



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SIXTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 16, 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 Member for Kilifi North, the Hon. Owen Baya, MP presented a Petition regarding compensation for land dispossessed by the British Colonial Government from local communities in Kilifi and the larger Coastal Region.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- a) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2021 and the certificates therein: -
 - i.) Revenue Statements - Ministry of Defence;
 - ii.) Ministry of Environment and Forestry;
 - iii.) Revenue Statements of Ministry of Defence;
 - iv.) Kenya Space Agency; and
 - v.) Rwabura Irrigation Development Project.
- b) 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.) Communications Authority of Kenya-Universal Service Fund;
 - ii.) Murang'a University of Technology;
 - iii.) Assessment of performance of the Public Finance Management System;
 - iv.) Anti-Counterfeit Authority;
 - v.) School Equipment Production Unit;
 - vi.) National Crime Research Centre; and
 - vii.) National Environmental Complaints Committee.

Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2020 and the certificates therein:

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- c)
- i.) Kajiado East;
 - ii.) Samburu West;
 - iii.) Njoro;
 - iv.) Nakuru Town West;
 - v.) Baringo South; and
 - vi.) Mathioya.
- d) 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.) National Museums of Kenya;
 - ii.) Rift Valley Technical Training Institute;
 - iii.) Kipipiri Technical and Vocational College;
 - iv.) Tseikuru Technical Training Institute;
 - v.) Inter-Governmental Relations Technical Committee (IGRTC); and
 - vi.) Chemelil Sugar Company Limited.
- e) Report of the Auditor-General and Financial Statement of Matuga Constituency for the year ended 30th June, 2019 and the certificate therein.

(The Leader of the Majority Party)

- a) Report of the Departmental Committee on Finance and National Planning on the Consideration of H.E. the President's Memorandum on the Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 43 of 2020).

(Member (Hon. Mboni Mwalika, Departmental Committee on Finance & Planning)

6. **QUESTIONS**

(a) The following Questions were asked –

- (i). Question No.021/2022 by the Member for North Imenti (Hon. Abdul Rahim Dawood, MP) to the Cabinet Secretary for Lands and Physical Planning regarding original and current ownership status of a parcel of land, *L.R. No. Ntima/Igoki/ 1769* in *Gakoromone* area in *North Imenti Constituency*, which was sub-divided into *Land Reference Number Ntima/Igoki 5980 and 5999* on 8th April 1999.

(To be replied to by the Cabinet Secretary for Lands & Physical Planning before the Departmental Committee on Lands)

(ii). Question No.035/2022 by the Member for Tharaka (Hon. Gitonga Murugara, MP) to the Chairperson of the Teachers Service Commission regarding failure by Teachers Service Commission to effect grades and adjust salaries for Mr. *Kithinji John Gituura* (TSC No. 414517), Ms. *Sarah Njeri Kamiri* (TSC No. 462538), Mr. *Murugara Kithinji Leonard* (TSC No. 463028), Mr. *Erugura Godfrey Mwiti* (TSC No. 492980) and Ms. *Lucy Wanjiku Kiriga* (TSC No. 366144), who were appointed as Deputy Principals and deployed by the Commission in September 2019.

(For written reply by the Chairperson of the Teachers Service Commission)

(iii). Question No. 044/2022 by the Member for Magarini (Hon. Michael Kingi, MP) to the Cabinet Secretary for Energy & Petroleum regarding status report on electricity Connectivity to homes and public institutions in *Magarini* Constituency

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

(b). The following Question was deferred

Question No. 043 by the Member for Mathioya (Hon. Peter Kihara, MP) to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development regarding non compensation of persons living along the *Kiriaini-Kairo road* in Mathioya Constituency for land compulsorily acquired by the Government for the upgrading of the road to bitumen standards.

7. **MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2019)**

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 National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019).

(Hon. Kimani Ichung'wah, M.P.)

Question put and agreed to.

THAT, the National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019) be now read a Third Time

(Hon. Kimani Ichung'wah, M.P.)

Question put and agreed to.

Bill read a Third Time and passed.

8. **THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILL NO. 28 OF 2020)**

Motion made and Question proposed –

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THAT, the Mental Health (Amendment) Bill (Senate Bill No.28 of 2020) be now read a Second Time

(Chairperson, Departmental Committee on Health)

Debate having been concluded on Tuesday, 15.2.2022

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

9. **THE COMMUNITY HEALTH WORKERS BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2020)**

Motion made and Question proposed –

THAT, the Community Health Workers Bill (National Assembly Bill No.30 of 2020) be now read a Second Time

(The Hon. Martin Owino, M.P.)

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

10. **SPECIAL MOTION-APPROVAL OF THE NATIONAL ASSEMBLY'S NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD**

Motion made and Question proposed –

THAT, taking into consideration the recommendations of the Departmental Committee on Finance and National Planning in its Report on the *Recruitment of the National Assembly's Nominee to the Equalization Fund Advisory Board, laid on the Table of the House on Wednesday, February 9, 2022* and pursuant to the provisions of section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and paragraph 4(1)(d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, this House **approves** the appointment of **Mr. Abdullahi Adan Khalif** to the Equalization Fund Advisory Board.

(Chairperson, Departmental Committee on Finance and National Planning)

Debate on the Motion having been concluded on Tuesday, February 15, 2022;

Question put and agreed to.

SPECIAL MOTION-APPROVAL OF NOMINEES FOR APPOINTMENT TO THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the *Vetting of nominees for appointment as Chairperson and Members of the Kenya National Commission on Human Rights, laid on the Table of the House on Thursday, February 10, 2022*, and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 11(7) of the Kenya National Commission on Human Rights Act, 2011 and section 8 (1) of the Public Appointments (Parliamentary Approval Act, 2011, this House **approves** the appointment of the following persons to the Kenya National Commission on Human Rights: -

- (i) Ms. Roseline Doreen Adhiambo Odhiambo-Odede - Chairperson;
- (ii) Prof. Marion Wanjiku Mutugi - Member;
- (iii) Dr. Raymond Plal Sangsang Nyeris - Member;
- (iv) Ms. Sara Talaso Bonaya - Member; and
- (v) Dr. Dennis Nyongesa Wamalwa - Member

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Debate on the Motion having been concluded on Tuesday, February 15, 2022;

Question put and agreed to.

11. **THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2021)**

(Chairperson, Departmental Committee on Defence and Foreign Relations)

Bill read a First time and referred to the Departmental Committee on Defence and Foreign Relations pursuant to Standing Order 127 (1)

12. **THE POLITICAL PARTIES (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2021)**

(The Leader of the Minority Party)

Bill read a First time and referred to the Departmental Committee on Defence and Foreign Relations pursuant to Standing Order 127 (1).

13. **MOTION - REPORT ON THE BUDGET POLICY STATEMENT FOR THE FY 2022/2023**

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on the Budget Policy Statement for the financial year 2022/2023, *laid on the Table of the House on Tuesday, February 15, 2022* and pursuant to the provisions of section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10)-

- (a) **approves** the Budget Policy Statement (BPS) for the financial year 2022/2023;
- (b) makes the following **financial resolutions with respect to the BPS** –

- (i) approves the capping of the **fiscal deficit** at Ksh. 400 billion or 3.0% of GDP, whichever is lower;
- (ii) approves **the National Government's** Budget ceiling for the year 2022/23 at Ksh. 1,629.011 trillion-

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of which-

- | | |
|--|------------------------|
| 1) Executive | Ksh. 1,559.910 billion |
| <i>of which:</i> Office of the Auditor General | Ksh. 6.378 billion |
| 2) Parliament | Ksh. 50.220 billion |
| 3) Judiciary | Ksh. 18.885 billion |

- (iii) **resolves that**, the budget ceilings of the Ministries, Departments and Agencies (MDAs) be rationalized to be within the deficit as approved herein, and further that necessary measures be put in place to collect additional revenue;
- (iv) **approves** the County Governments' Equitable Share at Ksh. 370 billion;
- (v) **approves** the Equalization Fund at Ksh. 7.068 billion;
- (vi) **approves** the Conditional Grants at Ksh. 37 billion, to be distributed in accordance with Annex 4 of the Report of the Budget and Appropriations Committee;
- (c) makes the **policy resolutions** contained in the First Schedule to the Order Paper (*Policy Resolutions relating to the Budget Policy Statement for the financial year 2022/23*);
- (d) **orders** that the resolutions form the basis for the preparation of the 2022/2023 budget;
- (e) **resolves** that the Budget Policy Statement for the financial year 2022/2023 forms the basis for the introduction of the Division of Revenue Bill, 2022.

(The Chairperson, Budget and Appropriations Committee)

Order deferred

14. **MOTION - REPORT ON THE BUDGET PMOTION - REPORT ON THE MEDIUM-TERM DEBT MANAGEMENT STRATEGY FOR THE FY 2022/2023**

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on the Medium Term Debt Management Strategy for the financial year 2022/2023 submitted by the Cabinet Secretary for the National Treasury pursuant to the provisions of section 33 of the Public Finance Management Act, 2012 and Standing Order 232(4), *laid on the Table of the House on Tuesday, February 15, 2022* and pursuant to the provisions of section 15(4) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10)-

- (a) **approves** the Medium Term Debt Management Strategy for the financial year 2022/2023;
- (b) **approves** the national borrowing strategy as contained in the 2022/2023 Medium Term Debt Management Strategy, at a level consistent with the fiscal deficit of Ksh. 400 billion or 3 % of GDP, whichever is lower; and,

- (c) makes the **policy resolutions** contained in the Second Schedule to the Order Paper (*Policy Resolutions relating to the Medium-Term Debt Management Strategy for the financial year 2022/23*).

(The Chairperson, Budget and Appropriations Committee)

Order deferred

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15. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Fourth Chairperson of Committees in the Chair

The Sacco Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021)

Clauses 2, 3, 4, 5, 6, 7, 8, 9 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments

16. **HOUSE RESUMED** - Fourth Chairperson in the Chair

The Sacco Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021)

Bill reported without amendments

Motion made and Question proposed –

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

(Leader of the Majority Party)

Putting of Question deferred.

17. **THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 30 OF 2020)**

Order or Second reading read;

Mover moved;

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

There being no Seconder, the Chairperson referred the Bill to Mediation Committee pursuant to Article 113.

18. **THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2021)**

Order or Second reading read;

Motion made and Question proposed –

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THAT, the Universities (Amendment) Bill (National Assembly Bill No. 35 of 2021) be now read a Second time

(The Leader of the Majority Party)

Debate arising;

Quorum of the House

Rising on a Point of Order pursuant to Standing Order 35, the Member for Tinderet, the Hon. Julius Melly drew the attention of the First Chairperson that there was no Quorum in the House;

And the Chairperson having confirmed that there was no Quorum, ordered the Division Bell to be rung for ten minutes;

And there being **NO Quorum** after expiry of ten minutes;

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

18. **HOUSE ROSE** - at twenty minutes to Five O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, February 17, 2022 at 2.30 p.m.

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