



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 4, 2020

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

The Speaker conveyed the following Communications –

Report of the Departmental Committee on Justice and Legal Affairs on the Consideration of the President's Reservations to the Law of Contract (Amendment) Bill, 2019

“Honourable Members, you will recall that on 13th February 2020, I did convey a Message from H.E. the President that in the exercise of the powers conferred under Article 115(1)(b) of the Constitution, H.E. the President, by way of a Memorandum dated 3rd January 2020 had referred the Law of Contract (Amendment) Bill (National Assembly Bill No. 1 of 2019) back to the National Assembly for reconsideration. The Bill is sponsored by the Member for Juja, the Honourable Francis Waititu, MP.

Thereupon, I did refer the Reservations of the President, as contained in the Memorandum to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee did table its report on the Memorandum during today's morning sitting (Wednesday, 4th March 2020).

Honourable Members, for the interest of the Members who are yet to familiarize themselves with the contents of the report, the Committee has recommended that the House **rejects** the President's proposed amendments and thus **passing the Bill a second time without amendments**, as per the provisions of Article 115(2)(b) of the Constitution.

In this regard, I wish to draw the attention of the House to my previous guidance to the House regarding voting threshold for the passage of a Bill a second time without amendments. In this case, the House will be required to pass the Bill by a **vote supported by two-thirds of Members of the National Assembly**.

Honourable Members, the House Business Committee during its sitting held yesterday, Tuesday, 3rd March 2020 did prioritize this particular business for consideration tomorrow, Thursday, 5th March 2020, as the very first business to be considered by the House. Therefore, any Members wishing to agree with the Committee's recommendations should avail themselves in the House tomorrow in order to exercise their mandate and vote accordingly.

The House is accordingly guided.

I thank you.”

5. PAPER LAID

The following Paper was laid on the Table of the House –

- Report of the of Departmental Committee on Sports, Culture and Tourism's Delegation to Nevada, United States of America, for Benchmarking on the Gaming Bill, 2019, from 15th and 22nd September 2019.

(Hon. Korei Lemein - Vice Chairperson/Leader of Delegation)

6. QUESTIONS

The following Questions were asked –

- (i) Question No.034/2020 by the Member for Mathioya (Hon. Peter Kihara) regarding payment of stipends to over 470 older members of the society from Kairo Location in Mathioya Constituency, under the Older Persons Cash Transfer Programme.

(To be replied to by the Cabinet Secretary for Labour and Social Welfare before the Departmental Committee on Labour and Social Welfare)

- (ii) Question No.035/2020 by the Member for Saku (Hon. Col. (Rtd) Dido Rasso) regarding the list of all road projects in Marsabit County under the Kenya National Highways Authority (KeNHA) and their budgetary allocation from the Financial Year 2014/2015 to date, the allocation to each constituency under Kenya Rural Roads Authority (KeRRA) and the projected allocations for Financial Year 2019/2020;

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

- (iii) Question No.036/2020 by the Member for Bomet Central (Hon. Ronald Tonui) regarding measures to ensure that construction of Bomet University Hospital is commenced.

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

- (iv) Question No.037/2020 by the Member for Maragua (Hon. Mary Wamaua) regarding plans being put in place to ensure transfer and registration of various parcels of land in Kakuzi and Kiri-miri Locations in Murang'a County, under Murang'a Lands Registry but currently registered under Kiambu Land Registry?

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

7. STATEMENTS

The Member for Kirinyaga County (Hon. Purity Ngirici) made a Statement regarding the upcoming *International Women Day* scheduled to be marked on Sunday, March 8, 2020 under the theme “*One for Equal*”. She also invited Members to a breakfast meeting to be hosted by Kenya Women Parliamentarians Association (KeWOPA) on Thursday, March 5, 2020 in the Members’ Restaurant, Parliament Buildings.

8. MOTION - APPOINTMENT OF MEMBERS TO THE COMMITTEE ON MEMBERS SERVICES AND FACILITIES

Motion made and Question proposed;

THAT, pursuant to the provisions of the Standing Orders 175 and 212B (3), this House **approves** the appointment of the following Members to the Committee on Members’ Services and Facilities: -

- (i) The Hon. Ezekiel Machogu Ombaki, M.P.
- (ii) The Hon. Catherine Waruguru, M.P.
- (iii) The Hon. Florence Chepngetich Koskey, M.P.
- (iv) The Hon. Samuel Moroto Chumel, M.P.
- (v) The Hon. Silas Kipkoech Tiren, M.P.
- (vi) The Hon. Janet Nangabo Wanyama, M.P.
- (vii) The Hon. Rehema Hassan, M.P.
- (viii) The Hon. Rigathi Gachagua, M.P.
- (ix) The Hon. Charity Kathambi Chepkwony, M.P.
- (x) The Hon. Elisha Odhiambo, M.P.
- (xi) The Hon. Benard Otieno Okoth, M.P.
- (xii) The Hon. Elsie Muhanda, M.P.
- (xiii) The Hon. (Eng.) Thuddeus Kithua Nzambia, M.P.
- (xiv) The Hon. Christopher Wangaya Aseka, M.P.
- (xv) The Hon. John Walter Owino, M.P.

(The Chairperson, Committee on Selection)

There being no debate arising;

Question put and agreed to.

9. MOTION - APPOINTMENT OF MEMBERS TO THE COMMITTEE ON POWERS AND PRIVILEGES

Motion made and Question proposed;

THAT, pursuant to the provisions of section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175, this House **approves** the appointment of the following Members to the Committee of Parliamentary Powers and Privileges, in addition to the one specified under section 15(1)(a)(i) of the said Act:-

- (i) The Hon. Anthony Githiaka Kiai, M.P.
- (ii) The Hon. Vincent Kipkurui Tuwei, M.P.
- (iii) The Hon. Beatrice Pauline Cheronon Kones, M.P.

- (iv) The Hon. Francis Chachu Ganya, M.P.
- (v) The Hon. Jude Kangethe Njomo, M.P.
- (vi) The Hon. Peter Mungai Mwathi, M.P.
- (vii) The Hon. Marselino Malimo Arbelle, M.P.
- (viii) The Hon. Gladwell Jesire Cheruiyot, M.P.
- (ix) The Hon. Capt. (Rtd) Didmus Wekesa Barasa Mutua, M.P.
- (x) The Hon. Andrew Mwadime, M.P.
- (xi) The Hon. Omar Mwinyi Shimbwa, M.P.
- (xii) The Hon. James Onyango K'Oyoo, M.P.
- (xiii) The Hon. Danson Mwashako Mwakuwona, M.P.
- (xiv) The Hon. Vincent Kemosi Mogaka, M.P.

(The Chairperson, Committee on Selection)

There being no debate arising;

Question put and agreed to.

10. MOTION - REPORT ON AUDITED FINANCIAL STATEMENTS FOR THE UWEZO FUND AND THE WOMEN ENTERPRISE FUND

Motion having been made and question proposed;

THAT, this House adopts the Report of the Special Funds Accounts Committee on Audited Financial Statements for the Uwezo Fund for the financial year 2016/17; and the Women Enterprise Fund for the financial year 2017/18, laid on the Table of the House on Tuesday, November 5, 2019.

(The Chairperson, Special Funds Accounts Committee)

Debate interrupted on Tuesday, March 3, 2020, resumed;

And the Member for Kinangop Constituency (Hon. Kwenya Thuku) having forfeited his right pursuant to Standing Order 95A;

And the Question "that the Mover be now called upon to reply" having been put and agreed to;

Mover replied;

Question put and agreed to.

11. MOTION - REPORT ON THE BUDGET POLICY STATEMENT, 2020

Motion made and question proposed;

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on the Budget Policy Statement 2020 and the Medium Debt Management Strategy for the Financial year 2020/2021, laid on the Table of the House on Wednesday, March 04, 2020 and-

- (a) **approves** the Budget Policy Statement 2020 and the Medium Debt Management Strategy for the Financial year 2020/2021;

- (b) **resolves** that the Budget Policy Statement so approved forms the basis for the introduction of the Division of Revenue Bill, 2020; and,
- (c) further makes the **policy resolutions** contained in the First Schedule to the Order Paper.

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

Amendment proposed –

THAT, the Motion be amended by inserting the following words immediately after the figure “2020”–

“Subject to:

(a) **Amendment of paragraph 47 as follows-**

- (i) by deleting sub-paragraph I on page 21 of the Report under the Financial Recommendations, and substituting thereof the following new sub-paragraph:

“I. That, the ceiling of each arm of government for FY 2020/21 be capped as follows:

- | | |
|-----------------------|----------------------------------|
| i. Parliament | – Kshs. 36.22 billion |
| ii. Judiciary | – Kshs. 18.05 billion |
| iii. Executive | – Kshs. 1,778.13 billion” |

- (ii) by deleting sub-paragraph II on page 21 under the Financial Recommendations and substituting thereof the following new sub-paragraph:

“II. That, Kshs. 1 Billion be allocated for strategic response to public initiatives.”

- (iii) by deleting sub-paragraph III on page 21 under the Financial Recommendations and substituting thereof the following new sub-paragraph:

“III. That, the financing gap of Kshs. 1 billion be funded through reprioritization and realignment with the Executive’s approved ceiling.”

- (b) **THAT**, the consequential amendments be effected in the Schedules thereof.

(The Chairperson, Budget and Appropriations Committee)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and negatived;

Debate on Motion resumed;

(Change of Chair from the Hon. Speaker to the Second Chairperson)

And the time being Seven O'clock, the First 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
Thursday, March 5, 2020 at 2.30 p.m.

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