



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 08, 2022

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

The Hon. Speaker conveyed the following Petition pursuant to the provisions of Standing Order 225(2)(b) –

Enactment of a Legislation to Regulate the Environmental Profession

“Honourable Members, Standing Order 225(2) (b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation. In this regard, I wish to report to the House that I have received a Petition from Ms. Linda Munyao, acting in her capacity as the Chairperson of the Environment Institute of Kenya and on behalf of other office bearers of the Institute.

Honourable Members, the Petitioners aver that the Environment Institute of Kenya is a legally registered professional association of all environmental experts in Kenya engaged in advocacy and building capacity in environmental management and sustainable development. The core objectives of the Institute include maintaining, promoting and improving standards in the conduct of environmental impact assessment, audit, strategic environmental assessment, social impact assessment and other related mechanisms in the management environment. The Petitioners observe that the absence of a distinct legislation to regulate professionals in the field of environment and existing gaps in the Environmental Management and Coordination Authority (EMCA) Act have created a loophole for uncoordinated approach in environmental management. To cure this lacuna, the Petitioners are proposing that the National Assembly enacts a legislation to provide for the establishment of the Environment Institute of Kenya, whose function shall include registration and training of professionals and regulation of the environment profession generally. The Petitioners have annexed a Draft Environment Institute of Kenya Bill in

compliance with Article 119 of the Constitution and for reference by the House when considering their Petition.

Honourable Members, having determined that the prayers sought by the Petitioners are well within the authority of this House, I order that, pursuant to the provisions of Standing Order 227(1), this petition be committed to the Departmental Committee on Environment and Natural Resources. The Committee is required to consider the petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you!

5. **PAPERS LAID**

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

- (a) Legal Notice No. 268 relating to the Nairobi International Financial Centre (General) Regulations, 2021 and the Explanatory Memorandum from the National Treasury.
- (b) The Agricultural Policy Paper No. 02 of 2021 (Food: Our Health, Wealth and Security) from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.
- (c) Annual Report and Financial Statements of the Office of the Controller of Budget for the Financial Year 2019/2020.
- (d) Annual Report and Financial Statements of the National Police Service Commission for the Financial Year 2020/2021.
- (e) Reports of the Auditor-General and Financial Statements of NG-CDF in respect of the following Constituencies for the year ended 30th June, 2020 and the certificates therein:-
 - (i) Gem;
 - (ii) Muhoroni;
 - (iii) Makueni;
 - (iv) Kacheliba;
 - (v) Mosop;
 - (vi) Mbooni;
 - (vii) Kamukunji;
 - (viii) Kitui West
 - (ix) Ikolomani;
 - (x) Tongaren;
 - (xi) North Horr
 - (xii) Banisa;
 - (xiii) Sirisia;
 - (xiv) Mumias West;
 - (xv) Khwisero;
 - (xvi) Sabatia;
 - (xvii) Butula;
 - (xviii) Kanduyi;
 - (xix) Likuyani;
 - (xx) Kilgoris;
 - (xxi) Bumula;

- (xxii) Aldai;
- (xxiii) Kitui South;
- (xxiv) Kibwezi West;
- (xxv) Matungulu;
- (xxvi) Mwingi North;
- (xxvii) Tharaka;
- (xxviii) Butere;
- (xxix) Gatundu North;
- (xxx) Turkana East;
- (xxxi) Pokot South;
- (xxxii) Turkana West;
- (xxxiii) Mt. Elgon;
- (xxxiv) Central Imenti; and
- (xxxv) Kitui Rural.

(f) Reports of the Auditor-General and Financial Statements of NG-CDF in respect of the following Constituencies for the year ended 30th June, 2019 and the certificates therein: -

- (i) Webuye West;
- (ii) Kathiani;
- (iii) Kiharu;
- (iv) Awendo
- (v) South Imenti;
- (vi) Bomet Central;
- (vii) Tarbaj;
- (viii) Subukia;
- (ix) Molo;
- (x) Samburu West;
- (xi) Dagoretti South;
- (xii) Galole;
- (xiii) Kapseret;
- (xiv) Keiyo North;
- (xv) Embakasi West;
- (xvi) Starehe;
- (xvii) North Imenti;
- (xviii) Voi;
- (xix) Mwingi Central;
- (xx) Kaiti;
- (xxi) Matungulu;
- (xxii) Turkana South;
- (xxiii) Kanduyi;
- (xxiv) Samburu East;
- (xxv) Makueni;
- (xxvi) Kajiado East;
- (xxvii) Mbooni;
- (xxviii) Lurambi; and

- (xxix) Embakasi East
- (xxx) Ndhiwa;
- (xxxi) Kitui West;
- (xxxii) Kitui South;
- (xxxiii) Kuresoi North;
- (xxxiv) Machakos Town;
- (xxxv) Masinga;
- (xxxvi) Kwana;
- (xxxvii) Mandera West;
- (xxxviii) Mwala; and
- (xxxix) Ijara.

(g) Reports of the Auditor-General and Financial Statements of NG-CDF in respect of the following Constituencies for the year ended 30th June, 2018 and the certificates therein: -

- (i) Mbooni;
- (ii) Mavoko;
- (iii) Kilome;
- (iv) Yatta;
- (v) Kaiti;
- (vi) Kathiani;
- (vii) Machakos Town;
- (viii) Makueni; and
- (ix) Masinga.

(The Leader of the Majority Party)

6. NOTICES OF MOTION

The following Notice of Motion was given –

OFFICIAL DOCUMENTING OF THE HISTORY OF THE NATIONAL ASSEMBLY

THAT, aware that the history of any institution is key to evaluating its development; **FURTHER AWARE** that documenting history provides a knowledge bank for future generations; **NOTING** that the history of the Parliament of Kenya is largely unrecorded, scattered and piecemeal; **FURTHER NOTING** that most comparable jurisdictions have elaborate records of their history which are periodically updated to capture new developments; **COGNISANT** of the fact that the Parliament of Kenya marks its 115th anniversary this year having been established as the Legislative Council (*LegCo*) in August 1907; **FURTHER COGNISANT** that the legislature has been transforming in the last century both in mandate and composition starting as a fused unicameral legislature, to a bicameral one at independence to a unicameral legislature before again reverting to a bicameral Parliament after the promulgation of the Constitution of Kenya 2010; **RECOGNISING** the many works of arts, including statues, frescoes, murals and pictures connected with the history of the Parliament of Kenya, including the contributions of great men and women, families, architects and politicians throughout the 114 years of the history of the institution, and its transformation and growth throughout the period;

NOW THEREFORE, in order to ensure the preservation of the history of the institution for future generations, **this House resolves –**

1. **THAT**, at an appropriate stage, the House appoints a Committee comprising of not more than nine (9) Members to oversee the preservation of these histories for posterity, with special focus on the National Assembly;
2. **THAT**, the copyrights of the *History of Parliament of Kenya* projects be reserved for the benefit of Parliament and the people of Kenya; and,
3. **THAT**, the Clerk of the National Assembly puts in place and executes appropriate mechanisms to actualize this Resolution.

(The Leader of the Majority Party)

7. QUESTIONS

(a) **The following Questions were asked –**

- (i) **Question No. 001/2022** by the Member for Kibra Constituency (Hon. Bernard Okoth) to the Cabinet Secretary for Health regarding the status report on key medical equipment for treatment of cancer and kidney ailments at the Kenyatta National referral Hospital and measures taken by the Ministry to cushion cancer patients from suffering occasioned by perennial breakdown of the equipment.

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

- (ii) **Question No. 010/2022** by the Member for Marsabit County (Hon. Safia Sheikh) to the Cabinet Secretary for Education on the special consideration the Ministry was taking to ensure construction of more boarding schools for children from pastoralist communities living in Marsabit.

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

- (iii) **Question No. 013/2022** by the Member for Kisumu West Constituency (Hon. Olago Aluoch) to the Cabinet Secretary for East African Community and Regional Development regarding the status of payment of terminal dues to all former employees of the defunct East Africa Posts and Telecommunications Corporation who were not compensated following the winding up of the Corporation in the late 1970s.

(To be replied to by Cabinet Secretary for Defence and Foreign Relations)

- (iv) **Question No. 014/2022** by the Member for West Mugirango Constituency (Hon. Kemosi Mogaka) to the Cabinet Secretary for Transport, Infrastructure, Urban Development and Public Works regarding delays in disbursement of funds for maintenance of rural roads under the Rural Roads Maintenance Levy Fund for FY 2021/2022

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

- (v) Question No. 017/2022** by the Member for Baringo Central Constituency (Hon. Joshua Kandie) to the Cabinet Secretary for Transport, Infrastructure, Urban Development and Public Works regarding the measures being taken by the Ministry to ensure that funds are allocated towards completion of the Kenya Medical Training College, Baringo Campus in Kabarnet Town.

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

(b) The following Question was deferred –

- **Question No. 028/2022** by Nominated Member (Hon. Godfrey Osotsi) to the Cabinet Secretary for Agriculture, Livestock and Fisheries regarding status of installation, testing, commissioning and implementation of Cane testing Units (CTU) project.

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

8. STATEMENTS

The following Statements were requested –

(a) Requests for Statements

- (i) The Member for Molo Constituency (Hon. Kimani Kuria) requested for a Statement from the Chairperson, Departmental Committee on Agriculture and Livestock regarding the high cost of fertilizers in the country; and
- (ii) The Member for Dagoretti South Constituency (Hon. John Kiarie) request for a Statement from the Chairperson, Departmental Committee on Trade, Industry and Cooperatives regarding the recent ban on scrap metal trade.

(b) Statement on the status of Receipts and Disbursement of National Government – Constituencies Development Fund as at 7th February 2022.

The Chairperson, Select Committee on National Government - Constituencies Development Fund (NG-CDF) made a Statement regarding the *Status of Receipts and Disbursement*. He informed the House that the NG-CDF was allocated a total of Kshs 41,714,800,000 for the 2021/2022 Financial Year. He added that being the third quarter of the Financial Year 2021/2022, the expected receipts to date amounted to Kshs 31.2861 billion out of which the NG-CDF Board had received Kshs 22.4287, leaving a balance of Kshs 8.8574 billion. Out of the received amount, **Kshs 19,209,800,000** had been disbursed to the constituencies and **Kshs 1,209,000,000** to the Board Secretariat. He also informed the House that pending receipts owed to the NG-CDF Board by the National Treasury amounted to Kshs. 4.97319675 Billion relating to financial Years 2011/2012, 2013/14 and 2014/15.

9. **SPECIAL MOTION - CONSIDERATION OF NOMINEE FOR APPOINTMENT TO THE OFFICE OF A MEMBER OF THE SALARIES AND REMUNERATION COMMISSION**

Motion made and Question proposed –

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning on its Report on the vetting of a nominee for appointment as a member of the Salaries and Remuneration Commission representing the National Police Service Commission, laid on the Table of the House on Thursday, February 03, 2022 and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 7 of the Salaries and Remuneration Commission Act 2010 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Ms. Elizabeth Wangui Muchiri as a member of the Salaries and Remuneration Commission to represent the National Police Service Commission in accordance with the provisions of Article 230(2)(b)(v) of the Constitution.

(The Chairperson, Departmental Committee on Finance and National Planning)

Debate arising;

Mover replied;

Putting of the Question deferred pursuant to the Standing Orders.

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

Motion made and Question proposed –

THAT, the Health Laws (Amendment Bill) National Assembly Bill No. 2 of 2021) be now read a Second Time;

(The Leader of the Majority Party)

Debate arising;

And the time being Seven O'clock, and for the convenience of the House, the Fourth Chairperson adjourned the Sitting without Question put pursuant to the Standing Orders.

11. **HOUSE ROSE** - at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on

Wednesday, February 09, 2022 at 9.30 a.m.

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