



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, DECEMBER 05, 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 Communications –

- (i) **On the Resolutions of County Assemblies on the draft Punguza Mizigo (Constitution Amendment) Bill, 2019**

**Honourable Members,** I wish to make the following Communication regarding the status of delivery by the County Assemblies to the Speakers of the two Houses of Parliament their decisions on the *Draft Punguza Mizigo (Constitution Amendment) Bill, 2019*.

**Honourable Members,** you will recall that on 28<sup>th</sup> February this year, the promoters of the *Punguza Mizigo (Constitution Amendment) Bill* delivered a draft Bill to amend the Constitution by popular initiative and signatures of persons in support of the initiative to the Independent Electoral and Boundaries Commission (IEBC) for verification. Consequently, and pursuant to the provisions of Article 257(4) of the Constitution, the IEBC submitted the draft Bill to the 47 County Assemblies for consideration after verification of the signatures in support of the initiative.

**Honourable Members,** Article 257(6) of the Constitution affords the respective County Assemblies a period of three months after receipt of a draft Bill to amend the Constitution by popular initiative within which to approve the Bill. Thereafter, the respective Speakers of the County Assemblies are required to communicate the resolution of the approval by the respective assemblies by delivering a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate indicating such approval.

**Honourable Members,** at the time the *Punguza Mizigo (Constitution Amendment) Bill* was submitted to the County Assemblies, the Speaker of the Senate and I noted several procedural difficulties that would potentially affect the process of the delivery of resolutions by the County Assemblies to the two Houses.

These included delivery of the draft Bill to the County Assemblies on different dates therefore occasioning different delivery timelines of the County Assemblies; the failure by County Assemblies to communicate any resolution on the draft Bill and lack of definite timelines on the delivery of a resolution by the Speaker of a County Assembly after its passage by the County Assembly.

**Honourable Members,** In light of these procedural difficulties, the Speaker of the Senate and I agreed to jointly develop and issue *standard Guidelines for Delivery by the County Assemblies to the Speakers of the two Houses of Parliament of a Draft Bill for the amendment of the Constitution by Popular Initiative* to inform the process. These *Guidelines* have since been published in the *Kenya Gazette as Legal Notice No. 175 dated 18<sup>th</sup> November, 2019.*

**Honourable Members,** Paragraphs (5) and (6) of the *Guidelines* provides as follows, and I quote—

*(5) Upon the expiry of the period specified under Article 257(5) of the Constitution for the consideration of a draft Bill by a County Assembly, the Speakers of the two Houses of Parliament shall—*

*(a) report to their respective House of Parliament—*

- (i) the County Assemblies that have submitted the draft Bill and the certificate approving the Bill;*
- (ii) the County Assemblies that have submitted the draft Bill and the certificate rejecting the Bill;*
- (iii) the County Assemblies that did not submit the draft Bill and the certificate;*
- (iv) whether or not the threshold required under Article 257(7) of the Constitution has been met; and*
- (v) such other information as the Speakers of the two Houses of Parliament may consider necessary; and*

*(b) submit to the Independent Electoral and Boundaries Commission and publish, by notice in the Gazette, the information specified under subparagraph (a).*

*(6) The Speakers of the two Houses of Parliament shall not receive any draft Bill and certificate where the Bill was considered by the County Assembly after the expiry of the period specified under Article 257(6) of the Constitution.*

**Honourable Members,** in furtherance to requirements of paragraph 5 of the said *Guidelines*, the statistics of the submissions which have been formally delivered by the respective Speakers of the County Assemblies as at today, December 5, 2019 are as follows-

- (a) **twenty- six (26)** County Assemblies have delivered the draft Bill with a certificate indicating their respective decisions on the Bill;
- (b) Out of the twenty-six, **three (3)** County Assemblies, that is, Machakos, Turkana and Uasin Gishu have approved the Bill;
- (c) Out of the same number, **Twenty-three (23)** County Assemblies have rejected the draft Bill. These are: Kwale, Kilifi, Tana River, Wajir, Mandera, Marsabit, Isiolo, Meru, Tharaka-Nithi, Kitui, Makueni, Nyeri, Murang'a, Samburu, Trans Nzoia, Nandi , Laikipia, Narok, Kajiado, Kericho, Bomet, Bungoma and Busia.

**Hon. Members,** a simple calculation reveals that **twenty-one (21)** other County Assemblies are yet to deliver the draft Bill to the Speakers of the Houses of Parliament with a certificate indicating either their approval or rejection of the Bill. These are the County Assemblies of Mombasa, Lamu, Taita/Taveta, Garissa, Embu, Nyandarua, Kirinyaga, Kiambu, West Pokot, Elgeyo/Marakwet, Baringo, Nakuru, Kakamega, Vihiga, Siaya, Kisumu, Homa Bay, Migori, Kisii, Nyamira and Nairobi.

The Speaker of the Senate and I did publish this information in the *Kenya Gazette as Gazette Notice No. 11013 dated 22<sup>nd</sup> November, 2019* for the information of the public.

**Honourable Members**, as I had indicated earlier, one of the key procedural difficulties that the Speakers jointly identified was the delivery of the Draft Bill to the County Assemblies on varying dates and the lack of a definite timeline within which the County Assemblies are to submit their resolution to the Speakers of the two Houses of Parliament. The other procedural gap is that the Constitution does not obligate the County Assemblies which have rejected such a Draft Bill to file any return to the Speakers. Further, each County Assembly having considered the Draft Bill within the required three months, there seems to be no express limitation on the period within which the Speakers of County Assemblies ought to deliver the decisions of their respective County Assemblies jointly to the Speakers thereafter.

**Honourable Members**, Correspondences received from the IEBC indicated that the first set of County Assemblies to receive the Draft on the 19<sup>th</sup> of July 2019, while Kajiado County Assembly received the Draft Bill last, having received it on 29<sup>th</sup> July 2019, ten days after the first set of County Assemblies had received it. Consequently, the last date by which Kajiado County Assembly ought to have made a resolution after its consideration of the Draft Bill pursuant to the provisions of Article 257(5) of the Constitution was therefore the 28<sup>th</sup> October, 2019. **It would, therefore, be logically expected that by now, all County Assemblies ought to have delivered a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate indicating their decision on the Bill.**

**Honourable Members**, from the statistics I have just read, only three County Assemblies have so far approved the Draft Bill, far below the threshold of 24 County Assemblies required under Article 257(7) of the Constitution to cause introduction of the Bill in Parliament. However, Hon. Members will note that with the number of County Assemblies that have rejected the Bill currently at 23 and the number of County Assemblies yet to indicate their resolution on the Bill currently at 21, **a final determination by the Speakers of the Houses of Parliament as to whether the threshold has been met would be premature.** To the extent that Article 257(5) of the Constitution does not give a definite timeline within which the County Assemblies must submit their decision on the Draft Bill, the two Speakers of Parliament do not have any particular avenue of knowing whether the remaining 21 county assemblies considered the Draft Bill within the prescribed three months period and the nature of the resolution that they passed. The two Speakers can only rely on and verify information **formally** transmitted to them by the County Assemblies. Until and unless the remaining 21 County Assemblies indicate their respective decisions on the Draft Bill, the hands of the two Speakers remain tied with respect to the rest of the process contemplated under sections (7) to (11) of Article 257 of the Constitution. **For the time being Hon. Members, the threshold required under Article 257(7) of the Constitution for introduction of the Bill in Parliament has NOT been met.**

**Honourable Members**, Article 257 of the Constitution was not crafted in vain. It is a provision which allows any citizen to originate a proposal to amend the Constitution and to garner popular support for the proposal with a view of having the proposal considered by Parliament upon gaining the support of the majority the County Assemblies. Originating and steering such a process obviously involves a significant investment of personal time and resources.

It is therefore a capricious turn of events for the promoters of the *Punguza Mizigo (Constitution Amendment) Bill* to be denied a definite endorsement or rejection of their

proposal by the mere act of certain County Assemblies either failing to discharge their constitutional mandate or failing to communicate their resolution.

**Honourable Members**, It would therefore only be fair, at this point in time to bring this information on the resolution of County Assemblies on the *Punguza Mizigo (Constitution Amendment) Bill* to the attention of its promoters, the general public and the County Assemblies that are yet to deliver their resolutions as required by law. In this regard, I hereby direct the Clerk to submit to the Independent Electoral and Boundaries Commission and also publish the following information in at least two newspapers of national circulation—

- (i) the list of County Assemblies that have submitted the draft Bill and the certificate approving the Bill jointly to the Speakers of the Houses of Parliament;
- (ii) the list of County Assemblies that have submitted the draft Bill and the certificate rejecting the Bill jointly to the Speakers of the Houses of Parliament; and,
- (iii) the list of County Assemblies that have not submitted the draft Bill and the certificate.

As Speakers of the Houses of Parliament, it is our hope that once this information is published, the remaining County Assemblies will submit their respective returns to us in good time to enable us to make a conclusive, formal determination as to whether the threshold contemplated under Article 257(7) regarding introducing the *Draft Bill* to Parliament has been ultimately met.

The House is accordingly informed. **I Thank You!**

(ii) **Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019)**

Honourable Members, as you may recall on 12<sup>th</sup> November, 2019, I conveyed to the House a Message from the Senate regarding the passage of the Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019). Following the First Reading of the Bill, I did undertake to pronounce my opinion with respect to the Money Bill effects of the said Bill 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.”*

In this regard, I have made a determination that the Bill does not fall within the meaning of “Money Bill,” and therefore, 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 accordance with the provisions of the said Standing Order therefore, the Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019) now stands referred to the Departmental Committee on Finance and National Planning for consideration. I thank you”.

(iii) **Reconsideration of a House Resolution by the Committee on Implementation**

Honourable Members, I wish to report to the House that my Office has received a petition by one Ms. Bina R. Patel of Shree Sai Industries, P.O. Box 49796-00100, Nairobi. Ms. Bina R. Patel contends that the reputation of M/s Shree Sai Industries has suffered irreparable damage due to adverse recommendations contained in the Report of the Departmental Committee on Agriculture, Livestock and Co-Operatives on *The Crisis Facing the Sugar Industry*, which was adopted by this House in 2015, during Eleventh Parliament. The Petitioner notes that following the adverse findings and recommendations contained in the Report, the company has been denied import licence for year 2019.

Honourable Members, the Petitioner avers that M/s Shree Industries has been undertaking lawful importation of sugar into the country since 2012 but was denied a trading license for the year 2019 on account that in item No. 90(e) appearing on page 46 of its report the Committee listed the firm as one of the companies that had been imported sugar in the country by the Kenya Revenue Authority in the period of 2013/2014 without the required permit from Kenya Sugar Board. She further avers that during the 2013/2014 period her company never imported sugar as claimed in the Report.

Following the adverse report M/s Shree Sai Industries wrote to the Kenya Revenue Authority (KRA) on 18<sup>th</sup> December 2018 seeking clarification on why the company was listed in the Report. In its response dated 21<sup>st</sup> January 2019, KRA did confirm that it had reviewed its records and established that the Petitioner's company had only imported sugar into the country in 2012 and 2016 but not during the period of 2013/2014.

Honourable Members, since the receipt of the Petition, I have scrutinized the text of the Report tabled and adopted by the House in 2015 and do confirm that paragraph 90 of the Report mentions the Petitioner's company as one of those that imported sugar without the requisite permit. I have also perused a letter from the Kenya Revenue Authority, dated 21<sup>st</sup> January 2019, that states that M/s Shree Sai Industries Ltd, the Petitioner's Company did not import sugar in the Country in the period of 2013/2014. Further, I have scrutinized the Minutes of the Committee and could not find evidence of the proprietors, M/s Shree Sai Industries Limited having been invited to make submissions on the matter prior to being adversely mentioned for impropriety relating to importation of sugar into the country.

Honourable Members, you may recall that, on 30<sup>th</sup> August 2018, I did communicate to this House a similar complaint from M/s Kenafric Limited, claiming that the Sugar Directorate had delayed processing and issuance of an import permit since the company had been adversely mentioned in a Report of this House. The company also lamented that it was not accorded an opportunity to be heard on the matter, even after formally requesting to appear before the Committee.

In addressing the concerns raised by M/s Kenafric limited, I did refer the matter to the Committee on Implementation, which is currently seized of the implementation of the resolutions made from the Report to act as an appellate forum for the Petitioners to present their prayers. Indeed, the Committee considered the matter and recommended that this House expunges the name of M/s Kenafric Limited from the list of companies adversely mentioned in the Report on the *Crisis Facing the Sugar Industry* for alleged unlawful importing sugar in to the country.

Honourable Members, on the same breadth, I refer the Petition to the Committee on Implementation for consideration. Just as I stated on the matter of M/s Kenafric, I also direct that, in considering the Petition, the Committee on Implementation shall confine itself to-

- a) only receiving submissions from the Petitioner, M/s, Shree Sai Industries Limited on the resolution made by the House from the recommendation contained at paragraph 90 (e) of page 46 of the Report;
- b) considering the submissions from the Petitioner; and,
- c) reporting its findings to the House.

I also hasten to clarify that in the meantime, the implementation of the resolution on this matter stands suspended until such a time as the House makes a further resolution informed by the report of the Committee on Implementation.

Honourable Members, I now commit this Petition to the Committee on Implementation with the knowledge that, today, Thursday 5<sup>th</sup> December 2019, the House will be proceeding on a long recess, to resume on Tuesday 11<sup>th</sup> February 2020 for the Fourth Session. In this regard, I direct the Committee to review the matter and table its Report within two weeks upon commencement of the Fourth Session. The House is so guided.”

(iv) **Fate of the various businesses before the House and Committees; and activities of Committees during the upcoming Recess**

“Honourable Members,

As you are aware, at the rise of the sitting today, the House is scheduled to proceed on a long recess as per the Calendar of the House in what marks the conclusion of the Third Session of the National Assembly in the Twelfth Parliament. I sincerely wish to commend the House for the diligence and commitment to the business of the House in plenary throughout the Session. During the Session, a lot of key business was transacted and numerous decisions made. This information will be made available in the annual report of business of the Assembly which is under preparation.

Honourable Members, as the Session winds up and the House proceeds on recess, I wish to remind Members of the fate of the various businesses that were before the House and the Committees. Firstly, you are aware that Standing Order 141(2), provides that a Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded at the end of a Session in which it was published shall not lapse. However, a Bill not concluded at the end of two consecutive Sessions shall lapse at the end of the second Session. Secondly, with regard to Petitions, as you are also aware, Article 37 of the Constitution provides that every person has “the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities”. Additionally, Article 119 provides that “every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation”.

The Standing Order 227(2) reads, and I quote: “Whenever a Petition is committed to a Departmental Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances,

allow comments or observations in relation to the Petitions for not more than twenty Minutes”.

Honourable Members, for good reasons, the National Assembly through the Standing Orders imposes a sixty-day limit within which a Petition shall be responded to by way of a report tendered to the petitioner or petitioners and a copy laid on the Table of the House. The letter and spirit of this Standing Order is not to encumber petitioners who painstakingly take their time and resources to approach their Parliament for recourse. I am aware that, a total of seventy (70) petitions were received with twenty three (23) already concluded, forty six (46) are pending before the various Committees, while one (1) lapsed. Many other requests are currently being processed.

Honourable Members, conscious that the National Assembly should not be seen to punish the Petitioners by requiring them to file their Petitions afresh upon resumption of business in the Fourth Session as they have no control of our Parliamentary calendar, I direct that consideration of all pending petitions will resume at the stage at which they are as at today so that the sixty-day rule, which rule is meant merely for our internal order, only begins to apply again upon resumption of business next Session.

Lastly, on Motions, Questions and Statements, at the risk of appearing to state the obvious, these are traditionally sessional and will therefore lapse at the end of the current Session.

Finally, you will recall that on Tuesday, 3<sup>rd</sup> December, 2019, the Chairperson of the Departmental Committee on Agriculture and Livestock, the Hon. Adan Haji Ali sought my leave to have the period for the inquiry into the matter of *“Challenges affecting dairy farmers and decline of prices of milk and milk products in the Country”* extended. The matter arose out of a request for a Statement by the Majority Party Deputy Whip, the Hon. Cecily Mbarire. I have considered the request and I hereby grant leave. In this regard, the period of sixty (60) days will start running from 3<sup>rd</sup> February, 2020.

Honourable Members, having said that, and as is the tradition of Parliament, Committees have until 13<sup>th</sup> December 2019 to sum up their business after which Committee activities will stand suspended until the first week of February 2020. Therefore, no Committee Sittings shall be convened until Monday, 3<sup>rd</sup> February, 2020, unless special consideration is granted by my office upon written request. This is to allow you to spend valuable time with your families during the holiday season and also attend to your constituents. In addition, this will avail the officers and staff of Parliament an opportunity to take their annual leave and also begin preparations for the next Session.

Lastly, Honourable Members, it is my wish that, when the House finally rises today, all of you will have a happy, safe and restful festive season, and a prosperous New Year. I thank you”.

## 5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) 2018-2022 National Education Sector Strategic Plan from the Ministry of Education.

*(Leader of the Majority Party)*

- (ii) Reports of the Departmental Committee on Education and Research on its consideration of Petitions regarding: -

- a) Refusal by the Teachers Service Commission to promote teachers serving in Samburu County and its environs by Hon. Alois Lentoimaga
- b) Non-payment of hardship allowance to teachers in Taita Taveta County by Hon. Danson Mwashako
- c) Distribution of textbooks to public schools by Hon. Anthony Kiai on behalf of Kenya Booksellers and Stationers Association.

*(Chairperson, Departmental Committee on Education & Research)*

- (iii) Reports of the Committee of Powers and Privileges on Study Visits to Parliament of Botswana and Parliament of Uganda in May and August, 2019 respectively.

*(Hon. Vincent Kemosi, Member, Powers and Privileges Committee)*

- (iv) Reports of the Departmental Committee on Lands on its Consideration of Petitions Regarding: -

- a) Displacement of Residents, Loss of Property and Closure of Schools in Ntoroni Sub – Location in Tharaka Sub- County;
- b) Alleged Unlawful Occupation of Ancestral Land by the Kenya Defence Forces School of Artillery (78 Tank Battalion) in Tigania East Constituency;
- c) Delay in Allocation of Land in Mwea Settlement Scheme to the Legitimate Beneficiaries by one Mr. Stephen Ngari Njuki; and
- d) Invasion and Eviction of the Workers from their Land in Roysambu Constituency by the Kenya Defence Forces by Former Workers of the Late Mayer Jacob Samuels.

*(Chairperson, Departmental Committee on Lands)*

- (v) Report of the Budget and Appropriations Committee on the Request by the National Treasury for Approval of Stoppage of Transfer of Funds to 15 County Governments.

*(Chairperson, Budget & Appropriations Committee)*

6. **NOTICE OF MOTION – ADJOURNMENT OF THE HOUSE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE ONGOING FLOODS IN THE COUNTRY**

Rising in his place Pursuant to Standing Order 33, the Member for Muhoroni (Hon. Onyango Oyoo) sought leave to move the adjournment of the House for purposes of discussing a definite matter of urgent national importance regarding the ongoing floods in the country;

And there being not less than twenty other Members rising in their places in support of the adjournment Motion;

Thereupon the Speaker directed that the House adjourn at 6:00pm during the same sitting to discuss the matter.

7. **NOTICE OF MOTION**

The Leader of the Majority Party gave the following Notice of Motion –



**THAT**, pursuant to the provisions of the Standing Order 175, and further to the resolution of the House of October 11, 2018 on appointment of Members to respective Committees, this House approves the appointment of **the Hon. Benard Otieno Okoth, MP** to the Constitutional Implementation Oversight Committee.

## 8. QUESTIONS

a) The following Question was asked –

- (i) **Question No.530/2019** by the Member for Tiaty (Hon. William Kamket) regarding the indefinite closure of the *Kapedo* National Police Reservist's Camp in Tiaty Constituency;

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

b) The following Question were dropped –

- (i) **Question No.529/2019** by the Member for West Pokot County (Hon. Lilian Tomitom) regarding the role of Non-Governmental Organisations operating in West Pokot, Samburu, and Narok Counties in addressing Female Genital Mutilation.
- (ii) **Question No.531/2019** by the Nominated Member (Hon. Cecily Mbarire) regarding the list and number of companies that have closed operations in Kenya and re-located to other countries over the last six years and the number of jobs lost as a result of such re-location.

## 9. STATEMENTS

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

The Member for Tigania West (Hon. (Dr.) John Mutunga) requested for a Statement from the Chairperson of the Departmental Committee on Defence & Foreign Relations regarding recent killings of innocent members of the public by Kenya Defence Forces (KDF) in Isiolo County in the months of October and November 2019.

b) Response to Statements –

- (i) The Chairperson of the Departmental Committee on Transport, Public Works & Housing issued a response to a Statement sought by Nominated Member (Hon. Gideon Keter) regarding consideration of special interest groups in the award of tenders for taxi services at the JKIA. Thereupon the statement was laid on the Table of the House.
- (ii) The Chairperson of the Departmental Committee on Education & Research issued responses to Statement sought by –
- (a) The Member for Mathare (Hon. Anthony Oluoch) regarding the closure of informal schools in the country;
- (b) The Member for Baringo Central (Hon. Joshua Kandie) regarding the funding of Special needs schools in Baringo County; and
- (c) The Member for Kilifi South (Hon. Ken Chonga) regarding the use of alleged poisonous chemical (Xyelene) in the 2019 KCSE Chemistry Paper.

Thereupon the statements were laid on the Table of the House.

(iii) pursuant to the provisions of Standing Order 44(2)(b), the of Chairperson of the Select Committee on National Government Constituencies Development (NG-CDF) issued two Statements on the following: -

- a) Guidelines on appointment of members to the National Government Constituencies Development Committees; and
- b) Status of preparation, submission and approval of project proposals for the financial years 2019/20; and disbursement of Funds to Constituencies.

Thereupon the statements were laid on the Table of the House.

10. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provision of Standing Order 44(2) (b), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, February 11, 2020.

11. **MOTION – REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2016/2017**

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 National Government for the Financial Year 2016/2017, laid on the Table of the House on Wednesday, December 27, 2019

*(Chairperson, Public Accounts Committee – 03.12.2019)*

Debate on the motion having been concluded on Wednesday, December 04, 2019;

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Third Chairperson in the Chair

**The Kenya Roads Board (Amendment) Bill (National Assembly Bill No.77 of 2019)**

Clause 2 - agreed to.

Clause 3 - amendment proposed

**THAT**, Clause 3 of the Bill be amended by deleting the proposed new subsection (6) and substituting therefor the following new subsections—

“(6) Every annual roads programme funded out of any monies whether borrowed or appropriated by the National Assembly shall be managed as approved by the National Assembly.

(7) The Board shall manage the annual roads programme under sub-section (6) under the directions of the Cabinet Secretary.”

*(Chairperson, Departmental Committee on Transport, Public Works & Housing)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 3 as amended - agreed to.

Clause 4 - amendment proposed

**THAT**, Clause 4 of the Bill be deleted and substituted therefor the following new clause-

**4.** Section 31 of the principal Act is amended –

(a) in subsection (2) by inserting the following new paragraph immediately after paragraph (d)-

(e) such monies as may be appropriated by the National Assembly for the development, maintenance and rehabilitation of roads;

(b) by inserting the following new subsection immediately after subsection (2)-

“(2A) The National Assembly shall ensure that-

(a) not more than ten percent of the monies appropriated under subsection (2)(e) are allocated for maintenance of roads to be administered by the Kenya Rural Roads Authority; and

(b) not more than eighteen percent of the monies appropriated under paragraph (a) are allocated for research and standardization, capacity building and monitoring and evaluation, to be administered by the Principal Secretary responsible for matters relating to roads.”

*(Chairperson, Departmental Committee on Transport, Public Works & Housing)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 4 as amended - agreed to.

Clause 5 - amendment proposed

**THAT**, Clause 5 of the Bill be amended in the proposed new section 32A-

(a) in sub-clause (1), by inserting the expression “(1)” immediately after the expression 32A;

(b) in sub-clause (2), by deleting the words “road development, rehabilitation and maintenance” and substituting therefor the words “maintenance,

development and rehabilitation of roads” appearing immediately after the words “demand for”;

(c) by deleting sub-clause (3) and substituting therefor the following new sub clause–

“(3) The Cabinet Secretary shall make regulations for the better carrying out of this section.”

*(Chairperson, Departmental Committee on Transport, Public Works & Housing)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 5 as amended - agreed to.

Title - agreed to.

Clause 1 - amendment proposed

**THAT**, Clause 1 of the Bill be amended by inserting the words “and shall come into force upon assent” immediately after the expression “2019”.

*(Chairperson, Departmental Committee on Transport, Public Works & Housing)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 1 as amended - agreed to.

Bill to be reported with amendments

13. **HOUSE RESUMED** –The Speaker in the Chair

**The Kenya Roads Board (Amendment) Bill (National Assembly Bill No.77 of 2019)**

Bill reported with amendments;

Motion made and Question proposed -

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

*(Leader of the Majority Party)*

Question put and agreed to;

Motion made and Question proposed –

THAT, the Kenya Roads Board (Amendment) Bill (National Assembly Bill No.77 of 2019) be now read a Third Time;

*(Leader of the Majority Party)*

Question put and agreed to;

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

14. **MOTION – RATIFICATION OF THE MULTILATERAL CONVENTION ON MUTUAL ADMINISTRATIVE ASSISTANCE IN TAX MATTERS**

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 Multilateral Convention on Mutual Administrative Assistance on Tax Matters for Ratification, *laid on the Table of the House on Wednesday, December 4, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Multilateral Convention on Mutual Administrative Assistance on Tax Matters.

*(Chairperson, Departmental Committee on Defence & Foreign Relations)*

Debate arising;

Mover replied;

Question put and agreed to.

15. **MOTION – APPROVAL OF NOMINEES TO THE SPECIFIED COMMITTEES OF THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND**

Motion made and Question proposed -

**THAT**, pursuant to the provisions of section 43(4) and (10) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituency Development Fund Regulations, 2016, this House **approves** the list of nominees for appointment to the Committees of the National Government Constituency Development Fund for Baringo South and North Imenti Constituencies, laid on the Table of the House on Tuesday, December 3, and Wednesday, December 4, 2019, respectively: –

(a) **BARINGO SOUTH CONSTITUENCY**

- |                               |   |  |
|-------------------------------|---|--|
| (i) Samuel Kiprotich Bungei   | - | Male Adult Representative                        |
| (ii) Geoffrey Kipkebut Kosgei | - | Male Youth Representative                        |
| (iii) Zakia Jemuge Kiptuisang | - | Female Youth Representative                      |
| (iv) Hellen Cheptoo           | - | Female Adult Representative                      |
| (v) Christine Jepkemoi Kandie | - | Representative of Persons Living with Disability |
| (vi) Eunice Tarkok Kiprotich  | - | Nominee of the Constituency Office (Female)      |
| (vii) Justine Kiprono Chebii  | - | Nominee of the Constituency Office (Male)        |

(b) **NORTH IMENTI CONSTITUENCY**

- |                             |   |   |
|-----------------------------|---|---|
| (i) Hadija Makena Mohamed   | - | Female Youth Representative               |
| (ii) Jacob Kithinji Manyara | - | Nominee of the Constituency Office (Male) |

*(Chairperson, Select Committee on National Government Constituency Development Fund)*

Debate arising;

Mover replied;

Question put and agreed to.

16. **MOTION – APPOINTMENT OF A MEMBER TO A COMMITTEE**

Motion made and Question proposed -

THAT, pursuant to the provisions of the Standing Order 175, and further to the resolution of the House of October 11, 2018 on appointment of Members to respective Committees, this House approves the appointment of the Hon. Benard Otieno Okoth to the Constitutional Implementation Oversight Committee.

*(Chairperson, Committee on Selection)*

Debate arising;

Mover replied;

Question put and agreed to.

17. **MOTION - REPORT ON THE INQUIRY INTO THE SAFETY OF FERRIES**

Motion made and Question proposed -

**THAT**, this House **adopts** the Report of the Public Investments Committee on its Inquiry into the Safety of Ferries as observed in the Audited Accounts of Kenya Ferry Services for the Financial Year 2016/2017, laid on the Table of the House on Tuesday, December 3, 2019.

*(Chairperson, Public Investments Committee – 4.12.2019)*

Debate interrupted on Wednesday, December 4, 2019 (Afternoon Sitting) resumed;

Mover replied;

Question put and agreed to.

18. **ADJOURNMENT OF THE HOUSE TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE ONGOING FLOODS IN THE COUNTRY**

Motion made and Question proposed –

THAT, the House do now adjourn

*(Hon. James K'Oyoo)*

Debate arising;

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.

19. HOUSE ROSE - at Seven o'clock.

MEMORANDUM

The Speaker will take the Chair on  
Tuesday, February 11, 2020 at 2.30 p.m.

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