



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, JULY 08, 2021**

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 issued the following Communication –

**Designation of a Member as the Vice Chairperson of the Committee of Powers and Privileges**

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**“Honourable Members,** as you may be aware, the National Assembly Committee of Powers and Privileges is constituted under section 15 of the Parliamentary Powers and Privileges Act, 2017. In establishing the Committee, the Act designates the Speaker as Chairperson but does not provide for the position of a Vice-Chairperson to deputize the Speaker or the manner of causing a Member take charge of the affairs of the Committee in the absence of the Speaker, as is the case for other Select Committees.

Given the nature of the work of the Committee in relation to the responsibilities and duties assigned to the holder of the Office of the Speaker, it is not feasible for the Speaker to be available to preside over the meetings of the Committee on a regular basis or sit in the Liaison Committee as the Chairperson representing the Committee of Powers and Privileges.

**Honourable Members**, in order to strike a fair balance and to ensure that the Committee of Powers Privileges is able to regularly transact its business unhindered and to also have representation in the Liaison Committee, I hereby designate the Hon. Vincent Kemosi Mogaka, MP, a member of the Committee, as the Vice-Chairperson of the Committee of Powers and Privileges and representative of the Committee in the Liaison Committee on behalf of the Chairperson. This appointment takes effect immediately and shall remain in force until such other time as I may communicate otherwise.

I thank you.”

## 5. PAPERS LAID

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

- (i) The Report of the Auditor-General and Financial Statements of the National Social Security Fund for the year ended 30th June, 2019 and the certificates therein.  
← *(The Leader of the Majority Party)*  
←
- (ii) Fourth Report of the Select Committee on Implementation on Submissions from the Stakeholders regarding Implementation Status of Inquiries, Petitions and Resolutions passed by the House.  
  
*(Chairperson, Select Committee on Implementation)*
- (iii) Report of the Select Committee on Parliamentary Broadcasting & Library on its consideration of the Advance made by the Parliamentary Service Commission (PSC) in the setting up to Virtual Meetings Platform for Committees and Plenary.  
← *(Vice -Chairperson, Select Committee on Parliamentary Broadcasting & Library)*  
←
- (iv) Report of the Constitutional Implementation Oversight Committee on its consideration of a petition regarding establishment of a retirement packages for the Auditor- General.  
← *(Chairperson, Constitutional Implementation Oversight Committee)*  
←
- (v) Report of the Select Committee on Regional Integration on its consideration of the Ratification of the Amendment to Article 24(2)(a) of the Protocol on the Establishment of the East African Community Customs Union.  
*(Chairperson, Select Committee on Regional Integration)*

## 6. NOTICES OF MOTION

The following notice of Motion was given:

- (a) **THAT**, this House adopts the Fourth Report of the Committee on Implementation on the Submission from the Stakeholders regarding Implementation Status of Inquiries, Petitions and Resolutions Passed by the House, *laid on the Table of the House on Thursday, July 8, 2021.*

*(Chairperson, Committee on Implementation)*

- (b) **THAT**, this House **adopts** the Report of the Select Committee on Parliamentary Broadcasting and Library on its consideration of the Advances made by the Parliamentary Service Commission (PSC) in the setting up of the Virtual Meetings Platform for Committees and Plenary, *laid on the Table of the House on Thursday, July 8, 2021.*

*(Vice Chairperson, Select Committee on Parliamentary Broadcasting and Library)*

- (c) **THAT**, this House adopts the Report of the Select Committee on Regional Integration on the Approval of the Ratification of the Amendment to Article 24 (2) (a) of the Protocol on the Establishment of the East African Community Customs Union, *laid on the Table of the House on Thursday, July 8, 2021.*

*(Chairperson, Select Committee on Regional Integration)*

## **7. QUESTIONS**

- (a) The following Questions were asked –

- (i) **Ordinary Question No.214/2021** by the Member for Bomet Central (Hon. Ronald Tonui) regarding the recent changes to civil servants' pension scheme and teachers' and civil servants' in the superannuation (contributory) pension scheme.

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

- (ii) **Ordinary Question No. 242/2021** by the Member for Kabondo Kasipul (Hon. Eve Obara) regarding on plans that the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works has put in place to ensure that the *Chabera - Sikri* stretch of the *Kisumu - Kisii Road* is well marked and access culverts installed.

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

- (iii) **Ordinary Question No. 243/2021** by the Member for Rangwe (Hon. (Dr.) Lilian Gogo) regarding circumstances under which *Mr. Joseph Mboya Nyamuthe of ID. No. 102259323*, a resident of *DC Village, Komolo Sub-location, Komolo Location in Rangwe*

*Sub-County*, is being held *incommunicado* while in imprisonment in the Republic of Burundi, and charges have been preferred on him.

*(To be replied to by the Cabinet Secretary for Foreign Affairs before the Departmental Committee on Defence & Foreign Relations)*

- (iv) **Ordinary Question No. 244/2021** by the Member for Tiaty (Hon. William Kamket) regarding the removal of police road blocks at Moinonin, Loruk and Chemolingot along Marigat – Chemolingot road which have led to impoverishment and starvation of residents in Tiaty Constituency by denying them access to food and basic commodity supplies as well as medical assistance.

*(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) **Ordinary Question No. 245/2021** by the Member for Chuka/Igambang'ombe (Hon. Patrick Munene) regarding the criteria used in determining fees chargeable by day secondary schools across the country and why certain schools charge higher fees against the Ministry's set guidelines.

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

- (vi) **Ordinary Question No. 246/2021** by the Member for Galole (Hon. Said Hiribae) regarding the progress made in disbursing an allocation of Kshs.17.4 million from the Road Maintenance Levy Fund (RMLF) meant for the development of roads in Tana River County.

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

- (vii) **Ordinary Question No. 247/2021** by the Member for Ol Jorok (Hon. Michael Muchira) regarding the status of implementation of the Last Mile Connectivity Programme Projects in Ol Jorok Constituency being undertaken under the Impact Evaluation of the Last Mile Connectivity Project (LMCP, Phase I) of the African Development Bank Group (AfDB).

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

- (viii) **Ordinary Question No. 248/2021** by the Member for Baringo Central (Hon. Joshua Kandie) regarding the measures is the Ministry of Education is taking to exempt schools from arid and semi-arid areas across the country from the implementation of Kenya National Examination Council Circulars dated 11th and 28th June, 2021 requiring schools with less than forty (40) candidates to be hosted by an examination center with more than forty (40) candidates during the Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) examinations.

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

- (ix) **Ordinary Question No. 249/2021** by the Member for Kajiado East (Hon. Peris Tobiko) regarding the progress made and any steps being taken to bring an end to the rampant theft of livestock in Kajiado East Constituency.

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

- (x) **Ordinary Question No. 251/2021** by the Member for Sigowet/Soin (Hon. Kipsengeret Koros) regarding the cost of construction of the Nairobi Expressway, which starts from Jomo Kenyatta International Airport (JKIA) to Westlands Area of Nairobi City County and the reasons for the variation of initial project budget from Kshs. 23 billion to Kshs.63 billion.

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

- (xi) **Ordinary Question No. 255/2021** by the Member for Ugenya (Hon. David Ochieng) on the number of public entities that have been privatized since the establishment of the Privatization Commission.

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

- (xii) **Ordinary Question No. 256/2021** by the Member for Marakwet West (Hon. William Kisang) regarding steps the Ministry of Water, Sanitation and Irrigation has taken to ensure that Kshs77.5 million disbursed to *Lake Victoria North Water Services Board* meant for *Chebara* Institutions Projects in Marakwet West Constituency in the financial year 2015/16 is released to the said institutions to complete ongoing works that have stalled since 2015.

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

(b) The following Question was deferred –

- **Ordinary Question No.254/2021** by the Member for Matuga (Hon. Kassim Tandaza) on whether Higher Education Loans Board (HELB) clearance certificate is a requirement for fresh graduates while seeking employment in public or state offices.

## **8. REQUEST FOR STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)**

The following Statements were requested–

- (i) the Member for Mvita (Hon. Abdullswamad Sherrif Nassir) requested for a Statement from the Chairperson of the Departmental Committee on Health regarding operations of buses during the COVID-19 pandemic in the country;
- (ii) the Member for Chepalungu (Hon. Gideon Koske) requested for a Statement from the Chairperson of the Departmental Committee on Health regarding the classification of Bomet County as a COVID-19 Hotspot Zone;
- (iii) the Member for Marakwet East (Hon. Kangogo Bowen) requested for a Statement from the Chairperson of the Departmental Committee on Administration & National Security regarding the resurgence of banditry attacks in Marakwet East Constituency;
- (iv) the Member for Baringo South (Hon. Charles Kamuren) requested for an Inquiry pursuant to Standing Order 218 by the Departmental Committee on Administration & National Security regarding the perennial insecurity Baringo South; and
- (v) the Member for Saku (Hon. Ali Rasso) requested for a Statement from the Chairperson of the Departmental Committee on Administration & National Security regarding the incessant militia attacks and killings in Saku, Moyale and Isiolo;

#### **9. STATEMENT ON UPCOMING PARLIAMENTARY EVENT**

The Member for Kitui Central (Hon. Dr. Makali Mulu) issued a Statement regarding the upcoming 80<sup>th</sup> Executive Committee Meeting of the CPA Africa Region scheduled to take place from 12<sup>th</sup> to 18<sup>th</sup> July 2021 at the Nairobi Serena Hotel. The meeting will be hosted by the CPA Kenya Branch.

#### **10. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, August 03, 2021.

#### **11. THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed -

**THAT**, the Assisted Reproductive Technology Bill (National Assembly Bill No. 34 of 2019) be now read a second time

*(Hon. Millie Odhiambo)*

Debate on the Motion having been concluded on Thursday, July 01, 2021 (Afternoon);

Question put and agreed to.

Bill read a Second time and committed to a Committee of the Whole House tomorrow.

**12. PROCEDURAL MOTION - EXTENSION OF TIME FOR CONSIDERATION OF SPECIFIED PETITIONS**

Motion made and Question proposed -

**THAT**, notwithstanding the provisions of Standing Order 227(2) (*Committal of Petitions*), this House resolves to extend the period for consideration of the public petitions specified hereunder which are before the Departmental Committee on Agriculture and Livestock by a further period of sixty (60) days with effect from 9<sup>th</sup> July 2021-

- (i) Public Petition regarding Revival of the Kenya Cashew Nuts Factory presented by the Member for Kilifi North (Hon. Owen Baya, MP);
- (ii) Public Petition regarding Development and Marketing of Miraa presented by the Member for Igembe South (Hon. John Paul Mwirigi, MP);
- (iii) Public Petition regarding Safeguarding of the Public Interest in the use of Kangaita Tea Farm Land in Kirinyaga County to Establish a Japanese Specialty Green Tea Production factory by KTDA presented by the Member for Kirinyaga Central (Hon. John Munene, MP); and
- (iv) Public Petition regarding Transfer of Oversight of Kenya Leather Development Council presented by the Member for Kajiado North (Hon. Joseph Manje, MP).

*(Chairperson, Departmental Committee on Agriculture and Livestock)*

There being no debate arising;

Question put and agreed to.

**13. PROCEDURAL MOTION - EXTENSION OF TIME FOR CONSIDERATION OF SPECIFIED PETITIONS**

Motion made and Question proposed -

**THAT**, notwithstanding the provisions of Standing Order 227(2) (*Committal of Petitions*), this House resolves to extend the period for consideration of the public petitions specified hereunder which are before the Departmental Committee on Environment and Natural Resources by a further period of sixty (60) days with effect from 13<sup>th</sup> July, 2021-

- (i) Public Petition regarding Safeguarding of Public Interest in the Climate Action Awareness Campaign to Increase Forest Cover and Fight Deforestation presented by the Member for Ainabkoi (Hon. William Chepkut, MP); and
- (ii) Public Petition regarding Encroachment and Grabbing of Public Land and Water Catchment Areas in Igembe Central Constituency presented by the Member for Igembe Central (Hon. Kubai Iringo, MP).

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

There being no debate arising;

Question put and agreed to.

**14. PROCEDURAL MOTION - CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING JULY/AUGUST, 2021 SHORT RECESS**

Motion made in amended form and Question proposed –

**THAT**, notwithstanding the provisions of Standing Orders 120, 122 and 126 relating to *Publication, Procedure upon Publication and First Reading of Bills* and Standing Order 210(2) relating to *Tabling of Statutory Instruments*, this House orders that during the period of the July/August (*9<sup>th</sup> July to 2<sup>nd</sup> August 2021*)-

- (i) **should a Bill be published** during the said period, or a published Bill become due for First Reading during the period, the Speaker shall, upon lapse of at least seven days following the publication of the Bill, the fulfillment of the provisions of Article 110(3) of the Constitution and following a determination that such Bill is of priority, forthwith refer the Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (*Committal of Bills to Committees and public participation*) and upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;
- (ii) **should any statutory instrument be transmitted** for tabling before the House during the period, the Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House during its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013); and
- (iii) **should any Paper be transmitted** for tabling before the House during the period, the Speaker shall, following a determination that the Paper is of priority, forthwith refer the Paper to the relevant Committee for consideration and cause the Paper to be tabled in the House during its next Sitting.

*(The Leader of the Majority Party)*

There being no debate arising;

Question put and agreed to.

**15. DEFERMENT OF BUSINESS**

Rising in his place on a Point of Order, the Member for Embakasi Central (Hon. Benjamin Gathiru) sought the deferment of business appearing as part (i) of Order No. 11 being the consideration of the Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019) in Committee of the whole House to allow for consultations among stakeholders.

And the Speaker acceding to the request, the said business was deferred from the Orders pursuant to Standing Order 40.

**16. COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;



**IN THE COMMITTEE**

The Second Chairperson in the Chair

**The Law of Succession (Amendment) Bill (National Assembly Bill No. 75 of 2019)**

Clause 3 - amendment proposed-

**THAT**, Clause 3 be amended in the proposed new section 29 by deleting the proposed new subsection (2) and substituting therefor the following –

(2) A person not listed under subsection (1) may qualify as a dependant for purposes of this Part if the person satisfies the court that he or she –

- (a) cohabited with the deceased for a period of at least three years prior to the deceased's death;
- (b) is reputed by the family of the deceased as having been in such cohabitation; and
- (c) was being maintained by the deceased prior to his or her death.

*(Hon. George Peter Kaluma, MP)*

Question of the amendment (in amended form) proposed;

Debate arising;

Question put and negatived;

Question that Clause 3 be part of the Bill put and negatived;

Clause 3 - deleted.

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported without amendments

**17. HOUSE RESUMED** - Second Chairperson in the Chair

**The Law of Succession (Amendment) Bill (National Assembly Bill No. 75 of 2019)**

Bill reported without amendments

Motion made and Question proposed –

**THAT**, the House do agree with the Committee in the said report;

Question put and agreed to.

Motion made and Question proposed –

**THAT**, the Law of Succession (Amendment) Bill (National Assembly Bill No. 75 of 2019) be now read a Third Time;

Debate arising;

Question put and agreed to;

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

**18. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2019)**

Motion having been made and question proposed –

**THAT**, the Sugar Bill (National Assembly Bill No. 68 of 2019) be now read a Second Time;

*(Hon. Wafula Wamunyinyi, MP)*

Debate interrupted on Thursday, July 1, 2021 resumed;

Rising in his place on a point of order pursuant to Standing Order 95, the Member for Ikolomani Constituency (Hon. Bernard Shinali) claimed to move “that the mover be now called upon to Reply”;

And the Speaker having acceded to the claim;

Thereupon question put and agreed to;

Mover replied;

Question put and agreed to.

Bill read a Second time and committed to a Committee of the Whole House tomorrow.

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

**19. HOUSE ROSE -** at four minutes to Seven O'clock.

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**MEMORANDUM**

The Speaker will take the Chair on  
Tuesday, August 03, 2021 at 2.30 p.m.

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