



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, DECEMBER 05, 2024

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. **LACK OF QUORUM AT COMMENCEMENT**

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

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

5. **COMMUNICATION FROM THE CHAIR**
(a) Suspension of Sittings during the Long Recess
“Honourable Members,

As notified in today’s Order Paper, at the rise of this Sitting, the House is scheduled to proceed on its long recess from tomorrow, Friday, 6th December, 2024 to Monday, 10th February, 2025 in accordance with its calendar for the Third Session. This Sitting therefore marks the conclusion of regular Sittings of the Third Session of the Thirteenth Parliament and the beginning of a well-deserved break.

Honourable Members, during this session, the House transacted key various businesses including critical Bills, Treaties, approvals for appointments and inquiries. The House also undertook its oversight and representation role through Questions to Cabinet Secretaries and Statements which continue to elicit great interest not just in the House but also from the general public. In line with the established practice the Clerk is preparing a more comprehensive report detailing the activities of the House in the Third Session which will be made available in due course.

Honourable Members, in line with the resolution of the House on the Calendar for Regular Sittings on 15th February 2024, Committees ought to suspend sittings from 6th December 2024 until 20th January 2025. However, I wish to direct an earlier suspension of Committee sittings effective tomorrow, Friday, 6th December 2024. This variation is intended to allow Members to attend the East African Community – Inter-Parliamentary Games to be held in Mombasa County from 7th to 16th December 2024 and thereafter to attend to their constituency duties as for our parliamentary staff to take their annual leave. I hasten to stress that any committee that may need to conduct any activities during the said period ought to obtain express permission from my office, upon a written request.

Honourable Members, in order to safeguard business with statutory timelines from lapsing, the counting of days for such business shall cease effective today and resume when the House sits for the Fourth Session on Tuesday, 11th February 2025. I hasten to remind Members that should need arise for the House to transact any urgent business, the House will be recalled pursuant to Standing Order 29.

Honourable Members, I wish to thank the Leadership of the House, Members of this House and staff for the diligence and commitment exhibited, which enabled the House to transact business, both in plenary and in Committees throughout the Third Session. Specifically, I wish to commend Members for their active participation which has seen the consideration and conclusion of key priority business by the House.

In conclusion, **Honourable Members**, as you proceed to spend valuable time with your families and constituents during the season, I take this early opportunity to wish you all a happy festive season and a prosperous New Year, 2025. **I thank you.**”

(b) A Legislative Proposal to amend the Constitution

“**Honourable Members**, I wish to bring to the attention of the House that I have received a legislative proposal intending to amend the Constitution to entrench the **National Government Constituencies Decentralized Development Fund**, the **Senate Oversight Fund**, and the **National Government Affirmative Action Fund** in the Constitution. The proposal is **co-sponsored** by the Member for Ainabkoi, the **Hon. Samuel Chepkong’a, MP**, and the Member for Rarieda, the **Hon. (Dr.) Otiende Amollo, MP**.

Hon. Members, the procedure for amending the Constitution through parliamentary initiative is provided for under Article 256 of the Constitution. Standing Order 114 (7A) actualizes this procedure in the National Assembly by providing that, and I quote—

“114(7A) *In respect of a proposal to amend the Constitution—*

- (a) *the proposal shall be accompanied by the signatures of at least 50 other Members in support, unless it is sponsored by the Majority Party or the Minority Party;*
- (b) *where the Speaker approves the prepublication scrutiny of the proposal, the speaker shall notify the House of the approval and may—*
 - (i) *allow the sponsor to make a statement on the objectives of the proposal;*
 - (ii) *allow comments on the statement made by the Member;*
 - (iii) *facilitate collation of the views from the comments of Members at an appropriate forum; and,*
 - (iv) *invite Members with similar or related proposals to make submissions before the committee to which the proposal is referred.*
- (c) *the forum or the committee to which the legislative proposal is referred under subparagraph (b) shall—*
 - (i) *invite and consider submissions from the Attorney General; the commissions and independent offices established under Chapter Fifteen of the Constitution and any constitutional or statutory body with a law reform mandate; and*
 - (ii) *in consultation with the sponsor, attempt to develop and recommend a harmonized version of the proposal arising from the submissions received.”*

Hon. Members, having obtained **signatures of 258 Members** of this House, the proposal submitted by Hon. Chepkong’a and Hon. Otiende Amollo, MP, complies with the first part of Standing Order 114(7A). Consequently, as your Speaker, my obligation is to facilitate the rest of the processes as provided for in the Standing Orders.

Honourable Members, you will recall that the House has previously been seized of an essentially similar proposal to amend the Constitution co-sponsored by the Member for Matungulu, the Hon. Stephen Mule MP and the Member for Gichugu, the Hon. Githinji Gichimu, MP. With regard to this earlier proposal, I allowed the Hon. Mule and the Hon. Gichimu to make statements on the objectives of the proposal and further allowed comments from Members on the proposal.

Additionally, this House passed a **Resolution on 24th November 2022 on the Establishment of a Joint Parliamentary ad hoc Committee on a Proposal to Amend the Constitution to entrench certain Specialised Funds**. Notably, the Hon. Chepkong'a was the Co-Chairperson of the Committee which was expected to collate the views of Members of both Houses and develop or recommend a harmonized version of the proposal.

Hon. Members, The *Joint Parliamentary ad hoc Committee* was, unfortunately, unable to conclude its work and table a Report. This was despite the Hon. Chepkong'a seeking a 90-day extension for the Committee, which I acceded to on **23rd March, 2023**. Presently, it would seem that the work of the *Joint Parliamentary ad hoc Committee* and the active representation of the House in NGCDF litigation matters by the co-sponsors may have informed their decision to introduce the current proposal.

Hon. Members, as your Speaker, part of my obligation is to facilitate the legislative process as provided for in the Standing Orders. In this regard and in keeping with the requirements of Standing Order 114(7A), I have approved the request by the Hon. Chepkong'a and the Hon. Otiende to make very brief statements on the objects of the proposal during this afternoon's sitting.

Noting that Members ventilated at length on the issue of entrenching NGCDF and other related Funds in the Constitution while considering the earlier proposal by the Hon. Mule and the Hon. Gichimu, I shall limit the comments on the proposal for the convenience of the House.

Hon. Members, this proposal and the earlier proposal introduced by the Hon. Mule and the Hon. Gichimu shall thereafter stand committed to the Departmental Committee on Justice and Legal Affairs for consideration. As required by Standing Order 114(7A)(c), the Committee shall expeditiously invite and consider submissions from the Attorney-General, the commissions and independent offices established under Chapter Fifteen of the Constitution, and any other body with a law reform mandate.

Additionally, to avoid further delay, the Committee is directed to submit its recommendations on the proposals on or before **Tuesday, 11th February, 2025**, which is the date that the House is scheduled to resume for the Fourth Session.

The House is accordingly guided."

The Speaker guided that he would accord the Hon. Samuel Chepkonga and the Hon. (Dr.) Otiende Amollo an opportunity to make Statements regarding their legislative proposal at 5.00 p.m. and thereafter, Members would be given an opportunity to make contributions.

6. MESSAGES

The Rt. Honourable Speaker reported the following Message from the Senate—

Approval of the nomination of Mr. Gerald Nyaoma Arita for appointment to the position of Deputy Governor of the Central Bank of Kenya

"Honourable Members,

Pursuant to the provisions of Standing Order 41(4) relating to *Messages from the Senate*, I wish to report to the House that I have received a Message from the Senate regarding the approval of the nomination of **Mr. Gerald Nyaoma Arita** for appointment to the position of Deputy Governor of the Central Bank of Kenya.

Honourable Members, you will recall that the approval hearings for the nominee for the position of Deputy Governor of the Central Bank of Kenya were jointly conducted by the respective committees of the Houses of Parliament. Indeed, on Wednesday, 27th November 2024, the National Assembly approved the appointment of Mr. Gerald Nyaoma Arita as the Deputy Governor of the Central Bank of Kenya.

Honourable Members, the approval by the Senate now concludes the bicameral consideration of the matter. I am informed that this decision has already been conveyed to the office of the Head of the Public Service for appropriate action.

The House is accordingly guided. **I thank you!"**

7. PAPERS

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

- (i) Reports of the Auditor-General and Financial Statements for Rural Electrification and Renewable Energy Corporation Staff Mortgage and Car Loan Scheme for the Nine (9) Months' period ended 30th June 2024 and certificates therein.
- (ii) 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) Blessed Mugutha Secondary School;
 - b) Njoro Boys High School; and
 - c) Bavuni Secondary School.
- (iii) Reports of the Auditor-General and Financial Statements for the years ended 30th June 2024 and the certificates therein in respect of:
 - a) Kenya Nairobi Southern Bypass Road Project (Loan Agreement No. China EXIMBANK PBC NO. (2011) 22 Total No. (183) NO. 14203030520115528) – Kenya National Highways Authority;
 - b) Regional Mombasa Port Access Road Project (Loan No. (KFW):27459, Grant No. (KFW): 202061919) and Credit No. (KFW):84010 – Kenya National Highways Authority;
 - c) Mombasa -Nairobi – Addis Ababa Road Corridor Project PhaseII (Marsabit – Turbi Road)Loan Agreement No. 2100150020744;
 - d) Financing Locally–Led Climate Action Program Project (Loan No. BWZ-No. 2016 65 108/2018 65 138) – The National Treasury;
 - e) Support to Technical Vocational Education and Training for Relevant Skills Development Project -TVet Project Phase II (ADF Loan No. 2100150033295) – State Department for Technical, Vocational Education and Training;
 - f) Increased Enjoyment of Human Rights and Fundamental Freedoms by All in Kenya Project Grant /Credit Number: KEN 19-0011 – Kenya National Commission on Human Rights;
 - g) USAID Boresha Jamii Project No. 720061521CA00004 – Jaramogi Oginga Odinga University of Science and Technology;
 - h) Africa Center of Excellence in Sustainable use of insects as Food and Feeds Project(IDA Credit No. 5798-KE) – Jaramogi Oginga Odinga University of Science and Technology;

- i) Kenya Nairobi Western Bypass Project (Loan No. China EXIM Bank GCL No. (2017) 28 Total No. 633) – Kenya National Highways Authority;
- j) Second Kenya Informal Settlements Improvement Project (IDA Credit No. 6759 – KE) – State Department for Housing and Urban Development;
- k) Kenya Urban Support Program IDA Credit No. 61340-KR – State Department for Housing and Urban Development;
- l) Kenya Youth Employment and Opportunities Project (IDA Project No. 5812- KE) – State Department for Youth Affairs and Creative Economy;
- m) East Africa Skills Transformation and Regional Integration Project IDA Credit No. 6334-KE – State Department for Roads;
- n) Horn of Africa Gateway Development Project (IDA Credit No. 6768KE)- National Transport and Safety Authority;
- o) Global Fund – Provision of Quality Care and Prevention Services for All People in Kenya with TB, Leprosy and Lung Diseases Program (Grant Agreement No. KEN-M-TNT-2067)- The National Treasury;
- p) Global Fund – to Contribute to Achieving Vision 2030 through Universal Access to Comprehensive HIV Prevention, Treatment and Care Program (Grant Agreement No. KEN-M-TNT -2065) – The National Treasury;
- q) Global Fund – to Reduce Malaria Incidence and Deaths by at least 75 Percent of the 2016 Levels by 2023, Working Towards a Malaria – Free Kenya Program (Grant Agreement No. KEN-M-TNT-2064) – The National Treasury;
- r) Multinational Horn of Africa Isiolo-Mandera Corridor (Elwak – Rhamu Road) Upgrading Project – Kenya National Highways Authority;
- s) Port Reitz/Moi Internal Airport Access (C110) Road (Fidic Epc /Turnkey Based) Project - Kenya National Highways Authority;
- t) Multinational Arusha – Holili/ Taveta - Voi Road Corridor Development Project Phase I Project Loan No. 2100150028894) – Kenya National Highways Authority;
- u) Eastern Africa Regional Transport, Trade and Development Facilitation Project (IDA Credit No. 5628) – Kenya National Highways Authority;
- v) Towards Ending Drought Emergencies (Twende): Ecosystem Based Adaption in Kenya’s Arid and Semi-Arid Rangelands Project (IUCN GrantNo. P02886) – State Department for Livestock Development;
- w) European Widows and Orphans Pension Fund – The National Treasury;
- x) Kenol – Sagana- Marua Highways Improvement Project (P-KE-DBO-037) Credit No. 5050200000901 and 2000200004504 – Kenya National Highways Authority;
- y) Improvement of Drinking Water and Sanitation Systems in Mombasa: Mwache Project (Credit No. AFD LOAN No. CKE 1103 01 C) – Coast Water Works Development Agency;
- z) Upgrading of Kibwezi – Mutomo – Kitui- Migwani Road Project No. BLA2016K001 – Kenya National Higways Authority;
- aa) National Agricultural and Rural Inclusive Growth Project (IDA Credit 5900-KE) – State Department for Agriculture;
- bb) Kenya -off Grind Solar Access Project (KOSAP) Credit Number 6153-KE – State Department for Energy
- cc) Kenya Cereal Enhancement Progrmme – Climate Resilient Agricultural Livelihood Window (KCEP-CRAL) EU Grant No. 2000000623, Grant No. 2000001522, Grant No. 2000003493, Grant No. 2000001122 and IFAD Loan 2000001121 – State Department for Agriculture;
- dd) Kenya Transformation Centers Digital Platform Project;
- ee) Kenya Climate Smart Agriculture Project (IDA Credit No. 5945-KE) – State Department for Agriculture;

- ff) East Africa Skills for Transformation and Regional Integration Project (EASTRIP) IDA Loan Credit No. 6334-KE – State Department for Technical , Vocational Education and Training;
 - gg) Kenya Water Security and Climate Resilience Project (Grant No. TFOA0761A and Credit number: 5268/5674/7423- KE) – State Department for Irrigation;
 - hh) Multinational Drought Resilience and Sustainable Livelihoods Programmes (DRSLP) in the Horn of Africa (ADF Loan No. 2100150028345) – State Department for Agriculture;
 - ii) Programme for Legal Empowerment and Aid Delivery (Project Credit Number KE/FED/2018/397-591) – The Attorney General and Department of Justice;
 - jj) Mombasa – Mariakani Highways Project (A019) Roads Lot I (Mombasa – Kwa ADF Loan No. 2100150032743 – Kenya National Highways Authority;
 - kk) Multi- National to Build Resilience for Food and Nutrition Security in the Horn of Africa (Brefons) – State Department for Agriculture; and
 - ll) Small Scale Irrigation and Value Addition Project – ADF Loan 200130014530 and Grant No. 5570155000751 – State Department for Agriculture.
- (a) 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:
- (i) Moi Girls Isinya Secondary School;
 - (ii) Salvation Army Maiani Secondary School;
 - (iii) Lamu Girls Secondary School;
 - (iv) St. Bakhita Siakago Girls High School;
 - (v) Moi High School Mbiruri;
 - (vi) St. Monica Girls Mulutu Secondary School;
 - (vii) Mbita High School;
 - (viii) St. Anne’s Muthale Girls Secondary School;
 - (ix) Maryhill Girls High School;
 - (x) Utumishi Girls Academy;
 - (xi) Sacred Heart Mukumu Girls’ High School;
 - (xii) Analat Secondary School; and
 - (xiii) Kibiko Secondary School.
- (b) Reports of the Auditor-General and Financial Statements for the years ended 30th June 2024 and the certificates therein in respect of:
- (i) State Department for Parliamentary Affairs;
 - (ii) Kenya Local Loans Support Fund;
 - (iii) Kenya Citizens and Foreign Nationals Management Service;
 - (iv) Global Fund Tuberculosis Grant Credit No. KEN-T-TNT 2067 – Ministry of Health;
 - (v) Eastern Africa Regional Transport, Trade and Development Facilitation Project IDA Credit No. 5638- KE;
 - (vi) Bura Rehabilitation Development Project Loan Numbers Badea 331, Kuwait 752, OPEC 1154P – National Irrigation Authority;
 - (vii) Covid -19 Health Emergency Response Project Grant/Credit No. 6598 - KE - Ministry of Health;
 - (viii) Witness Protection Agency;
 - (ix) Northern Corridor Transport Improvement Project – IDA Credit No. 3930 and No. 4571 -KE – Kenya National Highways Authority; and
 - (x) Mombasa Special Economic Zone Development Project (I) – Kenya National Highways Authority.

(Leader of the Majority Party)

- (c) Report of the Departmental Committee on Education on its' consideration of the Learners with Disabilities Bill (Senate Bill No. 10 of 2023).

(The Hon. Malulu Injendi - Vice Chairperson, Departmental Committee on Education)

8. REORGANIZATION OF BUSINESS

Pursuant to the provisions of Standing Order 40, the Rt. Honourable Speaker reorganized the sequence of business so as to consider, **Order No. 9** (*Report of the Committee of the Whole House on its consideration of the Startup (Senate Bill No. 14 of 2022)*), **Order No. 10** (*Consideration of Mediated Version of the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023)*) and **Order No. 8** (*Procedural Motion- Extension of periods for consideration of a Special Motion on approval of nominees for appointment to the Salaries and Remuneration Commission*) on the Order Paper and thereafter revert to **Order No. 7** (*Questions and Statements*).

9. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE STARTUP BILL (SENATE BILL NO. 14 OF 2022)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of Startup Bill (Senate Bill No. 14 of 2022) up to Clause 6 and seek leave to sit again.

(The Hon. Irene Mayaka, M.P. – Co-Sponsor)

Debate having been concluded on Thursday, December 05, 2024 (Morning Sitting);

Mover having replied;

Question put and agreed to;

10. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE STARTUP BILL (SENATE BILL NO. 14 OF 2022) CONSIDERATION OF MEDIATED VERSION OF THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2023)

THAT, pursuant to the provisions of the Article 113(2) of the Constitution and Standing Order 150(3), this House **adopts** the Report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023), *laid on the Table of the House on Wednesday, 4th December 2024*, and **approves** the Mediated version of the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023).

(The Chairperson, Mediation Committee on the Conflict of Interest Bill, 2023)

Debate having been concluded on Thursday, December 05, 2024 (Morning Sitting);

Mover having replied;

Question put and agreed to;

11. PROCEDURAL MOTION –EXTENSION OF PERIOD FOR CONSIDERATION OF A SPECIAL MOTION ON APPROVAL OF NOMINEES FOR APPOINTMENT TO THE SALARIES AND REMUNERATION COMMISSION

Motion made and Question proposed;

THAT, pursuant to the provisions of section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to *extension of period of consideration of*

nominees for appointment to a public office, this House **resolves** to extend the period for consideration of a Special Motion relating to the approval of nominees submitted by His Excellency the President for appointment as **the Chairperson and Members of the Salaries and Remuneration Commission** by a period of **fourteen (14) days from 11th December 2024**.

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

12. STATEMENT PURSUANT TO STANDING ORDER 44(2)(a)

Pursuant to the provisions of Standing Order 44(2)(a), the Leader of the Majority Party (Hon. Kimani Ichung'wah) issued a Statement regarding the business of the House for the week and conclusion of business for the Session.

13. STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)

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

- (a) The Member for Suna West (Hon. Peter Masara) requested for a Statement from the Chairperson of the Departmental Committee on Education regarding capitation to schools, textbook-to-pupil ratio and the state of Early Childhood Development and Education (ECDE) Programmes;
- (b) The Member for Garissa County (Hon. Amina Udgoon) requested for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding Management of pension funds by the National Social Security Fund (NSSF);
- (c) The Member for Baringo Central (Hon. Joshua Kandie) requested for a Statement from the Chairperson of the Departmental Committee on Labour regarding recruitment of officers to the State Department for Diaspora Affairs; and
- (d) The Member for Runyenjes (Hon. Eric Karemba) requested for a Statement from the Chairperson of the Departmental Committee on agriculture regarding the high cost of farm inputs.

14. RESPONSE TO STATEMENT PURSUANT TO STANDING ORDER 44(2)(c)

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

- (a) The Chairperson of the Departmental Committee on Administration and Internal Security responded to a Statement requested by the Member for Butere (Hon. Tindi Mwale) regarding the fight against drug trafficking in the country;
- (b) The Chairperson of the Departmental Committee on Blue Economy and Irrigation responded to a Statement requested by the Member for West Pokot County (Hon. Rael Kasiwai) regarding status of *Siyoi-Muruny* Dam Project in West Pokot County; and

(c) The Vice Chairperson of the Departmental Committee on Education responded to a Statement requested by the Majority Whip (Hon. Silvanus Osoro) regarding closure of boarding schools on short notice among other matters.

15. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Fifth Chairperson of Committees in the Chair

The Startup Bill (Senate Bill No. 14 of 2022)

Clause 7 - amendment proposed—

THAT, Clause 7 of the Bill be amended by deleting Clause 7.

(Hon. John Kiarie)

Question of the amendment proposed;

No debate arising;

Question of the amendment put and negatived;

Further amendment proposed –

THAT, the Bill be amended by deleting Clause 7 and substituting therefor the following new clause—

Registration
of labelled
startup.

7. (1) A person may apply to the committee to register a labelled startup under this Act in the prescribed form.

(2) A person who applies under subsection (1) shall submit a statement setting out—

(a) the name of the entity;

(b) the general nature of the proposed business of the entity;

(c) a declaration form stating whether an entity has complied with data protection laws; and

(d) the proposed registered office of the entity;

(3) The committee shall put in place mechanisms to ensure that the admission process is simple, efficient, accurate and transparent.

(4) The committee shall establish an online platform for the submission of the documents and information specified under subsection (2).

(5) The committee shall register and issues a label to a person who complies with the requirements specified in the regulations made under this Act.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 7 - as amended agreed to.

Clause 8 - amendment proposed;

THAT, Clause 8 of the Bill be deleted and be substituting therefor with the following new clause—

Obligations
of labelled
startups.

- 8.** (1) A startup labelled under this Act, shall—
 - (a) provide information to the committee annually on its annual turnover;
 - (b) maintain proper books of accounts;
 - (c) provide an annual report on monies received to support their activities;
 - (d) comply with any other obligations set out by the Committee after issuance of the label; and
 - (e) provide any other information that may be required during the period.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 8 - as amended agreed to.

Clause 9 - amendment proposed-

THAT, the Bill be amended by deleting Clause 9.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and negatived;

Clause 9 - agreed to.

Clause 10 - amendment proposed-

THAT, the Bill be amended by deleting Clause 10.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 10 - deleted.

Clause 11 - amendment proposed-

THAT, the Bill be amended by deleting Clause 11.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 11 - deleted.

Clause 12 - amendment proposed-

THAT, the Bill be amended by deleting Clause 12.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

No debate arising;

Question of the amendment put and agreed to;

Clause 12 - deleted.

Clause 13 - amendment proposed-

THAT, the Bill be amended by deleting Clause 13.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

No debate arising;

Question of the amendment put and agreed to;

Clause 13 - deleted.

Clause 14 - amendment proposed-

THAT, the Bill be amended by deleting Clause 14 and substituting therefor the following new clause—

Grounds for **14.** The Startup Committee may cancel a startup registered cancellation. under this Act where —

- (a) there is reasonable cause to believe that the startup has among its objects the pursuit of an unlawful cause or purpose prejudicial to public interest;
- (b) the startup fails to comply with any directive issued by the Startup Committee to ensure compliance with the provisions of this Act;
- (c) the members of the startup fail to comply with the provisions of their constitution or rules or the provisions of this Act;
- (d) the startup fails to submit any information required under this Act or requested by the Startup Committee in order to ensure compliance with this Act; or
- (e) the startup submitted false information or statements at the time of labelling of the startup.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 No debate arising;
 Question of the amendment put and agreed to;
Clause 14 - as amended agreed to.
Clause 15 - amendment proposed-

THAT, the Bill be amended by deleting Clause 15 and substituting therefor the following new clause—

Notice of non-compliance. **15.** (1) The Startup Committee shall, before cancelling a startup under section 14 issue to the entity a compliance notice in the prescribed form.
 (2) A compliance notice issued under subsection (1) shall—
 (a) be in writing;
 (b) notify the startup of the noncompliance and the steps it is required to take in order to ensure compliance; and
 (c) inform the entity of the period within which it is required to comply with the notice.
 (3) The Startup Committee may, upon request by the startup and where there are sufficient grounds shown by the startup, extend the period of compliance for such period as the Startup Committee may consider necessary to ensure compliance.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 No debate arising;
 Question of the amendment put and agreed to;
Clause 15 - as amended agreed to.
Clause 16 - amendment proposed-

THAT, the Bill be amended by deleting Clause 16 and substituting therefor the following new clause—

Cancellation. **16.** (1) Where a startup which receives a notice under section 15 fails to comply with such notice, the Startup Committee shall cancel that startup by—
 (a) cancelling its certificate of labelling;
 (b) notifying the startup in writing of—
 (i) the cancellation and the reasons for it; and
 (ii) the date on which the certificate of labelling was cancelled; and
 (c) amend the register accordingly.
 (2) Where a startup is cancelled under subsection (1), all the rights and benefits that accrue to it by virtue of being registered shall cease to accrue to the startup.
 (3) For purposes of this Act, cancellation of a startup under this section takes effect on the date on which the certificate of registration is cancelled by the Startup Committee.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

No debate arising;

Question of the amendment put and agreed to;

Clause 16 - as amended agreed to.

Clause 17 - amendment proposed;

THAT, the Bill be amended by deleting Clause 17 and substituting therefor the following new clause—

Application from an order of refusal or de-registration. **17.** (1) A person who is aggrieved by the decision of the Startup Committee under this Part may, within thirty days of being notified of the decision, apply to the Cabinet Secretary for a review of the decision.

(2) An application for review shall be in such form as the Cabinet Secretary shall prescribe.

(3) The Cabinet Secretary shall determine an application under subsection (1) within sixty days of receipt of the application under subsection (1) and may confirm, vary or reverse the decision under review.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

No debate arising;

Question of the amendment put and agreed to;

Clause 17 - as amended agreed to.

Clause 18 - amendment proposed-

THAT, the Bill be amended by deleting Clause 18 and substituting therefor the following new clause—

Register of startups. **18.** (1) The Startup Committee shall keep and maintain a register of —

(a) all startups registered under this Act specifying —

- (i) the name of the startup;
- (ii) the members of the startup;
- (iii) the address of the startup; and
- (iv) such other particulars as the Startup Committee may from time to time determine;

(b) all cancelled startups; and

(c) all startups which have voluntarily cancelled under this Act.

(2) Any person may inspect the register and obtain a copy of, or an extract from the Startup Committee upon payment of such fee as the Startup Committee shall determine.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 No debate arising;
 Question of the amendment put and agreed to;
Clause 18 - as amended agreed to.
Clause 19 - amendment proposed;

THAT, the Bill be amended by deleting Clause 19 and substituting therefor the following new clause—

Alteration **19.** (1) The Startup Committee, as the case may be, may, of from time to time, make changes or corrections in the register. register relating to any entry.

(2) Any change or correction in relation to an entry made pursuant to a notice issued by a startup shall be made to the Startup Committee as soon as it is practicable after receipt of an authenticated notification thereof.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 Debate arising;
 Question of the amendment put and agreed to;
Clause 19 - as amended agreed to.
Clause 20 - agreed to;
Clause 21 - amendment proposed-

THAT, the Bill be amended by deleting Clause 21 and substituting therefor the following new clause—

Change of **21.** (1) A startup that makes a change to any of its particulars. particulars shall, within thirty days of such change submit to the Startup Committee information regarding the change.
 (2) Upon receipt of the information under subsection (1) and where the Startup Committee is satisfied that the change does not affect its status of registration as a startup, enter the changes in the register kept by the Startup Committee under this Act.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 No Debate arising;
 Question of the amendment put and agreed to;
Clause 21 - as amended agreed to.
Clause 22 - agreed to;
Part IV - amendment proposed-

THAT, the title to **PART IV** of the Bill be amended by inserting the words “AND ACCELERATORS” immediately after the word “INCUBATORS”.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 No debate arising;
 Question of the amendment put and agreed to;
Part IV - as amended agreed to.
Clause 23 - agreed to;
Clause 24 - amendment proposed;

THAT, Clause 24 of the Bill be amended—
 (a) in subclause (1):
 (a) by deleting the word “registrar” appearing in paragraph (a) and substituting therefor the word “startup ecosystem players” and
 (b) by deleting paragraph (b).

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 Debate arising;
 Question of the amendment put and agreed to;
Clause 24 - as amended agreed to.
Clause 25 - amendment proposed-

THAT Clause 25 of the Bill be amended--
 (a) in subclause (1) by deleting the words “, in consultation with the county executive committee members, ”
 (b) in subclause (2) by deleting the words “ or a county executive committee member may, ”

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 No debate arising;
 Question of the amendment put and agreed to;
Clause 25 - as amended agreed to.
Clause 26 - agreed to;
Part V - amendment proposed-

THAT, the title to **PART V** of the Bill be amended by inserting the words “, INCUBATORS AND ACCELARATORS” immediately after the word “STARTUPS”

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;
 Debate arising;
 Question of the amendment put and agreed to;
Part V - as amended agreed to.
Clause 27 - amendment proposed-

THAT, Clause 27 of the Bill be amended—
 (a) by deleting subclause (1) and substituting therefor the following new sub-clause—

- “(1) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for finance, put in place measures for the granting of fiscal and non-fiscal incentives including tax incentives as shall be considered necessary for the development of startups.”
- (c) by deleting subclause (2).

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed –

THAT, Clause 27 of the Bill be amended in subclause (1) by inserting the following new paragraphs immediately after paragraph (f)—

- “(g) tax breaks in key industries as may be determined by the Cabinet;
- (h) employees of Startups may be entitled to Personal Income Tax relief;
- (i) competitive interest rates on Startup loan products from Government;
- (j) zero-rated Pay As You Earn up to an amount as may be determined by the Cabinet;
- (k) ease work permit requirements for foreign talent with the requisite skills;
- (l) Value Added Tax exemption for a period as shall be determined by the Cabinet;
- (m) access to matching funds by Government; and
- (n) grants to support research and market validation and development.”

(Hon. John Kiarie)

Proposed amendment dropped;

Clause 27 - as amended agreed to.

Bill to be reported with amendments.

16. HOUSE RESUMED - the Fourth Chairperson of Committees in the Chair

The Startup Bill (Senate Bill No. 14 of 2022)

Bill reported with amendments;

Motion made and Question proposed—

THAT, the House do agree with report of the Committee of the Whole House on its consideration of the Startup Bill (Senate Bill No. 14 of 2022).

(Hon. Irene Mayaka – Co-Sponsor)

Amendment proposed-

THAT, the Motion for Agreement with the Report of the Committee of the Whole House be amended by inserting the following words “subject to re-committal of Clause 9”.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

No debate arising;

Question deferred.

17. STATEMENT ON THE LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION UNDER STANDING ORDER 114(7A)

Pursuant to the provisions of Standing Order 114(7A), the Speaker accorded an opportunity to the Co-Chairperson of the National Assembly Legislative Caucus (The Hon. Samuel Chepkonga) to make a statement on the Legislative Proposal to amend the Constitution to entrench the National Government Constituencies Decentralized Fund, the National Government Affirmative Action Fund and the Senate Oversight Fund in the Constitution.

Thereafter, the Speaker allowed Members to make general comments on the Legislative Proposal.

And the time being seven minutes past Seven O'clock, the Fifth Chairperson adjourned the House without Question put pursuant to the Standing Orders.

18. HOUSE ROSE - at seven minutes past Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on,
Tuesday, 11th February 2024 at 02.30p.m.

--x--