



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SIXTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JANUARY 25, 2022

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 conveyed the following Communications –

(i) Business lapsing at the end of the Firth Session

“Honourable Members,

I wish to welcome you back to the August House after the just ended long recess. I do hope that you have sufficiently rested and rejuvenated in readiness for the commencement of the Sixth Session. Being last Session of the Twelfth Parliament, there is no doubt that this will be a busy Session, given the tight budget-related business and other priority business that must be concluded ahead of the upcoming General Elections scheduled to be held on 9th August, 2022.

Honourable Members, as we commence the Session, I wish to bring to the attention of the House that, going by our practice and the Standing Orders, certain business that was not concluded at the end of the last Session, such as Motions and Questions have lapsed.

However, as you may recall, on Thursday, December 02, 2021 the House resolved to exempt Petitions and Bills read a First Time in the Fourth Session (2020) and which were still pending at various stages of consideration in the House, from lapsing. Further, by way of my Communication of Thursday, December 02, 2021 with regard to suspension of Committee Sittings, I did indicate that Statements would not lapse as is the practice, but would be carried over to the Sixth Session, given that a number of Committees had already commenced inquiries into matters raised in the various Statements.

Honourable Members, with regard to the Bills that were Read a First Time during the Third Session, which is in 2019, you will recall that the House exempted them from lapsing at the end of the Fourth Session (*year 2020*) owing to reduced number of sittings of the House due to the COVID-19 Pandemic. However, the exemption lapsed at the end of the last Session.

Honourable Members, This is therefore to notify the House that, pursuant to the provisions of Standing Order 141(2)(b), and the resolution of the House of 2nd December, 2021, the following Bills which were published in 2019 and whose Second Reading had not been concluded by end of the Fifth Session have now lapsed

1. *The National Hospital Insurance Fund (Amendment) Bill (No. 5 of 2019);*
2. *The Higher Education Loans Board (Amendment) Bill (No. 9 of 2019);*
3. *The National Government Constituencies Development Fund (Amendment) Bill (No. 16 of 2019);*
4. *The Labour Relations (Amendment) Bill (No. 18 of 2019);*
5. *The Constitution of Kenya (Amendment) Bill (No. 19 of 2019);*
6. *The Kenya Information and Communications (Amendment) Bill (No. 20 of 2019);*
7. *The Public Finance Management (Amendment) Bill (No. 22 of 2019);*
8. *The Independent Electoral & Boundaries Commission (Amendment) Bill (No. 24 of 2019);*
9. *The Traffic (Amendment) Bill (No. 28 of 2019);*
10. *The County Governments' Retirement Scheme Bill (No. 29 of 2019);*
11. *The Independent Electoral and Boundaries Commission (Amendment) (No. 2) Bill (No. 30 of 2019);*
12. *The Crops (Amendment) (No.2) Bill (No. 32 of 2019);*
13. *The Public Procurement and Asset Disposal (Amendment) Bill (No. 36 of 2019);*
14. *The Constitution of Kenya (Amendment)(No.2) Bill (No. 40 of 2019);*
15. *The Kenya Uwezo Fund Bill (No. 42 of 2019);*
16. *The Public Finance Management (Amendment) Bill (No. 48 of 2019);*
17. *The Constitution of Kenya (Amendment)(No.3) Bill (No. 53 of 2019);*
18. *The Parliamentary Pensions (Amendment) (No. 2) Bill (No. 56 of 2019);*
19. *The National Government Constituencies Development Fund (Amendment)(No.2) Bill (No. 58 of 2019);*
20. *The Constitution of Kenya (Amendment)(No.4) Bill (No. 60 of 2019);*
21. *The Kenya Information and Communication (Amendment) (No.2) Bill (No. 61 of 2019);*
22. *The Constitution of Kenya (Amendment)(No.5) Bill (No. 67 of 2019);*
23. *The Public Participation Bill (No. 69 of 2019);*
24. *The Public Participation (No. 2) Bill (No. 71 of 2019);*
25. *The Anti-Corruption and Economic Crimes (Amendment) (No.2) Bill (No. 72 of 2019);*
26. *The Breastfeeding Mothers Bill (No. 74 of 2019);*
27. *The Constitution of Kenya (Amendment) (No.6) Bill (No. 76 of 2019); and,*
28. *The Public Finance Management (Amendment) (No.4) Bill (No. 78 of 2019).*

Honourable Members, I wish to also draw the attention of the House to the fact that the term of Sessional Committees has come to an end. Therefore the three Sessional Committees will have to be reconstituted. These include the House Business Committee, whose motion for approval is published in today's Order Paper, the Parliamentary Powers and Privileges Committee and the Committee on Members' Services and Facilities. The Committee on Selection is thus required to expedite the process of nominating Members to serve in the remaining two Committees.

Honourable Members, you will further recall that, by the time Committee sittings were suspended in December 2021, the following priority business was still pending before the House-

- (i) The nomination of a person for appointment to the Equalization Fund Advisory Board, now before the Departmental Committee on Finance and National Planning;
- (ii) Consideration of the 2022 Budget Policy Statement for Financial Year 2022/2023, which is before the various Departmental Committees and the Budget and Appropriations Committee;
- (iii) The vetting of nominees for appointment to the offices of Chairperson and Members of the Kenya National Commission on Human Rights, which was committed to the Departmental Committee on Justice and Legal Affairs; and,
- (iv) The vetting of a nominee for appointment to the office of a Member of the Salaries and Remuneration Commission representing the National Police Service, which is before the Departmental Committee on Finance and National Planning.

Honourable Members, in my Messages conveyed on 21st and 29th December, 2021, I did guide the relevant Departmental Committees that the reports on the vetting of nominees for appointment to the two Commissions should be tabled by 15th February, 2022 to enable the House to conclude consideration of the above matters within the statutory timelines. With regard to the processing of the Budget Policy Statement for the Financial Year 2022/2023, the onus is on the Budget and Appropriations Committee to guide the House accordingly.

Honourable Members, to this end, each Chairperson of a Committee or individual Member who wishes to re-introduce any motion or Question that has lapsed is advised do so by contacting the Table Office. This, however, does not apply to Petitions and Statements, as I explained earlier.

The House is accordingly guided. I thank you”.

(ii) Withdrawal of the National Aviation Management Bill (National Assembly Bill No. 18 Of 2020)

Honourable Members,

As you may recall, the National Aviation Management Bill (National Assembly Bill No. 18 of 2020) was published *vide* Kenya Gazette Supplement No. 93 of 15th June, 2020. The Bill seeks to among other things, provide for the nationalization of Kenya Airways. The Bill further proposes to establish the National Aviation Council, the Kenya Aviation Corporation as a holding corporation and its Operating Entities including Operating Entity Subsidiaries and connected matters. The Bill was read a First time on 30th June, 2020 and committed to the Departmental Committee on Transport, Public Works and Housing for consideration.

Honourable Members, you may also recall that, following *Tabling* of the Report of the Committee and listing of the Bill in the Order Paper for Second Reading, many of you raised objections and concerns regarding the process of public participation on the Bill. I did order the Committee to revisit the process, with a view to hearing and considering the views of all

concerned stakeholders. Since then, the second reading of the Bill had been put in abeyance.

Honourable Members, I wish to inform the House that I have received a letter from the Leader of the Majority Party, the Hon. (Dr.) Amos Kimunya, EGH, MP, requesting to **withdraw** the Bill so as to enable further consultations and also attempt to incorporate additional input from stakeholders as received during public participation period.

Honourable Members, Standing Order 140(1) provides as follows-

- (1) *Either before the commencement of business or on the Order of the Day for any stage of the Bill being read, the Member in charge of a Bill may, without notice, claim to withdraw a Bill.*

In this regard, and pursuant to the provisions of Standing Order 140(2), I direct that the Bill be withdrawn. Nevertheless, the Sponsor is at liberty to re-introduce the Bill in accordance with the provisions of Standing Order 114.

I thank you!

5. **PAPERS LAID**

The following Papers were laid on the Table –

1. Legal Notice No. 260 of 2021 relating to the Political Parties (Membership) Regulations, 2021 and the Explanatory Memorandum from the Office of the Attorney General.
2. Legal Notice No. 266 relating to Gazzettment of Veterinary Certification Fees and Payments and the Explanatory Memorandum from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.
3. Annual Report on the State of the Judiciary and the Administration of Justice for the FY 2020/2021.
4. County Governments Budget Implementation Review Report for the FY 2020/2021 from the Office of the Controller of Budget.
5. County Governments Budget Implementation Review Report for the First Quarter for the FY 2021/2022 from the Office of the Controller of Budget.
6. Treasury Memorandum on Public Accounts Committee Report for the FY 2017/2018 from the National Treasury.
7. National Government Budget Implementation Review Report for the First Quarter for the FY 2021/2022 from the office of the Controller of Budget.
8. National Government Budget Implementation Review Report for the FY 2020/2021 from the Office of the Controller of Budget.
9. Twenty Seventh Report of the Monetary Policy Committee from the National Treasury.
10. Special Audit Report of the Auditor-General on Procurement of Foodstuffs by the Ministry of Defence for the Financial Years 2014/2015 to FY 2017/2018.
11. The Ninth Report on the Status of the Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for the year 2021 from the Public Service Commission.
12. Report on the Status of the Kenyan Economy for the period December, 2021 from the National Treasury.

Performance Audit Report on provision of Services to Persons with Disabilities by the National Council for Persons with Disabilities for the period December, 2021 from the Office of the Auditor General.

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13. Performance Audit Report on Enforcement of Environmental Regulations on Effluent management in Slaughterhouses by the National Environment Management Authority for the period November, 2021, from the Office of the Auditor General.
14. Performance Audit Report on Preparedness of the State Department for Petroleum to Monitor Costs in the Petroleum Sector for the period October, 2021 from the Office of the Auditor-General.
15. Performance Audit Report on Implementation of the Dispensation of Justice Program by the Judiciary for the period November, 2021 from the Office of the Auditor-General.
16. Performance Audit Report on Expansion, Improvement and Maintenance of Infrastructure in Public Primary Schools by the Ministry of Education for the period November, 2021 from the Office of the Auditor-General.
17. Performance Audit Report on Management of Local Employment and Training Provisions in the Production Sharing Contracts by the State Department for Petroleum for the period October, 2021 from the Office of the Auditor General.
18. Annual Report and Financial Statements of the Kenya National Commission for UNESCO for the year ended 30th June, 2019.
19. Annual Report and Financial Statements of the University of Eldoret for the year ended 30th June, 2019.

6. **MOTION - APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE**

Motion made and Question proposed -

THAT, pursuant to the provisions of Standing Order 171(1), this House approves the appointment of the following Members to the House Business Committee in addition to those specified under paragraphs (a), (b), (c), (d) and (e)-

- (i) The Hon. Joyce Akai Emanikor, M.P.
- (ii) The Hon. Shadrack John Mose, M.P.
- (iii) The Hon. Kawira Mwangaza, M.P.
- (iv) The Hon. Mohamed Abdikhaim Osman, M.P.
- (v) The Hon. (Dr.) Makali Mulu, M.P.
- (vi) The Hon. Mishi Juma Khamisi Mboko, M.P.
- (vii) The Hon. Godfrey Osotsi, M.P.

(The Leader of the Majority Party)

Question put and **negatived.**

And the time being twenty-four minutes to Four O'clock, the Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

7. **HOUSE ROSE** - at twenty four minutes to Four O'clock

MEMORANDUM

The Speaker will take the Chair on a day to be notified to members.

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