



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 21, 2024 AT 9.30 AM (MORNING SITTING)

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Deputy Speaker

4. QUORUM AT COMMENCEMENT OF THE HOUSE

There being no Quorum present at the commencement of the House, the Deputy Speaker ordered the Quorum Bell to be rung for ten minutes;

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

5. PAPERS

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

- (i) The following documents relating to Statutory Instruments, from the Ministry of Health:
 - a) Legal Notice No. 49 of 2024 relating to the Social Health Insurance Regulations, 2024;
 - b) Legal Notice No. 48 of 2024 relating to the Social Health Insurance (Tribunal Procedure) Rules, 2024;
 - c) The Explanatory Memorandum on the Regulations and Rules;
 - d) The Regulatory Impact Statement on the Regulations and Rules;
 - e) The Consolidated Written Submissions Matrix;
 - f) The Consolidated Physical Public Participation and Stakeholder Engagements Matrix;
 - g) Report of the Public Participation and Stakeholder Engagements;
 - h) Public Notices, correspondence and attendance lists for stakeholder engagement and public participation.
- (ii) Legal Notice No. 50 of 2024 relating to the National Electronic Single Window System (General) Regulations, 2024 and the explanatory memorandum from the National Treasury.
- (iii) The Combined Sixth and Seventh Reports of all Treaties ratified by Kenya from the Ministry of Foreign and Diaspora Affairs.

(Hon. Naomi Waqo, MP - Deputy Majority Party Whip)

- (iv) Fourth 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 (NG-CDF) Account for the Financial

Years 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022.

(Hon. Gideon Mulyungi, MP - Chairperson, Decentralized Funds Accounts Committee)

6. NOTICES OF MOTION

The following Notice of Motion was given –

Consideration of Auditor-General Reports for the National Government Constituencies Development Fund Account

THAT, this House adopts the Fourth 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 (NG-CDF) Account for the Financial Years 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, *laid on the Table of the House, today, Thursday, 21st March 2023.*

(Chairperson, Decentralized Funds Accounts Committee)

7. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 68 OF 2023)

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 Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 68 of 2023).

(The Deputy Majority Party Whip)

Question put and agreed to.

Motion made and Question proposed-

THAT, the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 68 of 2023) be read a Third Time.

(The Deputy Majority Party Whip)

Question put and agreed to.

Bill read a Third Time and **passed**.

8. THE INSURANCE PROFESSIONALS BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2024)

(The Chairperson, Departmental Committee on Finance and National Planning)

Order for First Reading read;

Bill read a First Time and committed to the relevant Committee pursuant to Standing Order 127.

9. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

First Chairperson of Committees in the Chair

(i) The Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 13 of 2023)

Clause 3 - amendment proposed-

THAT, Clause 3 of the Bill be amended—

- (a) in paragraph (b) by deleting the words “of the Houses” appearing immediately after the word “either” and substituting therefor the word “House”;
- (b) in paragraph (h) by deleting the words “by the Constitution for purposes of” appearing immediately after the word “contemplated” and substituting therefor the word “under”;
- (c) in paragraph (j) by inserting the following new subparagraph immediately after subparagraph (iv)—
 - “(v) The procedure governing joint sittings between the Committees of Parliament;”
- (d) in paragraph (k) by deleting the words “their respective functions” appearing immediately after the word “Parliament” and substituting therefor the words “of their respective functions, or otherwise”.

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to.

Clause 4 - agreed to.

Clause 5 - amendment proposed-

THAT, Clause 5 of the Bill be amended—

- (a) in subclause (1) by inserting the words “and assented to by the President” immediately after the word “Constitution”;
- (b) in subclause (2) by inserting the words “and assented to by the President” immediately after the word “Constitution”;

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed-

THAT, Clause 6 of the Bill be amended—

- (a) in subclause (2) by deleting the words “county governments” appearing immediately after the word “concerns” and substituting therefor the word “counties”;
- (b) by inserting the following new subclause immediately after subclause (2)—
 - “(2A) In determining whether a question has arisen under Article 110 (3) of the Constitution, a Speaker shall for the purposes of subsection (2)—
 - (a) consider the Bill’s purpose, intent and legal effect;
 - (b) examine the contents of the Bill and the memorandum of objects and reasons to ascertain its inherent nature;
 - (c) consider whether the Bill falls under the exclusive mandate of the National Assembly pursuant to Article 109(3) of the Constitution; and
 - (d) consider whether the provisions of the Bill specifically affect the functions and powers of county governments set out in the Fourth Schedule to the Constitution.”
- (c) by deleting subclause (5).

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to.

Clauses 7, 8, & 9 - agreed to

Clause 10 - amendment proposed-

THAT, Clause 10 of the Bill be amended—

- (a) in subclause (2) by deleting the word “Speaker” appearing immediately after the words “Speaker of the originating House”;
- (b) in subclause (4) by deleting the word “on” appearing immediately after the words “notify the House” and substitute therefor the word “of”;

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 10 - as amended agreed to.

Clause 11 - amendment proposed-

THAT, Clause 11 be amended by deleting subclause (1) and substituting therefor the following new subclause -

“(1) Where the Speakers are unable to jointly resolve a question arising under Article 110(3) of the Constitution, the Speakers may—

(a) refer the Bill to its sponsor for further consideration;

(b) jointly appoint any person or body of persons to make such recommendations within fourteen days on the way forward as may be appropriate.”

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed-

THAT, Clause 11 be amended in subclause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) refer the Bill to the office of the Attorney General and the Kenya Law Reform Commission established under section 6 of the Kenya Law Reform Act, 2013 for advice on resolution of the question.”

(Hon. (Dr.) Ojiambo Oundo)

Proposed amendment dropped;

Clause 11 - as amended agreed to.

Clause 12 - amendment proposed-

THAT, Clause 12 of the Bill be amended—

(a) in subclause (2) by deleting the word “shall” appearing immediately after the words “of “a money Bill”, the Assembly” and substituting therefor the word “may”;

(b) in subclause (3) by—

(i) inserting the word “or” immediately after the word “Constitution” appearing in paragraph (a);

(ii) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) the relevant departmental committee of the Assembly or a Member be at liberty to adopt the Bill and that the Bill be deemed to have originated in the Assembly pursuant to the provisions of Article 109(5) of the Constitution.”

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to.

Clause 13 - amendment proposed-

THAT, Clause 13 of the Bill be amended—

- (a) in the marginal note by deleting the word “Co-sponsorship” and substituting therefor the word “Adoption”;
- (b) in subclause (1) by deleting the words “to co-sponsor a Bill with” appearing immediately after the words “in charge of a Bill intends” and substituting therefor the words “that his or her Bill be adopted by”;
- (c) in subclause (2)(b) by deleting the word “co-sponsor” appearing immediately after the words “nominated to” and substituting therefor the word “adopt”.

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 13 - as amended agreed to.

Clause 14 - amendment proposed-

THAT, Clause 14 of the Bill be amended—

- (a) in subclause (2) by inserting the words “within four sitting days or, when on recess, within seven calendar days” immediately after the words “mediation committee”;
- (b) by deleting subclause (4) and substituting therefor the following new subclause—
“(4) The Chairperson of the mediation committee shall be appointed from the members of the House that rejected the Bill and the Vice-Chairperson shall be appointed from the members of the House that originated the Bill.”

(Hon. (Dr.) Ojiambo Oundo)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed-

THAT, Clause 14 of the Bill be amended in subclause (7) by inserting the words “the Chairperson, Vice-Chairperson or” immediately after the words “House by”;

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 14 - as amended agreed to.

Clause 15 - amendment proposed-

THAT, Clause 15 of the Bill be amended—

- (a) in subclause (2) by deleting the words “and Senators” appearing immediately after the words “National Assembly” and substituting therefor the words “and the Senate”;
- (b) in subclause (4) by deleting the words “or more” appearing immediately after the word “two-thirds”

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed-

THAT, Clause 16 of the Bill be amended—

- (a) in subclause (1) by inserting the words “with the written permission of the Speakers of the National Assembly and the Senate” immediately after the word “may”;

- (b) by inserting the following new subclauses immediately after subclause (1)—
 - “(1A) The quorum of a joint sitting shall be a third of its members from the National Assembly and a third of its members from the Senate.

(1B) Unless a decision is reached by consensus, any vote to be taken in a joint sitting shall be by separate Houses.”

(Chairperson of the Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 16 - as amended agreed to.

Clauses 17 & 18 - agreed to.

Clause 19 - amendment proposed-

THAT, Clause 19 of the Bill be amended—

- (a) in subclause (4) by inserting the words “and a memorandum on the extent to which the relevant committee has incorporated the views of the public in the Bill” immediately after the words “report on the Bill”;
- (b) by deleting subclause (8).

(Hon. (Dr.) Ojiambo Oundo)

Question on the amendment proposed;

Debate arising;

Question put and negatived;

Clause 19 - agreed to.

Clause 20 - amendment proposed-

THAT, Clause 20 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (4) -

- (5) If a court is satisfied that a House of Parliament, in an attempt to resolve a dispute, has not exhausted all the mechanisms of alternative dispute resolution as contemplated under this section and refers the dispute back for the reason that the House of Parliament has not complied with this section, the expenditure incurred by that House of Parliament in approaching the court shall be regarded as wasteful expenditure.
- (6) The costs in respect of the wasteful expenditure under subsection (5) shall, in accordance with a prescribed procedure, be recovered without delay from a public or state officer, including a holder of a political office, who caused the House of Parliament not to comply with the requirements of this section.

(Leader of the Majority Party)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to.

SCHEDULES

First Schedule - agreed to.

Second Schedule - agreed to.

Clause 2 - amendment proposed -

THAT, Clause 2 of the Bill be amended by inserting the following new definitions in proper alphabetical sequence —

“Originating House” means a House of Parliament in which a Bill is first introduced;
and

“Second House” means a House of Parliament other than the Originating House.

(Hon. Martin Owino)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

Title - amendment proposed-

THAT, the Long Title of the Bill be amended by inserting the word “a” immediately after the words “matters of”;

(Chairperson, Justice and Legal Affairs Committee)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Title - as amended agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

(ii) The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 3 of 2024)

Clause 2 - amendment proposed –

THAT, clause 2 of the Bill be amended by deleting the proposed new subsection (5) and substituting therefor the following new subsection—

“(5) Where it comes to the attention of the Committee that a Cabinet Secretary responsible for a regulation making authority has failed to submit a statutory instrument in accordance with subsection (1), the Committee may, by a resolution require the Cabinet Secretary to publish a notice in the gazette within seven days from the date of the resolution, to the effect that the statutory instrument is a nullity, and to submit the notice to Parliament, upon publication.

(Chairperson, Committee on Delegated Legislation)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to.

Clause 3 - amendment proposed –

THAT, Clause 3 of the Bill be deleted.

(Hon. (Dr.) Ojiambo Oundo, MP)

Question on the amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed –

THAT, the Bill be amended by deleting clause 3 and substituting therefor the following new clause—

3. Section 12 of the principal Act is amended by deleting the words “rules, regulations and” appearing in subsection (3).

(Chairperson, Committee on Delegated Legislation)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed;

THAT, the Bill be amended by deleting clause 4.

(Chairperson, Committee on Delegated Legislation)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - deleted.

Clauses 5, 6, 7 and 8 - agreed to.

Clause 9 - amendment proposed –

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following new clause —

10. Section 27 of the principal Act is amended by inserting the following new subsection immediately after subsection (2) —

“(3) Any statutory instrument that was in operation and that would otherwise stand automatically revoked on any day before the commencement of this provision, shall continue to operate and to have effect as if the instruments had not been automatically revoked on that date.”

(Chairperson, Committee on Delegated Legislation)

Question on the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to.

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments;

(iii) **The National Government Coordination (Amendment) Bill (National Assembly Bill No. 25 of 2023)**

(The Hon. Malulu Injendi, MP)

Deferred.

(iv) **The National Government Administration Laws (Amendment) Bill (National Assembly Bill No. 73 of 2023)**

(The Leader of the Majority Party)

Deferred.

11. **HOUSE RESUMED** - Deputy Speaker in the Chair

(i) **The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 3 of 2024)**

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 3 of 2024)

(The Deputy Majority Party Whip)

Question deferred.

(ii) **The Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 13 of 2023)**

Bill reported with amendments;

Motion made and Question proposed –

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 13 of 2023).

(The Deputy Majority Party Whip)

Amendment proposed –

THAT, the Motion for agreement with the Report of the Committee of the Whole House on its consideration of Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 13 of 2023) be amended by inserting the words “**subject to recommittal of Clause 14**” at the end of the Motion.

(The Hon. Silvanus Osoro, MP – Majority Party Whip)

Question of the amendment proposed;

Debate arising;

Question deferred.

12. **THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 65 OF 2023)**

(The Leader of the Majority Party)

Order for Second Reading read;

Order deferred.

13. MOTION – REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS FOR THE KENYA SLUM UPGRADING LOW-COST HOUSING & INFRASTRUCTURE TRUST FUND

Motion made and Question proposed-

THAT, this House **adopts** the Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor General on the Financial Statements for the Kenya Slum Upgrading Low-Cost Housing & Infrastructure Trust Fund for the Financial Year 2017/2018 to 2021/2022, and the Alcoholic Drinks Control Fund for the Financial Year 2017/2018, *laid on the Table of the House on Wednesday, 18th October 2023.*

(The Hon. Fatuma Zainabu, MP – Chairperson, Special Funds Accounts Committee)

Debate arising;

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

Mover replied;

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

14. MOTION– REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS FOR THE LAND SETTLEMENTS FUND AND THE RAILWAY DEVELOPMENT FUND

Motion made and Question proposed;

THAT, this House **adopts** the Seventh Report of the Special Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the Land Settlements Fund for the Financial Years 2020/2021 & 2021/2022 and the Railway Development Fund (Holding Account) for the Financial Years 2017/2018, 2018/2019, 2019/2020, 2020/2021 & 2021/2022, *laid on the Table of the House on Thursday, 7th December 2023.*

(The Hon. Fatuma Zainabu, MP – Chairperson, Special Funds Accounts Committee)

There being no debate arising;

Mover replied;

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

15. THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

(The Leader of the Majority Party)

Order for Second Reading read;

Oder deferred.

And the time being fifteen minutes past Twelve O'clock, the First Chairperson interrupted debate and adjourned the House without Question put pursuant to the Standing Orders.

16. **HOUSE ROSE** - at fifteen minutes past Twelve O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, March 21, 2024 at 2.30pm

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