



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 26, 2019

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

The Deputy Speaker conveyed the following Communications –

GUIDANCE ON THE CONSIDERATION OF FOUR SENATE BILLS

“Honourable Members, as you may recall, on 4th July, 2019, I conveyed to the House a Message from the Senate regarding the passage of the following Senate Bills-

- (i) The County Roads, Walkways and Parking Bays Bill (Senate Bill No. 18 of 2018);
- (ii) The County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018);
- (iii) The County Law Compliance and Enforcement Bill (Senate Bill No. 25 of 2018);
and
- (iv) The County Wards (Equitable Development) Bill (Senate Bill No. 34 of 2018).

Honourable Members, following the First Reading of the four Bills on 30th July, 2019, I did undertake to pronounce my opinion with respect to the Money Bill effects of the four Bills pursuant to the provisions of 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 a determination that the four Bills **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).

Honourable Members, In this regard, the said Bills are hereby referred to the respective Committees for consideration as follows –

| | Bill | Committee |
|-------|---|---|
| (i) | The County Roads, Walkways and Parking Bays Bill (Senate Bill No. 18 of 2018) | Departmental Committee on Transport, Public Works and Housing |
| (ii) | The County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018) | Departmental Committee on Communication, Information and Innovation |
| (iii) | The County Law Compliance and Enforcement Bill (Senate Bill No. 25 of 2018) | Departmental Committee on Administration and National Security |
| (iv) | The County Wards (Equitable Development) Bill (Senate Bill No. 34 of 2018) | National Government Constituencies Development Fund Committee |

I have deliberately referred the last Bill to the National Government Constituencies Development Fund Committee, pursuant to the provisions of Standing Order 127(6)(a) given the statutory mandate of the Committee and the proposals contained in the Bill.

I thank you!

5. PETITION

The Deputy Speaker conveyed the following Petition –

Public Petition regarding establishment of a statutory fund for compensation of victims of disasters

“Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition, other than those presented by a Member. I therefore wish to report to the House that my Office has received a Petition from one Mr. Patrick Waturu Mwaniki of P.O. Box 530 Nyeri, calling for the *establishment of a Statutory Fund to facilitate compensation of victims of natural and man-made disasters.*

In his Petition, **Honourable Members,** the Petitioner highlights several disasters that the country has faced over the years, including the 1998 Nairobi Bomb Blast, the Sinai Fuel Spillage Fire Tragedy, the Sachangwan Fuel Tanker Tragedy, the Solai Dam Tragedy, collapsed buildings, acts of terrorism, landslides, earthquakes, heavy rains and their resultant floods, among others.

Whilst the Petitioner agrees that it is possible to obtain insurance payout or court awards following the aftermath of certain disasters, he is nevertheless convinced that this is not always possible in most cases. Here, he cites various natural disasters such as the Hells Gate Floods Tragedy where no particular person can be held responsible for acts of God, as well as some man-made disasters such as the Garissa University Terror Attack in which students and other victims had no insurance cover.

Honourable Members, the Petitioner is of the opinion that the mandate of the National Disaster Management Unit under the Ministry of Interior and Coordination of National Government is restricted to coordination of disaster management initiatives, public awareness of disaster policy and disaster preparedness, and as such, the issue of compensation of victims of disasters is left unattended to.

It is on this premise, **Honourable Members,** that the Petitioner seeks the intervention of this August House to establish a National Disaster Compensation Trust Fund to bridge the gap occasioned by lack of compensation for victims of disasters, who are neither awarded compensation by courts nor granted any insurance payouts.

Honourable Members, pursuant to the provisions of Standing Order 227, this Petition therefore stands committed to the Departmental Committee on Administration and National Security. The Committee is requested to consider the Petition and report its findings to the House and the Petitioner in accordance with Standing Order 227(2). **I thank you!"**

6. **PAPER LAID**

The following Paper was laid on the Table –

- Report of the Departmental Committee on Lands on the Vetting of Nominees for Appointment to the positions of Chairperson and Members of the National Land Commission;

(Chairperson, Departmental Committee on Lands)

7. **NOTICE OF MOTION**

The following Notice of Motion was given by the Chairperson, Departmental Committee on Lands:-

THAT, taking into consideration the findings of the Departmental Committee on Lands in its Report on the *Vetting of Nominees for Appointment to the positions of Chairperson and Members of the National Land Commission, laid on the Table of the House on Thursday, September 26, 2019*, and pursuant to Article 250(2) of the Constitution as read together with Section 12 of the National Land Commission Act, 2012 and section 8 of the Public Appointments (Parliamentary Approval) Act, this House:

a) **approves** the appointment of the following persons to the National Land Commission:

| | | |
|-----------------------------------|---|-------------|
| (i) Mr. Gershom Otachi Bw'Omanwa | - | Chairperson |
| (ii) Hon. Esther Murugi Mathenge | - | Member |
| (iii) Prof. James K. Tuitoek, PhD | - | Member |
| (iv) Ms. Gertrude Nduku Nguku | - | Member |
| (v) Mr. Reginald Okumu | - | Member |
| (vi) Hon. Samwel Kazungu Kambi | - | Member |
| (vii) Ms. Hubbie Hussein Al-Haji | - | Member |
| (viii) Mr. Alister Murimi Mutugi | - | Member |

and further,

b) **rejects** the nomination of Hon. Tiyah Galgalo Ali as a Member.

(Chairperson, Departmental Committee on Lands)

8. **QUESTIONS**

a) The following Questions were asked –

- (i) Question No.420/2019 by the Member for Bobasi (Hon. Innocent Momanyi) regarding interdiction of nine (9) teachers in Bobasi Constituency on April 25, 2019.

(For written reply by the Teachers Service Commission)

- (ii) Question No.421/2019 by the Member for Central Imenti (Hon. Moses Kirima) regarding adjudication of Kiamuri B area in Central Imenti Constituency;

(To be replied by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Environment and Natural Resources)

- (iii) Question No.423/2019 by the Member for Ndhiwa (Hon. Martin Owino) regarding condition of *Rodi Kopany-Karungu-Sari Road* traversing Homa Bay and Migori counties;

(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.424/2019 by the Member for Kabete (Hon. James Wamacukuru) regarding remittance of healthcare funds to the NHIF for registered elderly persons in Kabete Constituency;

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

- (v) Question No.425/2019 by the Member for Nyeri (Hon. Rahab Mukami) regarding the drastic reduction of tea bonuses despite improved tea sales at the Mombasa Tea Auction;

(To be replied by the Cabinet Secretary for Industry, Trade & Cooperatives before the Departmental Committee on Trade, Industry & Cooperatives)

- b) 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 from the Mega Kerugoya-Kutus Water Supply Project;

9. **STATEMENTS**

The following statements were made –

- (i) Pursuant to the provisions of Standing Order 44(2)(c), the Member for Kiambu (Hon. Jude Njomo) requested for a Statement from the Chairperson of the Departmental Committee on Lands regarding ownership of land in Murang'a and Kiambu Counties by the Del Monte Kenya Limited; and
- (ii) Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party made a Statement regarding the Business of the House for the week commencing Tuesday, October 01, 2019.

10. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2019)**

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 Finance Bill (National Assembly Bill No. 51 of 2019)

(Chairperson, Departmental Committee on Finance & National Planning)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Finance Bill (National Assembly Bill No.51 of 2019) be now read a Third Time

(Chairperson, Departmental Committee on Finance & National Planning)

Question put and agreed to;

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

11. **MOTION - REVISED SESSIONAL PAPER NO.1 OF 2019 ON THE POLICY FRAMEWORK FOR REFORMING EDUCATION AND TRAINING FOR SUSTAINABLE DEVELOPMENT IN KENYA**

Motion made and Question proposed –

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 **Revised** Sessional Paper No. 1 of 2019 on the Policy Framework for Reforming Education and Training for Sustainable Development in Kenya.

(Chairperson, Departmental Committee on Education & Research – 24.09.2019)

Debate interrupted on Wednesday, September 25, 2019 resumed;

(Change of Chair from the Deputy Speaker to the First Chairperson)

Mover replied;

Putting of the question deferred pursuant to Standing Order 53(3).

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

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Early Childhood Education Bill (Senate Bill No.26 of 2018) be now read a Second time

(Chairperson, Departmental Committee on Education and Research)

Debate arising;

The Chairperson interrupted debate to allow tabling of the Report of the Departmental Committee on Lands on the Vetting of Nominees for Appointment to the positions of Chairperson and Members of the National Land Commission and Notice on the same to be given.

Resumption of debate on The Early Childhood Education Bill (Senate Bill No.26 Of 2018);

(Change of Chair from the First Chairperson the Third Chairperson)

And the time being a minute past 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 a minute past Seven o'clock

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M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, October 01, 2019 at 2.30 p.m.

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