



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 02, 2023 AT 2.30 P.M.

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 Communications –

(a) **Prioritization of Bills before Committees**

Honourable Members, as you will recall, on Tuesday, 25th July 2023, I did notify the House on the status of business, especially legislative proposals and Bills published and awaiting consideration by Committees and the House. In my notification, I indicated that at least forty (40) Bills by individual Members had been published for consideration by the House. In addition, there are two hundred and sixty-eight (268) legislative proposals that have been sponsored by Members of this House, of which sixty-five (65) are undergoing pre-publication scrutiny by various Committees.

Honourable Members, the House Business Committee took cognizant, that under C, Committees are expected to prioritize the consideration of Bills and legislative proposals. To this end, I urge all Committees to prioritize the consideration of Bills and legislative proposals undergoing pre-publication scrutiny. For greater certainty, may I remind Committees that Standing Order 114(7) requires a committee to which a legislative proposal is committed to submit a report within thirty (30) days.

Honourable Members, should it be brought to my attention that any Committee has inordinately delayed undertaking pre-publication scrutiny of legislative proposals before them, I will cause the House Business Committee, which I chair, to follow the precedent set in 2019 to have such proposals published as Bills without any further recourse to the relevant Committees.

To this end, **Honourable Members**, I now direct all Committees to consider and conclude on all legislative proposals before them and to submit their reports as soon as possible, given that the timelines for considering the Bills lapsed a long time ago. Going forward, may I remind Committee Chairpersons that Committees are under obligation to adhere to the thirty (30) day timeline without fail.

Further, all Committees that have Bills pending public participation are directed to expedite the process of consideration and table reports on the respective Bills within the timelines spelt out in Standing Order 127(4), in order to facilitate prioritization of the Bills for Second Reading.

Honourable Members, as the House creates time for individual Member Bills, the onus is on the Members to avail themselves in the House and prosecute their respective businesses once scheduled.

I hasten to state that, whenever a sponsor of a Bill or other business, listed in the Order Paper is absent from the House without permission of the Speaker when the business is scheduled, such business shall stand deferred and will not be prioritized again.

The House is accordingly guided. I thank you.

(b) **Guidance on the consideration of the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No. 35 of 2023)**

Honourable Members, as you are aware, the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No. 35 of 2023) was read a First Time on 26th July 2023. The Bill was thereafter committed to the relevant Committees for publication participation in accordance with the requirements of Article 118 of the Constitution and Standing Order 127. Subsequently, the Clerk of the National Assembly placed an advertisement in print media inviting the public and stakeholders to submit memoranda on the Bill in accordance with the requirements for public participation.

Honourable Members, the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2023 seeks to amend various Acts of Parliament relating to anti-money laundering and combating of terrorism financing and financing of proliferation of weapons.

Honourable Members, in particular, the Bill seeks to amend seventeen (17) Acts of Parliament. In this regard, I wish to notify the House that the proposed amendments to the following Acts of Parliament as contained in the Bill have since been referred to the Departmental Committee on Justice and Legal Affairs for consideration –

- (i) The Extradition (Contiguous and Foreign Countries) Act (Cap 76);
- (ii) The Extradition (Commonwealth Countries) Act (Cap. 77);
- (iii) The State Corporations Act (Cap. 446);
- (iv) The Anti-Corruption and Economic Crimes Act (No. 3 of 2003);
- (v) The Proceeds of Crime and Anti-Money Laundering Act, 2009 (No. 9 of 2009);
- (vi) The National Police Service Act, 2011 (No.11A of 2011);
- (vii) The Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011);
- (viii) The Mutual Legal Assistance Act, 2011 (No. 36 of 2011);
- (ix) The Prevention of Terrorism Act, 2012 (No. 30 of 2012); and
- (x) The Companies Act, 2015 (No. 17 of 2015).

Further, the proposed amendments to the following Acts of Parliament as contained in the Bill have also since been referred to the Departmental Committee on Finance and National Planning for consideration -

- (i) The Capital Markets Act (Cap. 485A);
- (ii) The Insurance Act (Cap 487);
- (iii) The Banking Act (Cap. 488);
- (iv) The Central Bank of Kenya Act (Cap. 491);
- (v) The Microfinance Act, 2006 (No. 19 of 2006);
- (vi) The National Payment System Act, 2011 (No. 39 of 2011); and
- (vii) The Limited Liability Partnership Act (No.42 of 2011).

Honourable Members, from the foregoing, the Departmental Committee on Justice and Legal Affairs shall be the lead Committee for purposes of conducting public participation. In this regard, the Departmental Committee on Finance and National Planning is required to conduct public participation process and submit its Report to the Departmental Committee on Justice and Legal Affairs, for consolidation.

Honourable Members, as you are aware, the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2023 contains proposed amendments seeking to provide for disclosure of information to help in combating money laundering, terrorism financing and financing of proliferation of weapons activities. In considering the Bill, the Committees bear in mind the requirements of Article 24 of the Constitution on the limitation of rights and the various court decisions that have outlined the manner of application of the Bill of Rights.

Honourable Members, may I implore the two Committees to prioritize consideration of the Bill and report to the House, soonest. Given that the Bill is also informed by various international obligations, which require the country to have in place a robust legal framework to combat money laundering, financing of terrorism and proliferation of weapons. The House is accordingly guided. I thank you.

5. PAPERS

The following Papers were laid on the Table –

- Reports of the Public Petitions Committee on its Consideration of the following Petitions –
 - (i) Public Petition No. 01 of 2022 by the Hon. Julius Kipletting Ruto, MP regarding Safeguarding the Economic and social welfare of communities living next to forests; and
 - (ii) Public Petition No. 08 of 2022 by Pastor Ochieng’ Odindo regarding EACC investigation of West Kano Irrigation Scheme.

(Chairperson, Public Petitions Committee)

6. NOTICES OF MOTION

The following Notices of Motion were given –

- (i) **Review of the scope of education bursary scheme under NG-CDF and capitation for learners in Primary and Junior Secondary Schools**

THAT, aware that Article 43(1)(f) of the Constitution as read together with Article 53(1)(b) entitles every child to free quality and compulsory basic education; cognizant of the fact that, access to funding for education immensely contributes to the realization of universal access to basic education in the country; appreciating that, section 48 of the National Government Constituency Development Fund (NG-CDF) Act, 2015 establishes education bursary schemes for every constituency towards access to basic education; noting that section 48A of the NG-CDF Act further allows for affirmative action mechanisms of allocating additional funds to cater for education bursary schemes and other teaching and learning related activities; concerned that, the NG-CDF Act caps allocation to bursary schemes under the Fund at not more than 35% of total Constituency allocation in a financial year, thereby limiting the number of cases that may be supported to access basic education; further concerned that, the NG-CDF Board has only been approving bursary support for secondary and tertiary education and not primary schools and the recently created Junior Secondary Schools; cognizant of the fact that, the failing to extend bursaries to primary and Junior Secondary Schools on the assumption that the two levels of education are ‘free’ is a misnomer since the Government’s capitation per pupil is inadequate to cater for the mandatory materials required for Competency Based Curriculum (CBC), thereby affecting pupils whose parents are unable to meet the attendant costs; deeply concerned that, continued exclusion of allocation of bursary to Primary and Junior Secondary Schools violates the provisions of Article 27

of the Constitution and slows down attainment of universal basic education in Kenya; now therefore, this House resolves that –

- (i) the education bursary schemes under section 48 of the National Government Constituency Development Fund (NG-CDF) Act, 2015 be extended to support learners in Primary and Junior Secondary Schools to cater for Competency Based Curriculum requirements;
- (ii) pursuant to section 48A of National Government Constituency Development Fund Act, 2015, the NG-CDF Board in each Constituency approves additional allocation to the education bursary scheme in order to Support for teaching and learning related activities associated with the CBC education including School Feeding Programmes; and
- (iii) the Government revises the capitation per student in primary schools from the current Kshs. 1,420 per year to at least Kshs. 7,760, being the minimum optimal capitation factoring the new CBC education system and the prevailing high cost of living.

(Hon. Wakili Edward Miriu)

(ii) Consideration of a Public Petition No. 07 of 2022 regarding Probable Loss of Investments in Cytonn High Yields Solutions Platform

THAT, this House **adopts** the Report of the Public Petitions Committee on its consideration of a Public Petition No. 07 of 2022 regarding Probable Loss of Investments in Cytonn High Yields Solutions Platform, *laid on the Table of the House on Thursday, 4th May, 2023.*

(Chairperson, Public Petitions Committee)

7. QUESTIONS

- a) The following Questions were asked and responded to by the Cabinet Secretary for Agriculture and Livestock Development in plenary –
 - (i) **Question No. 154 of 2023 by the Member for Mumias East (Hon. Peter Salasya)** regarding steps being taken by the Government to support local companies to produce and supply BT Cotton seeds to farmers in order to mitigate high prices associated with monopoly by single suppliers and viable alternatives by the Ministry to address high cost of BT Cotton production and other attendant issues.
 - (ii) **Question No. 155 of 2023 by the Member for Mogotio (Hon. Reuben Kiborek)** regarding plans by the Government to allocate seed money for establishment of a Revolving Fund for purchase of hides and skins for processing by the Ewaso Nyiro South Development Authority and if the Ministry could consider building the capacity of the County Government of Baringo to realize value addition of the skins and hides.
 - (iii) **Question No. 156 of 2023 by the Member for Manyatta (Hon. Gitonga Mukunji)** regarding steps by the Ministry to protect Macadamia farmers from poor pricing and also improve market prices for macadamia nuts in the country.
 - (iv) **Question No. 222 of 2023 by the Member for Narok North (Hon. Agnes Pareyio)** regarding reasons why *Eneng'eetia* National Cereals and Produce Board (NCPB) depots in *Olokurto* Sub County, Narok North Constituency are idle, forcing farmers to travel kilometers away to dry their produce at Narok Town thereby incurring losses, efforts being put in place to revive the said depot and plans if any to outsource the depots to private entities to run the facility for the benefits of farmers.

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- (v) **Question No. 223 of 2023 by the Member for Keiyo South (Hon. Gideon Kimaiyo)** regarding high costs of top-dressing CAN fertilizer despite the Government Subsidy Programme on Fertilizers, actual price of a 50kg bag of CAN top-dressing fertilizer charged

by the National Cereals and Produce Board (NCPB) and measures the Government is taking to prevent skyrocketing of the fertilizers' prices occasioned by middlemen.

- b) The following Question was asked but will be responded to by the Cabinet Secretary for Agriculture and Livestock Development at a later date –
- (i) **Question No. 101 of 2023** by the Member for Suba South (Hon. Caroli Omondi, MP) regarding measures instituted by the Ministry to address the re-emergence of animal diseases that were put under control in the country, policy measures to address proliferation of unlicensed and unregulated animal medicines, plans to establish *Trypanosomiasis* centres in Suba South, free drug distribution and probable compensation of farmers around Ruma National Park who lost their livestock to tsetse flies menace.
- c) The following Questions were deferred to a later date –
- (ii) **Question No. 224 of 2023 by the Member for Teso North (Hon. Oku Kaunya, MP)**, regarding quantity of subsidized fertilizer acquired by the Government for purposes of the year's planting season and further provision of details including criteria on how the subsidized fertilizer was distributed among the 290 constituencies and the 47 Counties.
 - (iii) **Question No. 225 of 2023 by the Member for Mandera South (Hon. Abdul Haro, MP)**, regarding established farming contract between Kenya and Zambia, and if so, provision of full details of the agreement and comprehensive rationale for the decision.
 - (iv) **Question No. 290 of 2023 by the Member for Buuri (Hon. Rindikiri Mugambi, MP)**, regarding provision of the comprehensive data analysis report that was used to determine the specific type of fertilizer imported by the Government and distributed to farmers in Buuri Constituency.
- d) The following Questions were asked and responded to by the Cabinet Secretary for Labour and Social Protection in plenary –
- (i) **Question No. 088 of 2023 by the Member for Konoin (Hon. Brighton Yegon, MP)**, regarding provision of the number of Kenyans working in Saudi Arabia and their status of residency, the type of employment and working stations as well as the number of reported cases of deaths, torture, and inhuman treatment of Kenyans working in the Gulf States, particularly in the Kingdom of Saudi Arabia, for the last three (3) years.
 - (ii) **Question No. 089 of 2023 by the Member for Yatta (Hon. Robert Basil, MP)**, regarding intention to incorporate new senior citizens into the Older Persons Cash Transfer (OPCT) Scheme who have not been benefiting from the Scheme for a long time and consider compensating them for the lost period.
 - (iii) **Question No. 090 of 2023 by the Member for Konoin (Hon. Brighton Yegon, MP)**, regarding the steps being taken if any to ensure that the basic needs or support for children whose parents or guardians are serving life sentences are met.

- (iv) **Question No. 092 of 2023 by the Member for Kirinyaga County (Hon. Jane Maina, MP)**, regarding provision of detailed information on how regularly the database and other information relating to *Inua Jamii* data is updated to ensure that only the verified beneficiaries receive the cash.

- (v) **Question No. 160 of 2023 by the Member for Kiambu (Hon. Machua Waithaka, MP)**, regarding why cancer survivors, including those in Kiambu Constituency, are denied eligibility for registration as persons living with disabilities.
- (vi) **Question No. 189 of 2023 by the Member for Likoni (Hon. Mishi Mboko, MP)**, on behalf of the Member for Mombasa County (Hon. Zamzam Mohammed, MP), regarding compliance of buildings and social amenities in most institutions with the minimum accessibility standards for Persons with Disabilities (PwDs).
- (vii) **Question No. 190 of 2023 by the Member for Kinango (Hon. Gonzi Rai, MP)** regarding measures that the Government is undertaking to cushion elderly persons in the country pending the resumption of the *Inua Jamii* Programme.
- (viii) **Question No. 326 of 2023 by the Member for Keiyo South (Hon. Gideon Kimaiyo, MP)** regarding unemployment among the youth in Keiyo South; policies to regulate working conditions for workers in the informal sector; and the status of social protection programmes in the Constituency.
- (ix) **Question No. 327 of 2023 by the Member for Machakos Town (Hon. Caleb Mule, MP)** regarding parameters that inform the frequency of the Inua Jamii programme deregistration of deceased beneficiaries and registration of new beneficiaries.
- (i) **Question No. 328 of 2023 by the Member for Likoni (Hon. Mishi Mboko, MP)** regarding the demographics of persons enrolled under the Inua Jamii Cash Transfer programme in Likoni Sub-County.
- e) The following Question was dropped pursuant to the provisions of Standing 42B (5)–
- Question No. 091 of 2023 by the Member for Machakos County (Hon. Joyce Kamene, MP)**, regarding the steps being taken if any to ensure that the basic needs or support for children whose parents or guardians are serving life sentences are met.
- f) The following Question was asked but will be responded to by the Cabinet Secretary for Public Service, Gender and Affirmative Action at a later date.
- Question No. 329 of 2023 by the Member for Kinango (Hon. Gonzi Rai, MP)** regarding lack of payment of hardship allowances to civil servants in Kinango yet teachers in the Constituency benefit from the same.

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

8. STATEMENTS

The following Statements were made by –

- (i) Pursuant to Standing Order 43(2), the Member for Manyatta (Hon. Gitonga Mukunji) sought for a Statement from the Leader of the Majority Party regarding the ongoing biometric data collection by a foreign company – World Coin;
- *Speaker directed that the Leader of the Majority Party issues a response on Thursday, 3rd August 2023; and*
- (ii) Pursuant to Standing Order 127(4) & (5), the Vice Chairperson of the Departmental Committee on Justice & Legal Affairs issued a progress report on the consideration of the Conflict-of-Interest Bill (National Assembly Bill No. 12 of 2023) and sought extension of time.
- *Extension granted for thirty (30) days.*

9. MOTION – REPORT ON THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) AND GLOBAL PARLIAMENTARIANS AGAINST CORRUPTION (GOPAC) MEETING

Motion made and question proposed –

THAT, this House notes the Report of the Kenya Delegation to the Parliamentary Dialogue on United Nations Convention Against Corruption (UNCAC) and Global Parliamentarians Against Corruption (GOPAC) Annual General Meeting, held in Doha, Qatar from 8th to 9th March 2023, *laid on the Table of the House on Wednesday, 26th April, 2023.*

(Leader of the Delegation)

Debate on the Motion having been concluded on Tuesday, 1st August 2023;

Question put and agreed to.

10. MOTION – REPORT ON A VISIT TO SEMI-AUTONOMOUS INSTITUTIONS OF THE EAST AFRICAN COMMUNITY

Motion made and question proposed –

THAT, this House adopts the Report of the Select Committee on Regional Integration on its visit to Semi-Autonomous Institutions of the East African Community in Arusha, Tanzania from 2nd to 8th April 2023, *laid on the Table of the House on Tuesday, 6th June, 2023.*

(Chairperson, Select Committee on Regional Integration)

Debate on the Motion having been concluded on Tuesday, 1st August, 2023;

Question put and agreed to.

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11. MOTION – EXTENSION OF PERIOD OF CONSIDERATION OF CERTAIN STATUTORY INSTRUMENTS

Motion made and question proposed –

THAT, pursuant to the provisions of section 15(3) of the Statutory Instruments Act, 2013 relating to *extension of period of handling of a Statutory Instrument by the National Assembly*, this House resolves to extend the period for consideration of the following Statutory Instruments by a period of twenty-one (21) sitting days -

- (i) The National Cereals and Produce Board (National Strategic Reserve) Regulations, 2023 (*Legal Notice No. 25 of 2023*) with effect from 1st August, 2023;
- (ii) The Universities Regulations, 2023 (*Legal Notice No. 56 of 2023*) with effect from 17th August, 2023; and,
- (iii) Access to Information (General) Regulations, 2023 (*Legal Notice No. 57 of 2023*) with effect from 17th August, 2023.

(Chairperson, Committee on Delegated Legislation)

There being no member desiring to contribute;
Question put and agreed to.

12. THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2022)

Motion made -

THAT, The Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022) be now read a second time.

(The Hon. Didmus Barasa, M.P.)

Order deferred.

13. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2022)

Motion Made -

THAT, the National Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022) be now read a second time.

(The Hon. David Gikaria, M.P.)

Order deferred.

14. MOTION - INQUIRY INTO THE MAIZE FLOUR SUBSIDY PROGRAMME FOR THE FINANCIAL YEAR 2022/2023

Motion Made -

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock on its inquiry into Maize flour subsidy Programme for the Financial Year 2022/23, laid on the Table of the House on Wednesday, 7th June, 2023.

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Order deferred.

(No.65)

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15. MOTION - CONSIDERATION OF REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR VARIOUS FUNDS

Motion made -

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Women Enterprise Fund, Coffee Cherry Advance Revolving Fund, Strategic Food Reserve Trust Fund, Equalisation Fund, Mechanical and Transport Fund, National Research Fund, Youth Enterprise

Development Fund, Uwezo Fund and Civil Servants Housing Scheme Fund, laid on the Table of the House on Thursday, 15th June 2023.

(The Chairperson, Special Funds Accounts Committee)

Order deferred.

16. MOTION – CONSIDERATION OF THE REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF STATE CORPORATIONS (REGULATORY AND GOVERNANCE AGENCIES)

Motion Made –

THAT, this House adopts the Report of the Public Investments Committee on Governance and Education on its consideration of the Report of the Auditor-General on the Financial Statements of State Corporations (Regulatory and Governance Agencies) for the financial year 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Tuesday, 20th June 2023.

(The Chairperson, Public Investments Committee on Governance and Education)

Order deferred.

17. THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)

Motion Made –

THAT, The Food and Feed Safety Control Coordination Bill (National Assembly Bill No. 21 of 2023) be now read a second time.

(The Leader of the Majority Party)

Order deferred.

18. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

Motion made –

THAT, The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 60 of 2022) be now read a second time.

(The Leader of the Majority Party)

Order deferred.

19. THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2023)

Motion made –

THAT, The Conflict of Interest Bill (National Assembly Bill No. 12 Of 2023) be now read a second time.

(The Leader of the Majority Party)

Order deferred.

(No.65)

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20. MOTION - REPORT OF THE KENYA DELEGATION TO THE 146TH ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN THE KINGDOM OF BAHRAIN

Motion Made –

THAT, this House notes the Report of the Kenya Delegation to the 146th Assembly of the Inter-Parliamentary Union (IPU) and related Meetings, held in Manama, Kingdom of Bahrain from 11th to 15th March 2023 laid on the Table of the House on Wednesday, 14th June 2023.

(Member of the Delegation)

Order deferred.

21. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2022)

Motion Made –

THAT, The Sugar Bill (National Assembly Bill No. 34 of 2022) be now read a second time.

(The Hon. Emmanuel Wangwe, M.P.)

Order deferred.

And the time being 20 minutes past eight O'clock, the Third Chairperson adjourned the House without Question put pursuant to the Standing Orders.

22. HOUSE ROSE - at 20 minutes past eight O'clock.

MEMORANDUM

The Speaker will take the Chair on
Thursday, August 03, 2023 at 2.30pm

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