



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 06, 2019 (AFTERNOON)

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

The Speaker conveyed the following Petition-

Petition regarding Non-Payment of Dues to Teachers who Retired between 1997 and 2007

“Honourable Members,

Pursuant to the provisions of Standing Order 225, I wish to report to the House that I am in receipt of a Petition by Messrs. John Njuguna Kariuki, Samuel Irungu Kuria, Mary Mutire Gatungu and other retired teachers, regarding non-payment of pension and retirement benefits to teachers who retired between 1997 and 2007.

Honourable Members, the Petitioners allude to a judgement of the High Court in Nakuru in 1997 (H.C.C.C. No. 65 of 2006), ordering that teachers who retired between 1997 and 2007 be paid their unpaid pension and retirement benefits. Teachers Service Commission (TSC) appealed the ruling on 12th November 2010, through Civil Appeal No. 300 of 2009 and the appellate Court dismissed the judgment of the High Court.

You may recall that, this matter was raised on the floor of this House in December 2010 through a Parliamentary Question. In responding, the then Assistant Minister for Education assured the House that an urgent meeting had been held on 30th November 2010 between the TSC and the Treasury's Department of Pensions. He reportedly informed the House that a decision reached that the 1997 schedule be implemented in the subsequent Financial Year by adjusting the balance of lump sum (gratuity) and the monthly pensions arrears for 30,000 retired teachers based on the salaries of the retirees and be paid at respective dates of their retirement.

Honourable Members, the Petitioners are concerned that even after their devoted service to the country, their welfare has not been given due attention and as a result of non-payment of their awarded retirement dues, they are living in abject poverty.

The Petitioners are therefore praying that the National Assembly urgently investigates this matter, with a view to compelling the government to pay the compensation as awarded by the Court and interest accrued thereon.

Honourable Members, this Petition stands committed to the Departmental Committee on Finance and Planning for consideration. The Committee is required to consider the Petition and report its findings to the House in accordance with Standing Order 227(2).

I thank you!"

5. **PAPERS**

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

- a) Reports of the Auditor General on the financial statements in respect of the following Institutions for the year ending 30th June, 2018 and the certificates therein: -
 - i) Anti-Doping Agency of Kenya;
 - ii) Policy Holders Compensation Fund;
 - iii) Kenya National Bureau of Statistics;
 - iv) Unclaimed Financial Assets Authority;
 - v) Murang'a University of Technology;
 - vi) Widows and Orphans Pension Fund;
 - vii) National Agricultural and Rural Inclusive Growth Project;
 - viii) Standards and Market Access Programme; and
 - ix) Thwake Multi-Purpose Water Development Programme Phase I by the Ministry of Agriculture, Livestock, Fisheries & Irrigation.
- b) Report of the Auditor-General on the financial statements of the Lake Victoria North Water Services Board for the year ending 30th June, 2017 and the certificate therein.

(Hon. Aden Duale, MP -Leader of the Majority Party)

6. **NOTICE OF MOTION FOR ADJOURNMENT TO DISCUSS MATTER OF URGENT NATIONAL IMPORTANCE**

Rising in his place pursuant to Standing Order 33, the Member for Mumias East (Hon. Benjamin Washiali) sought leave of the House for purposes of discussing the ongoing strike by Kenya Aviation Workers;

And the Speaker having been satisfied that the matter was definite, urgent and of national importance acceded to the request; and

And the not less than twenty other Members rising in their places in support of the adjournment Motion;

The Speaker directed the House to adjourn at 5.30pm during the same sitting to discuss the matter.

7. **QUESTIONS**

The following Questions were asked –

- i). Question No.084/2019 by the Member for Baringo Central (Hon. Charles Kamuren)) to the Cabinet Secretary for Interior and Coordination of National Government regarding the murder of Mr. Josphat Lomari Leparkitore and four minors in cattle rustling-related attacks in Baringo Central Constituency. Question referred for response before the Departmental Committee on Administration and National Security.

[The Speaker directed that the number of stolen cattle be amended from 43 to 82 as per the Member's submission]

- ii). Question No.085/2019 by the Member for Matuga (Hon. Kassim Sawa Tandaza) to the Cabinet Secretary for Lands on lack of compensation for land acquired for construction of the Mombasa Southern Bypass. Question referred for response before the Departmental Committee on Lands.
- iii). Question No.086/2019 by Nominated Member (Hon. (Prof.) Jacqueline Oduol) to the Cabinet Secretary for Wildlife and Tourism regarding the implementation status of the Ushanga Kenya Initiative. Question referred for response before the Departmental Committee on Sports, Culture and Tourism.
- iv). Question No.087/2019 by the Member for Nyeri Town (Hon. Ngunjiri Wambugu) to the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation regarding the high fertilizer prices despite issuance of a 50% subsidy by the government. Question referred for response before the Departmental Committee on Agriculture and Livestock.
- v). Question No.088/2019 by the Member for Dagoretti South (Hon. John Kiarie) to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development regarding the deplorable state of Kikuyu Road and Wanyee-Riruta-Kinyanjui Crescent Road. Question referred for response before the Departmental Committee on Transport, Public Works and Housing.

8. **STATEMENTS**

The Chairperson of the Departmental Committee on Finance and National Planning (Hon. Joseph Limo) issued a Statement on the Status of the Implementation of Section 33(c) of the Banking Act.

9. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)**

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 Governments (Amendment) Bill (Senate Bill No. 11 of 2017).

(Hon. Paul Koinange -Chairperson, Departmental Committee on Administration and National Security)

Committee of the Whole House on the Bill having been concluded on 05.02.2019;

Question for Agreement with the Report of the Committee put and agreed to.

Motion made and Question proposed-

THAT, the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017) be now read a Third time.

(Hon. Paul Koinange -Chairperson, Departmental Committee on Administration and National Security)

No debate arising;

Question for Third Reading put and agreed to.

10. **MOTION – REPORT ON THE DISBURSEMENTS OF FUNDS TO THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND NG-CDF**

Motion made and Question proposed-

THAT, this House **adopts** the Report of the Select Committee on National Government Constituencies Development Fund on the Status of Disbursements of Funds to the National Government Constituencies Development Fund as at February 22, 2019, *laid on the Table of House on February 26, 2019.*

(Hon. Maoka Maore -Chairperson, Select Committee on National Government Constituencies Development Fund, 05.03.2019)

Debate had been interrupted on Tuesday, March 5, 2019;

Rising in his place on Order pursuant to Standing Order 95, the Hon. Aden Duale, Leader of Majority party claimed to move that the Mover be called upon to reply;

And the Speaker acceded to the claim;

Question that, the Mover be called upon to reply put and agreed to.

Mover Replied;

Question put and agreed to.

11. **SPECIAL MOTION - APPROVAL OF NOMINEES FOR APPOINTMENT TO THE NATIONAL POLICE SERVICE COMMISSION**

Motion made and Question proposed-

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the Vetting of Nominees for Appointment as Chairperson and Members to the National Police Service Commission, *laid on the Table of House on Tuesday, March 5, 2019*, and pursuant to the provisions of Article 250(2)(b) of the Constitution and section 6(6) of the National Police Service Commission Act, **approves** the appointment of the following persons to the National Police Service Commission:-

- (i) Mr. Eliud Ndung'u Kinuthia - Chairperson;
- (ii) Ms. Lilian Mutio Kiamba - Member;
- (iii) Mr. Eusebius Karuti Laibuta - Member;

- (iv) Mr. Naphtaly Kipchirchir Rono - Member;
- (v) Dr. Alice Atieno Otwala - Member; and,
- (vi) Mr. John Tentemo Ole Moyaki - Member.

(Hon. Paul Koinange -Chairperson, Departmental Committee on Administration & National Security)

Debate arising;

Debate interrupted so as to proceed to Motion of Adjournment of the House to discuss a definite matter of urgent national importance in line with the Speaker's directive.

12. **ADJOURNMENT OF THE HOUSE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING ONGOING STRIKE BY KENYA AVIATION WORKERS**

Motion made and Question proposed –

THAT, the House do now adjourn to discuss a definite matter of urgent national importance regarding ongoing strike by Kenya Aviation Workers.

(Hon. Benjamin Washiali)

Debate arising;

(Change of Chair from Third to Second Chairperson)

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

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, March 07, 2019 at 2.30 p.m.

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