



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, FEBRUARY 21, 2019

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

4. **MESSAGES**

The Speaker conveyed the following Message from the Senate:

On passage of the Physical Planning Bill, 2017; the Land Value Index Laws (Amendment) Bill; 2018 and the Kenya Roads Bill, 2017

“Honourable Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received three Messages from the Senate regarding the passage of the following Bills which originated in the National Assembly:-

- (i) The Physical Planning Bill (National Assembly Bill No. 34 of 2017);
- (ii) The Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018); and
- (iii) The Kenya Roads Bill (National Assembly Bill No. 47 of 2017).

Honourable Members, the Bills were passed by the Senate on Thursday, 14th February, 2019, **with amendments**. The Senate now seeks the concurrence of the National Assembly to the said Bills in accordance with the Provisions of Article 112(1) (b) of the Constitution.

Honourable Members, I now direct the Clerk to circulate the amendments to all Members in accordance with Standing Order 145. In this regard, the Senate amendments to the said Bills stand committed to the following Departmental Committees for consideration:-

S/No.	Bill	Departmental Committee
(1)	The Physical Planning Bill (National Assembly Bill No. 34 of 2017)	Lands
(2)	The Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018)	
(3)	The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)	Transport, Public Works and Housing

Honourable Members, the Committees are expected to submit their reports before the amendments are considered by the House. I wish to remind the House that the National Assembly will only consider the amendments made by the Senate to the Bills, and not any other part of the Bills. **I thank you!**

5. **PETITIONS**

The following Petitions were conveyed –

- a) By the Speaker on enactment of legislation to provide for the National Health Referral and Training Hospitals and establishment of Health Service Commission;

“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 from members of the Kenya Medical Practitioners’, Pharmacists and Dentists Union and Boresha Maisha.

Honourable Members,

The Petitioners are requesting the National Assembly to enactment legislation to provide for operation and regulation of National Health Referral and Training Hospitals and the establishment of Health Service Commission whose mandate shall be to address recruitment, deployment, remuneration amongst other human resource aspects.

Honourable Members,

The Petitioners aver that the Constitution confers upon the National Government with the functions relating to the National Referral Health Facilities and Health Policy respectively. Further that Article 43(1) of the Constitution guarantees the right of every person to the highest attainable standard of health. Notwithstanding this, the Petitioners contend that the state of health care of many Kenya remain deplorable and that the health system is facing numerous challenges including inadequate medical personnel, poor remuneration, impoverished hospital infrastructure, inadequate medical equipment and funding.

Honourable Members,

The Petitioners therefore **pray** that the National Assembly enacts legislation: -

- (i) to provide for a framework for transfer and reversal of the health function back to the National Government in terms of Article 187 of the Constitution;
- (ii) to provide for a legal framework for operations and regulation of national health referral hospitals, in addition to elevation and designation of the existing eleven(11) Level 5 hospitals into National Referral and Training Hospitals;
- (iii) to ring-fencing of Health funds at the County level; and
- (iv) to amendments other relevant laws as contemplated in Article 252 of the Constitution, so as to assign functions and powers to the proposed Health Service Commission.

Honourable Members,

Pursuant to the provisions of Standing Order 227, the Petition stands committed to the Departmental Committee on Health for consideration. The Committee is requested to consider the petition and report its findings to the House and petitioners in accordance with Standing Order 227(2). **Thank you!"**

- b) By the Hon. George Theuri, MP on non-issuance of title deeds to land owners/residents of Embakasi West Constituency.

6. **PAPERS LAID**

The following Papers were laid on the Table –

- 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: -
 - i) Samburu North;
 - ii) Gatanga;
 - iii) Nyeri Town;
 - iv) Kikuyu;
 - v) Bomet East;
 - vi) Juja;
 - vii) Mandera East;
 - viii) Dagoretti South;
 - ix) Mumias West; and
 - x) Ndaragwa.

(The Leader of the Majority Party)

7. **QUESTIONS**

The following Questions were asked –

- (i) **Question by Private Notice No.031/2019** by the Member for Njoro (Hon. Charity Kathambi) regarding increased cases of insecurity in Mau Narok, Muache and Nessiur Wards in Njoro;

(To be replied by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (ii) **Question No.002/2019** by the Member for Busia County (Hon. Florence Mutua) regarding student-teacher ratio in public schools across the country;

(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

- (iii) **Question No.032/2019** by the Member for Nakuru Town East (Hon. David Gikaria) regarding payment of arrears to persons who took part in activities under a national youth programme between May and August 2016;

(To be replied by the Cabinet Secretary for Public Service, Youth and Gender Affairs before the Departmental Committee on Labour and Social Welfare)

- (iv) **Question No.034/2019** by the Member for Runyenjes (Hon. Eric Muchangi) regarding status of Mutunduri-Kavutiri-Kianjokoma Road;

(To be replied by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)

- (v) **Question No. 035/2019** by the Member for Tharaka Constituency (Hon. George Gitonga Murugara) regarding electricity connectivity in Tharaka Constituency.

(To be replied by the Cabinet Secretary for Energy before the Departmental Committee on Energy)

- (vi) **Question No. 036/2019** by the Member for Bomet Central Constituency (Hon. Ronald Kiprotich Tonui) regarding money allocated for road construction under the Kenya Urban Roads Authority (KURA) in Bomet County for the last five (5) years.

(To be replied by Cabinet Secretary for Transport Infrastructure, Housing & Urban Development before the Departmental Committee on Transport, Public Works and Housing)

8. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, February 26, 2018.

9. **MOTION – RESOLUTION TO PUBLISH SPECIFIED INDIVIDUAL MEMBERS’ BILLS**

Motion made and Question proposed –

THAT, **AWARE** that Standing Order 114 (*Introduction of Bills*) provides for the procedure for introduction of Bills by Members or Committees;

ACKNOWLEDGING that, the said Standing Order also provides that, where a legislative proposal is submitted to the Speaker, and where the Speaker is of the opinion that the legislative proposal is not a draft money Bill in terms of Article 114 of the Constitution, the Speaker shall-

- (i) direct that the proposal be referred to the relevant Departmental Committee for pre-publication scrutiny in case of a legislative proposal not sponsored by a Committee; or
- (ii) direct that the proposal be published into a Bill, in case of a legislative proposal sponsored by a Committee.

COGNIZANT of the provisions of Standing Order 114(3)(b) which require the Speaker to refer a legislative proposal with money-bill aspects to the Budget and Appropriations Committee for consideration;

RECOGNIZING that, following the recommendation of the Budget and Appropriations Committee, the Speaker ordinarily refers legislative proposals originating from individual Members to the relevant Departmental Committees for pre-publication scrutiny, and that the Departmental Committees should consider the proposals within twenty-one (21) days and recommend whether or not the proposals should be proceeded with;

NOTING that, since the commencement of the Twelfth Parliament, more than eighty (80) legislative proposals have been drafted and submitted to the Speaker upon which, thirty (30) have been cleared with respect to money-bill aspects and their progress has been stifled by the inordinate delay in the relevant Departmental Committees;

NOW THEREFORE, this **House orders** that the thirty (30) legislative proposals contained in the Schedule, whose money-bill aspects have since been cleared, and were pending before the relevant Departmental Committees by the end of the Second Session **be published into Bills** in accordance with the provisions of Standing Order 120 (*Publication of Bills*), and thereafter be referred to the relevant Departmental Committees in accordance with the provisions of Standing Order 127 (*Committal of Bills to Committees and public participation*) upon being read a First time.

SCHEDULE

LEGISLATIVE PROPOSALS FOR PUBLICATION

NO.	LEGISLATIVE PROPOSAL	SPONSORING MEMBER	DEPARTMENTAL COMMITTEE	DATE FORWARDED
1.	The National Disaster Management Authority Bill, 2017	The Hon. Kimani Ichungwah, M.P.	Administration and National Security	18/6/2018
2.	The Public Order (Amendment) Bill, 2018	The Hon. Simon King'ara, M.P.		13/11/2018
3.	The Births and Deaths Registration (Amendment) Bill, 2018	The Hon. Gathoni Wamuchomba, M.P.		13/11/2018
4.	The Public Service Commission (Amendment) Bill, 2018	The Hon. Benjamin G. Mwangi, M.P.		20/7/2018
5.	The Narcotic Drugs and Psychotropic Substances Control (Amendment) Bill, 2018	The Hon. Mohamed Ali, M.P.		6/6/2018
6.	The Public Services (Values and Principles) Amendment Bill, 2018	The Hon. Andrew Mwadime, M.P.		15/10/2018
7.	The Public Service Commission (Amendment) Bill, 2017	The Hon. Benjamin Gathiru, M.P.		20/7/2018
8.	The National Government Constituencies Development Fund (Amendment) Bill, 2018	The Hon. Benson Makali Mulu, M.P.		24/9/2018
9.	The Livestock and Livestock Products Marketing Promotion Board Bill, 2018	The Hon. (Maj. Rtd) Bashir Abdullaih, M.P.		Agriculture and Livestock

(No.08) THURSDAY, FEBRUARY 21, 2019		(045)			
10.	The Crops (Amendment) Bill, 2018	The Hon. Kassim Tandaza, M.P.	Agriculture and Livestock	4/12/2018	
11.	The Crops (Amendment) Bill, 2018	The Hon. Moses Kuria, M.P.		16/08/2018	
12.	The Kenya Information and Communication (Amendment) Bill, 2018	The Hon. Moses Malulu Injendi, M.P.	Communication, Information and Innovation	11/7/2018	
13.	The Kenya Information and Communication (Amendment) Bill, 2018	The Hon. Elisha Odhiambo, M.P.		28/11/2018	
14.	The Higher Education Loans Board (Amendment) Bill, 2018.	The Hon. (Capt.) Ruweida Obo, M.P.	Education and Research	10/7/2018	
15.	The Kenya Institute of Curriculum Development (Amendment) Bill, 2018.	The Hon. Joyce Emanikor, M.P.		29/8/2018	
16.	The Industrial Training (Amendment) Bill, 2018.	The Hon. Jude Njomo, M.P.		26/9/2018	
17.	The Public Finance Management (Amendment) Bill, 2017	The Hon. Kimani Ichungwah, M.P.	Finance and National Planning	26/4/2018	
18.	The Kenya Uwezo Fund Bill, 2018	The Hon. David Bowen, M.P.		11/9/2018	
19.	The County Governments Retirement Scheme Bill, 2018	The Hon. Francis Ganya, M.P.		11/4/2018	

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20.	The Kenya Food and Drugs Authority Bill, 2018	The Hon. Robert Pukose, M.P.	Health	24/10/2018
21.	The National Hospital Insurance Fund (Amendment) Bill, 2018	The Hon. Emmanuel Wangwe, M.P.		6/6/2018
22.	The Assisted Reproductive Technology Bill, 2018	The Hon. Millie Odhiambo, M.P.		22/11/2018
23.	The Constitution of Kenya (Amendment) Bill, 2018	The Hon. Florence Mutua, M.P.	Justice and Legal Affairs	21/11/2018
24.	The Independent Electoral Boundaries (Amendment) Bill, 2017	The Hon Jude Njomo, M.P.		28/3/2018
25.	The Statutory Instruments (Amendment) Bill, 2018	The Hon. Muturi Kigano, M.P.		8/11/2018
26.	The Labour Relations (Amendment) Bill, 2018	The Hon Kimani Ichungwah, M.P.	Labour	13/8/2018
27.	The Employment (Amendment), Bill, 2018	The Hon. Martha Wangari M.P.		24/9/2018
28.	The Children (Amendment) Bill, 2018	The Hon. Gathoni Wamuchomba, M.P.		13/11/2018
29.	The National Youth Council (Amendment) Bill, 2018	The Hon. Gideon Keter, M.P.		27/9/2018
30.	The Traffic (Amendment) Bill, 2017	The Hon. Jude Njomo, M.P.	Transport, Public Works and Housing	12/6/2018

(The Leader of the Majority Party, on behalf of the House Business Committee)

Debate arising;

- Statement on Legislative Proposals referred to the Budget and Appropriations Committee
(Chairperson, Budget and Appropriations Committee)

Debate resumed;

(Change of chair from Speaker to Second Chairperson)

Mover to reply.

10. **THE SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.25 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Sports (Amendment) Bill (National Assembly Bill No.25 of 2018) be now read a Second Time

(The Leader of the Majority Party – 20.02.2019)

Debate interrupted on Wednesday, February 20, 2019 (Afternoon Sitting) resumed;

[Change of chair from the Second Chairperson to the Third chairperson]

Mover replied;

Question for Second Reading deferred to another day pursuant to Standing Order 53(3).

11. **MOTION - REPORT ON BILLS FROM THE EAST AFRICAN LEGISLATIVE ASSEMBLY**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 212A(4), this House **notes** the Report of the Committee on Regional Integration on the East African Community Customs Management (Amendment)(No. 2) Bill, 2018 & the Administration of the East African Legislative Assembly (Amendment) Bill, 2018, laid on the Table of the House on Tuesday, November 27, 2018.

(Chairperson, Committee on Regional Integration)

Debate arising;

Mover replied;

Debate arising;

Mover replied;

Question deferred to another day pursuant to Standing Order 53(3).

12. **MOTION - REPORT ON AUDITED FINANCIAL STATEMENTS FOR CONSTITUENCIES IN KISUMU COUNTY**

Order for Second Reading read;

Order deferred to another day.

13. **THE STATUTES LAW (MISCELLANEOUS AMENDMENTS) BILL (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.13 OF 2018)**

Order for Second Reading read;

Order deferred to another day.

Order for Second Reading read;

Order deferred to another day.

14. **HOUSE ROSE** - at eighteen minutes to Seven O'clock,

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

MEMORANDUM

The Speaker will take the Chair on
Tuesday, February 26, 2019 at 2.30 p.m.

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