



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 14, 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. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication -

REGARDING CONSIDERATION OF THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO.13 OF 2018) AND THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILL NO. 35 OF 2018)

Honourable Members, as you may recall that on 23rd April 2019 and 1st August, 2019, I conveyed to the House Messages from the Senate regarding the passage of the County Governments (Amendment) Bill (Senate Bill No.13 of 2018) and the National Cohesion and Peace Building Bill (Senate Bill No. 35 of 2018).

Honourable Members, following the First Reading of the said Bills, I did undertake to pronounce my opinion with respect to the Money Bill effects of the said Bills pursuant to the provisions of Standing Order 143(2), which provides as follows-

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

I have made a determination that the two Bills **do not** fall within the meaning of “Money Bills,” and therefore, 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, the County Governments (Amendment) Bill (Senate Bill No.13 of 2018) shall stand referred to the Departmental Committee on Administration and National Security for consideration pursuant to the provisions of Standing Order 127(1) (a) which states a Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question put.

On the other hand, Standing Order 127(6) (a) provides that-

“127(6)(a) despite paragraph (1) the Speaker may direct that a particular Bill be committed to such committee as the Speaker may determine”

Therefore, in accordance with the provisions of this Standing Order, I hereby refer the National Cohesion and Peace Building Bill (Senate Bill No. 35 of 2018) to the Select Committee on National Cohesion and Equal Opportunity, given the mandate of the Committee as provided for under Standing Order 212 and the proposals contained in the Bill. I thank you!”

5. PAPERS

The following Paper was laid on the Table –

- Report of the Departmental Committee on Sports, Culture and Tourism on its consideration of the Gaming Bill (National Assembly Bill No. 38 of 2019)

(Vice Chairperson, Departmental Committee on Sports, Culture and Tourism)

6. QUESTIONS

The following Questions were asked –

- (i) Question No.489/2019 by the Member for Loima (Hon. Jeremiah Lomorukai), regarding the demarcation, surveying or subdivision of land, including trust land, in Turkana County for purposes of settling the residents.

(To be answered by the Cabinet Secretary for the Lands & Physical Planning before the Departmental Committee on Lands)

- (ii) Question No.493/2019 by the Member for Baringo Central (Hon. Joshua Kandie), regarding plans to construct and/or repair and maintain the *Kasooyo -Tenges road* in Baringo Central Sub-County;

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

- (iii) Question No.494/2019 by the Member for Bungoma County (Hon. Catherine Wambilianga), regarding plans by the Ministry to construct the *Brigadier-Naiteri-Misikhu road* in Bungoma County.

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

- (iv) Question No.495/2019 by the Member for Roysambu (Hon. Waihenya Ndirangu) regarding actual acreage of the parcel of land allocated to Muthaiga Primary School, circumstances under which Muthaiga Golf Club was allocated a section of the school land and allocation of part of the school’s houses meant for use by the teaching staff to private developers.

(To be answered by the Cabinet Secretary for the Lands & Physical Planning before the Departmental Committee on Lands)

7. STATEMENTS

a) Requests for Statement pursuant to the provisions of Standing Order 44(2)(c):-

- (i) The Member for Kilifi South (Hon. Ken Chonga) requested for a Statement from the Chairperson of the Departmental Committee on Education & Research regarding injuries to students and teachers due to use of the *xylene* chemical compound in their Chemistry practical examinations in the ongoing KCSE National Examinations.
- (ii) The Nominated Member (Hon. Gideon Keter) requested for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works & Housing regarding consideration of special groups in the award of a tender for provision of taxi services at the Jomo Kenyatta International Airport (JKIA) by the Kenya Airports Authority (KAA).

b) Response to Statements –

On behalf of the Chairperson of the Departmental Committee on Defence & Foreign Relations, the Member for Yatta (Hon. Kilonzo Mutavi) made a Statement regarding the consideration of the International Hydrographic Organization Convention by the Departmental Committee on Defence & Foreign Relations.

8. 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, November 19, 2019.

9. MOTION - APPROVAL OF NOMINEES FOR APPOINTMENT TO THE NATIONAL COHESION AND INTEGRATION COMMISSION

Motion made and question proposed -

THAT, taking into consideration the findings of the Select Committee on National Cohesion and Equal Opportunity in its Report on the vetting of persons nominated for appointment to the position of Chairperson and Members of the National Cohesion and Integration Commission, *laid on the Table of the House on Tuesday, November 12, 2019*, and pursuant to the provisions of paragraph 9 of the First Schedule to the National Cohesion and Integration Act, 2008 as amended in 2019 and section 8 of the Public Appointments (Parliamentary Approval) Act, this House **approves** the appointment of the following persons as Chairperson and Members of the National Cohesion and Integration Commission –

(i)	Rev. (Dr.) Samuel Kobia	-	Chairperson
(ii)	Mr. Samuel E. Kona	-	Member
(iii)	Hon. (Eng) Philip O. Okundi	-	Member
(iv)	Ms. Peris W. Nyutu	-	Member
(v)	Hon. Abdulaziz Ali Farah	-	Member
(vi)	Dr. Danvas O. Makori	-	Member
(vii)	Ms. Fatuma S. Tabwara	-	Member
(viii)	Hon. Dorcas L. Kedogo	-	Member

(Chairperson, Select Committee on National Cohesion & Equal Opportunity- 13.11.2019)

Debate on the Motion having been concluded on Wednesday, November 13, 2019 (Afternoon Sitting);

Question put and agreed to.

10. THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2019)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019) be now read a Third Time.

(The Leader of the Minority Party – 12.11.2019)

Debate on the Motion having been concluded on Wednesday, November 13, 2019 (Afternoon Sitting);

Question put and agreed to;

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

11. MOTION - APPROVAL OF THE VALUE ADDED TAX (AMENDMENT) REGULATIONS, 2019

Motion made and question proposed –

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Value Added Tax (Amendment) Regulations, 2019 (*Legal Notice No. 86 of 2019*), laid on the Table of the House on Wednesday, November 06, 2019, and pursuant to the provisions of section 67(2) of the Value Added Tax Act, 2013 **approves** the Value Added Tax (Amendment) Regulations, 2019.

(Vice Chairperson, Committee on Delegated Legislation)

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

Debate arising;

Mover replied;

Question deferred to another day.

12. MOTION - ANNULMENT OF THE PRIVATE SECURITY (GENERAL) REGULATIONS, 2019

Motion made and question proposed –

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Private Security (General) Regulations, 2019 (*Legal Notice No. 108 of 2019*), laid on the Table of the House on Wednesday, November 06, 2019, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210(4)(b) **annuls in entirety** the said Regulations.

(Hon. Murugara Gitonga - Member, Committee on Delegated Legislation)

Debate arising;

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

Mover replied;

Question deferred to another day.

13. MOTION - ANNULMENT OF THE PUBLIC SERVICE COMMISSION REGULATIONS, 2019

Motion made and question proposed –

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Service Commission Regulations, 2019 (Legal Notice No 65 of 2019), laid on the Table of the House on Wednesday, November 06, 2019, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) annuls in entirety the said Regulations.

(Hon. Jennifer Shamalla, Member, Committee on Delegated Legislation)

Debate arising;

Mover replied;

Question deferred to another day.

14. MOTION - ANNULMENT OF PART OF THE POLITICAL PARTIES (FUNDING) REGULATIONS, 2019

Motion made and question proposed -

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Political Parties (Funding) Regulations, 2019 (Legal Notice No. 143 of 2019), laid on the Table of the House on Wednesday, November 06, 2019, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210(4)(b) annuls regulation 18 of the said Regulations.

(Hon. (Dr.) Oundo Ojioambo, Member, Committee on Delegated Legislation)

Debate arising;

Mover replied;

Question deferred to another day.

Pursuant to Standing Order 35, the Member for Bomachoge Chache (Hon. Miruka Ondieki) drew the attention of the Third Chairperson to the fact that there was no quorum;

The Third Chairperson having confirmed that there was no quorum ordered the bell be rung for ten minutes.

And there being **no** quorum after the expiry of ten minutes, the time being twenty minutes past six o'clock, the Third Chairperson adjourned the House without Question put pursuant to the Standing Orders.

15. HOUSE ROSE - at twenty minutes past six o'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, November 19, 2019 at 2.30 p.m.

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