



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, OCTOBER 13, 2021

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

The Speaker conveyed the following message from the Senate –

Passage of various Bills

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 notifying of the passage of the following five Bills in the Senate: -

Honourable Members, the first Message relates to the passage of the County Governments Grants Bill (Senate Bill No. 35 of 2021) and conveys that the Bill seeks *"to provide for additional allocations to county governments for the 2021/2022 financial year; the responsibilities of national government and county governments pursuant to such allocation; and for connected purposes."*

The second Message is in respect of the passage of the Mental Health (Amendment) Bill (Senate Bill No. 28 of 2020) which seeks *"to amend the Mental Health Act to provide for the prevention of mental illness, to provide for the care, treatment and rehabilitation of persons with mental illness; to provide for the procedures of admission, treatment and general management of persons with mental illness."*

The third Message relates to the passage of the Basic Education Bill (Senate Bill No. 4 of 2021) which seeks *"to amend the Basic Education Act to ensure that school going children in Kenya are provided with milk; and for connected purposes."*

Honourable Members, the fourth Message relates to the passage of the County Licensing (Uniform Procedures) Bill (Senate Bill No. 32 of 2020). Amongst other provisions, the Bill seeks *"to establish standard uniform procedures for licensing by county governments; and for connected purposes"*.

The fifth Message is in respect of the passage of the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 31 of 2020), which is seeking *"to amend sections 7 and 9 of the Salaries and Remuneration Act, (No. 10 of 2011) to provide for the notification of the expiry of the term for Commissioners in the Gazette and to provide for timelines for the filling of vacancies in the Commission upon the expiry of term for Commissioners"* amongst other provisions.

Honourable Members, having considered and passed the five Bills, the Senate now seeks the concurrence of the National Assembly on each of them.

Honourable Members, Standing Orders require the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message. It is for that reason that the House Business Committee scheduled the five Bills for *First Reading* in today's Order Paper. After First Reading, the Bills will stand committed to respective Committees as follows-

- (i) The County Governments Grants Bill (Senate Bill No. 35 of 2021) will stand committed to the Budget and Appropriations Committee, pursuant to the provisions of Standing Order 127(6);
- (ii) The Mental Health (Amendment) Bill (Senate Bill No. 28 of 2020) will stand committed to the Departmental Committee on Health;
- (iii) The Basic Education Bill (Senate Bill No. 4 of 2021) will stand committed to the Departmental Committee on Education and Research;
- (iv) The County Licensing (Uniform Procedures) Bill (Senate Bill No. 32 of 2020) will stand committed to the Departmental Committee on Trade, Industry and Cooperatives; and
- (v) The Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 31 of 2020) will stand committed to the Departmental Committee on Finance and National Planning.

In considering the Bills, the said Committees will be expected to among other things, apply themselves to the provisions of Articles 109(5) and 114 of the Constitution relating to origination and definition of a *"Money Bill"* and make appropriate recommendation(s) to the House as indeed required by the Constitution and in line with my message to the House issued on Tuesday, 5th October 2021.

Honourable Members, for clarity, may I remind the House of the existence of Bills similar to the Mental Health (Amendment) Bill (Senate Bill No. 28 of 2020) and the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 31 of 2020) which are currently before the House and which originated in the Senate and have been undergoing consideration in the National Assembly.

In this regard, Honourable Members, the Departmental Committee on Health, and the Departmental Committee on Finance and National Planning are required to recommend to this House which versions of the said Bills that are now active in the House should be prioritized.

Honourable Members, and just as I guided in a similar Message to the House last week, the reports of the respective Committees shall guide the House with respect to the next stages and prioritization of the said Bills. I therefore request the Committees to prioritize the Five Senate Bills in their respective agenda.

5. **PAPERS LAID**

The following Papers were laid on the Table –

- a) Report of the Auditor-General and Financial Statements in respect of the Capital Markets Authority for the year ended 30th June, 2021 and the certificate therein;
- b) Annual County Governments Budget Implementation Review Report for FY 2020/21
- c) Report of the Auditor-General and Financial Statements in respect of the Technical University of Mombasa Enterprises Limited for the year ended 30th June, 2019 and the certificate therein;
- d) The Annual Report and Financial Statements of Tom Mboya University College for the year ended 30th June, 2019;
- e) Report of the Auditor-General and Financial Statements in respect of the Technical University of Mombasa Enterprises Limited for the year ended 30th June, 2018 and the certificate therein;
- f) Report of the Auditor-General and Financial Statements in respect of the Technical University of Mombasa Enterprises Limited for the year ended 30th June, 2017 and the certificate therein;
- g) Report of the Auditor-General and Financial Statements in respect of the Technical University of Mombasa Enterprises Limited for the year ended 30th June, 2016 and the certificate therein;
- h) Report of the Auditor-General and Financial Statements in respect of the Technical University of Mombasa Enterprises Limited for the year ended 30th June, 2015 and the certificate therein;
- i) Report of the Auditor-General and Financial Statements in respect of the Technical University of Mombasa Enterprises Limited for the year ended 30th June, 2014 and the certificate therein; and
- j) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2019 and the certificates therein: -
 - a) Kitui Rural
 - b) Yatta
 - c) Mwingi West
 - d) Chuka Igambangómbe
 - e) Kibra
 - f) Westlands
 - g) Mathare
 - h) Dagoretti North
 - i) Rabai
 - j) Maara

(The Majority Whip)

6. **NOTICE OF MOTION**

The following notice was given –

THAT, this House adopts the Report of the Departmental Committee on Finance and National Planning on the Public Petition No. 39 of 2021 regarding review of abnormal increments in prices of petroleum and petroleum products in the country and public petition No. 40 of 2021 regarding amendments to the Finance Act, 2018 in order to address the drastic increase in prices of petroleum and petroleum products, laid on the Table of the House on Tuesday, 12th October 2021.

(Chairperson, Departmental Committee on Finance & National Planning)

7. **QUESTIONS**

The following Questions were asked –

- (i) Question No.369/2021 by the Member for Maragua (Hon. Mary Wamau) regarding charges for issuance of interim driving licenses;

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

- (ii) Question No.413/2021 by the Member for Laikipia North (Hon. Sarah Korere) regarding total size of the Agricultural Development Corporation in Mutara ranch;

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

- (iii) Question No.414/2021 by the Member for Kiambu County (Hon. Gathoni Wamuchomba) regarding relief food that has been allocated to vulnerable population in Kiambu county from May, 2020 to date;

(To be replied to by the Cabinet Secretary for Devolution before the Departmental Committee on Administration and National Security)

- (iv) Question No.415/2021 by the Member for Endebess (Hon. Dr. Robert Pukose) regarding delivery and distribution of 300 bags of rice to vulnerable persons;

(To be replied to by the Cabinet Secretary for Devolution before the Departmental Committee on Administration and National Security)

8. **STATEMENTS**

Pursuant to the provisions of Standing Order 44(2)(c), the Member for Garissa Township Constituency (Hon. Aden Duale, MP) sought a Statement from the Chairperson of the Budget and Appropriations Committee regarding the status of public

- (i) debt in Kenya and the national Government's budgetary allocations for development programmes per county from financial years 2013/2014; 2014/2015; 2015/2016; 2016/2017; 2017/2018; 2018/2019; 2019/2020; 2020/2021 and 2021/2022. The Committee Chairperson undertook to issue a Statement within two weeks.
- (ii) The statement by the member for Mvita (Hon. Abdullswamad Nassir) regarding the Mandatory use of SGR to transport goods from Mombasa to the Nairobi Inland Container Depot was dropped since the member was not in the House.
- (iii) The Hon. Dennitah Ghata (Nominated member) issued a General Statement concerning the Inaugural Commonwealth Parliamentarians with Disabilities (Africa Region) Conference to be held on 14th to 18th October 2021 in Nairobi, Kenya.

9. **THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)**

(The Leader of the Majority Party)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to the provisions of Standing order 127(1)

10. **THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILL NO. 35 OF 2021)**

(The Chairperson, Budget and Appropriations Committee)

Order for First Reading read;

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

11. **THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILL NO. 4 OF 2021)**

(The Chairperson, Departmental Committee on Education and Research)

Order for First Reading read;

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

12. **THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILL NO. 28 OF 2020)**

(The Chairperson, Departmental Committee on Health)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to the provisions of Standing order 127(1)

13. THE COUNTY LICENCING (UNIFORM PROCEDURES) BILL (SENATE BILL NO. 32 OF 2020)

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Order for First Reading read;

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

14. THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT)

BILL (SENATE BILL NO. 31 OF 2020)

(The Chairperson, Departmental Committee on Finance and National Planning)

Order for First Reading read;

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

15. MOTION – FURTHER CHANGES TO COMMITTEE MEMBERSHIP

Motion made and Question proposed –

THAT, further to the resolutions of the House of Tuesday, 5th December, 2017, Wednesday, 15th July, 2020 and 11th February 2021 appointing Members to various Committees and pursuant to the provisions of Standing Order 173, this House further approves the appointment of the following Members to the respective Committees specified hereunder–

- (i) The Hon. John Munene Wambugu, MP to move from the Departmental Committee on Justice and Legal Affairs to the Departmental Committee on Administration and National Security;
- (ii) The Hon. Daniel Kipkogei Rono, MP to be appointed to the Departmental Committee on Justice and Legal Affairs;
- (iii) The Hon. Gathoni Wamuchomba, MP to move from the Departmental Committee on Transport, Public Works and Housing to the Departmental Committee on Agriculture and Livestock;
- (iv) The Hon. Moses Malulu Injendi, MP to move from the Committee on Regional Integration to the Departmental Committee on Transport, Public Works and Housing;
- (v) The Hon. Benjamin Gathiru Mwangi, MP to move from the Select Committee on National Cohesion and Equal Opportunity to the Committee on Regional Integration;
- (vi) The Hon. George Ndung'u Koimburi, MP to be appointed to the Select Committee on National Cohesion and Equal Opportunity;
- (vii) The Hon. John Njuguna Wanjiku, MP to be appointed to the Select Committee on Implementation;

- (viii) The Hon. Mohammed Lokiru Ali, MP to move from the Departmental Committee on Energy to the Departmental Committee on Education and Research; and
- (ix) The Hon. Pavel Oimeke, MP to be appointed to the Departmental Committee on Energy

(The Majority Whip on behalf of the Chairperson on Selection)
Debate arising;

Mover replied;

Question put and agreed to

16. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on Sessional Paper No. 1 of 2021 on the National Water Policy, laid on the Table of the House on Wednesday, August 4, 2021, and further approves Sessional Paper No. 01 of 2021.

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

Debate arising;

[Change of the Chair from the Speaker to The Second Chairperson (Hon. Patrick Mariru)]

Mover replied;

Putting of the Question deferred to another day

17. MOTION - RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENTS BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF SOUTH AFRICA; AND BETWEEN THE REPUBLICS OF KENYA AND THE REPUBLIC OF BOTSWANA

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreements between the Republic of Kenya and the Republic of South Africa; and Between the Republic of Kenya and the Republic of Botswana, laid on the Table of the House on Tuesday, September 28, 2021, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of: - (i) the Bilateral Air Services Agreement between the Republic of Kenya and the Republic of South Africa; and (ii) the Bilateral Air Services Agreement Between the Republic of Kenya and the Republic of Botswana.

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

Order deferred

18. MOTION – RATIFICATION OF THE BILATERAL AIR SERVICES

19.

AGREEMENT BETWEEN THE GOVERNMENTS OF THE REPUBLIC OF KENYA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation, laid on the Table of the House on Thursday, September 30, 2021, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation.

The Chairperson, Departmental Committee on Transport, Public Works and Housing)

Order deferred

20. **MOTION - CONSIDERATION OF THE PETROLEUM DEVELOPMENT LEVY (AMENDMENT) ORDER, 2021**

Motion made and Question proposed –

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Petroleum Development Levy (Amendment) Order, 2021, laid on the Table of the House on Wednesday, September 29, 2021, and pursuant to the provisions of section 18 of the Statutory Instruments Act, 2013 and Standing Order 210 (4)(b), annuls in entirety the Petroleum Development Levy (Amendment) Order, 2021, published as Legal Notice No. 77 of 2021.

(The Chairperson, Committee on Delegated Legislation)

Debate arising;

Mover replied;

Putting of the Question deferred to another day.

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

21. **HOUSE ROSE** - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair on Thursday, October 14, 2021 at 2.30 p.m.

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