



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 29, 2018

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

The Member for Narok East (Hon. Aramat Lemanken) presented a Petition regarding the implementation of the Standard Gauge Railway (SGR) Phase 2A in Narok County.

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (a) The Reports of the Departmental Committee on Environment & Natural Resources on:-
 - (i) The Budget Implementation for the Third and Fourth Quarter for the FY 2017/2018 for **Vote 1105** (Ministry of Environment & Forestry), **Vote 1103** (Ministry of Water & Sanitation), **Vote 1106** (State Department for Wildlife) and **Vote 1091** (State Department for Mining);
 - (ii) Report of the Delegation to the United Nations Framework Convention on climate Change Conference held from 30th April to 10th May, 2018 in Bonn, Germany; and
 - (iii) Report of the Delegation to the Global Legislative Summit on National Parks and Protected Areas held from 24th to 27th September, 2018 in Washington, DC, USA.
(Chairperson, Departmental Committee on Environment & Natural Resources)
- (b) The Report of the APNAC Delegation on the 2nd Annual Conference of the Institute of Certified Public Secretaries (ICS) held in Mauritius from 15th to 18th August, 2018; and
- (c) Report of the Global Organization of Parliamentarians Against Corruption (GOPAC) held alongside the 7th conference of the States Parties to the United Nations Convention Against Corruption (UNCAC) in Vienna, Austria from 6th to 10th November, 2017.

(The Leader of the Delegation – APNAC – Hon. Shakeel Shabir)

- (d) Contract documents and forwarding letter addressed to the Clerk of the National Assembly from the Cabinet Secretary for Foreign Affairs and International Trade (Amb. Dr. Amina Juma) in relation to the Report of the Public Accounts Committee on the Examination of the Auditor's General Report on the Financial Statements for the National Government for the Financial Year ended 30th June 2015

(Hon. Owen Baya)

6. **QUESTIONS**

- (i) The following Questions were asked –

- (a) **Question No. 257/2018** by the Member for Kisumu West Constituency (Hon. John Olago Aluoch MP) regarding allocation of Land Reference No. 332/182 in Maseno Township of Kisumu County to the Administration Police and alleged reallocated to private developers;

Question referred to Departmental Committee on Lands

- (b) **Question No. 245/2018** Member for Kamukunji Constituency (Hon. Yusuf Hassan, MP) regarding the arrest and detention of Kenyan journalists by Tanzanian authorities;

Question referred to the Departmental Committee on Defence and Foreign Relations

- (c) **Question No. 253/2018** by the Member for Baringo Central Constituency (Hon. Joshua Chepyegon Kandie, MP) regarding increased cases of insecurity in Baringo Central Constituency;

Question referred to the Departmental Committee on Administration and National Security

- (d) **Question No. 255/2018** by the Member for Vihiga County (Hon. Beatrice Adagala, MP) regarding reclamation and conversion of community land covering Maragoli Hills in Mugoma Ward, Kisingila, Dabwongo, Buhani, Lodenyi and Musova of Vihiga Sub-County to Maragoli Forest land?

Question referred to the Departmental Committee on Environment and Natural Resources

- (e) **Question No. 256/2018** by the Member for Embakasi East Constituency (Hon. Babu Owino Paul Ongili, MP) regarding issuance of title deeds to the residents of Tassia Estate National Social Security Fund;

Question referred to the Departmental Committee on Labour and Social Welfare

- (f) **Question No. 258/2018** by the Member for Molo Constituency (Hon. Francis Kuria Kimani, MP) regarding the deplorable state of Nakuru-Njoro-Molo road;

Question referred to the Departmental Committee on Transport, Public Works and Housing

- (g) **Question No. 260/2018** by the Member for Gichugu Constituency (Hon. Gichimu Githinji, MP) regarding the issuance of *Letters of Exemption* for importation of duty free machinery, equipment and for tax exemption in relation to the construction of Thiba Dam project;

Question referred to the Departmental Committee on Finance and National Planning

(ii) The following question was deferred;

- (a) **Question No. 243/2018** by the Member for Awendo Constituency (Hon. John Walter Owino, MP) regarding the status of construction of the 40km Rongo – Dede -Rapongi - Awendo road;

7. **STATEMENTS**

The following Statements were issued by:-

- (a) The Nominated Member (Hon. David Ole Sankok) regarding the World Disability Day (*Pursuant to Standing Order 43 – with leave of the Speaker*);
- (b) The Chairperson of the Departmental Committee on Transport, Public Works and Housing on funds allocated to roads countrywide and to affordable the Housing Programme (*Pursuant to Standing Order 44(2)*);
- (c) The Leader of the Majority Party on the Business of the House for the following week (*Pursuant to Standing Order 44(2)(a)*).

8. **PROCEDURAL MOTION – LIMITATION OF DEBATE ON A SPECIFIED REPORT**

Motion made and Question proposed -

THAT, notwithstanding the provisions of Standing Order 97(4), and the House resolution of February 14, 2018 limiting speech in a debate on a **Report of a Committee**, this House further orders that debate in respect of the *Report of the Committee on Regional Integration on the East African Community Protocol on Information and Communication Technology Networks* be limited as follows:- a maximum of **one (1) hour**, with not more than ten (10) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and that five (5) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

(The Leader of the Majority Party)

Question put and agreed to.

9. **THE GOVERNMENT CONTRACTS BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2018)**

Order for Second Reading read;

Motion made –

THAT, the Government Contracts Bill (National Assembly Bill No.9 of 2018) be now read a Second Time

(The Leader of the Majority Party – 28.11.2018)

Debate on the Second Reading having been concluded on Wednesday, November 28, 2018 (Afternoon Sitting);

Mover replied;

Question put and agreed to;

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

10. **MOTION - REPORT ON THE EXAMINATION OF THE AUDITOR GENERAL'S REPORT ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT**

Motion made –

THAT, this House **adopts** the Report of the Public Accounts Committee on the Examination of the Auditor's General Report on the Financial Statements for the National Government for the Financial Year ended 30th June 2015, laid on the Table of the House on Tuesday, November 14, 2018 subject to –

- (a) deletion of Recommendation No. (ii) appearing on page 18 under **Paragraph 4** (Pending Bills) and substituting therefor the following:
- “(ii). The Accounting Officer, Dr. Kamau Thugge, puts in place measures to forestall the accumulation of pending bills at the National Treasury contrary to the provisions of Section 12(2) (b) of the Public Finance Management Act, 2012 which mandates the National Treasury to ensure proper management and control of, and accounting for the finances of the national government and its entities in order to promote the efficient and effective use of budgetary resources at the national level.”**
- (b) deletion of the Committee Recommendation under **Paragraph 5** (Outstanding Imprests) appearing on page 19 of the Report and substituting therefor the following:
- “The Accounting Officer, Dr. Kamau Thugge, puts in place measures to manage imprests and ensure outstanding imprests are surrendered on time in line with the provisions of the Public Finance Management Act, 2012 and Regulation 93 of the Public Finance Management (National Government) Regulations, 2015.”**
- (c) deletion of recommendation no. 1 under Committee Recommendations on under **Paragraph 375.1** (Retention of Refunds - Kshs. 881,398,162.91) on page 466 of the Report, and substituting therefor the following –
- “1. The Auditor General to, within three months after the adoption of this Report, undertake an audit into the payments of Kshs.292,060,779.51 and Kshs.100,372,341.65 for FY 2013/14 and FY 2014/15 respectively, totaling Kshs.392,433,121.16 made by the then Accounting Officer, Eng. John K. Mosonik, without original receipts. The Auditor General should also undertake a further audit into refunds totaling Kshs.55,450,449.02 in FY 2014/15 paid by the then Accounting Officer to contractors without proof of completion of works contrary to the Public Finance Management Act, 2012.”**
- (d) deletion of recommendation no. 1 under Committee Recommendations under **Paragraph 375.2** (Unresolved Issues for Deposits Account for 2012/13 and Earlier Years) on page 467 of the Report, and substituting therefor the following –
- “1. The Auditor General to, within three months after the adoption of this Report, undertake a further audit regarding a Statement of Assets and Liabilities under Deposits for the former Ministry of Roads submitted by the then accounting officer, Eng. John K. Mosonik, that was still reflecting the Debit and Credit Balances relating to the FY 2012/2013 and earlier years which, besides being un-cleared for a long time, had remained unanalyzed and unsupported as at 30th June, 2016.”**
- (e) deletion of the Committee recommendation contained in **Paragraph 395.2** of the Report, and substitution thereof with the following new recommendation-

“The Auditor-General to, within three months after adoption of this Report, undertake further audit in order to establish the circumstances in which restricted tendering was adopted in the construction of a model County office in Embu by the State Department of Environment and Natural Resources during the financial year 2014/2015”;

- (f) deletion of the Committee recommendation contained **Paragraph 395.5** of the Report and substitution thereof with the following new recommendation-
“The Auditor-General to, within three months after the adoption of this Report, undertake further audit on the propriety of using restricted tendering for fencing projects at various meteorological projects by the Department of Environment and Natural Resources during the financial year 2014/2015.”

- (g) deletion of the Committee recommendation contained in **Paragraph 395.7** of the Report, and substitution thereof with the following new recommendation-
“The Auditor-General to, within three months after adoption of this Report, undertake further audit on the propriety of contracts to various suppliers to supply seedlings to various destinations by the State Department of Environment and Natural Resources during the financial year 2014/2015.”

(Chairperson, Public Accounts Committee)

Debate interrupted on Thursday, November 29, 2018 (Morning Sitting) resumed;

Mover replied;

Question put and agreed to.

11. **MOTION - RATIFICATION OF THE EAST AFRICAN COMMUNITY PROTOCOL ON INFORMATION AND COMMUNICATION TECHNOLOGY NETWORKS**

Order deferred;

12. **THE CAPITAL MARKETS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.19 OF 2018)**

Order for Second Reading read;

Motion made –

THAT, the Capital Markets (Amendment) Bill (National Assembly Bill No.19 of 2018) be now read a Second Time

(Chairperson, Departmental Committee on Finance and National Planning)

Debate on the Motion interrupted on Wednesday, November 28, 2018 – afternoon Sitting resumed;

There being no other Member wishing to contribute;

Mover replied;

Question for Second reading deferred pursuant to Standing Order 53(3).

13. **THE SACCO SOCIETIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Sacco Societies (Amendment) Bill (National Assembly Bill No. 18 of 2018) be now read a Second Time

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

Debate arising;

(Change of chair from the Hon. Speaker to the Fourth Chairperson)

(Change of chair from the Fourth Chairperson to the Second Chairperson)

Mover replied;

Question for Second reading deferred pursuant to Standing Order 53(3).

14. **THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)**

Second Reading

Order deferred;

15. **THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Assumption of Office of the County Governor Bill (Senate Bill No. 1 of 2018)

(Chairperson, Departmental Committee on Administration and National Planning)

Debate arising;

There being no other Member wishing to contribute;

Mover replied;

Question for Second reading deferred pursuant to Standing Order 53(3).

16. **REPORT ON KENYATTA UNIVERSITY TEACHING & REFERRAL HOSPITAL PROJECT**

Order deferred;

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

HOUSE ROSE - at thirteen minutes to Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, December 04, 2018 at 2.30 p.m.

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