



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 28, 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 Rt. Honourable Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker made the following Communication -

Recognition of a delegation from the National Assembly of Malawi

“**Honourable Members**, I wish to introduce to you a delegation from the National Assembly of Malawi, seated in the Speaker's Row. The delegation comprises of the First Deputy Speaker, the Hon. Madalitso Kadzombo, MP and the Second Deputy Speaker, the Hon. Aisha Adams, MP.

The delegation is accompanied by nine (9) officers of the National Assembly of Malawi, led by the Deputy Clerk, Corporate Services, Mr. Chikondi Kachinjika.

Honourable Members, the delegation is in the country on a study visit to learn the technical aspects of the Chamber System including electronic voting, attendance management, recognition of Members by presiding officers and other features of the system.

Honourable Members, on my own behalf and that of the National Assembly, I welcome them to the Parliament of Kenya and wish them fruitful engagements during their stay in the country. I thank you!”

5. **PETITIONS**

The Member for Nairobi County (Hon. Esther Passaris, MP) rose on a point of Order pursuant to Standing Order 227(2) on the inordinate delay in consideration of a public petition presented to the National Assembly by the Centre for Accountability, Reform and Democracy regarding Delimitation of Electoral Units.

The Speaker directed that the Deputy Majority Whip (Hon. Naomi Waqo, MP) invites the Public Petitions Committee to a meeting with the Speaker on Monday, 4th March, 2024 at 11.00 am in order to provide a response on the same and other attendant matters.

6. PAPERS

The following papers were laid on the Table –

- (i) Legal Notice No. 220 of 2023 relating to the Public Finance Management (Wildlife Conservation Trust Fund) Regulations, 2023 from the National Treasury;
- (ii) Legal Notice No. 39 of 2024 relating to the Refugees (General) Regulations, 2024 from Ministry of Interior and National Administration;
- (iii) Third quarterly report of the Ethics and Anti-Corruption Commission for the year ended 2023 from the Office of the Attorney-General & Department of Justice;
- (iv) Bi-Annual Report of the Commission on Administrative Justice for the period January – June, 2023;
- (v) Annual Report of the Judicial Service Commission for the financial year 2022/2023 from the Judicial Service Commission;
- (vi) First Quarter County Governments Budget Implementation Review Report for FY 2023/24 from the Office of the Controller of Budget;
- (vii) Thirty-First Bi-Annual Report of the Monetary Policy Committee from the National Treasury;
- (viii) Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 and the certificates therein in respect of:
 - a) Competition Authority of Kenya;
 - b) E-Citizen Revenue Accountability Statement;
 - c) Receiver of Revenue-Recurrent – the National Treasury;
 - d) Civil Servants Housing Scheme Fund – State Department for Housing and Urban Development;
 - e) Treasury Main Clearance Fund;
 - f) State Department for Lands and Physical Planning;
 - g) Government Investments and Public Enterprises – Revenue Statements;
 - h) State Department for Development of the Arid and Semi-Arid Lands;
 - i) National Intelligence Service;
 - j) Energy and Petroleum Regulatory Authority Staff Mortgage and Car Loan Scheme;
 - k) Government Press Fund;
 - l) AFD – ASAL Rural Roads Project; and
 - m) National Government Constituencies Development Fund.

(Deputy Majority Party Whip)

7. QUESTIONS

- a) The following Questions were asked and responded to by the Cabinet Secretary for Gender, Culture, the Arts and Heritage in plenary –
 - (i) **Question No. 242 of 2023** by the Member for Gilgil (Hon. Martha Wangari, MP) regarding the changes made by the Government to the disbursement model of the Women Enterprise Fund (WEF).
 - (ii) **Question No. 031 of 2023** by the Member for Kilifi County (Hon. Gertrude Mbeyu, MP) regarding reasons for the significant reduction in the allocation to the National Government Affirmative Action Fund (NGAAF) in the FY 2023/2024 budget from Ksh. 1 Billion to Kshs. 870 Million, and inordinate delays in disbursing the said funds to Kilifi County.

(iii) **Question No. 032 of 2023** by the Member for Machakos County (Hon. Joyce Kamene, MP) regarding a breakdown of the funds allocated and disbursed for the provision of sanitary pads from July 2022 to-date, including a comprehensive list of schools in each County that have received the pads during the same time-frame.

b) The following Questions were asked and responded to by the Cabinet Secretary for Education in plenary –

(i) **Question by Private Notice No. 001/2024** by the Member for Nyali (Hon. Mohamed Ali, MP) regarding the alleged reports of students professing the Muslim faith in Daystar University being forced to attend the Chapel and the alleged promotion of LGBTQ+ practices within the University.

(ii) **Question by Private Notice No. 002/2024** by the Member for West Mugirango (Hon. Stephen Mogaka, MP) regarding the circumstances which led to the transfer of Mr. Bernard Musa Moroti of TSC No. 413001 to head St. Philips Rateti Secondary School in West Mugirango Constituency and measures put in place by the Ministry to ensure that principals are only transferred after the lapse of a minimum period.

(iii) **Question by Private Notice No. 003/2024** by the Member for Dagoretti South (Hon. John Kiarie, MP) regarding safety of school going children across the country.

(iv) **Question No. 022 of 2024** by the Member for Nyakach (Hon. Aduma Owuor, MP) regarding the criteria used to disburse infrastructure funds to schools in the Country, reasons for the reduction by half of the special fund for learners with special needs from kshs 2,300 per child and delays in disbursing the same for over two years.

(v) **Question No. 023 of 2024** by the Member for Alego Usonga (Hon. Samuel Atandi, MP) regarding why the Ministry has been disbursing an average capitation grant of Ksh. 17,000 per learner instead of the marked capitation grant of Ksh. 22,244 per learner to public secondary schools.

(vi) **Question No. 024 of 2024** by the Member for Nairobi City County (Hon. Esther Passaris, OGW, MP) regarding the measures being undertaken by the Ministry to bolster the Guidance and Counselling Department in public schools, ensuring its prominence and significance within the school curriculum.

(vii) **Question No. 025 of 2024** by the Member for Nakuru Town West (Hon. Samuel Arama, MP) regarding withholding of Kenya Certificate of Secondary Education (KCSE) certificates of former students on account of non-clearance of school fees by secondary schools across the country.

(viii) **Question No. 026 of 2024** by the Member for Kisumu Central (Hon. Joshua Oron, MP) regarding enhanced House Allowances for teachers from *Kudho*

Secondary School, Kudho Primary School and Obinju Kanyakwar Primary School while their counterparts in other constituencies such as Kisumu West and Kisumu East are getting it.

- (ix) **Question No. 040 of 2024** by the Member for Nyakach (Hon. Aduma Owuor, MP) regarding delocalization of some teachers yet the policy was abolished in the interest of family bonds and values and when the Ministry will put an end to delocalization of teachers considering its abolishment.
- (x) **Question No. 041 of 2024** by the Member for Dagoretti North (Hon. Beatrice Elachi, CBS, MP) regarding the status on implementation of the Competency Based Curriculum (CBC) and measures in place to ensure its success.
- (xi) **Question No. 042 of 2024** by the Member for Dagoretti North (Hon. Beatrice Elachi, CBS, MP) regarding valid ownership documents to the land owned by schools and measures put in place to curb encroachment by individuals/groups to school property.

Various Members also raised Supplementary Questions which were responded to by the Cabinet Secretaries within the allotted times.

*(Change of Chair from the Speaker to the Deputy Speaker)
(Change of Chair from the Deputy Speaker to the Fourth Chairperson)*

8. STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)

Pursuant to the provisions of Standing Order 44(2)(c), the Member for Funyula (Hon. Wilberforce Oundo, MP) sought for a Statement from the Chairperson, Departmental Committee on Education and Research regarding the challenges encountered by students while applying for higher education placement through the Kenya Universities and Colleges Central Placement Service (KUCCPS) using the e-citizen platform.

9. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2023)

Order for Second Reading read;

Motion having been made and Question proposed -

THAT, the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 68 of 2023) be now read a Second Time.

(The Leader of the Majority Party – 06.12.2023)

Debate on the Bill having been concluded on Tuesday, 27th February, 2024;
Question put and agreed to.

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

10. MOTION – REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT MINISTRIES, DEPARTMENTS AND AGENCIES FOR THE FINANCIAL YEAR 2020/2021

Motion having been made and Question proposed-

THAT, this House **adopts** the Report of the Public Accounts Committee on its Examination of the Report of the Auditor-General on the Financial Statements for the National Government Ministries, Departments and Agencies for the Financial Year 2020/2021, *laid on the Table of the House on Thursday, 30th November 2023*, **subject to deletion of paragraph 30 under General Observations and Recommendations on page ‘xx’ of the Report and substitution therefor with the following-**

“Statement on Audited Accounts of Revenue for the period ending 30th June 2021

During the 2020/2021 financial year, total revenue recorded under various revenue statements as received by the National Government amounted to

Kshs.1,713,642,981,513 representing a decrease of Kshs.17,349,712,351 or about 1% when compared to actual collections of Kshs.1,730,992,693,864 realized in the year 2019/2020 as tabulated below: -

| DETAILS | 2020/21 Actual Receipts | 2019/20 Actual Receipts | Increase/Decrease (Kshs) | Increase/Decrease (%) |
|----------------------|--------------------------------|--------------------------------|---------------------------------|------------------------------|
| Recurrent Revenue | 1,626,801,249,470 | 1,673,714,909,446 | 46,913,659,976.00 | -2.8% |
| o/w Sharable Revenue | 1,570,562,945,014 | 1,578,035,418,992 | 7,472,473,978.00 | -0.5% |
| GIPE | 56,238,304,456 | 95,679,490,454 | 39,441,185,998.00 | 41.2% |
| Development Revenue | 86,841,732,043 | 57,277,784,418 | 29,563,947,625.00 | 51.6% |
| Total | 1,713,642,981,513 | 1,730,992,693,864 | 17,349,712,351.00 | -1.0% |

Data Source: Kenya National Audit Office

The total revenue of Kshs. 1,713,642,981,513 for the year 2020/2021 comprised of Kshs. 1,570,562,945,014 as sharable revenue, Kshs. 56,238,304,456 as receipts from Government Invest & Public Enterprises and Kshs. 86,841,732,043 relating to Development revenue. However, the total sharable revenue of Kshs. 1,570,562,945,014 reported in the 2020/21 financial year differs by Kshs. 7,472,473,978 with the revenue receipts of Kshs. 1,578,035,418,992 in the 2019/20 financial year. *“The Committee recommends that the total nationally collected revenue amount of Kshs. 1,570,562,945,014 forms the basis of sharing of revenue between the national and county governments as contemplated in Article 203(3) of the Constitution.”*

(The Chairperson, Public Accounts Committee – 22.02.2024)

(Motion as amended)

Debate on the Motion having been concluded on Tuesday, 27th February, 2024;

Question put and agreed to.

11. MOTION – REPORTS OF THE AUDITOR-GENERAL ON TWENTY- THREE NON-COMPLIANT STATE CORPORATIONS

Motion having been made and Question proposed-

THAT, this House **adopts** the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on twenty-three Non-Compliant State Corporations, *laid on the Table of the House on Wednesday, 23rd August 2023.*

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture – 22.02.2024)

Debate on the Motion having been concluded on Tuesday, 27th February, 2024;

Question put and agreed to.

12. THE EQUALIZATION FUND APPROPRIATION (No.2) BILL (SENATE BILL NO. 30 OF 2023)

(The Chairperson, Budget and Appropriations Committee)

Order for First Reading read;

Bill read a First time and referred to the relevant Committee pursuant to Standing Order 127(1).

13. THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILL NO. 9 OF 2022)

(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 Standing Order 127(1).

14. THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILL NO. 12 OF 2022)

(The Chairperson, Departmental Committee on Agriculture and Livestock)

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 PERSONS WITH DISABILITIES BILL (SENATE BILL NO. 7 OF 2023)

(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 PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2024)

(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).

17. THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2022)

Order for Second Reading read;

Motion being made

THAT, the Employment (Amendment) Bill (Senate Bill No. 11 of 2022) be now read a Second time;

*(The Chairperson, Departmental Committee on Labour
– Hon. Eric Muchangi, MP - 28.02.2024)*

Rising in her place on a Point of Order pursuant to the provisions of Standing Order 35, the Member for Kericho County (Hon. Beatrice Kemei, MP) objected that there was no quorum present in the House;

And the Fourth Chairperson having ascertained the claim, ordered that the Division Bell be rung for ten (10) minutes;

And there being NO Quorum after expiry of ten minutes;

The Fourth Chairperson interrupted proceedings and adjourned the House without Question put pursuant to the Standing Orders 35(2)(a).

18. HOUSE ROSE - at Fifty-Five Minutes Past Seven O'clock.

MEMORANDUM

The Speaker will take the Chair on,
Thursday, February 29, 2024 at 02.30 p.m.