



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, AUGUST 1, 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. **PAPERS LAID**

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

- i. Annual Report and Financial Statements of the Laikipia University for the year ended 30<sup>th</sup> June, 2017.
- ii. The Reports of the Auditor-General and the Financial Statements in respect of the following Constituencies for the year ended 30<sup>th</sup> June, 2018 and the certificates therein:-
  - 1) Kapseret;
  - 2) Uriri;
  - 3) Turkana East;
  - 4) Aldai;
  - 5) Kesses;
  - 6) West Mugirango;
  - 7) Samburu North;
  - 8) Nyeri Town;
  - 9) Laikipia North;
  - 10) Kirinyaga Central;
  - 11) Kitutu Masaba;
  - 12) Chepalungu;
  - 13) Funyula;
  - 14) Navakholo;
  - 15) Tinderet;

- 16) Mukurweini;
- 17) Gatanga;
- 18) Mathioya;
- 19) Maragua; and
- 20) Kieni.

*(Leader of the Majority Party)*

## 5. **NOTICE OF MOTION**

The following Notice of Motion was given:-

### **ESTABLISHMENT OF DATABASE CENTRES FOR ISSUANCE OF BIRTH CERTIFICATES FOR CHILDREN**

**THAT**, aware that the Constitution and the Kenya Citizenship and Immigration Act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the State to citizens including a birth certificate; further aware that, Article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognizant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments; deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) in the Country; **this House urges** the Government to establish database centres in all Civil Registration Centres for purposes of storing all the necessary information required for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

*(Hon. Mary Wamaua Njoroge)*

## 6. **QUESTIONS**

The following Questions were asked –

- (i) Question No.354/2019 by the Member for Laikipia County (Hon. Catherine Waruguru) regarding issuance of title deeds to residents of Thigitu, Likii, Majengo and Solio Villages in Nanyuki.

*(To be replied by the Cabinet Secretary for Lands before the Departmental Committee on Land)*

- (ii) Question No.358/2019 by the Member for Kanduyi (Hon. Wafula Wamunyinyi) regarding outstanding arrears for sugarcane farmers owed by Nzoia Sugar Company.

*(To be replied by the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation before the Departmental Committee on Agriculture and Livestock)*

- (iii) Question No.359/2019 by the Member for Keiyo North (Hon. (Dr.) James Kipkosgei Murgor) regarding status of construction of *Kamariny* Stadium.

*(To be replied by the Cabinet Secretary for Sports, Culture and Heritage before the Departmental Committee on Sports, Culture and Tourism)*

- (iv) Question No.360/2019 by the Member for Igembe Central (Hon. Kubai Iringo) regarding construction of access road to Meru National Park.

*(To be replied by the Cabinet Secretary for Tourism and Wildlife before the Departmental Committee on Sports, Culture and Tourism)*

- (v) Question No.362/2019 by the Member for Kwanza (Hon. Ferdinand Wanyonyi) regarding health risks associated with the use of glyphosate-based herbicides.

*(To be replied by the Cabinet Secretary for Agriculture, Livestock, Fisheries and Irrigation before the Departmental Committee on Agriculture and Livestock)*

## 7. STATEMENTS

The following statements were issued:

- a) Pursuant to the provisions of Standing Order 44(2)(c), the Member for Samburu North (Hon. Alois Lentoimaga) sought a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding disarmament of National Police Reservists in Northern Kenya.
- b) Pursuant to the provisions of Standing Order 44(2)(c), the Chairperson of the Select Committee on the National Government Constituencies Development Fund (Hon. Maoka Maore) issued a Statement on the Status on the Allocation of Funds for each Constituency for the financial year 2019/2020.
- c) Pursuant to the provisions of Standing Order 44(2)(c), the Chairperson of the Departmental Committee on Agriculture and Livestock (Hon. Adan Haji) issued a Statement on illegal fishing in Lake Victoria sought by the Member for Funyula (Hon. (Prof) Oundo Ojiambo).
- d) Pursuant to the provisions of Standing Order 44(2) (a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, August 6, 2019.

## 8. THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILL NO. 35 OF 2018)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

Bill read a First Time and referred to the Budget and Appropriations Committee pursuant to provisions of Standing Order 143(1) & (2).

## 9. THE DIVISION OF REVENUE BILL (SENATE BILL NO. 13 OF 2019)

Order for Second Reading read;

Motion made -

**THAT**, the Division of Revenue Bill (Senate Bill No.13 of 2019) be now read a Second Time

*(Chairperson, Budget & Appropriations Committee)*

Rising in his place on a point of order, the Leader of the Majority Party (Hon Aden Duale) sought guidance from the Speaker on the constitutionality of the Division of Revenue Bill (Senate Bill No. 13 of 2019) based on the roles of the two Houses of Parliament, and the functions of the national and county governments.

He highlighted Articles 95(4)(a), 114, 218 and the Fourth Schedule of the Constitution, and sought the guidance of the Speaker on whether this Bill ought to originate from the Senate.

Several other members also raised similar concerns regarding the Senate Bill including:

- (i) Which Bill should the House deal with given that there are two Bills on the same matter?
- (ii) It has been the practice of the two Houses that the National Assembly originates the Division of Revenue Bill, while the Senate originates the County allocation of Revenue Bill. Operating contrary to this practice could be more reason for conflict.
- (iii) There is need for clarification on the roles of the two Houses as found under Articles 93, 95(4)(a) & (b), 96, 110-113, 217, 218 and 219 of the Constitution.
- (iv) The proposal by the Senate for the allocation to counties has not been matched with a source of funding, thus leaving a budget deficit. It should be decided how this deficit will be funded, as there are only two options to plug the deficit: raising taxes or increasing the level of borrowing by the Government.
- (v) There appears to be a misunderstanding of the use of the term ‘Parliament’ in Article 218 of the Constitution.

The Honourable Speaker therefore deferred debate on this motion and further undertook to issue a considered ruling the following week so as to guide the House on the manner of proceeding with this matter.

**10. THE STATISTICS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Statistics (Amendment) Bill (National Assembly Bill No. 37 of 2019) be read a Second Time.

*(The Leader of the Majority Party)*

Debate arising;

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.

17. **HOUSE ROSE** - at Seven O’clock

**MEMORANDUM**

The Speaker will take the Chair on  
Tuesday, August 06, 2019 at 2.30p.m.