



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 8, 2021 – (AFTERNOON SITTING)

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

4. **ADMINISTRATION OF OATH**

Oath/affirmation was administered to:-

NDUNGU, George Koimburi, Member-elect for Juja Constituency

(accompanied by Hon. Moses Kuria, MP and Hon. Silvanus Osoro, MP)

OIMEKE, Robert Pavel Obwoto, Member-elect for Bonchari Constituency

(accompanied by Hon. Opiyo Wandayi, MP and Hon. Janet Ong'era, MP)

5. **COMMUNICATION FROM THE CHAIR**

The Honourable Speaker issued the following Communication:-

ON THE PRESENTATION OF THE BUDGET HIGHLIGHTS FOR THE FINANCIAL YEAR 2021/2022

“Honourable Members,

I wish to take this early opportunity to welcome all Members of the August House to the Second Part of the Fifth Session of the Twelfth Parliament. I hope that you had a restful *recess* period and that you all rejuvenated and ready for the heavy business before the House, cognizant of the fact that during this part of the Session, the House will be largely engaged with consideration of Budget related items.

In this regard, **Honourable Members,** I wish to inform the House that pursuant to the provisions of Standing Order 244C on “*Pronouncement of Budget highlights and revenue raising measures,*” the Cabinet Secretary for the National Treasury is scheduled to present **the Budget Highlights and Revenue Raising Measures for**

the National Government for the Financial Year 2021/2022 on Thursday, June 10, 2021 in this Chamber at about 3.15 pm.

Honourable Members, due to the limitations occasioned by the prevailing COVID-19 Pandemic, we have not invited our usual guests to the occasion, nor will it be followed by the usual garden cocktail. However arrangements have been made for a modest press conference by Cabinet Secretary for National Treasury. Hon. Members may also take the opportunity to address the media in the usual manner at the Parliament courtyard.

The House is accordingly guided.

I thank you!”

6. MESSAGE FROM THE SENATE

The Honourable Speaker conveyed the following Message from the Senate:-

PASSAGE OF THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 30 OF 2021

“**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 regarding its passage of the County Allocation of Revenue Bill, 2021.

Honourable Members, the Message reads in part, and *I quote*, “the Senate considered and **passed** the *County Allocation of Revenue Bill (Senate Bill No. 30 of 2021)* on Thursday, 3rd June, 2021 **with amendments**”.

Honourable Members, the County Allocation of Revenue Bill is an annual legislation introduced in accordance with the provisions of Article 218 of the Constitution with the objective of equitably allocating the share of national revenue amongst the forty seven (47) Counties.

Given the urgency of the passage of this Bill the House Business Committee has prioritized its consideration in the National Assembly. Indeed, the Bill is scheduled to be read a *First Time* this afternoon at Order No. 17 and thereafter stand committed to the Budget and Appropriations Committee in furtherance to the provisions of Standing Order 143(1).

Honourable Members, I direct the Budget and Appropriations Committee to **expedite** the consideration of the Bill so as to enable the House to consider it in Second Reading, Committee of the whole House and Third Reading preferably next week, so as to unlock the budget processes in the Counties.

As the House is aware, a County Allocation of Revenue Bill is a special Bill concerning county governments in terms of Article 110(2)(a)(ii) of the Constitution. This implies that any amendment proposed in this House on the Bill shall require to be supported by at least two-thirds of **all** the Members of this House for it to pass.

The House is accordingly guided.

I thank you!”

7. PETITIONS

The Member for Mvita (Hon. Abdulswamad Sheriff Nassir, MP) presented a Petition regarding trade restrictions in Mombasa.

Petition referred to the Departmental Committee on Trade, Industry and Cooperatives pursuant to Standing Order 227(1).

8. PAPERS LAID

The following Papers were laid on the Table of the House:-

- (i) *Legal Notice* No. 5085 relating to the Public Finance Management (Sinking Fund) Guidelines, 2021 and the Explanatory Memorandum from the National Treasury and Planning;
- (ii) Draft Public Finance Management (National Roads Toll Fund) Regulations, 2021 from the National Treasury and Planning;
- (iii) Sessional Paper No. 1 of 2021 on National Water Policy from the Ministry of Water, Sanitation and Irrigation;
- (iv) Cabinet Memorandum on Ratification of the Protocols to the African Charter on Human and People’s Rights on the Rights of Older Persons and on the Rights of Persons with Disabilities in Africa from the Ministry of Foreign Affairs;
- (v) Cabinet Memorandum on Ratification, Acceptance and Accession of International Labour Organization (ILO) and International Maritime Organization (IMO) Conventions related to Shipping and Maritime Matters from the Ministry of Foreign Affairs;
- (vi) Annual Report for the year ended 30th June, 2019 from the Teachers Service Commission;
- (vii) Special Audit Report of the Auditor-General on Utilization of COVID-19 Funds by the National Government Entities for the period 13th March – 31st July 2020;
- (viii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019: -
 - a. Kirinyaga University; and
 - b. National Council for Nomadic Education in Kenya
- (ix) Bi-annual Report of the Commission on Administrative Justice (Office of the Ombudsman) for the period July- December 2020;
- (x) The Fourth Quarterly Report of the Ethics and Anti-Corruption Commission for the period 1st October 2020 to 31st December 2020;
- (xi) The Third Quarterly Economic and Budgetary Review Report for the Financial Year 2020/21 from the National Treasury and Planning;

(The Leader of the Majority Party)

- (xii) Report of the Budget and Appropriations Committee on its Consideration of Budget Estimates for the National Government, the Judiciary and Parliament for the Financial Year 2021/2022 and a compendium of Departmental Committee Report on the Estimates.

(Chairperson, Budget and Appropriations Committee)

9. NOTICE OF MOTION

The following Notices of Motion were given:-

(i) Notice of Motion -Alteration of the Calendar of the House

THAT, pursuant to the provisions of Standing Order 28(4), cognizant of the continued limitations of in-persons meetings arising from the COVID-19 Pandemic, this House further alters its Calendar for the Fifth Session, 2021(Regular Sessions) and resolves that, during the Second Part of the Session (June 8 to July 8, 2021)-

Current week (8th – 10th June, 2021)

(i) the Sittings of the House of Tuesday, 8th June, 2021, Wednesday, 9th June, 2021 and Thursday, 10th June, 2021 shall remain as specified under Standing Order 30(1) and (2);

Variations for the weeks after

(ii) notwithstanding the provisions of Standing Order 30, the Sittings of the House for the period 15th June up to 8th July, 2021 shall be as follows-

- (a) Tuesdays (Afternoon) from 2.30 p.m. to 6.30 p.m.;
- (b) Tuesdays (Evening) from 7.00 p.m. to 9.30 p.m.;
- (c) Wednesdays (Afternoon) from 2.30 p.m. to 6.30 p.m.;
- (d) Wednesdays(Evening) from 7.00 p.m. to 9.30 p.m.; and,
- (e) Thursdays (Afternoon) from 2.30 p.m. to 7.00 p.m

Suspension of Morning Sittings

(iii) during the period 15th June up to 8th July 8, 2021, the Sittings of the House of Wednesday Mornings shall stand suspended;

Individual Members' business

- (iv) on Thursday Afternoons, business not sponsored by the Majority Party, the Minority Party or a Committee shall have precedence over all other business, in such order as the House Business Committee shall determine; and,
- (v) paragraph (iv) shall not apply to the Business under Part XXIV of the Standing Orders (Financial Procedures).

(Leader of the Majority Party)

(ii) Notice of Motion -Consideration of the Budget Estimates for the Financial Year 2021/2022

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, the Judiciary and Parliament for the Financial Year 2021/2022, *laid on the Table of the House on Tuesday, June 8, 2021*, and pursuant to the provisions of Article 221 of the

Constitution, section 39 of the Public Finance Management Act, 2012 and Standing Order 239-

- (a) approves** the issuance of a sum of **Kshs.1,945,671,474,883** from the Consolidated Fund to meet the expenditure during the year ending 30th June, 2022 in respect of the Votes contained in the First Schedule to the Order Paper, subject to paragraph (c) (*Committee of Supply*);
- (b)** makes the **Policy and Financial Resolutions** contained in the Second Schedule to the Order Paper; and,
- (c)** Orders that **“The Speaker do now leave the Chair”** to facilitate the consideration of the said Budget Estimates with respect to each Vote and Programme in the *Committee of Supply* as contemplated under Standing Order 240 (*Consideration of Estimates in the Committee of Supply*).

(Chairperson, Budget and Appropriations Committee)

10. QUESTIONS

The following Questions were made to various Ministries/State Departments/Commissions: -

- (i) Question by No.038/2021 by the Member for Mwatate (Hon. Andrew Mwadime) regarding establishment of stopping stations at Mtito Andei and Voi stations of the Standard Gauge Railway.

(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)

- (ii) Question by No.047/2021 by the Member for Kisumu West (Hon. John Olago Aluoch) regarding compensation of persons for Kisumu Northern Bypass project utility by the National Land Commission.

(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)

- (iii) Question by No.085/2021 by the Member for Jomvu (Hon. Bady Twalib) regarding construction of Kwa-Jomvu to Mariakani (Lot 2) Highway.

(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)

- (iv) Question by No.180/2021 by the Member for Saboti (Hon. Caleb Amisi) regarding assistance to be accorded to the family of the late Ms. Dorly Kazira Chahanzi.

(To be replied to by the Cabinet Secretary for Foreign Affairs before the Departmental Committee on Defence and Foreign Relations)

The following Question was dropped:-

- (i) Question by No.081/2021 by the Member for Turbo (Hon. Janet Sitienei) regarding failure by Ms. Dorcas Njeri Mwangi to receive Inua Jamii Cash Transfer funding.

11. STATEMENTS

- (i) The Chairperson of the Departmental Committee on Administration and National Security (Hon. Peter Mwathi, MP) issued a Response to a Statement sought by the Member for Teso North (Hon. Oku Kaunya, MP) regarding killing of the late Mr. Ezekiel Odera by a police officer.
- (ii) The Chairperson of the Departmental Committee on Administration and National Security (Hon. Peter Mwathi, MP) issued a Response to a Statement sought by the Member for Bura (Hon. Ali Wario, MP) regarding retirement of Mr. Abdi Guyo as an Assistant Chief.
- (iii) The Member for Kibwezi West (Hon. Patrick Musimba, MP) issued a Statement regarding the demise of the late Hon. Kalembe Ndile (former Member for Kibwezi Constituency). Members passed their condolences to the family of the late Hon. Kalembe Ndile.
- (iv) The Member for Nyali (Hon. Mohamed Ali, MP) denied having previously accused some Members of being compromised during consideration of the Constitution of Kenya (Amendment) Bill, 2020. The Honourable Speaker declared the matter as having been concluded in light of the Member's denial of having made such utterances.

12. PROCEDURAL MOTION -ALTERATION OF THE CALENDAR OF THE HOUSE

Motion made and Question proposed:-

THAT, pursuant to the provisions of Standing Order 28(4), cognizant of the continued limitations of in-persons meetings arising from the COVID-19 Pandemic, this House further alters its Calendar for the Fifth Session, 2021(Regular Sessions) and resolves that, during the Second Part of the Session (June 8 to July 8, 2021)-

Current week (8th – 10th June, 2021)

- (i) the Sittings of the House of Tuesday, 8th June, 2021, Wednesday, 9th June, 2021 and Thursday, 10th June, 2021 shall remain as specified under Standing Order 30(1) and (2);

Variations for the weeks after

- (ii) notwithstanding the provisions of Standing Order 30, the Sittings of the House for the period 15th June up to 8th July, 2021 shall be as follows-
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- (c) Wednesdays (Afternoon) from 2.30 p.m. to 6.30 p.m.;

- (d) Wednesdays(Evening) from 7.00 p.m. to 9.30 p.m.; and,
- (e) Thursdays (Afternoon) from 2.30 p.m. to 7.00 p.m

Suspension of Morning Sittings

- (iii) during the period 15th June up to 8th July 8, 2021,the Sittings of the House of Wednesday Mornings shall stand suspended;

Individual Members' business

- (iv) on Thursday Afternoons, business not sponsored by the Majority Party, the Minority Party or a Committee shall have precedence over all other business, in such order as the House Business Committee shall determine; and,
- (v) paragraph (iv) shall not apply to the Business under Part XXIV of the Standing Orders (Financial Procedures).

(Leader of the Majority Party)

No debate arising;

Question put and agreed to.

13. THE KENYA INDUSTRIAL RESEARCH AND DEVELOPMENT INSTITUTE BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2020)
(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 Standing Order 127(1).

14. THE IRIGATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 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 Standing Order 127(1).

15. THE NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM BILL (NATIONAL ASSEMBLY BILL NO. 15 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 Standing Order 127(1).

16. THE LIVESTOCK BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2021)
(The Leader of the Majority Party)

Order for First Reading deferred.

17. THE COFFEE BILL (NATIONAL ASSEMBLY BILL NO. 17 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 Standing Order 127(1).

18. THE TAX APPEALS TRIBUNAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 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 Standing Order 127(1).

19. THE COMMUNITY GROUPS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 20 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 Standing Order 127(1).

20. THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 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 Standing Order 127(1).

21. THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 30 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 Standing Order 127(1).

22. MOTION -REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF THE NATIONAL GOVERNMENT FOR THE FINANCIAL YEAR 2017/2018

Motion made and Question proposed:-

THAT, this House adopts the Report of the Public Accounts Committee on the Examination of the Report of the Auditor - General on the Financial Statements of the National Government for the Financial Year 2017/2018 (Volumes I & II), laid on the Table of House on Tuesday, March 23, 2021.

(The Chairperson, Public Accounts Committee -05.11.2021)

Debate interrupted on Tuesday, May 11, 2021 resumed;

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

23. HOUSE ROSE - at Seven O'clock in the evening.

M E M O R A N D U M

The Speaker will take the Chair on:
Wednesday, June 9, 2021 at 9.30am.

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