



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, DECEMBER 04, 2019

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker

4. **PAPER LAID**

The following Paper was laid on the Table –

- Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 77 of 2019).

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

5. **QUESTIONS**

The following Questions were asked –

- (i) **Question No.515/2019** by the Member for Buuri (Hon. Rindikiri Mugambi) regarding rehabilitation of the Isiolo – Ruiru road;

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

- (ii) **Question No.517/2019** by the Member for Mathioya (Hon. Peter Kihara) regarding residents of Mathioya Constituency not receiving stipends under the Older Persons Cash Transfer Programme;

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

- (iii) **Question No.518/2019** by the Member for West Mugirango (Hon. Vincent Mogaka) regarding completion of the Nyamira Town Water Project and a water sub-station;

(To be answered by the Cabinet Secretary for Water, Sanitation & Irrigation before the Departmental Committee on Environment & Natural Resources)

- (iv) **Question No.519/2019** by the Member for Mwingi West (Hon. Charles Nguna) regarding the disappearance of two persons in Athi River;

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

6. **PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

Motion made and Question proposed –

THAT, this House orders that the business appearing as **Order Nos. 15, 16, 17 & 18** be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

(Leader of the Majority Party)

There being no debate arising;
Question put and agreed to.

7. **THE EQUALISATION BILL (NATIONAL ASSEMBLY BILL NO.43 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Equalisation Fund Bill (National Assembly Bill No.43 of 2019) be now read a Second Time

(Hon. Kassait Kamket – 13.11.2019)

Debate on the Second Reading having been concluded on Wednesday, November 27, 2019 (Morning Sitting);

Question put and agreed to;

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

8. **THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.33 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Kenya Institute of Curriculum Development (Amendment) Bill (National Assembly Bill No.33 of 2019) be now read a Second Time

(Hon. Joyce Emanikor - 20.11.2019)

Debate on the Second Reading having been concluded on Wednesday, November 27, 2019 (Morning Sitting);

Question put and agreed to;

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

9. **MOTION - REGISTRATION OF FARMERS AND FORMATION OF AGRI-BUSINESS ENTITIES FOR IMPROVED BENEFITS AND SUSTAINABLE FOOD AND NUTRITIONAL SECURITY**

Motion made and Question proposed –

THAT, aware that farmers in Kenya are least organized into Associations, following the collapse of the Agricultural Cooperatives; further aware that, the Crops Act, 2013 provides for registration of farmers so as to establish who they are and what they produce; noting that Government's efforts to establish farmers' organizations have ended up delivering short-lived and unsustainable initiative-based groups which fizzle out soon after their formation; further noting that the best way to organize farmers is through their organizations; appreciating that the best suited organization to undertake farmers' registration is the Kenya National Farmers' Federation which has both experience and capacity; further noting that through organized farmers, farming will be more beneficial in terms of volumes, lowered cost of production and improving organized raw material supply to industry; realizing that organizing farmers into Agri-business entities is a costly undertaking which calls for Government support, and acknowledging that through organized production systems, the country will achieve the Big 4 Agenda faster and also create more and better jobs in the Agricultural Value Chains; this **House urges** the Government to facilitate and support the Kenya National Farmers' Federation to mobilize and organize the registration of farmers into preferred entities and manage national farmers' database for use in engagements and sustainable management of the various Agricultural Product Value Chains.

(Hon. (Dr.) John Mutunga – 30.10.2019)

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

Question put and agreed to;

10. **THE LAW OF SUCCESSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.75 OF 2019)**

(Hon. Peter Kaluma, M.P.)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2)

11. **THE CONSTITUTION OF KENYA (AMENDMENT)(No.6) BILL (NATIONAL ASSEMBLY BILL NO.76 OF 2019)**

(Hon. Vincent Mogaka, M.P.)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2).

12. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (No.4) BILL (NATIONAL ASSEMBLY BILL NO.78 OF 2019)**

(Hon. Samuel Atandi, M.P.)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2)

13. **MOTION - APPROVAL OF A NOMINEE FOR APPOINTMENT AS THE CONTROLLER OF BUDGET**

Motion made and Question proposed –

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the *Vetting of the Nominee for Approval as the Controller of Budget, laid on the Table of the House on Tuesday, December 3, 2019*, and pursuant to the provisions of Article 228(1) of the Constitution, section 4(10) of the Controller of Budget Act, 2016 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 this House **approves** the appointment of **Dr. Margaret Nyang'ate Nyakang'o** as the Controller of Budget.

(Chairperson, Departmental Committee on Finance & National Planning)

Rising in his place on a point of Order under Standing Order 97, the Member for Kiminini (Hon. Chrisantus Wamalwa) claimed to move that "debate on the Motion be limited to five minutes for each Member speaking."

And, the Deputy Speaker acceding to the claim;

Question put and agreed to;

Debate arising;

(Change of Chair from Deputy Speaker to Second Chairperson)

Rising in his place on a point of Order under Standing Order 95, the Member for Keiyo South (Hon. Kipkogei Rono) claimed to move that "the Mover be now called upon to reply."

And, the Second Chairperson acceding to the claim;

Question put and agreed to;

Mover replied;

Question put and agreed to.

14. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Fourth Chairperson in the Chair

The Supplementary Appropriation (No.2) Bill (National Assembly Bill No.81 of 2019)

Clause 2, 3, 4 & 5 - agreed to

First Schedule - amendment proposed

THAT the First Schedule be amended in **Vote D1091: State Department of Infrastructure** as follows:-

Programme 0202000 Road Transport

- (i) **THAT**, the proposed allocation in respect of Programme 0202000 (*Development Expenditure*) of Kshs. 5,213,905,726 be deleted and substituted thereof with the figure Kshs. **5,488,905,726**;
- (ii) **THAT**, the proposed allocation in respect of the total Supply under the **Vote 1091** (*Development Expenditure*) of Kshs. 5,213,905,726 be deleted and substituted thereof with the figure Kshs. **5,488,905,726**;

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;
Debate arising;
Question put and agreed to.

Further amendment proposed

THAT the First Schedule be amended in **Vote D1081 Ministry of Health** as follows:-

Programme 0405000 Health Policy Standards and Regulations

THAT, the proposed allocation in respect of Programme 0405000 (*Development Expenditure*) of Kshs.16,975,813,948 be deleted and substituted thereof with the figure **Kshs. 16,745,813,948**.

(Hon. Adan Keynan)

Proposed amendment dropped

Further amendment proposed

THAT the First Schedule be amended in **Vote D1092: State Department for Transport** as follows:-

Programme 0204000 Marine Transport

(i) **THAT**, the proposed allocation in respect of Programme 0204000 (*Development Expenditure*) of Kshs. 292,500,000 be deleted and substituted thereof with the figure **Kshs. 2,192,500,000**.

Programme 0203000 Rail Transport

(ii) **THAT**, the proposed allocation in respect of Programme 0203000 (*Development Expenditure*) of Kshs. 12,018,003,944 be deleted and substituted thereof with the figure **Kshs.10,118,003,944**.

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;
Debate arising;
Question put and agreed to.

Further amendment proposed

THAT the First Schedule be amended in **Vote D1095: State Department for Public Works** as follows:-

Programme 0103000 Government buildings

(i) **THAT**, the proposed allocation in respect of Programme 0103000 (*Development Expenditure*) of Kshs. 1,721,285,046 be deleted and substituted thereof with the figure Kshs.**1,706,285,046**;

(ii) **THAT**, the proposed allocation in respect of the total Supply under the Vote 1095 (*Development Expenditure*) of Kshs. 1,605,787,661 be deleted and substituted thereof with the figure **Kshs. 1,590,787,661**.

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;
Debate arising;
Question put and agreed to.

Further amendment proposed

THAT the First Schedule be amended in **Vote D1152: Ministry of Energy** as follows:-

Programme 0213000 Power transmission and distribution

- (i) **THAT**, the proposed allocation in respect of Programme 0213000 (*Development Expenditure*) of Kshs. 1,541,045,344 be deleted and substituted thereof with the figure Kshs **1,556,045,344;**
- (ii) **THAT**, the proposed allocation in respect of the total Supply under the Vote 1152 (*Development Expenditure*) of Kshs. 3,852,045,344 be deleted and substituted thereof with the figure Kshs. **3,867,045,344.**

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed

THAT the First Schedule be amended in **Vote D2043 Parliamentary Joint Services** as follows:-

Programme 0723000 General Administration, Planning and Support Service

THAT, the proposed allocation in respect of Programme 0723000 (*Development Expenditure*) of Kshs. 2,835,550,000 be deleted and substituted thereof with the figure **Kshs. 3,065,550,000.**

Proposed amendment dropped

Further amendment proposed

THAT, the First Schedule be amended in the Subclass Total Development and Class Total Development as follows:-

- (i) **THAT**, the proposed allocation in respect of the total Supply under the subclass Total Development in the First Schedule of Kshs. 62,682,861,275 be deleted and substituted thereof with the figure Kshs. **62,957,861,275;**
- (ii) **THAT**, the proposed allocation in respect of the total Supply under the class Total Development in the First Schedule of Kshs. 73,173,074,113 be deleted and substituted thereof with the figure Kshs. **73,448,074,113.**

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

First Schedule as amended - agreed to.

Second Schedule - amendment proposed

THAT, the Second Schedule be amended in **Vote D1071: National Treasury** as follows:-

Programme 0718000 Public Financial Management

- (i) **THAT**, the proposed allocation in respect of Programme 0718000 (*Development Expenditure*) of Kshs. (319,988,849) be deleted and substituted thereof with the figure Kshs. **(594,988,849);**

- (ii) **THAT**, the proposed allocation in respect of the total Supply under the Vote 1071 (*Development Expenditure*) of Kshs. (461,988,849) be deleted and substituted thereof with the figure Kshs.**(736,988,849)**;

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed

THAT the Second Schedule be amended in the Subclass Total Development and Class Total Development as follows:-

- (i) **THAT**, the proposed allocation in respect of the total Supply under the subclass Total Development in the Second Schedule of Kshs. (7,456,200,511) be deleted and substituted thereof with the figure Kshs.**(7,731,200,511)**;
- (ii) **THAT**, the proposed allocation in respect of the total Supply under the class Total Development in the Second Schedule of Kshs. (18,853,097,197) be deleted and substituted thereof with the figure Kshs.**(19,128,097,197)**.

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Second Schedule as amended - agreed to.

Consequential amendments proposed-

- (i) **THAT**, the figure of Kshs. 73,173,074,113 in the marginal note on clause 2 of the Bill be deleted and substituted thereof with the figure Kshs. **73,448,074,113**;
- (ii) **THAT**, the figure of Kshs. 18,853,097,197 in the marginal note on clause 5 of the Bill be deleted and substituted thereof with the figure Kshs. **19,128,097,197**.
- (iii) **THAT**, the necessary amendments be effected to Clause 2 to reflect amendments made to the First and Second Schedules.

(Chairperson, Budget & Appropriations Committee)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Consequential amendments - agreed to.

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments

15. **HOUSE RESUMED** – Second Chairperson in the chair

The Supplementary Appropriation (No.2) Bill (National Assembly Bill No.81 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 & Appropriation Committee)

Question put and agreed to;

Motion made and Question proposed -

THAT, the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.81 of 2019) be now read a Third Time;

(Chairperson, Budget & Appropriation Committee)

Question put and agreed to;

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

16. **MOTION - APPROVAL OF NOMINEE FOR APPOINTMENT AS A REPRESENTATIVE OF THE PARLIAMENTARY SERVICE COMMISSION TO THE SALARIES & REMUNERATION COMMISSION**

Motion made and Question proposed -

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the Vetting of the Nominee for Approval as a Representative of the Parliamentary Service Commission to the Salaries & Remuneration Commission, laid on the Table of the House on Tuesday, December 3, 2019, and pursuant to the provisions of Article 250(2)(b) of the Constitution and section 7(11) of the Salaries and Remuneration Commission Act, this House **approves** the appointment of **Hon. Amina Abdalla** as the representative of the Parliamentary Service Commission to the Salaries and Remuneration Commission.

(Chairperson, Departmental Committee on Finance & National Planning)

Debate arising;

And the time being One o'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

17. **HOUSE ROSE** - at One o'clock.

M E M O R A N D U M

The Speaker will take the Chair today,
Wednesday, December 04, 2019 at 2.30 p.m.

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