



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 07, 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. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following Communication on: -

Establishment and Recognition of the Bi-Partisan Talks Committee in Parliament

“Honourable Members,

1. I wish to convey the following Communication regarding the establishment and the formal recognition of the *Bi-Partisan Talks Committee* in Parliament.
2. Honourable Members, as you will recall, on 19th May 2023, the Speakers of the Houses of Parliament issued a Joint Notification informing Members of the National Assembly and Senators about the establishment of the Bi-Partisan Talks Committee comprising Members of the Majority and Minority sides of both Houses of Parliament. In the Joint Notification, the Speakers noted that they had received correspondence co-signed by the Hon. George Murugara, MP on behalf of the Majority Party, and the Hon. (Dr.) Otiende Amollo, SC, CBS, MP on behalf of the Minority Party conveying, among other things, the joint decision to establish the Committee, the composition of the Committee, and the respective agenda raised by the parties.
3. Further, Honourable Members, the notification provided for the Joint Secretaries to the Committee, as well as the agreed mandate of the Committee and a Framework Agreement for the conduct of the bi-partisan talks as adopted by the Committee, setting out the general structure of the talks and rules of procedure.
4. In this regard, Honourable Members, the Co-Chairpersons of the Committee requested the Speakers of the Houses of Parliament to formally recognise the Committee and to support and facilitate its work.
5. Honourable Members, as Speakers of the Houses of Parliament, we laud the efforts being made towards strengthening consultation, dialogue and consensus building between the Majority and the Minority Parties. We are convinced that this inclusive approach will ensure an amicable resolution of the issues identified in a bid to have a national

conversation for the good of the current and future generations. Indeed, it is commendable that the Committee has adopted a hybrid approach of conducting the talks through a parliamentary process as well as the involvement of experts and other stakeholders outside Parliament.

6. Indeed, Honourable Members, under the respective Standing Orders of the Houses of Parliament, a committee of this nature is, by and large, formally recognised through the passage of a joint resolution by the Houses. It is through such joint resolution that the membership of such a committee is outlined and its terms of reference, the timelines within which the committee is to discharge its mandate and report to the Houses are determined.
7. However, Honourable Members, as you are aware, at the time of receipt of the communication, the Houses of Parliament were on recess. The respective Standing Orders of the Houses of Parliament require the Speakers to cause the transmission of any message received at a time when the Houses are not in Session to every Member and later report such messages to the Houses when the Houses next sit.
8. Honourable Members, in this regard and appreciating the critical task that the Committee is to undertake, the Speakers of the Houses of Parliament jointly resolved to formally recognise the Committee and to apprise the Houses upon resumption of sittings. This was premised on the need to allow the commencement of business of the Committee during the recess period.
9. Honourable Members, as you are further aware, in the Joint Notification, we did observe that we had earlier on received a draft Motion from the Leadership of the Majority Party in Parliament seeking the establishment and recognition of the Committee. In this regard, we urged the Leadership of the Majority Party and the Minority Party as a matter of urgency to harmonize the text of the draft Motion to pave the way for issuance of the Notice of Motion and its consideration by the Houses of Parliament as soon as the Houses resumed after recess.
10. Honourable Members, to this end, it is expected that the Leadership of the Majority and Minority Parties shall proceed to formalise the recognition of the Committee in the manner prescribed in the Standing Orders of both Houses.
11. In conclusion, Honourable Members, I wish to reiterate that as Speakers of the Houses of Parliament, we commit to facilitating the work of the Committee as it embarks on executing this important task. Indeed, we shall, upon the Joint Resolution by the Houses, authorise the respective Clerks of the Houses to facilitate the Committee like every other Committee of Parliament with a secretariat, and any other logistical support, necessary for the effective discharge of the mandate of the committee.
12. Honourable Members, we are also aware that there is ongoing debate that the Committee may also prefer extra-parliamentary processes in conducting the bi-partisan engagements. This is a matter that the Committee may explore and look for ways of finding its place in the Joint Resolution of the Houses.
13. Finally, in the spirit of bipartisanship, I encourage the Members of the Committee to put the interest of the nation ahead of every other consideration when considering matters presented. Indeed, I appreciate the great sacrifice the two co-chairpersons, the Hon. George Murugara, MP and the Hon. (Dr.) Otiende Amollo, SC, CBS, MP, and their respective teams are making to ensure the conclusion of the prodigious task bestowed upon them.
14. In this regard, I quote renowned author James Allen: *“He who would accomplish little must sacrifice little; he who would achieve much must sacrifice much; (and) he who would attain highly must sacrifice greatly.”* I thank you.”

5. PAPERS

The following Papers were laid on the Table –

- (i) The Annual Report and Financial Statements for Kenya Tourism Board for the year ended 2018/2019;
- (ii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2022 and the certificates therein: -
 - (a) Mwea Rice Mills Limited;
 - (b) National Construction Authority;
 - (c) Kenya Tourism Board;
 - (d) Bomas of Kenya Limited;
 - (e) Postal Corporation of Kenya;
 - (f) Kenya Agricultural and Livestock Research Organization;
 - (g) Warehouse Receipt System Council;
 - (h) Kerio Valley Development Authority;
 - (i) Geothermal Development Company Limited;
 - (j) Kenya Plant Health Inspectorate Service;
 - (k) University of Nairobi;
 - (l) Kenya Pipeline Company Limited;
 - (m) Kenya Broadcasting Corporation;
 - (n) Kenya Film Classification Board;
 - (o) Kibabii University;
 - (p) Laikipia University;
 - (q) Kenya Medical Research Institute;
 - (r) Bukura Agricultural College;
 - (s) Anti-Doping Agency of Kenya;
 - (t) Kenyatta National Hospital;
 - (u) National Quality Control Laboratory;
 - (v) National Cancer Institute of Kenya;
 - (w) National Employment Authority;
 - (x) Kenya Cultural Centre;
 - (y) National Commission for Science, Technology and Innovation; and
 - (z) South Eastern Kenya University.
- (iii) Memorandum on the proposed Budget Estimates for the Financial Year 2023/24 and the Medium-Term for the Judiciary and the Parliamentary Service Commission from the National Treasury and Economic Planning;

(The Leader of the Majority Party)

- (iv) Report of the Departmental Committee on Agriculture and Livestock on its inquiry into maize flour subsidy programme for the FY 2022/2023.

(Chairperson, Departmental Committee on Agriculture and Livestock)

- (v) Report of the Budget and Appropriations Committee on its consideration of the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023).

(Chairperson, Budget and Appropriations Committee)

6. NOTICES OF MOTIONS

The following Notice of Motion was given –

Inquiry into Maize Flour Subsidy Programme

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock on its inquiry into maize flour subsidy programme for the FY 2022/2023 *laid on the Table of the House on 7th June, 2023 (Afternoon Sitting)*.

(Chairperson, Departmental Committee on Agriculture and Livestock)

7. QUESTIONS

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

- (i) **Question No. 120 of 2023** by the Member for Embakasi West (Hon. Mark Mwenje, MP) regarding provision of records of all income generating activities of *Umaja One Primary School* for the past year, whether the recruitment of non-teaching staff to operate the said activities was competitive and reasons why the Board of Management is yet to approve projects proposed by NG-CDF.
- (ii) **Question No. 121 of 2023** by the Member for Samburu East (Hon. Jackson Lekumontare, MP) regarding provision of a list of secondary schools in Samburu East Constituency that have not been supplied with course books and when the Government will avail the said books to the affected schools.
- (iii) **Question No. 122 of 2023** by the Member for Nyakach (Hon. Aduma Owuor, MP) regarding actions being taken by the Ministry to avert acts of nepotism, mismanagement and violations of the Ministry's guidelines relating to acquisition and disposal of school assets as well as recruitment of non-teaching and casual staff in schools across the country.
- (iv) **Question No. 123 of 2023** by the Member for Teso South (Hon. Mary Emaase, MP) regarding actions by the Ministry to address the contradiction in Guideline 8.6(i) and Guideline 8.6(iii) relating to the implementation of Junior Secondary Schools Education which specifically states the responsibility of parents and leadership of JSS in ensuring retention of learners especially from needy backgrounds in schools through the feeding programme instead of subjecting them to paying lunch fees.
- (v) **Question No. 124 of 2023** by the Member for Machakos County (Hon. Joyce Kamene, MP) regarding the amount of money the Ministry received towards the provision of sanitary towels to school girls in the FY 2017/2018 to 2022/2023 and the criteria used to distribute the said allocations among the 47 counties.
- (vi) **Question No. 125 of 2023** by the Member for Ol Joro Orok (Hon. Michael Muchira, MP) regarding information on the number and percentage of pupils who transited to Junior Secondary Schools and Form One respectively and those who are yet to report in 2023 academic year and measures by the Ministry to locate children who are yet to join JSS/Form One to ensure attainment of 100% transition.

- (vii) **Question No. 126 of 2023** by the Member for Bonchari (Hon. Charles Onchoke, MP) regarding status report on the construction of classrooms under the Competency Based Curriculum (CBC) Phase II in ten schools in Bonchari Constituency, when the construction of classrooms in *Botoro*, *Ekerubo* and *Mogumo* Secondary Schools that were ready for use in January 2023 will commence, when the contractors will be paid and plans to construct adequate classrooms for JSS in Bonchari Constituency in order to ease congestion.
- (viii) **Question No. 127 of 2023** by the Member for Mathioya (Hon. Edwin Mugo, MP) regarding delay in distribution of books flagged off in January 2023 for Grade 7/JSS learners in public schools, provision of a detailed report on capitation grant received towards purchase of textbooks and actual amount of purchase of the said textbooks across the country and strategies put in place by the Ministry to address challenges faced by NEMIS specifically the issue of variance in the number of learners in the system versus the actual learners in schools that has occasioned reduction of capitation and over capitation in others.

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

- (ix) **Question by Private Notice No. 007 of 2023** by the Member for Samburu West (Hon. Naisula Lesuuda, MP) regarding the amount of money that was disbursed to each private university for government-sponsored students in the financial year 2022/2023 and the amount of money proposed to be allocated to each private university in the Financial Year 2023/2024, listing the amount of funds per university.

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

b) The following Question was deferred-

- (i) **Question No. 245 of 2023** by the Member for Gatundu South (Hon. Gabriel Kagombe, MP) regarding measures pursued by the Government to ensure children with autism obtain equal access to education.

8. REQUEST FOR A STATEMENT PURSUANT TO THE PROVISIONS OF STANDING ORDER 44(2)(C)

The Member for Kilgoris (Hon. Julius Ole Sunkuli, MP) requested for a Statement regarding ongoing clashes in Transmara.

*(Statement referred to the Departmental Committee on
Administration & Internal Security)*

9. MOTION – CONSIDERATION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR TWENTY-SIX CONSTITUENCIES

Motion made and Question proposed-

THAT, this House adopts the Report of the Decentralized Funds Accounts Committee on the consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for Twenty-Six Constituencies in the Counties of Mombasa, Kilifi, Kwale, Taita Taveta, Lamu and Tana River for financial years 2013/2014, 2014/2015, and 2015/2016, laid on the Table of the House on Tuesday, 25th April, 2023.

(The Chairperson, Decentralized Funds Accounts Committee – 02.05.2023)

Debate on the Motion having been concluded on Tuesday, 6th June, 2023;

Question put and agreed to.

10. SPECIAL MOTION - CONSIDERATION OF NOMINEE FOR APPOINTMENT AS THE GOVERNOR OF THE CENTRAL BANK OF KENYA

Motion made and Question proposed-

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the vetting of a nominee for the appointment as the Governor of the Central Bank of Kenya, *laid on the Table of the House on Tuesday, 6th June 2023*, and pursuant to section 13(1) of the Central Bank of Kenya Act (CAP 491) and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Dr. Kamau Thugge, CBS** as the Governor of the Central Bank of Kenya.

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

There being no debate arising;

Question put and agreed to;

House resolved accordingly.

11. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2019)

(The Leader of Majority and The Leader of Minority)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127.

12. MOTION – CONSIDERATION OF THE BUDGET ESTIMATES FOR FOR THE FINANCIAL YEAR 2023/2024 (General Debate – Day 1)

Motion made and Question proposed-

THAT, this House **adopts** the Report of the Budget and Appropriations Committee on Budget Estimates for the National Government, the Judiciary and Parliament for the Financial Year 2023/2024, *laid on the Table of the House on Tuesday, 6th June 2023*, and pursuant to the provisions of Article 221 of the Constitution, section 39 of the Public Finance Management Act, 2012 and Standing Order 239-

- (i) approves the issuance of a sum of **Kshs. 2,308,410,784,957** from the Consolidated Fund to meet the expenditure during the year ending 30th June 2024 in respect of the Votes contained in the First Schedule, subject to paragraph (iv) (*Committee of Supply*);

- (ii) makes the **policy resolutions** as contained in the Second Schedule of the Order Paper;
- (iii) makes **financial resolutions** as contained in the Second Schedule of the Report; and
- (iv) 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*).

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

Question put and agreed to;

House resolved accordingly.

13. HOUSE ROSE - at three minutes past Seven O'clock,

MEMORANDUM

The Speaker will take the Chair on
Thursday, June 08, 2023, at 2.30 p.m.

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