



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 25, 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. **MESSAGE FROM THE SENATE**

The Speaker conveyed the following Message –

Passage of the Division of Revenue Bill (Senate Bill No.13 of 2019)

“Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding the passage of the Division of Revenue Bill (Senate Bill No. 13 of 2019).

Honourable Members, the Message reads in part, and I quote, “...*the Senate on Tuesday, 23rd July, 2019 considered and passed the said Bill without amendments*”. The Senate now seeks the concurrence of the National Assembly on the said Bill in accordance with the provisions of Article 110(4) of the Constitution.

Honourable Members, Standing Order 143(1) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of a Message from the Senate referring Bills to the National Assembly. Accordingly, I direct that the Bill be scheduled for First Reading at the next Sitting of the House.

Honourable Members, Article 95(4) (a) of the Constitution, provides that the National Assembly determines the allocation of the national revenue between the levels of government as provided in part 4 of Chapter Twelve. In this regard, after First Reading, the Division of Revenue Bill (Senate Bill No. 13 of 2019) stands referred to the Budget and Appropriations Committee for the Committee to advise the House on how to proceed with the consideration of the Bill.

I thank you”.

5. **PETITION**

The Member for Kibwezi East (Hon. Jessica Mbalu) presented a petition regarding human-wildlife conflict in Kibwezi East Constituency.

Petition referred to the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 227(2).

6. **PAPERS LAID**

The following Papers were laid on the Table -

- i. Reports, Bills and Resolutions adopted by the East African Legislative Assembly (EALA) at the 6th Meeting of the 2nd Session of the 4th Assembly held in Arusha, United Republic of Tanzania from 16th June to 6th July, 2019.
- ii. Report of the Journey to Gender Parity in Political Representation for the period 2012-2018 from the National Gender and Equality Commission.
- iii. Report of the Milestones Equality and Inclusion in the 2017 Kenyan General Election from the National Gender and Equality Commission.
- iv. The Economic Survey 2019 from the Kenya National Bureau of Statistics.
- v. The Reports of the Auditor-General and the Financial Statements in respect of the following institutions for the year ended 30th June, 2018 and the certificates therein: -
 - a) Ministry of Devolution and ASALS;
 - b) Kenya Broadcasting Corporation;
 - c) Kenya Film Commission;
 - d) Media Council of Kenya;
 - e) Development Bank of Kenya Limited;
 - f) Agricultural Finance Corporation;
 - g) Nyayo Tea Zones Development Corporation;
 - h) Public Service Commission;
 - i) Petroleum Development Fund;
 - j) Petroleum Development Levy Fund;
 - k) National Employment Authority; and
 - l) Communication Authority of Kenya – Universal Services Fund.

(The Leader of the Majority Party)

- vi. Report of the Public Accounts Committee on Procurement of External Audit Services for the Office of the Auditor –General for the Financial Years 2014/15, 2015/16, 2016/17 and 2017/18.

(Chairperson, Public Accounts Committee)

- vii. Report of the Departmental Committee on Labour and Social Welfare on its consideration of the National Drought Management Authority (Amendment) Bill (National Assembly Bill No.26 of 2019).

(Chairperson, Labour and Social Welfare Committee)

- viii. Report of the Budget and Appropriations Committee on its consideration of the Division of Revenue (No.2) Bill (National Assembly Bill No.59 of 2019).

(Chairperson, Budget and Appropriations Committee)

7. **NOTICE OF MOTION** – (Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on Procurement of External Audit Services for the Office of the Auditor-General for the financial years 2014/15, 2015/16, 2016/17 and 2017/18, *laid on the Table of the House on Thursday, July 25, 2019*, and pursuant to the provisions of Article 226(4) of the Constitution and section 43 of the Public Audit Act (No. 35 of 2015) **approves** the appointment of M/s. PKF Kenya to audit the accounts of the Office of the Auditor-General for the financial years 2014/15, 2015/16, 2016/17 and 2017/2018.

8. **QUESTIONS**

The following Questions were asked –

- (i) Question No.331/2019 by the Member for Kanduyi (Hon. Wafula Wamunyinyi) regarding challenges faced by the Pensions department in processing retirement benefits to retirees;

(To be replied by the Cabinet Secretary for the National Treasury & Planning before the Departmental Committee on Labour and Social Welfare)

- (ii) Question No.332/2019 by the Member for Homa Bay Town (Hon. Peter Kaluma) regarding non - payment of the members of Constituency Oversight Committee for the services rendered to the National Government Constituency Development Fund Board;

(To be replied by the Cabinet Secretary for the National Treasury & Planning before the Departmental Committee on Finance and National Planning)

- (iii) Question No.339/2019 by the Nominated Member (Hon. Jacqueline Oduol) regarding identification and documentation of indigenous systems, knowledge, values and practices;

(To be replied by the Cabinet Secretary for Sports, Culture and Heritage before the Departmental Committee on Labour and Social Welfare)

- (iv) Question No.344/2019 by the Member for Tana River County (Hon. Rehema Hassan) regarding upgrading of the *Malindi-Garsen-Hola-Madogo* road;

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

- (v) Question No.345/2019 by the Member for Samburu North (Hon. Alois Lentoimaga) regarding connection of power to various market centres in Samburu North Constituency;

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

9. **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, July 30, 2019.

10. **MOTION - REPORT ON AN INQUIRY INTO LAND ACQUISITION BY THE KENYA DEFENCE FORCES FOR ESTABLISHMENT OF A FORWARD OPERATING BASE (FOB) IN NAROK COUNTY**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Inquiry into Land Acquisition by the Kenya Defence Forces for the Establishment of Forward Operating Base (FOB) in Narok County, laid on the Table of the House on Tuesday, April 2, 2019.

(Chairperson, Defence & Foreign Relations – 24.7.2019)

Debate on the Motion having been concluded on Wednesday, July 24, 2019 (Afternoon Sitting);

Question put and agreed to.

11. **THE PERSONAL DATA PROTECTION BILL (SENATE BILL NO.16 OF 2018)**

(Chairperson, Departmental Committee on Communication, Information & Innovation)

Order for First Reading read;

Bill read a First Time and referred to the Budget & Appropriations Committee pursuant to Standing Order 143.

12. **THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO.21 OF 2018)**

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

Bill read a First Time and referred to the Budget & Appropriations Committee pursuant to Standing Order 143.

13. **THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILL NO.28 OF 2018)**

(Chairperson, Departmental Committee on Administration and National Security)

Order for First Reading read;

Bill read a First Time and referred to the Budget & Appropriations Committee pursuant to Standing Order 143.

14. **THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE) BILL (SENATE BILL NO.30 OF 2018)**

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

Bill read a First Time and referred to the Budget & Appropriations Committee pursuant to Standing Order 143.

15. **THE STATUTORY INSTRUMENTS (AMENDMENTS) BILL (SENATE BILL NO.24 OF 2018)**

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

Bill read a First Time and referred to the Budget & Appropriations Committee pursuant to Standing Order 143.

16. **THE DIVISION OF REVENUE (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.59 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Division of Revenue (No.2) Bill (National Assembly Bill No.59 of 2019) be now read a Second Time

(Chairperson, Budget & Appropriations Committee)

Debate arising;

Rising in his place on a Point of Order under Standing Order 95, the Member for Mvita (Hon. Abdullswamad Nassir) claimed to 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;

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

17. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Chairperson of Committees in the Chair

The Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019)

Clauses 3, 4 & 5 - agreed to

Schedule - agreed to

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments

18. **HOUSE RESUMED** - the Deputy Speaker in the Chair

The Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019)

Bill reported without amendments.

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said Report.

(Chairperson, Budget & Appropriations Committee)

Amendment proposed –

THAT, the Motion for Agreement with the Report of the Committee of the whole House be amended by inserting the following words “subject to re-committal of Clause 1”

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Thereupon the House resolved into Committee.

IN THE COMMITTEE

The Chairperson of Committees in the Chair

The Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019)

Clause 1 - amendment proposed-

THAT, Clause 1 be amended by inserting the following words after the figure 2019 "and shall come into force upon publication in the *Gazette*"

(Chairperson, Budget & Appropriations Committee)

Debate arising;

Question put and agreed to;

Clause 1 - as amended agreed to;

Bill to be reported with amendments.

19. **HOUSE RESUMED** - the First Chairperson in the Chair

The Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019)

Bill reported with amendments.

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said Report

(Chairperson, Budget & Appropriations Committee)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Division of Revenue Bill (No.2) Bill (National Assembly Bill No.59 of 2019) be now read a Third Time

(Chairperson, Budget & Appropriations Committee)

Question put and agreed to;

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

20. **MOTION - RATIFICATION OF THE AGREEMENT FOR THE SETTING UP OF A REGIONAL MARITIME INFORMATION EXCHANGE AND SHARING MECHANISM AND THE CO-ORDINATION OF OPERATIONS AT SEA**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement for the Setting up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean, laid on the Table of the House on Wednesday, June 26, 2019, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Agreement for the Setting Up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean.

(Chairperson, Departmental Committee on Defence & Foreign Relations - 24.7.2019)

Debate interrupted on Wednesday, July 24, 2019 resumed;

(Change of chair from the First Chairperson to the Third Chairperson of Committees)

Mover replied;

Question deferred to another day.

21. **MOTION - SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)**

Order deferred to another day.

22. **MOTION - SESSIONAL PAPER NO.2 OF 2018 ON THE NATIONAL ETHICS AND ANTI-CORRUPTION POLICY**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Justice and Legal Affairs on Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy, laid on the Table of the House on Wednesday, June 26, 2019 and **further adopts** the Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate arising;

Mover replied;

Question deferred to another day.

23. **THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2018)**

Order deferred.

24. **THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2019)**

Order deferred to another day.

25. **THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 26 OF 2019)**

Order deferred another day.

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

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

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, July 30, 2019 at 2.30 p.m.

----x---