicated that the Motion will be moved in the afternoon. However, it cannot be moved unless its notice is given. Those are the procedures.

(Hon. Lessonet was not in the Chamber)

Is there anybody who is in that Committee who can give notice of that Motion? Who sits in that Committee with Hon. Lessonet? Hon. Nakara, I hope you understand the Notice of Motion to give. We can allow those who are familiar with the procedure to give notice if you are not familiar with it. Yes, Hon. Nakara.

Hon. Nakara: Thank you, Hon. Speaker.

Hon. Speaker, on behalf of my Chairman, whom I am expecting to come in June --- I am giving the Notice of Motion.

Hon. Speaker: What are you giving?

Hon. Nakara: It is the Notice of Motion for National Government Constituencies Development Fund.

Hon. Speaker: It can be very embarrassing if you are not familiar with some of these things. The records will show that you gave notice of something funny.

You should say "I beg to give notice of the Motion for the adoption of names of nominees to the National Government Constituencies Development Fund".

Hon. Nakara: I got it, Hon. Speaker.

Hon. Speaker: What Notice of Motion are you giving?

(Hon. Lessonet walked in)

Your Chairman is walking in belatedly.

Hon. Nakara: The Chairman is here.

Hon. Speaker: Hon. Lessonet has forgotten whether he was to have business. Hon. Lessonet, we are on your Notice of Motion.

Hon. Lessonet: Thank you, Hon. Speaker. I beg your indulgence for walking in when you were just calling me to give Notice of the Motion.

I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund Act, 2015, this House---

Hon. Speaker: It is supposed to be Notice of Motion for debate in the afternoon.

Hon. Lessonet: Yes. It is the Notice of Motion.

(Hon. (Eng.) Rege walked in the aisle)

Hon. Speaker: Hon. Rege, given your height, you are in breach of Standing Order No.103. You must not impede my view.

APPROVAL OF NOMINEES TO CDF COMMITTEES

Hon. Lessonet: I beg to give notice of the following Motion:-

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund Act, 2015, this House approves the nominees listed hereunder to the respective constituency committees of the National Government Constituencies Development Fund-

MATHIRA CONSTITUENCY

- | | | |
|-----------------------------|---|---|
| 1. Stephen Githinji Kanyari | - | Male Youth Representative |
| 2. Joseph Nderitu Hiuhu | - | Male Adult Representative |
| 3. Julieta Muthoni Mucheke | - | Female Adult Representative |
| 4. Crispus Gathiaka Munene | - | Representative of Persons with Disability |
| 5. Miano Kinyua | - | Nominee of the Constituency Office (Male) |
| 6. Esther Wangui Macharia | - | Nominee of the Constituency Office (Female) |

MVITA CONSTITUENCY

- | | | |
|---------------------------|---|---|
| 1. Eather Oduor Oremo | - | Male Youth Representative |
| 2. Omar Shariff Ali | - | Male Adult Representative |
| 3. Sylvia Buluma Adikinyi | - | Female Youth Representative |
| 4. Wahida Abdalla Mohamed | - | Female Adult Representative |
| 5. Ramla Said Omar | - | Representative of Persons with Disability |
| 6. Jamal Ali Mohamed Noor | - | Nominee of the Constituency Office (Male) |

7. Ann Nyambura - Nominee of the Constituency Office (Female)

KACHELIBA CONSTITUENCY

1. Zablou Topete Lokwadou - Male Youth Representative
2. Aaron Toroitich Kendagor - Male Adult Representative
3. Poline Cheyech Kisheme - Female Youth Representative
4. Mary Cherop Joshua - Female Adult Representative
5. Lokwang Alex Douglas - Representative of Persons with Disability
6. Josiah Komurkony Yarakwang - Nominee of the Constituency Office (Male)
7. Chenang'at Everlyne - Nominee of the Constituency Office (Female)

EMBAKASI EAST CONSTITUENCY

1. Dennis Mwenda Mugambi - Male Youth Representative
2. Granton Mghanga Nyambu - Male Adult Representative
3. Maureen Tabitha Mutinda - Female Youth Representative
4. Knight Medza Kaingu - Female Adult Representative
5. William Okindo Bwoma - Representative of Persons with Disability
6. Milton Mwondi Eboyi - Nominee of the Constituency Office (Male)
7. Judith Akinyi Onyango - Nominee of the Constituency Office (Female)

EMBAKASI CENTRAL CONSTITUENCY

1. Swaleh Njoroge Wanjiru - Male Youth Representative
2. Sunctus Gitonga Ndegwa - Male Adult Representative
3. Judy Wanjiru Mwangi - Female Youth Representative
4. Gladys Nyambura Muteithia - Female Adult Representative
5. Francis Macharia Mbugua - Representative of Persons with Disability
6. Paul Irungu Maina - Nominee of the Constituency Office (Male)
7. Teresia Wanjiru Wahome - Nominee of the Constituency Office (Female)

WUNDANYI CONSTITUENCY

- | | | |
|------------------------------|---|---|
| 1. Brendan Mwashinga Mjomba | - | Male Youth Representative |
| 2. Branston Kiletta Mjawasi | - | Male Adult Representative |
| 3. Ann Chari Marura | - | Female Youth Representative |
| 4. Beatrice Mjanyika Mwabili | - | Female Adult Representative |
| 5. Darius Kazungu Kinusa | - | Representative of Persons with Disability |
| 6. Fabian Mwarashu Maghanga | - | Nominee of the Constituency Office (Male) |
| 7. Shaleth Chao Mwakulomba | - | Nominee of the Constituency Office (Female) |

MATAYOS CONSTITUENCY

- | | | |
|---------------------------|---|---|
| 1. Ooko Dickson Emanuel | - | Male Youth Representative |
| 2. Pascal Barasa Sande | - | Male Adult Representative |
| 3. Caren Nakuti Lutta | - | Female Youth Representative |
| 4. Caroline Minnie Atieno | - | Female Adult Representative |
| 5. Fredrick Okello Wafula | - | Representative of Persons with Disability |
| 6. Thomas Elija Ochudi | - | Nominee of the Constituency Office (Male) |
| 7. Alice Namulundu Mudeyi | - | Nominee of the Constituency Office (Female) |

TESO SOUTH CONSTITUENCY

- | | | |
|----------------------------|---|---|
| 1. Emoto Emomeri George | - | Male Youth Representative |
| 2. James Adung'osi Ong'ole | - | Male Adult Representative |
| 3. Christine Achabo Oduki | - | Female Youth Representative |
| 4. Evalyn Omanyoo Oswaat | - | Female Adult Representative |
| 5. Francis Obura | - | Representative of Persons with Disability |
| 6. Joseph Ochil Oguti | - | Nominee of the Constituency Office (Male) |
| 7. Sabincia Rosario Joya | - | Nominee of the Constituency Office (Female) |

WAJIR NORTH CONSTITUENCY

- | | | |
|---------------------------|---|-----------------------------|
| 1. Mohamed Ahmed Kerow | - | Male Youth Representative |
| 2. Abdiwahid Hussein Somo | - | Male Adult Representative |
| 3. Habiba Adam Ibrahim | - | Female Youth Representative |
| 4. Habiba Osman Golicha | - | Female Adult Representative |

- | | | |
|--------------------------|---|---|
| 5. Hassan Hussein Madey | - | Representative of Persons with Disability |
| 6. Abdi Adan Hassan | - | Nominee of the Constituency Office (Male) |
| 7. Fatuma Enole Sekenkei | - | Nominee of the Constituency Office (Female) |

DAADAB CONSTITUENCY

- | | | |
|----------------------------|---|---|
| 1. Ali Abdi Badel Absme | - | Male Youth Representative |
| 2. Sahal Salah Ali | - | Male Adult Representative |
| 3. Maryan Maalim Noor | - | Female Youth Representative |
| 4. Fatuma Abdi Farah | - | Female Adult Representative |
| 5. Dahir Hussein Ahmed | - | Representative of Persons with Disability |
| 6. Mahat Abdikarim Ibrahim | - | Nominee of the Constituency Office (Male) |
| 7. Fatuma Mohamed Hassan | - | Nominee of the Constituency Office (Female) |

BURA CONSTITUENCY

- | | | |
|-------------------------|---|---|
| 1. Godana Hussein Dara | - | Male Youth Representative |
| 2. Dube Masha Boru | - | Male Adult Representative |
| 3. Amina Hamza Mohamed | - | Female Youth Representative |
| 4. Rosemary Mboya | - | Female Adult Representative |
| 5. Hussein Dado Takano | - | Representative of Persons with Disability |
| 6. Nassor Mramba Baroba | - | Nominee of the Constituency Office (Male) |
| 7. Hawa Luli Aden | - | Nominee of the Constituency Office (Female) |

KAJIADO EAST CONSTITUENCY

- | | | |
|--|---|---|
| 1. Geoffrey Ntapayia Lemako | - | Male Youth Representative |
| 2. Benjamin Oludukunyi Ole Malit Kakeris | - | Male Adult Representative |
| 3. Agatha Nashipae Kipain | - | Female Youth Representative |
| 4. Reginah Nduku Peter | - | Female Adult Representative |
| 5. Peter Kashira Sirere | - | Representative of Persons with Disability |
| 6. Francis Itah Nkula | - | Nominee of the Constituency Office (Male) |
| 7. Ann Catherine Ndungu | - | Nominee of the Constituency Office |

Office (Female)

KWANZA CONSTITUENCY

- | | | |
|-------------------------------------|---|--|
| 1. Charles Makhanu Wekesa | - | Male Youth Representative |
| 2. Fredrick Wafula Kwanusu | - | Male Adult Representative |
| 3. Clare Nanjala Wafula | - | Female Youth Representative |
| 4. Nancy Imali Kizili | - | Female Adult Representative |
| 5. Josephat Philip Magona
Masaba | - | Representative of Persons with
Disability |
| 6. Joel Kibitok Koskei | - | Nominee of the Constituency Office
(Male) |
| 7. Brigid Nambengele
Changalwa | - | Nominee of the Constituency Office
(female) |

LAGDERA CONSTITUENCY

- | | | |
|---------------------------|---|--|
| 1. Suleiman Ahmed Mohamed | - | Male Youth Representative |
| 2. Maulid Yare Muktar | - | Male Adult Representative |
| 3. Kuresha Mohamed Hujale | - | Female Youth Representative |
| 4. Sahara Abdi Mohamed | - | Female Adult Representative |
| 5. Abdinasir Ali Yabow | - | Representative of Persons with
Disability |
| 6. Abdi Ibrahim Walbale | - | Nominee of the Constituency Office
(Male) |
| 7. Ralia Aden Ali | - | Nominee of the Constituency Office
(Female) |

ALEGO USONGA CONSTITUENCY

- | | | |
|---------------------------|---|--|
| 1. Willis Oduor Ang'awa | - | Male Youth Representative |
| 2. David Oduor Ohas | - | Male Adult Representative |
| 3. Morine Auma | - | Female Youth Representative |
| 4. Wilkister Agola | - | Female Adult Representative |
| 5. Roseline Anyango Oduor | - | Representative of Persons with
Disability |
| 6. Eunice Achieng Ogutu | - | Nominee of the Constituency Office
(Female) |
| 7. Meshak Oniango Oloo | - | Nominee of the Constituency Office
(Male) |

MAGARINI CONSTITUENCY

- | | | |
|------------------------------|---|---|
| 1. Milton Safari Mlazo | - | Male Youth Representative |
| 2. Albert Samini James | - | Male Adult Representative |
| 3. Rehema Rhoda Iha | - | Female Youth Representative |
| 4. Lydia Neema Hukumu | - | Female Adult Representative |
| 5. Guva Muhambi Kalu | - | Representative of Persons with Disability |
| 6. John Mwaiwe Mwendar | - | Nominee of the Constituency Office (Male) |
| 7. Amina Shee Shemothe Thora | - | Nominee of the Constituency Office (Female) |

TARBAJ CONSTITUENCY

- | | | |
|--------------------------|---|---|
| 1. Mohamud Mohamed Aden | - | Male Youth Representative |
| 2. Noor Mohamed Hassan | - | Male Adult Representative |
| 3. Nimo Hirab Hassan | - | Female Youth Representative |
| 4. Halima Mohamed Subane | - | Female Adult Representative |
| 5. Muhumed Subow Abdille | - | Representative of Persons with Disability |
| 6. Ali JeleAbdi | - | Nominee of the Constituency Office (Male) |
| 7. Abshira Said Daar | - | Nominee of the Constituency Office (Female) |

ELDAS CONSTITUENCY

- | | | |
|-------------------------|---|---|
| 1. Yunis Ibrahim Sheikh | - | Male Youth Representative |
| 2. Muhumed Osman Jehow | - | Male Adult Representative |
| 3. Zeytun Bishar Jele | - | Female Youth Representative |
| 4. Bishara Gaiya Ahmed | - | Female Adult Representative |
| 5. Halima Farah Barrow | - | Representative of Persons with Disability |
| 6. Mohamed Maalim Abdi | - | Nominee of the Constituency Office (Male) |
| 7. Habon Khalif Yarow | - | Nominee of the Constituency Office (Female) |

VOI CONSTITUENCY

- | | | |
|-------------------------------|---|---|
| 1. Mohammed Anaiel Kimori | - | Male Youth Representative |
| 2. Hammerton Mbogo Mwaviswa | - | Male Adult Representative |
| 3. Nancy Monje Makeo | - | Female Youth Representative |
| 4. Josephine Wanjala Mwanjama | - | Female Adult Representative |
| 5. Peter Mwawasi Mwakundia | - | Representative of Persons with Disability |

- | | | |
|-------------------------------|---|---|
| 6. Dedan Sammy Kiteto Mwawaka | - | Nominee of the Constituency Office (Male) |
| 7. Asina Mkwachu Mwamburi | - | Nominee of the Constituency Office (Female) |

KURESOI SOUTH CONSTITUENCY

- | | | |
|-----------------------------------|---|---|
| 1. Philimon Kipchirchir A Kebenei | - | Male Youth Representative |
| 2. Gabriel Kipkoech Chepkwony | - | Male Adult Representative |
| 3. Mercy C Mutai | - | Female Youth Representative |
| 4. Sarah Cherotich Terer | - | Female Adult Representative |
| 5. Peter Kipkoech Rotich | - | Representative of Persons with Disability |
| 6. Francis K Koskei | - | Nominee of the Constituency Office (Male) |
| 7. Ngerechi Chebet | - | Nominee of the Constituency Office (Female) |

GATANGA CONSTITUENCY

- | | | |
|------------------------------|---|---|
| 1. Julius Waweru Ng'ang'a | - | Male Youth Representative |
| 2. Henry Wallace Maina | - | Male Adult Representative |
| 3. Josephine Wangari Karangu | - | Female Youth Representative |
| 4. Wanjiru Muiruri Gakahu | - | Female Adult Representative |
| 5. Isack Munyiri Kinya | - | Representative of Persons with Disability |
| 6. Emma Wangui Muiruri | - | Nominee of the Constituency Office (Male) |
| 7. Joseph Musau Nthama | - | Nominee of the Constituency Office (Female) |

BORABU CONSTITUENCY

- | | | |
|---------------------------|---|---|
| 1. Duncan Omenge Ondari | - | Male Youth Representative |
| 2. Alfred Moriasi Ndubi | - | Male Adult Representative |
| 3. Teresa Mora Chweya | - | Female Youth Representative |
| 4. Esther Monyenye Orutwa | - | Female Adult Representative |
| 5. Innocent Ochenge Mose | - | Representative of Persons with Disability |
| 6. Peter Keen Arama | - | Nominee of the Constituency Office (Male) |
| 7. Peris Kemunto Nyarunda | - | Nominee of the Constituency Office (Female) |

BOMET CENTRAL CONSTITUENCY

- | | | |
|------------------------------|---|---|
| 1. Kipkoech Langat Michael | - | Male Youth Representative |
| 2. Kenneth Kiprono Langat | - | Male Adult Representative |
| 3. Agnes Chepngetich Byomndo | - | Female Youth Representative |
| 4. Janeth Cherotich Koech | - | Female Adult Representative |
| 5. Lazarus Kibet Cheruiyot | - | Representative of Persons with Disability |
| 6. Paul Cheruiyot Sigei | - | Nominee of the Constituency Office (Male) |
| 7. Joice Chepngetich | - | Nominee of the Constituency Office (Female) |

SAMBURU WEST CONSTITUENCY

- | | | |
|------------------------------|---|---|
| 1. Moora Lenangisai | - | Male Youth Representative |
| 2. Kiano Letowon | - | Male Adult Representative |
| 3. Josphine Napanu Lekamario | - | Female Youth Representative |
| 4. Fatuma Maloi Lesororo | - | Female Adult Representative |
| 5. Abdi Mohamed Abdilahi | - | Representative of Persons with Disability |
| 6. Lickson Lekapana | - | Nominee of the Constituency Office (Male) |
| 7. Beatrice Reete Lodopapit | - | Nominee of the Constituency Office (Female) |

SAMBURU NORTH CONSTITUENCY

- | | | |
|-------------------------------|---|---|
| 1. Julius Kiambati Lebarleiya | - | Male Youth Representative |
| 2. Leshore Wilson | - | Male Adult Representative |
| 3. Liki Lenasotu | - | Female Youth Representative |
| 4. Jecinta Alimlim Lochuch | - | Female Adult Representative |
| 5. Julius L. Lalaikipian | - | Representative of Persons with Disability |
| 6. John Bosco Lolopeta | - | Nominee of the Constituency Office (Male) |
| 7. Titei Lerianga | - | Nominee of the Constituency Office (Female) |

TETU CONSTITUENCY

- | | | |
|----------------------------|---|-----------------------------|
| 1. Peter Kagera Gichuru | - | Male Youth Representative |
| 2. Samuel Ndegwa Gichuki | - | Male Adult Representative |
| 3. Margaret Wamuyu Wachira | - | Female Youth Representative |
| 4. Getrude Wairimu Kagiri | - | Female Adult Representative |

- | | | |
|------------------------------------|---|---|
| 5. Mary Wangui Wambui | - | Representative of Persons with Disability |
| 6. Benson Mathenge Ngatia | - | Nominee of the Constituency Office (Male) |
| 7. Irene Immaculate Muthoni Ndumia | - | Nominee of the Constituency Office (Female) |

ISIOLO SOUTH CONSTITUENCY

- | | | |
|-----------------------------|---|---|
| 1. Nura Bonaya Sama | - | Male Youth Representative |
| 2. Buke Gollo Jattani | - | Male Adult Representative |
| 3. Mumina Godana Halkano | - | Female Youth Representative |
| 4. Habiba Wako Saru | - | Female Adult Representative |
| 5. Mohammed Abdullah Yussuf | - | Representative of Persons with Disability |
| 6. Hassan Diba Gonjobe | - | Nominee of the Constituency Office (Male) |
| 7. Rahma Kontoma Orma | - | Nominee of the Constituency Office (Female) |

MWINGI CENTRAL CONSTITUENCY

- | | | |
|------------------------------|---|---|
| 1. Patrick Munyi Kitonga | - | Male Youth Representative |
| 2. Haston Mboya Wambua | - | Male Adult Representative |
| 3. Grace KameneMunyoki | - | Female Youth Representative |
| 4. Joan NdukiMulwa | - | Female Adult Representative |
| 5. Justus Musyoka Munyoki | - | Representative of Persons with Disability |
| 6. George Mwangangi Munyambu | - | Nominee of the Constituency Office (Male) |
| 7. Faith Syombua Musee | - | Nominee of the Constituency Office (Female) |

NDIA CONSTITUENCY

- | | | |
|---------------------------|---|---|
| 1. James MainaWachira | - | Male Youth Representative |
| 2. John Mutugi Matua | - | Male Adult Representative |
| 3. Monicah Mumbi Kamau | - | Female Youth Representative |
| 4. LithWamuyu Kabiru | - | Female Adult Representative |
| 5. Lucy Wangari Kibera | - | Representative of Persons with Disability |
| 6. Eric Muriuki Mwangi | - | Nominee of the Constituency Office (Male) |
| 7. Mary Nyaguthii Wachira | - | Nominee of the Constituency Office |

(Female)

KARACHUONYO CONSTITUENCY

- | | | |
|------------------------------|---|---|
| 1. Collins Matunga Bonyo | - | Male Youth Representative |
| 2. Samuel Okuta Lieta | - | Male Adult Representative |
| 3. Anna Atieno Mbayi | - | Female Youth Representative |
| 4. Pacifica Okiri Adero Kobe | - | Female Adult Representative |
| 5. Josiah Nyangoya Opar | - | Representative of Persons with Disability |
| 6. Richard Okoko Ogembo | - | Nominee of the Constituency Office (Male) |
| 7. Evaline Adhiambo Owino | - | Nominee of the Constituency Office (Female) |

MUHORONI CONSTITUENCY

- | | | |
|--------------------------|---|---|
| 1. James Muga Opiyo | - | Male Youth Representative |
| 2. John Okwama Ngere | - | Male Adult Representative |
| 3. HildahAtieno Olanga | - | Female Youth Representative |
| 4. Chepkorir Saline | - | Female Adult Representative |
| 5. Hamida Ismail Ahmed | - | Representative of Persons with Disability |
| 6. Paul Oloo Aluoch | - | Nominee of the Constituency Office (Male) |
| 7. Jane Adhiambo Achieng | - | Nominee of the Constituency Office (Female) |

ROYSAMBU CONSTITUENCY

- | | | |
|----------------------------|---|---|
| 1. Kevin Kiprop Kiptanui | - | Male Youth Representative |
| 2. David Mwangi Nderitu | - | Male Adult Representative |
| 3. Eunice Njoki Waihuini | - | Female Youth Representative |
| 4. Mary Wangui Kagiri | - | Female Adult Representative |
| 5. Zachary Wachira Ndegwa | - | Representative of Persons with Disability |
| 6. Geoffrey Gichuhi Mwangi | - | Nominee of the Constituency Office (Male) |
| 7. Alice Wairimu Waithira | - | Nominee of the Constituency Office (Female) |

KISUMU CENTRAL CONSTITUENCY

- | | | |
|-----------------------|---|---------------------------|
| 1. John Omondi Okello | - | Male Youth Representative |
| 2. Paul Obware | - | Male Adult Representative |

- | | | |
|---------------------------|---|---|
| 3. Celestine Awour Kogada | - | Female Youth Representative |
| 4. Carren Ajwang Odhiambo | - | Female Adult Representative |
| 5. Joseph Sengi Osodo | - | Representative of Persons with Disability |
| 6. Charles Okumu Obiero | - | Nominee of the Constituency Office (Male) |
| 7. Alice Adhiambo Mbom | - | Nominee of the Constituency Office (Female) |

ISIOLO NORTH CONSTITUENCY

- | | | |
|------------------------|---|---|
| 1. Mohamed Gollo Wako | - | Male Youth Representative |
| 2. Rael Mukoruru Atiku | - | Female Adult Representative |
| 3. Amina Ibrahim | - | Representative of Persons with Disability |
| 4. EkuamTeru Loshiung | - | Nominee of the Constituency Office (Male) |
| 5. Fatuma Dahir | - | Nominee of the Constituency Office (Female) |

EMBAKASI SOUTH CONSTITUENCY

- | | | |
|-----------------------------|---|---|
| 1. Samuel Kayo Makali | - | Male Youth Representative |
| 2. Kassim Ibrahim Abei | - | Male Adult Representative |
| 3. Faith Ngithi Kiamati | - | Female Youth Representative |
| 4. Alice Achieng Were | - | Female Adult Representative |
| 5. Agneta Adhiambo Otieno | - | Representative of Persons with Disability |
| 6. Evans Otiso | - | Nominee of the Constituency Office (Male) |
| 7. Rosemary Mwikali Mwanzia | - | Nominee of the Constituency Office (Female) |

SUBUKIA CONSTITUENCY

- | | | |
|-----------------------------|---|---|
| 1. Nicholas Kipkorir Koech | - | Male Youth Representative |
| 2. Philip Gitonga Kariuki | - | Male Adult Representative |
| 3. Hanna Wangari Kimani | - | Female Youth Representative |
| 4. Margaret Wangari Nyaga | - | Female Adult Representative |
| 5. RedemptaWangari Mutitika | - | Representative of Persons with Disability |
| 6. Francis Mwangi Waraga | - | Nominee of the Constituency Office (Male) |
| 7. Rodah Jemutai Yator | - | Nominee of the Constituency Office (Female) |

DAGORETTI SOUTH CONSTITUENCY

- | | | |
|-------------------------------|---|---|
| 1. SamwelMwangi Mikiah | - | Male Youth Representative |
| 2. Samuel Nduati Mbiriri | - | Male Adult Representative |
| 3. Mary Wangui Wambui | - | Female Youth Representative |
| 4. Rosemary Njeri Njuguna | - | Female Adult Representative |
| 5. Robert Gitau Ndung'u | - | Representative of Persons with Disability |
| 6. Martin Nyakundi Obarimo | - | Nominee of the Constituency Office (Male) |
| 7. Christine Wamaita Ng'ang'a | - | Nominee of the Constituency Office (Female) |

MWEA CONSTITUENCY (Additional Nominee)

Esther Karia Murimi - Female Youth Representative

MOIBEN CONSTITUENCY (Additional Nominee)

Simion Tanui - Male Adult Representative

SABATIA CONSTITUENCY (Additional Nominee)

Safari Asena Muyoma - Nominee of the Constituency Office (Male)

Hon. Speaker, the names were tabled in the House on 5th May 2016.

Hon. Speaker: Next Order!

COMMUNICATION FROM THE CHAIR

CONSIDERATION OF AMENDMENTS TO ANTI-DOPING ACT

Hon. Members, I wish to welcome you back from your briefly-interrupted recess and to announce that this Special Sitting has been necessitated by urgent emerging issues regarding which this House needs to address.

You will recall that on 19th April 2016, this House passed the Anti-Doping Bill (National Assembly Bill No.6 of 2016) aimed at giving effect to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention Against Doping in Sport, to protect athletes' health by regulating sporting activities free from use of prohibited substances, and to establish the Anti-Doping Agency. The Bill was subsequently assented to by His Excellency the President on 22nd April 2016.

However, new developments have since emerged necessitating the need to review the Anti-Doping law. As a result, this House needs to deliberate on amendments to the Anti-Doping

Act, so as to align it to international best practice as agreed upon with the World Anti-Doping Agency (WADA), particularly in view of the upcoming Olympic Games in Rio de Janeiro, Brazil.

To this end, I notified Members of the National Assembly concerning this Special Sitting vide *Kenya Gazette* Notice No.3570 on 19th May 2016. This Special Sitting is, therefore, properly convened. I wish Members fruitful deliberations in the two sittings scheduled today as the House considers the crucial Anti-Doping (Amendment) Bill given the time constraints pertaining to its enactment and approve nominees to various Constituency Development Fund Committees.

Further to this, Hon. Members, I have received a request from the Departmental Committee on Labour and Social Welfare seeking leave to convene and consider proposed amendments to the Anti-Doping (Amendment) Bill by the Leader of the Majority Party.

I am aware that the Chairperson of the Committee was recently part of a high-powered delegation that met senior WADA officials in Montreal, Canada. Therefore, he is well apprised with the issues that have occasioned the review of the Anti-Doping Act. For these reasons, I will allow the Committee to meet from 11.00 am today with a view to confirming that the final version of the Bill fully accommodates WADA's concerns. This will give the House an opportunity to consider any recommendations of the Committee during the Committee of the whole House stage this afternoon.

I thank you, Hon. Members.

PROCEDURAL MOTION

EXEMPTION OF ANTI-DOPING (AMENDMENT) BILL FROM PROVISIONS OF S.O. 49(1) AND 127

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, pursuant to the provisions of Standing Order 256, this House resolves to exempt the Anti-Doping (Amendment) Bill, (National Assembly Bill No.15 of 2016) from the provisions of Standing Orders 49(1) (*certain motions may not be moved*), and 127 (*committal of a Bill to relevant Committee*).

First, I want to thank you for allowing us to recall the House on this serious national matter that concerns our sportsmen and sportswomen. The procedure of the House does not allow us to consider a matter which has been considered within the last six months. However, the same Standing Orders allow us to exempt some Motions. Without pre-empting the debate on Order No.12, the Chairman of the Departmental Committee on Labour and Social Welfare can confirm to the House that the shortcomings and the lacunas that have been identified in the Anti-Doping Act, 2016 are not attributed to Parliament.

I am on HANSARD asking Members when we were at the Committee of the whole House not to introduce any amendments. I thank the House that no amendments were introduced by Members of the National Assembly and the same went to the Members of the Senate.

As a matter of fact, the shortcoming may have been occasioned by the rush of this Bill at the drafting stage at the Attorney-General's Office and probably the amendments sent by the Ministry of Sports, Culture and the Arts to the House, while translating and domesticating the World Anti-Doping Agency policies into legal language in order to be compatible with our case.

I am sure challenges were faced by the Attorney-General's Office and the Ministry of Sports, Culture and the Arts.

I want to thank all the Members across the political divide for ensuring that Parliament plays its part in conforming with the WADA requirements to ensure that our sportsmen and sportswomen continue flying our flag high across the borders. As Members are aware, the Anti-Doping (Amendment) Bill, 2016 was passed in this House on 19th April, 2016, and it was assented to by the President on 22nd April, 2016 after going through the Senate. The purpose of this Bill was to make sure that we comply with the WADA requirements.

The purpose of this Procedural Motion is to allow this House to consider all the stages of this Bill today. The objective of this Bill is to make the provisions in the amendment to align the Anti-Doping Act, 2016 with the UNESCO Convention Against Doping in Sports as a policy. This Motion will also exempt the Anti-Doping (Amendment) Bill, 2016 from being committed to the relevant Committee as provided for under the Standing Orders. This is because we already considered Anti-Doping Act, 2016 one month ago and we are now time constrained.

It is just a small procedure to make sure that as we align these amendments with the Anti-Doping Act that we passed on 19th April, 2016, we still want to do the amendments through the laid down procedures of the House. This Procedural Motion is giving us an avenue to deal with the referral to Committee and the six-month period that this Bill must come back to the House. It is just a procedure to make sure that we do not violate our own Standing Orders.

I beg to second and ask Hon. Katoo, the Majority Whip, to second.

Hon. Katoo: Thank you, Hon. Speaker. In seconding this straightforward Motion, I want to point out that while seeking the exemption from the Standing Orders, it is a requirement that the Motion states the objective of bringing back the Bill before the expiry of the six-month period. As the Leader of the Majority Party has put it, and as you have well stated while making your Communication, it is for the purposes of aligning the provisions of the Anti-Doping Act, 2016 with the UNESCO policy against doping in sports.

It is very urgent because we are all aware that there will be Olympics in Rio, Brazil in the next two months. Therefore, it is of necessity that this House considers this within the six-month period for us to allow our athletes to participate in that great event. All of us would imagine the Olympics without the Kenyan team. Surely, it would not be colourful and tasteful. Therefore, this House needs to play its role in ensuring that our athletes are not locked out of that very important world event.

I beg to second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: Is it the mood of the House that I put the Question?

Hon. Members: Yes!

(Question put and agreed to)

Hon. Speaker: Next Order.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD FOR A BILL

Hon. A.B. Duale: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, pursuant to the Provisions of Standing Order 120, this House resolves to reduce the Publication Period of the Anti-Doping (Amendment) Bill, (National Assembly Bill No.15 of 2016) from fourteen to seven days.

The reduction of the publication period for this Bill from 14 to seven days is very important. The reason is to allow the Bill to go through First Reading and the other stages in a timely manner. Again, we want to align what we are doing with the procedures provided for under the Standing Orders.

Hon. Speaker, it is also important for Members to know that the consequence of this House not considering this Bill in a timely manner will be our athletes being banned from participating in international sports. With this in mind, we are time-constrained thus the need to fast-track the consideration of the Bill and reduce the publication period.

I beg to move. I ask Hon. Katoo, the Chief Whip of the Majority Party, to second.

Hon. Katoo: Hon. Speaker, in order to give effect to the Procedural Motion under Order No.8 that we have just passed, it is important that the House agrees with the Mover who is the Leader of the Majority Party, to pass the Procedural Motion under Order No.9 for us to move ahead and discuss this Bill.

I beg to second.

Hon. Speaker: Order, Members! Take your seats.

(Question proposed)

I see Hon. (Dr.) Nyikal.

Hon. (Prof.) Nyikal: Thank you, Hon. Speaker. Whereas I support the Procedural Motion, there is one underlying factor that this House and Hon. Members leading this country should take into consideration and I have said this before. What is clear is that when we were discussing the Bill that we are now seeking to amend, we did not take seriously the considerations of the international agency, which we are planning to adopt. Like many other Bills, we discussed that Bill without a Committee report. We relied solely on what the Leader of the Majority Party explained to us in terms of what was needed by the World Anti-Doping Agency. It must be that the Members were not clear on what was required because this was something important to the country that should have been passed. That is why we must insist that we must have a Committee report for all Bills.

The Standing Orders indicate that we can discuss Bills without the Committee report. However, the details of the Committee report showing what the Committee has considered are important information for Members to base their decisions on. This should serve as a lesson. We must have the Committee report presented to the House before we discuss Bills.

I am sure the Leader of the Majority Party has not heard what I have said but this is an extremely important point that I want to make as I support the Procedural Motion.

Hon. Speaker: Order, Members! Hon. Mwaura, you are dressed like a person going for a beauty contest. That is not permissible. You are ordered out of the House. Go and dress properly. Out of the Chamber! Hon. Mwaura, I will not repeat it.

(Hon. Mwaura withdrew from the Chamber)

(Question put and agreed to)

BILLS

First Readings

THE ANTI-DOPING (AMENDMENT) BILL

(Orders for First Readings read – Read the First Time - Ordered to be read the Second Time today by leave of the House)

THE BRIBERY BILL

(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)

Second Reading

THE ANTI-DOPING (AMENDMENT) BILL

(By leave of the House)

Hon. A.B. Duale: Hon. Speaker, I beg to move that the Anti-Doping (Amendment) Bill (National Assembly Bill No.15 of 2016) be now read a Second Time.

Hon. Nyikal has raised the issue of the report of the Committee, I am sure the Chairman will speak to it but a report of the Committee was presented to the House before we passed the Anti-Doping Act as it is today. He can consult the Clerk and the Chairman of the Committee and get a copy of that report because it was there.

The primary objective of this Bill is to make provisions to align the Anti-Doping Act, 2016 with the UNESCO Convention Against Doping in Sports. The current amendments further align the Anti-Doping Act, 2016, which this House passed on 19th April, 2016, with that Convention.

Clause 1 of the Bill is the short title. It provides that the Bill shall come into force upon publication in the Gazette.

Clause 2 of the Bill seeks to align the definitions as used in the Act. In particular, it deletes and redefines, among other things, the definition of the words “national-level athlete”, “prohibited association” and “trafficking”. They are now being given a broader meaning.

Clause 3 of the Bill proposes to amend the Act, which we passed and was assented to by the President, by deleting the current provisions and inserting a new provision that widens the

scope of this Act to apply to athletes and athlete support personnel, who are members or licence-holders of any national federation in Kenya. We had limited the provisions in the Act but this Bill now gives a wider scope to include any other member or affiliate organisation of any national federation in Kenya including any clubs, teams, associations or leagues. In the Act, we only dealt with the national federation in Kenya. Now the Bill says that you can even deal with clubs which are affiliated to this federation.

Clause 4 of the Bill proposes to insert a new sub-section to make the Anti-Doping Agency the exclusive entity permitted to carry out anti-doping activities in Kenya and for the Agency to be recognised by all national federations in Kenya.

Clause 5 proposes to increase the functions of the Anti-Doping Agency by allowing the Agency to promote anti-doping education, oversee the activities of the Therapeutic Use Exemption Committee and implement the Anti-Doping Administration and Management System.

Clause 6 seeks to provide that any functions or powers delegated shall only be performed and exercised in the name and on behalf of the Agency. So, nobody else can do any other business as provided for under Clause 6.

Hon. Speaker, Clause 7 of the Bill seeks to amend the Act to provide for a sports administrator who shall have retired, at least, two years prior to the appointment. He shall be a member of the Therapeutic Use Exemption Committee.

Clause 8 of the Bill deletes Section 26 of the Act so as to align it with the proposed amendment as provided for under Clause 42(6).

Clause 9 of the Bill - I am only picking the areas that the Anti-Doping Agency had issues with which are now contained in the amendments - seeks to redefine the term known as the "athlete testing programme" as used under the Act to the Anti-Doping Programme of the Agency.

Clause 10 of the Bill seeks to create clarity by providing that the anti-doping compliance officers shall be responsible for enforcing the provisions of the Act and not just the provisions of Section 26. So, all anti-doping compliance officers must enforce the provisions of the whole Act as was the case not just the provision of Section 26.

Clause 11 of the Bill proposes to amend the Act by deleting the existing provisions and inserting new sections that provide the jurisdiction of the Sports Tribunal, with regard to anti-doping. So, it creates the Sports Tribunal and defines its jurisdiction. The Tribunal will have the authority to hear and make determination of all cases on anti-doping violations on the part of the athletes and the athlete support personnel including the manager and the captain.

Clause 12 of the Bill seeks to provide that the reports of the activities of the Anti-Doping Agency shall be published and made public and a copy provided to the World Anti-Doping Agency. That was not there before. They are saying, under Clause 12, that we must provide the reports of the activities of the agency based in Kenya to the World Anti-Doping Agency. It must be published. That is in line with our Constitution that a person must be heard before he is judged. Information must be public for people to know what crime an athlete has committed.

The second last Clause 13 of the Bill proposes to amend the Act by inserting new sections providing that all persons, athletes and their support personnel shall be bound by the anti-doping rules. The athlete and his supporting personnel; his doctors, the manager and trainers must follow them. It also provides for reporting of any information suggesting or relating to any anti-doping rule violation. So, if they violate any of the rules it must be made public.

Clause 14 of the Bill proposes to amend the Act by deleting the existing provisions and inserting a new sub-section to provide for anti-doping rule violations which include, among others, the presence of a prohibited substance or its metabolites or the markers in the athlete's sample where these particular items are found within a camp.

The Legal Department of Parliament and the Office of the Attorney-General have examined these amendments against the provisions of the Constitution and so they are in order. I want to make one thing very clear and I said it in the Procedural Motion. When we were dealing with the Anti-Doping Bill that became an Act on 22nd April, 2016, Members of Parliament of both Houses never moved any amendment because we wanted to make sure that it was an international law that we only wanted to domesticate within our Constitution. I was glad that Members did not bring any amendment. So, the failure is at the drafting stage at the Attorney-General's Chambers or on the part of the Ministry of Sports, Culture and the Arts. They are not here, but the Chair and I will ask for the technical team from the Ministry of Sports, Culture and the Arts and Athletics Kenya to be here this afternoon so that the House does not become a conveyer belt where you come and hide your failures.

I thank Members because we never moved any amendments. I was on the HANSARD. But just because some people in the Executive failed, we are now giving them a last chance. I asked the Senate leadership not to move any amendment; they passed this Bill as it was on 20th April, 2016 in the way it was passed in the National Assembly. So, the failure is on the part of the Executive, and more so, the Ministry of Sports, Culture and the Arts, and maybe at the drafting stage. Because we represent the people and deal with their issues as provided for under Article 95(4), we are at the final stage to make sure that our sportsmen and women do not become victims of the Executive's failure. This is not a failure of Parliament. We are doing it now and I hope this afternoon they will be here to make sure that every comma and sentence as they are provided for now will be in line with what is envisaged by the World Anti-Doping rules and procedures.

Hon. Speaker, I beg to move and ask the Chair of the Committee, who represented Parliament in the high level rush to Montreal, to confirm to this House that the amendments in the Bill are not from anywhere. He represented Parliament and it paid for his trip and for the many meetings he had with the Minister for Foreign Affairs, the Minister for Sports, Culture and the Arts, representatives from Athletics Kenya, the Solicitor-General and the technical team from the Attorney-General's Chambers. We want him to confirm to us in seconding that everything is okay. Once we finish it this afternoon, we will push it to our colleagues in the Senate who will be back next Tuesday so that we deal with this matter once and for all.

Thank you, Hon. Speaker. I ask Hon. Were to second.

Hon. Speaker: Hon. David Were, you have the Floor.

Hon. Were: Thank you, Hon. Speaker. As I second, I want to confirm to the Member for Seme that my Committee actually tabled the Report on the Anti-Doping Bill before we went to the Committee of the whole House. It is actually there on record.

I would also like to confirm that the Bill that was brought to the House was actually defective. On 12th of this month at around 8.00 p.m., I got a call from a BBC news correspondent informing me that word had come from World Anti-Doping Agency that Kenya was not compliant. I was shocked because I did not know what the reasons for that were. They interviewed me, but I was very categorical that whatever Bill that had been brought before the

House had not been mutilated. The assumption at that time was that this House is the one which had interfered with the Bill and I maintained that, that was not true.

Hon. Speaker, after we got that information, we had a meeting at State House the following day and there was express instruction that a delegation from Kenya visits Canada to iron out the problems that had been raised. At that particular point, we did not know why WADA had indicated that we were not compliant. I managed to get the letter from WADA to our Cabinet Secretary (CS) Sports, Culture and the Arts, together with the Act and the comments which they had put. They had concerns on 24 sections of the Act with their clear comments on what they felt should have been done. When I looked at the comments and referred to the Bill that had been brought before the House, I realized that the Bill was the one which was missing the information that WADA wanted. This arose because the Bill was tabled and we only had one week to hold a stakeholders meeting. We had a meeting with the Ministry together with other stakeholders. The information that we were given was that the Bill that was before us was the document that had been negotiated with WADA, which they were referring to as Draft Seven. So, we did not have any opportunity to go back and ask them to avail the actual document that had been negotiated. We were meant to believe that the Bill that was before the House was the WADA agreed document. So, our intention at that particular point was to look at it and do a clean-up. We did not want to make any serious amendments because we had been cautioned not to interfere with the document which would make it unacceptable to WADA.

So, today's Bill is an amendment Bill. The Hon. Leader of the Majority Party has taken us through the issues that were raised by WADA. Out of the 24 issues that they were concerned with, we managed to reduce their concerns and reached an agreement and that is the reason we came up with this amendment Bill. As has been indicated by the Hon. Leader of the Majority Party, several issues which were of serious concern and which they wanted to be amended are in this amendment Bill.

One was on definitions where they felt that some of the definitions that were appearing in our Bill were not consistent with what they had proposed. Those that were agreed upon are appearing in the Bill. I would want to point out a few areas, although the Hon. Leader of the Majority Party has already spoken to them.

First, is on Clause 4 which was on the establishment of Anti-Doping Agency of Kenya (ADAK). According to WADA, they felt that the way the establishment of ADAK appeared in the Act did not expressly say that ADAK was the only body in Kenya that was allowed to carry out anti-doping activities. So, they wanted that one to come out clearly so that they remove any ambiguity. It has been captured so that every federation in the Republic knows that it is only ADAK that can carry out anti-doping activities.

On Clause 5, they required us to expand the authority of ADAK to cover education, undertake management in accordance to the agency's rules, oversee activities of Therapeutic Use Exemption (TUE) Committee and implement anti-doping, administration and management systems. Clause 6 of the Act that we passed, when it came to delegation of duties, we had indicated that instead of using the word "agency" we had said anything else that is delegated would be done in the name of the authority. So the word "authority" had not been defined anywhere. So, their question was: "Which authority? We realized that the body that we had formed was an agency and not an authority. So, we were just to clean up by removing the word "authority" and replacing it with the word "agency".

In Clause 7, they asked us to delete “e” and substitute with a sports administrator who shall have retired at least two years prior to the appointment. In the initial Act, we had not indicated that requirement that the athlete must have retired two years before. We had omitted that one but in the initial draft that was agreed upon, they had required that whichever athlete that was going to be part of the TUE Committee must have retired at least two years before. That is the reason for the amendment. In Clause 8, we are saying: “The Principal Act is amended by deleting Section 26(3)”. This section was dealing with the administration and enforcement. This is where we had punishment for various offences. We had placed fines and terms of imprisonment. According to WADA, this was not the mandate of WADA or ADAK. Their take was that these are criminal issues which could be dealt with under different laws in the Republic and so this particular section was, therefore, not necessary and we had to delete it.

Clause 12 was dealing with the issue of reporting. In the Act that we passed on 19th April, we had indicated that after every three months, ADAK will be doing a report to the CS in charge of sports. WADA felt that this should be expanded by not only giving a report to the CS, but also a report to be published publicly and a copy provided to WADA. We have done the amendment. As directed by you Hon. Speaker, after this session, the Committee is going to meet and go through these amendments and do some cleaning up. I have spoken to the PS, Ministry of Sports, Culture and the Arts together with the officials there and the Attorney General’s (AG) Office. We have agreed that in our 11.00 O’clock meeting, all these officials and those who were in Montreal Canada must be together so that we go through this document and come into an agreement that we have not left out anything that was agreed upon so that we do not fall into a problem where we pass these amendments and we are told that we are not compliant.

Hon. Speaker, with those few remarks, I beg to second.

Hon. Speaker: The Member who is making his way out---

(Question proposed)

Do I see Hon. Maanzo? Is it about this? Do you want to contribute?

Hon. Maanzo: Yes.

Hon. Speaker: Very well.

Hon. Maanzo: Thank you, Hon. Speaker. I would like to make brief comments on the amendments. I want to say that for international conventions, it is only good and fair that Kenya’s local legislation matches them to serve the interest of participants and, in this case, the sportsmen. In 2008, I was part of the team that went to the Olympics in Beijing where Kenya performed well.

Meeting anti-doping requirements is necessary for every event that our athletes participate in. For the rest of the world, when the results turn out positive, there are certain consequences the athletes face. For a long time, there has been no proper law. It is now good that WADA has come up with some worldwide standards and Kenya should be part of this.

While I support this, I want to say the amendments are great and whether there were mistakes or not, it is good that we look towards the future. We should make sure that Kenya’s sportspeople are able to participate in the forthcoming Olympics. As a country, we should comply with what the rest of the world is complying with. It is also important to note that it is a good thing for Kenya to negotiate because we have a Constitution and local interests to take care

of. But the main goal is to make sure that our athletes comply and are free from any substances which can enhance their energy so that they can compete fairly with the rest of the world.

Kenyan athletes can also suffer in the event that another country does not comply. They complete mostly with Ethiopians and Russians. I am happy to support a situation where we all comply and follow the law internationally and locally. Our athletes should continue to make Kenya famous and market it to the rest of the world with our talent of athletics. I support all the amendments as proposed and wish to urge other Members to support so that our talented young people and athletes can achieve their goals in the forth coming Olympics.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Samuel Gichigi.

Hon. Gichigi: Thank you, Hon. Speaker, for giving me a chance to comment on this Bill. At the outset, I am a member of the Departmental Committee on Labour and Social Welfare that considered the original Bill before it was passed in this House. As those who have spoken before me have indicated, at no time did our Committee or this House remove any of the amendments that had been proposed in this Bill. They were not there from the beginning. The Bill that we received from the Ministry and the Attorney-General did not contain them.

As I was reading today's *Daily Nation*, it indicated that Parliament mutilated the Bill that had been brought here from WADA. That is not true. I will urge the members of the Fourth Estate to try to be accurate. A little research and investigation would have revealed that the National Assembly is not at fault. In fact, we ought to be commended for the speed at which we passed the Bill and that we have resumed despite our busy schedules in the constituencies to pass this Bill.

I am also asking our pressmen not to be pessimists. Reading what they had published the other day, one would have thought that Kenya has been banned. Whereas WADA had just indicated that there are certain provisions that ought to be amended, everybody was panicking in this county. Having said that, it is important for Kenyans, especially those who are involved in sporting activities, to take care of themselves. They should not wait for a law to capture and punish them whereas the substances they are using are very harmful to their bodies.

I wish to remind all those who think they are going to use those substances that Kenya has lost more than 10 athletes through death in the last one year because of using drugs. Let me remind them that this law is not being passed to help the world or other people. It is to ensure that not only are sportsmen clean, but to also stop them from harming themselves. Very young boys and girls are being introduced to those drugs and in about one, two or three years, they are completely exhausted. They become zombies, their organs fail and finally they die. The young men whom we see flexing their huge muscles in the streets are using those drugs and in a few months, they are no longer able to do anything useful.

I urge this House to pass these provisions as suggested by WADA. But the international organization should also treat Kenya fairly. Why should they keep on threatening and focusing on Kenya as if we are the only country that does not have these regulations? There are close to 200 states that participate in those competitions. I am told it is only about 10 of them that have passed this anti-doping law and yet, everybody is focusing on Kenya because of our prowess in that sport. They should also talk to the other countries so that they can pass the law. We do not want other countries to be involved in doping and appear to beat Kenya after we enforce this particular law.

Thank you, Hon. Speaker, I support the Bill and urge my colleagues to do likewise.

Hon. Speaker: Hon. Wamalwa.

Hon. Wakhungu: Thank you, Hon. Speaker. I rise to support this Bill the way it has been amended. From the outset, I want to confirm that Parliament never mutilated this Bill, the way it has been reported in the media. I think going through it, you will realize that the amendments that have been proposed are actually significant. We know very well that this Bill is very critical because if we allow issues of doping when competing, it is just like rigging in an election.

I know that last time when we passed this, we were very committed. This is the high time we should call upon the AG--- If there were any mistakes, they were done at his office. When this House did the Second Reading, we were so committed and very thorough. But because WADA has communicated this, we have no otherwise but to follow. Before that, I would also like to thank the Cabinet Secretary (CS) for Foreign Affairs, CS Sports and His Excellency the President for the commitment they showed particularly on this Anti-Doping Bill, so that we can be in line with the convention that is there.

We need to amend the Ratification Treaty because to pass a treaty, you can either adopt or reject it. The international community needs to know that Kenya, like any other country, has local interests. When it comes to this House, it has powers of legislative authority and also powers to amend, so that we can take good care of the local interests. We should not be dictated upon on what has been decided at international level to just rubber stamp. We know athletics plays a very critical role as far as the economy of this country is concerned.

It will be a good relief for athletes who will be participating in international races. Athletes play a critical role as far as marketing of this country is concerned. They are very good ambassadors. In particular, they have played a critical role in the North Rift region, where I come from. Most of the money that has come through sports has helped in income generation and aspects of corporate social responsibility. The good rental houses that you see in the North Rift region have been constructed by those people. My good neighbour, Hon. Wesley Korir, who is also an athlete, was committed to this law. He is very happy. We wish him well as he prepares to attend the forthcoming marathon.

I would like to request this House to pass the amendments that have been proposed without wasting a lot of time. We need to beat the deadline. We need time for this Bill to be forwarded to the Senate to be passed so that we can comply with the World Anti-Doping Agency (WADA) requirements.

With those remarks, I support.

Hon. Speaker: Hon. Rasso.

Hon. Dido: Thank you very much, Hon. Speaker. I rise to support the suggested amendments to the original Bill. Looking at the original Bill and the version of the amendment Bill, we want to provide clarity to the original Bill. The contents of the suggested amendments to the new Bill are new. Parliament had nothing to do with what the media portrayed – that we interfered with the Bill to the extent of attempting to amend the contents of the original Bill.

I would like to add my voice and give clarity in the area of trafficking with regard to what the original Bill says and what the amendment before the House says. Having said that, if we need clean athletics or a clean federation that will be recognised worldwide, we must bring into play our part as a country, so that our athletes, footballers and rugby players can be free of drugs. When our sportsmen and sportswomen win, it will be a free and square win. In the last

few weeks, it has been insinuated that Kenyan athletes win as a result using enhancement drugs. That is far from the truth.

I would like to thank the President of Kenya for the action he took. Had he not acted swiftly, the chances of our athletes being frustrated in Rio would be high. Although WADA had stated that we would not be disqualified, as we participate as a country, people would think that the athletes that are winning are using drugs. The action that the Government took is commendable. As a House, looking at the original and the amended versions of the Bill, we have no reason but to pass it swiftly so as to comply with the international standards, rules and regulations.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chepkong'a.

Hon. Chepkongá: Hon. Speaker, I thank you for your indulgence. Today, I decided to sit here since I was called for consultations.

Hon. Speaker, I rise pursuant to Standing Order No.95. The matters are very clear. Would I be in order to request the Mover to be called upon to reply? We have agreed on most of these things. In fact, it was just an oversight on our part that we did not include the proposed amendment in the Bill that we passed in this House earlier. Since this is a matter that we would need to consider in the Committee of the whole House in the afternoon, it is only in order that the Mover is asked to reply because the matters are very straightforward. There are no contentious issues. In fact, all the people who have spoken are in support. Since no one is opposing this Bill, I would kindly request you to ask the Mover to reply.

Hon. Speaker: Where is the Mover? Is Hon. Were the one standing in for the Mover? Is that correct, Hon. Were?

Hon. Were: Yes, Hon. Speaker.

Hon. Speaker: Do I get the concurrence of the House that the Mover be called upon to reply as proposed by Hon. Chepkonga?

Hon. Members: Yes!

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Hon. Were: Thank you, Hon. Speaker. First and foremost, I would like to thank all the Members who have contributed to this amendment Bill, which has come to the Floor of the House because of the defect in the initial Bill that was debated here, resulting in the law that WADA said was not compliant.

I also want to confirm that this House is committed to ensure that Kenya is compliant and that our teams are not banned from participating in international events. That would deny Kenyans an opportunity to participate and enjoy the Olympics, which are coming very soon, and the World Junior Athletics Championships, which will be hosted by Kenya next year. If we fail to do this, even the World Junior Athletics Championships, which are supposed to be held in Kenya next year, will be withdrawn and that would be a disaster to Kenyans, especially the young Kenyans who participate in international events.

With those remarks, I thank everybody who has contributed and beg to reply.

Hon. Speaker: Hon. Members, I want to ascertain that there is quorum for me to put the Question. It looks like we do not have sufficient Members.

Could the Bell be rung for 10 minutes?

(The Quorum Bell was rung)

Hon. Members, we have a quorum now. The Quorum Bell was rung for purposes of realising quorum so that I can put the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

ADJOURNMENT

Hon. Speaker: Hon. Members, this was a Special Morning Sitting and there being no other business, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 11.15 a.m.