



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – SECOND SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, MARCH 01, 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. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Special Audit report of the Auditor- General on Stabilization of refined Petroleum Pump Prices for the Period Between 1<sup>st</sup> April 2021 – 30 June, 2022 from the Ministry of Petroleum and Mining;
- (ii) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 2021 and the certificates therein:
  - a) Pest Control Products Board;
  - b) Chemelil Sugar Company Limited;
  - c) Gatundu South Technical and Vocational College;
  - d) Kenya Agricultural and Livestock Research Organization;
  - e) Kenyatta International Convention Centre;
  - f) Chanzeywe Technical and Vocational College;
  - g) Wanga Technical and Vocational College;
  - h) Koitaleel Samoei University College;
  - i) Sigalagala National Polytechnic;
  - j) Nakuru Rural Water and Sanitation Company Limited;
  - k) Ikutha Technical and Vocational College;
  - l) Kenya Water Institute;
  - m) Eldoret National Polytechnic;
  - n) Simlaw Seeds Company Limited; and
  - o) David Mbiti Wambuli Technical and Vocational College.
- (iii) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 2021 and the certificates therein: -

- a) Ndaragwa;
- b) Kilome;
- c) Masinga;
- d) Kaiti;
- e) Kathiani;
- f) Mbooni; and
- g) Baringo North.

*(The Majority Whip)*

- (iv) Report of the Kenya Delegation to the Pan-African Parliament (PAP) on the proceedings of the First Ordinary Session of the Sixth Parliament.

*(Hon. Esther Passaris, Member of the Delegation)*

- (v) Report of the Departmental Committee on Justice and Legal Affairs on the vetting of a nominee for appointment as Solicitor General of the Republic of Kenya.

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

## **5. NOTICES OF MOTION**

The following Notice of Motions were given –

- (i) **THAT**, this House notes the Report of the Kenya Delegation to the Pan-African Parliament (PAP) on the Proceedings of the First Ordinary Session of the Sixth Parliament, *laid on the Table of the House on Wednesday, 1<sup>st</sup> March, 2023.*

*(The Hon. Esther Passaris, Member of the Delegation)*

- (ii) **THAT**, taking into consideration the findings of the Departmental Committee on Justice & Legal Affairs in its report on the vetting of a nominee for the appointment as Solicitor General of the Republic of Kenya, *laid on the Table of the House on Wednesday, March 01, 2023* and pursuant to the provisions of section 9 of the Office of Attorney General Act, 2012 and section 8(2) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Hon. Shadrack John Mose** as Solicitor-General of the Republic of Kenya.

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

- (iii) **Adjournment of the House for the purposes of discussing the impact of LGBTQ on youths and vulnerable persons in society**

**THAT**, pursuant to the provisions of Standing Order 33(1), I seek leave for the adjournment of the House for the purposes of discussing the impact of LGBTQ on youths and vulnerable persons in society.

*(The Hon. Joshua Mwalyo)*

**6. QUESTIONS**

a) The following Questions were asked –

- (i) Question by Private Notice No. 1/2023 by the Member for Mwingi Central (Hon. Gideon Mulyungi, MP) regarding the number of schools approved and designated as Junior Secondary in Mwingi Constituency, measures that the Ministry has instituted to improve quality of education and performance and consideration by the Ministry to have free feeding programmes in all schools in Mwingi Constituency.

*(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education)*

- (ii) Question No. 004/2023 by the Member for Matungu (Hon. Peter Nabulindo, MP) regarding non-payment of dues estimated at Kshs. 2.3 billion to five hundred (500) former employees of Mumias Sugar Company whose contracts were terminated and their consequent eviction from the Company's houses by Sidai Group despite court orders stopping the said eviction.

*(To be replied by the Cabinet Secretary for Agriculture and Livestock Development before the Departmental Committee on Agriculture and Livestock)*

- (iii) Question No. 005/2023 by the Member for Kiambu (Hon. Machua Waithaka, MP) regarding planned infrastructural development plans to expand Kiambu Road into a dual carriageway and timelines for actualizing the same.

*(To be replied to by the Cabinet Secretary for Roads and Transport before the Departmental Committee on Transport and Infrastructure)*

- (iv) Question No. 006/2023 by the Member for Tharaka (Hon. George Murugara, MP) regarding management of the Curriculum Support Officers (CSOs) as teachers by the TSC yet they offer technical support, why they are graded at a lower cadre of the secretariat staff and why they are never promoted despite the existence of Career Progression Guidelines of 2019.

*(To be replied to by the Teachers Service Commission before the Departmental Committee on Education)*

- (v) Question No. 007/2023 by the Member for Emuhaya (Hon. Omboko Milemba, MP) regarding non-payment of contractors who constructed classrooms meant for Junior Secondary School learners, timely payment of the said contractors, non-certification of certain institutions to host Junior Secondary Schools and extra charges levied by these schools.

*(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education)*

- (vi) Question No. 008/2023 by the Member for Mwingi North (Hon. Paul Nzengu, MP) regarding commencement of construction works at the Tseikuru Airstrip by the Contractor who was awarded Tender Number KAA/OT/TSEIKURU/0119/2021-2022 and timelines for completing the said project.

*(To be replied to by the Cabinet Secretary for Roads and Transport before the Departmental Committee on Transport and Infrastructure)*

b) The following Question was dropped –

Question No. 9/2023 by the Member for Teso North (Hon. Oku Kaunya, MP) regarding unlawful dismissal of Mr. Gabriel Akimwanary Obasie of ID No. 7230285 by the National Industrial Training Authority (NITA).

**7. REQUEST FOR STATEMENT PURSUANT TO THE PROVISIONS OF STANDING ORDER 44(2) (c)**

The Member for Kirinyaga County (Hon. Jane Maina) requested for a Statement regarding the alleged murder of two persons by *Nyumba Kumi* officials in Kirinyaga County.

*(Statement referred to the Departmental Committee on Administration and Internal Affairs)*

**8. PROCEDURAL MOTION - REDUCTION OF PUBLICATION PERIOD OF A BILL**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023) from seven (7) days to one (1) day.

*(Chairperson, Budget and Appropriations Committee)*

There being no Member wishing to contribute;

Question put and agreed to.

**9. THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 4 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(2).

**10. THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed-

**THAT**, the Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023) be now read a Second Time.

*(Chairperson, Budget and Appropriations Committee)*

Debate arising;

Mover replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the Whole House today.

**11. GUIDANCE FROM THE CHAIR**

Before the House proceeded to Committee of the whole House, the Speaker issued the following Guidance on -

**The Proposed Amendments to the Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023)**

**“Honourable Members,**

1. Before the House proceeds to the next Order, which is the consideration of the Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023) in Committee of the whole House, I wish to offer following guidance with respect to amendments proposed by Members and the application of the provisions of Article 114(2) of the Constitution.
2. Honourable Members, I have received notices of proposed amendments from the Chairperson of the Budget & Appropriations Committee, the Hon. Ndindi Nyoro, MP and from the Hon. Patrick King’ola, MP on behalf of the Parliamentary Service Commission for consideration during the Committee of the Whole House on the Supplementary Appropriation Bill, 2023.
3. Honourable Members, as you are aware, Article 114(2) of the Constitution provides that- *if, in the opinion of the Speaker, a motion makes provisions for a matter listed in the definition of “a Money Bill”, the Assembly may proceed only in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary responsible for Finance.* Under sub-article 3 of Article 114, a “money Bill” includes matters that contain provisions dealing with, *inter alia*, the imposition of charges on a public fund; the appropriation, receipt, custody, investment or issue of public money; and, the raising and guaranteeing of any loan or its repayment.

In this regard, a Supplementary Appropriation Bill, being one that deals with appropriation of funds is clearly a money Bill. Therefore, its consideration in the

4. House squarely falls within the confines of Article 114 of the Constitution as well as other provisions relating to processing of legislation in the House.
5. Having said that Honourable Members, as you will notice in today’s Order Paper, the amendments by the Chairperson of the Budget & Appropriations Committee, which seeks to reallocate funds to a programme in one vote (Vote D1104 – State Department for Irrigation) from a programme in another vote (Vote D1109 – Ministry of Water, Sanitation and Irrigation). While the amendments proposed by the Member for Mavoko Constituency on Vote D2043 (Parliamentary Joint Services) and Vote R2042 (The National Assembly) are reallocation across the budget of Parliament and have no net effect on the overall Estimates for the FY 2022/23.

In view of the foregoing, and having consulted the Chairperson of the Budget and Appropriations Committee, I have allowed for the amendments to be moved during the Committee of the whole House on the Bill as there are in line with the provisions of Article 114 of the Constitution. The House is accordingly guided. I thank you.”

**12. COMMITTEE OF THE WHOLE HOUSE****IN THE COMMITTEE**

The Third Chairperson in the Chair

**The Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023)**

Clause 2 - Amendment proposed -

**THAT**, the Bill be amended by deleting Clause 2 and substituting therefor the following new Clause –

<p>Issue of 200,729,733,488 out of the Consolidated Fund for the service of the year ending 30<sup>th</sup> June, 2023.</p>	<p><b>2.</b> The Treasury may issue the sum of two hundred and one billion, fifty-nine million, seven hundred and thirty-three thousand, four hundred and eighty-eight shillings out of the Consolidated Fund and apply it towards the supply granted for the service of the year ending on the 30<sup>th</sup> June, 2023.</p>
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*(Chairperson, Budget and Appropriations Committee)*

Question on the amendment proposed;

Debate arising;

Question on the amendment put and agreed to.

Clause 2 - as amended agreed to.

Clause 3 - agreed to.

Clause 4 - agreed to.

Clause 5 - Amendment proposed -

**THAT**, the Bill be amended by deleting Clause 5 and substituting therefor the following new Clause –

**Reduction of KSh. (143,738,560,978)**

The supply granted for the services of the year ending on 30th June, 2023 in respect of Votes R1021, R1052, R1064, R1068, R1069, R1072, R1081, R1091, R1093, R1094, R1095, R1108, R1109, R1112, R1122, R1123, R1134, R1152, R1162, R1166, R1169, R1174, R1175, R1202, R1213, R1214, R1221, R1222, R1281, R1311, R2011, R2021, R2031, R2042, R2071, R2081, R2101, R2111, R2121, R2131, R2141, R2151, D1021, D1023, D1032, D1041, D1052, D1064, D1065, D1068, D1071, D1081, D1091, D1093, D1094, D1095, D1108, D1109, D1112, D1122, D1123, D1132, D1134, D1152, D1162, D1166, D1174, D1175, D1184, D1194, D1202, D1203, D1213, D1214, D1252, D1271, D2021 and D2091 in accordance with the Appropriation Act, 2022 is reduced by the amounts specified in the third column of the Second Schedule.

*(Chairperson, Budget and Appropriations Committee)*

Question on the amendment proposed;

Debate arising;

Question on the amendment put and agreed to.

Clause 5 - as amended agreed to.

First Schedule - amendment proposed -

**THAT**, the First Schedule be amended in respect of Vote D1104 (State Department for Irrigation)-

- (a) by deleting the figure “Kshs. 13,125,000” appearing under Programme 1015000 (Water Storage and Flood Control) in respect of development estimates and substituting therefor with the figure “Kshs. 113,125,000”; and
- (b) by effecting the consequential amendments thereof.

*(Chairperson, Budget and Appropriations Committee)*

Question on the amendment proposed;

Debate arising;

Question on the amendment put and agreed to.

Further amendment proposed -

**THAT**, the First Schedule be amended in respect of Vote D2043 (Parliamentary Joint Services) –

- (i) by deleting the expression “Kshs. 300,000,000” appearing under Programme 0723000 (General Administration, Planning and Support Services) in respect of development estimates and substituting therefor with the expression “Kshs. 400,000,000”; and
- (ii) by effecting the consequential amendments in the Bill thereof.

*(Hon. Patrick Makau)*

Question for the amendment proposed;

Debate arising;

Question put and agreed to.

First Schedule - as amended agreed to.

Second Schedule - amendment proposed -

**THAT**, the Second Schedule be amended in respect of Vote D1109 (Ministry of Water, Sanitation and Irrigation) –

- (i) by deleting the figure “Kshs. (491,125,000)” appearing under Programme 1015000 (Water Storage and Flood Control) in respect of development estimates and substituting therefor with the figure “Kshs. (591,125,000)”; and
- (ii) by effecting the consequential amendments thereof.

*(Chairperson, Budget and Appropriations Committee)*

Question for the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed -

**THAT**, the Second Schedule be amended in respect of Vote R2042 (The National Assembly) –

- (i) by deleting the expression “Kshs. (100,000,000)” appearing under Programme 0721000 (National Legislation, Representation and Oversight) in respect of recurrent supply estimates and substituting therefor with the expression “Kshs. (200,000,000)”;
- (ii) by effecting the consequential amendments in the Bill thereof.

*(Hon. Patrick Makau)*

Question for the amendment proposed;

Debate arising;

Question put and agreed to.

Second Schedule - as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

**13. HOUSE RESUMED** - The Honourable Speaker in the Chair

Bill reported with amendments.

Motion made and Question proposed -

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023).

*(Chairperson, Budget and Appropriations Committee)*

Motion made and Question proposed-

THAT, the House do agree with the Committee in the said Report.

*(Chairperson, Budget and Appropriations Committee)*

Question put and agreed to.

Motion made and Question proposed –

THAT, the Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023) be now read a Third Time.

*(Chairperson, Budget and Appropriations Committee)*



Debate arising;

Question put and agreed to.

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

**14. MOTION – ADJOURNMENT ON A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE TO DISCUSS THE IMPACT OF LGBTQ ON YOUTHS AND VULNERABLE PERSONS IN SOCIETY**

Motion made -

**THAT**, this House do now adjourn to discuss a definite matter of national importance regarding the impact of LGBTQ on youths and vulnerable persons in society.

*(Hon. Joshua Mwalyo)*

Debate arising;

*(Change of Chair from the Speaker to the Fifth Chairperson)*

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

**15. HOUSE ROSE - at Seven O'clock**

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**MEMORANDUM**

The Speaker will take the Chair on Thursday, March 2, 2023 at 2.30 p.m.

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