



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JULY 15, 2020

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

The Speaker conveyed the following Communications –

(i) WITHDRAWAL OF SPECIFIC STATUTES PROPOSED TO BE AMENDED IN THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2020)

“Honourable Members, as you may be aware, the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 15 of 2020) was published vide Kenya Gazette Supplement No. 89 of June 6, 2020 to effect various amendments to various Statutes. The Bill, which is sponsored by the Leader of the Majority Party and is proposing amendments to thirty-eight (38) Statutes, was read a First time on Tuesday, June 23, 2020. It was thereupon referred to various Departmental Committees for consideration in accordance with their respective mandates vide my Communication of Thursday, June 25, 2020.

Honourable Members, I wish to inform the House that I have since received a letter from the Leader of the Majority Party, dated July 14, 2020, requesting my consent for withdrawal of proposed amendments to the following eight (8) statutes as contained in the Bill-

- (i) The Criminal Procedure Code (Cap. 75);
- (ii) The Evidence Act (Cap 80);
- (iii) The Anti-Corruption and Economic Crimes Act, 2003;
- (iv) The Public Officer Ethics Act, 2003;
- (v) The Proceeds of Crime and Anti-Money Laundering Act, 2009;
- (vi) The Counter Trafficking in Persons Act, 2012;
- (vii) The Leadership and Integrity Act, 2012; and
- (viii) The Bribery Act, 2016.

Honourable Members, in his request, the Leader of the Majority Party indicates there is need to isolate the statutes he has listed to allow further inter-agency consultations, while allowing the rest of the Bill to proceed without delay. I have acceded to this request, which implies that the Bill will now undergo public participation, Second Reading and other stages without making reference to the withdrawn Statutes. In this regard, the Bill will proceed as though the withdrawn Statutes were not part of the Bill as published.

The House is accordingly guided.”

(ii) LEADERSHIP VACANCIES OCCURRING IN RECONSTITUTED COMMITTEES

“**Honourable Members**, as you are aware, during the morning Special Sitting of today, July 15, 2020, the House approved appointment of Members to various Committees. As indicated by the Chairperson of the Committee on Selection, the reorganization of various Committees, occasion several vacancies in the positions of Chairpersons and Vice-Chairpersons of a number of Committees as follows-

	COMMITTEE	VACANCY
1.	Departmental Committee on Administration and National Security	Vice-Chairperson
2.	Departmental Committee on Agriculture and Livestock	Chairperson, and Vice-Chairperson
3.	Departmental Committee on Communication, Information and Innovation	Vice-Chairperson
4.	Departmental Committee on Education and Research	Chairperson, and Vice-Chairperson
5.	Departmental Committee on Energy	Vice-Chairperson
6.	Departmental Committee on Finance and National Planning	Chairperson
7.	Departmental Committee on Health	Vice-Chairperson
8.	Departmental Committee on Justice and Legal Affairs	Chairperson, and Vice-Chairperson
9.	Departmental Committee on Labour and Social Welfare	Chairperson, and Vice-Chairperson
10.	Departmental Committee on Lands	Vice-Chairperson
11.	Departmental Committee on Sports, Culture and Tourism	Chairperson
12.	Departmental Committee on Trade, Industry and Cooperatives	Chairperson, and Vice-Chairperson
13.	Departmental Committee on Transport, Public Works and Housing	Vice-Chairperson
14.	Budget and Appropriations Committee	Chairperson
15.	Committee on Delegated Legislation	Chairperson, and Vice-Chairperson
16.	Committee on Regional Integration	Chairperson
17.	Select Committee on National Government	Chairperson

	COMMITTEE	VACANCY
	Constituencies Development Fund	
18.	Select Committee on Constitutional Implementation Oversight Committee	Vice-Chairperson
19.	Committee on National Cohesion and Equal Opportunity	Vice-Chairperson
20.	Committee on Parliamentary Broadcasting and Library	Chairperson, and Vice-Chairperson
21.	Committee on Members' Services and Facilities	Vice-Chairperson

Honourable Members, you may also recall that the House on Tuesday, June 23, 2020 extended the timeline for Committees to elect their Chairpersons and Vice-Chairpersons by an additional thirty (30) days from Tuesday, June 23, 2020. The thirty days will expire on July 25, 2020. Given the need to adhere to the said resolution and the health and safety measures on fumigation and decontamination of the precincts of Parliament which will commence on Saturday 18th July, 2020, I hereby direct all the affected Committees to conclude the necessary elections by end of day on Friday, July 17th, 2020.

Having said that **Honourable Members**, I wish to bring your attention the provision of Standing Order 179(3) which provides that, and I quote-

“179(3) A candidate for election as Chairperson or Vice-Chairperson of a Committee shall submit his or her nomination paper, in writing, to the Clerk by 5.00 pm on the day before the election”.

To facilitate the elections to be held tomorrow, Thursday, July 16, 2020 and others to be held on Friday, July 17, 2020, the Clerk has made necessary arrangements and has circulated a schedule showing the date and respective times appointed for election of Chairpersons or Vice-Chairpersons of the twenty-one (21) Committees. In this regard-

- (i) Nomination forms are to be collected from the office of the Director of Committee Services on the 4th Floor, Room 401, Continental House, Parliament Buildings;
- (ii) For elections that are scheduled to be held tomorrow, Thursday, July 16, 2020, candidates should make arrangements to pick the forms and return them today by 5.00 pm in the same office; on the other hand, in respect of the elections to be held on Friday, July 17, 2020, the nomination forms should be returned to the same office by 5.00 pm tomorrow, Thursday, July 16, 2020.

Honourable Members, I also wish to guide that the reconstitution of the Committees does not affect the usual tenure of the Budget and Appropriations Committee and the Select Committee on National Government Constituencies Development Fund as provided for under Standing Orders 207(4) and Section 50(3) of the National Government Constituencies Development Fund Act, 2015.

The said provisions stipulate that, once constituted at the beginning of a parliamentary term, the two Committees are to serve for a period of three calendar years and are then reconstituted for the remainder of the parliamentary term. For the avoidance of doubt, the initial three years will lapse at the end of the current Fourth Session.

The House is accordingly guided.”

(iii) ENGAGEMENT BETWEEN THE EXECUTIVE AND THE NATIONAL ASSEMBLY DURING THE COVID-19 PANDEMIC

“Hon. Members, I wish to make this Communication as a matter of public interest and to guide the House on the continued engagement between the National Assembly and the Executive and other organs of the State during this period as the country deals with the Covid-19 pandemic.

To begin with, **Hon. Members,** I wish to inform you that I have received a letter from the Head of Public Service regarding the engagement between the National Assembly and the Executive during the subsistence of the COVID-19 pandemic. In the correspondence, the Executive is cognizant of the complementary relations between the Legislature and the Executive in the carrying out of their respective constitutional mandates. Specifically, it is observed that as part of oversight, State Officers from different State organs are expected to appear before Parliament for various reasons. In this regard, there is need to provide alternative operational guidelines to ensure that the officers discharge their duties in a manner that serves the public good without compromising on individual or public health.

Hon. Members, in order to ensure that Parliament continues to discharge its mandate, the Executive shall continue to avail its members to attend parliamentary queries and summons during this period. However, in keeping with public health protocols requiring minimal physical contact, the Executive has established technological infrastructure and platforms through which state officers can attend Parliament through virtual means.

Hon. Members, it is a matter of public knowledge that there has been a spike in the number of infected cases in the country in the last two weeks and Parliament has also not been spared. It is therefore imperative that the necessary precautions be taken to control chances of infection among the parliamentary fraternity. Indeed, Parliament continues to take necessary steps aimed at contributing to the flattening of the curve of infection and protecting Members of Parliament, staff and essential visitors from infection. Undeniably, **Hon. Members,** Committee activities bring together persons from all walks of life notwithstanding the fact that Parliament has no testing capacity for the disease. In this regard, I have acceded to the request by the Executive. Henceforth, all Committee sittings will be held virtually unless otherwise stated with my express authorization. These measures are further to my earlier directives to ensure that government guidelines and protocols are adhered to.

Hon. Members, arising from the above, I hereby further direct that all Committee sittings are suspended until Tuesday, July 28, 2020. Thereafter, Committees will only operate virtually as per my guidance above. Arrangements should therefore be made for full virtual proceedings of Committees before resumption. However, physical meetings will be allowed for purposes of electing Chairpersons and Vice Chairpersons as communicated earlier.

In this regard, the election of Chairpersons and Vice Chairpersons of the various Committees should be held by Friday, July 17, 2020 to pave way for the fumigation and decontamination of the precincts of Parliament as per the public health guidelines.

In conclusion, Members of Parliament and staff are encouraged to undergo voluntary testing, and self-isolate in case they come into contact with a positive case or a suspected positive case in accordance with the Ministry of Health guidelines. In the meantime, the Clerk of the National Assembly is directed to ensure adherence to this Communication with respect to the administrative services herein.

The House is accordingly guided.”

5. **PETITIONS**

Nominated Member (The Hon. David Sankok, MP) presented a Petition on behalf of residents of South Rift and Nyanza regarding the economic viability of Phase 2B of the Standard Gauge Railway (SGR) Project.

(Petition referred to the relevant Departmental Committee pursuant to Standing Order 227(1))

6. **PAPERS LAID**

The following Papers were laid on the Table of the House –

- (i) Report of the Board of the National Government Constituencies Development Fund on Project Proposals, Approvals, Disbursement Status and Restrictions imposed on the Constituency Account for the Fourth Quarter of 2019/2020 Financial Year (1st April, 2020 to 30th June, 2020); *(Referred to the Committee on National Government Constituencies Development Fund).*
- (ii) Annual Reports and Financial Statements of the Kenya Civil Aviation Authority for the year ended 30th June, 2017;
- (iii) Annual Reports and Financial Statements of the Kenya Civil Aviation Authority for the year ended 30th June, 2018;
- (iv) County Governments Budget Implementation Review Report for the Financial Year 2019/2020 from the Office of the Controller of Budget; and
- (v) Report on Implementation of the National Assembly’s recommendations to the Outcomes of the United Nations Conference of Parties to the United Nations Framework on Climate Change (COP24) from the National Treasury and Planning.

(The Leader of the Majority Party)

7. **QUESTIONS**

The following Questions were asked –

- (i) **Question No.083/2020** by the Nominated Member (The Hon. Gideon Keter, MP) regarding internship placements for graduates of Bachelor of Science in Nursing (BScN) degree from Masinde Muliro University of Science and Technology (MMUST) and private universities in accredited Government Hospitals;

(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

- (ii) **Question No. 088/2020** by the Member for Mwatate (The Hon. Andrew Mwadime, MP) regarding construction of an electric fence in Mgeno-Kasishau area in Mwatate Constituency to end the ongoing human-wildlife conflict between the residents and wildlife from Tsavo West National Park.

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

- (iii) **Question No. 090/2020** by the Member for Tharaka (The Hon. Gitonga Murugara, MP) regarding the Multi-Agency Taskforce constituted by the Principal Secretary, National Treasury and Planning with the mandate of studying, deliberating on and making recommendations on matters of payments of pensions, gratuities and other benefits to former councillors.

(Question stood down on request by the Member)

- (iv) **Question No. 102/2020** by the Member for West Mugirango (The Hon. Vincent Kemosi, MP) regarding investigations into the disappearance of one Evans Kubwa Mokaya of ID No. 28506914, aged 28 years who went missing on 5/11/2019 and the matter reported at Ngong Police Station through Occurrence Book Number 44/17/2019.

(To be replied before the Departmental Committee on Administration and National Security)

- (v) **Question No. 103/2020** by the Member for Igembe Central (The Hon. Iringo Kubai, MP) regarding the status of geological surveying, drilling and construction of Kabukuro Borehole in Igembe Central Constituency which was commissioned in 2014 by Kenya Wildlife Service as a community project.

(To be replied by the Cabinet Secretary for Tourism and Wildlife before the Departmental Committee on Environment and Natural Resources)

- (vi) **Question No. 113/2020** by the Member for Rabai (The Hon. Kamoti Mwamkale, MP) regarding the Ministry of Education's policy regarding coercion of parents and guardians in secondary schools to pay money which is allegedly used to pay salaries for teachers employed by the respective Boards of Management.

(To be replied by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

8. **STATEMENTS**

The Member for Garissa Township (The Hon. Aden Duale, EGH, MP) requested for a statement regarding registration of persons in Garissa and Wajir Counties.

9. **SPECIAL MOTION - CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE AUDITOR GENERAL**

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 Appointment as the Auditor-General, laid on the Table of the House on Wednesday, July 15, 2020 and pursuant to the provisions of Article 229(1) of the Constitution, section 11(8) of the Public Audit Act, 2015 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of Ms. Nancy Janet Kabui Gathungu as the Auditor-General.

(Hon. Waihenya Ndirangu, MP on behalf of the Chairperson, Departmental Committee on Finance & National Planning)

Debate arising;

Question put and agreed to.

And the time being ten minutes past Six O'clock, the Fourth Chairperson of Committees interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

10. **HOUSE ROSE** - at ten minutes past Six O'clock.

MEMORANDUM

The Speaker will take the Chair on
Tuesday, July 28, 2020 at 2.30 p.m.