



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, JULY 31, 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 Rt. Honourable Speaker.
4. **COMMUNICATION FROM THE CHAIR**

The Rt. Honourable Speaker issued the following Communication to the Chair—

**(a) On Extension of Period for Consideration of Recommendations of the National Dialogue Committee on Proposed Amendments to the Constitution**

“**Honourable Members**, as you will recall, in August 2023, the Houses of Parliament established the National Dialogue Committee (NADCO) to, among other things, facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya. The committee submitted its report to Parliament containing various recommendations in February 2024.

Thereafter, upon adoption of the NADCO report by the National Assembly and the Senate, the leadership of the two Houses met and adopted a clear roadmap to actualize the recommendations contained in the said Report. Consequently, in furtherance of the agreed roadmap by the leadership, I directed, *vide* Communication No. 06 of 2024 dated 5<sup>th</sup> March 2024, that the Departmental Committee on Justice and Legal Affairs of the National Assembly holds joint sittings with the Senate Standing Committee on Justice, Legal Affairs and Human Rights to consider recommendations of the report relating to the proposals to amend the Constitution within forty-five (45) days.

**Honourable Members**, the full implementation of the recommendations of the report especially with respect to proposed constitutional amendments is intended to ensure achievement of the aspirations of the people. However, it has come to my attention that the committees of the two Houses have not been able to meet as agreed in the implementation roadmap.

Indeed, I am in receipt of a letter dated 23<sup>rd</sup> July 2024 from the Chairperson of the Departmental Committee on Justice & Legal Affairs, the Hon. George Gitonga Murugara, CBS, MP, requesting for extension of time to consider the proposals arising out of the NADCO report. In the letter, the Chairperson also alludes to challenges in conducting joint sittings with the counterpart Senate Committee. This is especially with regard to availability of requisite quorum to commence sittings.

It is therefore the considered view of the Chairperson, on behalf of the Committee, that to ensure expeditious consideration of the proposals to amend the Constitution, the respective Committees be approved to sit independently and to thereafter report to the respective Houses.

**Honourable Members**, appreciating the immense public interest in the actualization of the recommendations and proposals of the National Dialogue Committee, and having extensively consulted the leadership of the House, I have acceded to the request by the Chairperson of the Departmental Committee on Justice and Legal and Affairs, and **DIRECT THAT**—

- (i) The period for consideration of the proposals emanating from the Report of the National Dialogue Committee (NADCO) is hereby extended by forty-five (45) days from today, Wednesday, 31<sup>st</sup> July 2024; and
- (ii) Notwithstanding the directive issued on 5<sup>th</sup> March 2024 regarding joint sittings of the two committees of the Houses of Parliament, the Departmental Committee on Justice and Legal Affairs is hereby authorised to hold its sittings independently and to report back to the National Assembly within the timelines stipulated above. The House is accordingly guided. I thank you!”

**(b) On Appointment of Members to a Mediation Committee on the Conflict of Interest Bill, 2023**

“**Honourable Members**, as you are all aware, on Wednesday, 24<sup>th</sup> July 2024, the House **rejected** the Motion on consideration of the Senate amendments to the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023). This decision consequently referred the Bill to a Mediation Committee in accordance with the provisions of Article 112 of the Constitution and Standing Order 149.

**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—

- (1) The Hon. George Murugara, CBS, MP;
- (2) The Hon. Mwengi Mutuse, OGW, MP;
- (3) The Hon. Silvanus Osoro, CBS, MP;
- (4) The Hon. John Makali, MP;
- (5) The Hon. Edward Muriu, MP;
- (6) The Hon. Naisula Lesuuda, MP;
- (7) The Hon. Bisau Kaikai, MP;
- (8) The Hon. Ken Chonga, MP; and
- (9) The Hon. Peter Masara, MP.

**Honourable Members**, the aforementioned 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 Committee will embark on an attempt to develop a mediated version of the Bill in accordance with Article 113 of the Constitution. The House is accordingly guided. I thank you!”

## 5. MESSAGES

The Rt. Honourable Speaker conveyed the following Message from the President to the House –

### On Nomination of Persons for Appointment as Attorney-General and Cabinet Secretary

“**Honourable Members**, Standing Order 42(1) relating to ‘Messages from the President’ provides that-

*“The Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House”.*

In this regard, I wish to convey to the House that I have received two (2) Messages from His Excellency the President, notifying of the nomination of persons for appointment as the Attorney-General and as a Cabinet Secretary, respectively.

In the First Message, **Honourable Members**, His Excellency the President conveys that, in exercise of powers conferred on him by Article 156(2) of the Constitution, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), he nominates **Ms. Dorcas Agik Odhong Oduor, SC, OGW** for appointment as the **Attorney-General of the Republic of Kenya**.

For clarity, Article 156(2) of the Constitution states, and I quote -

*“156. (2) The Attorney-General shall be nominated by the President and, **with the approval of the National Assembly**, appointed by the President.”*

**Honourable Members**, in the Second Message, His Excellency the President conveys that, in exercise of powers conferred on him by Article 152(2) of the Constitution, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), he nominates **Ms. Beatrice Askul Moe** for appointment as the **Cabinet Secretary for East African Community Affairs & Regional Development**.

For clarity, Article 152(2) of the Constitution states and I quote -

*“152. (2) The President shall nominate and, **with the approval of the National Assembly**, appoint Cabinet Secretaries.”*

In view of the foregoing and pursuant to the provisions of section 8 of the Public Appointments (Parliamentary Approval) Act, as read together with Standing Order 42(3), I hereby refer the Messages from the President, together with the *curriculum vitae* of the nominees, to the Committee on Appointments.

**Honourable Members**, section 8 of the Public Appointments (Parliamentary Approval) Act provides that, unless otherwise provided in law, the Committee to which such nomination is referred shall consider the matter and table a report in the House **within twenty-eight (28) days**. Conscious of the fact that the House is scheduled to proceed for recess next week, I hasten to clarify that the counting of days with respect to the consideration of the nominees will cease during the recess period and resume when the House first sits upon resumption.

It is therefore imperative that the Committee on Appointments commences the process of consideration of the nominees, alongside those already committed to it. In so doing, the Committee on Appointments is expected to expeditiously notify the nominees and the general public, commence the necessary approval hearings and table its report in the House soonest, to enable the House consider the nominees within the stipulated timelines. I thank you!”

## 6. PAPERS

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

- (a) Report of the Select Committee on Parliamentary Broadcasting and Library on its Consideration of the Public Participation Bill (National Assembly Bill No. 52 of 2023)

*(Chairperson, Select Committee on Parliamentary Broadcasting and Library)*

- (b) Joint Report of the National Assembly Departmental Committee on Health and the Senate Standing Committee on Health on the Vetting of a Nominee for appointment as the Director-General for Health

*(Co-Chairperson, Joint Parliamentary Committee on Vetting of a Director-General)*

- (c) Reports of the Departmental Committee on Justice and Legal Affairs on its’ Consideration of the following:

(i) The Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No. 40 Of 2023);

(ii) The Tribunals Bill (National Assembly Bill No. 45 Of 2023); and

(iii) Budget Implementation Monitoring for the Financial Year 2022/2023.

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

## 7. NOTICES OF MOTION

The following Notices of Motion were given—

- (i) **Vetting of a Nominee for appointment as the Director-General for Health**

**THAT**, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Health and the Senate Standing Committee on Health in its Report on the vetting of a nominee for appointment as the Director-General for Health, laid on the Table of the House on Wednesday, 31<sup>st</sup> July 2024, and pursuant to section 16(2) of the Health Act, 2017 and section 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Dr. Patrick Omwanda Amoth as the Director-General for Health.

*(Co-Chairperson, Joint Parliamentary Committee on Vetting of a Director-General)*

- (ii) **Budget Implementation Monitoring for the Financial Year 2022/2023 - Departmental Committee on Justice and Legal Affairs**

**THAT**, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Budget Implementation Monitoring for the Financial Year 2022/2023, laid on the Table of the House on Wednesday, 31<sup>st</sup> July 2024.

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

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

Pursuant to the provisions of Standing Order 44(2)(c) the following Members requested for Statements—

- (i) The Member for Garissa County (Hon. Umulkher Harun Mohamed) requested for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding rising insecurity issues in Garissa County; and
- (ii) The Member for Kiambaa (Hon. John Njuguna) requested for a Statement from the Chairperson of the Committee on Delegated Legislation regarding the irregular and illegal tax exemptions to a company under the Special Framework Agreement.

**9. STATEMENT PURSUANT TO STANDING ORDER 43**

The Member for Nairobi County (Hon. Esther Passaris) issued a General Statement on the commemoration of the Pan-African Women's Day 2024.

**10. RESPONSES TO STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**

Pursuant to the provisions of Standing Order 44(2)(c) the following Statements were responded to:

- (i) The Chairperson of the Departmental Committee on Energy issued a response to a Statement requested by the Members for Ijara (Hon. Abdi Ali) and Garissa County (Hon. Umulkher Harun Mohamed) regarding power outages in Ijara/Garissa County;
- (ii) The Chairperson of the Departmental Committee on Energy issued a response to a Statement requested by the Member for Lamu East (Hon. Capt. Ruweida Obo) regarding power outages in Kiunga Village, Lamu East;
- (iii) The Chairperson of the Departmental Committee on Transport & Infrastructure issued a response to a Statement requested by the Member for Machakos County (Hon. Joyce Kamene) regarding deplorable condition of *Mlolongo-Quarry-Katani Road* in Machakos County; and
- (iv) The Chairperson of the Departmental Committee on Transport & Infrastructure issued a response to a Statement requested by the Member for Kigumo (Hon. Joseph Munyoro) regarding the status of *Mau Mau Roads* in Kigumo Constituency.

**11. THE SUPPLEMENTARY APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2024)**

Motion made and Question proposed;

**THAT**, the Supplementary Appropriation Bill (National Assembly Bill No. 39 of 2024) be now read a Second Time.

*(The Chairperson, Budget and Appropriations Committee – 30.07.24)*

Debate interrupted on Tuesday, 30<sup>th</sup> July 2024 resumed;

Mover replied;

Question put and agreed to.

Bill read a Second time and committed to a Committee of the whole House tomorrow.

**12. COMMITTEE OF THE WHOLE HOUSE**

**The Supplementary Appropriation Bill (National Assembly Bill No. 39 of 2024)**

Order for Committee read;

**IN THE COMMITTEE**

*(In the Chair - The Second Chairperson of Committees)*

**The Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 39 of 2024)**

Clause 3 - agreed to.

Clause 4 - agreed to.

Clause 5 - agreed to.

First Schedule - amendment proposed

**THAT**, the First Schedule to the Bill be amended —

(a) in vote R1291, under the Programme 0612000 Public Prosecution Services, by deleting the expression “Kshs. 20,000,000” appearing in Column 3 (Supply).

(b) in vote D1162, under the Programme 0112000 Livestock Resources Management and Development, by deleting the expression “Kshs. 937,550,000” appearing in Column 3 (Supply), and substituting therefor the expression “Kshs. 987,550,000.”

*(Chairperson, Budget and Appropriations Committee)*

Question for the amendment proposed;

There being no debate arising;

Question put and agreed to.

First Schedule - as amended agreed to.

Second Schedule - amendment proposed

**THAT**, the Second Schedule to the Bill be amended—

(a) in vote R1071—

(i) under the Programme 0717000 General Administration Planning and Support Services, by deleting the expression “Kshs. (7,500,949,077)” appearing in Column 3 (Supply), and substituting therefor the expression “Kshs. (13,350,949,077)”

(ii) under the Programme 0718000 Public Financial Management, by deleting the expression “Kshs. 104,697,153” appearing in Column 3 (Supply), and substituting therefor the expression “Kshs. 4,504,697,153.”

(b) in vote R1104—

- (i) under the Programme 1014000 Irrigation and Land Reclamation, by deleting the expression “Kshs. (52,443,000)” appearing in Column 3 (Supply), and substituting therefor the expression “Kshs. (12,443,000).”
- (ii) under the Programme 1015000 Water Storage and Flood Control, by deleting the expression “Kshs. 34,962,000” appearing in Column 3 (Supply), and substituting therefor the expression “Kshs. (5,038,000).”

(c) in vote D1065, under the Programme 0504000 University Education, by deleting the expression “Kshs. (3,160,640,000)” appearing in column 3 (Supply), and substituting therefor the expression “Kshs. (3,090,640,000)”

(d) in vote D1071—

- (i) under the Programme 0719000 Economic and Financial Policy Formulation and Management, by inserting the expression “Kshs. (767,200,000)” in Column 3 (Supply)
- (ii) under the Programme 0718000 Public Financial Management, by deleting the expression “Kshs. (2,632,600,000)” appearing in Column 3 (Supply), and substituting therefor the expression “Kshs. (1,865,400,000).”

(e) in vote D1082, under the Programme 0402000 National Referral & Specialized Services, by deleting the expression “Kshs. (6,110,500,000)” appearing in column 3 (Supply), and substituting therefor the expression “Kshs. (6,010,500,000)”

(f) in vote D1091, under the Programme 0202000 Road Transport, by deleting the expression “Kshs. (7,213,316,879)” appearing in column 3 (Supply), and substituting therefor the expression “Kshs. (6,963,316,879)”

(g) in vote D1094, under the Programme 0102000 Housing Development and Human Settlement, by deleting the expression “Kshs. 47, 284,000,000” appearing in column 4 (Appropriation in Aid), and substituting therefor the expression “Kshs. 1,000,000,000.”

(h) in Vote D1109, under the programme 1017000 Water and Sewerage Infrastructure Development, by deleting the expression “Kshs. (2,640,810,000)” appearing in column 3 (Supply), and substituting therefor the expression “Kshs. (2,490,810,000).”

(i) in vote D1112, under the Programme 0101000 Land Policy and Planning, by deleting the expression “Kshs. (3,340,376,000)” appearing in column 3 (Supply), and substituting therefor the expression “Kshs. (2,840,376,000)”

(j) in vote D1291, under the Programme 0612000 Public Prosecution Services, by deleting the expression “Kshs. (42,500,000)” appearing in column 3 (Supply), and substituting therefor the expression “Kshs. (22,500,000)”

- (k) in vote R2042, under the Programme 0721000 National Legislation, Representation and Oversight, by deleting the expression “Kshs. (2,136,435,425)” appearing in column 3 (Supply), and substituting therefor the expression “Kshs. (1,906,435,425)”
- (l) in vote D2043, under the Programme 0723000 General Administration, Planning and Support Services, by deleting the expression “Kshs. (716,890,886)” appearing in column 3 (Supply), and substituting therefor the expression “Kshs. (946,890,886)”  
*(Chairperson, Budget and Appropriations Committee)*

Question for the amendment proposed;

Debate arising;

Question put and agreed to.

Second Schedule - as amended agreed to.

Clause 2 - amendment proposed.

**THAT**, Clause 2 of the Bill be amended by deleting the expression “Eight Billion Three Hundred Ninety-Nine Million Ten Thousand and Thirteen shillings” appearing before the words “the sum of” and substituting therefor the expression “Eight Billion Four Hundred and Twenty-Nine Million Ten Thousand and Thirteen shillings”

*(Chairperson, Budget and Appropriations Committee)*

Question for the amendment proposed;

There being no debate arising;

Question put and agreed to.

Clause 2 - as amended agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

**13. HOUSE RESUMED** - *The Deputy 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 (No.2) Bill (National Assembly Bill No. 39 of 2024).

*(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)

Debate arising;

Question put and agreed to.

Motion made and Question proposed –

**THAT**, the Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 39 of 2024) be now read a Third Time.

(Chairperson, Budget and Appropriations Committee)

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

Question put and agreed to.

Bill read a Third Time and passed.

14. **MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR NINE CONSTITUENCIES IN BUNGOMA COUNTY**

Motion made and Question proposed

**THAT**, this House **adopts** the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for nine Constituencies in Bungoma County for Financial Years 2013/2014, 2014/2015 and 2015/2016, *laid on the Table of the House on Thursday, 7<sup>th</sup> March 2024*.

(The Chairperson, Decentralized Funds Accounts Committee)

***(Resumption of debate interrupted on Tuesday, July 23, 2024)***

Debate arising;

Mover replied;

Putting of the Question deferred pursuant to the provisions of Standing Order 53(3).

15. **MOTION – REPORT ON CONSIDERATION OF THE AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS**

Order read;

Order deferred.

16. **MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS**

Order read;

Order deferred.

**17. THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)**

Order for Second Reading read;

Order deferred.

**18. MOTION - PUBLIC PETITION ON FUNDS SPENT CONTRARY TO THE PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION**

Order read;

Order deferred.

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

Order read;

Order deferred.

And the time being nine minutes past Six O'clock, the Fourth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

**20. HOUSE ROSE - at nine minutes past Six O'clock.**

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

The Speaker will take the Chair on  
Thursday, August 01, 2024 at 2.30 pm

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