



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 07, 2024 AT 2:30 P.M. (AFTERNOON SITTING)

1. The House assembled at Thirty Minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following Communications—

(i) Appointment of Members to a Mediation Committee on the Employment (Amendment) Bill (Senate Bills No. 10 of 2022)

Honourable Members, You may recall that on Tuesday 5th March 2024, the House **rejected** a Motion for the Second Reading of the Employment (Amendment) Bill (Senate Bills No. 10 of 2022). The National Assembly's rejection of the said Bill essentially remitted the Bill to a mediation committee in line with Standing Order 149(1)(b).

Honourable Members, Article 113 of the Constitution contemplates that whenever a Bill is referred to a mediation committee, the Speakers of the Houses of Parliament shall appoint an equal number of Members from both Houses to attempt to develop a version of the Bill for consideration by the Houses of Parliament.

In this regard, having consulted with the Leader of the Majority Party and the Leader of the Minority Party, I have appointed the following Members to represent the National Assembly in the Mediation Committee to consider the Bill—

- (1) The Hon. Eric Muchangi, MP – Co-Chairperson
- (2) The Hon. Gitonga Murugara, CBS, MP;
- (3) The Hon. Mary Emaase, MP;
- (4) The Hon. Lilian Siyoi, MP;
- (5) The Hon. (Dr.) Wilberforce Oundo, MP;
- (6) The Hon. Irene Mayaka, MP; and
- (7) The Hon. Ruth Odinga, MP.

For clarity, Honourable Members, the Mediation Committee will be fully constituted upon appointment of Senators to the Committee. Once I receive a Message from the Senate to that effect, I will convey the same to the House.

Thereafter, the Mediation Committee will embark on an attempt to develop a mediated version of the Bill in accordance to Article 113 of the Constitution for consideration by the Houses of Parliament. The House is accordingly guided. I thank you.

(ii) Withdrawal of a Specific Provision in the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 68 of 2023)

Honourable Members, as you are aware, the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 68 of 2023) was published *vide Kenya Gazette Supplement* No. 207 of 30th October 2023, to effect various amendments to seventeen (17) statutes.

Honourable Members, the Bill, which is sponsored by the Leader of the Majority Party, was read a First Time on 15th November 2023 and thereupon referred to various Departmental Committees for consideration in accordance with the respective mandates. The committees have since laid their respective reports on the Bill following extensive public participation and stakeholder engagement.

The Bill was subsequently considered by the House and passed at Second Reading on **Wednesday, 28th February 2024**, thereby committing it to a Committee of the whole House. Indeed, the Bill is scheduled for consideration in Committee of the Whole House today under **Order No. 10**.

Honourable Members, before proceeding for consideration of the Bill in Committee of the Whole, I wish to notify the House that I have since received a request from the Leader of the Majority Party, dated 5th March 2024 seeking my consent for **withdrawal** of the proposed amendment relating to **section 56(1)(a)** of the **Universities Act, (No.42 of 2012)** as contained in the Bill. The provision relates to the functions of the Placement Board in placement of government-sponsored students to universities and colleges.

In the letter, the Leader of the Majority Party states that various stakeholders have raised concerns regarding the proposed amendment necessitating further consultations and engagement within the sector. Additionally, the Hon. Ichung'wah notes that the Public Investments Committee on Education and Governance is currently considering a related matter on the funding of university education. It would therefore be prudent to allow for the conclusion of these processes before determining the appropriate course of action.

Honourable Members, having considered the matter, I have acceded to the request by the Leader of the Majority Party to withdraw the provision relating to **section 56(1)(a)** of the **Universities Act, 2012** as contained in the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 68 of 2023). The Bill will therefore proceed without making reference to the withdrawn provision and will be considered as though the withdrawn section was not part of the Bill *ab initio*. The House is accordingly guided. I thank you.

(iii) Members' Comments on Legislative Proposals to Amend Articles 88 and 89 of the Constitution

Honourable Members, You will recall that on 6th December 2023, I allowed the Member for Mandera North, the **Hon. Maj. (Rtd) Abdullahi Bashir Sheikh, MP** and the Member for Thika Town, the **Hon. Alice Ng'ang'a, CBS, MP** to make statements on their respective legislative proposals seeking to amend the Constitution.

The proposal by the Member for Mandera North seeks to amend Article 88 of the Constitution to provide that, in instances where the Independent Electoral and Boundaries Commission (IEBC) is not fully constituted, the Secretary to the IEBC shall discharge the duties and functions of the Commission with regards to the conduct of by-elections.

On the other hand, the proposal by the Member for Thika Town seeks to amend Article 89 of the Constitution to require the Independent Electoral and Boundaries

Commission to ensure that the review of constituency boundaries does not result in the loss of a constituency that existed prior to the promulgation of the Constitution.

Honourable Members, when the two Members made their initial statements, I undertook to nominate a time for the House to make general comments on the two proposals. As such, in order to actualize the provisions of Standing Order 114(7A), I will today, **not later than 6pm**, allow Members to make comments on the legislative proposals whose text is appended to the Order Paper.

Thereafter, I will refer the proposals to the **Departmental Committee on Justice and Legal Affairs** or issue other directions, in view of the comments that will be made by Members during the proceedings. Any Member with similar or related proposals will be at liberty to make submissions to the Committees for consideration in line with Standing Order 114(7A). The House is accordingly guided. I thank you.

(iv) Recognition of a Member of Parliament from the Republic of Ghana

Honourable Members, I am pleased to introduce to you the **Hon. Cletus Apul Avoka, MP**, a Member of Parliament from the Parliament of Ghana, seated in the Speaker's Row. The Member is accompanied by Ghana's High Commissioner to Kenya, **H.E. Amb. Dampitey B. Asane** and two staff from the Parliament of Ghana.

Honourable Members, the Hon. Avoka, MP is in the country on behalf of the Speaker of the Parliament of Ghana, the **Rt. Hon. Alban K. S. Bagbin, MP**, for a consultative mission on actualizing the operationalization of the **Conference of Speakers and Heads of African Parliaments (CoSHAP)**.

Honourable Members, on my behalf and that of the National Assembly, I extend a warm welcome to them to the Parliament of Kenya and wish them fruitful engagements in our country. I thank you!

5. MESSAGES

The Speaker issued the following Message—

Nomination of a Co-Sponsor of the Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022)

Honourable Members, Pursuant to the provisions of Standing Order 143(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from the Senate on nomination of a co-sponsor of the Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022).

Honourable Members, the Message conveys that, pursuant to Standing Order 162(2) of the Senate Standing Orders, Sen. Tabitha Mutinda, MP, being the sponsor of the said Bill, has nominated the Member for Tigania West Constituency, **Hon. (Dr.) John Mutunga, MP**, to co-sponsor the Bill in the National Assembly.

Honourable Members, you may recall that on Tuesday, 27th February 2024, I reported to this House a Message from Senate regarding passage of seven Senate Bills, among them being the Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022). The Bill was read a First Time on Wednesday, 28th February 2024 and referred to the Departmental Committee on Agriculture and Livestock.

Accordingly, **Honourable Members**, pursuant to the provisions of Standing Order 143(1)(b) of the National Assembly Standing Orders, the **Hon. (Dr.) Mutunga, MP**

will now assume the role of the co-sponsor of the Bill and shall be responsible for marshaling its consideration in the National Assembly.

For clarity, Honourable Members, the Hon. (Dr.) Mutunga's assumption of the role of co-sponsor is deemed to be in his individual capacity as the Member for Tigania West Constituency and not as the Chairperson of the Departmental Committee on Agriculture and Livestock.

In the circumstances, and for fairness, I advise the Chairperson, who is now the co-sponsor of the stated Bill, to consider recusing himself from presiding over the consideration of the Bill by the Committee and allow the Vice Chairperson of the Committee to steer the process. The House is accordingly guided. I thank you!

6. **PETITIONS**

Pursuant to the provisions of Standing Order 225(a), the Member for Endebess Constituency, Hon. (Dr.) Robert Pukose, presented a Petition on behalf of the representatives of the Health Sector, Unions, Societies and Associations regarding delays in posting medical interns, absorption of universal health coverage contract staff, conclusion of Collective Bargaining Agreements (CBAs) and Recognition Agreements in the health sector in the country.

Petition committed to the Public Petitions Committee pursuant to Standing Order 227(1).

7. **PAPERS LAID**

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

- (a) Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 and the certificates therein in respect of:
 - (i) State Corporations Appeal Tribunal;
 - (ii) Policyholders Compensation Fund;
 - (iii) Policyholders Compensation Fund Car and Mortgage Loan Scheme;
 - (iv) Retirement Benefits Authority;
 - (v) Kenya Trade Network Agency;
 - (vi) Registration of Certified Public Secretaries Board;
 - (vii) Kenya Water Towers Agency;
 - (viii) Tourism Fund;
 - (ix) State House Mortgage and Car Loan Scheme- Unclaimed Financial Assets Authority;
 - (x) Witness Protection Agency Staff Motor Car Loan Scheme Fund; and
 - (xi) State Department for Youth Affairs.

(Deputy Majority Party Whip)

- (b) Report of the Departmental Committee on Trade, Industry and Cooperatives on the inquiry into alleged unfair Trade Practices by Foreign Investors in Kenya.

(Chairperson, Departmental Committee on Trade, Industry & Cooperatives)

- (c) Third Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund (NG-CDF) for Nine (9) Constituencies in Bungoma County for the Financial Years 2013/2014, 2014/2015 and 2015/2016.

(Chairperson, Select Committee on Decentralized Funds Accounts Committee)

8. NOTICES OF MOTION

The following Notices of Motion were given—

(i) **THAT**, this House **adopts** the Report of the Departmental Committee on Trade, Industry and Cooperatives on the inquiry into Alleged Unfair Trade practices by Foreign Investors in Kenya, *laid on the Table of the House on Thursday, 7th March 2024.*

(Chairperson Departmental Committee on Trade, Industry & Cooperatives)

(ii) **THAT**, this House **adopts** the Report of the Decentralized Funds Accounts Committee on its consideration of the Financial Statements for the National Government Constituencies Development Fund for nine Constituencies in Bungoma County for Financial Years 2013/2014, 2014/2015 and 2015/2016, *laid on the Table of the House on Thursday, 7th March 2024.*

(Chairperson Select Committee on Decentralized Funds Accounts Committee)

9. REQUEST FOR STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)

Pursuant to the provisions of Standing Order 44(2)(c), the Member for Nakuru County (Hon. Liza Chelule) requested a Statement from the Chairperson, Departmental Committee on Social Protection regarding Delayed payment of pension to pensioners of the defunct Pyrethrum Board of Kenya.

10. STATEMENT PURSUANT TO STANDING ORDER 43

Pursuant to the provisions of Standing Order 43, the Chairperson, Kenya Women Parliamentarians Association (KEWOPA) (Hon. Leah Sankaire) issued a Statement regarding the 2024 International Women's Day commemorated on 8th of March every year.

11. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of Majority Party issued a Statement regarding the business of the House for the week commencing Tuesday, 12th March 2024.

12. MOTION – REPORT ON THE 2024 BUDGET POLICY STATEMENT

Motion having been made and Question proposed—

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on the Budget Policy Statement (BPS) for the financial year 2024/2025 and a compendium of Departmental Committee reports on the 2024 BPS, *laid on the Table of the House on Tuesday, 5th March 2024*, and pursuant to the provisions of section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10) –

(a) **approves** the Budget Policy Statement (BPS) for the financial year 2024/2025;

(b) makes the following **Financial Resolutions** with respect to the BPS-

(i) **That**, the National Government budget ceiling be approved at Kshs. **2,564,563,100,000;**

Of which:

1) Executive Kshs. **2,488,650,300,000**

Of which: Office of the Auditor General Kshs. **8,599,500,000**

2) Parliament Kshs. **43,623,000,000**

3) Judiciary Kshs. **23,690,300,000**

(ii) **Resolves that**, the allocation to County Government Equitable Share be approved at Kshs. **391,117,000,000;**

- (iii) **Resolves that**, consistent with the latest audited and approved revenues for FY 2020/21 amounting to Kshs 1,570,562,945,014, the allocation to the Equalization Fund be set at Kshs. **7,852,814,725**;
- (iv) **Approves that**, the arrears to the Equalization Fund be set at Kshs. **3,547,185,275**;
- (v) **Approves that**, the allocation for the County Additional Allocations be approved at Kshs. **48,196,590,924** as per the Third Schedule to the Report, which shall form the basis for the County Government Additional Allocations Bill, 2024;
- (vi) **Resolves that**, consistent with the approved borrowing strategy in the Medium-Term Debt Management Strategy, the projected fiscal deficit be set at Kshs **703,870,000,000** (3.9% of GDP) being the difference between total revenues and grants and total expenditure and net lending.
- (c) **That**, the First and Second Schedules to the Report form the basis for the ceilings for the FY 2024/2025 Budget Estimates;
- (d) **That**, once approved by the House, these recommendations **SHALL** form the basis for FY 2024/2025 Budget Estimates;
- (e) **orders that**, the *First Schedule* to the Order Paper forms the basis for the ceilings for the FY 2024/25 Budget Estimates; and
- (f) makes the **Policy Resolutions** contained in the *Second Schedule* to the Order Paper (*Non-financial recommendations relating to the Budget Policy Statement for the financial year 2024/25*).

(Chairperson, Budget & Appropriations Committee)

Debate having been concluded on Wednesday, 6th March 2023 (Afternoon);

Question put and agreed to.

13. REORGANISATION OF BUSINESS PURSUANT TO STANDING ORDER 40

Pursuant to Standing Order 40(2), the Speaker reordered the sequence of proceedings as follows—

- (a) deferred the consideration of **Order No. 10** (*Committee of the whole House on the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 68 of 2023)*) and **Order No. 13** (*Second Reading of the National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023)*); and
- (b) consideration of **Order No. 12** (*Second Reading of the Regional Development Authorities Bill (National Assembly Bill No. 7 of 2023)*) and **Order No. 14** (*Motion on Compliance to Article 54(2) of the Constitution Regarding Employment of Persons with Disabilities in Public Institutions*) to be taken before **Order No. 11** (*Second Reading – The National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023)*).

14. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 6 OF 2022)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 6 of 2022) be now read a Second Time.

(Chairperson, Departmental Committee on Environment, Forestry and Mining)

Debate interrupted on *Wednesday, March 6, 2024, Afternoon Sitting* resumed;

(Change of Chair from Speaker to the Deputy Speaker)

(Change of Chair from Deputy Speaker to the Third Chairperson of Committees)

Rising in his place on a Point of Order pursuant to the provisions of Standing Order 95 (1), the Member for Kacheliba (Hon. Titus Lotee) claimed to move that the Mover be called upon to reply;

And the Speaker having acceded to the claim;

Question that Mover be called upon to reply put and agreed to.

Thereupon the Mover replied;

Question deferred pursuant to Standing Order 53(3).

15. THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2023)

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Regional Development Authorities Bill (National Assembly Bill No. 7 of 2023) be now read a Second Time.

(Chairperson, Departmental Committee on Regional Development)

Debate arising;

And the time being Six O'clock, the Third Chairperson interrupted proceedings of the House without Question put to allow comments on Legislative Proposal to amend the Constitution under Standing Order 114(7A).

16. GENERAL COMMENTS ON THE LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION UNDER STANDING ORDER 114(7A)

Pursuant to the provisions of Standing Order 114(7A), Members made General Comments on the Legislative Proposals to amend the Constitution following Statements made on Wednesday, 6th December, 2023 by the respective promoters as follows: -

- (a) a Legislative Proposal by the Member for Mandera North (Hon. Maj. (Rtd) Bashir Sheikh) seeking to amend Article 88 of the Constitution to provide that when the Independent Electoral and Boundaries Commission is not constituted, the Secretary of the Commission can perform the functions of the Commission that are limited to conducting by-elections under Article 101 (4)(b) of the Constitution; and
- (b) a Legislative Proposal by the Member for Thika Town (Hon. Alice Ng'ang'a) to amend Article 89 of the Constitution to protect 27 Constituencies that were protected for the First delimitation of electoral units in spite of not meeting the population quota requirement and which constituencies risk being merged with others when the Independent Electoral and Boundaries Commission conducts the Second review that is due.

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

17. HOUSE ROSE

- at Seven O'clock

MEMORANDUM

The Speaker will take the Chair on,
Tuesday, March 12, 2024 at 02.30 p.m.