



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 05, 2018

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

The following Papers were laid on the Table –

- (i) Annual Performance Report for the year 2017/2018 from the Ministry of Defence.
- (ii) The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June, 2017 and the certificates therein: -
 - a) Shinyalu;
 - b) Rangwe;
 - c) Ndhiwa;
 - d) Kitutu Chache North;
 - e) Teso North;
 - f) West Mugirango;
 - g) North Mugirango;
 - h) Vihiga;
 - i) Pokot South; and
 - j) Ugenya.
- (iii) Financial Statements for Medical Practitioners and Dentists Board for the Years ending 30th June of 2013, 2014, 2015 and 2016.
- (iv) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2017 and the certificates therein: -
 - (a) Agro-Chemical and Food Company Limited; and
 - (b) Lake Basin Development Authority;

(The Leader of the Majority Party)

- (v) Reports of the Departmental Committee on Energy on: -
- a) The Iceland Geothermal Conference held in Reykjavik, Iceland from 23rd to 29th April, 2018;
 - b) The Study visit to Russia and the People's Republic of China on matters regarding Nuclear Energy from 11th to 26th May, 2018;
 - c) The Study Visit to the Karabiga Coal Plant in Turkey from 13th to 20th August,2018; and
 - d) The Participation in the 42nd International Geothermal Association Annual Meeting held in Reno, Nevada, USA from 12th and 18th October, 2018.

(The Hon. (Dr.) Robert Pukose, MP – Vice-Chair, Departmental Committee on Energy)

- (vi) Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Service Agreement Between Kenya and Jordan; Kenya and Jamaica; Kenya and Bahamas; and the Protocol amending Air Services Agreement Between Kenya and Turkey.

(The Hon. David Pkosing, MP – Chairperson, Departmental Committee on Transport, Public Works and Housing)

- (vii) Reports of the Departmental Committee on Environment and Natural Resources on: -
- a) The Delegation to the 6th Annual Eastern Africa Waste Management Conference held in Kampala, Uganda from 30th to 31st August 2018; and
 - b) The 14th Annual General Meeting (AGM) of the Inter-Governmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF) on Modern Mining Law and Policy held in Geneva, Switzerland from 15th to 19th October, 2018.

(The Hon. Charles O. Were, Member, Committee on Environment and Natural Resources)

- (viii) Reports of the Departmental Committee on Communication, Information and Innovation on: -
- (a) The consideration of Public Petition regarding failure by the Government to regulate the activities of the Citizen Newspaper;
 - (b) The International Broadcasting Conference held in Rai, Amsterdam, Netherlands from 13th to 28th September, 2018; and
 - (c) A Meeting with Amazon Web Services and Related ICT Companies held in Washington DC, USA from 4th to 8th September, 2018.

(The Hon. William Kisang, MP - Chairperson, Departmental Committee on Communication, Information and Innovation)

- (ix) Report of the Committee on National Cohesion and Equal Opportunity on the benchmarking visit to the United Kingdom from 20th to 28th October, 2018.

(The Hon. Maina Kamanda, MP - Chairperson, Committee on National Cohesion and Equal Opportunity)

- (x) Reports of the Departmental Committee on Trade, Industry and Co-operatives on: -

- (a) The consideration of Public Petition regarding establishment of a Select Committee to Investigate Alleged Misappropriation of Assets and loss of Coffee Proceeds belonging to the New Kyeni Coffee Farmers Society;
- (b) The Commonwealth Heads of Government Meeting held in London, United Kingdom from 12th to 22nd April, 2018;
- (c) The 140th International Trademark Association (INTA) Meeting held in Seattle, Washington State, USA from 19th to 25th May, 2018;
- (d) The Trade Development Forum held in Kampala, Uganda from 28th February to 1st March, 2018; and
- (e) The inauguration of Kenya Airways direct flights from Nairobi to New York City, United States of America from 27th October to 6th November, 2018.

(The Hon. Cornelley Serem, MP – Vice-Chairperson, Departmental Committee on Committee on Trade, Industry and Co-operatives)

- (xi) The Report of the Budget and Appropriations Committee on its consideration of the County Allocation of Revenue (Amendment) Bill (Senate Bill No. 29 of 2018)

(The Hon Kimani Ichung’wah, MP - Chairperson, Budget and Appropriations Committee)

5. **NOTICE OF MOTION**

The following Notice of Motion were given –

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Service Agreement Between Kenya and Jordan; Kenya and Jamaica; Kenya and Bahamas; and the Protocol amending Air Services Agreement Between Kenya and Turkey, laid on the Table of the House on Wednesday, December 5, 2018.

(The Hon. David Pkosing, MP – Chairperson, Departmental Committee on Transport, Public Works and Housing)

6. **QUESTIONS**

(a) The following Questions were made to various Ministries –

- (i) Question No. 186/2018 by the Member for Mwatate (Hon. Andrew Mwadime) to the Cabinet Secretary for Water and Sanitation regarding details of water projects in Mwatate constituency. Question referred for response by the Cabinet Secretary before the Departmental Committee on Environment and Natural Resources.

(ii) Question No. 269/2018 by the Member for Banissa (Hon. Kulow Hassan) regarding closure of Banissa water dam to the Cabinet Secretary for Water and Sanitation. Question referred for response by the Cabinet Secretary before the Departmental Committee on Environment and Natural Resources.

(iii) Question No. 270/2018 by the Member for Nyatike (Hon. Tom Odege) regarding arrests of Kenyans in Lake Victoria by Tanzanian authorities to the Cabinet Secretary for Foreign Affairs. Question referred for response by the Cabinet Secretary before the Departmental Committee on Defence and Foreign Relations.

(b) The following Questions were deferred:-

(i) Question 213/2018 by the Member for Mathare (Hon. Anthony Oluoch) to the Cabinet Secretary for Lands and Physical Planning regarding steps being taken to safeguard lands for public schools in Mathare Constituency.

(ii) Question 250/2018 by the Member for Kisumu West (Hon. Olago Oluoch) to the Cabinet Secretary for Interior and Coordination of National Government regarding increased incidents of armed robberies in Kisumu West Constituency.

7. STATEMENTS

The following Statement was issued –

Pursuant to Standing Orders 44(2)(c), the Chairperson of the Select Committee on National Government Constituencies Development Fund, the Hon. Maoka Maore, MP issued a Statement on the status of disbursement of funds by the National Government Constituencies Development Fund Board during the Financial Year 2018/2019 and the state of incomplete projects in constituencies around the country.

He informed the House that as at 29th November, 2018, the National Treasury had only released a total of Kshs.6 Billion for the Financial Year 2018/2019. He also informed the House that only 83 Constituencies had submitted their project proposals.

Regarding the state of incomplete projects, the Chairperson informed the House that according to the National Government Constituencies Development Fund Board report of 4th December, 2018, a total of Kshs. 7,607,081,881/- was the outstanding balances required for completion of pending projects.

8. MOTION – RATIFICATION OF THE EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION AND COMMUNICATION TECHNOLOGY NETWORKS

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Committee on Regional Integration on the East African Community Protocol on Information and Communication Technology Networks, laid on the Table of the House on Tuesday, November 27, 2018, and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the East African Community Protocol on Information and Communication Technology Networks.

(Chairperson, Committee on Regional Integration – 04.12.2018)

Debate on the Motion having been concluded on Tuesday, December 04, 2018;

Question put and agreed to.

9. **MOTION – REPORT ON KENYATTA UNIVERSITY TEACHING & REFERRAL HOSPITAL PROJECT**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Health on Kenyatta University Teaching & Referral Hospital Project, laid on the Table of the House on Wednesday, October 17, 2018.

(Chairperson, Departmental Committee on Health- 04.12.2018)

Debate on the Motion having been concluded on Tuesday, December 04, 2018;

Question put and agreed to.

10. **MOTION – PROVISION OF FREE, SECURE, RISK-FREE AND HIGH QUALITY WIFI SERVICES IN EVERY CONSTITUENCY**

Motion made and Question proposed –

THAT aware that the universal access to Information and Communication Technologies (ICT) is a critical international obligation provided for under the International Telecommunication Union (ITU), the Sustainable Development Goals (SDGs) among other international obligations; noting that technological innovations associated with the transition to the Next-Generation Networks are already transforming the way universal access is being extended to rural and remote areas in both developed and developing countries and to a large extent, this transformation is being fuelled by emerging networking technologies; cognizant that global statistics indicate that 49 percent of the population does not have access to internet connection and that the digital divide requires tangible and consistent collective action to close the gap; further cognizant that internet is one of the most powerful and an invaluable tool in the world today for among other uses communication, information, and access to various services; appreciating that realization of appropriate Public Private Partnerships are essential in stimulating broadband investments, adoption and infrastructural roll-out to open up rural areas and disadvantaged parts of Kenya; **this House resolves** that the Government through incentive driven Public Private Partnerships provides free, secure, risk-free and high quality WiFi services in every Constituency.

(Hon. Godfrey Osotsi – 05.12.2018)

Debate on the Motion having been concluded on Wednesday, December 05, 2018 (Morning Sitting)

Question put and agreed to.

11. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)**

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the whole House on its consideration of the Government Contracts Bill (National Assembly Bill No.9 of 2018)

(The Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Government Contracts Bill (National Assembly Bill No.9 of 2018) be now read a Third Time

(The Leader of the Majority Party)

Question put and agreed to;

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

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

(i) **The Capital Markets (Amendment) Bill (National Assembly Bill No.19 of 2018)**

Clause 3 - amendment proposed –

THAT, clause 3 of the Bill be amended by deleting paragraph (b).

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - agreed to

Clause 5 - amendment proposed –

THAT, clause 5 of the Bill be amended in paragraph (a) by inserting the following new subsections immediately after subsection (2A) –

(2B) The Cabinet Secretary shall make regulations to give effect to the provisions of subsection (2A).

(2C) A person who—

- (a) colludes with an officer of the Authority for the purpose of collecting the reward under subsection (2A);
- (b) while working at the Authority aides another person to get and provide information under subsection (2A);
- (c) provides false information under subsection (2A);

commits an offence shall on conviction be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years.

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to

Clause 6 - agreed to

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended by deleting subparagraph (vii).

(Chairperson, Departmental Committee on Finance & National Planning)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clauses 8, 9, 10 and 11 - agreed to

Clause 2 - amendment proposed –

THAT, the Bill be amended in clause 2 by deleting the word “of” appearing immediately before the words “licenced person” and substituting therefor the word “or”.

(Chairperson, Departmental Committee on Finance & National Planning)

Proposed amendment withdrawn;

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

(ii) **The Sacco Societies (Amendment) Bill (National Assembly Bill No.18 of 2018)**

Clause 3 - amendment proposed –

THAT, clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

“(aa) does not meet the requirements of Chapter Six of the Constitution.”

(Member, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - amendment proposed –

THAT, clause 4 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) in subsection (3) by deleting the expression “2003, *(No. 12 of 2003)*” and substituting therefor the expression “2015, *(No. 34 of 2015)*.”

(Member, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - agreed to

Clause 6 - amendment proposed –

THAT, clause 6 of the Bill be amended—

(a) by deleting paragraph (b).

(Member, Departmental Committee on Trade, Industry and Cooperatives)

Proposed amendment withdrawn by the Mover;

(b) in paragraph (c) by deleting the expression “(d)” appearing in the proposed new subsection (8).

(Member, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to

Clause 7 - amendment proposed –

THAT, clause 7 of the Bill be amended in the proposed amendment to section 45 by deleting the expression “*Cap. 486*” and substituting therefor the expression “(No. 17 of 2015).”

(Member, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - as amended agreed to

Clause 8 - amendment proposed –

THAT, clause 8 of the Bill be amended in paragraph (a) by deleting the words “the Authority may consider fit” and substituting therefor the words “as may be prescribed through regulations”.

(Member, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 - as amended agreed to

Clause 9 - agreed to

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments

(iii) **The Assumption of Office of the County Governor Bill (Senate Bill No.1 of 2018)**

Clauses 3 & 4 - agreed to.

Clause 5 – amendment proposed –

THAT, clause 5 of the Bill be amended in sub clause 2 by inserting the following new paragraph immediately after paragraph (f)-

“(fa) a representative of the Ministry responsible for matters related to devolution;

(Member, Departmental Committee on Administration and National Security – Hon. Dr. Makali Mulu)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 – as amended agreed to.

Clause 6– amendment proposed

THAT, clause 6 of the Bill be amended in sub clause (1) by deleting the words “to be at the service of the Governor elect” appearing in paragraph (c) and substituting therefor the words “for the Governor-elect”

(Member, Departmental Committee on Administration and National Security – Hon. Dr. Makali Mulu)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 – as amended agreed to.

Clauses 7, 8, 9, 10, 11, 12, 13, 14 and 15 - agreed to.

Clause 16 - amendment proposed

THAT, the Bill be amended in clause 16 by-

- (a) renumbering the proposed clause as sub-clause (1);
- (b) inserting the following new paragraph immediately after paragraph (b) —
- “(c) to swearing of a speaker of a county assembly who assumes office under Article 182(5) of the Constitution”
- (c) inserting the following new sub clause after the proposed clause—

“(2) Upon nullification of an election of a county governor and a receipt of the notification by a relevant speaker, the speaker of a county assembly shall assume office as a governor within seven days and an election shall be held pursuant to Article 182(5) of the Constitution.”

(Member, Departmental Committee on Administration and National Security – Hon. Dr. MakaliMulu)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 – as amended agreed to.

Clauses 17, 18, 19 and 20 - agreed to.

Clause 21 - amendment proposed

THAT, the Bill be amended in clause 21 by inserting the word “committee” immediately after the word “governor”

(Member, Departmental Committee on Administration and National Security – Hon. Dr. Makali Mulu)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 – as amended agreed to.

Clause 22 - agreed to.

Clause 23 - amendment proposed

THAT, the Bill be amended in Clause 23 by inserting the following new subsection immediately after the proposed new subsection (1B)—

“(1C) Where a vacancy arises as contemplated under section (1A), the speaker of a county assembly shall act as a governor and an election shall be held pursuant to Article 182(5) of the Constitution.”

(Member, Departmental Committee on Administration and National Security – Hon. Dr. Makali Mulu)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 23 – as amended agreed to.

Clause 24 - agreed to.

First Schedule - agreed to.

Second Schedule - agreed to.

Clause 2 - amendment proposed-

THAT, the Bill be amended in Clause 2 by inserting the definition of the phrase “county public officer” in its proper sequence—

“county public officer” has the meaning assigned to it under the County Governments Act.

(Member, Departmental Committee on Administration and National Security – Hon. Dr. Makali Mulu)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 – as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

13. **HOUSE RESUMED** - Fourth Chairperson in the Chair

(a) The Capital Markets (Amendment) Bill (National Assembly Bill No. 19 of 2018)

Bill reported with amendments;

Motion made and Question proposed -

THAT, the House doth agree with the Committee of the whole House in the said report;

(Leader of the Majority Party)

Question deferred to the following day pursuant to the Standing Orders.

(b) The Sacco Societies (Amendment) Bill (National Assembly Bill No. 18 of 2018)

Bill reported with amendments;

Motion made and Question proposed -

THAT, the House doth agree with the Committee of the whole House in the said report;

(Hon. Dr. Wilberforce Oundo)

Question deferred to the following day pursuant to the Standing Orders.

(c) The Assumption of the Office of County Governor Bill (Senate Bill No. 1 of 2018)

Bill reported with amendments;

Motion made and Question proposed -

THAT, the House doth agree with the Committee of the whole House in the said report;

(Hon. Dr. Makali Mulu)

Question deferred to the following day pursuant to the Standing Orders.

14. **THE NATIONAL YOUTH SERVICE BILL (NATIONAL ASSEMBLY BILL NO.26 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

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

(The Leader of the Majority Party)

Debate arising;

Mover replied;

Question deferred.

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

15. **HOUSE ROSE** - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Thursday, December 06, 2018 at 9.30 a.m.

--x--