



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MARCH 13, 2024 AT 2.30 P.M. (AFTERNOON SITTING)

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

4. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker made the following Communication –

Appointment of Members to a Mediation Committee on the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022)

Honourable Members, this Communication relates to the decision of the House on the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022).

Honourable Members, as you are all aware, the House on Tuesday, 12th March 2024, the House rejected the Motion for the Second Reading of the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022). The import of the National Assembly's rejection of the said Bill essentially remits the Bill to a Mediation Committees in line with Standing Order 149(1)(b).

Honourable Members, Article 113 of the Constitution requires that whenever a Bill is referred to a mediation committee, the Speakers of the Houses of Parliament shall appoint an equal number of Members from both Houses to attempt to develop a version of the Bill for consideration by the Houses of Parliament.

In this regard, **Honourable Members**, having consulted with the Leader of the Majority Party and the Leader of the Minority Party, I have appointed the following Members to represent the National Assembly in the Mediation Committee to consider the said Bill –

- (i) The Hon. David Gikaria, CBS, MP – Co-Chairperson
- (ii) The Hon. Charles Kamuren, MP;
- (iii) The Hon. Beatrice Kemei, MP;
- (iv) The Hon. Joseph Emathe, MP;
- (v) The Hon. T.J. Kajwang', MP;
- (vi) The Hon. Irene Kasalu, MP; and,
- (vii) The Hon. Dick Maungu, MP.

Honourable Members, the listed Members will await the appointment of Senators to the Mediation Committee for the Committee to be fully constituted for purposes of commencing the mediation process. Once I receive a Message from the Senate to that effect, I will convey the same to the House.

Thereafter, the Mediation Committees will embark on an attempt to develop mediated versions of the said Bill in accordance with Article 113 of the Constitution. The House is accordingly guided. I thank you!

5. MESSAGE

The Deputy Speaker conveyed the following Message to the House –

Passage of two (2) Bills by the Senate

Honourable Members, Pursuant to Standing Order 41(1) of the National Assembly Order, I wish to report to the House that I have received two Messages from the Senate regarding the passage of the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) and the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023).

Honourable Members, the first Message conveys that on Thursday, 7th March 2024, the Senate considered and **passed** the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) **with amendments**. You will recall that on Wednesday, 23rd August 2023, the National Assembly passed the Bill **with amendments**, following which it was referred to the Senate for consideration in accordance with the provisions of Article 110(4) of the Constitution.

Honourable Members, the second Message relates to the passage, by the Senate, of the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023). The Bill, which was published *vide* Kenya Gazette Supplement No. 107 of 30th June 2023, seeks to provide, *inter alia*, a framework for the care and protection of child parents within the counties, to provide a framework through which an expectant girl child or child parent may actualize their right to basic education, and ensure care of the children.

The Message conveys that on Thursday, 7th March 2024, the Senate **passed** the Bill **without amendments** and now seeks the concurrence of the National Assembly pursuant to Article 110(4) of the Constitution and Standing Orders 161 of the Senate Standing Orders.

Honourable Members, in order for the House to commence consideration of the Senate Amendments to the Water Bill, 2023, I direct as follows -

- (i) That, the Clerk circulates the schedule of the Senate amendments to the Water (Amendment) Bill, 2023 to all Honourable Members; and
- (ii) That, the Senate amendments to the Water (Amendment) Bill, 2023 will stand referred to the Departmental Committee on Blue Economy and Irrigation for consideration and reporting to the House as appropriate.

With regards to the second Message, **Honourable Members**, Standing Order 143(1)(c) of the National Assembly Standing Orders requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message, I therefore direct –

- (i) That, the Bill be listed in the Order Paper for the First Reading at the next sitting; and
- (ii) That, the Bill will stand committed to the Departmental Committee on Social Protection for consideration.

The House is accordingly guided!

6. PAPERS

The following Papers were laid on the Table –

- (a) Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 and the certificates therein in respect of: -
 - (i) National Urban Transport Improvement Project-IDA Credit No.5140-KE – Kenya National Highways Authority;
 - (ii) Green Zones Development Support Project Phase II (Credit No.P.KE-AAD-005) – Kenya Forest Service;
 - (iii) Nairobi Metropolitan Services Improvement Project (IDA Credit No.5102-KE) – State Department for Housing and Urban Development);

- (iv) Coastal Region Water Security and Climate Resilience Project Credit No.5543-KE/70040-KE - State Department for Water and Sanitation;
- (v) Kenya Energy Environment and Social Responsibility Programme Fund – State Department for Energy;
- (vi) Kenya Enabling Activities for HFC Phase-Down Project (Grant No. UNEP/KEN/SEV/81/TAS/01+) – Ministry of Environment, Climate Change and Forestry; and
- (vii) Water and Sanitation Development Project (IDA Credit No.6029/6030-KE) - State Department for Water and Sanitation.

(Deputy Leader of the Majority Party)

- (b) Report of the Departmental Committee on Education on its consideration of the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 10 of 2023).

(Hon. Phylis Bartoo – Member, Departmental Committee on Education)

7. NOTICES OF MOTION

The following Notices of Motion were given –

- (i) **Adoption of Government-to-Government (G2G) Model to acquire and supply fertilizers to farmers at subsidized cost**

THAT, aware that, Kenya is an agricultural-based economy with a significant portion of its population relying on farming for their livelihood; **noting that**, the quality and quantity of crop yields in Kenya has been hampered to a large extent by lack of adequate and quality fertilizers leading to decreased agricultural productivity and economic losses; **further noting that**, the government has committed to improving agricultural productivity through various initiatives including provision of subsidized fertilizers; **concerned that the cost**, quantity and quality of fertilizers and subsequently the cost of production of food crops and cash crops including coffee, tea and Miraa has increased due to a number of factors, among them high cost of fertilizers due to markup by private suppliers of fertilizers; **further concerned that** threat to food security is a threat to national security; **recognizing that** the Government-to-Government model has been noted to lower cost of products; **further recognizing that**, there are countries willing to enter into a G2G agreement; **appreciating that** G2G has been proven to be effective in provision of services that have a direct impact on citizens' livelihood including the cost of living such as the supply of fertilizers, particularly in countries with similar agricultural conditions as Kenya; **this House, therefore, resolves that**, the government, through the Ministry of Agriculture and Livestock Development and its agencies adopts—

- (a) the Government-to-Government (G2G) model in the acquisition and supply of fertilizers by identifying potential partner countries that have surplus and quality fertilizers; and
- (b) a comprehensive programme for Government-to-Government (G2G) acquisition and distribution of fertilizers through among others, Kenya Farmers Association (KFA), Kenya Tea Development Agency (KTDA), Coffee Board of Kenya, Kenya Planters Cooperative Union (KPCU), Kenya Grain Growers Cooperative Union, Pyrethrum Board of Kenya among others for increased agricultural productivity.

(Hon. Geoffrey Ruku)

(ii) **Formulation of a reward scheme for accomplishments by sports persons in international competitions**

AWARE that, sports play an integral role in promoting cultural heritage, national identity, national development, the well-being of the people and sustenance of livelihoods, particularly of the youth; **appreciating that**, *Sessional Paper No. 3 of 2005* provides a framework for sports development and operationalization in the country; **further appreciating** that the *Sector Plan For Sports, Culture and Arts – 2018* by the Ministry of Sports, Culture and Arts mainstreamed sports development in the Third Medium Term Plan (MTP III) for 2018-2022, under Kenya's Vision 2030; **recognizing that**, the Vision 2030 aims at capitalizing on the country's international reputation as a world-class sports powerhouse whose sportsmen and women have won international accolades and recognition, especially for their prowess in athletics; **concerned that**, despite bringing honour and national pride to the country, most sports men and women face a myriad of challenges such as lack of psychosocial support and social protection, hence pushing many to alarming levels of mental health challenges during their careers and even after retirement; **noting that** *Sessional Paper No. 3 of 2005* contemplated motivation of sportspersons by the State through cash and material prizes, conferring State Honours, appointments as goodwill ambassadors and establishing contributory insurance and savings schemes among other forms of motivation; **Cognizant of the fact that**, the prospect of receiving State recognition, financial grants, and other perks inspires sportsmen to push their limits in attaining their full potential as well as fostering a collective sense of pride in sporting achievements; **now therefore, this House urges** that the Government, through the Ministry of Youth Affairs, *Sports* and Arts, develops a policy and standardized sports reward scheme for recognizing the achievements made by sports persons in internationally recognized competitions, through -

- (i) financial rewards of Kshs. 6 million for setting new world records; Kshs. 4 million for Gold medalists; Kshs. 3 million for Silver medalists and Kshs. 2 million for Bronze medalists;
- (ii) non-financial motivation, including facilitation with issuance of diplomatic passports for established sportsmen and women, appointment as goodwill ambassadors and conferring national honours and privileges; and,
- (iii) establishing medical cover and a post-retirement social protection scheme, including establishing contributory insurance and savings schemes to support sports persons who retire from active sporting due to injuries or age.

(Hon. Charles Ngusya)

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

8. **QUESTIONS**

The Deputy Speaker conveyed that the Cabinet Secretary for Public Service, Performance and Delivery Management who was scheduled to attend and answer Question as listed on the Order Paper had been rescheduled to a later day.

9. **STATEMENT PURSUANT TO STANDING ORDER 179(14)**

The Chairperson of the Liaison Committee notified the House of the election of Chairperson and Vice-Chairperson of Committee on Members' Services and Facilities and the designation of a Member as the Vice-Chairperson of the Committee of Powers and Privileges as follows—

- (1) Committee on Members' Services and Facilities

(a) Chairperson: The Hon. (Dr.) Stephen Wachira Karani, MP;

- (b) Vice-Chairperson The Hon. Feisal Bader Salim, MP
(2) Vice-Chairperson, Committee of Powers Committee: The Hon. Joseph Lekuton, CBS, MP

10. THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2023)

Motion made and Question proposed;

THAT, the Regional Development Authorities Bill (National Assembly Bill No. 7 of 2023) be now read a Second time.

(Chairperson, Departmental Committee on Regional Development – 07.03.2024)

Debate interrupted on Tuesday; March 12, 2024 resumed;

Rising on a point of Order pursuant to the provisions of Standing Order 95, the Member for Kipipiri, the Hon. Wanjiku Muhia claimed to move that the Mover be called to reply; And the Third Chairperson having acceded to the request;

Question that Mover be called upon to reply put and agreed to.

Thereupon the Mover replied;

Question deferred pursuant to Standing Order 53(3).

11. MOTION – COMPLIANCE TO ARTICLE 54(2) OF THE CONSTITUTION REGARDING EMPLOYMENT OF PERSONS WITH DISABILITIES IN PUBLIC INSTITUTIONS

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Committee on National Cohesion and Equal Opportunity on the Compliance to Article 54(2) of the Constitution regarding Employment of Persons with Disabilities in Public Institutions, *laid on the Table of the House on Wednesday, 21st February 2024.*

(Chairperson, Departmental Committee on Regional Development)

Debate arising

(Change of Chair from Sixth Chairperson to Third Chairperson)
(Change of Chair from Third Chairperson to Fourth Chairperson)
(Change of Chair from Fourth Chairperson to Fifth Chairperson)

Mover replied

Question deferred pursuant to Standing Order 53(3).

12. MOTION – REPORT OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF SELECTED STATE CORPORATIONS

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Public Investments Committee on Commercial Affairs and Energy on its examination of the Reports of the Auditor-General on the Financial Statements of selected State corporations, *laid on the Table of the House on Wednesday, 6th December 2023.*

(Chairperson, Public Investments Committee on Commercial Affairs and Energy)

Debate arising

Rising on a Point of Order pursuant to Standing Order 35, the Member for Kinangop (Hon. Thuku Kwenya) object that there was no Quorum present in the House;

And the Fifth Chairperson having confirmed that there was no Quorum, ordered the Division Bell to be rung;

And there being NO Quorum after expiration of ten minutes;

And the time being Forty-Three minutes past Seven O'clock, Fifth Chairperson adjourned the House without Question put pursuant to Standing Orders 35(2)(a).

13. **HOUSE ROSE** – at forty-three minutes past seven o'clock.

MEMORANDUM

The Speaker will take the Chair tomorrow
Thursday, March 14, 2024 at 2.30 p.m.

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