



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FOURTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, JUNE 25, 2020**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **PAPERS**  
The following Papers were laid on the Table of the House by –
  - a) **The Vice Chairperson, Committee on Delegated Legislation**
    - Report of the Committee on Delegated Legislation on its Consideration of the Public Procurement & Assets Disposal Regulations, 2020 (*Legal Notice No. 69 of 2020*).
  - b) **The Hon. Wachira Kabinga, Member, Departmental Committee on Administration & National Security**
    - Report of the Departmental Committee on Administration and National Security on the Inspection tour of Police Stations in Nairobi and Kajiado Counties to assess their preparedness in the Management of COVID – 19.
  - c) **The Vice Chairperson, Budget & Appropriations Committee**
    - Report of the Budget and Appropriations Committee on the Third Supplementary Estimates for the Financial Year 2019/2020.
5. **NOTICES OF MOTION**  
The following Notices of Motion were given by –
  - a) **Vice Chairperson, Committee on Delegated Legislation**

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Public Procurement & Assets Disposal Regulations, 2020 (*Legal Notice No. 69 of 2020*) laid on the Table of the House on Thursday, June 18, 2020, pursuant to provisions Section 180 of the Procurement & Asset Disposal Act, 2015 **approves** the Public Procurement & Assets Disposal Regulations, 2020 (*Legal Notice No. 69 of 2020*).

**b) The Hon. Wachira Kabinga, Member, Departmental Committee on Administration & National Security**

**THAT**, this House **adopts** the Report of the Departmental Committee on Administration and National Security on the inspection tour of police stations in Nairobi and Kajiado Counties to assess their preparedness in the management of COVID-19.

**c) The Leader of the Majority Party**

**THAT, AWARE** that, in accordance with the Calendar of the House for the Fourth Session, 2020 (as adopted on February 18, 2020, and on *17<sup>th</sup> March, 2020, 14<sup>th</sup> April, 2020* and *2<sup>nd</sup> June, 2020*), the House is scheduled to proceed on *Short Recess* in respect of the Second Part of the Session on **Friday, July 03, 2020; NOW THEREFORE**, pursuant to the provisions of Standing Order 28(4), this House **resolves to further alter** the *Calendar* by varying the resumption date of the *Short Recess* from Tuesday, July 21, 2020 at 2.30pm to **Tuesday, July 28, 2020 at 2.30pm.**

**d) Vice Chairperson, Budget & Appropriations Committee**

**THAT**, this House **adopts** the Report of the Budget and Appropriations Committee on the Third Supplementary Estimates for the Financial Year 2019/2020, *laid on the Table of the House on Thursday, June 25, 2020*, and pursuant to the provisions of Article 223 of the Constitution of Kenya, section 44 of the Public Finance Management Act, 2012, Public Finance Management Regulation 40 and Standing Order 243-

- (i) approves an increment of the **total recurrent expenditure** for Financial Year 2019/2020 by **Kshs. 5,800,000,000** in respect of the Votes specified;
- (ii) approves an increment of the **total development expenditure** for Financial Year 2019/2020 by **Kshs. 2,068,000,000** in respect of the Votes specified; and
- (iii) approves an overall **increase** in the total budget for Financial Year 2019/2020 by **Kshs. 7,868,000,000** in respect of the Votes as specified.

**6. QUESTIONS**

The following Questions were asked –

**QUESTION BY PRIVATE NOTICE**

- (i) Question No.QPN009/2020 by Nominated Member (Hon. David Sankok) regarding availability in the country of drugs used in the management of epilepsy and cerebral palsy.

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

**ORDINARY QUESTIONS**

- (ii) Question 089/2020 by the Member for Matuga (Hon. Kassim Tandaza) regarding compensation of residents of *Tiwi* Location in Matuga Constituency following installation of a 132KV transmission power line.

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

(iii) Question 092/2020 by the Member for Laikipia County (Hon. Catherine Waruguru) regarding the status of construction of *Kahurura* dam in Laikipia County.  
(To be replied by the Cabinet Secretary for Water, Sanitation & Irrigation before the Departmental Committee on Environment & Natural Resources)

(iv) Question 095/2020 by the Member for Kilome (Hon. Eng. Thaddeus Nzambia) regarding payment of support personnel in various schools following closure of schools as a result of the Covid-19 pandemic.  
(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education & Research)

**DEFERRED QUESTION**

(v) Question 084/2020 by the Member for Wundanyi (Hon. Danson Mwashako) regarding human-wildlife conflict in Wundanyi Constituency.

**7. POINT OF ORDER PURSUANT TO STANDING ORDER 107A & 108**

Rising in his place on a Point of Order pursuant to Standing Order 108, the Leader of the Minority Party (Hon. John Mbadi) claimed to invite the Speaker to name the Member for Nyali (Hon. Mohamed Ali) for grossly disorderly conduct in breach of Standing Order 107A.

- *Having considered the submissions made on the floor of the House, the Speaker ruled that the alleged gross disorderly conduct was not committed in the House or in a Committee of the Whole House and therefore, a continued prosecution of the matter would be against Standing Order 108(2) and parliamentary practice.*

**8. STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**

(i) **REQUESTS: -**

- a) The Member for Soy Constituency (Hon. Caleb Kositany) requested for a Statement from the Chairperson of the Departmental Committee on Administration & National Security regarding children being raped and killed in Soy Constituency;
- b) The Member for North Mugirango Constituency (Hon. Joash Nyamache) requested for a Statement from the Chairperson of the Departmental Committee on Labour & Social Welfare on recruitment of the Chief Executive Officer at the Youth Enterprise Development Fund;
- c) The Member for Mvita Constituency (Hon. Abdulwahad Nassir) requested for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works & Housing on Compulsory Transportation of Cargo through the Standard Gauge Railways (SGR); and
- d) The Member for Funyula Constituency (Hon. Wilberforce Oundo) requested for a Statement from the Chairpersons of the Departmental Committees on Defence & Foreign Relations and Administration & National Security regarding continued harassment of Kenyans, particularly Fishermen in Lake Victoria.

(ii) **RESPONSES: -**

- a) The Chairperson of the Departmental Committee on **Health** issued a response to a Statement by the **Hon. Florence Mutua** (Busia County) on measures taken by the National Government to manage the spread of Covid-19 amongst Truck drivers at the Busia border;

- b) The Chairperson of the Departmental Committee on **Education & Research** issued response to Statements: -
- (i) The Member for Navakholo Constituency (**Hon. Emmanuel Wangwe**) on the discriminatory treatment of students admitted to Bukura Agricultural College by the Higher Education Loans Board; and
  - (ii) The Member for Emuhaya Constituency (**Hon. Omboko Milemba**) regarding the Payment of teachers across the country recruited by schools' Boards of Management (BOM).

#### **9. 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, June 30, 2020.

#### **10. PROCEDURAL MOTION - APPROVAL OF A SECOND SITTING**

Motion made and question proposed -

**THAT**, pursuant to the provisions of Standing Order 30(3)(b), this House resolves to hold **another** sitting today, Thursday, June 25, 2020 after the 2.30 pm sitting, **upon conclusion of business appearing under Order No. 11.**

*(The Leader of the Majority Party)*

There being no Member desiring to speak;

Question put and agreed to.

#### **11. MOTION - APPOINTMENT OF MEMBERS TO THE COMMITTEE ON SELECTION**

Motion made and question proposed -

**THAT**, further to the resolution of the House of Tuesday, December 5, 2017 appointing Members into the Committee on Selection and pursuant to the provisions of Standing Order 172(1)(c), this House **further approves** the appointment of the Members listed under paragraph (a) here below to replace those appearing under paragraph (b) hereunder -

- (a) new Members nominated for appointment-
  - (i) The Hon. Maoka Maore, M.P.
  - (ii) The Hon. Jane Wanjuki, M.P.
  - (iii) The Hon. Gathoni Wamuchomba, M.P.
  - (iv) The Hon. Joshua Kutuny, M.P.
  - (v) The Hon. Maina Kamanda, EGH, M.P.
  - (vi) The Hon. Shurie Abdi Omar, M.P.
  - (vii) The Hon. Wachira Kabinga, M.P.
  - (viii) The Hon. Eseli Simiyu, M.P.
  - (ix) The Hon. Godfrey Osotsi, M.P.
- (b) Members replaced-
  - (i) The Hon. Beatrice Nkatha Nyaga, M.P.
  - (ii) The Hon. Khatib Abdallah Mwashetani, M.P.
  - (iii) The Hon. Faith Wairimu Gitau, M.P.
  - (iv) The Hon. John Kiarie Waweru, M.P.
  - (v) The Hon. William Kipkemoi Kisang, M.P.
  - (vi) The Hon. Robert Gichimu Githinji, M.P.

- (vii) The Hon. John Paul Mwirigi, M.P.
  - (x) The Hon. Nicholas Tindi Mwale, M.P.
  - (xi) The Hon. Catherine Wambilianga, M.P.
- (The Leader of the Majority Party)*

There being no Member desiring to speak;  
Question put and agreed to.

## **12. MOTION – APPOINTMENT OF A MEMBER OF THE PARLIAMENTARY SERVICE COMMISSION**

Motion made and question proposed –

**THAT**, taking into consideration the recommendations of the Parliamentary Service Commission in its Report on the Recruitment of the Parliamentary Service Commissioner who is not a Member of Parliament, *laid on the Table of the House on Tuesday, June 16, 2020*, and pursuant to the provisions of Article 127(2) (d) of the Constitution, this House appoints **Hon. Rachel Ameso Amolo** as a Member of the Parliamentary Service Commission.

*(The Vice-Chairperson, Parliamentary Service Commission)*

There being no Member desiring to speak;  
Question put and agreed to.

## **13. THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2020)**

Motion made and question proposed –

**THAT**, the Appropriation Bill (National Assembly Bill No. 19 of 2020) be now read a Second time

*(Vice Chairperson, Budget & appropriations Committee)*

There being no Member desiring to speak;  
Question put and agreed to.

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

## **14. COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**  
Deputy Speaker in the Chair

### **(a) The Appropriation Bill (National Assembly Bill No.19 of 2020)**

**Clause 3** - agreed to.

### **Schedule** - **Amendment proposed**

**THAT**, the Schedule be amended as follows –

#### **A. VOTE R1252: State Law Office & Department of Justice**

##### **1. Programme 0221000 (Film Development Services)-**

- (a) **THAT**, the proposed allocation under the Programme in respect of Recurrent Supply Estimates of Ksh. 124,000,000 be deleted; and
- (b) **THAT**, the proposed allocation under the Programme in respect of Recurrent Appropriation in Aid Estimates of Ksh. 3,000,000 be deleted.

2. **Programme 0606000 (Legal Services)-**

- (a) **THAT**, the proposed allocation under the Programme in respect of Recurrent Supply Estimates, Ksh. 2,007,710,826 be deleted and substituted thereof with the figure Kshs. 2,131,710,826; and
- (b) **THAT**, the proposed allocation under the Programme in respect of Recurrent Appropriation in Aid Estimates, Ksh. - be deleted and substituted thereof with the figure Kshs. 3,000,000.

**B. VOTE D1109: MINISTRY OF WATER, SANITATION AND IRRIGATION Programme 1022000 (Water Harvesting & Storage for Irrigation)-**

**THAT**, the proposed allocation under the Programme in respect of Supply Estimates, Ksh. 1,778,000,000 be deleted and substituted thereof with the figure Kshs. 2,308,000,000.

**C. VOTE D1222: STATE DEPARTMENT FOR REGIONAL & NORTHERN CORRIDOR DEVELOPMENT Programme 1013000 (Integrated Regional Development)-**

**THAT**, the proposed allocation under the Programme in respect of Supply Estimates, Ksh. 1,367,450,000, be deleted and substituted thereof with the figure Kshs. 837,450,000.

*(Vice Chairperson, Budget & appropriations Committee)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Schedule as amended - agreed to.

**Clause 2** - agreed to.

**Title** - agreed to.

**Clause 1** - agreed to.

Bill to be reported **with** amendments

**(b) The County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018)**

**Clause 3 - Amendment proposed**

**THAT**, Clause 3 of the Bill be amended—

(a) by deleting the expression “(1)”;

(b) in paragraph (c) by inserting the words “that has a licence from another county” immediately after the words “a moving vehicle” appearing in subparagraph (vi).

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

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 amended in subclause (2) by deleting paragraph(b) and substituting therefor the following new paragraph-

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent.”

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

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

Further amendment

**THAT**, Clause 4(2) of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)—

(ea) the content classification requirements prescribed in the Film and Stage Plays Act.

*(Hon. Godfrey Osotsi)*

Amendment dropped.

Clause 4 as amended - agreed to.

**Clause 5 - Amendment proposed**

**THAT**, Clause 5 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

(aa) whether the proposed advertisement complies with the provisions of the Film and Stage Plays Act.

*(Hon. Godfrey Osotsi)*

Amendment dropped.

Clause 5 - agreed to.

**Clauses 6, 7, 8 & 9** - agreed to.

**Clause 10 - Amendment proposed**

**THAT**, Clause 10 of the Bill be amended in subclause (2) by deleting paragraph(b) and substituting therefor the following new paragraph—

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent.”

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

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

Clause 10 as amended - agreed to.

**Clauses 11, 12, 13 & 14** - agreed to.

**Clause 15** - **Amendment proposed**

**THAT**, Clause 15 of the Bill be amended by inserting the words “regulate and” immediately after the words “government entity shall”

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 15 as amended - agreed to.

**Clauses 16, 17, 18, 19 & 20** - agreed to.

**Clause 21** - **Amendment proposed**

**THAT**, Clause 21 of the Bill be amended in sub clause (2) by deleting paragraph “b” and substituting therefor the following new paragraph—

“(b) a rate card that shall be reviewed every seven years stating the fees and charges to be paid in respect of any matter required for the purposes of this Act.”

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 21 as amended - agreed to.

**Clauses 22 & 23** - agreed to.

**Clause 2** - **Amendment proposed**

**THAT**, clause 2 of the Bill be amended by inserting the following definition in its proper alphabetical sequence—

“rate card” means a document containing prices and descriptions for various advertisement placement options available from a service sector, which sets out the minimum and maximum price of a service.

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

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 2 as amended - agreed to.

**Title** - agreed to.

**Clauses 1** - agreed to.

Bill to be reported with amendments.



15. HOUSE RESUMED - the First Chairperson in the Chair

**(i) The Appropriation Bill (National Assembly Bill No. 19 of 2020)**

Bill reported with amendments;  
Motion made and Question proposed –

**THAT**, the House do agree with the Committee in the said report.

*(Vice Chairperson, Budget & Appropriations Committee)*

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

Motion made and Question proposed –

**THAT**, the Appropriation Bill (National Assembly Bill No.19 of 2020) be now read a Third Time;

*(Vice Chairperson, Budget & Appropriations Committee)*

There being no debate arising;  
Question put and agreed to;  
Bill read a Third Time and passed.

**(ii) The County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018)**

Bill reported with amendments;  
Motion made and Question proposed –

**THAT**, the House do agree with the Committee in the said report.

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

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

Motion made and Question proposed –

**THAT**, the County Outdoor Advertising Control Bill (Senate Bill No. 19 of 2018) be now read a Third Time;

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

There being no debate arising;  
Question put and agreed to;  
Bill read a Third Time and passed.

And the time being thirty minutes past Six O'clock, the First Chairperson adjourned the House without Question put pursuant to the Standing Orders.

16. HOUSE ROSE - at thirty minutes past Six O'clock

**M E M O R A N D U M**

The Speaker will take the Chair  
Today, Thursday, June 25, 2020 at 6.45 p.m.

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