



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, SEPTEMBER 18, 2019

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **PAPERS LAID**

The following Papers were laid on the Table -

- (i) The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June, 2018 and the certificates therein: -
 - a) Kasipul;
 - b) Narok South;
 - c) Baringo Central;
 - d) Belgut;
 - e) Kuresoi South;
 - f) Kuresoi North;
 - g) Bahati;
 - h) Kipkelion East;
 - i) Kipkelion West;
 - j) Sigowet/Soin;
 - k) KabondoKasipul;
 - l) Bureti;
 - m) Garsen;
 - n) Nakuru Town East;
 - o) Fafi;
 - p) Cherangany;
 - q) Bumula;

- r) Shinyalu;
- s) Mandera East;
- t) Sabatia;
- u) Lamu West;
- v) Bomet Central; and
- w) Keiyo North.

(The Majority Whip)

5. **NOTICE OF MOTION** – (Hon. Gladwell Cheruiyot)

THAT, aware that disclosure of information about previous criminal convictions through a Police Clearance Certificate has long been considered an important safeguard for employers and various organizations seeking individuals to serve in positions of trust; concerned that the Police Clearance Form includes cases that are pending before court, thus going against the principle of Article 50(2) of the Constitution which provides for the presumption of innocence until proven guilty; further concerned that, the bureaucratic manual procedure of acquiring criminal data and laxity in updating the records results in erroneous information on the Police Clearance Certificate and consequently denies applicants employment opportunities; cognizant of the fact that in Kenya, based on an administrative directive from 1990, criminal records are waived after a term of 20 years except for serious offences such as murder, robbery, manslaughter, rape, defilement, treason or drug possession which remain as permanent records; noting that research has shown a clear nexus between crime and poverty and that a criminal record remains a permanent barrier for young people looking for employment as this will be shown in the Police Clearance Form which will perpetuate the cycle of poverty; this House **urges** the Directorate of Criminal Investigation to leverage on the use of information communication technology (ICT) to ensure criminal data availed in Police Clearance Forms is accurate and up-to-date.

6. **QUESTIONS**

The following Questions were asked –

- (i) **Question by Private Notice No.34/2019** by the Member for Saboti (Hon. Caleb Amisi) regarding the status of ownership of Land Reference No.11437, also known as Mengo Farm in Saboti constituency;

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

- (ii) **Question No.386/2019** by the Member for Gem (Hon. Elisha Odhiambo) regarding the status of the issuance of the new currency notes;

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

- (iii) **Question No.401/2019** by the Member for Kamukunji (Hon. Yusuf Hassan) regarding the number of trees planted since the launch of the tree planting campaign on 12th May, 2018;

(To be replied by the Cabinet Secretary for Environment before the Departmental Committee on Environment and Natural Resources)

- (iv) **Question No.402/2019** by the Member for Meru County (Hon. (Bishop) Kawira Mwangaza) regarding increased cases of insecurity as a result of cattle raids in various areas of Meru County;

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

The following Question was deferred -

- (v) **Question No.400/2019** by the Member for Embakasi Central (Hon. Benjamin Mwangi) regarding transfer of ownership of five (5) acres of land by the Housing Finance Group for development of a public school.

7. **MESSAGE FROM THE SENATE**

The Deputy Speaker conveyed the following Message –

Passage of the County Allocation of Revenue Bill (Senate Bill No.8 of 2019)

“Honourable Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding its passage of the *County Allocation of Revenue Bill (Senate Bill No. 8 of 2019)*.

Honourable Members, the Message reads in part, and *I quote*, “*the Senate considered and passed the said Bill, on Tuesday, September 17, 2019 with amendments.*” The amendments made by the Senate relates to commencement of the Bill in Clause 1 and on the schedules. The Senate now seeks the concurrence of the National Assembly on the said Bill in accordance with the provisions of Article 111 of the Constitution.

Honourable Members, the County Allocation of Revenue Bill is an annual legislation introduced in accordance with the provisions of Article 218 of the Constitution with the objective of equitably allocating the share of national revenue amongst the forty seven (47) Counties. Given the urgency of the passage of this Bill in furtherance to the provisions of Standing Order 124(2)(a), the House Business at its sitting of yesterday evening resolved that the Bill be prioritized for consideration by the House in all stages this morning.

Honourable Members, May I also take this opportunity to remind the House of the provisions of Article 111(2) of the Constitution which provides the voting thresholds for amending a special bill, (and I quote)-

"The National Assembly may amend or veto a special Bill that has been passed by the Senate only by a resolution supported by at least two-thirds of the members of the National Assembly."

A County Allocation of Revenue Bill is a special Bill concerning county governments in terms of Article 110(2)(a)(ii). This implies that any amendment proposed in this House on the Bill shall require to be supported by at least two-thirds of all the Members for it to pass. The House is accordingly guided. I thank you!"

8. **PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)**

Motion made and Question proposed –

THAT, this House orders that the business appearing as Order Nos. 9, 11 and 12(i) in the Order Paper be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

9. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO.8 OF 2019)**

(The Chairperson, Budget & Appropriations Committee)

Order for First Reading read;

Bill read a First Time and ordered to be read a Second Time **today**.

10. **THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT)(NO.2) BILL (NATIONAL ASSEMBLY BILL NO.58 OF 2019)**

(Hon. (Dr.) Eseli Simiyu)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

11. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO.8 OF 2019)**

Motion made and Question proposed –

THAT, the County Allocation of Revenue bill (Senate Bill No.8 of 2019) be now read a Second Time

(Chairperson, Budget & Appropriations Committee)

Rising in his place on a point of Order under Standing Order 97, the Member for Emuhaya (Hon. Omboko Milemba) claimed to move that “debate on the Motion be limited to three minutes for each Member speaking.”

And, the Deputy Speaker acceding to the claim;

Question put and agreed to;

Debate arising;

(Change of Chair from the Deputy Speaker to the Third Chairperson)

Rising in his place on a point of Order under Standing Order 95 the Member for Endebeess (Hon. Robert Pukose) claimed to move that “the Mover be called upon to reply.”

And the Third Chairperson acceding to the claim;

Question put and agreed to.

Thereupon, the Mover replied;

Question put and agreed to.

12. **COMMITTEE OF THE WHOLE HOUSE**

IN THE COMMITTEE

The Second Chairperson in the Chair

(i) **The County Allocation of Revenue Bill (Senate Bill No.8 of 2019)**

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 - agreed to

First Schedule - agreed to

Second Schedule - agreed to

Third Schedule - agreed to

Fourth Schedule - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments;

(ii) **The Law of Contract (Amendment) Bill (National Assembly Bill No.1 of 2019)**

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended by-

- (a) deleting the word “security” appearing in the proposed new subsection (1A) and substituting therefor the word “assets”;
- (b) inserting the following proposed new subsection immediately after the proposed new subsection (1A)-

(1B) For the avoidance of doubt, subsection (1A) shall not be applied retroactively.

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Question of the amendment proposed;

There being no 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;

13. **HOUSE RESUMED** - the Third Chairperson in the Chair

(a) The County Allocation of Revenue Bill (Senate Bill No.8 of 2019)

Bill reported without amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(Chairperson, Budget & Appropriations Committee)

Question put and agreed to;

Motion made and Question proposed –

THAT, the County Allocation of Revenue Bill (Senate Bill No.8 of 2019) be now read a Third Time

(Chairperson, Budget & Appropriations Committee)

Question put and agreed to;

Bill read a Third Time and **passed.**

(b) The Law of Contract (Amendment) Bill (National Assembly Bill No.1 of 2019)

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Committee in the said report

(The Leader of the Majority Party)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Law of Contract (Amendment) Bill (National Assembly Bill No.1 of 2019) be now read a Third Time

(The Leader of the Majority Party)

Question put and agreed to;

Bill read a Third Time and **passed.**

14. **THE BANKING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.55 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Banking (Amendment) Bill (National Assembly Bill No.55 of 2019) be now read a Second Time

(Hon. Jude Njomo – 11.09.2019)

Debate interrupted on Wednesday, September 11, 2019 (Morning Sitting) resumed;

(Change of Chair from Third Chairperson to Second Chairperson of Committees)

Debate concluded;

Mover to reply.

15. **THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.6 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No.6 of 2019) be now read a Second Time

(Hon. Ndindi Nyoro – 24.07.2019)

Debate deferred to another day.

16. **THE EMPLOYMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.15 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed-

THAT, the Employment (Amendment) Bill (National Assembly Bill No.15 of 2019) be now read a Second Time

(Hon. Martha Wangari – 07.08.2019)

Debate arising;

And the time being One o'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

17. **HOUSE ROSE** - at One o'clock

MEMORANDUM

The Speaker will take the Chair today,
Wednesday, September 18, 2019 at 2.30 p.m.

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