

**Thirteenth Parliament  
(No.34)**

**First Session  
(475)**



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – FIRST SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, DECEMBER 1, 2022**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. Presiding – the Hon. Speaker

4. **COMMUNICATION FROM THE CHAIR**

i. **THE STATEMENT BY THE NATIONAL TREASURY AND ECONOMIC PLANNING ON THE STATUS OF DISBURSEMENT OF NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUNDS FOR THE FINANCIAL YEAR 2022/2023**

Honourable Members, I wish to bring to your attention the fact that I have received a Statement from the Cabinet Secretary for the National Treasury and Economic Planning regarding the effect of the Supreme Court's decision on the matter of the National Government Constituencies Development Fund (NG-CDF) Act and the accrued liabilities of the Constituencies Development Fund (CDF) and NG-CDF.

Hon. Members, the Cabinet Secretary, in his statement, reports that the Attorney General has advised as follows:

- (i) THAT, all liabilities properly incurred by the CDF and the NG-CDF before the decision of the Supreme Court should be settled by the National Government;

(ii) THAT, the NG-CDF Act of 2015 has itself not been expressly declared unconstitutional despite the observations by the Supreme Court. The matter of the constitutionality or otherwise of the Act is a matter still pending determination by the High Court in *Wanjiru Gikonyo and Another versus The National Assembly and Eight Others* (2016) eKLR, and as such, express declaration may only be made by the High Court in line with its jurisdiction pursuant to Article 165(3) of the Constitution;

(iii) THAT, with regard to the matter of Interim Independent Electoral Commission (2011) eKLR, the Supreme Court held that, and I quote, “Quite clearly, the High Court has been entrusted with the mandate to interpret the Constitution. This empowerment by itself, however, does not confer upon the High Court an exclusive jurisdiction: for, by the appellate process, both the Court of Appeal and the Supreme Court are equally empowered to interpret the Constitution, certainly in respect of matters resolved at first instance by the High Court. Only where litigation takes place entailing issues on constitutional interpretation, must the matter come in the first place before the High Court, with the effect that interpretation of the Constitution by both the Court of Appeal and the Supreme Court will have been limited to the appellate stages.”

Honourable Members, based on the foregoing guidance, the Attorney General has therefore advised that the NG-CDF Act of 2015 technically remains in force until such express declaration is formally made by the High Court or other Superior Courts as may be seized of the matter on appeal.

In light of the advice from the Attorney General, the National Treasury and Economic Planning confirms that it will commence disbursement to the NG-CDF by tranches of Ksh. 2 Billion on a weekly basis with effect from 9th December 2022, and will have disbursed a total of 44.289 Billion by the 23rd week of disbursement.

**ii. ON SUSPENSION OF COMMITTEE SITTINGS DURING THE LONG RECESS**

Hon. Members, as notified in today’s Order Paper, at the rise of this Sitting, the House is scheduled to proceed on its long recess from tomorrow, Friday, 2nd December, 2022 to resume its sittings on Tuesday, 14th February, 2023 in accordance with its Calendar as approved on 12th October, 2022. Today’s sittings therefore mark the conclusion of regular Sittings of this Part of the First Session of the Thirteenth Parliament. Tomorrow will be the beginning of a well-deserved break, after the smooth take off of the Thirteenth Parliament.

Honourable Members, during this session, we have managed to transact key businesses of the House, including swearing in of Members, establishment of Committees, vetting and approval of Cabinet Secretaries and vetting of Principal Secretaries, among other business.

A more comprehensive report on the activities of the House will be contained in the Session Report on Business of the Assembly, which is being prepared by the Clerk.

Honourable Members, as an established practice, committee activities are usually interrupted during this long recess. In this regard, the House is notified that all committee activities shall stand suspended from Monday, 19th December, 2022 to Monday, 16th January, 2023. Consequently, no committee activities shall be conducted during the said period unless special consideration is granted by my office upon written request.

In order to safeguard business with statutory timelines from lapsing during the period, the counting of days for such businesses shall cease and resume when the House first sits for the Second Session on 14th February 2023. I hasten to remind Members that should need arise for the House to be recalled to transact any urgent business pursuant to Standing Order 29, you will be notified accordingly.

Honourable Members, I wish to sincerely thank the Leadership of the House, Members of this House and staff for the diligence and commitment exhibited with during processing and transaction of business, both in plenary and in Committees throughout the Session.

I also wish to thank you, Honourable Members for settling down pretty fast and for focusing on the collective duty of this House notwithstanding the divergent political shades of opinion that defined the hotly contested general election.

In conclusion, Honourable Members, as you proceed to attend to your constituents and spend time with your families during the holiday season, I take this early opportunity to wish you all a happy festive season as well as a prosperous new year, 2023.

## **5. PAPERS LAID**

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

- a) Memorandum on the ratification of the African Union Treaty for the establishment of the African Medicines Agency (AMA);
- b) Annual report for the Financial Year 2020/2021 for the Parliamentary Service Commission;
- c) Reports of the Auditor General and Financial Statements for the year ended 30<sup>th</sup> June, 2021 and their Certificates therein:
  - (i) Kitale National Polytechnic;
  - (ii) Bungoma north National Polytechnic and Vocational College
  - (iii) Lugari Diploma Teachers Technical College
  - (iv) Mathioya Technical and Vocational College
  - (v) Kenya School of Government
  - (vi) Institute of Human Resource Management
  - (vii) National Housing Corporation
  - (viii) Lake Basin Development Authority

- (ix) Kenya Urban Roads Authority
- (x) Kenya National Highways Authority
- d) Reports of the Auditor General and Financial Statements for the following institutions for the year ended 30<sup>th</sup> June, 2021 and their Certificates therein
  - (i) Rangwe
  - (ii) Suba South
  - (iii) Kitutu chache
  - (iv) South Mugirango
  - (v) Taveta
  - (vi) Kilifi
  - (vii) Likono
  - (viii) Mvita
  - (ix) Bonchari
  - (x) Awendo

*(The Leader of the Majority Party)*

## **6. QUESTIONS**

The following Questions were asked-

- (a) Question No. 088 of 2022 by the *Member for Saboti (Hon. Caleb Amisi, MP)* seeking response from the Attorney General regarding the circumstances under which the defunct Barclay Bank of Kenya Limited rebranded and registered as Absa Kenya Limited in 2017 considering that the Absa name was already registered and patented in 2007, issued with a Certificate of Incorporation No.C130654 whose Director is one Mr. Edward Njuguna, and the patent renewed in 2007 for a ten-year period?

*(To be replied to by the Attorney General before the Departmental Committee on Finance and National Planning)*

- (b) Question No. 090 of 2022 by the *Member for Nyeri County (Hon. Rahab Mukami, MP)* to the Cabinet Secretary for Water, Sanitation & Irrigation regarding the status of the approved but stalled Naromoru and Karemuru dams in Kieni, Nyeri County.

*(To be replied to by the Cabinet Secretary for Water, Sanitation & Irrigation before the Departmental Committee on Blue Economy and Irrigation)*

## **7. STATEMENTS**

The following statement was requested-

Pursuant to Standing Order 44(2) (c), *Member for Kiambaa Constituency (Hon. John Kwanjiku, M.P.)* requested a Statement from the Chairperson, Departmental Committee on Health regarding cases of negligence and malpractices in the Country.

The following response to Statement was issued: -

Pursuant to provisions of Standing Order 44(2) (b) the Chairperson, Departmental Committee on Administration and Internal Affairs (Hon. Gabriel Tongoyo, M.P) regarding insecurity and invasion of cattle herders in Kitui County.

**8. PROCEDURAL MOTION - EXTENSION OF SITTING**

Motion made and Question proposed -

**THAT**, pursuant to the provisions of Standing Order 30(3)(a), this House resolves to extend the sitting time for today's Afternoon sitting until conclusion of business appearing on the Order Paper.

*(The Leader of the Majority Party)*

Debate arose.

Question put and agreed to.

Motion having been agreed to, Members rose in their place to claim a division. The Members being more than thirty, the Speaker allowed Division.

Division done-

AYES - 96; NOES: 19

**9\*. MOTION - CONSIDERATION OF THE REPORT ON STATUTORY INSTRUMENTS (EXEMPTION FROM EXPIRY) REGULATIONS, 2022**

**THAT**, pursuant to the provisions of section 21(2) of the Statutory Instruments Act, 2013, **approves** the Statutory Instruments (Exemption from Expiry) Regulations, 2022 published as *Legal Notice No. 214 of 2022*.

*(The Chairperson, Committee on Delegated Legislation)*

**10\*. MOTION - CONSIDERATION OF THE REPORT ON STATUTORY INSTRUMENTS (EXEMPTION FROM EXPIRY) REGULATIONS, 2022**

Motion made and Question proposed -

**THAT**, taking into consideration the findings of the Departmental Committee on Delegated legislation on its consideration of the Statutory Instruments (Exemption from Expiry) Regulations, 2022, and pursuant to the provisions of section 21(2) of the Statutory Instruments Act, 2013, as read together with the Revision of Laws Act (Cap.1), **approves** the Statutory

Instruments (Exemption from Expiry)(No.2) Regulations, 2022 published as *Legal Notice No. 218 of 2022*.

*(The Chairperson, Committee on Delegated Legislation)*

Debate arising;

Question put and agreed to.

**11\*. MOTION - CONSIDERATION OF THE REPORT ON ADJUSTMENT OF RATES OF EXCISE DUTY FOR INFLATION REGULATIONS, 2022**

**THAT**, pursuant to the provisions of section 10(3) of the Excise Duty Act, 2015, **approves** the Adjustment of Rates of Excise Duty for Inflation Regulations, 2022 published as *Legal Notice No. 176 of 2022*.

*(The Chairperson, Committee on Delegated Legislation)*

Debate arising;

Question put and agreed to.

**12\*. MOTION - CONSIDERATION OF THE REPORT ON ADJUSTMENT OF RATES OF EXCISE DUTY FOR INFLATION REGULATIONS, 2022**

**THAT**, pursuant to the provisions of section 15(4) of the Statutory Instruments Act, 2013, **approves** the Adjustment of Rates of Export Levy for Inflation Regulations, published as *Legal Notice No. 177 of 2022*.

*(The Chairperson, Committee on Delegated Legislation)*

Debate arising;

Question put and agreed to.

**13\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Administration and Internal Affairs in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Julius Korir** – State Department for Cabinet Affairs;

- (ii) **Ms. Aurelia Rono** – State Department for Parliamentary Affairs;
- (iii) **Mr. Raymond Omollo** – State Department for Interior & National Administration;
- (iv) **Amb. (Prof) Julius Bitok** – State Department for Citizen Services; and
- (v) **Ms. Esther Ngero** – State Department for Performance & Delivery Management.

*(The Chairperson, Departmental Committee on Administration and Internal Affairs)*

There being no debate arising;

Question put and agreed to.

**14\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Agriculture & Livestock in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Phillip Kello Harsama** – State Department for Crop Development; and
- (ii) **Mr. Harry Kimtai Kachuwai, CBS** – State Department for Livestock Development.

*(The Chairperson, Departmental Committee on Agriculture & Livestock)*

There being no debate arising;

Question put and agreed to.

**15\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed -

**THAT**, taking into consideration the findings of the Departmental Committee on Blue Economy and Irrigation in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Ms. Betsy Muthoni Njagi** - State Department for Blue Economy & Fisheries;
- (ii) **Mr. Gitonga Mugambi** - State Department for Irrigation;
- (iii) **Dr. Paul Ronoh** - State Department for Water & Sanitation.

*(The Chairperson, Departmental Committee on Blue Economy & Irrigation)*

There being no debate arising;

Question put and agreed to.

**16\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Communication, Information and Innovation in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Prof. Edward Kisiangani** - State Department for Broadcasting & Telecommunication; and
- (ii) **Eng. John Kipchumba Tanui** - State Department for ICT & Digital Economy.

*(The Chairperson, Departmental Committee on Communication, Information and Innovation)*

There being no debate arising;

Question put and agreed to.

**17\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Defence, Intelligence & Foreign Relations in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Patrick Mariru** - State Department of Defence;
- (ii) **Dr. Korir Sing'oei** - State Department for Foreign Affairs;



- (iii) **Ms. Roseline Njogu** - State Department for Diaspora; and
- (iv) **Mr. Abdi Dubat** -State Department for East African  
Community Affairs.

*(The Chairperson, Departmental Committee on Defence, Intelligence & Foreign Relations)*

**18\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Education in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Dr. Belio Kipsang** – State Department for Basic Education;
- (ii) **Ms. Esther Thaara Muoria** – State Department for TVET; and
- (iii) **Ms. Beatrice Inyangala** – State Department for Higher Education & Research.

*(The Chairperson, Departmental Committee on Education)*

There being no debate arising;

Question put and agreed to.

**19\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Energy in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Alex Wachira** – State Department for Energy; and
  - (ii) **Mr. Mohamed Liban** – State Department for Petroleum.
- (The Chairperson, Departmental Committee on Energy)*

There being no debate arising;

Question put and agreed to.

*Change of Chair to the Deputy Speaker.*

**20\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Environment, Forestry and Mining in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Festus Ngeno** – State Department for Environment;
- (ii) **Mr. Ephantus Kimotho** – State Department for Forestry; and
- (iii) **Mr. Elijah Mwangi** – State Department for Mining.

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

There being no debate arising;

Question put and agreed to.

**21\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

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 Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Dr. Chris Kiptoo** – State Department for National Treasury; and
  - (ii) **Mr. James Muhati** – State Department for Economic Planning.
- (The Chairperson, Departmental Committee on Finance & National Planning)*

There being no debate arising;

Question put and agreed to.

**22\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Health in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Eng. Peter Tum** – State Department for Medical Services; and
- (ii) **Dr. Josephine Mburu** – State Department for Health Standards & Professional Management.

*(The Chairperson, Departmental Committee on Health)*

There being no debate arising;

Question put and agreed to.

**23\*. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed –

**THAT**, taking into consideration the findings of the Departmental Committee on Housing, Urban Planning & Public Works in its report on the vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Charles Hinga** – State Department for Housing & Urban Development; and
- (ii) **Mr. Joel Arumonyang** – State Department for Public Works.

*(The Chairperson, Departmental Committee on Housing, Urban Planning & Public Works)*

There being no debate arising;

Question put and agreed to.

**24. SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed: -

**THAT**, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its report on the Vetting of a Nominee for Appointment as Principal Secretary, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of **Ms. Mary Muthoni Muriuki** as Principal Secretary, State Department for Correctional Services.

*(The Chairperson, Departmental Committee on Justice and Legal Affairs)*

No debate arising;

Question put and agreed to.

25. **SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS**

**PRINCIPAL SECRETARIES**

Motion made and Question proposed:-

**THAT**, taking into consideration the findings of the Departmental Committee on Labour in its report on the Vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

**(i) Mr. Geoffrey Kaituko** – State Department for Labour & Skills Development; and

**(ii) Mr. Amos Gathecha** – State Department for Public Service.

*(The Chairperson, Departmental Committee on Labour)*

No debate arising;

Question put and agreed to.

26. **SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed:-

**THAT**, taking consideration the findings of the Departmental Committee on Lands in its Report on the Vetting of a Nominee for Appointment as Principal Secretary, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of **Hon. Nixon Korir** as Principal Secretary, State Department for Lands & Physical Planning.

*(The Chairperson, Departmental Committee on Lands)*

No debate arising;

Question put and agreed to.

27. **SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed:-

**THAT**, taking into consideration the findings of the Departmental Committee on Regional Development in its Report on the Vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Ms. Teresia Mbaika Malokwe** – State Department for Devolution; and
- (ii) **Mr. Idris Dokota** – State Department for ASALs & Regional Development.

*(The Chairperson, Departmental Committee on Regional Development)*

No debate arising;

Question put and agreed to.

28. **SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed:-

**THAT**, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the Vetting of Nominee for Appointment as Principal Secretary, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries-

- (i) **Ms. Veronica Mueni Nduva** – State Department for Gender & Affirmative Action;
- (ii) **Mr. Joseph Mogosi Motari** – State Department for Social Protection & Senior Citizens Affairs; and
- (iii) **Mr. Ismail Madey** – State Department for Youth Affairs.

*(The Chairperson, Departmental Committee on Social Protection)*

No debate arising;

Question put and agreed to.

29. **SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed:-

**THAT**, taking into consideration the findings of the Departmental Committee on Sports & Culture in its Report on the Vetting of Nominee for Appointment as Principal Secretary, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Jonathan Mueke** - State Department For Sports and Arts; and
- (ii) **Mr. Ummy Mohamed Bashir** - State Department for Culture and Heritage.

*(The Chairperson, Departmental Committee on Sports and Culture)*

No debate arising;

Question put and agreed to.

30. **SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed:-

**THAT**, taking into consideration the findings of the Departmental Committee on Tourism and Wildlife in its Report on the Vetting of Nominees for Appointment as Principal Secretary, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. John Olotuaa** - State Department for Tourism; and
- (ii) **Ms. Silvia Museiya Kihoro** - State Department for Wildlife.

*(The Chairperson, Departmental Committee on Tourism and Wildlife)*

No debate arising;

Question put and agreed to.

31. **SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed:-

**THAT**, taking into consideration the findings of the Departmental Committee on Trade, Industry & Cooperatives in its Report on the Vetting of Nominee for Appointment as Principal Secretary, *laid on the Table of the House on Thursday, December 1, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Alfred K'ombundo** – State Department for Trade;
- (ii) **Mr. Abubakar Hassan** – State Department for Investment Promotion
- (iii) **Mr. Juma Mukhwana** – State Department for Industry;
- (iv) **Mr. Patrick Kiburi Kilemi** – State Department for Cooperatives
- (v) **Ms. Susan Mangeni** – State Department for Micro, Small & Medium Enterprises Development

*(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)*

No debate arising;

Question put and agreed to.

32. **SPECIAL MOTION - CONSIDERATION OF NOMINEES FOR APPOINTMENT AS PRINCIPAL SECRETARIES**

Motion made and Question proposed:-

**THAT**, taking into consideration the findings of the Departmental Committee on Transport & Infrastructure in its report on the Vetting of Nominees for Appointment as Principal Secretaries, *laid on the Table of the House on Thursday, December 01, 2022*, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House **approves** the appointment of the following persons as Principal Secretaries –

- (i) **Mr. Joseph Mungai Mbugua** – State Department for Roads;
- (ii) **Mr. Mohammed Daghar** – State Department for Transport; and
- (iii) **Mr. Shadrack Mwadime** – State Department for Shipping & Maritime Affairs.

*(The Chairperson, Departmental Committee on Transport and Infrastructure)*

No debate arising;

Question put and agreed to.

33. **MOTION – CONSIDERATION OF THE REPORT ON A PETITION UNDER STANDING ORDER 230**

Motion made and Question proposed:-

**THAT**, this House **considers and adopts** the Report of the Departmental Committee on Justice and Legal Affairs on petitions by the Republican Liberty Party, Rev. Dennis Ndwiga Nthumbi, Mr. Geoffrey Langat and Mr. Owuor Steve Gerry seeking the removal of four specified Commissioners of the Independent Electoral and Boundaries Commission (IEBC), *laid on the Table of the House on Thursday, December 1, 2022*, **and pursuant to the provisions of Article 251(3) of the Constitution** -

**1. FINDS —**

**a) THAT**, the Petition by the **Republican Liberty Party discloses** serious violations of the Constitution or other laws as a ground for removal of Ms. Juliana Whonge Cherera; Ms. Irene Cherop Masit; Mr. Francis Mathenge Wanderi; and Mr. Justus Abonyo Nyang'aya as Commissioners of the Independent Electoral and Boundaries Commission.

**b) THAT**, the Petition by **Rev. Dennis Ndwiga Nthumbi discloses** serious violations of the Constitution or other laws, gross misconduct, and incompetence as grounds for removal of Ms. Juliana Whonge Cherera; Ms. Irene Cherop Masit; Mr. Francis Mathenge Wanderi; and Mr. Justus Abonyo Nyang'aya as Commissioners of the Independent Electoral and Boundaries Commission.

**c) THAT**, the Petition by **Geoffrey Langat discloses** serious violations of the Constitution or other laws, gross misconduct, and incompetence as grounds for removal of Ms. Juliana Whonge Cherera; Ms. Irene Cherop Masit; Mr. Francis Mathenge Wanderi; and Mr. Justus Abonyo Nyang'aya as Commissioners of the Independent Electoral and Boundaries Commission.

**d) THAT**, the Petition by **Owuor Steve Gerry discloses** serious violations of the Constitution or other laws, gross misconduct, and incompetence as grounds for removal of Ms. Juliana Whonge Cherera; Ms. Irene Cherop Masit; Mr. Francis Mathenge Wanderi; and Mr. Justus Abonyo Nyang'aya as Commissioners of the Independent Electoral and Boundaries Commission.

**2. RESOLVES –**

**(i) THAT**, the Petitions herein together with the materials in support thereof be sent to His Excellency the President pursuant to Article 251 (3) of the Constitution;

**(ii) THAT**, His Excellency the President appoints a tribunal to deal with the matter in accordance with Article 251 (5) of the Constitution; and,

**(iii) THAT**, His Excellency the President suspends the Commissioners herein pending the determination by the tribunal.

*(The Chairperson, Departmental Committee on Justice and  
Legal Affairs)*

Debate arising;

Rising in his place pursuant to Standing Order 95, the Member for Nakuru Town East (Hon. David Gikaria, MP) claimed to move that the Mover be called upon to reply;



Question that the Mover be called upon to reply put and agreed to;

Mover replied;

Question on the Motion put and agreed to.

34. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2022)**

Motion made and Question proposed:-

**THAT,** the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 42 of 2020) be read a Second Time.

*(The Leader of the Majority Party)*

Debate arising;

Rising in his place pursuant to Standing Order 95, the Member for Nakuru Town East (Hon. David Gikaria, MP) claimed to move that the Mover be called upon to reply;

Question that the Mover be called upon to reply put and agreed to;

Mover replied;

Question on the Motion put and agreed to.

35. **COMMITTEE OF THE HOUSE**

Order for Committee read

**IN THE COMMITTEE**

The Deputy Speaker in the Chair

**The Independent Electoral and Boundaries Commission (Amendment) Bill  
(National Assembly Bill No. 42 of 2022)**

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported with amendments.

36. **HOUSE RESUMED** - the Honourable Speaker in the Chair

**The Independent Electoral and Boundaries Commission (Amendment) Bill**  
**(National Assembly Bill No. 42 of 2022)**

Bill reported without amendments;

Motion made and Question proposed –

**THAT**, the House do agree with the Committee in its Report on consideration of the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 42 of 2022).

*(The Leader of the Majority Party)*

No debate arising;

Question put and agreed to.

Motion made and Question proposed –

**THAT**, the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 42 of 2022) be read a Third Time.

*(The Leader of the Majority Party)*

No debate arising;

Question put and agreed to.

Bill read a Third Time and **passed**.

And the time being two minutes past Eight O'clock the House adjourned without Question put pursuant to the Standing Orders.

37. **HOUSE ROSE** - at two minutes past Eight O'clock

**M E M O R A N D U M**

The Speaker will take the Chair on  
Tuesday, February 14, 2022 at 2.30pm

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