



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, FEBRUARY 28, 2023

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 conveyed the following Communication from the Chair –

Recognition of a Delegation from the National Assembly of the Republic of the Gambia

“Honourable Members, I wish to introduce to you a delegation from the National Assembly Authority of the Republic of the Gambia. The delegation comprises of the following:

1. The Hon. Fabakary Tombong Jatta, Speaker of the National Assembly
2. The Hon. Alhagie S. Darboe, Minority Leader & Member of the Authority
3. The Hon. Alhagie Mbow, Member of the Authority
4. The Hon. Maimuna Ceesay, Member of the Authority
5. The Hon. Momodou A. Sise, Clerk of the National Assembly

Honourable Members, the delegation is also accompanied by Members of Staff and an Associate Programme Officer from the International Institute for Democracy and Electoral Assistance (IDEA).

Honourable Members, the delegation is in the country on a visit to learn from the Parliament of Kenya on the mechanisms, approaches and processes to strengthen the legislature as a critical institution of governance with a particular focus on oversight, governance, accountability and public participation.

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

5. PAPERS LAID

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

- a) Legal Notice No. 4 of 2023 relating to the Income Tax (Financial Derivatives) Regulations, 2022 and the Explanatory Memorandum from the National Treasury and Economic Planning ;
- b) The Annual Report and Financial Statements for the Financial Year 2021- 2022 from the National Police Service Commission;
- c) Recommendation on the Basis for equitable sharing of Revenue between the National Government and County Governments for the Financial Year 2023/2024 from the Commission on Revenue Allocation.
- d) The Kshs. 65 Million Emergency funding to deal with the Wild Fires in Arberdare and Mt. Kenya National Parks from the National Treasury and Economic Planning;
- e) Report of the Auditor-General and Financial Statements for the National Government Ministries, Departments and Agencies for the year 2021/2022 from the Office of the Auditor-General;
- f) Report of the Auditor-General on Forensic Review of Power Supply Systems Losses - Kenya Power and Lighting Company PLC.
- g) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 2021 and the certificates therein: -
 - (i) St. Joseph Technical Training Institute of the deaf;
 - (ii) Belgut Technical Training Institute;
 - (iii) Sabatia Technical and Vocational College;
 - (iv) Siaya Institute of Technology;
 - (v) Ugunja Technical and Vocational College;
 - (vi) Bureti Technical Training Institute;
 - (vii) Kiirua Technical Training Institute;
 - (viii) Kenya Petroleum Refineries Limited;
 - (ix) Nuclear Power and Energy Agency;
 - (x) Technical University of Mombasa Enterprises Limited;
 - (xi) Katine Technical Training Institute;
 - (xii) Thika Technical Training Institute;
 - (xiii) University of Nairobi Press;
 - (xiv) Tambach Teachers Training College;
 - (xv) Moiben Technical and Vocational College;
 - (xvi) Mukiria Technical Training Institute;

- (xvii) Chuka Technical and Vocational College;
- (xviii) Nkabune Technical Training Institute;
- (xix) Murang'a Technical Training Institute;
- (xx) Emining Technical Training Institute;
- (xxi) Kipipiri Technical and Vocational College;
- (xxii) Karen Technical Training Institute for the Deaf;
- (xxiii) Kiambu Institute of Science and Technology; and
- (xxiv) Ngong Technical and Vocational College.

(The Hon. Kimani Ichung'wah - Leader of the Majority Party)

- h) Report of the Budget and Appropriations Committee on its consideration of the First Supplementary Estimates for the Financial Year 2022/2023

(The Hon. Ndindi Nyoro - Chairperson, Budget and Appropriations Committee)

6. NOTICE OF MOTION

The following Notice of Motion was given –

Adoption of the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2022/2023

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on its consideration of the First Supplementary Estimates for the Financial Year 2022/2023, laid on the Table of the House on Tuesday, February 28, 2023 and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (i) approves an increment of the total recurrent expenditure for Financial Year 2022/2023 by Kshs.94,915,439,535.00 in respect of the Votes contained in the FIRST SCHEDULE;
- (ii) approves an reduction of the total capital expenditure for Financial Year 2022/2023 by Kshs. 97,290,537,771.00 in respect of the Votes contained in the FIRST SCHEDULE;
- (iii) approves an overall reduction in the total budget for Financial Year 2022/2023 by Kshs. 2,375,098,236.00 in respect of the VOTES contained in the FIRST SCHEDULE;
- (iv) approves the adjustments made with respect to Votes 1066, 1071, 1091, 1094, 1109, 1152, 1166, 1169, and 1311;
- (v) resolves that the new FIRST SCHEDULE forms the basis for the introduction of the First Supplementary Appropriation Bill, 2023; and,
- (vi) further makes the policy resolutions contained in the SECOND SCHEDULE to the Order Paper.

(The Hon. Ndindi Nyoro - Chairperson, Budget and Appropriations Committee)

7. MOTION - REPORT ON THE FIRST SUPPLEMENTAR ESTIMATES FOR THE FY 2022/2023

Motion made in amended form and Question proposed –

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on its consideration of the First Supplementary Estimates for the Financial Year 2022/2023, laid on the Table of the House on Tuesday, February 28, 2023 and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (i) approves the adjustments made with respect to Votes 1066, 1071, 1091, 1094, 1109, 1152, 1166, 1169, and 1311;
- (ii) approves an increment of the total recurrent expenditure for Financial Year 2022/2023 by Kshs.94,915,439,535.00 in respect of the Votes contained in the FIRST SCHEDULE;
- (iii) approves an reduction of the total capital expenditure for Financial Year 2022/2023 by Kshs. 97,290,537,771.00 in respect of the Votes contained in the FIRST SCHEDULE;
- (iv) approves an overall reduction in the total budget for Financial Year 2022/2023 by Kshs. 2,375,098,236.00 in respect of the VOTES contained in the FIRST SCHEDULE;
- (v) resolves that the new FIRST SCHEDULE forms the basis for the introduction of the First Supplementary Appropriation Bill, 2023; and,
- (vi) further makes the policy resolutions contained in the SECOND SCHEDULE to the Order Paper.

(The Hon. Ndindi Nyoro - Chairperson, Budget and Appropriations Committee)

Debate arising;

(Change of Chair from the Hon. Speaker to the Fourth Chairperson of Committees)

(Change of Chair from the Fourth Chairperson of Committees to the Fifth Committees of Committees)

Mover replied;

Question put and agreed to.

8. MOTION - GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS

Motion having been made and Question proposed –

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; Acknowledging that, actualization of the proposals which relate to, inter alia, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; Further acknowledging that, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the Departmental Committee on Justice and Legal Affairs with regard to proposals relating to the implementation of the Two-Thirds Gender principle and the establishment of the Office of the Leader of Official Opposition; The Joint Parliamentary Ad Hoc Committee with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and The Procedure & House Rules Committee with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution; NOW THEREFORE, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House notes, considers and makes general comments on the proposals contained in the Memorandum by His Excellency the President.

Debate interrupted on Tuesday, February 21, 2023 (Afternoon Sitting) resumed;

Debate arising;

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

9. HOUSE ROSE - at Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, March 01, 2023 at 9.30 a.m.

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