



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, DECEMBER 06, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications –

(i) **Guide on the consideration of three Senate Bills**

Honourable Members,

Following First Reading of the three Bills on November 28, 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 three Senate Bills:-

- a) The County Statistics Bill (Senate Bill No. 9 of 2018) and the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018) do not fall within the meaning of “Money Bills.” As such, they 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). These Bills therefore stand referred to the Departmental Committee on Finance and National Planning for consideration.
- b) The Food Security Bill (Senate Bill No. 12 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. I thank you”.

(ii) **Responsibility for Statement of Fact**

“Honourable Members,

On Wednesday, November 21, 2018, the Vice-Chairperson of the Departmental Committee on Administration and National Security raised a concern regarding the non-attendance of Committee meetings by the Cabinet Secretary for the Ministry of Interior and Coordination of National Government.

Honourable Members, in his remarks, the Vice-Chairperson alleged that as a result of this lapse, there were over sixty (60) questions still awaiting replies from the Ministry. However, from the records, it has been confirmed that this particular Cabinet Secretary has appeared before the Committee to answer questions from Members on three (3) separate occasions. In fact, the Committee has had thirty-eight questions referred to it, of which seventeen (17) have been responded to, eleven (11) scheduled for reply and ten (10) awaiting scheduling with the Ministry.

Honourable Members, for further clarification, the Cabinet Secretary for the Ministry of Interior and Coordination of National Government has not honoured only four (4) invitations for Committee meetings, and each time, he has requested in writing for rescheduling of the meetings to a later date. From the foregoing, therefore, it becomes apparent that the information stated in the House by the Vice-Chairperson was inaccurate, and may have painted the Cabinet Secretary in a bad light.

Honourable Members, it is therefore incumbent upon you, when raising such matters in the House, to ensure the accuracy of your remarks, especially in light of provisions of Standing Order 91 regarding responsibility for the accuracy of any facts made in the House.

Honourable Members, as you may recall, on November 27, 2018, I conveyed to the House a Message from the Senate regarding the Food Security Bill (Senate Bill No. 12 of 2017), the County Statistics Bill (Senate Bill No. 9 of 2018) and the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018). Just as a reminder, the Food Security Bill seeks to give effect to Articles 21, 43 (1)(c), 53 (1)(c) of the Constitution on the freedom from hunger, the right to adequate food of acceptable quality, and the right of every child to basic nutrition, and to provide a framework and mechanism for the National and County Governments to fulfill their obligations in relation to food security.

Further, Honourable Members, the County Statistics Bill (Senate Bill No. 9 of 2018) seeks to provide a framework for the collection, compilation, analysis and dissemination of statistical information and to establish a county statistics office, while the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018) is seeking to amend the Salaries and Remuneration Commission Act, to provide for notification of the expiry of term for Commissioners and to provide for timelines for the filling of vacancies in the Commission upon expiry of their terms. Thank you”.

(iii) **Communication on Mandates of the Budget and Appropriations Committee and the Departmental Committee on Finance and National Planning**

**Honourable Members,** You may recall that on Tuesday, 4<sup>th</sup> December 2018, the Member for Kitui Central Constituency, Hon. Makali Mulu, rose on a point of order seeking my guidance on the mandate of the Budget and Appropriations Committee, and that of the Departmental

Committee on Finance and National Planning, with particular reference to coordination and processing of key aspects of the Budget.

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**Honourable Members,**In his submission, the Honourable Member did refer to various articles of the Constitution, the Public Finance Management Act (No. 18 of 2012), and in particular section 39 of the Act, and the National Assembly Standing Orders 207 and 216. Hon. Makali postulated that the guidance given to the House by the Budget and Appropriations Committee in scrutinizing and approving the Government's fiscal framework includes the purview of projected revenue and revenue raising measures such as taxation, loans and grants that are introduced through the Finance Bill. Consequently, he observed that any additional revenue raising measures or tax incentives introduced after the passage of the Appropriations Bill should be deemed as having a distorting effect on the fiscal framework already approved by the House through the Budget and Appropriations Committee.

It is in this regard, Honourable Members, and on account of these concerns, that the Member for Kitui Central Constituency sought guidance and clarification on the following three broad areas:

- 1) What aspects of taxation and revenue are shared between the Budget and Appropriations Committee and the Departmental Committee on Finance and National Planning? How can those shared aspects be processed in an efficient, effective and amicable manner to ensure that the fiscal framework represents the true facts.
- 2) Which of the two Committees is charged with the responsibility of assessing the implications of Members' proposed amendments to the Finance Bill?
- 3) Is there a distinction between tax policy and tax revenue raising measures in the Finance Bill? If so, which Committee is charged with the responsibility of addressing them?

Honourable Members, I did undertake to issue a Communication to guide the Member and indeed the House on the matters raised by Hon. MakaliMulu, which I hereby do.

Honourable Members,This is not the first time that this August House is having to address matters of mandate of Committees. Those among you who served in the Eleventh Parliament may recall that in December 2013, several Members sought guidance on the apparent conflict of mandates between the Public Accounts Committee and the Public Investments Committee on one hand and the Departmental Committees on the other. Additionally, it is not the first time either that the mandate of the Budget and Appropriations Committee has come into focus in this House. You may, in this regard, recall that in May 2015, then Member for Gem, the Hon. JakoyoMidiwo, rose on a point of order and raised several issues regarding the place of the recommendations of Departmental Committees regarding Budget Estimates for line Ministries and Departments in the Report of the Budget and Appropriations Committee. The ruling made by the Chair in both instances helped in addressing the issues raised at the time.

Honourable Members,As you are all aware, this August House relies primarily on the existing legal framework and established practice in addressing issues of this nature in a bid to ensure that the eventual solution is practical and sustainable. I therefore wish to commence my Communication today by highlighting the mandate and responsibilities of the two Committees regarding which Hon. MakaliMulu sought guidance.

To begin with, the mandate of the Budget and Appropriations Committee as provided for in Standing Order 207 entails the following:

to investigate, inquire into and report on all matters related to coordination, control and monitoring of the national budget;

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- (i)
- (ii) to discuss and review the estimates and make recommendations to the House;
- (iii) to examine the Budget Policy Statement presented to the House;
- (iv) to examine Bills related to the national budget, including Appropriations Bills; and
- (v) to evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

Based on these areas of mandate, the Budget and Appropriations Committee has been identified by this House as the **'relevant Committee of the Assembly'** referred to in Article 114 of the Constitution. Thus, the Budget and Appropriations Committee is further mandated by the Constitution:

- (i) under Article 114(2) to guide the Speaker in determining the action to be taken on a Motion that makes provision for a matter listed in the definition of a 'Money Bill'; and
- (ii) under Article 221(4) to discuss and review Estimates of Revenue and Expenditure of the National Government and make its Recommendations to the National Assembly. These Recommendations, upon approval by the House, become the basis of the Appropriations Bill. This role is also provided for in Section 39(2) of the Public Finance Management Act, 2012. Further, clause 6 of the same Article 221 provides, and I quote, ***"when the estimates of national government expenditure, and the estimates of expenditure for the Judiciary and Parliament have been approved by the National Assembly, they shall be included in an Appropriation Bill, which shall be introduced into the National Assembly to authorise the withdrawal from the Consolidated Fund of the money needed for the expenditure, and for the appropriation of that money for the purposes mentioned in the Bill"***

Honourable Members, On the other hand, the mandate of the **Departmental Committee** on Finance and National Planning as provided for by the National Assembly Standing Order 216, and to single out subjects related to matters raised by the Hon. MakaliMulu, include but not limited to investigating, inquiring into, and reporting on all matters relating to the mandate, management, activities, administration, operations and **estimates** of the assigned Ministries and departments; studying the programme and policy objectives of Ministries and departments and the effectiveness of the implementation; and, making reports and recommendations to the House as often as possible, including recommendation of proposed legislation. Consequently, the Second Schedule of the same Standing Orders, further provides on the mandate encompassing the following:

- (i) Public finance and monetary policies;
- (ii) Public debt;
- (iii) Financial institutions (excluding those in securities exchange);
- (iv) Investment and divestiture policies;
- (v) Pricing policies;
- (vi) Banking;
- (vii) Insurance;
- (viii) Population;
- (ix) Revenue policies including taxation;
- (x) National planning and development.

Further, Standing Order 245 mandates the Departmental Committee on Finance and National Planning to introduce to the National Assembly the Finance Bill in the form submitted as a legislative proposal by the Cabinet Secretary, together with the report of the Committee on the Bill.

Honourable Members, Having highlighted the mandates of the two Committees, I now to wish to observe as follows.

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First, you will recall that the **Sessional Committee on Fiscal Analysis and Appropriation** was established by a resolution of this House in 2005, which was by itself a historic resolve that eventually led to the establishment of the Budget Committee through the Fiscal Management Act of 2009 and finally the re-establishment of the Budget and Appropriations Committee by the Public Finance Management (PFM) Act of 2012. It is thus observed that the Budget and Appropriations Committee is the only Committee having additional functions through legislation. The Budget and Appropriations Committee has a wider mandate when it comes to budget matters as follows:

**(a) Providing general direction on budget matters:**

The Budget and Appropriations Committee as provided for in the PFM Act 2012 as well as the Standing Orders of National Assembly is required to provide recommendation on the overall macro-economic framework expected to guide the annual Budget as well as in the medium term. The Committee is expected to do this through a review of the Budget Policy Statement (BPS) and the medium term Debt Strategy Papers which are laid in this House annually. In doing so, the Committee enables the Assembly to set ceilings on the overall fiscal framework as well as ceilings on expenditure. Departmental Committees, on their part, review the BPS pertaining to their respective line Ministries and Departments, and submit their recommendations to the Budget and Appropriations Committee for review and consolidation.

**(b) Providing direction on the vertical and horizontal distribution of nationally-raised resources**

The PFM Act 2012 and the National Assembly Standing Orders mandate the Budget and Appropriations Committee to review the Division of Revenue Bill as well as the County Allocation of Revenue Bill and propose to the House the level of resources to allocate horizontally (that is, at the national level) and vertically (that is, between the two levels of government). The intent and spirit of designating this role to the Budget and Appropriations Committee is premised on the fact that as the Committee gives recommendation on the overall direction of the budget it also resolves and guides on the overall resource envelope that is to be raised both domestically as well as externally.

**(c) Examining Bills related to the National Budget including Appropriation Bills**

The function to examine bills related to the National Budget including Appropriation Bills is provided for by the National Assembly Standing Order 207(3)(d). The Budget and Appropriations Committee has always reviewed Appropriation Bills. However other budget related bills are reviewed and scrutinized by the Departmental Committee on Finance and National Planning. This includes the Finance Bill that is introduced in the National Assembly every year.

**(d) Evaluating tax estimates, economic and budgetary policies and programs with direct budgetary outlays**

The Budget and Appropriations Committee is expected to review the overall resource envelope that is expected to identify total revenues as per each category of sources. Hence, upon the submission of the BPS by the Government, the Budget and Appropriations Committee reviews the macro framework especially the financing proposals and policies that are expected to underpin the realization of all the resources. The Committee is also expected to review the Estimates of Revenue

that are submitted within the overall Estimates and propose any necessary amendments. It is important to note this is not a review of the individual measures but a review of the Estimates i.e. the total absolute amounts. This is

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the major departure between what the role of Budget and Appropriations Committee regarding Revenues and that of the Finance and National Planning Committee. While the former looks at the absolute overall amounts, the latter looks at each and every measure i.e. proposal to tax or not to tax.

**(e) Examining estimates of expenditures and carry out monitoring of overall expenditure**

The review of Estimates of expenditure is a function that the Budget and Appropriations Committee performs annually. The review is done in consultation with other departmental committees and culminates in recommends to the House by way of a Report. The Committee also reviews the in-year reports on budgets and if necessary submits recommendations, which in turn forms the basis of Supplementary Estimates.

Honourable Members, on its part, as earlier alluded, the role and mandate of the Departmental Committee on Finance and National Planning is outlined in the Second Schedule of the National Assembly Standing Orders. The Committee of Finance and National Planning performs several roles as listed earlier in this Communication. The specific roles that seem to have issues related to the roles of the Budget and Appropriations Committee are as follows:

**(i) Revenue Policies including taxation**

Specific bills related to the Budget, such as the Appropriation Bills and Supplementary Appropriations Bills, are, by statute, expected to be reviewed by the Budget and Appropriations Committee.

**(ii) Public finance, monetary policies, banking, insurance and public debt**

The National Assembly Standing Order 232(6) mandates the Budget and Appropriation Committee with the task of consideration of the Debt Management Strategy. This is a matter which has a bearing on the role of the Departmental Committee on Finance and Planning concerning public debt.

Honourable Members, In consideration of the foregoing, I wish to respond to the three areas of inquiry from Hon. Dr. MakaliMulu as follows:

- 1) Regarding the inquiry as to what aspects of taxation and revenue are shared between the Budget and Appropriations Committee and the Departmental Committee on Finance and National Planning, it is not advisable to attempt to segment taxation or revenue into different categories for purposes of legislation since taxation and revenue matters are extensively broad and intricately linked. Consequently, the question as to which aspects of taxation and revenue are shared by the two Committees can only be addressed by future comprehensive reviews of the Standing Orders following intensive consultations and research. In the meantime, however, the Budget and Appropriations Committee ought to confine itself to evaluating the overall estimates of revenue and expenditure whereas the Departmental Committee on Finance and National Planning ought to focus on revenue raising measures per portfolio.
- 2) Regarding the inquiry on which of the two Committees is charged with the responsibility of assessing the implications of Members' proposed amendments to the Finance Bill, the Departmental Committee on Finance and National Planning is mandated under

Standing Order 245(1) to introduce to the House the Finance Bill in the form in which the Bill was submitted as a legislative proposal by the Cabinet Secretary, together with the report of the Committee on the Bill, as a departmental committee would be expected

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- 3) to do. By practice, a Committee to which a Bill is charged, or which introduces a Bill, and which additionally reports on the Bill, is typically expected to be the same Committee that handles any amendments to the same Bill. Consequently, amendments to the Finance Bill are under the purview of the Departmental Committee on Finance and National Planning.

However, this arrangement notwithstanding, Standing Order 245(2) requires the Departmental Committee on Finance and Planning to ensure that its Recommendations to the Finance Bill, and, by interpretation, any proposed amendments by Members on revenue matters in the Finance Bill or any other Bill, are in such a manner that the total amount of revenue raised is consistent with the approved fiscal framework. The Departmental Committee on Finance and National Planning is therefore obligated to ensure that any amendments to the taxation proposals and revenue matters in the Finance Bill do not negatively impact the macro economic and fiscal framework. It might thus be necessary for the Finance Committee to ensure that any amendments to the Finance Bill is accompanied by a statement on the financial implications of the amendments before it can be considered by the House.

- 4) Regarding the third and final inquiry on whether there is a distinction between tax policy and tax revenue raising measures in the Finance Bill, it is my considered view that the two issues are invariably and inextricably intertwined. They cannot be separated whether for legislative or implementation purposes. Regarding the second part of this inquiry, namely, which Committee is charged with the responsibility of addressing tax policy and tax revenue raising measures, the Departmental Committee on Finance and National Planning retains this mandate based on the reasons highlighted herein.

Honourable Members, In conclusion, it may be argued that there are valid concerns when it comes to the specific differentiation of the mandate of the Budget and Appropriations Committee vis a vis the mandate of the Departmental Committee on Finance and National Planning. In particular, the key areas of apparent overlap involves the evaluation of budget related bills and the analysis of public debt. Nevertheless, the minor areas of apparent overlap should not constitute a reason for inability, delay or inefficiency of any of the two Committees in carrying out their respective roles and responsibilities. Should the issues recur or worsen with time, it might then become imperative for this August House to consider reviewing the Standing Orders to define and address all areas of concern regarding the mandate of these two Committees based on what obtains in other jurisdictions particularly in the USA Congress and the German Bundestag.

Such a review, however, should be undertaken only after comprehensive and extensive research and consultations among all stakeholders. The Member, and indeed the House, is guided accordingly. I thank you.

(iv) **Guide on Committee activities**

“Honourable Members, As you are aware, at the rise of the sitting today, the House is scheduled to proceed on a long recess as per the calendar of the House in what marks the

conclusion of the Second Session of the National Assembly in the Twelfth Parliament. I wish to commend the House for the diligence and commitment to the business of the House throughout the Session.

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Honourable Members, the Session saw the House transact key business. Quite notable too is the early mastery of parliamentary procedures and practices among first time legislators as we approached the end of the Session. We have also benefited immensely from the long serving Members of the House. You have, as a House, made tremendous contribution to the governance of our country be it in plenary, in committees or across the constituencies you represent.

Honourable Members, as is our tradition, Committee activities will thereafter stand suspended from December 11, 2018 until Monday, 4<sup>th</sup> February, 2019 being the first week of February 2019 except Public Accounts and Public Investments Committees whose sittings shall stand suspended until Monday, 28<sup>th</sup> January, 2019 in recognition of the nature of their mandates.

Honorable Members, the suspension is to allow you to spend valuable time with your families during the holiday season and also attend to your constituents. In addition, this will avail the staff of Parliament an opportunity to take their annual leave and also begin preparations for the next Session.

Honourable Members, I wish you a happy, safe and restful festive season, and a prosperous New Year, 2019. Thank you”.

## **5. PAPERS LAID**

The following Papers were laid on the Table –

- (a)** Annual Report on the Performance of the Ministry of Interior and Co-ordination of National Government for the Financial Year 2017/2018.
- (b)** The Protocol to amend the Convention on offences and certain other acts committed on Board an Aircraft (Montreal Protocol 2014) from the Office of the Attorney General and Department of Justice.
- (c)** Report of the Auditor General on Financial Statement of Off-Grid Solar Access Project for Underserved Counties from the State Department for Energy for the 10 months period ended 30<sup>th</sup> June, 2018.
- (d)** Annual Report and Financial Statements for the Kenya Tourism Board for the Financial Year ended 30<sup>th</sup> June, 2016.
- (e)** The Report of the Auditor-General on the Financial Statements in respect of the Kenya Power and Lighting Company Limited for the year ended 30<sup>th</sup> June, 2018 and the certificate therein: -
- (f)** The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2017 and the certificates therein:
  - 
  - (i) The Kenya Forestry Research Institute;
  - (ii) The Kenya Utalii College; and
  - (iii) The Tourism Regulatory Authority.

*(Leader of the Majority Party)*

- (g)** Reports of the Departmental Committee Lands on its consideration of Petitions regarding:-



- (i) Alleged irregular allocation of land L.R 11379/3 presented by the Hon. George Theuri on behalf to the residents of Mowlem Ward; and
- (ii) Excision of the Mt. Kenya Forest for settlement of squatters presented by the Members of Mt. Kenya Forest squatters and residents of Meru.

*(Chairperson, Departmental Committee on Lands)*

- (h)** Report of the Parliament of Kenya Delegation to the Commonwealth Women Parliamentarians (CWP) East Africa Sub- region sensitization workshop held at the Golden Tulip Hotel, Kampala, Uganda from 21<sup>st</sup> to 26<sup>th</sup> July, 2018.

*(Hon. Janet Sitienei, Member of the Delegation)*

- (i)** Report of the Parliament of Kenya Delegation to the 49<sup>th</sup> Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Gaborone, Botswana from 13<sup>th</sup> to 22<sup>nd</sup> August 2018.

*(Hon. (Dr.) MakaliMulu, Member of the Delegation)*

- (j)** Report of the 139<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 14<sup>th</sup> to 18<sup>th</sup> October, 2018.

*(Hon. Emmanuel Wangwe, Member of the Delegation)*

- (k)** Report of the Departmental Committee on Sports, Culture and Tourism on the Conservation Caucus Summit 2018 held in Washington DC, USA from 21<sup>st</sup> to 28<sup>th</sup> September, 2018.

*(Vice Chairperson, Departmental Committee on Sports, Culture and Tourism)*

- (l)** Report of the Departmental Committee on Transport , Public Works and Housing:-

- (i) The 56<sup>th</sup> National Association of State Contractors Licensing Agencies (NASCLA) Annual Conference held in Nashville, Tennessee, USA from 27<sup>th</sup> to 30<sup>th</sup> August, 2018;
- (ii) The 13<sup>th</sup> Air Navigation Conference held in Montreal, Canada from 9<sup>th</sup> to 15<sup>th</sup> October, 2018;
- (iii) The International Building and Construction (SAIE) Conference And Exhibition Held In Bologna, Italy From 15<sup>th</sup> to 20<sup>th</sup> October, 2018;
- (iv) The International Civil Aviation organization (ICAO) Regional Seminar held In Johannesburg, South Africa from 8<sup>th</sup> to 14<sup>th</sup> April, 2018; and
- (v) International Civil Aviation Organization(ICAO)Regional Facilitation (FAL) Seminar held in Dakar, Senegal from 5<sup>th</sup> to 8<sup>th</sup> March 2018.

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

- (m)** Reports of the Departmental Committee on Energy on its consideration of Petitions regarding on:-

- (i) Power outages in Moyale Constituency presented by the Hon. QalichaGufuWario, MP, Member for Moyale Constituency on behalf of residents of Moyale; Compensation of flood Victims by Kenya Electricity Generating Company (KENGEN) by the Hon. Ali WarioGuyo, MP, Member for Garsen Constituency on behalf of residents of Garsen;
- (ii) Massive Power Disconnections by Kenya Power Ltd in Shirakalu Village, West Butso Ward Navakholo Constituency by Mr. Vincent MuthukuOkoti; and
- (iii) Licensing of Oil Marketing Companies by Energy Regulatory Commission (ERC) presented by Messrs Pius Omolo and AgoiVedell on behalf of Oil Marketers in the Country.

*(Vice Chairperson, Departmental Committee on Energy)*

## 6. QUESTIONS

The following Questions were asked–

### QUESTION BY PRIVATE NOTICE

- (i) **Question 296/2018** by Nominated Member (Hon. Wilson Sossion) regarding prevention Safaricom PLC employees from joining workers' unions of their choice contrary to the provisions of Article 41 of the Constitution by their employer. *Question referred to the Departmental Committee on Labour and Social Welfare.*

### ORDINARY QUESTIONS

- (ii) **Question 186/2018** by Nominated Member (Hon. Godfrey Osotsi) regarding unlawful arrest, assault and detention at Luanda Police Station of one Mrs. Anne Omoche, a nurse at Emuhaya Sub County Hospital. *Question referred to the Departmental Committee on Administration and National Security.*
- (iii) **Question 213/2018** by the Member for Mathare Constituency (Hon. Anthony Tom Oluoch) regarding safeguarding of lands for public schools in Mathare Constituency from irregular allocation to private developers. *Question referred to the Departmental Committee on Lands.*
- (iv) **Question 246/2018** by the Member for Suna West Constituency (Hon. Peter Francis Masara) regarding compensation of families of eight artisanal miners from Suna West Constituency who lost their lives as a result of collapsed mines. *Question referred to the Departmental Committee on Environment and Natural Resources.*
- (v) **Question 281/2018** by the Member for Kapenguria Constituency (Hon. Samuel Moroto) regarding the criteria used to identify burrow pits to excavate ballast by a Chinese firm at Narosirosi and whether an environmental impact assessment was conducted before commencement of the activity. *Question referred to the Departmental Committee on Environment and Natural Resources.*

- (vi) **Question 282/2018** the Nominated Member (Hon. (Prof.) Jacqueline Oduol) regarding the status of the implementation of the Ushanga Kenya Initiative for empowering pastoralist women and youth and the activities implemented and funds disbursed to-date.

*Question referred to the Departmental Committee on Environment and Natural Resources.*

- Vii. Question 286/2018** by the Member for Keiyo North Constituency (Hon. (Dr.) James Kipkosgei Murgor) regarding compensation of persons affected by expansion and rehabilitation of the 12-kilometre Iten – Bugar road.

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

- (vii) **Question 287/2018** by the Member for Funyula Constituency (Hon. (Dr.) Wilberforce Ojiambo Oundo) regarding disciplinary action, if any, taken by the Inspector General of Police against Police Officers at Sio Port Police Station who used live bullets and lobbied teargas canisters to innocent women on 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> November, 2018 and the erection of illegal roadblocks to solicit bribes from motorists by Police Officers in Samia Sub-County.

*Question referred to the Departmental Committee on Administration and National Security.*

## **7. STATEMENTS**

The following Statements were made:-

- (i) Pursuant to Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House.
- (ii) Pursuant to Standing Order 84 the Member for Suba North (Hon. Adhiambo Akoth) made a personal Statement regarding the issues raised on her person by the Leader of Majority Party during the debate on the Statute Law Miscellaneous (Amendment) Bill, 2018 (*Amendments related to the Children Act*) on 15<sup>th</sup> November, 2018.

## **8. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE NATIONAL YOUTH SERVICE BILL (NATIONAL ASSEMBLY BILL NO.26 OF 2018)**

Motion made–

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the National Youth Service Bill (National Assembly Bill No.26 of 2018)

*(The Leader of the Majority Party)*

Debate on the motion having been concluded on Thursday, December 06, 2018 (Morning Sitting);

Question put and agreed to;

Motion made and Question proposed –

THAT, the National Youth Service Bill (National Assembly Bill No.26 of 2018) be now read a Third Time

*(Leader of the Majority Party)*

Question put and agreed to;

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

**9. THE COUNTY ALLOCATION OF REVENUE (AMENDMENT) BILL (SENATE BILL NO.29 OF 2018**

Order for Second Reading read;

Motion made-

**THAT**,County Allocation of Revenue (Amendment) Bill (Senate Bill No.29 of 2018) be now read a Second Time

*(Chairperson Budget and Appropriations Committee – 06.12.2018)*

Debate on the Second Reading having been concluded on Thursday, December 06, 2018 (Morning Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House **today.**

**(COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Fourth Chairperson in the Chair

**The County Allocation of Revenue (Amendment) Bill (Senate Bill No.29 of 2018)**

Clauses2 & 3- agreed to

Title - agreed to

Clause1 - agreed to

Bill to be reported without amendments;

**10. HOUSE RESUMED - the Third Chairperson in the Chair**

**The County Allocation of Revenue (Amendment) Bill (Senate Bill No.29 of 2018)**

Bill reported without amendments;

Motion made and Question proposed –

**THAT**, this House do agree with the Report of the Committee of the whole House on its consideration of the County Allocation of Revenue (Amendment) Bill (Senate Bill No.29 of 2018)

*(Chairperson, Budget and Appropriations Committee)*

Question put and agreed to;

Motion made and Question proposed –

**THAT**, the County Allocation of Revenue(Amendment) Bill (Senate Bill No.29 of 2018 be now read a Third Time

Question put and agreed to;

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

**11. MOTION - REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS VICE-CHAIRPERSON AND MEMBERS OF THE PUBLIC SERVICE COMMISSION**

Motion made–

THAT, taking into consideration the findings of the Departmental Committee on Administration and National Security in their Report on the *Vetting of the Nominees for appointment as Vice-Chairperson and Members of the Public Service Commission*, laid on the Table of the House on Tuesday, December 4, 2018, and pursuant to the provisions of Article 233(2) of the Constitution and Sections 3 and 5 of Public Appointments (Parliamentary Approval) Act, 2011 this House approves the appointment of the following to the Public Service Commission:

- (i) Ms. Charity SeleinaKisotu - Vice-Chairperson;
- (ii) Dr. Joyce K. Nyambuti - Member;
- (iii) Dr. Mary C. Mwiandi - Member;
- (iv) Dr. Reuben K. Chirchir - Member;
- (v) Amb. Patrick SimiyuWamoto - Member;
- (vi) Amb. Salma A. Ahmed - Member;
- (vii) Mr. Andrew N. Muriuki - Member; and,
- (viii) Ms. Joan OdhiamboOtieno - Member.

Debate interrupted on Thursday, December 06, 2018 (Morning Sitting) resumed;

Rising in his place on a Point of Order under Standing Order 95(1), the Member for Garissa Township (Hon. Aden Duale)claimed to be move that “the Mover be now called upon to reply”;

And the Speaker acceding to the claim;

Question put and agreed to;

Thereupon the Mover replied;

Question put and agreed to.

**MOTION – THE FOURTH REPORT ON AUDITED FINANCIAL STATEMENTS FOR THE KENYA ROADS BOARD FUND FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2017**

12.

Motion made and Question proposed –

**THAT**, this House **adopts** the Fourth Report of the Special Funds Accounts Committee on Audited Financial Statements for the Kenya Roads Board Fund for the Year ended June 2017, laid on the Table of the House on Tuesday, December 04, 2018.

*(Member, Special Funds Accounts Committee- Hon. ErustusKivasuNzioka)*

There being no Members wishing to speak;

Mover replied;

Question deferred.

13. **THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.21 OF 2018)**

Order for Second Reading read;

Motion made–

**THAT**, theInsurance (Amendment) Bill (National Assembly Bill No.21 of 2018) be now read a Second Time

*(Vice Chairperson, Departmental Committee on Finance and National Planning)*

### **QUORUM OF THE HOUSE**

Rising in his place on a Point of Order pursuant to Standing Order 35, the Member for Seme (Hon. (Dr.) James Nyikal) objected that there was no quorum present;

And the Third Chairperson having confirmed the claim,ordered the Division Bell to be rung;

And there being NO Quorum after expiry of ten minutes;

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

14. **HOUSE ROSE** - at twenty-two minutes to Five O'clock

### **M E M O R A N D U M**

The Speaker will take the Chair on  
Tuesday, February 12, 2019 at 2.30 p.m.