



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 28, 2021 – SPECIAL SITTING (MORNING)

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

4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communication:-

On the Special Sittings of the House

“**Honourable Members**, I wish to welcome you back to the House, and hope that you have kept safe as you engaged with your families and constituents. Pursuant to the provisions of Standing Order 29 relating to the procedure for convening of Special Sittings of the House during recess, I wish to report to the House that on 22nd April 2021, I received a letter from the Leader of the Majority Party requesting that I convene Special Sittings of the National Assembly to consider certain matters. Having taken cognizance of the urgency of the matters so specified in the letter by the Leader of the Majority Party, I acceded to the request to convene Special Sittings today, Wednesday, 28th April 2021 and tomorrow, Thursday, 29th April 2021, commencing at 10.00am for the Morning Sitting and at 2.30pm in the case of the Afternoon Sitting, on both days, for purposes of -

- 1) Notification of a Message from the Senate on the Division of Revenue Bill, 2021;
- 2) Tabling of Reports of the following Committees —
 - a) Report of the Budget and Appropriations Committee on the consideration of Senate Amendments to the Division of Revenue Bill, 2021;
 - b) Report of the Departmental Committee on Education and Research on the vetting of the Nominees for appointment to the positions of Chairperson and Member of the Teachers Service Commission;
 - c) Report of the Departmental Committee on Education and Research on the vetting of the nominee for appointment to the position of Principal Secretary in the State Department for Implementation of Curriculum Reforms; and,

- d) Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and Senate Standing Committee on Justice, Legal Affairs and Human Rights on the Constitution of Kenya (Amendment) Bill, 2020 (A Bill to amend the Constitution by Popular Initiative) promoted by the Building Bridges Initiative;
- 3) Tabling of any other Papers with statutory timelines;
- 4) Transaction of the following business –
 - i. Notices of Motion and consideration of Special Motions on –
 - a) The nominees for appointment to the positions of Chairperson and Member of the Teachers Service Commission; and
 - b) The nominee for appointment to the position of Principal Secretary in the State Department for Implementation of Curriculum Reforms;
 - ii. Consideration of the Public Petition for the removal of Ms. Tabitha Mutemi from the membership of the Media Council of Kenya;
 - iii. Consideration of Senate Amendments to the Division of the Revenue Bill, 2021; and
 - iv. Second Reading, Committee of the Whole House and Third Reading of the Constitution of Kenya (Amendment) Bill, 2020 (A Bill to amend the Constitution by Popular Initiative) promoted by the Building Bridges Initiative.

Honourable Members, pursuant to provisions of Standing Order 29, I did Gazette the said Special Sittings of the House vide *Kenya Gazette Notice No. 4005* of 26th April 2021. **Subsequently, the sittings of the House today as well as tomorrow are properly convened.**

Honourable Members, as you are aware through the notifications sent to you in the course of the ongoing recess, I did receive two Messages from the Senate regarding its passage of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021) with amendments to the Schedule regarding conditional allocation to Counties, as well as passage of the Mung Beans Bill (Senate Bill No. 9 of 2020). Pursuant to the provisions of Standing Order 41(6)(c) and the resolution of the House of 10th February 2021, I did refer the said Bills to the Budget and Appropriations Committee and the Departmental Committee on Agriculture and Livestock, for consideration respectively. I also received a Statutory Instrument, Legal Notice No. 27 of 2021 on Exemption on Income Tax, which I determined to be of priority and forwarded to the Committee on Delegated Legislation for consideration pursuant to the resolution of the House of March 30, 2021 on business received during the recess period.

On a sad note, **Honourable Members**, we learnt with great dismay of the passing on of the late Member for Kiambaa Constituency and Chairperson of the Departmental Committee for Administration and National Security, **the Hon. Paul Koinange**, on 31st March 2021 while undergoing treatment at the Nairobi Hospital. This was truly a profound loss for the Parliament of Kenya, the country as a whole and indeed the international community. I wish to convey my utmost gratitude to all Members for their contributions, condolences and support during this difficult time, as well as to the *Ad Hoc* Committee that spearheaded the funeral arrangements chaired by Hon. Peter Mwangi, Member of Parliament for Limuru. This House has without doubt lost a trustworthy, calm, friendly, consistent and devoted leader. I request that we rise and observe a minute of silence in honour of our departed colleague, the Hon. Paul Koinange.

[The House stood and observed a minute's silence in honour of the Late Paul Koinange]

May his soul rest in peace.”

5. MESSAGES

The Speaker conveyed the following Message from the Senate:-

Passage by the Senate of the Division of Revenue Bill, 2021

“**Honourable Members**, as you are aware, Standing Order 41(5) of the National Assembly Standing Orders requires the Speaker to cause the transmission of any Message received from the Senate at a time when the House is not in Session to every Member and later report such Message to the House at its next sitting. In this regard, on April 19, 2021, I did notify you of a Message from the Senate regarding the passage of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021).

Honourable Members, the Message conveyed that the Senate considered and **passed** on Tuesday, 13th April 2021, **with amendments** to the **Schedule**, and now seeks the concurrence of the National Assembly on the said amendment in accordance with the provisions of Article 112(1)(b) of the Constitution.

Honourable Members, upon notification to all Members pursuant to the provisions of Standing Order 41(5) and (6), I did refer the Message to the Budget and Appropriations Committee for consideration. I am aware that the Committee is already seized of the matter and will submit its Report in the course of this Morning Sitting to guide the House during its consideration of the Senate's amendments to the Bill.

Honourable Members, given the urgent need to pass this Bill, the amendments have been scheduled for consideration by the House during this Morning Sitting, and they will be considered in the manner provided for under Standing Orders 145, 146 and 147 (*consideration of Senate amendments to Bills originating in the National Assembly*).

I thank you.”

6. PAPERS LAID

The following Papers were laid on the Table of the House:-

- (i) Legal Notice No. 27 of 2021 relating to the Exemption from Income Tax and the Explanatory Memorandum (*was referred to the Committee on Delegated Legislation*).

(The Leader of the Majority Party)

- (ii) Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on the Constitution of Kenya (Amendment) Bill, 2020 (*A Bill to amend the Constitution by Popular Initiative*).

(Chairperson, Departmental Committee on Justice and Legal Affairs)

- (iii) Reports of the Departmental Committee on Education and Research on the vetting of :-

- a) Prof. Fatuma N. Chege, PhD., for appointment to the position of Principal Secretary, State Department for Implementation of Curriculum Reforms in the Ministry of Education; and
- b) Dr. Jamleck Muturi John PhD. and Mr. Timon Alfred Otieno Oyicho, nominees for appointment to the positions of Chairperson and Member respectively, of the Teachers Service Commission

(Chairperson, Departmental Committee on Education and Research)

- (iv) Report of the Budget and Appropriations Committee on Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 7 of 2021).

(Chairperson, Budget and Appropriations Committee)

7. NOTICE OF MOTION

The following Notices of Motion were given:-

- (i) Notice of Motion -Consideration of Nominee for Appointment as Principal Secretary in the State Department for Implementation of Curriculum Reforms**

THAT, taking into consideration the findings of the Departmental Committee on Education and Research in its report on the *Vetting of a Nominee for Appointment as Principal Secretary, laid on the Table of the House on Wednesday, April 28, 2021*, and pursuant to the provisions of Article 155(3)(b) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Prof. Fatuma N. Chege, PhD**, as Principal Secretary, State Department for Implementation of Curriculum Reforms.

(Chairperson, Departmental Committee on Education and Research)

- (ii) Notice of Motion -Consideration of Nominees for Appointment to the Teachers Service Commission**

THAT, taking into consideration the findings of the Departmental Committee on Education and Research in its Report on the Vetting of Nominees for appointment to the Teachers Service Commission, *laid on the Table of the House on Wednesday, April 28, 2021*, and pursuant to the provisions of Article 250(2)(b) of the Constitution, Section 8(8) of the Teachers Service Commission Act, 2012 and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House

now **approves** the appointment of the following persons to the Teachers Service Commission: -

- (i) **Dr. Jamleck Muturi John, PhD** - **Chairperson; and,**
(ii) **Mr. Timon Alfred Otieno Oyucho** - **Member.**

(Chairperson, Departmental Committee on Education and Research)

8. **MOTION – CONSIDERATION OF A PETITION ON THE REMOVAL OF A MEMBER OF THE MEDIA COUNCIL OF KENYA**

Motion made and Question proposed:-

THAT, taking into consideration the findings of the Departmental Committee on Communication, Information and Innovation in its Report on the consideration of a Petition regarding Removal from office of Ms. Tabitha Mutemi as a Member of the Media Council of Kenya, *laid on the Table of the House on March 30, 2021*, and pursuant to the provisions of the section 14(3) of the Media Council Act, 2013, this House finds that the Petition as submitted discloses sufficient grounds as contemplated under section 14(1) of the Media Council Act, 2013 and **resolves** to submit the complaint to the Cabinet Secretary for Information, Communication, Technology and Youth Affairs in accordance with section 14(3) of the Media Council Act, 2013.

(Chairperson, Departmental Committee on Communication, Information and Innovation)

Debate arising;

Rising in his place on a Point of Order under Standing Order 95, the Member for Tharaka (Hon. George Murugara) claimed to move that the Mover be called upon to Reply;

The Honourable Speaker acceded to the request;

Question that the Mover be called upon to reply put and agreed to;

Mover replied;

Question on the Motion put and negatived.

9. **MOTION – CONSIDERATION OF SENATE AMENDMENTS TO THE DIVISION OF REVENUE BILL, 2021**

Motion made and Question proposed:-

THAT, the Senate amendments to the Division of Revenue Bill (National Assembly Bill No. 7 of 2021) be now considered.

(Chairperson, Budget and Appropriations Committee)

Debate arising;

Rising in his place on a Point of Order under Standing Order 95, the Nominated Member (Hon. David Sankok) claimed to move that the Mover be called upon to Reply;

The Honourable Speaker acceded to the request;

Question that the Mover be called upon to reply put and agreed to;

Mover replied;

Question on the Motion put and agreed to.

10. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker in the Chair

Consideration of Senate amendments to the Division of Revenue Bill (National Assembly Bill No. 7 of 2021)

Schedule - Senate amendment proposed-

THAT, the Schedule to the Bill be deleted and substituted with the following new Schedule-

ALLOCATION OF REVENUE RAISED NATIONALLY AMONG THE NATIONAL AND COUNTY GOVERNMENTS FOR THE FY 2021/2022

Type/level of allocation	Amount in Kshs	Percentage (%) of 2016/17 audited and approved revenue i.e. Ksh. 1,357,698 Million
A. Total Sharable Revenue	1,775,624,173,860	
B. National Government	1,398,798,856,427	
C. Equalization Fund	6,825,317,433	0.50%
D. County equitable share	370,000,000,000	27.3%

(Chairperson, Budget and Appropriations Committee)

Question of the Senate amendment proposed;

Question put and agreed to.

Senate amendments to the Schedule approved.

Consideration to be reported without amendments.

11. HOUSE RESUMED - the Fourth Chairperson in the Chair

Consideration of Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 7 of 2021)

Consideration reported without amendments.

Motion made and Question proposed –

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

(Chairperson, Budget and Appropriations Committee)

Question put and agreed to.

Senate amendments to the Division of Revenue Bill (National Assembly Bill No. 7 of 2021) approved.

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

12. HOUSE ROSE - at Seventeen minutes to One O'clock

MEMORANDUM

The Speaker will take the Chair today,
Wednesday, April 28, 2021 at 2.30 p.m.

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