



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 24, 2019

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker conveyed the following Communication –

Guidance on the consideration of two Senate Bills

“Honourable Members, as you may recall, on 12th September, 2019, I conveyed to the House a Message from the Senate regarding the passage of the Local Content Bill (Senate Bill No. 10 of 2018) and the Mental Health (Amendment) Bill (Senate Bill No. 32 of 2018).

Honourable Members, following First Reading of the two Bills on 18th September, 2019, I did undertake to pronounce my opinion with respect to the Money Bill effects of the two Bills pursuant to the provisions of Standing Order 143(2), which provides that-

*“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her **opinion** contemplated under Article 114(2) of the Constitution.”*

Now therefore, having received the advice of the competent office in the Parliamentary Service, I have made a determination that, the two Bills are **“Money Bills”** within the meaning of Article 114 of the Constitution. They therefore stand referred to the Budget and Appropriations Committee for consideration and advice on the manner in which the House ought to proceed with the Bills, pursuant to provisions of Articles 109(5) and 114 of the Constitution, as read together with Standing Order 143.

Honourable Members, the House is thus accordingly guided. **I thank you!”**

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The 1st Quarterly Report from the EACC covering the Period from 1st January to 31st March, 2019; and

- (ii) The Defence Cooperation Agreement between the Government of the Republic of Kenya and the Government of the Republic of South Africa and the Explanatory Memorandum from the Ministry of Defence

(The Leader of the Majority Party)

6. **QUESTIONS**

- a) The following Questions were asked –

- (i) Question No.335/2019 by the Member for Homa Bay Town (Hon. George Peter Opondo Kaluma) regarding establishment of Technical and Vocational Education and Training Institutions in Homa Bay Sub-County.

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

- (ii) Question No.400/2019 by the Member for Embakasi Central (Hon. Benjamin Gathiru Mwangi) regarding transfer of land by the Housing Finance Group for development of a public school in Komarock Ward, Embakasi Central Constituency.

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

- (iii) Question No.410/2019 by the Member for Lugari (Hon. Ayub Savula) regarding construction of Makongeni Estate in Nairobi County at the Kenya Railway Staff Retirement Scheme land.

(To be replied by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)

- b) The following Question was deferred –

Question No.409/2019 by the Member for Ol Joro Orok (Hon. Michael Muchira) regarding rehabilitation of the *Gilgil-Nyahururu* road.

7. **STATEMENTS**

- The Nominated Member (Hon. Wilson Sossion) made a Statement pursuant to Standing Order 43 regarding the state of school infrastructure in the country. The Statement was scheduled for discussion during Zero Hour at 1830hrs.

8. **THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Finance Bill (National Assembly Bill No.51 of 2019) be now read a Second Time

(Chairperson, Departmental Committee on Finance & National Planning – 18.09.2019)

Debate on the Second Reading having been concluded on Thursday, September 19, 2019; Question put and agreed to;

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

9. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE PRESIDENT’S RESERVATIONS TO THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2018)**

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 President’s Reservations to the Parliamentary Service Bill (National Assembly Bill No. 6 of 2018).

(The Leader of the Majority Party -18.09.2019)

Question put and agreed to.

President’s reservations **approved**.

10. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (No.3) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2019)**

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 Independent Electoral and Boundaries Commission (Amendment)(No. 3) Bill (National Assembly Bill No. 35 of 2019).

(Chairperson, Departmental Committee on Justice & Legal Affairs -18.09.2019)

Question put and agreed to;

Over thirty Members stood in their places claiming division pursuant to Standing Order 72(1)(b); The Deputy Speaker directed that the division bell be rung for ten minutes pursuant to Standing Order 70(2);

Division on the Motion undertaken;

Technical hitch involving the electronic voting system detected and reported by Members;

The Chair directed that Roll Call Division Bill be undertaken pursuant to Standing Order 71;

Hon. (Dr.) Robert Pukose nominated as the Votes Teller for “Ayes”;

Hon. Abdulswamad Shariff Nassir nominated as the Votes Teller for “Noes”;

Roll Call Voting conducted and concluded;

Results of the Roll Call Vote:

AYES – 59

<u>S/No.</u>	<u>Member</u>	<u>Constituency/County</u>
1.	Adan, Safia Sheikh	Marsabit (CWR)
2.	Angwenyi, Jimmy Nuru Ondieki	Kitutu Chache North
3.	Bore, Florence C.K.	Kericho (CWR)

4.	Duale, Aden Bare	Garissa Township
5.	Gachobe, Samuel Kinuthia	Subukia
6.	Gakuya, James Mwangi	Embakasi North
7.	Ganya, Francis Chachu	North Horr
8.	Gitau, Faith Wairimu	Nyandarua (CWR)
9.	Gk, George Macharia Kariuki	Ndia
10.	Gure, Anab Mohamed	Garissa (CWR)
11.	Hassan, Rehema	Tana River (CWR)
12.	Ibrahim, Nasri Sahal	Nominated
13.	Ichung'wah, Anthony Kimani	Kikuyu
14.	Injendi, Moses Malulu	Malava
15.	Iringo, Cyprian Kubai	Igembe Central
16.	Jaldesa, Rehema Dida	Isiolo (CWR)
17.	Kabeabea, Josphat Gichunge Mwirabua	Tigania East
18.	Kamuren, Charles	Baringo South
19.	Kiai, Anthony Githiaka	Mukurweini
20.	Kibiwot, Julius Melly	Tinderet
21.	Kipkiror, William Cheptumo	Baringo North
22.	Kirima, Moses Nguchine	Central Imenti
23.	Kisang, William Kipkemoi	Marakwet West
24.	Kitayama, Marwa Kemero Maisori	Kuria East
25.	Kogo, Wilson Kipngetich	Chesumei
26.	Koros, Kipsengeret	Sigowet/Soin
27.	Koskei, Dominic Kipkoech	Sotik
28.	Leonard, Yegon Brighton	Konoin
29.	Lesuuda, Josephine Naisula	Samburu West
30.	Limo, Kirui Joseph	Kipkelion East
31.	Mbarire, Cecily	Nominated
32.	Momanyi, Jerusha Mongina	Nyamira (CWR)
33.	Mucheke, Halima Yussuf	Nominated
34.	Murgor, James Kipkosgei	Keiyo North
35.	Murugara, George Gitonga	Tharaka
36.	Musau, Vincent Musyoka	Mwala
37.	Mutua, Didmus Wekesa Barasa	Kimilili
38.	Mwangi, Benjamin Gathiru	Embakasi Central
39.	Mwirigi, John Paul	Igembe South
40.	Njomo, Jude L. Kangethe	Kiambu
41.	Noor, Sophia Abdi	Ijara

42.	Nyaga, Beatrice Nkatha	Tharaka – Nithi (CWR)
43.	Nyamai, Rachael Kaki	Kitui South
44.	Obo, Ruweida Mohamed	Lamu (CWR)
45.	Ochieng, David Ouma	Ugenya
46.	Ogutu, Zadoc Abel	Bomachoge Borabu
47.	Ole Lemein, Dr. Korei	Narok South
48.	Ole Sankok, David	Nominated
49.	Pukose, Dr. Robert	Endebess
50.	Rasso, Dido Ali	Saku
51.	Sitati, Daniel Wanyama	Webuye West
52.	Thuku, Zachary Kwenya	Kinangop
53.	Tonui, Ronald Kiprotich	Bomet Central
54.	Tum, Tecla Chebet	Nandi (CWR)
55.	Wachira, Rahab Mukami	Nyeri (CWR)
56.	Wanyama, Janet Nangabo	Trans Nzoia (CWR)
57.	Wario, Qalicha Gufu	Moyale
58.	Waweru, John Kiarie	Dagoretti South
59.	Yussuf, Adan Haji	Mandera West
<u>S/No.</u>	<u>Member</u>	<u>Constituency/County</u>

NOES - 56

1.	Abuor, Paul	Rongo
2.	Ali, Fatuma Gedi	Wajir (CWR)
3.	Amollo, Dr. Otiende	Rarieda
4.	Atandi, Samuel Onunga	Alego Usonga
5.	Chumel, Samwel Moroto	Kapenguria
6.	Garane, Mohamed Hire	Lagdera
7.	Kajwang', Francis Tom Joseph	Ruaraka
8.	Kaluma, George Peter Opondo	Homa Bay Town
9.	Kamene, Joyce	Machakos (CWR)
10.	Kamket Kassait, William	Tiaty
11.	Kaunya, Edward Oku	Teso North
12.	Kigano, Clement Muturi	Kangema
13.	Kihara, Peter Kimari	Mathioya
14.	Kiti, Richard Ken Chonga	Kilifi South
15.	Kivai, Ernest Ogesi	Vihiga
16.	Koinange, Paul	Kiambaa
17.	M'mbaya, Justus Gesito Mugali	Shinyalu
18.	Manje, Joseph Wathigo	Kajiado North
19.	Maoka, Richard Maore	Igembe North

20.	Masara, Peter Francis	Suna West
21.	Mboko, Mishi Juma Khamisi	Likoni
22.	Mboni, David Mwalika	Kitui Rural
23.	Milemba, Jeremiah Omboko	Emuhaya
24.	Mlolwa, Jones Mwangogo	Voi
25.	Mohamed, Asha Hussein	Mombasa (CWR)
26.	Muhanda, Elsie Busihile	Kakamega (CWR)
27.	Mwalyo, Joshua Mbithi	Masinga
28.	Mwaniki, Ruth W.	Kigumo
29.	Nassir, Abdullswamad Sheriff	Mvita
30.	Nuh, Junet Sheikh	Suna East
31.	Nyenze, Edith Vethi	Kitui West
32.	Nyikal, James Wambura	Seme
33.	Nzambia, Thuddeus Kithua	Kilome
34.	Nzioka, Erastus Kivasu	Mbooni
35.	Odhiambo, Elisha Ochieng	Gem
36.	Odhiambo, Millie Grace Akoth	Suba North
37.	Oduor, Christine Ombaka	Siaya (CWR)
38.	Ogolla, Gideon Ochanda	Bondo
39.	Okelo, Jared Odoyo	Nyando
40.	Ole Kenta, Richard Moitalel	Narok North
41.	Oluoch, Anthony Tom	Mathare
42.	Omulele, Christopher	Luanda
43.	Omuse, Geoffrey	Teso South
44.	Osotsi, Godfrey	Nominated
45.	Oundo, Dr. Wilberforce Ojiambo	Funyula
46.	Owino, Martin Peters	Ndhiwa
47.	Oyoo, James Onyango	Muhoroni
48.	Oyula, Joseph H. Maero	Butula
49.	Shurie, Abdi Omar	Balambala
50.	Simiyu, David Eseli	Tongaren
51.	Sossion, Wilson	Nominated
52.	Wakhungu, Chrisantus Wamalwa	Kimini
53.	Wamuchomba, Gathoni	Kiambu (CWR)
54.	Wangaya, Christopher Aseka	Khwisero
55.	Wanyonyi, Ferdinard Kevin	Kwanza
56.	Wetangula, Timothy Wanyonyi	Westlands

ABSTENTIONS - 1

S/No.	Member	Constituency/County
1.	Cheboi, Moses Kipkemboi	Kuresoi North
AYES	-	59
NOES	-	56
ABSTENTIONS	-	01
Total Votes	-	116

Report of the Committee of the Whole House on the Bill agreed to;

Motion made and Question proposed –

THAT the Independent Electoral and Boundaries Commission (Amendment)(No. 3) Bill (National Assembly Bill No. 35 of 2019) be now read a Third Time.

(Chairperson, Departmental Committee on Justice & Legal Affair)

Question put and agreed to;

Bill read a Third Time and passed.

11. **PROCEDURAL MOTION – EXTENSION OF TIME FOR CONSIDERATION OF A SPECIFIED PETITION**

Motion made and Question proposed –

THAT, notwithstanding the provisions of Standing Order 227(2)(*Committal of Petitions*), this House **resolves** to extend the period for consideration of a public petition on human-wildlife conflict in Kibwezi East Constituency by the Departmental Committee on Environment and Natural Resources by a **further period of thirty (30) days** with effect from 25th September, 2019.

(Vice Chairperson, Departmental Committee on Environment and Natural Resources)

[Change of Chair from the Deputy Speaker to the First Chairperson]

QUORUM OF THE HOUSE

The Member for Suba North (Hon. Millie Odhiambo) rose on a Point of Order under Standing Order 35(1) and objected that there was no quorum present in the House; And the Chair having ascertained the claim, ordered that the division bell be rung;

Division bell rung for ten minutes pursuant to Standing Order 35(2);

Quorum attained;

Motion resumed;

Question put and agreed to.

12. **MOTION - REVISED SESSIONAL PAPER NO.1 OF 2019 ON THE POLICY FRAMEWORK FOR REFORMING EDUCATION AND TRAINING FOR SUSTAINABLE DEVELOPMENT IN KENYA**

Motion made and Question proposed –

THAT, this House notes the Report of the Departmental Committee on Education and Research on its consideration of the Revised Sessional Paper No. 1 of 2019 on the

Policy Framework for Reforming Education and Training for Sustainable Development in Kenya, *laid on the Table of the House on Tuesday, September 17, 2019* and **adopts** the Sessional Paper No. 1 of 2019 **(Revised)** on the Policy Framework for Reforming Education and Training for Sustainable Development in Kenya.

(Chairperson, Departmental Committee on Education & Research)

(Change of Chair from the First Chairperson to the Fourth Chairperson)

Debate arising;
Debate interrupted.

13. **STATEMENT (ZERO HOUR) PURSUANT TO STANDING ORDER 43**

Pursuant to Standing Order No. 43, the Fourth Chairperson interrupted the House to allow Members to discuss a Statement by Hon. Wilson Sossion, MP, regarding the state of school infrastructure both in public and private schools in the country.

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.

14. **HOUSE ROSE** - at Seven o'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, September 25, 2019 at 9.30 a.m.