



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – FIFTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, AUGUST 05, 2021**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker

4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Guide in relations to a Paper laid by the Majority Party Whip under **Order No. 5** –

**Guide regarding submission of the Draft Election Campaign Financing Regulations by the Independent Electoral and Boundaries Commission**

**Honourable Members,**

This Guide relates to the *Paper* that has just been laid before the House by the Majority Party Chief Whip on behalf of the Leader of Majority Party titled “*The Draft Election Campaign Financing Regulations and accompanying Explanatory Memorandum*. The Paper originated from Independent Electoral and Boundaries Commission (IEBC).

You will recall that the Election Campaign Financing Act, 2013 was enacted by Parliament to provide for the regulation, management, expenditure and accountability of election campaign funds during election and referendum campaigns. The Act was suspended with respect to the 2017 General Elections.

**Honourable Members,** Section 29(1) of the said Act empowers the Independent Electoral and Boundaries Commission (IEBC) to make regulations for the better performance of its functions under this Act. The said section provides as follows–

“29. (1) *The Commission may make regulations for the better performance of its functions under this Act, and such regulations shall be laid before the National Assembly for approval before they are published in the Gazette.*”

In addition, **Honourable Members,** Section 5 of the Act mandates the Commission to make rules to regulate election campaign financing **at least twelve (12) months before the election**. For avoidance of doubt, the said section provides as follows, and I quote-

“5. The Commission shall make rules to regulate election campaign financing—

(a) in the case of a general election; at least twelve months before the election; and

(b) in the case of a by-election or referendum, at such time as the Commission may determine.”

**Honourable Members**, it is important for you to note that the Regulations are expected to provide for among other things -

- (i) the spending limits for the different elections;
- (ii) guidelines for expenditure rules for political parties and independent candidates; and,
- (iii) the manner in which contributions may be made.

**Honourable Members**, Sections 12, 18 and 19 of the Act empower the Commission to set limits for contributions and expenditures for candidates and political parties participating in an election, **at least twelve (12) months before** the election. Having said that, you will agree with me that these are not just ordinary regulations, which may be the reason why Parliament provided that they are submitted to the House in DRAFT form for approval before they are published in the *Gazette*.

**Honourable Members**, even as the Election Campaign Financing Act, 2013, stipulates the timelines necessary for the approval of the said regulations, the Statutory Instruments Act provides for the ultimate process and procedure for consideration of regulations.

In this regard, **Honourable Members**, the Draft Regulations and the Explanatory Memorandum are hereby referred to the Committee on Delegated Legislation for consideration in accordance with the law. The Committee may also undertake the necessary public engagements on the Draft Regulations. Given the statutory timelines set under Section 5 of the Election Campaign Financing Act, 2013, I urge the Committee to expedite the process of consideration of the Draft Regulations and Table its report soonest to enable the House to undertake the necessary approval processes in good time.

The Committee and indeed the House are accordingly guided. I thank you.’

## **5. PAPERS LAID**

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

- (a) Draft Election Campaign Financing Regulations and the Explanatory Memorandum from the Independent Electoral and Boundaries Commission (IEBC).
- (b) Summary of the Report of the Auditor-General for the National Government for the FY 2019/2020.
- (c) Annual Report and Financial Statements in respect of the following Institutions for FY 2019/2020: -
  - i) Ethics and Anti-Corruption Commission; and
  - ii) National Police Service Commission.
- (d) Special Audit Report of the Auditor-General on Lake Turkana Wind Power Project.
- (e) Report of the Auditor-General and Financial Statements of the Retirement Benefits Authority for the year ended 30<sup>th</sup> June, 2020 and the certificate therein.
- (f) Report of the Auditor-General and Financial Statements of the Development Bank of Kenya Limited for the year ended 30<sup>th</sup> December, 2020 and the certificate therein.

*(The Leader of the Majority Party)*

- (g) The Report of the Public Accounts Committee on the Procurement of external Audit Services for the Office of the Auditor-General for the Financial years 2018/2019 and 2019/2020

*(Chairperson, Public Accounts Committee)*

- (h) The Reports of the Departmental Committee on Transport, Public Works & Housing on its consideration of –

- i) The National Construction Authority (Amendment) Bill (National Assembly Bill No. 45 of 2020); and
- ii) The Kenya Roads (Amendment) Bill (National Assembly Bill No. 13 of 2021).

*(Chairperson, Departmental Committee on Transport, Public Works & Housing)*

- (i) The Reports of the Departmental Committee on Labour and Social Welfare on its consideration of –

- i) The Social Assistance (Repeal) Bill (National Assembly Bill No. 16 of 2020); and
- ii) The Children (Amendment) Bill (National Assembly Bill No. 46 of 2020).

*(Chairperson, Departmental Committee on Labour & Social Welfare)*

- (j) Reports of the Departmental Committee on Finance and National Planning on its consideration of –

- i) The Pensions (Amendment) Bill (National Assembly Bill No. 26 of 2020);
- ii) The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 34 of 2020);
- iii) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 39 of 2020);
- iv) The Kenya Deposit Insurance (Amendment) Bill, 2020 (National Assembly Bill No. 43 of 2020);
- v) The Central Bank of Kenya (Amendment) Bill (National Assembly Bill No. 47 of 2020);
- vi) The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 49 of 2020);
- vii) The Central Bank of Kenya (Amendment) Bill (National Assembly Bill No. 10 of 2021);
- viii) The Trustees (Perpetual Succession) (Amendment) Bill (National Assembly Bill No. 23 of 2021); and
- ix) The Perpetuities and Accumulations (Amendment) Bill, 2021 (National Assembly Bill No. 24 of 2021).

*(Chairperson, Departmental Committee on Finance & National Planning)*

- (k) Reports of the Departmental Committee on Health on its consideration of –

- i) The National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021);
- ii) The Health (Amendment) Bill (National Assembly Bill No. 14 of 2021);
- iii) The Pharmacy and Poisons (Amendment) Bill (National Assembly Bill No. 1 of 2021);
- iv) The Community Health Workers Bill (National Assembly Bill No. 30 of 2020); and
- v) The Radiographers Bill (National Assembly Bill No. 47 of 2019).

*(Chairperson, Departmental Committee on Health)*

**6. NOTICES OF MOTION**

The following Notice of Motion was given:

**THAT**, this House **adopts** the Report of the Public Accounts Committee on procurement of external audit services for the Office of the Auditor-General for the financial years 2018/2019 and 2019/2020, *laid on the Table of the House on Thursday, August 05, 2021*, and pursuant to Article 226(4) of the Constitution and section 43 of the Public Audit Act (No. 35 of 2015), **approves the appointment** of M/s. Ronalds Limited Liability Partnership (LLP) to audit the accounts of the Office of the Auditor-General for the financial years 2018/2019 and 2019/2020.

*(Chairperson, Public Accounts Committee)*

**7. QUESTIONS**

The following Questions were asked –

- (i) Question 265/2021 by the Member for Mwingi Central (Hon. Gideon Mulyungi) regarding ratio of teachers to pupils in primary and secondary schools in Mwingi Central constituency;

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

- (ii) Question 267/2021 by the Member for Ganze (Hon. Teddy Mwambire) regarding management of Ngamani primary school;

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

- (iii) Question 270/2021 by the Member for Sirisia (Hon. John Waluke) regarding plans to realize 100 per cent transition for all students who sat for 2021 KCSE to universities and TVETs

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

- (iv) Question 275/2021 by the Member for Gilgil (Hon. Martha Wangari) regarding construction of road between Gilgil town and Kanyiriri centre;

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

- (v) Question 286/2021 by the Member for Dagoretti North (Hon. Simba Arati) regarding development of maximum number of residential apartment units and floors in the area within Nairobi City where parcel of land L.R. No. 209/3289 measuring 0.3661Ha is located?;

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

- (vi) Question 288/2021 by the Member for Igembe Central (Hon. Kubai Iringo) regarding measures to stem the rampant cases of insecurity in Igembe Central;

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

**8. RESPONSES TO STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**

The following responses to Statements were given –

- (a) The Member for North Horr (Hon. Chachu Ganya), on behalf of the Chairperson, Departmental Committee on Environment & Natural Resources, issued a response to a

Statement sought by the Member for Voi (Hon. Jones Mlolwa) regarding human-wildlife conflict in Voi Constituency.

- (b) The Chairperson, Departmental Committee on Finance and National Planning issued a response to a Statement sought by the Member for Garissa Township (Hon. Aden Duale) regarding failure by the Capital Markets Authority to regulate the sector leading to loss of funds and investments by Kenyans.
- (c) The Chairperson, Departmental Committee on Health issued responses to –
  - (i) Statement sought by the Member for Mvita (Abdulswammad Nassir) regarding operations of coast buses during the COVID-19 pandemic;
  - (ii) Statement sought by the Member for Chepalungu (Hon. Gideon Koske) regarding the classification of Bomet County as a COVID-19 hotspot; and
  - (iii) Statement sought by the Member for Homa Bay Town (Hon. Peter Kaluma) regarding the COVID-19 situation in Homa Bay County and its environs.

**9. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)**

Pursuant to the provisions of Standing Order 44(2)(a), the Majority Party Whip issued a Statement regarding the Business of the House for the week commencing Tuesday, August 10, 2021.

**10. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE PARLIAMENTARY PENSIONS (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 57 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 Parliamentary Pensions (Amendment) (No.3) Bill (National Assembly Bill No. 57 of 2019).

*(The Chairperson, Parliamentary Pensions Committee)*

Debate on the motion having been concluded on Wednesday, August 04, 2021 (Afternoon sitting);

Question put and agreed to.

Motion made and question proposed –

**THAT**, the Parliamentary Pensions (Amendment) (No.3) Bill (National Assembly Bill No. 57 of 2019) be now read a Third time.

*(The Chairperson, Parliamentary Pensions Committee)*

Question put and agreed to.

Bill read a Third time and passed.

**11. THE WAQF BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2019)**

Motion made and question proposed –

**THAT**, the *Waqf* Bill (National Assembly Bill No. 73 of 2019) be now read a Second time.

*(The Leader of the Majority Party)*

Debate on the Motion having been concluded on Wednesday, August 04, 2021 (Afternoon sitting);  
Question put and agreed to.

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

**12. THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)**

Motion made and question proposed –

**THAT**, the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021) be now read a Second time.

*(The Leader of the Majority Party)*

Debate on the interrupted on Wednesday, August 04, 2021 (Afternoon sitting) resumed;  
*(Change of Chair from the Speaker to the Fourth Chairperson)*

Debate resumed;

**13. MESSAGE FROM THE PRESIDENT**

The Fourth Chairperson interrupted the proceedings convey Message from the President –

**Message from the President on Nominees for Appointment to the position of Member of the Independent Electoral and Boundaries Commission (IEBC)**

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**Honourable Members,**

Pursuant to Standing Order 42(1), I wish to report to the House that I have received a Message from His Excellency the President conveying his nomination of persons for appointment to the position of Member of the Independent and Boundaries Commission (IEBC).

His Excellency the President, having received the Report of the Selection Panel for the Appointment of Commissioners of the IEBC and in accordance with the procedure set out in Section 7A of the Independent and Electoral Boundaries Commission Act, 2011 (Act No. 9 of 2011) as read together with the First Schedule to the Act and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (Act No. 33 of 2011) , is now seeking the approval of the National Assembly on the appointment of the following nominees–

- 1. Ms. Juliana Whonge Cherera**
- 2. Mr. Francis Mathenge Wanderi**
- 3. Ms. Irene Cherop Masit**
- 4. Mr. Justus Abonyo Nyang'aya**

**Honourable Members,** Standing Order 45 (1) requires that, upon receipt of notice of nomination for appointment of a person to such office, the nomination shall stand committed to the relevant Departmental Committee of the House for consideration. Further, section 8(1) of the Public Appointments (Parliamentary Approval) Act (Act No. 33 of 2011), requires the National Assembly to consider the nominations within **Twenty Eight (28) days**.

In this regard, **Honourable Members**, pursuant to the provisions of the said law and paragraph (3) of Standing Order 42 relating to *Messages from the President*, I hereby refer the Message, together with the Curriculum Vitae of the four nominees to the Departmental Committee on Justice and Legal Affairs for the Committee to undertake the necessary approval hearings.

The Committee should expeditiously notify the nominees and the general public of the time and place for holding the approval hearings, and upon conclusion of the hearings, table its Report in the House in good time to enable the House to consider the matter within the stipulated timelines preferably before the long recess which in accordance with the calendar of the National Assembly is scheduled for **20<sup>th</sup> August, 2021. I thank you!**

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

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**MEMORANDUM**

The Speaker will take the Chair on  
Tuesday, August 10, 2021 at 2.30 p.m.

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