



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, OCTOBER 01, 2020

1. The House assembled at Ten O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Fourth Chairperson
4. **MESSAGES**

The Fourth Chairperson conveyed the following Message from the Senate –

Passage of the County Allocation of Revenue Bill (Senate Bill No, of 2020)

Honourable Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding its passage of the *County Allocation of Revenue Bill (Senate Bill No. 7 of 2020)*.

Honourable Members, the Message reads in part, and *I quote*, “the Senate considered and **passed** the said Bill on Tuesday, 29th September, 2020 **with amendments**”

Honourable Members, the County Allocation of Revenue Bill is an annual legislation introduced in accordance with the provisions of Article 218 of the Constitution with the objective of equitably allocating the share of national revenue amongst the forty seven (47) Counties. Given the urgency of the passage of this Bill and in furtherance to the provisions of Standing Order 124(2)(a), the Budget and Appropriations Committee is directed to expedite consideration of the Bill to enable the House to consider the Bill in all stages during the sitting of Tuesday, October 6, 2020, and unlock the budget processes in the forty seven (47) Counties.

Honourable Members, May I also take this opportunity to remind the House of the provisions of Article 111(2) of the Constitution which provides the voting thresholds for amending a special bill, (and I quote)-

“The National Assembly may amend or veto a special Bill that has been passed by the Senate only by a resolution supported by at least two-thirds of the members of the National Assembly.”

A County Allocation of Revenue Bill is a special Bill concerning county governments in terms of Article 110(2)(a)(ii) of the Constitution. This implies that any amendment

proposed in this House on the Bill shall require to be supported by at least two-thirds of **all** the Members of this House for it to pass. The House is accordingly guided.

I thank you!

5. QUESTIONS

The following Questions were asked -

- (i) Question No.181/2020 by the Member for Kathiani (Hon. Robert Mbui) regarding measures put in place to curb the rampant land adjudication malpractices across the country.

(To be replied to by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

- (i) Question No.194/2020 by the Member for Moyale (Hon. Qalicha Gufu) regarding recent attacks on *Funnah Idda* village in Sololo sub county, Moyale Constituency and the measures put in place to curb increased cases of insecurity, including when the administrative units approved in June 2017 to improve security in Moyale Constituency, would be implemented.

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

- (ii) Question No.212/2020 by the Member for Kitui West (Hon. Edith Nyenze) regarding facilitation of village elders for carrying out administrative duties and providing vital services to communities;

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

- (iii) Question No.217/2020 by the Member for Gichugu (Hon. Gichimu Githinji) regarding source, design, network and volumes of the Mega Kutus Water supply project being undertaken by the Tana Water Services Board in Kirinyaga County and whether there is consideration for a network to supply water to residents of Gichugu;

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

- (iv) Question No.222/2020 by the Member for Sigowet-Soint (Hon. Kipsengeret Koros) regarding criteria used to allocate the Roads Maintenance Levy Fund to the counties and whether the same criteria is used to allocate the fund to counties within the same county.

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

- (v) Question No.227/2020 by the Member for Nakuru Town East (Hon. David Gikaria) regarding the cause of the recent black rain that was experienced at *Kabatini* in *LanetUmoja* ward, Nakuru county, the health risks posed and measures taken to caution the public on the risks of the black rain.

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

- (vi) Question No.229/2020 by the Member for Lurambi (Hon. Titus Khamala) regarding the steps being taken by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development to expedite restoration of Road C41 connecting Lurambi and Navakholo Constituencies after being swept away by heavy rains.

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

- (vii) Question No.232/2020 by the Member for Igembe South (Hon. John Mwirigi) regarding the status of ownership and the number of all parcel of land set aside for public use in Maua township and measures put in place to ensure that public land is safeguarded against irregular allocation and grabbing.

(To be replied to by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

- (viii) Question No.234/2020 by the Member for Westlands (Hon. Timothy Wanyonyi) regarding causes of power outages in Gigiri, Runda and the wider Karura environs at around 6 o'clock every evening and reimbursement of customers, particularly prepaid meter number 01450540107 for wrong billing.

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

6. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson in the Chair

The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019)

Clause 2 - amendment proposed –

THAT, the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

Amendment 2. The Public Service (Values and Principles) Act is amended in of section section 16—
16 of No.
1A of 2015.

(a) in sub-clause (3), by inserting the following paragraph immediately after paragraph (d)—

“(da) details on the human resource establishment within the Service Commission outlining the total number of employees and highlighting their gender, age, county of birth, county of residence, ethnicity and whether they are persons living with disabilities.”

(b) by inserting the following new subsection immediately after subsection (3)—

(4) An authorised officer who fails to prepare a report under subsection (1) may be subjected to disciplinary action in accordance with the laid out procedures.

(Hon. Andrew Mwadime, MP)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, clause 2 of the Bill be amended by deleting the proposed new paragraph (da) and substituting therefor the following new paragraph—

“(da) details on the human resource establishment within the Service Commission outlining the total number of employees and highlighting their gender, place of birth and whether physically challenged”

(Chairperson, Departmental Committee on Administration & National Security)

Proposed further amendment dropped;

Clause 2 - 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

The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019)

Bill reported with amendments;

Motion made and Question proposed –

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

(Hon. Andrew Mwadime)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Employment the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 17 of 2019) be now read a Third Time.

(Hon. Andrew Mwadime)

Question put and agreed to;

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

8. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL(NATIONAL ASSEMBLY BILL NO. 27 OF 2019)

Order for Second Reading Read;

Motion made and Question proposed;

THAT, the Public Service Commission (Amendment) Bill (National Assembly Bill No.27 of 2019) be now read a Second time

(Hon. Benjamin Mwangi- 17.09.2020)

Debate interrupted on Thursday, September 17, 2020 resumed;

(Change of Chair from the Fourth to the Third Chairperson)

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

9. HOUSE ROSE - at One O'clock.

M E M O R A N D U M

The Speaker will take the Chair today,
Thursday, October 01, 2020 at 2.30p.m.

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