



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, DECEMBER 03, 2024 AT 2.30 PM

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**

Disbursement of the National Government Constituencies Development Funds

“Honourable Members,

I wish to bring to your attention that I have received a letter from the Cabinet Secretary for the National Treasury and Economic Planning regarding the disbursement of the Constituency Development Fund to the effect that on Thursday, 5th December 2024, the National Treasury will disburse Kes. 5 Billion for the Constituencies Development Fund. Thereafter, the National Treasury will disburse Kes. 7 Billion every month until conclusion in June 2025. I thank you.”

6. **MESSAGES**

The Rt. Honourable Speaker reported the following Messages from the Senate –

(a) **Passage of the Mediated Version of the Division of Revenue Bill (National Assembly Bill No. 38 of 2024)**

“Honourable Members,

Pursuant to the provisions of Standing Order 41(4) *relating to Messages to and from the Senate*, I wish to report to the House that I have received a Message from the Senate regarding the approval of the mediated version of the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024).

Honourable Members, the Message conveys that on Thursday, 28th November 2024, the Senate considered the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill, 2024 and approved the mediated version of the Bill in accordance with the provisions of Article 113(2) of the Constitution.

Honourable Members, you will recall that the Bill was committed to a mediation committee pursuant to the provisions of Article 112(1)(b) of the Constitution, following the National Assembly’s rejection of Senate amendments to the Bill.

Thereafter, following conclusion of the mediation process, the House considered and approved the mediated version of the Bill on Wednesday, 27th November 2024.

In this regard, **Honourable Members**, the approval by the Senate concludes the bicameral consideration of the Bill in accordance with the provisions of Article 113(2) of the Constitution.

I will now proceed to present the Bill to His Excellency the President for Assent in accordance with the provisions of Article 113(3) of the Constitution. I thank you!”

7. PETITIONS

The following Petitions were presented to the House—

- (a) The Member for Gilgil (Hon. Martha Wangari) presented a public Petition on behalf of residents of Oljorai Community regarding Settlement of resident of Oljorai Community in Oljorai Farm in Nakuru County.
- (b) The Member for Nandi Hills (Hon. Bernard Kitur,) presented a public Petition on behalf of Kenya Retired Teachers and Residents of Nandi County regarding mismanagement of Nandi Teachers Sacco and Ownership of Mwalimu Plaza Building in Kapsabet Town
- (c) The Member for Konoin (Hon. Brighton Yegon) presented a public Petition on behalf of small holder tea farmers regarding farmers’ hydro-power generation by Kenya Tea Development Authority.

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 Nos. 8, 9, 10 and 11** on the Order Paper and thereafter revert to Order No. 5 (Papers).

9. PROCEDURAL MOTION – RESOLUTION TO SIT UNTIL CONCLUSION OF SPECIFIED BUSINESS

Motion made and Question proposed;

THAT, pursuant to Standing Order 30(3)(a), this House orders that, should the time appointed for adjournment of the House be reached before conclusion of business listed as **Order Nos. 11, 12, 13, 14 and 15** in today’s Order Paper, the sitting shall stand extended until conclusion of the said business.

(Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

10. THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023)

(Leader of the Majority Party – Co-Sponsor)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

11. THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 28 OF 2024)

(Leader of the Majority Party and Leader of the Minority Party – *Co-Sponsors*)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

12. THE TAX PROCEDURES (AMENDMENT) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2024)

Motion made and Question proposed—

THAT, the Tax Procedures (Amendment) (No. 2) Bill (National Assembly Bill No. 46 of 2024) be now read a second time.

(Leader of the Majority Party – 03.12.2024)

Debate having been concluded on Tuesday, November 03, 2024 (Morning Sitting);

Mover having replied;

Question put and agreed to;

Bill read a Second Time and committed to the committee of the whole House, tomorrow.

13. PAPERS

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

- (a) Report of the Departmental Committee on Justice and Legal Affairs on the vetting of a nominee for appointment as Chief Executive Officer of the Ethics and Anti-Corruption Commission.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

- (b) 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.

- (c) 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)

- (d) Report of the Departmental Committee on Sports and Culture on its consideration of Senate amendments to the Gambling Control Bill (National Assembly Bill No. 70 of 2023).
- (e) Report of the Departmental Committee on Sports and Culture on its consideration of the Culture Bill (National Assembly Bill No. 12 of 2024).

(Chairperson, Departmental Committee on Sports and Culture)

- (f) Report of the Departmental Committee on Finance and National Planning on its consideration of the Tax Laws (Amendment) Bill (National Assembly Bill No. 47 of 2024).

(Chairperson, Departmental Committee on Finance and National Planning)

14. NOTICES OF MOTION

The following Notice of Motion was given —

Vetting of a Nominee for Appointment as the Ethics and Anti-Corruption Commission Chief Executive Officer

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the *vetting of a nominee for appointment as the Secretary/Chief Executive Officer of the Ethics and Anti-Corruption Commission, laid on the Table of the House on Tuesday, 3rd December 2024*, and pursuant to the provisions of Article 250(12) of the Constitution and section 16(1) of the Ethics and Anti-Corruption Commission Act, Cap 7H, as read together with section 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap 7F, this House **approves Mr. Abdi Ahmed Mohamud, MBS**, for appointment as the Secretary/Chief Executive Officer of the Ethics and Anti-Corruption Commission.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

15. 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 Emuhaya (Hon. Omboko Milemba) regarding the sporadic attacks occurring in Emuhaya Constituency;
- (b) The Chairperson of the Departmental Committee on Blue Economy and Irrigation responded to a Statement requested by the Member for Mwingi Central (Hon. Gideon Mulyungi) regarding utilization of funds allocated for sinking of boreholes in Mwingi Central Constituency.;
- (c) The Chairperson of the Departmental Committee on Administration and Internal Security responded to a Statement requested by the Member for Aldai (Hon. Marianne Kitany) regarding insecurity in Aldai Constituency; and
- (d) The Chairperson of the Departmental Committee on Social Protection responded to a Statement requested by the Member for Loima (Hon. Protus Akujah) regarding the disbursement of the Presidential Secondary School Bursary.

16. THE BUSINESS LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2024)

Motion made and Question proposed—

THAT, the Business Laws (Amendment) Bill (National Assembly Bill No. 49 of 2024) be now read a second time.

(Leader of the Majority Party – 03.12.2024)

Debate interrupted on Tuesday; December 03, 2024 (Morning Sitting) resumed;

(Change of Chair from the Rt. Honourable Speaker to the Third Chairperson of Committees)

Debate Arising

Rising in his place, the Hon. Robert Pukose, MP claimed to move that “the Mover be now called upon to reply” pursuant to the provisions of Standing Order 95(1).

Question put and agreed to;

Mover replied;

Question put and agreed to;

Bill read a Second Time and committed to the committee of the whole House, tomorrow.

17. THE TAX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 47 OF 2024)

Motion having been made and Question proposed—

THAT, the Tax Laws (Amendment) Bill (National Assembly Bill No. 47 of 2024) be now read a second time.

(Leader of the Majority Party)

Debate Arising

Rising in her place, the Hon. Sulekha Harun, MP claimed to move that “the Mover be now called upon to reply” pursuant to the provisions of Standing Order 95(1).

Question put and agreed to;

Mover replied;

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

18. MOTION- INQUIRY INTO THE MATTER OF REDUCTION OF ELECTRICITY COSTS IN THE COUNTRY

Motion made and Question proposed—

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 –

1. **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;
2. **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;
3. **THAT**, the power generation indicative tariffs both in the FiT and auctions system before gazettment 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 gazettment within two (2) months upon passage of the report;
4. **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;

5. **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
6. **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)

Debate arising;

Mover replied;

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

19. THE PERSONS WITH DISABILITIES BILL (SENATE BILL NO. 7 OF 2023)

Motion having been made and Question proposed—

THAT, the Persons with Disabilities Bill (Senate Bill No. 7 of 2023) be now read a second time.

(Leader of the Majority Party – Co-Sponsor)

There being no debate arising;

Mover replied;

Question put and agreed to;

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

And the time being forty-two minutes to Ten O'clock, the Third Chairperson adjourned the House without Question put pursuant to the Standing Orders.

20. HOUSE ROSE - at forty-two minutes to Ten O'clock

M E M O R A N D U M

The Speaker will take the Chair on,
Wednesday, 4th December 2024 at 09.30 a.m.