



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JULY 30, 2020 (MORNING)

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

4. **QUESTIONS**

The following Questions were made to various Ministries/State Departments/Commissions: -

a) Questions by Private Notice

- (i) Question by Private Notice No.015/2020 by the Member for Ndhiwa Constituency (Hon. Martin Peters Owino) regarding neglect of sugarcane farmers by Sukari Industry Limited.
(To be prioritized for response by the Cabinet Secretary for Agriculture, Livestock and Fisheries before the Departmental Committee on Agriculture and Livestock)
- (ii) Question by Private Notice No.016/2020 by the Member for Nyeri County (Hon. Rahab Mukami Wachira) regarding criteria used in identifying beneficiaries among Persons with Disabilities in the country.
(To be prioritized for response by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)

b) Ordinary Questions

- (i) Question No.110/2020 by the Member for Kathiani Constituency (Hon. Robert Mbui) regarding delays in upgrading Kenol-Mitaboni-Kathiani-Kaani Road to bitumen standards.
(To be responded to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works before the Departmental Committee on Transport, Public Works and Housing)
- (ii) Question No.114/2020 by the Member for Kaloleni Constituency (Hon. Paul Katana) regarding implementation of projects under the Equalization Fund.

(To be responded to by the Cabinet Secretary for National Treasury and Planning before the Departmental Committee on Finance and National Planning)

- (iii) Question No.121/2020 by the Member for Butere Constituency (Hon. Tindi Mwale) regarding deployment of police officers to Butere Cobnstituency.
(To be responded to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)
- (iv) Question No.123/2020 by the Member for Emuhaya Constituency (Hon. Omboko Milemba) regarding transfer of Technical and Vocational Education and Training trainers from Teachers Service Commission payroll to Public Service Commission.
(To be responded to by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)
- (v) Question No.126/2020 by the Member for Tarbaj Constituency (Hon. Ahmed Bashane Gall) regarding status of provision of water to residents of Tarbaj Constituency.
(To be responded to by the Cabinet Secretary for Water, Sanitation and Irrigation before the Departmental Committee on Environment and Natural Resources)
- (vi) Question No.127/2020 by the Member for Kinango Constituency (Hon. Benjamin Dalu Tayari) regarding authorization of quarry mining in Mwache Forest.
(To be responded to by the Cabinet Secretary for Environment and Forestry before the Departmental Committee on Environment and Natural Resources)

5. THE REFUGEES BILL (NATIONAL ASSEMBLY BILL NO. 62 OF 2019)

Motion made and Question proposed-

THAT, the Refugees Bill (National Assembly Bill No. 62 of 2019) be now read a Second Time.

(Leader of the Majority Party -28.07.2020)

Debate on the Motion having been concluded on Tuesday, July 28, 2020;

Question put and agreed to.

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

6. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

The Public Finance Management (Amendment) (No.2) Bill (National Assembly Bill No. 23 of 2020)

Clause 2 - amendment proposed

THAT, the Bill be amended in clause 2 in the proposed definition of the phrase “medium enterprise” by deleting paragraph (a) and substituting therefor the following new paragraph -

“(a) whose annual turnover is between five million shillings and one hundred million shillings;”

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question on the amendment put and agreed to;

Clause 2 - as amended agreed to

Clause 3 - amendment proposed

THAT, the Bill be amended in clause 3 in the proposed new subsection (3A) by deleting the word “Parliament” appearing immediately after the word “when” and substituting therefor the words “either House of Parliament”.

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question on the amendment put and agreed to;

Clause 3 - as amended agreed to

Clause 4 - amendment proposed

THAT, the Bill be amended in clause 4 -

(a) by deleting the proposed sub-section (5) and substituting therefor the following new sub-sections-

(5) Notwithstanding the provisions of sub-section (2)(c), the Cabinet Secretary may guarantee credit which is extended to a private borrower, for enterprise development or such other purpose as the Cabinet Secretary may prescribe, where the borrower does not have sufficient security.

(6a) The Cabinet Secretary may only guarantee credit which is extended to a borrower under sub-section (5), if the borrower-

- (a) is a micro, small or medium enterprise;
- (b) is registered as a business or company under the relevant laws;
- (c) is a registered taxpayer and is in compliance with the relevant tax laws;
- (d) is registered by a county government and holds a valid business permit or trade licence;
- (e) is not part of any group or related to any enterprise which would otherwise not be eligible for credit guarantee under this section; and
- (f) agrees in writing to comply with the provisions of this Act and any conditions that may be imposed by the Cabinet Secretary.

(b) in sub-section (8) by -

- (i) inserting the words “or varied” immediately after the words “be liquidated” in paragraph (g);
- (ii) inserting the following new paragraphs immediately after paragraph (g) -

- (ga) the maximum percentage of the Scheme funds which may be used to guarantee any individual borrower;
- (gb) mechanisms to ease access to credit guarantees by enterprises owned by women, youth and persons with disabilities;
- (gc) mechanisms for recovering the money from the borrower where the credit guarantee is liquidated;
- (gd) a limit on the period of default to a maximum of six months;

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question on the amendment put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - amendment proposed

THAT, the Bill be amended in clause 5 in the proposed new section 59A (2) by inserting the following new paragraphs immediately after paragraph (d) -

(da) information on the total value of credit guarantees, disaggregated into the number of enterprises owned by women, youth and persons with disabilities which have been guaranteed;

(db) information on the total value of credit guarantees, disaggregated into the number of micro, small and medium enterprises guaranteed and by the respective regions;

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;

Debate arising;

Question on the amendment put and agreed to;

Clause 5 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

7. HOUSE RESUMED - the Fourth Chairperson in the Chair

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Public Finance Management (Amendment) (No.2) Bill (National Assembly Bill No. 23 of 2020).

(Leader of the Majority Party)

Question put and agreed to.

Motion made and Question proposed –

THAT, the Public Finance Management (Amendment) (No.2) Bill (National Assembly Bill No. 23 of 2020) be now read a Third Time.

(Leader of the Majority Party)

Question put and agreed to;

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

8. **THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL (SENATE BILL NO.25 OF 2018)**

Order deferred on request of the Chairperson, Departmental Committee on Justice and Legal Affairs

9. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILL NO. 27 OF 2018)**

Order deferred on request of the Chairperson, Departmental Committee on Justice and Legal Affairs)

10. **MOTION- INQUIRY INTO THE STATUS OF DAMS IN KENYA**

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on an Inquiry into the Status of Dams in Kenya, *laid on the Table of the House on Thursday, October 17, 2019.*

(Chairperson, Departmental Committee on Environment and Natural Resources)

Debate arising;

[Change of Chair from the Fourth to the Second Chairperson]

Debate to resume.

11. **HOUSE ROSE** - at One O'clock.

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

MEMORANDUM

The Speaker will take the Chair on
Thursday, July 30, 2020 at 2.30pm

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