



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, NOVEMBER 12, 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. **MESSAGES**

The Speaker conveyed the following Message from the Senate –

**PASSAGE OF THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 31 OF 2018); THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2019); AND THE COMMISSION ON ADMINISTRATIVE JUSTICE (AMENDMENT) BILL (SENATE BILL NO. 6 OF 2019)**

**“Honourable Members,** pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received Messages from the Senate regarding its decision on the following Bills:-

- (i) The Natural Resources (Benefit Sharing) Bill (Senate Bill No. 31 of 2018);
- (ii) The Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019); and
- (iii) The Commission on Administrative Justice (Amendment) Bill (Senate Bill No. 6 of 2019).

**Honourable Members,** the first Message relates to passage of the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 31 of 2018) which seeks *"to establish a system of benefit sharing in resource exploitation between resource exploiters, the national government, county governments and local communities."*

The second Message is in respect of the passage of the Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019) seeking *"to amend the Public Finance Management Act to establish a collaborative framework for collection of revenues by the county governments and the National Treasury together with the Kenya Revenue Authority."*

The third Message is in respect of the passage of the Commission on Administrative Justice (Amendment) Bill (Senate Bill No. 6 of 2019) seeking *"to amend the Commission on Administrative Justice Act to provide for the decentralization of the office of the Commission on Administrative Justice."*

**Honourable Members**, the Messages read in part “that the Senate considered and passed the said Bills **with amendments** on Wednesday, 23<sup>rd</sup> October, 2019 and now seeks the concurrence of the National Assembly.”

Standing Order 143(1) (a) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of a Message from the Senate. Accordingly, I direct that the Bills be read a First Time during the next sitting.

**Honourable Members**, paragraph (2) of Standing Order 143 provides that –

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

The opinion envisioned under Standing Order 143(2) is a pronouncement, by the Speaker, as to whether a Bill originating in the Senate is a ‘*Money Bill*’ in terms of Article 114 of the Constitution.

In this regard, I direct that, after First Reading, the three Bills be referred to the Parliamentary Budget Office to offer advice that will enable the Speaker to form the opinion contemplated under Standing Order 143(2). Thereafter, I shall guide the House accordingly on how to proceed with the consideration of the Bills.

**I thank you!”**

## 5. **PAPERS LAID**

The following Papers were laid on the Table -

- i) Financial Year 2019/2020 Supplementary Estimates I (Programmes Based Budget);
- ii) Financial Year 2019/2020 Supplementary Estimates I (Recurrent Estimates);
- iii) Financial Year 2019/2020 Supplementary Estimates I (Development Estimates) Vol. I and II;
- iv) Memorandum on Financial Year 2019/2020 Supplementary Estimates I, and
- v) The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2018 and the certificates therein:
  - a) Kenya Tourism Board;
  - b) National Environment Trust Fund;
  - c) Kenya Utalii College;
  - d) Kenya Water Towers Agency;
  - e) Export Processing Zones Authority;
  - f) Kenya Forestry Research Institute;
  - g) Kenya Industrial Estates Limited; and
  - h) Kenya Bureau of Standards.

*(The Leader of the Majority Party)*

- vi) Report of the Select Committee on National Cohesion and Equal Opportunity on the vetting of Nominees for Appointment as Chairperson and Members to the National Cohesion and Integration Commission.

*(Hon. Oku Kaunya, Member, Select Committee on National Cohesion and Equal Opportunity)*

- vii) Response to Statement on Encroachment of land by the Kenya Air Force in Kamukunji Constituency requested by Hon. Yusuf Hassan.

*(Chairperson, Departmental Committee on Lands)*

## 6. **NOTICE OF MOTION**

The following Notice of Motion was given-

### **Approval for Appointment of Nominees to the National Cohesion and Integration Commission**

**THAT**, taking into consideration the findings of the Select Committee on National Cohesion and Equal Opportunity in its Report on the vetting of persons nominated for appointment to the position of Chairperson and Members of the National Cohesion and Integration Commission, *laid on the Table of the House on Tuesday, November 12, 2019*, and pursuant to the provisions of paragraph 9 of the First Schedule to the National Cohesion and Integration Act, 2008 as amended in 2019 and section 8 of the Public Appointments (Parliamentary Approval) Act, this House **approves** the appointment of the following persons as Chairperson and Members of the National Cohesion and Integration Commission –

- |        |                             |   |             |
|--------|-----------------------------|---|-------------|
| (i)    | Rev. (Dr.) Samuel Kobia     | - | Chairperson |
| (ii)   | Mr. Samuel E. Kona          | - | Member      |
| (iii)  | Hon. (Eng) Philip O. Okundi | - | Member      |
| (iv)   | Ms. Peris W. Nyutu          | - | Member      |
| (v)    | Hon. Abdulaziz Ali Farah    | - | Member      |
| (vi)   | Dr. Danvas O. Makori        | - | Member      |
| (vii)  | Ms. Fatuma S. Tabwara       | - | Member      |
| (viii) | Hon. Dorcas L. Kedogo       | - | Member      |

*(Hon. Oku Kaunya, Member, Select Committee on National Cohesion and Equal Opportunity)*

## 7. **QUESTIONS**

The following Questions were asked –

- i). Question No.045/2019 by the Member for Mwingi North (Hon. Paul Musyimi Nzengu) regarding road accident involving a government vehicle and a private motor cycle in Garissa County.  
*(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.479/2019 by the Member for Mathioya (Hon. Peter Kimari Kihara) regarding compensation of Project Affected Persons of the Kiriaini-Kairo Road in Mathioya Constituency.

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

- iii). Question No.482/2019 by the Member for Sabatia (Hon. Alfred Agoi Masadia) regarding compensation of victims of terror-related attacks by the Governemnt.

*(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.483/2019 by the Member for Magarini (Hon. Michael Thoyah Kingi) regarding demolition of Kadzuhoni Primary School in Magarini Constituency.

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

- v). Question No.484/2019 by the Member for Moyale (Hon. Qalicha Gufu Wario) regarding increased insecurity in Moyale Constituency.

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

- vi). Question No.485/2019 by the Member for Tharaka (Hon. George Gitonga Murugara) regarding policy addressing welfare of donkeys in the country.

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

## 8. **STATEMENTS**

- i). The Chairperson of the Budget and Appropriations Committee (Hon. Kimani Ichung'wah) issued a Statement detailing the proposed timelines for consideration of the Supplementary Estimates I for 2019/2020 fiscal year by Departmental Committees.
- ii). Under Standing Order 44(2)(c), the Deputy Majority Whip (Hon. Cecily Mbarire) sought a Statement from the Departmental Committee on Agriculture and Livestock on declining prices of milk and milk products in the country. The Hon. Speaker referred the statement to the Departmental Committee on Agriculture and Livestock for inquiry and reporting to the House.
- iii). The Member for Molo (Hon. Kimani Kuria) reported that the Departmental Committee on Labour and Social Welfare was yet to receive his Request for a Statement that he made on 8<sup>th</sup> August 2019 on the dismissal of Timsales Limited staff in Elburgon. The Honourable Speaker directed the Office of the Clerk to address the matter.
- iv). The Member for Kieni (Hon. Kanini Kega) reported that Members whose offices are located at KICC were unable to access their offices on account of the ongoing ICPD Conference at KICC. The Honourable Speaker directed the Office of the Clerk to liaise with the management of KICC to resolve the stalemate as soonest as practicable.

- v). The Chairperson of the Departmental Committee on Trade, Industry and Cooperatives (Hon. Kanini Kega) reported that the Cabinet Secretary for Industrialization had sought a second rescheduling of a meeting in which he is to respond to a Statement sought by the Member for Nandi Hills (Hon. Alfred Keter). The Speaker directed that the said Cabinet Secretary be cautioned that Parliamentary business cannot be undertaken in such unregulated approach and the meeting be held as scheduled.
- vi). Pursuant to Standing Order 44(2)(c), the Chairperson of the Departmental Committee on Lands (Hon. Rachel Nyamai) presented and tabled the Committee's Response to a Statement on the encroachment of land in Kamukunji Constituency by Kenya Air Force as had been sought by the Member for Kamukunji Constituency (Hon. Yusuf Hassan).
- vii). The Member for Baringo Central (Hon Joshua Kandie) reported that the Departmental Committee on Education was taking inordinately long in responding to his Request for Statement on Special Needs Education in the country. The Deputy Majority Leader (Hon. Jimmy Angwenyi) undertook to pursue the matter with the Committee.

9. **MOTION - RATIFICATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA ON DEFENCE CO-OPERATION**

Motion made and Question proposed -

**THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the Republic of South Africa on Defence Co-operation, *laid on the Table of the House on Wednesday, October 16, 2019*, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012 **approves** the Ratification of the Agreement between the Government of the Republic of Kenya and the Government of the Republic of South Africa on Defence Co-operation.

*(Chairperson, Departmental Committee on Defence & Foreign Relations – 5.11.2019)*

Debate on the Motion having been concluded on Thursday, November 7, 2019;

Question put and agreed to.

10. **MOTION- ANNULMENT OF THE RETIREMENT BENEFITS (OCCUPATIONAL RETIREMENT BENEFITS SCHEMES)(AMENDMENT) REGULATIONS, 2019 AND THE INSURANCE (MOTOR VEHICLES THIRD PARTY RISKS) (CERTIFICATE OF INSURANCE)(AMENDMENT) RULES, 2019**

Motion made and Question proposed -

**THAT**, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2019 (*Legal Notice No. 88 of 2019*) and the Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment)

Rules, 2019 (*Legal Notice No. 92 of 2019*), laid on the Table of the House on Wednesday, October 2, 2019, and pursuant to the provisions of Section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b) **annuls in entirety-**

(i) the Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2019 (*Legal Notice No. 88 of 2019*); and,

(ii) the Insurance (Motor Vehicles Third Party Risks) (Certificate of Insurance) (Amendment) Rules, 2019 (*Legal Notice No. 92 of 2019*).

*(Chairperson, Committee on Delegated Legislation – 7.11.2019)*

Debate on the Motion having been concluded on Thursday, November 7, 2019;

Question put and agreed to.

11. **THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.45 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.45 of 2019) be now read a Second Time

*(The Leader of the Minority Party)*

Debate arising;

*(Change of Chair from the Honourable Speaker to the First Chairperson)*

*(Change of the Chair from the First Chairperson to the fourth Chairperson)*

Mover replied;

Question deferred to another day

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.

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

**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, November 13, 2019 at 9.30 a.m.

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