



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 08, 2018

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

The Deputy Speaker conveyed the following Message from the Senate:-

“Honourable Members, Standing Order 41(4) requires the Speaker to report to the House any Message(s) received from the Senate at the first convenient opportunity. In this regard, I wish to report to the House that on Monday, November 05, 2018, I received Messages from the Senate regarding passage of two Bills on Wednesday, October 24, 2018. The First Message relates to the passage of the Office of the County Printer Bill (Senate Bill No. 7 of 2018). The Bill seeks *“to establish the office of the county printer in each county and to provide for the functions, mandate, management and administration of the office;”*

Honourable Members, the second Message is conveying the passage of the Disaster Risk Management Bill (Senate Bill No. 8 of 2018) which seeks *“to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees; and to provide for a legal framework for the co-ordination of disaster management activities;”*

Honourable Members, Standing Order 143(1)(a) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of a Message from the Senate referring Bills to the National Assembly. Accordingly, I direct that the two Bills be read a First Time at the next Sitting.

Honourable Members, Paragraph (2) of Standing Order 143 provides that –

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

The opinion envisioned under Standing Order 143(2) is a pronouncement, by the Speaker, as to whether a Bill originating in the Senate is a ‘*Money Bill*’ in the terms of Article 114 of the Constitution. In this regard, I direct that the two Bills be referred to the Parliamentary Budget Office to offer advice that will enable the Speaker to form the opinion contemplated in Standing Order 143(2).

Thereafter, I shall guide the House accordingly on how to proceed with the consideration of the said Bills. I thank you.”

5. **PETITIONS**

The following Petitions were presented by:-

(i) The Deputy Speaker on Review of the Girl Guides Act-

“Honourable Members,

Standing Order 225 (2) (b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office is in receipt of a petition signed by one Prof. Faith Nguru and Ms. Jennifer Karina on behalf of Kenya Girl Guides Association.

Honourable Members,

Pursuant to Article 119 of the Constitution, the Petitioners are requesting the National Assembly to amend the Girl Guides Act, Cap 220, which establishes and incorporates the Kenya Girl Guides Association to be able to execute its mandates legitimately.

Honourable Members,

The Petitioners states that the association as constituted under the Girl Guides Act is recognised as a Branch of the Girl Guide Association, incorporated in Great Britain by the Royal Charter. The Petitioners further state that the Association, as constituted, is constrained from fulfilling its core mandate of training and development of character of girls and young women. The Petitioners therefore prays that the National Assembly review the Girl Guides Act, Cap 220 to establish the Kenya Girl Guides Association, a body corporate with power to sue and be sued.

Honourable Members,

This Petition was submitted in the 11th Parliament, however, it was not conclusively considered at the fourth session by the then Committee of the House. Pursuant to the provisions of Standing Order 227, the Petition stands committed to the Departmental Committee on Labour and Social Welfare for consideration. I urge the Committee to engage the Petitioners and commence the process of drafting a legislation to address the prayers of the Kenya Girl Guides Association. Thank you!”

(ii) The Member for Konoin (Hon. Brighton Yegon) regarding neglect and exploitation of Small Holder Tea Farmers by the Kenya Tea Development Agency (KTDA); and

(iii) The Member for Magarini (Hon. Michael Thoyah Kingi) regarding dispossession of ancestral land in Sabaki Ward, Magarini Constituency.

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227.

6. PAPERS LAID

The following Papers were laid on the Table: –

- (i) The Beijing Treaty on Audio-Visual Performances adopted by the Diplomatic Conference on June 24, 2012 and the Explanatory Memorandum

(The Leader of the Majority Party)

- (ii) Reports of the Departmental Committee on Labour and Social Welfare on: -

- a) The Global Disability Summit, London, United Kingdom, held from 23rd to 24th July, 2018;
- b) The 11th Session of the Conference of States Parties to the Convention on the Rights of Persons With Disabilities held at the UN Headquarters, New York, from 12th to 14th June, 2018;
- c) The 107th Session of the International Labour Conference, held in Geneva, Switzerland from 27th May to 8th June, 2018; and
- d) The 37th Session of the Human Rights Council, held at the UN Headquarters, Geneva, from 5th to 9th March, 2018.

(Chairperson, Departmental Committee on Labour and Social Welfare)

- (iii) Report of the Departmental Committee on Education and Research on the Petition on hiring, posting and transfers of primary school female teachers.

(Chairperson, Departmental Committee on Education and Research)

- (iv) The Third Report of the Committee on Members' Services and Facilities on a Study Visit to the New Zealand House of Representatives from 11th to 16th June, 2018

(Chairperson, Committee on Members' Services and Facilities)

- (v) Report on the consideration of Petition by the transport Operators Workers' Union of Kenya on creation of Regulation of Digital Taxi/Cab Operators (E-Hailing Apps) in Kenya; and

- (vi) Report on the consideration of Petition by residents of the National Housing Corporation Tenants Welfare Association in Changamwe Constituency, Mombasa County.

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

7. NOTICES OF MOTION

The following notices of motion were given by:-

- (i)** The Vice-Chairperson, Select Committee on National Government Constituencies Development Fund, (Hon. Omar Mohamed Maalim, MP)

THAT, this House **adopts** the Report of the Select Committee on National Government Constituencies Development Fund on Constituency Digital Innovation Hubs, laid on the Table of the House on Thursday, November 8, 2018.

- (ii) The Chairperson, Committee on Members' Services and Facilities (Hon. Ezekiel Machogu Ombaki, MP)

THAT, the House notes the Third Report of the Committee on Members' Services and Facilities on a Study Visit to the New Zealand House of Representatives from 11th to 16th June, 2018, laid on the Table of the House on Thursday, November, 08, 2018.

8. **QUESTIONS**

The following Questions were asked to various Ministries–

- (i) **Question 098/2018** by the Member for Khwisero Constituency (Hon. Christopher Aseka Wangaya, MP) regarding externally funded projects per county for the last three years;

Question referred to the Departmental Committee on Finance and National Planning.

- (ii) **Question 111/2018** by the Member for Wundanyi Constituency (Hon. Danson Mwashako, MP) regarding payment of youths who were engaged in the under the clean-up programme of the National Youth Service (NYS);

Question referred to the Departmental Committee on Labour and Social Welfare.

- (iii) **Question 125/2018** by the Member for Funyula Constituency (Hon. (Dr.) Wilberforce Ojiambo Oundo, MP) regarding the status of the construction of Lower Sio Area 5 Irrigation project in Funyula Constituency;

Question referred to the Departmental Committee on Agriculture and Livestock.

- (iv) **Question 129/2018** The Member for Lari Constituency (Hon. Jonah Mburu, MP) regarding the progress of construction of Gichiengo-Kijabe Road;

Question referred to the Departmental Committee on Transport, Public Works and Housing

- (v) **Question 131/2018** The Member for Konoin Constituency (Hon. Brighton Leonard Yegon, MP) regarding a policy for all Government Ministries, Departments and agencies to engage the services of the National Youth Service (NYS) graduates;

Question referred to the Departmental Committee on Labour and Social Welfare.

9. **STATEMENTS**

The following Statements were issued by:–

- (i) The Chairperson, Departmental Committee on Labour and Social Welfare on Adoption of Children in Kenya in response to a Statement sought by the Member for Laikipia County (Hon. Catherine Waruguru) on Thursday, June 28, 2018;

- (ii) The Member for Homa Bay County (Hon. Gladys Wanga) on teenage pregnancies in the Country; Thereupon the Deputy Speaker directed that the Chairperson of the Departmental Committee on Education and Research issues a response within two (2) weeks.
- (iii) The Leader of the Majority Party regarding the Business of the House for the week commencing Tuesday, November 13, 2018 pursuant to the provisions of Standing Order 44(2)(a).
- (iv) The Chairperson of the Departmental Committee on Finance and National Planning (Hon. Joseph Limo) sought extension of time to respond to a request for statement sought by the Member for Suna East (Hon. Junet Mohamed) regarding implementation of section 65 of the Finance Act, 2018. The Deputy Speaker granted a one week extension. Response to be issued on Thursday, November 15, 2018.

10. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.1 OF 2018)**

Order for Second Reading read;

Motion made –

THAT, the Sacco Societies (Amendment) Bill (National Assembly Bill No.1 of 2018) be now read a Second Time.

(The Leader of the Majority Party – 7.11.2018)

Debate on the Second Reading having been concluded on Wednesday, November 07, 2018 (Afternoon Sitting);

Question put and agreed to;

Bill read a Second time and committed to the Committee of the whole House tomorrow.

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

Motion made and Question 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 interrupted on Wednesday, November 7, 2018 (Afternoon Sitting) resumed;

(Change of Chair from the Deputy Speaker to the Fourth Chairperson)

(Change of Chair from the Fourth Chairperson to the Second Chairperson)

Mover replied;

Question deferred to another day.

12. **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)

Debate arising;

QUORUM OF THE HOUSE

Rising on a Point of Order pursuant to Standing Order 35, the Member for Limuru (Hon. Peter Mwathi) drew the attention of the Second Chairperson that there was no Quorum in the House;

And the Chairperson having confirmed that there was no Quorum, ordered the Division Bell to be rung;

And there being NO Quorum after expiry of ten minutes;

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

13. **HOUSE ROSE** - at twenty minutes past Six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, November 13, 2018 at 2.30 p.m.

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