



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, MARCH 5, 2024 AT 2.30PM (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 Rt. Honourable Speaker made the following Communications to the House–

(i) Bicameral Relations Between the two Houses of Parliament

“Honourable Members, you will recall that when I took the oath of office and assumed the role of the Speaker of the National Assembly on Thursday, 8th September 2022, I also solemnly undertook to uphold comity between the two Houses of Parliament and between the National Assembly and other arms of Government.

In undertaking to ensure the improvement of bicameral relations between the two Houses, I was cognizant of the unpleasant disputes relating to the processing of legislative business between the Houses. Regrettably, the disputes culminated in court action that is currently on Appeal at the Supreme Court of Kenya.

Subsequent to my election, I have consistently engaged the Leadership of the House and the Leadership of the Senate in discussions to reach an amicable resolution of outstanding matters relating to the processing of legislative business, between the Houses.

I am glad to note that the Leadership of Parliament is united in its abhorrence to previous incidences where the Houses have publicly exhibited discord and division while engaging each other on respective mandates of the Houses.

Honourable Members, I therefore wish to inform the House that the Leadership of Parliament, comprising the Speaker of the National Assembly and the Speaker of the Senate, and the Leader of the Majority and Minority of the National Assembly, Senate Majority and Minority leaders met on Thursday, 29th February 2024. As part of the agenda, the meeting deliberated on enhancing bicameral relations between the two Houses.

Honourable Members, the meeting addressed the status of the ongoing litigation between the Houses, noting that the Supreme Court of Kenya granted the Houses an extension of one hundred and twenty (120) days to engage in out-of-court negotiations and record consent.

Further, Honourable Members, the Leadership of Parliament observed the tremendous progress made in the negotiations and interrogated various options for formalizing the processing of legislative business in Parliament. In this regard, the Leadership noted that the National Assembly is already seized of the Houses of Parliament (Bicameral Relations) Bill, 2023 (National Assembly Bill No. 44 of 2023), which is sponsored by the Hon. Samuel Chepkong'a, M.P. The Bill was read a First Time on 17th August, 2023.

For purposes of expeditiously arriving at a legislative solution to govern bicameral matters, the Leadership of Parliament adopted the Houses of Parliament (Bicameral Relations) Bill, 2023, as the lead/compromise Bill on bicameral relations.

In addition, the leadership of both Houses of Parliament agreed that the National Assembly would fast-track the processing of the Bill. Once passed by the House, the Bill shall be promptly referred to the Senate, with a view to conclude its consideration soonest possible.

In the spirit of fostering comity between the Houses, the Leadership of Parliament further resolved to engage in Alternative Dispute Resolution (ADR) mechanisms in any future bicameral disputes before resorting to court action. This will ensure that bicameral matters are addressed internally in a manner that upholds and respects the privilege of Parliament.

Honourable Members, I have conveyed the resolutions of the Leadership of Parliament to the House Business Committee at its meeting held today, Tuesday, 5th March 2024. I wish to report that the House Business Committee adopted the letter and spirit of the resolutions by the Leadership of Parliament. Further, the Committee resolved to prioritize the Second Reading, Committee Stage, and Third Reading of the Houses of Parliament (Bicameral) Relations Bill, 2023. This shall enable the House to conclude with the Bill before it proceeds for the Easter Recess that is scheduled to commence on Friday, 22nd March 2024.

Honourable Members, the meeting of the Leadership of Parliament and its resolutions reflect the shared commitment of the two Houses to the seamless processing of legislative business. Both my counterpart Speaker and I have accorded key priority to the amicable resolution of disputes between the Houses.

Honourable Members, As aptly observed by the Leader of the Majority Party at the meeting of the Leadership, both I and the Speaker of the Senate have served in the National Assembly and the Senate. You will agree with me that no other persons are best placed to ensure that the Houses of Parliament uphold comity and maintain the best of relations as contemplated by the framers of the Constitution.

Honourable Members, in light of the foregoing resolutions by the Leadership of the Houses of Parliament and the House Business Committee, I, therefore, direct the Departmental Committee on Justice and Legal Affairs to urgently conclude its consideration of the Houses of Parliament (Bicameral Relations) Bill, 2023 and table its Report on the Bill on or before Tuesday, 12th March, 2024 for the reasons given. The House is accordingly guided. I thank you”

(ii) Actualization of the Recommendations of the National Dialogue Committee on Amendment to the Constitution

“Honourable Members, as you are aware, the National Dialogue Committee was established by the National Assembly and the Senate vide Resolutions passed on 16th August 2023 and 29th August 2023, respectively. The Committee was established to, among other things, *“facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.”*

The National Dialogue Committee was to submit its report to Parliament and the leadership of the *Kenya Kwanza* and *Azimio One Kenya* Coalition on constitutional, legal and policy reforms connected to the identified issues of concern to the people of Kenya. Upon conclusion of the national dialogue process, the Committee tabled its Report to Parliament for consideration,

Honourable Members, the Report, which contained various recommendations including proposals to amend the Constitution and various statutes, was adopted by the National Assembly on 22nd February 2024. Similarly, the Senate adopted the NADCO report on 21st February 2024.

Honourable Members, at meetings held on Tuesday, 27th February 2024 and Thursday, 29th February 2024, the Speakers of the Houses of Parliament and the Leaders of the Majority and Minority Parties in both the National Assembly and the Senate deliberated on modalities for implementing the recommendations contained in the Report. The meetings agreed that –

- (a) The proposals to amend the Constitution as contained in the NADCO Report be referred to the Departmental Committee on Justice and Legal Affairs of the National Assembly and the Senate Standing Committee on Justice, Legal Affairs and Human Rights for consideration;
- (b) The following legislative proposals be introduced in the National Assembly –
 - (i) The Independent Electoral and Boundaries Commission (Amendment) Bill, 2024;
 - (ii) The Ethics and Anti-Corruption Commission (Amendment) Bill, 2024;
 - (iii) The Leader of Opposition Bill, 2024; and
 - (iv) The National Government Coordination (Amendment) Bill, 2024.
- (c) The following legislative proposals be introduced in the Senate –
 - (i) The Elections Offences (Amendment) Bill, 2024;
 - (ii) The Elections (Amendment) Bill, 2024;
 - (iii) The Statutory Instruments (Amendment) Bill, 2024; and
 - (iv) The Political Parties (Amendment) Bill, 2024.
- (d) The Clerks of the Houses of Parliament to communicate to other entities, the recommendations that require action by the said entities.

Honourable Members, noting the clear roadmap adopted by the leadership of the Houses of Parliament, I take this opportunity to thank the Speaker of the Senate, and the Leaders of the Majority and Minority Parties in the National Assembly and the Senate, for their steadfast commitment and for providing a clear strategy to actualize the recommendations of the Report.

Having said that Honourable Members, it is noted that Article 256 of the Constitution requires that any proposed amendments to the Constitution shall be considered by both Houses of Parliament. In this regard and following consultation with the Speaker of the Senate, Leadership of the Houses of Parliament, the proposals to amend the Constitution and to various statutes as contained in the Report of the National Dialogue Committee now stand referred to the Departmental Committee on Justice and Legal Affairs.

Honourable Members, I direct the Departmental Committee on Justice and Legal Affairs of the National Assembly to hold joint sittings with the Senate Standing Committee on Justice, Legal Affairs and Human Rights, in accordance with the National Assembly Standing Order 202A and the Senate Standing Order 230. The two Committees are required to expeditiously consider the proposals to amend the Constitution and recommend to the Houses, the manner of actualizing the recommendations of the National Dialogue Committee.

Honourable Members, it is further noted that the proposals to amend the Constitution may necessitate further amendments to, or enactment of new statutes. In this regard, any proposed amendments to new statutes that are consequential to the proposals to amend the Constitution shall also stand referred to the two Committees.

Honourable Members, the need to ensure that due process in the enactment of legislation as provided in the law and the Standing Orders of both Houses of Parliament, cannot be gainsaid. The two Committees are therefore directed to ensure strict adherence to the due process in considering the proposed amendments during the joint sittings. Finally, this matter being one of immense importance and public interest, the Committees are directed to undertake the assignment expeditiously and to submit a report within forty-five (45) days from today. I thank you.”

(iii) Recognition of Members of the East African Legislative Assembly attending the 3rd Meeting of the 2nd Session Of the 5th Assembly in Nairobi.

“Honourable Members, I wish to introduce to you a delegation of Members of the East African Legislative Assembly (EALA) who are seated in the Speaker’s Row and the Speaker’s Gallery. The delegation is led by the Speaker of the Assembly, **the Rt. Hon. Joseph Ntakirutimana**. Also present are the Ex - Officio Members including;

- (1) The Hon. Deng Alor KUOL, Minister of East African Community Affairs (South Sudan) and Chairperson, EAC Council of Ministers;
- (2) The Hon. Peninah Malonza, Cabinet Secretary, Ministry of East African Community (EAC), ASALs and Regional Development (Kenya);
- (3) The Hon. Gen. (Rtd) James Kabarebe, Minister of State for Foreign Affairs in charge of Regional Cooperation (Rwanda);

- (4) The Hon. (Dr.) Peter Mutuku MATHUKI, Secretary General, East African Community; and
- (5) The Hon. Dr. Anthony L. KAFUMBE, Counsel to the Community, East African Community.

Honourable Members, While I may not recognise every Member present by name, I wish to acknowledge the Regional Chapters represented by the following Chapter Chairs -

- (1) From the Republic of Burundi, the Hon. KARERWA Mo-Mamo - Chair Chapter and Member, EALA Commission;
- (2) From the Democratic Republic of Congo, the Hon. MASIRIKA NGANIZA Dorothée - Chair Chapter and Commissioner;
- (3) From the Republic of Kenya, the Hon. HASSAN, Hassan Omar - Chair Chapter;
- (4) From the Republic of Rwanda, the Hon. Amb. FATUMA NYIRAKOBWA Ndangiza - Chair Chapter and Commissioner;
- (5) From the Republic of South Sudan, the Hon. Dr. LEONARDO Anne Itto - Chair Chapter;
- (6) From the United Republic of Tanzania, the Hon. KIZIGHA Angela Charles - Chair Chapter and Commissioner; and
- (7) From the Republic of Uganda, the Hon. ODONGO George Stephen - Chair Chapter and Commissioner.

They are accompanied by various Members of staff led by the Deputy Clerk, Mr. John Mutega.

The Members are in Nairobi where they are holding the 3rd Meeting of the 2nd Session of the 5th Assembly which commenced this week and will run from 3rd to 20th March 2024 right here at the Parliament Buildings.

This Meeting, which involves both Plenary and Committees Sittings, is held on rotational basis amongst the East African Community Member States, in accordance with the provisions of Article 55 of the Treaty for the establishment of the East African Community.

Honourable Members, the Sittings will amongst other things, deliberate on important regional matters, legislations proposed for harmonization, and strategies to bolster socio-economic development within the East African region. In addition, EALA's commitment to promoting the principles of good governance, democracy, and regional peace will remain at the core of the House discussions during this critical session.

Indeed, the Meeting was officially opened and addressed by His Excellency (Dr.) William S. Ruto, CGH, President of the Republic of Kenya and Commander-in-Chief of the Defence Forces during a Special Sitting held today morning Tuesday, 5th March 2024.

Honourable Members, on my behalf and that of the National Assembly, I welcome them to the Country and wish them fruitful engagements during their Sittings in Nairobi. I thank you.”

5. PAPERS LAID

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

- (a) Legal Notice No. 23 of 2023 relating to the Land Adjudication (Amendment) Regulations, 2023 and the Explanatory Memorandum;
- (b) Legal Notice No. 24 of 2023 relating to the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, 2023 and the Explanatory Memorandum;
- (c) Legal Notice No. 25 of 2023 relating to the Survey (Electronic Cadastre Transactions) (Amendment) Regulations, 2023 and the Explanatory Memorandum;
- (d) Legal Notice No. 26 of 2023 relating to the Valuers (Forms and Fees) (Amendment) Rules, 2023 and the Explanatory Memorandum;
- (e) Legal Notice No. 27 of 2023 relating to the Land (Amendment) Regulations, 2023 and the Explanatory Memorandum;
- (f) Legal Notice No. 28 of 2023 relating to the Community Land (Amendment) Regulations, 2023 and the Explanatory Memorandum;
- (g) Legal Notice No. 29 of 2023 relating to the Survey (Amendment) Regulations, 2023 and the Explanatory Memorandum;
- (h) Legal Notice No. 35 of 2023 relating to the Land Registration (Revocation) (Amendment) Regulations, 2023 and the Explanatory Memorandum; and
- (i) Legal Notice No. 36 of 2023 relating to the Land Registration (General) (Amendment) Regulations, 2023 and the Explanatory Memorandum
- (j) The Fourth Quarterly report of the Ethics and Anti-Corruption Commission for the year ended 2023 covering the period 1st October, to 31st December, 2023 from the Office of the Attorney-General & Department of Justice;
- (k) Reports of the Auditor-General and Financial Statements on Criminal Assets Recovery Fund – Assets Recovery Agency for the years ended 30th June, 2019, 30th June, 2020 and 30th June, 2021;
- (l) Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 and the certificates therein in respect of:
 - (i) Intergovernmental Relations Technical Committee;
 - (ii) The Political Parties Fund;
 - (iii) State Department for Industry;
 - (iv) State Department for Shipping Maritime Affairs;
 - (v) State Department for Housing and Urban Development;
 - (vi) Receiver of Revenue Statements – State Department for Lands and Physical Planning;
 - (vii) Independent Electoral and Boundaries Commission;
 - (viii) National Gender and Equality Commission;
 - (ix) Warehouse Receipt System Council;
 - (x) Veterinary Medicines Directorate;
 - (xi) Kenya Leather Development Council;
 - (xii) Agriculture and Food Authority;
 - (xiii) National Cereals and Produce Board Staff House Mortgage Fund;
 - (xiv) Universities Fund;

- (xv) Jomo Kenyatta Foundation; and
- (xvi) The Judiciary Fund.

(Deputy Leader of the Majority Party)

- a) Report of the Budget & Appropriations Committee on the Budget Policy Statement for the FY 2024/2025 and the Medium-Term.

(Chairperson, Budget & Appropriations Committee)

6. NOTICES OF MOTION

The following Notice of Motion was given –

Report on the Budget Policy Statement for the FY 2024/2025 and the Medium-Term

THAT, this House adopts the Report of the Budget & Appropriations Committee on the Budget Policy Statement for the FY 2024/2025 and the Medium-Term.

(Chairperson, Budget & Appropriations Committee)

7. PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF SPECIFIED BILLS

Motion made and Question proposed;

THAT, pursuant to the provisions of Standing Order 120(1)(c), this House resolves to reduce the publication period of Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024 from fourteen (14) days to one (1) day.

(The Hon. Kimani Ichung’wah, EGH, MP – Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

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

Motion having been made and Question proposed;

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

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

Debate having been concluded on Thursday, February 29, 2024;

Mover having replied;

Question put and negatived.

9. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2024)

(The Leader of the Majority Party and the Leader of the Minority Party)

Order for First Reading read;

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

10. MOTION – APPOINTMENT OF MEMBERS TO THE COMMITTEE OF POWERS AND PRIVILEGES

Motion made and Question proposed –

THAT, pursuant to the provisions of Section 15(1)(a)(ii) of the Parliamentary Powers and Privileges Act, 2017 and Standing Order 175(3), this House approves the appointment of the following Members to the Committee of Powers and Privileges, in addition to the one specified under Paragraph 1(a)(i) of the said Act:

- (i) The Hon. Joseph Lekuton, CBS, M.P.
- (ii) The Hon. Farah Maalim, EGH, M.P.
- (iii) The Hon. Festus Mwangi Kiunjuri, EGH, M.P.
- (iv) The Hon. Samwel Moroto Chumel, CBS, M.P.
- (v) The Hon. Edward Wakili Muriu, M.P.
- (vi) The Hon. Samuel Gonzi Rai, M.P.
- (vii) The Hon. Fabian Kyule Muli, M.P.
- (viii) The Hon. Jayne Wanjiru Njeri Kihara, M.P.
- (ix) The Hon. John Philip Gichohi Kaguchia, M.P.
- (x) The Hon. Mishu Juma Khamisi Mboko, CBS, M.P.
- (xi) The Hon. Jessica Nduku Kiko Mbalu, CBS, M.P.
- (xii) The Hon. Rose Museo Mumo, M.P.
- (xiii) The Hon. James Onyango Oyoo, M.P.; and
- (xiv) The Hon. John Okano Bwire, M.P.

(The Hon. Kimani Ichung'wah, EGH, MP – Chairperson, Committee on Selection)

There being no debate arising;

Question put and agreed to.

11. MOTION – APPOINTMENT OF MEMBERS TO THE COMMITTEE ON MEMBERS' SERVICES AND FACILITIES

Motion made and Question proposed –

THAT, pursuant to the provisions of the Standing Orders 175(3) and 212B, this House approves the appointment of the following Members to the Committee on Members' Services and Facilities:-

- (i) The Hon. Stephen Wachira Karani, M.P.
- (ii) The Hon. Feisal Abdallah Bader Salim, M.P.
- (iii) The Hon. Owen Yaa Baya, CBS, M.P.
- (iv) The Hon. Col (Rtd) Dido Ali Rasso, M.P.
- (v) The Hon. Peter Lochakapong', M.P.
- (vi) The Hon. Brighton Leonard Yegon, M.P.
- (vii) The Hon. Anne Wanjiku Mugo Muratha, M.P.
- (viii) The Hon. Charity Kathambi Chepkwony, M.P.

- (ix) The Hon. Jerusha Momanyi Mongina, M.P.
- (x) The Hon. Odhiambo Elisha Ochieng, M.P.
- (xi) The Hon. Ruth Adhiambo Odinga Busia, M.P.
- (xii) The Hon. Robert Ngui Basil, M.P.
- (xiii) The Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
- (xiv) The Hon. Paul Abuor, M.P.
- (xv) The Hon. Elsie Busihile Muhanda, M.P.

(The Hon. Kimani Ichung'wah, EGH, MP – Chairperson, Committee on Selection)

There being no debate arising;

Question put and agreed to.

12. MOTION – CHANGES TO COMMITTEE MEMBERSHIP

Motion made and Question proposed –

THAT, further to the resolution of the House of Thursday, 27th October 2022 appointing Members into various Committees and pursuant to the provisions of Standing Order 173, this House further approves the appointment of **Hon. Paul Abuor, MP** to replace the **Hon. Peter Kalerwa Salasya, MP** in the Departmental Committee of Regional Development:-

There being no debate arising;

Question put and agreed to.

13. MOTION – REPORT ON THE CONSIDERATION OF THE 2024 MEDIUM-TERM DEBT MANAGEMENT STRATEGY

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Public Debt and Privatization Committee on its consideration of the 2024 Medium-Term Debt Management Strategy, *laid on the Table of the House on Thursday, 29th February 2024* and pursuant to the provisions of section 15(4) of the Public Finance Management Act, 2012 and Standing Order 232A (7) and (8) –

- a) **approves** the 2024 Medium-Term Debt Management Strategy; and
- b) makes the **Policy and Financial Resolutions** contained in the Schedule to the Order Paper.

(The Hon. Mohamed Shurie, MP – Chairperson, Public Debt & Privatization Committee)

Debate arising;

(Change of Chair from the Rt. Hon. Speaker to the Deputy Speaker)

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

Mover replied;

Putting of the Question deferred pursuant to the provisions of Standing Order 53(3).

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;

(The Hon. David Gikaria, CBS, MP – Chairperson, Departmental Committee on Environment, Forestry and Mining)

Debate arising;

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

15. HOUSE ROSE - at Seven O'clock.

MEMORANDUM

The Speaker will take the Chair on
Wednesday, March 06, 2024 at 9.30am

---x---