



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 02, 2019

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**

GUIDE ON CONSIDERATION OF PROPOSED AMENDMENTS TO THE SPORTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2018)

Honourable Members,

Before we proceed to the next order, being the Committee of the whole House, I wish to issue the following guidance which relates to consideration of the proposed amendments to the Sports (Amendment) Bill (National Assembly Bill No. 25 of 2018).

As you are aware, Article 114(2) of the Constitution provides that if, in the opinion of the Speaker of the National Assembly, a motion makes provisions for a matter listed in the definition of 'a Money Bill', the Assembly may proceed **only** in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary responsible for Finance.

In this regard, **Honourable Members**, my office has received several proposed amendments to the Sports (Amendment) Bill, (National Assembly Bill No. 25 of 2018). I am satisfied that the amendments proposed by the Departmental Committee on Sports, Culture and Tourism are in order. However, the amendments proposed by The Nominated Member (Hon. Godfrey Osotsi) and the Member for Lari (Hon. Jonah Mburu) which propose to introduce a new Clause 4 in the Bill are not admissible.

This is because the amendments intend to retain two separate sports funds, one under the Sports Act, 2013 and the other under the Public Finance Management (*Sports, Arts and Social Development Fund*) Regulations, 2018. The resultant effect is to give a lifeline to the two Sports Funds despite their having similar objectives. In this regard, these amendments will render the law illogical and offend the provisions of Standing Order 133 (5),(6) and (8) relating to admissibility of amendments in Committee of the whole House. Further, the proposed amendments do make provisions for matters listed in the definition of 'a money Bill' pursuant to the provisions of *Article 114(2)* of the Constitution

and *Standing Order 114* and the Budget and Appropriations Committee has recommended that the Assembly **DOES NOT** proceed with the amendments.

Honourable Members, I therefore wish to guide the House that the amendments introducing new Clause 4 as proposed by The Nominated Member (Hon. Godfrey Osotsi) and the Member for Lari (Hon. Jonah Mburu) **shall not be considered in the Committee of the whole House.**

I thank you!

5. PAPERS LAID

The following Papers were laid on the Table of the House:-

- 1) The Ethics and Anti-Corruption Commission's 3rd Quarterly Report for the period from 1st July, 2018 to 30th September, 2018.
- 2) Reports of the Auditor General on the financial statements in respect of the following institutions for the year ending 30th June, 2018 and the certificates therein: -
 - i) Kenya Safari Lodges and Hotels Limited;
 - ii) Kenya Medical Laboratory Technicians and Technologists Board;
 - iii) Maasai Mara University;
 - iv) Egerton University;
 - v) State Department for Devolution;
 - vi) Kenya Local Loans Support Fund;
 - vii) Small-Scale Irrigation and Value Addition Project in the Ministry of Agriculture, Livestock, Fisheries and Irrigation;
 - viii) Industrial Development Bank (IDB) Capital Limited;
 - ix) Retirement Benefits Authority;
 - x) State Corporations Appeal Tribunal; and
 - xi) The Office of the Director of Public Prosecutions.
- 3) The Report of the Auditor General on the financial statements of the Tana and Athi Rivers Development Authority for the year ending 30th June, 2017 and the certificate therein.
(Leader of the Majority Party)
- 4) Report of the Departmental Committee Administration and National Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate on the vetting of the Nominee for appointment to the position of the Inspector-General of the National Police Service.
(Chairperson Departmental Committee on Administration and National Security)
- 5) Report of the Departmental Committee on Finance and National Planning on its consideration of the County Statistics Bill (Senate Bill No. 9 of 2018).
(Chairperson, Departmental Committee on Finance and National Planning)
- 6) Report on the inquiry into land acquisition by the Kenya Defence Forces for establishment of Forward Operating Base (FOB) in Narok county.
(Chairperson, Departmental Committee on Defence & Foreign Relations)

6. **NOTICES OF MOTION**

The following Notices of Motion were given:-

- a) **THAT**, taking into consideration the findings of the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate in their Report on the *Vetting of the Nominee for Approval as the Inspector-General of the National Police Service, laid on the Table of the House on Tuesday, April 2, 2019*, and pursuant to the provisions of Article 245(2)(a) of the Constitution, section 12(1) of the National Police Service Act, 2011 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Mr. Hilary Nzioki Mutyambai** as the Inspector-General of the National Police Service.

(Chairperson, Administration and National Security)

- b) **THAT**, this House adopts the Report of the Departmental Committee on Defence and Foreign on its inquiry into land acquisition by the Kenya Defence Forces for establishment of Forward Operating Base (FOB) in Narok county, laid on the Table of the House on Tuesday, 2nd April 2019.

(Chairperson, Departmental Committee on Defence & Foreign Relations)

7. **QUESTIONS**

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

- (i) Question No.015/2019 by the Member for Kajiado Central (Hon. Elijah Memusi Kanchory) regarding arrest of Mr. Mohamed Bashir Abdi at the Namanga One Stop Border by Tanzanian authorities.

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

- (ii) Question No.138/2019 by the Member for Ganze (Hon. Teddy Ngumabo Mwambire) regarding structures for the newly established Kauma sub-county headquarters in Kilifi County.

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

- (iii) Question No.155/2019 by the Member for Kaiti (Hon. Joshua Kimilu) regarding existence of only one civil registration centre in Makueni County located at Wote Town.

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

- (iv) Question No.165/2019 by the Member for Igembe Central (Hon. Kubai Iringo) regarding destruction of trees and other vegetation by a contractor installing power lines at Nyambene Repeater Station in Nyambene Forest.

(to be replied by the Cabinet Secretary for Environment and Forestry Question before the Departmental Committee on Environment and Natural Resources).

The following Questions were deferred:-

- (i) Question No.145/2019 by the Member for Kathiani (Hon. Robert Mbui) regarding the administration and funding of internal examinations in public schools, to the Cabinet Secretary for Education. Question deferred.

- (ii) Question No.153/2019 by the Member for Sotik (Hon. Dominic Koskei) regarding compensation for the victims of the 2007/2008 Post Elections Violence in Sotik, Bureti and Emurua Dikirr Constituencies, to the Cabinet Secretary for Interior and Coordination of National Government Question deferred.

8. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

The Sports (amendment) Bill (National Assembly Bill No.25 of 2018)

IN THE COMMITTEE

The Deputy Speaker in the Chair

The Sports (Amendment) Bill (National Assembly Bill No. 25 Of 2018)

Clause 3 - amendment proposed

THAT, Clause 3 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 3 - amendment proposed

THAT, Clause 3 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 3 - agreed to

Clause 4 - amendment proposed

THAT, Clause 3 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 4 - amendment proposed

THAT, Clause 4 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 4 - Further amendment proposed

THAT, the Bill be amended by deleting clause 4 and substituting therefor

the following new clause—

4. Section 11 of the principal Act is amended by deleting paragraph (c) and substituting therefor the following new paragraph

“(c) an amount out of the Fund for the promotion of and development of sports;”

(Chairperson, Departmental Committee on Sports, Culture and Tourism)

Debate arising;

Question on the amendment put and agreed to;

Clause 4 - as further amended agreed to.

Clause 5 - amendment proposed

THAT, Clause 5 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 5- amendment proposed

THAT, Clause 5 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 5 - agreed to

Clause 6 - amendment proposed

THAT, Clause 6 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 6 - amendment proposed

THAT, Clause 6 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 6 - agreed to

Clause 7 - amendment proposed

THAT, Clause 7 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 7 - amendment proposed

THAT, Clause 6 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 7 - agreed to

Clause 8 - amendment proposed

THAT, Clause 8 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 8 - amendment proposed

THAT, Clause 8 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 8 - agreed to

Clause 9 - amendment proposed

THAT, Clause 9 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 9 - amendment proposed

THAT, Clause 9 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 9 - agreed to

Clause 10 - amendment proposed

THAT, Clause 10 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 10 - amendment proposed

THAT, Clause 10 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 10 - agreed to

Clause 11 - amendment proposed

THAT, Clause 11 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 11 - amendment proposed

THAT, Clause 11 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 11 - agreed to

New Clauses

Proposed New Clause 4A (by the Hon. Godfrey Osotsi and the Hon. Jonah Mburu) were **declared inadmissible**

New Clause 5A - new clause 5A proposed

THAT, the Bill be amended by inserting the following new clause immediately after clause 5—

5A. Section 38 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)—

“(ba) an amount out of the Fund for the promotion of and development of sports;”

(Chairperson, Departmental Committee on Sports, Culture and Tourism)

Question for Second Reading proposed

Debate Arising

Question for Second Reading put and agreed to;

Debate arising;

Question on the amendment put and agreed to;

Clause 2 - amendment proposed –

THAT, Clause 2 of the Bill be deleted.

(Hon. Godfrey Osotsi)

Proposed Amendment **dropped**

Clause 2 - amendment proposed

THAT, Clause 2 of the Bill be deleted.

(Hon. Jonah Mburu)

Proposed Amendment **withdrawn**

Clause 2 - amendment proposed –

THAT, Clause 2 of the Bill be deleted.

(Hon. Anthony Oluoch)

Proposed Amendment **dropped**

Clause2 - further amendment proposed

THAT, the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(c) inserting the following new definition in its proper alphabetical sequence—

“Fund” means the Sports, Arts and Social Development Fund established under regulation 3 of the Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018;

(Chairperson, Departmental Committee on Sports, Culture and Tourism)

Debate arising;

Question on the amendment put and agreed to;

Clause 2 - as amended agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

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

The Sports (Amendment Bill (National Assembly Bill No. 25 of 2018)

Bill reported with amendments;

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 Sports (Amendment) Bill (National Assembly Bill No.25 of 2018).

(The Leader of the Majority Party)

Question deferred.

10. **MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION**

Motion made and Question proposed:-

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the Independent Electoral and Boundaries Commission for the year ended 30th June 2017, *laid on the Table of House on Wednesday, February 27, 2019.*

(The Chairperson, Public Accounts Committee)

The Speaker had ruled that certain specific parts of the Report be expunged;

Debate interrupted on Thursday, March 28, 2019 resumed;

Hon. Peter Kaluma protested that he has proposed amendments to the Motion for adoption of the Report, but which amendments were not appearing on the Order Paper;

Hon. Kaluma signed his proposed amendments, and was allowed to move the amendments;

However, midway through his moving of the amendments, it was noted that some pages of the signed amendments had not been properly photocopied for circulation to Members;

The Leader of the Majority Party requested the Chair to defer the Order pending the proper processing of Hon. Kaluma's proposed amendments;

The Chair (Hon. Christopher Omulele), having acceded to the request, deferred the Order;

The Chair further directed that Hon. Kaluma is to move his amendments afresh when the business appears again on the Order Paper.

11. **MOTION - REPORTS ON BUDGETARY PROPOSALS FOR THE EAST AFRICAN COMMUNITY FOR FY 2017/2018 AND 2018/2019**

Motion made and Question proposed:-

THAT, this House **notes** the Report of the Committee on Regional Integration on the Reports of the Committee on General Purpose on the Budgetary Proposals for the FY 2018/2019 & Supplementary Budget Proposals for the FY 2017/2018 of the East African Community, the EAC Supplementary Appropriation Bill, 2018 and the EAC Appropriation Bill, 2018, *laid on the Table of the House on Tuesday, November 27, 2018.*

(The Chairperson, Committee on Regional Integration)

Debate had been interrupted on Tuesday, March 26, 2019;

The Chair (Hon. Christopher Omulele) informed the House that there was no longer any interest on the Motion since no Member had logged in as an indication of interest to debate;

The Chair therefore called upon the Mover to reply to the debate on the Motion;

The Mover was not present in the Chamber;

On account of the absence of the Mover, the Chair declared that the Mover had forfeited her right to reply to debate on the Motion;

Question on the Motion deferred.

12. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)**

Order for Second Reading made;

Motion made and Question proposed:-

THAT, the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018) be now read a Second time.

*(Hon. Ndirangu Waihenya on behalf of the
Departmental Committee on Finance and National Planning)*

[Change of Chair from the Fourth to the First Chairperson (Hon. Roselinda Soipan)]

Debate arising;

Debate concluded;

Mover replied;

Question for Second Reading deferred.

13. **THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

Order for Second Reading made;

Motion made and Question proposed:-

THAT, the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018) be now read a Second time.

*(Hon. Ndirangu Waihenya on behalf of the
Departmental Committee on Finance and National Planning)*

[Change of Chair from the Fourth to the First Chairperson (Hon. Roselinda Soipan)]

Debate arising;

Rising in his place pursuant to Standing Order 95, the Member for Nyatike (Hon. Odege Mboya) claimed to move that the Mover be Called Upon to Reply;

The Chair acceded to the request;

Question that the Mover be called upon to Reply put and agreed to;

Mover Replied;

Question on the Motion deferred.

14. **MOTION- INQUIRY INTO LEGISLATIVE AND REGULATORY GAPS AFFECTING COMPETITION IN THE TELECOMMUNICATIONS SUB-SECTOR**

Motion made and Question proposed –

THAT, this House **adopts** the Report of Departmental Committee on Communication, Information and Innovation on the Inquiry into Legislative and Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector, *laid on the Table of House on Tuesday, March 5, 2019.*

*(Chairperson, Departmental Committee on Communication,
Information and Innovation)*

Debate arising;

The Member for Kikuyu (Hon. Kimani Ichungwah) with the permission of the Chair on behalf of the Member for Ruaraka (Hon. T.J. Kajwang) moved the following amendments -

THAT, the Motion be amended by inserting the following after the figure “2019” –

“subject to:

a) deletion of Recommendation 5.2(i) under paragraph 102 (*Committee Recommendations*) appearing on page 49 of the Report and substituting therefor with the following-

“(i) the Communications Authority conducts a study within the next one year to review the present mobile termination rates (MTR) with a view of restructuring the interconnectivity charges to lower the cost to mobile subscribers;”

b) deletion of Recommendation 5 (i) under paragraph 12.4 (*Call and short message service (SMS) termination rates*) appearing on page 81 of the Report and substituting therefor with the following-

“(i) the Communications Authority conducts a study within the next one year to review the present mobile termination rates (MTR) with a view of restructuring the interconnectivity charges to lower the cost to mobile subscribers;”

c) *deletion* of the words appearing after the phrase **“one-year”** on Recommendation 11 under paragraph 12.9 (*National Roaming*) appearing on page 84 of the Report.

Amendment Proposed;

Debate arising on the amendment;

Question on the Amendment deferred.

Debate resumed.

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

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

MEMORANDUM

The Speaker will take the Chair on
Wednesday, April 03, 2019 at 9.30 a.m.

----x---