



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 17, 2019

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

The Speaker issued the following Communication:-

“Honourable Members, As you may recall, on 24th July, 2019, I conveyed to the House a Message from the Senate regarding the passage of the Personal Data Protection Bill (Senate Bill No.16 of 2018); the County Statutory Instruments Bill (Senate Bill No.21 of 2018); the Statutory Instruments (Amendment) Bill (Senate Bill No. 24 of 2018); the Determination of the Nature of Bills (Procedure) Bill (Senate Bill No. 30 of 2018); and the County Oversight and Accountability Bill (Senate Bill No. 28 of 2018).

Honourable Members, following First Reading of the five Bills on 25th July, 2019, I did undertake to pronounce my opinion with respect to the Money Bill effects of the Bills pursuant to Standing Order 143(2) which provides that-

“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.”

Now therefore, I have made the following determination on the said Senate Bills-

- (i) The County Statutory Instruments Bill (Senate Bill No.21 of 2018); the Statutory Instruments (Amendment) Bill (Senate Bill No. 24 of 2018) and the Determination of the Nature of Bills (Procedure) Bill (Senate Bill No. 30 of 2018) do not fall within the meaning of a “Money Bill.” As such, they may proceed for Second Reading in the same manner as a Bill originating in the National Assembly as provided for under Standing Order 143(3). In this regard, the County Statutory Instruments Bill (Senate Bill No.21 of 2018) and the Statutory Instruments (Amendment) Bill (Senate Bill No. 24 of 2018) shall stand referred to the Committee on Delegated Legislation. On the other, the

Determination of the Nature of Bills (Procedure) Bill (Senate Bill No. 30 of 2018) shall stand referred to the Departmental Committee on Justice and Legal Affairs for consideration.

- (ii) The Personal Data Protection Bill (Senate Bill No.16 of 2018); and the County Oversight and Accountability Bill (Senate Bill No. 28 of 2018) are “Money Bills” within the meaning of Article 114 of the Constitution. They therefore stand referred to the Budget and Appropriations Committee for consideration and advice on the manner in which the House ought to proceed with these Bills, pursuant to provisions of Articles 109(5) and 114 of the Constitution, as read together with Standing Order 143.

Honourable Members, the House is thus accordingly guided.

I thank you!”

5. **MESSAGES**

The Speaker conveyed the following Message from the Senate:-

PASSAGE OF THE MEDIATED VERSION OF THE DIVISION OF REVENUE (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 59 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 conveying its approval of the Mediated Version of the Division of Revenue (No.2) Bill (National Assembly Bill No. 59 of 2019) on Wednesday, September 11, 2019.

Honourable Members, You will recall that this House also approved the Mediated Version of the said Bill on Thursday, September 12, 2019. This therefore concludes the bicameral approval of the Bill. I wish to inform the House that, I indeed presented the Bill to H.E the President for assent today Morning in accordance with the provisions of Article 113(3) of the Constitution.

Honourable Members, the assent of the Bill paves way for the consideration of the County Allocation of Revenue Bill which ordinarily originates from the Senate. Noting the importance of the County Allocation of Revenue Bill in dividing the share of national revenue among the 47 counties, I will be requesting the House Business Committee to prioritize the said Bill soonest, should it be received from the Senate in the course of today or tomorrow.

I thank you!”

6. **PETITIONS**

The Member for Isiolo County (Hon. Jaldesa Rehema) presented a Petition regarding land dispute between residents of Burat in Isiolo County and the Kenya Defence Forces School of Infantry.

Petition referred to the Departmental Committee on Lands pursuant to Standing Order 227.

7. **PAPERS LAID**

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

- 1) The Reports of the Auditor-General on the Financial Statements of the Bomet University College for the year ended 30th June, 2018 and the certificate therein.
- 2) The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June, 2018 and the certificates therein:

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| a) Molo; | l) Kilgoris; |
| b) Lafey; | m) Narok North; |
| c) Galole; | n) Emurua Dikirr; |
| d) Malava; | o) Njoro; |
| e) Dadaab; | p) Ainamoi; |
| f) Bura; | q) Ndaragwa; |
| g) Likuyani; | r) Mogotio; |
| h) Mumias East; | s) Tiaty; |
| i) Eldama Ravine; | t) Baringo South; |
| j) Nakuru Town West; | u) Narok East; and |
| k) Gilgil; | v) Naivasha. |

(Leader of the Majority Party)

- 3) Reports of the Departmental Committee on Education & Research on its Consideration of:
 - i) The Revised Sessional Paper No. 1 of 2019 on Policy Framework for Reforming Education and Training for Sustainable Development in Kenya; and
 - ii) The Kenya Institute of Curriculum Development (Amendment) Bill, 2019.

(Chairperson of the Departmental Committee on Education and Research)

- 4) National Government Constituencies Development Fund Budget Ceilings for Each Constituency for the Financial year 2019/2020

(Vice Chairperson, National Government Constituencies Development Fund Committee)

- 5) Report of the Delegation to the Sixth Session of the Global Platform for Disaster Risk Reduction held in Geneva, Switzerland from 11th to 19th May, 2019.

(Hon. Wafula Wamunyinyi, Leader of the Delegation to the Sixth Session of the Global Platform for Disaster Risk Reduction)

- 6) Report of the Departmental Committee on Finance and National Planning on its Consideration of the Finance Bill, 2019.

(Chairperson, Departmental Committee on Finance & National Planning)

8. **NOTICES OF MOTION**

The following Notices of Motion was given:-

- a) **Chairperson of the Departmental Committee on Education and Research -**

THAT, this House notes the Report of the Departmental Committee on Education and Research on its Consideration of the Revised Sessional Paper No. 1 of 2019 on the Policy Framework for Reforming Education and Training for Sustainable Development in Kenya, laid on the Table of the House on Tuesday, September 17, 2019, and adopts the Sessional Paper No. 1 of 2019 (Revised) on the Policy Framework for Reforming Education and Training for Sustainable Development in Kenya.

b) Hon. Wafula Wamunyinyi (Leader of Delegation, Sixth Session of the Global Platform for Disaster Risk Reduction)

THAT, this House notes the Report of the Delegation to the Sixth Session of the Global Platform for Disaster Risk Reduction held in Geneva, Switzerland from 11th to 19th May, 2019, laid on the Table of House on Tuesday, September 17, 2019.

9. **QUESTIONS**

The following Questions were asked –

- (i) Question No.395/2019 by Nominated Member (Hon. Nasri Sahal Ibrahim) regarding remuneration of staff at Wajir Special School for the Mentally-Handicapped and Wajir Girls Boarding School.

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

- (ii) Question No.396/2019 by the Member for Rabai (Hon. Kamoti Mwamkale) regarding validity of order banning *Disco Matanga* celebrations in Kilifi County.

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

- (iii) Question No.398/2019 by the Member for Butere (Hon. Tindi Mwale) regarding construction of inter-change at junction of Outer Ring Road and Thika Superhighway.

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

- (iv) Question No.399/2019 by the Member for Teso North (Hon. Oku Kaunya) regarding construction of various roads by M/s AVIC International Corporation.

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

The following Question was deferred –

- (i) Question No.397/2019 by the Member for Gichugu (Hon. Gichimu Githinji) regarding provision of water to residents of Gichugu Constituency.

10. **STATEMENTS**

- a) The Chairperson of the Departmental Committee on Education and Research gave a status report on the request for Statement sought by the Member for Bomet County (Hon. Joyce Korir) on the passing on of a class six pupil in Kabiangek Primary school, Bomet County. Full report to be given on Thursday, September 19, 2019.

- b) The Chairperson of the Budget and Appropriations Committee (Hon. Kimani Ichung'wah) issued a Statement on Budget Implementation and Oversight Strategies for the 2019/2020 financial year.
- c) The Member for Mumias East (Hon. Benjamin Washiali) informed the House that the Director of Public Prosecutions had failed to respond to his Question regarding international trafficking of persons despite two letters having been written to his office. The Honourable Speaker directed the Office of the Clerk writes a third and final letter to the Director of Public Prosecutions for response to the Question within seven days.

11. **PROCEDURAL MOTION – EXTENSION OF THE PERIOD FOR CONSIDERATION OF SPECIFIED PUBLIC PETITIONS**

Motion made and question proposed:-

THAT, notwithstanding the provisions of Standing Order 227(2)(*Committal of Petitions*), this House **resolves** to extend the period for consideration of the public petitions specified hereunder by the Departmental Committee on Energy by a **further period of sixty (60) days** with effect from 13th August, 2019-

- (i) Water supply constraints caused by Kenya Power tariffs in Kilifi County;
- (ii) Demolition of houses in Chokaa, Embakasi East Constituency by Kenya Power Limited; and
- (iii) Compensation of the Naivasha – Maraigushu land owners by the Kenya Electricity Transmission Company (KETRACO).

(Vice Chairperson, Departmental Committee on Energy)

There being no Member wishing to contribute;
Question put and agreed to.

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker in the Chair

The Public Finance Management (Amendment) Bill (National Assembly Bill No. 63 of 2019)

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments.

13. **HOUSE RESUMED** – The First Chairperson on the Chair

The Public Finance Management (Amendment) Bill (National Assembly Bill No. 63 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 and Appropriations Committee*)

Question deferred.

14. **MOTION - RATIFICATION OF THE BEIJING TREATY ON AUDIO-VISUAL PERFORMANCES**

Motion made and Question proposed:-

THAT, this House **adopts** the Report of the Departmental Committee on Communication, Information and Innovation on its consideration of the Beijing Treaty on Audio-Visual Performances, *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 Beijing Treaty on Audio-Visual Performances.

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

Debate arising;

There being no Member wishing to contribute, Mover called upon reply;

Question deferred.

15. **THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL (SENATE BILL NO. 22 OF 2018)**

(*The Chairperson, Departmental Committee on Justice & Legal Affairs*)

Order for Second Reading read;

Order deferred.

16. **THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO.26 OF 2018)**

(*The Chairperson, Departmental Committee on Education and Research*)

Order for Second reading read;

Order deferred

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

(*The Leader of the Majority Party*)

Order for Second reading read;

Order deferred

And the time being nine minutes twenty five minutes past six O'clock, and the business of the House having been considered as scheduled, the Honourable Speaker adjourned the House without Question put pursuant to the Standing Orders.

18. HOUSE ROSE - at twenty five minutes past six O'clock

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MEMORANDUM

The Speaker will take the Chair on
Wednesday, September 18, 2019 at 9.30 a.m.

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