

Twelfth Parliament



Fifth Session
Afternoon Sitting

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SIXTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 23, 2022 (AFTERNOON SITTING)

1. The House assembled at Thirty Minutes past Two O'clock.

2. The Proceedings were opened with Prayer

3. **Presiding** – the Hon. Speaker

4. **QUORUM**

Having determined that there was no Quorum present in the House to commence proceedings, the Speaker ordered that the Quorum Bell be rung for Ten minutes;

And Quorum having been attained within the Ten Minutes, proceedings commenced.

5. **PAPERS**

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

(a) 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 –

- (1) Wundanyi;
- (2) Kiambaa;
- (3) Rabai;
- (4) Juja;
- (5) Laikipia North;
- (6) Ruiru;
- (7) Kiminini;
- (8) Garsen;
- (9) Galole;
- (10) North Imenti;
- (11) Kipkelion East;
- (12) Hamisi;
- (13) Kisumu East;
- (14) Igembe Central;
- (15) Chuka-Igambang'ombe;
- (16) Gichugu;
- (17) Dagoretti South;
- (18) Nyeri Town;
- (19) Turkana North;
- (20) Keiyo South;

- (21) Kigumo;
- (22) Kandara;
- (23) Turbo;
- (24) Limuru;
- (25) Kapseret;
- (26) Kabete;
- (27) Malindi
- (28) Msambweni;
- (29) Kiharu;
- (30) Vihiga;
- (31) Nyali;
- (32) Soy;
- (33) Likoni;
- (34) Kikuyu;
- (35) Saku;
- (36) Maara;
- (37) Kabondo Kasipul;
- (38) Runyenjes;
- (39) Kasipul;
- (40) Kuria West;
- (41) Tigania East;
- (42) Nyando;
- (43) Isiolo North;
- (44) Manyatta;
- (45) Ainamoi;
- (46) Emuhaya;
- (47) Nandi Hills;
- (48) Laikipia West;
- (49) Kajiado South;
- (50) Tetu;
- (51) Kilifi South;
- (52) Keiyo South;
- (53) Kieni;
- (54) Githunguri;
- (55) Maragua;
- (56) Taveta;
- (57) Thika Town;
- (58) Gatanga;
- (59) Turkana Central;
- (60) Moiben;
- (61) Kesses;
- (62) Jomvu;
- (63) Mukurweini;
- (64) Turkana South;
- (65) Othaya;
- (66) Emgwen;
- (67) Kapenguria;
- (68) Mwatate; and
- (69) Kinango.

(The Leader of the Majority Party)

- (b) Report of the Committee on Delegated Legislation on its consideration of the Irrigation (General) Regulations, 2021 (Legal Notice No. 199 of 2021)

(Chairperson, Committee on Delegated Legislation)

6. NOTICES OF MOTION

The following Notice of Motion was given –

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Irrigation (General) Regulations, 2021, laid on the Table of the House on Wednesday, February 23, 2022, and pursuant to the provisions of section 34(2) of the Irrigation Act, 2019 approves the Irrigation (General) Regulations, 2021 published as Legal Notice No. 199 of 2021.

(Chairperson, Committee on Delegated Legislation)

7. QUESTIONS

- a) The following Questions were made to various Ministries/State Departments/Commissions: -

- (i) Question No. 026/2022 by the Member for Kathiani (Hon. Robert Mbui, MP) to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works regarding delays in the upgrading of Kenol-Mitaboni-Kathiani-Kaani road to bitumen standards yet funds for the same were allocated.

(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)

- (ii) Question No. 043/2022 by the Member for Kwale County (Hon. Zuleikha Hassan, MP) to the Cabinet Secretary for National Treasury and Planning on the status of payment of pension to the beneficiaries of the late Mr. Chapo Zuma Mbuzi of ID No. 1602012 and Staff No. APN/PC 15112, who died on 17th April 2010 while working at the Ministry of Health as a Medical Personnel at the Shimo la Tewa Prison in Mombasa County.

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

- (iii) Question No. 051/2022 by the Member for Endebess (Hon. Robert Pukose, MP) to the Cabinet Secretary for Lands and Physical Planning regarding the circumstances that led to the formation and *Gazettement* of a task force by Trans Nzoia County Government to look into issues affecting public land.

(To be replied to before the Departmental Committee on Lands)

- (iv) Question No. 052/2022 by the Member for Tiaty (Hon. William Kamket, MP) to the Cabinet Secretary for Education on primary and secondary schools in Tiaty Constituency that have received funding from the Ministry for purposes of the building of more classrooms to accommodate more learners and ensure institutions observe COVID-19 pandemic protocols on social distancing, indicating the amount received by each institution, and explain how the said monies have been utilized.

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

- (v) Question No. 053/2022 by Nominated Member (Hon. David Ole Sankok, MP) to the Cabinet Secretary for Interior and Coordination of National Government regarding details of the parcel of land located in Laikipia County which he claimed is owned by The Deputy President during his appearance before the Departmental Committee on Administration and National Security on 1st September 2021.

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

b) The following Question was dropped –

- Question No. 050/2022 by the Mwatate (Hon. Andrew Mwadime, MP) to the Cabinet Secretary for Mining and Petroleum non commissioning of the Gemology Centre in Voi, Taita Taveta County , two years after its completion.

8. STATEMENTS PURSUANT TO STANDING ORDER 44(2)(C)

(a) Requests for Statement

- (i) Nominated Member (Hon. Wilson Sossion, M.P.) requested a Statement from the Chairperson of the Departmental Committee on Education and Research regarding Irregular post-retirement engagement of certain headteachers by the Teachers Service Commission; and,
- (ii) The Member for Mandera East Constituency (Hon. Omar Maalim Hassan, M.P.) requested a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding Occupation of private land by security personnel in Barwako location, Mandera East Constituency.
- (iii) Pursuant to the provisions of Standing Order 44(2)(c), the Chairperson of the Departmental Committee on Administration and National Security issued responses to the following Requests or Statement –

(b) Responses to Requests for Statement

The Chairperson of the Departmental Committee on Transport, Public Works and Housing issued responses to the following Requests for Statement –

- (i) Request for a Statement by the Member for Kilifi North (Hon. Owen Baya, M.P.) regarding the Expansion of Malindi International Airport; and
- (ii) Request for a Statement by the member for Dagoretti South (Hon. John Kiarie, M.P.) regarding Incomplete and sub-standard road works in Dagoretti South Constituency.

9. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE SUSTAINABLE WASTE MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2021)

Motion having been made and Question proposed –

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021).

(The Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021) be now read a Third Time;

(The Majority Party Whip)

Question put and agreed to;

Bill read a Third Time and passed.

10. COMMITTEE OF THE WHOLE HOUSE

IN THE COMMITTEE

The First Chairperson of Committees in the Chair

The Copyright (Amendment) Bill (National Assembly Bill No. 44 of 2021)

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

Clause 3 - amendment proposed –

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Insertion of new section 30C in Cap. 12 of 2001.

3. The principal Act is amended by inserting the following new section immediately after section 30B—

Payment of ring back tune revenue.

30C. (1) Without prejudice to section 30B, in the case of ring back tunes, the parties shall share the net revenue from the sale of ring back tunes, as follows—

- (a) the premium rate service provider at eight point five percent;
- (b) the telecommunication operator at thirty nine point five percent;
- (c) the artiste or owner of the copyright at fifty two percent.

(2) Despite subsection (1), all contracts between premium rate service providers and artistes or owners of the copyright existing before the commencement of this Act shall apply until their expiry, and subsequent contracts shall conform to this provision.

(The Vice-Chairperson, Departmental Committee on Communication, Information and Innovation)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to amendment proposed –

THAT, the clause 3 of the Bill be amended in the proposed new Clause 30C in paragraph (c) by inserting the words “not less than” immediately after the word “at”.

(The Hon. John Kiarie, M.P.)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Committee’s Committee Stage Amendment to Clause 3 of the Bill be further amended in the proposed new section 30C by inserting the following new subsection immediately after subsection (2)—

“(3) The telecommunication operator shall remit directly to the artiste or owner of the copyright the ring back tune net revenue share allocated to them as specified in subsection (1).”

(The Vice-Chairperson, Departmental Committee on Communication, Information and Innovation)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to amendment proposed –

THAT, Clause 3 be amended in the proposed new section 30C by deleting the words “the net revenue” and substituting therefor the words “revenue net of taxes.”

(The Vice-Chairperson, Departmental Committee on Communication, Information and Innovation)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed –

THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new Clause—

Insertion of new sections in Cap. 12 of 2001. **4.** The principal Act is amended by inserting the following new sections immediately after section 22A—

National Rights Registry. **22B.** (1) There is established a National Rights Registry which shall be an office within the Board.

(2) The staff of the Registry shall be the staff of the Board.

Functions of the Registry. **22C.** The functions of the Registry shall be—

- (a) digital registration of right holders;
- (b) digital registration of copyright works;
- (c) authentication and authorization of consumers of copyright works;
- (d) media monitoring of registered copyright works;
- (e) tracking, monitoring and dissemination of data or logs related to access of registered copyright works;
- (f) any other functions as may be assigned by the Board.

Voluntary registration on the Registry. **22D.** (1) Without prejudice to the generality of section 22C, the Board shall cause to be developed and maintained an online portal for registration of copyright works.

(2) The author of copyright works or an owner of copyright may register his or her works on the Registry.

(3) Subject to such conditions as may be prescribed by the Board and upon payment of the prescribed fees, any person may access the copyright works through the Registry.

(The Vice-Chairperson, Departmental Committee on Communication, Information and Innovation)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed -

THAT, Clause 5 of the Bill be deleted.

(The Vice-Chairperson, Departmental Committee on Communication, Information and Innovation)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further Amendment Proposed -

THAT, Clause 5 of the Bill be deleted.

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

Proposed amendment dropped.

Further Amendment Proposed –

THAT, Clause 5 of the Bill be deleted.

(The Hon. John Kiarie, M.P.)

Proposed amendment dropped.

Clause 5 - deleted.

Clause 6 - amendment proposed –

THAT, Clause 6 of the Bill be deleted.

(The Vice-Chairperson, Departmental Committee on Communication, Information and Innovation)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further Amendment Proposed –

THAT, Clause 6 of the Bill be deleted.

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

Proposed amendment dropped.

Further Amendment Proposed –

THAT, Clause 6 of the Bill be deleted.

(The Hon. John Kiarie, M.P.)

Proposed amendment dropped.

Clause 6 - deleted.

Clause 7 - amendment proposed –

THAT, Clause 7 of the Bill be deleted.

(The Vice-Chairperson, Departmental Committee on Communication, Information and Innovation)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further Amendment Proposed –

THAT, Clause 7 of the Bill be deleted.

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

Proposed amendment dropped.

Further Amendment Proposed –

THAT, Clause 7 of the Bill be deleted.

(The Hon. John Kiarie, M.P.)

Proposed amendment dropped.

Clause 7 - deleted.

Clause 8 - amendment proposed –

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new Clause—

Amendment of section 49 of No. 12 of 2001. **8.** The principal Act is amended in section 49(2) in paragraph (a) by inserting the following subparagraphs immediately after subparagraph (iv)—

“(iva) the fees for accessing the National Rights Registry;

(ivb) the format for registrations of the respective copyright works;

(ivc) the type of copyright works that are registrable with the National Rights Registry;

(ivd) anything necessary for the performance of the functions of the National Rights Registry;”

(The Vice-Chairperson, Departmental Committee on Communication, Information and Innovation)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 8 - as amended agreed to.

Clause 2 - amendment proposed –

THAT, Clause 2 of the Bill be amended—

(a) in the definition “Registry” by deletion the words “section 34A” and substituting therefor the words “section 22B”;

(b) in the definition “ring back tune” by deleting the word “it” and substituting therefor the word “is”;

(c) by inserting the following new definitions in proper alphabetical sequence—

“artiste” means a singer, declaimer, musician or other person whose work constitutes a ring back tune;

“premium rate service provider” means a person authorized by the Communications Authority of Kenya to provide content services which includes ring back tunes and is delivered over electronic communications networks and services;

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with Amendments.

11. HOUSE RESUMED - the First Chairperson in the Chair

The Copyright (Amendment) Bill (National Assembly Bill No. 44 of 2021)

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

Bill Reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Copyright (Amendment) Bill (National Assembly Bill No. 44 of 2021)

(The Majority Party Whip)

Putting of the Question deferred.

12. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Order for Second Reading read;

Motion being made –

THAT, the Coffee Bill (Senate Bill No. 22 of 2020) be now read a Second Time.

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Rising in his place on a Point of Order pursuant to Standing Order 35, Nominated Member (Hon. David Sankok) objected that there was no quorum present in the House;

And the First Chairperson having ascertained the claim upon counting the Members in the House, thereupon ordered that the Quorum Bell be rung for ten minutes;

And there being no Quorum at the expiration of ten minutes;

And the time being seventeen minutes past being Five O'clock, the House adjourned without Question put pursuant to the Standing Orders.

13. HOUSE ROSE - Seventeen Minutes Five O'clock

MEMORANDUM

The Speaker will take the Chair on-
Thursday, February 24, 2022 at 2.30pm

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