



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 22, 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. PAPERS LAID

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

- a) Annual Report and Financial Statements to the National Assembly for the year ended 30th June, 2020 from the Privatization Commission.
- b) Report of the Auditor-General and Financial Statement in respect of the Mitunguu Technical Training Institute for the year ended 30th June, 2018 and the certificates therein.
- c) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein: -
 - (i) Drought Management Authority;
 - (ii) Kenya Animal Genetic Resources Centre;
 - (iii) Kenya Cultural Centre;
 - (iv) Kenya Institute of Mass Communication;
 - (v) Kenya Vision 2030 Delivery Secretariat;
 - (vi) Anti-doping Agency of Kenya;
 - (vii) Kenya Medical Supplies Authority; and
 - (viii) Kenya Railways Corporation.
- d) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2020 and the certificates therein: -
 - (i) University of Nairobi;
 - (ii) Kenya Meat Commission;
 - (iii) Nyayo Tea Zones Development Corporation;
 - (iv) Kenya Ordinance Factories Corporation (KOFCC);
 - (v) Kenya Revenue Authority;
 - (vi) Kenya Revenue Authority- Revenue Accountability Statements;
 - (vii) National Council for Persons with Disabilities;

(viii) National Hospital Insurance Fund.

(The Leader of the Majority Party)

- e) Report of the Departmental Committee on Defence & Foreign Relations on the Ratification of Protocols to the African Charter on Human and People's Rights on the Rights of Older Persons and the Rights of Persons with Disabilities in Africa.

(Chairperson, Departmental Committee on Defence & Foreign Relations)

- f) Report of the Public Investments Committee on its consideration of the Special Audit Report on Utilization of COVID-19 Funds by the Kenya Medical Supplies Authority._

(Chairperson, Public Investments Committee)

- g) Report of the Select Committee on National Government Constituencies Development Fund on the outstanding funds payable to the National Government Constituencies Development Fund by the National Treasury._

(Chairperson, Select Committee on National Government Constituencies Development Fund)

- h) Report of the Departmental committee on Labour & Social Welfare on its consideration of the Breastfeeding Mothers Bill (National Assembly Bill No. 74 of 2019)._

(Chairperson, Departmental Committee on Labour & Social Welfare)

5. NOTICES OF MOTION

The following notices of Motion were given:

- (a) **THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on the Ratification of Protocols to the African Charter on Human and People's Rights on the Rights of Older Persons and the Rights of Persons with Disabilities, *laid on the Table of the House on Wednesday, September 22, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of Protocols to the African Charter on Human and People's Rights on the Rights of Older Persons and the Rights of Persons with Disabilities*.

(Chairperson, Departmental Committee on Defence & Foreign Relations)

- (b) **THAT**, this House **adopts** the Report of the Public Investment Committee on its examination of the Special Audit Report on Utilization of COVID-19 Funds by the Kenya Medical Supplies Authority, *laid on the Table of the House on Wednesday, September 22, 2021*.

(Chairperson, Public Investments Committee)

- (c) **THAT**, this House **adopts** the Report of the Select Committee on National Government Constituencies Development Fund on the outstanding funds payable to the National Government Constituencies Development Fund by the National Treasury, *laid on the Table of the House on Wednesday, September 22, 2021.*

(Chairperson, Select Committee on National Government Constituencies Development Fund)

6. QUESTIONS

(a) The following Questions were asked –

- (i) **Ordinary Question No.294/2021** by the Member for Eldama Ravine (Hon. Moses Lessonet) regarding measures, if any, that the Ministry of Energy has put in place to ensure electricity connection in Eldama Ravine Constituency particularly, to public institutions including schools and health facilities.

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

- (ii) **Ordinary Question No. 362/2021** by the Member for Rongai (Hon. Kipruto Moi) regarding any plans by the Ministry of Health to construct a National Trauma Hospital at *Salgaa* area, near *Salgaa* Centre in Nakuru County to cater for the high number of victims of road accidents that occur along the Nakuru-Eldoret Highway as promised by the Government in 2013.

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

(b) The following Question was dropped –

- (i) **Ordinary Question No. 359/2021** by the Member for Kipkelion East (Hon. Joseph Limo) to the Chairperson of the Teachers Service Commission regarding the current staffing levels for teachers in both primary and secondary schools across the country specifying the in-post *vis-à-vis* the authorized establishment in each county categorized for national, extra-county, county and sub-county schools for the case of secondary schools.

7. RESPONSES TO STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)

Responses to Statements were issued by –

- (i) The Chairperson of the Departmental Committee on Defence & Foreign Relations in response to a statement sought by the Member for Kikuyu (Hon. Kimani Ichung'wah) regarding issuance of visas to Kenyans travelling to the People's Republic of China.
- (ii) The Chairperson of the Departmental Committee on Administration & National Security in response to a statement sought by Nominate Member (Hon. Gideon Keter) regarding increased killings of young people in the country.

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

- The Member for Suba North (Hon. Millie Odhiambo) requested for a Statement from the Chairperson of the Departmental Committee on Administration & National Security regarding a boat tragedy that happened in Lake Victoria on 21st September 2021 resulting in fatalities.

9. MOTION – SESSIONAL PAPER NO. 4 OF 2020 ON THE NATIONAL CO-OPERATIVE P POLICY

Motion made and question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Trade, Industry and Co-operatives on **Sessional Paper No. 4 of 2020** on the **National Co-operative Policy on promoting co-operatives for Socio-economic Transformation** laid on the Table of the House on Thursday, August 19, 2021, and **further approves** Sessional Paper No. 04 of 2020.

(Chairperson, Departmental Committee on Trade, Industry and Co-operatives)

Debate on the Motion having been concluded on Tuesday, September 21, 2021 *(Afternoon Sitting)*;

Question put and agreed to.

10. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

The Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021)

Clause 3 - agreed to

Clause 4 - amendment proposed –

THAT, clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a) –

(aa) by deleting the word “projects” appearing in paragraph (g) and substituting therefor the word “schemes”.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to

Clause 5 - agreed to

Clause 6 - amendment proposed –

THAT, clause 6 of the Bill be amended —

(a) in paragraph (a)—

(i) in subparagraph (iii) by deleting the words “two persons appointed by the Cabinet Secretary out of four” appearing in the proposed new paragraph (h) and substituting therefor the words “one person appointed by the Cabinet Secretary out of three”;

(ii) by deleting subparagraph (iv); and

(b) by inserting the following new paragraph immediately after paragraph (a) —

(aa) in subsection (4) by deleting the words “or its equivalent in any field” appearing in paragraph (c) and substituting therefor the words “in water engineering, civil engineering, agriculture, irrigation or environmental studies.”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Clauses 7, 8, 9, 10 and 11 - agreed to

Clause 12 - amendment proposed –

THAT, clause 12 of the Bill be amended by deleting the words “subject to mandatory approvals” and substituting therefor the words “subject to mandatory approvals in accordance with regulations”

(Chairperson, Departmental Committee on Environment and Natural Resources)

Clauses 13, 14 and 15 - agreed to

Clause 16 - amendment proposed –

THAT, clause 16 of the Bill be amended in paragraph (a) by deleting the proposed new subparagraph (c) and substituting therefor the following new sub-paragraph—

“(c) be removed from office by the Cabinet Secretary if the member—

(i) contravenes the provisions of Chapter six of the Constitution; or

(ii) acts in contravention of codes, policies and procedures in the public service.

(Chairperson, Departmental Committee on Environment and Natural Resources)

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended in paragraph (c) by—

(a) by deleting the proposed new definition of the expression “cabinet secretary”; and

(b) by deleting the proposed new definition of the expression “monitoring and evaluation”
(*Chairperson, Departmental Committee on Environment and Natural Resources*)

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

11. HOUSE RESUMED - the Second Chairperson in the Chair

The Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021)

Bill reported with amendments;

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 Irrigation (Amendment) Bill (National Assembly Bill No. 12 of 2021).

Question deferred;

12. THE SOCIAL ASSISTANCE (REPEAL) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2020)

Order for Second reading read;

Motion made and Question proposed –

THAT, the Social Assistance (Repeal) Bill (National Assembly Bill No.16 of 2020) be now read a Second Time;

(The Leader of the Majority Party)

Debate interrupted on Tuesday, September 21, 2021 sitting – resumed;

Mover replied;

Question deferred;

13. THE TAX APPEALS TRIBUNAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2021)

Order for Second reading read;

Motion made and Question proposed –

THAT, the Tax Appeals Tribunal (Amendment) Bill (National Assembly Bill No.19 of 2021) be now read a Second Time;

(The Leader of the Majority Party)

Debate arising;

Mover replied;

Question deferred;

14. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)

(The Leader of the Majority Party)

Order for Second reading read;

Order deferred .

15. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

(The Leader of the Majority Party)

Order for Second reading read;

Order deferred .

And the time being forty eight minutes past six O'clock, the Speaker adjourned the House without Question put pursuant to the Standing Orders.

16. HOUSE ROSE - at forty eight minutes past six O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, September 23, 2021 at 2.30 p.m.

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