



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

MONDAY, NOVEMBER 25, 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. Hon. Speaker.
4. **LACK OF QUORUM AT COMMENCEMENT**

There being no Quorum present to commence business, the Speaker ordered that the Quorum Bell be rung for ten minutes;

And Quorum having been attained within ten minutes, business commenced.

5. **MESSAGES**

The Speaker issued the following Message —

NOMINATION OF A PERSON FOR APPOINTMENT AS THE SECRETARY/CHIEF EXECUTIVE OFFICER OF THE ETHICS & ANTI-CORRUPTION COMMISSION

‘Honourable Members,

1. Pursuant to the provisions of section 16(1) of the Ethics and Anti-Corruption Commission Act, CAP 7H, as read together with section 5(1) of the Public Appointments (Parliamentary) Approval Act, CAP 7F, I wish to report to the House that I have received a Message from the Chairperson of the Ethics and Anti-Corruption Commission asking the House to approve a person for appointment as the Secretary/Chief Executive Officer of the Ethics and Anti-Corruption Commission (EACC).
2. In the Message, **Honourable Members**, the Chairperson conveys that pursuant to the provisions of section 16 of the Ethics and Anti-Corruption Commission Act, CAP 7H and following a competitive recruitment process, the Commission has recommended **Mr. Abdi Ahmed Mohamud, MBS**, for appointment to the position of Secretary and Chief Executive Officer of the Ethics and Anti-Corruption Commission. The Chairperson therefore seeks approval of the nomination by the House.

3.Honourable Members, Standing Order 45 requires that, upon receipt of notification of nomination for appointments, such nomination shall stand committed to the relevant Departmental Committee of the House for consideration. In this regard, I hereby refer the request, together with the report of the EACC on the recruitment of the Secretary and CEO, and the nominee’s testimonials to the **Departmental Committee on Justice & Legal Affairs** for consideration.

4.Honourable Members, section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 requires the Committee to which such nomination is referred, to consider the matter and table a report in the House **within twenty-eight (28) days**. However, noting the need to expeditiously conclude the approval hearings and given the Calendar of the House, I direct the Committee to immediately commence the approval process, notify the nominee and the general public of the time and place for holding the approval hearings, and thereafter, upon conclusion, table its report on or before **Tuesday, 3rd December 2024** to enable the House to consider the matter within the statutory timelines. **I thank you!’’**

6. PAPERS

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

- (i) The Address by H.E the President of the Republic of Kenya, delivered in Parliament on Thursday, 21st November 2024;
- (ii) The 11th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- (iii) The 11th Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya; and
- (iv) The Annual Report to Parliament on the State of National Security for the period 1st September 2024 to 31st August 2024.
- (v) Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022 & 30th June 2023 and the certificates therein in respect of: -
 - a) Asumbi Girls High School;
 - b) St. Mary’s Lwak Girls High School;
 - c) Hola Boys Secondary School;
 - d) Chianda High School;
 - e) NEP Girls High School;
 - f) Moi Girls Secondary School – Mandera;
 - g) Chavakali High School; and
 - h) St. Clare Ebukuya Secondary School.

(The Leader of the Majority Party)

- (vi) Report of the Departmental Committee on Energy on the inquiry into the matter of the reduction of electricity costs in the Country.

(Chairperson, Departmental Committee on Energy)

- (vii) Report of the Mediation Committee on The Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024)

(Chairperson, Budget and Appropriations Committee)

7. NOTICES OF MOTION

The following Notices of Motions were given –

A. INQUIRY INTO THE MATTER OF REDUCTION OF ELECTRICITY COSTS IN THE COUNTRY

THAT, this House **adopts** the Report of the Departmental Committee on Energy on the inquiry into the matter of the reduction of electricity costs in the country, *laid on the Table of the House on Monday, 25th November 2024*, and **approves** the lifting of the moratorium on the signing of new Power Purchase Agreements subject to the following conditions –

- (i) **THAT**, all intermittent sources of energy projects i.e. wind and solar being onboarded to the grid be fitted with Energy Storage Solutions as a mitigation measure to their intermittency as well as to maintain the system's equilibrium between supply and demand for electricity by strategically discharging storage assets during times of peak demand and charging them during times of low demand;
- (ii) **THAT**, the Ministry immediately stops Power Purchase Agreement amendments that occur midway through the lifecycle of the Independent Power Producers, similar to the case of OrPower 4 Inc, and all subsequent PPA amendments/variations are to be subjected to the National Assembly for approval;
- (iii) **THAT**, the power generation indicative tariffs both in the FiT and auctions system before gazettelement and all Power Purchase Agreements be subjected to approval and ratification by the National Assembly, and this will also apply to projects still in the pipeline and those not yet operationalized before the imposition of the moratorium. In the transition phase before the formation and operationalization of the IPP office, EPRA will undertake this role as it is currently prescribed in law and is to submit the updated competitive indicative tariffs to guide the process of onboarding of power producers for concurrence with the National Assembly before gazettelement within two (2) months upon passage of the report;
- (iv) **THAT**, all new power generation plant Power Purchase Agreements (PPAs) to be onboarded to the grid are denominated in Kenyan Shillings. The Committee shall initiate an amendment to the Energy, Act CAP 314 to effect this recommendation;
- (v) **THAT**, the Ministry and EPRA implement competitive procurement of Energy projects under an auction scheme modeled similar to South Africa's Independent Power Producer Procurement Programme in order to ensure that Energy is procured competitively and in line with the gazetted indicative tariffs and the Least Cost Power Development Plan to ensure price discovery by

selecting only the least expensive power producer that meets the detailed technical and financial evaluation requirements after the bid rounds, failure to which the auction will be deemed unresponsive. Further, the Ministry in conjunction with EPRA to draft and table an approved Renewable Energy Auctions Policy that outlines the transition from the Feed-in-Tariff for advanced projects which must also be in line with the gazetted indicative tariffs, and operationalizes the auction system for consideration by the National Assembly within six (6) months after the adoption of the report; and

- (vi) **THAT**, within six (6) months upon adoption of this Report, the Business Registration Services (BRS) submits to the National Assembly a report containing a list of the owners, beneficial owners, shareholders and directors of each entity operating as an independent power producer in Kenya in accordance with section 93A of the Company Act, 2015. Subsequently, all new power purchase agreements will only be entered into with a power generation entity that has fully disclosed and registered full beneficial ownership in compliance with the Act.

(Chairperson, Departmental Committee on Energy)

B. REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE (AMENDMENT) BILL, 2024

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House **adopts** the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024), *laid on the table of the House on Monday, 25th November 2024*, and **approves** the Mediated version of the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024).

(Chairperson, Mediation Committee)

C. DEBATE ON THE PRESIDENT'S ADDRESS (DAY 1)

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Thursday, 21st November 2024 and further, that this House notes the following Reports submitted by H.E. the President in fulfillment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution, *laid on the Table of the House on Monday, 25th November 2024*—

- (i) The 11th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- (ii) The 11th Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya; and,
- (iii) The Annual Report to Parliament on the State of National Security.

(The Leader of the Majority Party)

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

- a. Pursuant to the provisions of Standing Order 44(2)(c), the following Members requested for Statements: -
- (i) The Nominated Member (Hon.Umulkher Harun) requested for a Statement from the Chairperson of the Departmental Committee on Social Protection regarding the delay of the National Youth Council Elections.
 - (ii) The Member for Uasin Gishu (Hon.Gladys Boss) requested for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding Challenges facing Cereal growers in the country.
- b. Response to the following Statements were deferred:
- i) by the Member for Kisii County (Hon.Dorice Donya) to the Chairperson, Departmental Committee on Agriculture and Livestock regarding Payment of annual bonuses to tea farmers.
 - ii) by the Member for Koioin (Hon. Brighton Yegon) to the Chairperson, Departmental Committee on Agriculture and Livestock regarding discrepancies in tea farmers' bonuses in some parts of Rift Valley.

9. THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2024)

(The Leader of the Majority Party)

Order for First Reading read.

Bill read a First Time and referred to the relevant Committee pursuant to standing Orders 127(1).

10. MOTION – DEBATE ON THE PRESIDENT'S ADDRESS (DAY 1)

Motion made and Question proposed-

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Thursday, 21st November 2024 and further, that this House notes the following Reports submitted by H.E. the President in fulfillment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution, *laid on the Table of the House on Monday, 25th November 2024—*

- (i) The 11th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- (ii) The 11th Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya; and,
- (iii) The Annual Report to Parliament on the State of National Security.

(The Leader of the Majority Party)

Debate arising;

Debate to resume.

And the time being twenty-five minutes to Seven O'clock, the Fourth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

11. HOUSE ROSE - at twenty-five minutes to Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair today
Monday, 25th November 2024 at 6.45 p.m.

--X--