



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 13, 2018

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

The Speaker conveyed the following Communications –

(i) Guide on the Consideration of two Senate Bills

“Honourable Members,

As you may recall, on October 16, 2018, I conveyed to the House a Message from the Senate regarding the Office of the County Attorney Bill (Senate Bill No. 3 of 2018) and the County Boundaries Bill (Senate Bill No. 6 of 2017). As a reminder, the Office of the County Attorney Bill is seeking to provide for the functions and powers of the County Attorney, and the discharge of duties and the exercise of powers of the County Attorney. On the other hand, the County Boundaries Bill seeks to provide a mechanism for the resolution of county boundary disputes; to give effect to Article 188 of the Constitution by providing for the procedure for alteration of county boundaries, and to provide for the establishment of an independent county boundaries commission, as well as defining the exact boundaries of each county.

Honourable Members, following First Reading of the two Bills on October 17, 2018, I did forward the Bills to the technical offices pursuant to Standing Order 143(2) which provides that-

“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution”.

Now therefore, having received a brief on the matter from the relevant offices, I have made the following determination on the two Senate Bills:-

- (i) The Office of the County Attorney Bill (Senate Bill No. 3 of 2018) does not fall within the meaning of a “Money Bill.” As such, it may proceed for Second Reading in the same manner as a Bill originating in the National Assembly as provided for under Standing Order 143(3). This Bill therefore stands referred to the Departmental Committee on Justice and Legal Affairs for consideration.

- (ii) The County Boundaries Bill (Senate Bill No. 6 of 2017) is a “Money Bill” within the meaning of Article 114 of the Constitution. It therefore stands referred to the Budget and Appropriations Committee for consideration and advice on the manner in which the House ought to proceed with this Bill, pursuant to provisions of Articles 109(5) and 114 of the Constitution, as read together with Standing Order 143.

Honourable Members, the House is thus accordingly guided. Thank you”.

(ii) The Report on Approval of Payments from the Contingencies Fund

“Honourable Members,

I wish to make the following Communication, which relates to a request for *post facto* approval of withdrawal of money from the Contingencies Fund. Article 223(1)(a) & (b) of the Constitution allows the National Government to spend money that has not been appropriated. The provision also stipulates the following qualifications for the spending, and I quote:-

- “(a) The amount appropriated under for any purpose under the Appropriation Act is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated that Act; or
(b) Money has been withdrawn from the Contingencies Fund.”**

Further, Section 22(1) of the Public Finance Management Act of 2012 provides that not later than two months after making advances from the Contingencies Fund, the Cabinet Secretary responsible for Finance shall submit to Parliament for approval, a detailed report in respect of the said payment. The Act also sets out the specific information that ought to be included in the Report.

Honourable Members, in this regard, by a letter dated 30th October, 2018 the Cabinet Secretary for the National Treasury has submitted to my office, by way of a Statement, a Report on Approval of Payment from the Contingencies Fund. The Payment amounting to Ksh. 1.05 billion was extended to the victims of the recent flood incidences in the country. The summary of the expenditure is in respect of the following three items:-

Broad Area of Expenditure	Amount in Ksh.
(i) Transfer to the Kenya Red Cross Society towards response to flood incidences countrywide	1,000,000,000
(ii) Support to the families who lost loved ones through floods across the country	18,070,000
(iii) Support to the families affected by landslides	31,930,000
Total	1,050,000,000

Honourable Members, the Cabinet Secretary, now having complied with Section 22(2) of the Public Finance Management Act of 2012, is seeking approval of the said Payment by this House. The approval will enable the National Treasury to cause an appropriation of the money paid and replenish the Contingencies Fund.

Honourable Members, I will therefore allow the Leader of the Majority Party to Table the Report under Order No. 5 after which it shall stand committed to the Budget and

Appropriations Committee for consideration. I urge the Committee to pay particular attention to the Report with a view to guiding the House on how to proceed with the request for approval. I thank you.”

5. PETITIONS

The Member for Gichugu (Hon. Gichimu Githinji) presented a Petition on behalf of residents of Gichugu Constituency regarding non-completion of construction of the Kutus-Kianyaga-Kiamutugu-Githure-Kibuku Road.

Petition referred to the Departmental Committee on Transport, Public Works and Housing pursuant to Standing Order 227.

6. PAPERS LAID

The following Papers were laid on the Table of the House–

- (a) Statement on approval of payment from the Contingencies Fund from the National Treasury and Planning.
- (b) Public Procurement and Asset Disposal Act, 2015 - Submission of the statutory Six (6) month preference and reservation Report for the period January to June 2018 from the Public Procurement Regulatory Authority.
- (c) The Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2017 and the certificates therein: -
 - (i) Gichugu;
 - (ii) Thika Town;
 - (iii) Molo;
 - (iv) Njoro;
 - (v) Chepalungu;
 - (vi) Mathira;
 - (vii) Mathioya;
 - (viii) Kipipiri;
 - (ix) Kinangop;
 - (x) Maragua.
 - (xi) Kabete;
 - (xii) Ruiru;
 - (xiii) Laikipia West;
 - (xiv) Lari; and
 - (xv) Laikipia North.

(The Leader of the Majority Party)

- (d) The Report of the Committee on Regional Integration on inspection visit of Namanga One-Stop Border Post, Kajiado County from 7th to 11th April, 2018.

(Hon. Ruweida Obo, for Committee on Regional Integration)

- (e) The Report on the inquiry into alleged sexual assault of students at Moi Girls' School, Nairobi on 2nd June, 2018.

(The Chairperson, Departmental Committee on Education and Research)

- (f) Report of the Select Committee on Delegated Legislation on its consideration of the Judiciary Fund Regulations.

(Hon. Fatuma Gedi, Vice Chairperson, Select Committee on Delegated Legislation)

- (g) Reports of the Departmental Committee on Health on: -

- a. The Ratification of the protocol to eliminate illicit trade in tobacco products; and
- b. The Joint Action Policy Day and the 7th International Symposium on Hepatitis Care in Substance Users held in Lisbon and Cascais, Portugal from 17th to 21st September, 2018.

(Hon. Mohamed Sheikh, Member, Departmental Committee on Health)

- (h) Report of the Departmental Committee on Finance and National Planning on its Consideration of the County Pensions Scheme Bill (National Assembly Bill No. 49 Of 2017)

(Hon. Joseph Limo, Chairperson, Departmental Committee on Finance and National Planning)

7. NOTICES OF MOTION

The following Notices of Motion were given –

- a) That, this House adopts the Report on the inquiry into alleged sexual assault of students at Moi Girls' School, Nairobi on 2nd June, 2018 laid on the Table of the House on Tuesday, November 13, 2018.

(Chairperson, Departmental Committee on Education & Research)

- b) That, this House adopts the Report of the Departmental Committee on Health on the Ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products laid on the Table of the House on Tuesday, November 13, 2018..

(Hon. Mohammed Sheikh, Departmental Committee on Health)

- c) That, this House adopts the Report of the Committee on Regional Integration on an inspection visit of Namanga One Stop Border Post, Kajiado County from 7th to 11th April, 2018 laid on the Table of the House on Tuesday, November 13, 2018.

(Hon. Ruweida Obo, Vice Chairperson, Select Committee on Regional Integration)

- d) That, this House adopt the Report of the Select Committee on Delegated Legislation on its Consideration of the Judiciary Fund Regulations 2018 laid on the Table of the House on Tuesday, November 13, 2018, and pursuant to the provisions of Section 18 of the Statutory Instruments Act 2013 and Standing Order 210(4)(b), annuls in entirety the said regulations.

(Hon. Fatuma Gedi, Vice Chairperson, Select Committee on Delegated Legislation)

8. QUESTIONS

The following Questions were made to various Ministries–

- (i) Question 132/2018 by the Member for Kuresoi (Hon. Moses Cheboi) regarding completion of the Nakuru-Total-Eldoret Highway Interchange; Question referred to the Departmental Committee on Transport, Public Works and Housing.
- (ii) Question 134/2018 by the Member for Trans Nzoia County (Hon. Janet Nangabo) regarding abuse of migrants in the Middle East; Question referred to the Departmental Committee on Defence and Foreign Relations.
- (iii) Question 135/2018 by the Member for Malindi (Hon. Aisha Jumwa) regarding one Pastor Paul Makenzie preaching against children going to school; Question referred to the Departmental Committee on Administration and National Security.
- (iv) Question 137/2018 by the Member for South Imenti (Hon. Kathuri Murungi) regarding Ukuu and Uruku locations being served by Kariene Police Station; Question referred to the Departmental Committee on Administration and National Security.
- (v) Question 141/2018 by the Member for Dagoretti North (Hon. Simba Arati) regarding admission to Mater Hospital and subsequent death of one Loice Wanja Ng'ang'a; Question **deferred** to another day.

9. STATEMENTS

The Honourable Speaker notified the House that the Hon. (Capt.) Ruweida Obo, MP (Lamu) would issue a Statement on the ban on importation of fish and revival of fishing industry during Zero Hour at 6.30pm.

10. MOTION – REPORT ON THE AUDITED FINANCIAL STATEMENTS FOR THE POLITICAL PARTIES FUND FOR THE YEAR ENDED JUNE, 2017

Motion having been made and Question having been proposed –

THAT, this House **adopts** the First Report of the Special Funds Accounts Committee on Audited Financial Statements for the Political Parties Fund for the year ended June, 2017, laid on the Table of the House on Wednesday, August 29, 2018.

(Chairperson, Special Funds Accounts Committee)

Debate on the Motion having been concluded on Thursday, November 8, 2018;

Question put and agreed to.

11. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO.13 OF 2018)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 2 of 2018) be now read a Second Time

(The Majority Party Whip – 08.11.2018)

Debate interrupted on Thursday, November 8, 2018 resumed;

(Change of Chair from the Speaker to the Third Chairperson)

Debate interrupted pursuant to Standing Order 43 for Members' Zero Hour Statements.

12. STATEMENT (ZERO HOUR) PURSUANT TO STANDING ORDER 43

Pursuant to the Standing Order No. 43, the Third Chairperson interrupted the House to allow Members to discuss a Statement by the Hon. (Capt.) Ruweidha Obo MP (Lamu County), regarding the ban on importation of fish and revival of the fishing industry.

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

13. HOUSE ROSE - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, November 14, 2018 at 9.30 a.m.