



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, AUGUST 13, 2024 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. **QUORUM AT COMMENCEMENT OF THE HOUSE**
There being no Quorum present to commence business, the Honourable Speaker ordered that the Quorum Bell be rung for ten minutes;

And Quorum having been attained within the ten minutes, proceedings commenced.

5. COMMUNICATIONS FROM THE CHAIR

The Speaker issued the following Communication—

On recognition of Kenya's performance in the 2024 Paris Olympics

“Honourable Members, As you are aware, Kenya has been participating in the Olympics Games since 1956 and has sent athletes to compete in various disciplines over the years. Most recently, Kenya took part in the just concluded 2024 Paris Olympics.

Honourable Members, the sterling performance by the Kenyan athletes at the 2024 Paris Olympics was an improvement from the 2020 Tokyo Olympics, with the athletes having garnered a total of eleven (11) medals consisting of four (4) gold, two (2) silver and five (5) bronze medals in the 2024 Paris Olympics.

Their achievement, **Honourable Members,** has earned the country the 17th position among over 180 nations, and also topped the list of African countries that participated. They have demonstrated the possibility of setting world records and we celebrate their tenacity and dedication.

Honourable Members, it is worth noting that Ms. Faith Kipyegon, who was also the team captain, made history by becoming the first woman to win three consecutive Olympic gold medals in the 1,500-metre race.

Notably, Ms. Beatrice Chebet took Olympic gold in the women's 5,000 metres and 10,000 metres, while Mr. Emmanuel Wanyonyi won the 800- metre gold medal.

Beside the names I have mentioned, I also wish to commend all the other gallant sportsmen and women for holding our flag high and exhibiting inspiring patriotism.

Honourable Members, on my own behalf and indeed on behalf of the House, I wish to congratulate Team Kenya on their participation in the 2024 Paris Olympics, and recognise their historic achievements in the global arena. **I thank you!**

6. MESSAGES

(a) The Speaker conveyed the following Message from the Senate—

Appointment of Senators to Mediation Committees on the National Rating Bill (National Assembly Bill No. 55 of 2022) and the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023)

“Honourable Members, pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I have received a Message from the Senate regarding the appointment of Senators to two (2) Mediation Committees.

Honourable Members, the Message conveys that, pursuant to the provisions of Article 113 of the Constitution, the Speaker of the Senate has appointed Senators to Mediation Committees to consider the **National Rating Bill (National Assembly Bill No. 55 of 2022)** and the **Conflict of Interest Bill (National Assembly Bill No. 12 of 2023)**.

Honourable Members, you will recall that, on 12th June 2024 and 24th July 2024, the House rejected the Senate amendments to the National Rating Bill (National Assembly Bill No. 55 of 2022) and the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023), respectively. This effectively committed the two Bills to Mediation Committees pursuant to Article 112(2)(b) of the Constitution. Subsequently, I appointed nine (9) Members to each Committee to represent the National Assembly, *vide* Communications issued on 24th July 2024 and 31st July 2024.

In this regard, **Honourable Members**, with respect to **the National Rating Bill, 2022**, the Senate has appointed the following Senators –

- (1) Sen. John Methu Muhia; MP;
- (2) Sen. (Dr.) Steve Ltumbesi Lelegwe, CBS, MP;
- (3) Sen. William Kipkorir Cheptumo, MP;
- (4) Sen. Wahome Wamatinga, MP;
- (5) Sen. Mariam Sheikh Omar, MP;
- (6) Sen. Issa Boy Juma, MP;
- (7) Sen. Johnes Mwaruma, MP;
- (8) Sen. Agnes Kavindu Muthama, MP; and
- (9) Sen. Beatrice Akinyi Ogolla, MP.

With respect to the **Conflict of Interest Bill, 2023**, the Senate has appointed the following Senators–

- (1) Sen. Omogeni Erick Okong’o, SC, MP;
- (2) Sen. Faki Mohammed Mwinyihaji, CBS, MP;
- (3) Sen. Maanzo Daniel Kitonga, MP;
- (4) Sen. Asige Crystal Kegehi, MP;
- (5) Sen. Orwoba Gloria Magoma, MP;
- (6) Sen. Mungatana Danson Buya, MGH, MP;

- (7) Sen. Nyutu Joe, MP;
- (8) Sen. Chute Mohamed Said, MP; and
- (9) Sen. Sigei Wakili Hillary Kiprotich, MP.

Honourable Members, following the appointment of Senators, the Mediation Committees are now fully constituted as contemplated under Article 113 of the Constitution. I therefore call upon the Committees to expeditiously consider the respective Bills and submit versions of the Bills for consideration by the Houses of Parliament.

In considering the Bills, the Committees should be alive to the timelines provided for under Article 113(4) of the Constitution. **I thank you!”**

(b) The Speaker conveyed the following Message from the National Executive—
Nomination of a person for Appointment as the Director General of the Competition Authority

“Honourable Members, Pursuant to the provisions of Standing Order 42(4), I wish to report to the House that I have received a Message from the Acting Cabinet Secretary for the National Treasury and Economic Planning on the nomination of a person for appointment as the Director-General of the Competition Authority of Kenya.

Honourable Members, in the Message, the Ag. Cabinet Secretary conveys that, in exercise of powers conferred by section 12 of the Competition Act, CAP 504, he nominates **Mr. David Kibet Kemei** for appointment as the Director-General of the Competition Authority. The Ag. Cabinet Secretary therefore seeks the approval of Parliament on the said nomination.

Honourable Members, you may wish to note that section 12(1) of the Competition Act prescribes the approval of appointment of a Director-General of the Competition Authority of Kenya by the two Houses of Parliament.

In this regard, the vetting of the nominee will be undertaken by a joint sitting of the relevant committees of the respective Houses of Parliament, in accordance with the established practice.

Therefore, **Honourable Members,** for clarity, the vetting exercise shall proceed in the following manner –

- (i) **THAT,** the vetting of the nominee for appointment as Director-General of the Competition Authority of Kenya shall be conducted by the National Assembly Departmental Committee on Finance and National Planning and the relevant Senate Standing Committee;
- (ii) **THAT,** the quorum of the joint sittings of the Committees will be the respective quorums of each of the committees as stipulated in the Standing Orders of the respective Houses;
- (iii) **THAT,** as contemplated under Rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint sittings of the Committees shall be by separate Houses. This will ensure that the numerical

difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees;

- (iv) **THAT**, the Joint Committee shall, having concluded the approval hearings, submit a Joint Report to the respective Houses in the manner contemplated by paragraph 7 of Joint Rule No. 9; and
- (v) **THAT**, the approval process shall be conducted in accordance with the provisions of the Public Appointments (Parliamentary Approval) Act, CAP 7F.

Honourable Members, whereas the Competition Act, CAP 504 does not provide specific timelines within which the House is to consider the nominee, section 8(1) of the Public Appointments (Parliamentary Approval) Act, CAP 5F requires the relevant House to undertake the exercise **within twenty-eight (28) days**. Conscious of the fact that the House is scheduled to proceed for recess this week, I hasten to clarify that the counting of days with respect to the consideration of the nominee will cease during the recess period and resume when the House first sits upon resumption. Therefore, the Departmental Committee shall submit the Joint Report on or before **Thursday, 3rd October 2024** to enable the House to consider the proposed appointment.

Honourable Members, the Committees are expected to forthwith jointly commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearings and upon conclusion, table their report within the statutory timelines. **I thank you!"**

7. PETITIONS

Pursuant to the provisions of Standing Order 225 (2) (b), the Speaker conveyed a Petition regarding Decriminalization of attempted suicide on behalf of Dr. Lukoye Atwoli, Professor of Psychiatry.

8. PAPERS

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

- (i) Submission of Nominee to the National Government Constituency Development Fund Committee for Hamisi Constituency by the National Government Constituency Development Fund Board;
- (ii) National Government Budget Implementation Review Report for the First Nine Months of FY 2023/2024 from the Office of the Controller of Budget;
- (iii) County Governments Budget Implementation Review Report for the First Nine Months of FY 2023/2024 from the Office of the Controller of Budget;
- (iv) Reports of the Auditor-General and Financial Statements of the National Governments Constituencies Development Fund (NG-CDF) for the year ended 30th June, 2023 and the certificates therein in respect of the following Constituencies:

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|-------------------------|---------------------|
| a) Bobasi; | n) Mandera East; |
| b) Bomachoge; | o) Mandera South; |
| c) Bonchari; | p) Mbeere North; |
| d) Bondo; | q) Narok East; |
| e) Emuhaya; | r) Nyakach; |
| f) Hamisi; | s) Nyando; |
| g) Ijara; | t) Nyatike; |
| h) Kagundo; | u) Rarieda; |
| i) Kitutu Chache North; | v) Sabatia; |
| j) Kisumu Central; | w) Seme; |
| k) Kisumu West; | x) Suna East; |
| l) Lafey; | y) Wajir South; and |
| m) Lagdera; | z) Yatta. |

(Deputy Majority Party Whip)

- (v) Report of the Select Committee on Budget and Appropriations Committee on its consideration of the County Governments Additional Allocations Bill (Senate Bill No. 19 of 2024).
(Chairperson, Select Committee on Budget and Appropriations Committee)
- (vi) Report of the Diaspora and Migrant Workers Committee on the Study Visit to the Philippines from 7th to 12th August 2023.
(Chairperson, Diaspora and Migrant Workers Committee)
- (vii) Report of the Departmental Committee on Administration and Internal Security on the Inquiry into the state of security in the six Counties of North Rift of Baringo, Elgeyo Marakwet, Turkana, West Pokot, Samburu and Laikipia.
(Chairperson, Departmental Committee on Administration and Internal Security)
- (viii) Report of the Departmental Committee on Agriculture and Livestock on its consideration of the Mung Beans Bill (Senate Bill No. 13 of 2022).
(Chairperson, Departmental Committee on Agriculture and Livestock)

9. NOTICES OF THE MOTION

The following Notice of Motion was given –

THAT, this House **adopts** the Report of the Departmental Committee on Administration and Internal Security on the Inquiry into the state of security in the six Counties of North Rift of Baringo, Elgeyo Marakwet, Turkana, West Pokot, Samburu and Laikipia, *laid on the Table of the House on Tuesday, 13th August 2024.*

(Chairperson, Departmental Committee on Administration and Internal Security)

10. REQUESTS FOR STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)

Pursuant to the provisions of Standing Order 44(2)(c):

- (i) The Member for Kiambu (Hon. Machua Waithaka) requested for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations regarding the status of two Kenyans detained in Dubai;
- (ii) The Member for Turkana Central (Hon. Joseph Namuar) requested for a Statement from the Chairperson of the Departmental Committee on Blue

Economy, Water & Irrigation regarding incomplete projects in Turkana County by the National Water Harvesting and Storage Authority;

- (iii) The Member for Busia County (Hon. Catherine Omayo) requested for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations regarding harassment of Kenyan fishermen in Lake Victoria; and

11. REQUESTS FOR STATEMENTS PURSUANT TO STANDING ORDER 43

Pursuant to the provisions of Standing Order 43, the Member for Ainabkoi (Hon. Samuel Chepkonga) invited Members to the conferment of City Status and Grant of Charter to the Municipality of Eldoret.

12. RESPONSE TO STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)

Pursuant to the provisions of Standing Order 44(2)(c):

- (i) The Chairperson of the Departmental Committee on Administration and National Security issued a response to a Statement requested by:
- a. the Member for Funyula (Hon. Wilberforce Oundo) regarding facilitation of National Government Administration Officers; and
 - b. the Member for Turkana Central (Hon. Joseph Namuar) regarding tragic incidents involving Kenya Wildlife Services personnel.
- (ii) Hon. Phyllis Bartoo, Member of the Departmental Committee on Education issued a response to a Statement requested by the Member for Samburu West (Hon. Naisula Lesuuda). The Speaker directed that the Chairperson of the Committee issue a more comprehensive response tomorrow.

13. GENERAL STATEMENTS ON KENYA'S PERFORMANCE IN THE 2024 PARIS OLYMPICS

The Speaker allowed Members to make general comments on Kenya's performance in the 2024 Paris Olympics.

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

14. MOTION - INSPECTION VISIT TO SEMI-AUTONOMOUS INSTITUTIONS OF THE EAST AFRICAN COMMUNITY IN UGANDA

(The Chairperson, Committee on Regional Integration)

Order read;

Order deferred;

15. THE MEDICAL SOCIAL WORKERS BILL (NATIONAL ASSEMBLY BILL NO. 22 OF 2024)

(The Chairperson, Departmental Committee on Health)

Order for First Reading read;

Bill read a First Time and referred to the relevant Committee pursuant to the Standing Orders.

16. THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2024)

Order for Second Reading read;

Motion made and Question proposed -

THAT, the County Governments Additional Allocations Bill (National Assembly Bill No. 19 of 2024) be now read a Second Time.

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

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

17. HOUSE ROSE - at two minutes past Seven O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, August 14, 2024 at 9.30 am.

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