



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 24, 2020

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

The Speaker issued the following Communication –

Facilitation of Members of Parliament and staff by National Transport and Safety Authority to migrate to Smart Driving License

“Hon. Members As you may be aware, this House amended the Traffic Act consequently; providing for migration from the current paper Driving Licences to digital or Smart Driving Licences. By coming to force of the Act and the Regulations made thereof, all drivers are required to migrate from the old Driving Licences to digital or Smart Driving Licences. To this end therefore, the Parliamentary Service Commission has engaged the National Transport and Safety Authority (NTSA) to facilitate Members of Parliament and parliamentary staff who have not yet migrated to the Smart Driving Licences from within the precincts of Parliament.

In this regard, therefore, I wish to notify the House that the NTSA officers will be available to assist Members and staff of the Parliamentary Service Commission to create accounts and migrate to digital Licences from today **Tuesday, 24th to Friday, 27th November 2020 in the Lounge next to the National Assembly Main Chamber.** I thank you.”

5. **PETITIONS**

The following Petitions were presented –

- (i) The Speaker conveyed the following Petition –

“Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member. I therefore wish to report to the House that my office has received a petition from the leadership of the County Government of Uasin Gishu regarding non-allocation of Health Services Conditional Grant to the County Government of Uasin Gishu.

Honourable Members, the petition, which is co-signed by among others the Governor of Uasin Gishu County, H.E. Jackson K. Arap Mandago and his deputy, holds that the Moi Teaching and Referral Hospital has never received a Conditional Grant which is provided for under Article 202(2) of the Constitution. The petitioners aver that the elevation of the said Hospital from Level 5 to Level 6 is the root cause of this funding stalemate that continues to deny county residents access to emergency, outpatient and inpatient services.

Further, Honourable Members, the petitioners assert that the Moi Teaching and Referral Hospital perennially struggles with underfunding, neglect and budget cuts, and is set to miss out on the Ksh 4.3 Billion earmarked for Level 5 hospitals under Health Services Conditional Grant as contained in the Division of Revenue Act, 2020.

Honourable Members, the petitioners are additionally convinced that the criteria used by the Ministry of Health to determine Level 5 hospital status such as availability of facilities and bed capacity is improper since it ignores other critical factors including hospital patients' attendance rates.

It is on this premise, Honourable Members, that the petitioners seek the intervention of this August House in securing Health Services Conditional Grants for Uasin Gishu County and in undertaking other investigative, legislative and budgeting interventions to safeguard the health standards of the people of Uasin Gishu County through the Moi Teaching and Referral Hospital and other health facilities within the County.

Honourable Members, pursuant to the provisions of Standing Order 227(1), this Petition therefore stands committed to the Departmental Committee on Health. The Committee is requested to consider the Petition and report its findings to the House and the petitioners in accordance with Standing Order 227(2).

I thank you!"

- (ii) The Member for Muhoroni (Hon. James Onyango Koyoo) regarding the plight of employees and Union officials of Kenya Union of Sugar Plantation and Allied Workers (KUSPAW).

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(2)

6. PAPERS LAID

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

- (a) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein:-
 - (i) The State Department for Irrigation;
 - (ii) The State Department for Gender;

- (iii) The State Department for Public Service;
 - (iv) The State Department for Culture and Heritage;
 - (v) The Kenya Climate Smart Agriculture Project (IDA Credit No. 5945KE); and
 - (vi) The Technical Assistance to Enhance the Capacity of the President's delivery Unit (ADB Grant No. 5500155012902).
- (b) The Reports of the Auditor-General on the Revenue Statements in respect of the following Institutions for the year ended 30th June, 2019:-
- (i) The State Department for Interior; and
 - (ii) The State Department for Mining.
- (c) Audit Reports on the Office of the Auditor-General for the Financial Year 2014/2015 and 2015/2016 by M/s PKF Kenya.

(The Leader of the Majority Party)

- (d) Report of the Select Committee on Delegated Legislation on its consideration of:-
- (i) The Public Finance Management (Parliamentary Car Loan (Members) Scheme Fund (Amendment) Regulations, 2020;
 - (ii) The Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund (Amendment) Regulations, 2020;
 - (iii) The Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund (Amendment) Regulations, 2020; and
 - (iv) The Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund (Amendment) Regulations, 2020.

(The Chairperson, Select Committee on Delegated Legislation)

- (e) Report of the Departmental Committee on Lands on its consideration of a Public Petition by residents of Hospital Ward in Mathare Constituency regarding Imminent Eviction by the Kenya Police.

(The Chairperson, Departmental Committee on Lands)

7. NOTICES OF MOTION

The following Notices of Motion were given –

- (i) **THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Car Loan (Members) Scheme Fund (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, November 24, 2020 and pursuant to the provisions of section 24(2A) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Car Loan (Members) Scheme Fund (Amendment) Regulations, 2020 published as Legal Notice No. 184 of 2020;

- (ii) **THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, November 24, 2020 and pursuant to the provisions of section 24(2A) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Mortgage (Members) Scheme Fund (Amendment) Regulations, 2020 published as Legal Notice No. 185 of 2020;
- (iii) **THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, November 24, 2020 and pursuant to the provisions of section 24(2A) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Car Loan (Staff) Scheme Fund (Amendment) Regulations, 2020 published as Legal Notice No. 186 of 2020; and
- (iv) **THAT**, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund (Amendment) Regulations, 2020, laid on the Table of the House on Tuesday, November 24, 2020 and pursuant to the provisions of section 24(2A) of the Public Finance Management Act, 2012, approves the Public Finance Management (Parliamentary Mortgage (Staff) Scheme Fund (Amendment) Regulations, 2020 published as Legal Notice No. 187 of 2020;

(Chairperson, Committee on Delegated Legislation)

8. QUESTIONS

The following Question were asked –

- (i) Question No. 312/2020 by the Member for Lamu West (Hon. Stanley Muthama) regarding measures taken by the Ministry of Agriculture, Livestock and Fisheries to assist farmers in Lamu West to access markets for cotton produce and address challenges faced by cotton farmers;

(To be replied to by the Cabinet Secretary for Agriculture, and Livestock before the Departmental Committee on Agriculture and Livestock)

- (ii) Question No. 327/2020 by the Member for Mwingi Central (Hon. Gideon Mulyungi) regarding measures taken by the Government to ensure construction and development of dams, boreholes and water pans in Mwingi Central Constituency;

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

- (iii) Question No. 335/2020 by the Member for Baringo Central (Hon. Joshua Kandie) regarding criteria used by the Teachers Service Commission in promotion of teachers in the country and ensuring equitable distribution of promotion opportunities for teachers across the country;

(The Teachers Service Commission to provide a written reply to the Question)

- (iv) Question No. 341/2020 by the Member for Subukia (Hon. Samuel Gachobe) regarding delay in payment of pension for one Chege Mwai of National ID No. 0929687/63, a former employee No. 136148H at the Kenya Railways Corporation;

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

- (v) Question No. 343/2020 by the Member for Funyula (Hon. Oundo Ojiambo) regarding procurement process for construction of Matayos-Ganjala-Nakhasiko-Nangina Road C830.

(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)

9. STATEMENTS

(a) Requests for Statements

The following Members sought statements –

- (i) The Member for Kisumu West, (the Hon. John Olago, MP) request for a Statement from the Chairperson, Departmental Committee on Education and Research regarding disbursement of tuition and general purpose funds for public primary schools; and
- (ii) The Member for Dagoretti South, (the Hon. John Kiarie, MP) request a Statement from the Chairperson, Departmental Committee on Finance and National Planning regarding the status of Public Debt Management.

(b) Responses to Requests for Statements

The following Chairpersons gave Responses to Requests or Statements as follows –

- (i) The Chairperson, Departmental Committee on Transport, Public Works and Housing responded to a Request for Statement by the Member for Konoin Constituency, (Hon Leonard Yegon) regarding demolition of Lunar Park in Nairobi County;
- (ii) The Vice Chairperson, Departmental Committee on Education and Research gave a Response to the Request for a Statement by the Member for Narok East Constituency (Hon. Aramat Lemanken) regarding transfer of one Fleming Simpiti Kudate (TSC No. 522291) Acting Head Teacher of Inkoirienito Primary School in Narok County;

- (iii) The Chairperson, the Departmental Committee on Administration and National Security tabled a Response to a Request for a Statement by the Member for Igembe North Constituency (Hon Maoka Maore) regarding on impeding freeze on hiring and recruitment in the public service following a Government order; and
- (iv) The Chairperson, Departmental Committee on Communication, Information and Innovation informed the House that the Committee had resolved to undertake a full inquiry into the matters raised in the Request for a Statement by the Nominated Member (Hon. Godfrey Osotsi) regarding to the Effectiveness of the IFMIS System raised in the Report of the Auditor General on IFMIS Effectiveness for the July 2010 to January 2014.

10. PERSONAL STATEMENT PURSUANT TO STANDING ORDER 84

The Member for Chepalungu, (Hon. Gideon Koske, MP) made a Personal Statement regarding derogatory attack on his person, uttered by the Leader of the Minority Party (Hon. CPA John Mbadi) in the House on Thursday, November 19, 2020, implying that he was “illiterate”. In his Statement, the Member clarified that he was educated up to University level and that the people of Chepalungu elected him to Parliament as a sign of trust in his intellectual capacity. He stated that Members of the August House ought to treat and address each other with decorum befitting leaders and the House and sought the Speaker’s indulgence to compel the Hon. CPA John Mbadi to retract the derogatory attack and apologize.

And the Speaker having acceded to the request, thereupon, the Speaker called upon the Leader of the Minority Party (Hon. CPA John Mbadi) to respond.

In his response, the Leader of the Minority Party (Hon. CPA John Mbadi) claimed that the Member for Chepalungu (Hon, Gideon Koske) interpreted his remarks out of context and tendered an apology.

11. MOTION- DEBATE ON THE PRESIDENT’S ADDRESS (DAY 3)

Motion having been made and Question proposed –

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Thursday, November 12, 2020 and further that this House notes the following Reports submitted by H.E. the President, *laid on the Table of the House on Tuesday, November 17, 2020-*

(a) Reports submitted in fulfillment of the provisions of Articles 132(1) (c) and 240(7) of the Constitution:

- (i) The Annual Report on the Measures Taken and Progress Achieved in the Realization on National Values and Principles of Governance;
- (ii) The Annual Report on the Progress made in Fulfilling of the International Obligations of the Republic of Kenya; and,
- (iii) The Annual Report to Parliament on the State of National Security.

(b) Other Reports submitted by H.E. the President:

- (i) The Report on Ease of Doing Business Milestones 2014-2020; and,
- (ii) The Annual Report of the Office of the Director of Public Prosecutions for the financial years 2017/2018, 2018/2019 and 2019/2020.

(The Leader of the Majority Party – 10.11.2020)

Debate on the Motion having been concluded on Thursday, November 12, 2020;

Question put and agreed to.

12. MOTION- APPROVAL OF NOMINEES TO VARIOUS NG-CDF CONSTITUENCY COMMITTEES

Motion made and Question proposed –

THAT, pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following eight (8) Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Wednesday, August 5, 2020: -

1. AINABKOI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Isaac KipronoKotut	Representative of Persons Living with Disability	Fresh appointment, pursuant to Sec.43(3)

2. BOMET EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Collins Kibet Yegon	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	David Kipkirui Waitage	Male Representative	Re-appointment, pursuant to Sec.43(8)
3.	Chepkirui Dorcas	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Rose Chelangat Bor	Female Representative	Fresh-appointment, pursuant to Sec.43(3)
5.	Lily Chepkemoi	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Joseph Chirchir	Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec.43(3)

7. Chepkoech Christine Nominee of the Fresh-appointment, pursuant to Constituency Office Sec.43(3) (Female)

3. BUURI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Fredrick Mwiti Kithinji	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Charles Kinyua Kiara	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Elosy Kendi	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Lucy Nkirote Mbobua	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Joshua Murithi Mwarania	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Leslie Murithi Mwarania	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mary Gacheri Mwathe	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

4. DAGORETTI NORTH CONSTITUENCY

(Re-submitted to complete list of Nominees as earlier submission had only six nominees)

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Catherine Akinyi Mwangi	Female Adult Representative	Fresh appointment, pursuant to Sec.43(3)

5. DAGORETTI SOUTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Geoffrey Moturi	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	Joseph ChegeWainaina	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Mary WambuiWaichigo	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Salome Wanjiku Mbugua	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)

6. ELDAMA RAVINE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Alberto KimeliMunji	Male Youth Representative	Fresh appointment, pursuant to Sec.43(8)
2.	Joseph KiborAiyabei	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Nancy Jeptoo Koech	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Anne Mwiwaki Mwangi	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Elijah KamitiKamau	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	John KipkoenSuge	Nominee of the Constituency Office (Male)	Fresh -appointment, pursuant to Sec.43(8)
7.	Veronica C Kaptich	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

7. KITUTU CHACHE SOUTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Benard Ongeri Makuru	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	James Maobe Mokaya	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Winfridah Kemunto Maisiba	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Mellen Nyomenda Kebati	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	John Ongeri Ondieki	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	James OritoOmonywa	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Pacifica Moraa Onyango	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

8. NYERI TOWN CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Kelvin	Male Youth	Fresh-appointment, pursuant to

	NderituNjaramba	Representative		Sec.43(3)		
2.	Richard KanyoroMwangi	Male	Adult	Fresh-appointment,	pursuant	to
		Representative		Sec.43(3)		
3.	Teresa NyokabiMwangi	Female	Adult	Fresh-appointment,	pursuant	to
		Representative		Sec.43(3)		

(Chairperson, Select Committee on NG-CDF)

(Change of Chair from the Hon. Speaker to the Second Chairperson)

There being no debate arising;

Question put and agreed to.

13. MOTION - INQUIRY INTO THE USE OF THE STANDARD GAUGE RAILWAY

Motion having made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on its Inquiry into the Use of the Standard Gauge Railway (SGR), laid on the Table of the House on Tuesday, September 22, 2020.

(Chairperson, Departmental Committee on Transport, Public Works and Housing – 12.11.2020)

Debate interrupted on Thursday, November 12, 2020 resumed;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Igembe Central (Hon. Kubai Iringo) 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;

Thereupon, the Mover replied;

Question deferred to another day.

14. MOTION – INQUIRY INTO THE STATUS OF STADIA IN KENYA

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Sports, Culture and Tourism on the Inquiry into the Status of Stadia in Kenya, laid on the Table of the House on Tuesday, October 13, 2020.

(Chairperson, Departmental Committee on Sports, Culture and Tourism)

Debate arising;

Mover replied;

Putting of question deferred.

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

15. HOUSE ROSE - at Seven O'clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday, November 26, 2020 at 10.00 a.m.

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