



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 28, 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 following Message was conveyed:-

**MESSAGE ON THE 2019 STATE OF THE NATION ADDRESS TO
PARLIAMENT BY H.E. THE PRESIDENT OF THE REPUBLIC OF KENYA**

Honourable Members, Standing Order 42(1) relating to Messages from the President provides that “*the Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House.*” In this regard therefore, I wish to inform the House that I have received a message from His Excellency the President dated **7th March, 2019** conveying that he intends to deliver the State of the Nation Address to Parliament on **Thursday, 4th April, 2019**, pursuant to Article 132(1) of the Constitution.

Honourable Members, the said Article 132(1)(b) and (c) of the Constitution states, and I quote –

“(1) The President shall—

(b) address a special sitting of Parliament once every year and may address Parliament at any other time; and

(c) once every year—

(i) report, in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values, referred to in Article 10;

(ii) publish in the Gazette the details of the measures and progress under sub-paragraph(i); and

(iii) submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.”

Honourable Members, Pursuant to Standing Order 22(2) of the National Assembly Standing Orders therefore, I wish to notify all Members that a *Special Joint Sitting* of Parliament will take place on **Thursday, 4th April 2019** at **2:30 p.m.** in the **National Assembly Main Chamber, Parliament Buildings.**

I am aware that the offices of the Clerks of the Houses of Parliament have since commenced preparations for the day and official invitations have already been sent out in the usual manner. **I thank you!**”

5. PETITIONS

The Member for Igembe Central (Hon. Kubai Iringo) presented a Petition regarding land area rectification for Igembe/Ndoleli Athiru Ruujine 2554.

Petition referred to the relevant Departmental Committee pursuant to the Standing Orders

6. PAPERS LAID

The following papers were laid on the Table of the House:-

- a) Reports and Resolutions adopted by the East African Legislative Assembly (EALA) at the 4th Meeting of the 2nd Session of the 4th Assembly held at the House of Representatives in Zanzibar, United Republic of Tanzania from 17th February, 2019 to 9th March, 2019.
- b) The Delivery of Community-Based Sentences (the case of Community Service Orders in Kenya) from the National Crime Research Centre.
- c) National Government Budget Implementation Review Report for the First Half of the Financial Year 2018/2019 from the Office of the Controller of Budget.
- d) Report to Parliament on all New Loans contracted by Government of Kenya from 1st July 2018 to 31st December, 2018 from the National Treasury and Planning.
- e) State of the Judiciary and Administration of Justice Report (SOJAR) for the Financial Year 2017/2018 from the Judiciary.
- f) Annual Reports and Financial Statements of the following Institutions for the Financial Year 2017/2018: -

- i) Office of the Controller of Budget;
- ii) Kibabii University; and
- iii) Ministry of Education.

(The Leader of the Majority Party)

- g) Specialized Training Data Analysis and Management in Election Administration and United States of America Midterm Elections Observation Mission in Maryland, United States of America from 5th to 9th November, 2018;
- h) Attendance to the 41st International Association of Commercial Administrators (IACA) annual conference held in Charlotte, North Carolina, United States of America from 6th to 10th may 2018;
- i) Electoral conflict resolution training by the International Centre for Parliamentary Studies (ICPS) held in London, United Kingdom from 21st to 25th January 2019;
- j) Attendance to the International Bar Association (IBA) Annual Conference held from 7th to 12th October 2018 in Rome, Italy; and
- k) Report of the Committee on its consideration of the Office of the County Attorney Bill (Senate Bill No. 3 of 2018).
(Chairperson, Departmental Committee on Justice and Legal Affairs)

7. **QUESTIONS**

a) The following Questions were asked –

- (i) **Question No.158/2019** by the Member for Kuria East (Hon. Marwa Maisori) on stalling of the Migori Airstrip Runway Extension Project.

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

- (ii) **Question No.160/2019** by the Member for Mwingi Central (Hon. Dr. Gideon Mutemi Mulyungi) on issuance of title deeds with inconsistencies and errors on actual acreage.

(to be replied by Cabinet Secretary for Lands and Physical planning before the Departmental Committee on Lands)

- (iii) **Question No.161/2019** by the Member for Samburu North (Hon. Alois M. Lentoimaga) on the killing of one Master Njamerin Lenanyokie, a class five pupil aged 12 years by bandits in Morijo Market in Samburu North Constituency.

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

- (iv) **Question No.162/2019** by the Member for Laikipia West (Hon. Patrick Mariru) on missing data for older persons registered under the Older Persons Cash Transfer Programme in Igwamiti Location, Laikipia West Constituency.

(to be replied by Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)

- (v) **Question No.164/2019** by the Member for Kikuyu (Hon. Kimani Ichung'wah) on how the contract for the Kisumu Kanyakwar Housing Project Phase II, a Design-Build-Operate-and-Transfer model, was awarded.

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

b) The following Question was deferred–

- (i) **Question No.132/2019** by the Member for Kisauni (Hon. Mbogo Ali Menza) on payment of suppliers by Shimo la Tewa Maximum Prison, Shimo Borstal Prison, Mombasa Remand and Shimo la Tewa Medium Prison.

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

Pursuant to Standing Order 44(2)(c), the Member for Nyeri County (Hon. Rahab Mukami, MP) sought a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing on the recent air crash involving Ethiopian Airlines ET 302.

9. **STATEMENT PURSUANT TO STANDING ORDER 84**

Pursuant to the provisions of Standing Order 84, the Hon. Godfrey Osotsi, MP issued a Statement regarding his alleged dismissal from Amani National Congress (ANC) Party.

10. **STATEMENT PURSUANT TO STANDING ORDER 90**

Pursuant to the provisions of Standing Order 90, the Hon. Julius Melly, MP issued a Statement on declaration of interest during a Committee Sitting.

Rising in his place on a Point of Order, on the above Statement, the Member for Garissa Township (Hon. Aden Duale) sought the Speaker's direction on the modalities surrounding the declaration of interest by Members; the interpretation of Standing Order 90; and whether the declaration of interest bars a Member from the deliberations of a Committee, among other issues.

- The Speaker will issue direction to the House.

11. Orders reorganized by the Speaker pursuant to Standing Order 40.

12. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)**

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 Senate Amendments to the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018).

(The Leader of the Majority Party)

Debate on the motion having been concluded on Wednesday, March 27, 2019 (Afternoon);

Question put and agreed to.

13. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 34 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 Senate Amendments to the Physical Planning Bill (National Assembly Bill No. 34 of 2017).

(The Leader of the Majority Party)

Debate on the motion having been concluded on Wednesday, March 27, 2019 (Afternoon);

Question put and agreed to.

14. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SENATE AMENDMENTS TO THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 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 Senate Amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017).

(The Leader of the Majority Party)

Debate on the motion having been concluded on Wednesday, March 27, 2019 (Afternoon);

Question put and agreed to.

15. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed a Communication on:-

APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEES ON VARIOUS BILLS

Honourable Members, the decision that the House has made this afternoon under from Order Nos. 8, 9 and 10 is rejection of several of the Senate's amendments to **the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018), the Physical Planning Bill (National Assembly Bill No. 34 of 2017) and the Irrigation Bill (National Assembly Bill No. 46 of 2017).**

Honourable Members, you will recall that on Thursday, 14th March, 2019 the House also rejected the motion for consideration the Senate's amendments to the **Kenya Roads Bill (National Assembly Bill No. 47 of 2017).** Further, on the same day, I notified the House of the decision of the Senate to reject most of the National Assembly's amendments to the **Warehouse Receipt System Bill (Senate Bill No. 10 of 2017).**

Honourable Members, the effect of these decisions is that the five Bills will now stand referred to Mediation Committees appointed the Speakers of the Houses of Parliament in accordance with the provisions of Articles 112 and 113 of the Constitution. Consequently, having consulted the Leadership of the Majority and Minority Parties in the House, I hereby appoint the following Members to represent the National Assembly in the respective Mediation Committees-

- I. **Mediation Committee on The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)-**
 - a) The Hon. Aden Duale, EGH, MP;
 - b) The Hon. Junet Mohamed, MP;
 - c) The Hon. Cecily Mbarire, MP;
 - d) The Hon. David Pkosing, MP; and
 - e) The Hon. Thomas J. Kajwang', MP.
- II. **Mediation Committee on the Warehouse Receipt System Bill (Senate Bill No. 10 of 2017)-**
 - a) The Hon. Aden Duale, EGH, MP;
 - b) The Hon. Robert Mbui, MP;
 - c) The Hon. Adan Ali Haji, MP;
 - d) The Hon. (Dr.) John Mutunga, MP; and
 - e) The Hon. Ferdinand Wanyonyi, MP.
- III. **Mediation Committee on the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) and the Physical Planning Bill (National Assembly Bill No. 34 of 2017)-**
 - a) The Hon. Aden Duale, EGH, MP;
 - b) The Hon. John Mbadi, MP, EGH;
 - c) The Hon. (Dr.) Rachael Nyamai, MP;
 - d) The Hon. Caleb Kositany, MP; and
 - e) The Hon. Mishu Mboko, MP.
- IV. **Mediation Committee on the Irrigation Bill (National Assembly Bill No. 46 of 2017)-**
 - a) The Hon. Aden Duale, EGH, MP;
 - b) The Hon. (Dr.) Chris Wamalwa, MP;
 - c) The Hon. Josephat Wachira Kabinga, MP;
 - d) The Hon. Daniel Tuitoek Kamuren, MP; and
 - e) The Hon. Florence Mutua, MP.

Honourable Members, in attempting to develop agreed versions of the Land Value Index Laws (Amendment) Bill and the Physical Planning Bill, the Mediation Committee is encouraged hear the expert input of the Hon. (Dr.) Wilberforce Oundo, MP whose professional expertise and experience as a PHD holder in land economics will definitely be useful in the mediation process. Of course the Member will not form part of the membership of the committee, but will participate as an expert on land economics and physical planning and I am confident he will render his invaluable professional services **at no cost**.

In addition, the Mediation Committees are reminded that they must conclude their respective tasks within thirty (30) days as contemplated under Article 113 (4) of the Constitution. May I however hasten to add that, the Committees dealing with **the Warehouse Receipt System Bill (Senate Bill No. 10 of 2017)** and the **Irrigation Bill (National Assembly Bill No. 46 of 2017)** are encouraged to expedite the process of mediation since the two Bills have vital budgetary implications on the 2018/2019, budget which is now entering its 4th Quarter. In this regard, the Committees, when fully constituted, should plan to finalize and submit their mediated versions of the two Bills soonest, preferably before the commencement of the short recess of the National Assembly. **I thank you!”**

16. **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, April 02, 2019.

17. **MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION**

Motion made and question proposed

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the Independent Electoral and Boundaries Commission for the year ended 30th June 2017, *laid on the Table of House on Wednesday, February 27, 2019.*

(The Chairperson, Public Accounts Committee)

(Change of chair from the Speaker to First Chairperson)

Debate arising;

Rising in his place on a point of Order, the Member for Saku (Hon. Dido Rasso, MP) claimed that the Member for Suna East (Hon. Junet Sheikh, MP) had risen on a point of Order but seemed to be contributing to the Motion. The Member for Suna East clarified that he was contributing and stated that he was a Whip and a Colonel such as the Member for Saku were reserved for the Barracks. The Member for Eldas (Hon. Adan Keynan, MP) rose under Standing Order 87 (3) claiming that the statement was offensive. The Chairperson ordered the Member for Suna East to retract his words and offer an apology, upon which the Member denied having uttered any offensive words.

And the Chairperson having ordered that the Hansard Report be referred to so as to clarify the correct position, the matter would be concluded at the next sitting;

(Change of chair from First Chairperson to Third 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.

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

MEMORANDUM

The Speaker will take the Chair on
Tuesday, April 02, 2019 at 2.30 p.m.

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