



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – SECOND SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 11, 2023

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. Communication from the Chair

The Honourable Speaker issued the following Communication from the Chair –

THE DEMISE OF THE HON. KULOW MAALIM HASSAN, MP, MEMBER FOR BANISSA CONSTITUENCY

Honourable Members, I wish to welcome you back from the short recess. I hope that you have had the opportunity to interact with your constituents in order to get fully seized of their priority issues of concern requiring the attention of this House. It is also my expectation that the short break availed sufficient time to committees to consider and conclude several matters that had been committed to them, such as vetting of nominees for various state appointments and consideration of Bills, and are now ready to present such business to the House for consideration.

Honourable Members, it is however unfortunate that we are resuming business for the Second Part of this Session on a sad note, following the untimely demise of one of our colleagues in this House during the recess period.

You may recall that I did notify all Honourable Members and the general public of the passing on of the Member for Banissa Constituency, the Hon. Kulow Maalim Hassan, MP, on the morning of Wednesday, 29th March 2023. The late Member died at the Aga Khan University Hospital in Nairobi, where he was undergoing treatment after he was involved in a tragic road accident on Saturday, 18th March 2023 within Nairobi City.

Honourable Members, the late Hon. Kulow Maalim Hassan was born in Mandera County. He held a Master of Science Degree in Development Studies and a Bachelor of Education Degree, both from Kenyatta University, and a Diploma in Education from Siriba Teachers

College. He studied at Mandera High School, where he obtained both the Kenya Advanced Certificate of Education (K.A.C.E.) and the Kenya Certificate of Education (KCE).

The late Hon. Kulow was an accomplished teacher. After graduating from Siriba Teachers College, he taught at Wajir High School before proceeding to Sheikh Ali School in Rhamu, Mandera County, where he also served as the Deputy Principal. Thereafter, he joined Kigari Teachers College as a lecturer until 1992 when he quit teaching and took up a new job as a Project Coordinator at the Arid Regional Integrated Agency. The late Hon. Kulow also served as a Director/Board Member of the Kenya Airports Authority between 2013 and 2015, after which he left to take a stab at politics.

Honourable Members, until his premature demise, the late Hon. Hassan was serving his second term as the Member of Parliament for Banissa Constituency.

He was first elected in 2017 on the Economic Freedom Party (EFP) and re-elected in 2022 through the United Democratic Movement (UDM) Party. The late Member will be remembered as a dedicated legislator, both in the House and as a member of the Departmental Committee on Trade, Industry and Cooperatives and the Public Accounts Committee. In the 12th Parliament, the late Hon. Hassan diligently served in the Departmental Committee on Transport, Public Works and Housing.

In him, the people of Banissa Constituency and indeed the country had a devoted, conciliatory, affable and non-confrontational servant-leader who cherished peace and always pursued harmonious settlement to issues. His character was defined by humility, high reverence for God and prayerfulness, even as attested by the fact that his untimely death occurred when he was going to the mosque to pray.

Honourable Members, although burial rites for our departed colleague were concluded on the day of his demise, that is, on Wednesday, 29th March 2023 in accordance with Islamic tradition, I constituted an Ad Hoc Funeral Committee in line with the Parliamentary Service Commission's Bereavement Policy. The Committee, which was chaired by the Member for Mandera North Constituency, the Hon. Maj. (Rtd) Bashir Abdullahi, MP, continued liaising with the family of the deceased Member and coordinating the National Assembly's support to the family. To this end, I thank all Hon. Members for according the bereaved family benevolent support in keeping with the tradition of this House.

Honourable Members, on behalf of all Members of the National Assembly, the entire Parliamentary fraternity, and indeed on my own behalf, I convey our heartfelt condolences to the family of the late Hon. Kulow Maalim Hassan, the people of Banissa Constituency, all his relatives and friends for the loss of such a gallant leader.

Finally, in honour of the dedicated service rendered to the National Assembly, the nation and the people of Banissa Constituency by the late Hon. Hassan, I request that we all stand to observe a minute of silence.

(The House stood and observed a minute of silence in honour of the late Hon. Kulow Maalim Hussein)

May God rest the soul of the late Hon. Kulow Maalim Hassan in eternal peace.

I thank you.

Thereafter, the Honourable Speaker gave Members an opportunity to convey their Messages of condolences following the said untimely demise of one of their colleagues in this House during the recess period.

Members recognized the late Hon. Kullow as a humble and dedicated Member who was serving the people of Banissa Constituency for the second term. They observed that his passing had robbed Kenya a humble devoted servant-leader who will missed by his family, colleagues in the August House, Banissa Constituents and Kenyans at large.

May his soul rest in eternal peace.

5. Messages

The Hon. Speaker conveyed the following Message from H.E. the President –

MESSAGE FROM THE PRESIDENT ON NOMINATION OF A PERSON FOR APPOINTMENT AS A MEMBER OF THE NATIONAL POLICE SERVICE COMMISSION

Honourable Members, Pursuant to the provisions of Standing Order 42, I wish to convey the following Message from His Excellency the President regarding the nomination of a person for appointment as a member of the National Police Service Commission.

In the Message, Honourable Members, His Excellency the President conveys that, in exercise of powers conferred on him by Article 250(2) of the Constitution and section 6(5) of the National Police Service Commission Act, 2011, he has nominated Mr. Edwin Kiprono Cheluget as a member of the National Police Service Commission. The President now seeks the approval of the appointment by this House.

Honourable Members, Standing Order 45 provides that, upon receipt of notification of a nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee for consideration. In this regard, I hereby refer the Message from H.E. the President, together with the Curriculum Vitae, the report of the selection panel, and other testimonials of the nominees to the Departmental Committee on Administration and Internal Security for consideration.

Honourable Members, section 6(6) of the National Police Service Commission Act, 2012 provides that the National Assembly shall consider the matter and table a report in the House within twenty-one (21) days. In this regard, the Committee is expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearing and thereafter, upon conclusion of the hearing, table its report, on or before Wednesday, 26th April 2023 to enable the House to consider the matter within statutory timelines.

I thank you!

6. PAPERS LAID

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

- i.) Legal Notice No. 38 of 2023 relating to the Climate Change (Public Participation and Access to Climate Change Information) Regulations, 2023 and the Explanatory Memorandum from the Ministry of Environment, Climate Change and Forestry (*to be referred to the Committee on Delegated Legislation*);
- ii.) Proposed changes on the ratification process of agreements for the Elimination of Double Taxation;
- iii.) Report of the Auditor-General and Financial Statements on Office of the Director of Public Prosecutions Staff Housing Mortgage and Car Loan Scheme for the year ended 30 June, 2018; ,2019, 2020 and 2021;
- iv.) Annual Report and Financial Statements of Teachers Service Commission for the year ended 30 June, 2021;
- v.) Annual County Government Budget Implementation Review Report for the Financial Year 2021/2022 from the Office of the Controller of Budget;
- vi.) The tenth report on status of compliance with the values and principles in articles 10 and 232 of the constitution for the financial year 2021/2022 from the Public Service Commission;
- vii.) Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2022: -
 - a) Resilient Sustainable Systems for Health (RSSH) KEN –T-TNT 2067 – Sub – Receipt- Ministry of Health;
 - b) Support of the Health Care Financing Strategy – Reproductive Health – Output Based Approach Project (Credit BMZ No. Kenya 201065853) Kenya Medical Supplies Authority (KEMSA);
 - c) East Africa Public Health Laboratory Networking (EAPHLN) Project Credit No. 4732-KE - Kenya Medical Supplies Authority;
 - d) Green Growth and Employment Thematic Programme (GGETP) – Danish Embassy File No. 2015-39790 - Ministry of Environment and Forestry;
 - e) Global Fund HIV Aids Program Grant No. KEN-H-TNT GA 2065 - Ministry of Health;
 - f) Health Sector Support Project (Credit No. 4771-KE) - Kenya Medical Supplies Authority (KEMSA); and
 - g) Kenya Gold Mercury Free ASGM Project Credit No.GEF/UNDP/GOK 00108253 - Ministry of Environment and Forestry.
- viii.) Third quarterly report of the Ethics and Anti-Corruption Commission for the year ended 2022 from the Office of the Auditor-General & Department of Justice;
- ix.) National Government Budget Implementation Review for the financial year 2022/23 from the Office of the Controller of Budget; and
- x.) Report of the County Government Budget Implementation Review for the financial year 2022/23 from the Office of the Controller of Budget.

(Hon. Baya Yaa - Deputy Leader of the Majority Party)

- xi.) Report of the Departmental Committee on Justice and Legal Affairs on the consideration of the Statute Law (Miscellaneous Amendments) Bill (*National Assembly Bill No. 60 of 2022*); together with the Compendium of Reports of (16) Departmental Committees on the consideration of the Bill, namely;

- 1) Finance and National Planning;
- 2) Administration and Internal Affairs;
- 3) Transport and Infrastructure;
- 4) Education;
- 5) Lands;
- 6) Trade, Industry and Cooperatives;
- 7) Health;
- 8) Labour;
- 9) Housing and Public Works;
- 10) Sports and Culture;
- 11) Tourism and Wildlife;
- 12) Social Protection;
- 13) Defence, Intelligence and Foreign Relations;
- 14) Energy;
- 15) Blue Economy, Water and Irrigation; and
- 16) Agriculture and Livestock.

(Hon. George Murugara – Chairperson, Justice and Legal Affairs Committee)

- xii.) Report of the Committee on Social Protection on vetting of a nominee for appointment as a member of the National Gender and Equality Commission.

(Hon. Hillary Kosgei – Vice-Chairperson, Committee on Social Protection)

7. NOTICES OF MOTION

The following Notice of Motion were given -

- a) **THAT**, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the vetting of a nominee for the appointment as a member of the National Gender and Equality Commission, *laid on the Table of the House on Tuesday, 11th April 2023*, and pursuant to the provisions of Article 250(2) of the Constitution, section 11(7) of the National Gender Equality Commission Act, 2011 and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Dr. Margaret Karungaru** as a Member of the National Gender and Equality Commission.

(Hon. Hillary Kosgei – Vice-Chairperson, Committee on Social Protection)

- b) **THAT**, pursuant to the provisions of Standing Order 33(1), this House do now adjourns in order to discuss a definite matter of urgent national importance regarding the deteriorating state of the economy and the developing financial crisis facing the country.

(Hon. James Opiyo Wandayi, M.P. – Leader of the Minority Party)

And the Speaker satisfied that the matter was definite, urgent and of national importance;

And there being not less than twenty (20) Members rising in their places in support of the adjournment motion;

The Speaker directed that the House adjourns today, Tuesday, April 11, 2023 at 5 o'clock pursuant to the provisions of Standing Order 33(3) for purposes of discussing the matter of urgent national importance regarding the deteriorating state of economy and the developing financial crisis facing the country.

8. STATEMENT

Pursuant to the provisions of Standing Order 42A(5), the Leader of Majority Party informed the House that the Cabinet Secretary for Interior and National Administration will respond to the following Questions in plenary on Wednesday (Afternoon), April 12, 2023 –

- i) **Question No. 74/2023** by the Member for Gilgil (Hon. Martha Wangari) regarding shortage of birth registration materials (also known as B1 forms) in health facilities across the country;
- ii) **Question No. 105/2023** by the Member for Mandera South (Hon. Abdul Haro) on the establishment of civil registration centres in every sub-county in the country;
- iii) **Question No. 106/2023** by the Member for Kirinyaga Central (Hon. Joseph Gitari) on outstanding warrants of arrest from Kagumo Police Post against a certain individual; and
- iv) **Question No. 107/2023** by the Member for Kirinyaga Central (Hon. Joseph Gitari) on the emergence of criminal gangs or groups affiliated to terror groups in the country.

(Hon. Kimani Ichung'wah - Leader of Majority Party)

9. MOTION – APPROVAL OF NOMINEES TO TWO NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

Motion made and Question proposed –

THAT, this House **adopts** the Report of the National Government Constituency Development Fund on two (2) Constituency Committees, *laid on the Table of the House on Tuesday, 21st March 2023*, and pursuant to the provisions of section 43(4) of the National Government Constituency Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, **approves** the list of nominees for appointment to the following **two (2)** Constituency Committees of the National Government Constituency Development Fund—

1. SAMBURU EAST CONSTITUENCY (Replacement)

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Lalaigwanani Mathew Lkaaso	<i>Male Adult Representative</i>	Appointment, pursuant to Sec.43(2)(b)

2. KANDARA CONSTITUENCY

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Timothy Nganga Ndungu	<i>Male Youth Representative</i>	Appointment, pursuant to Sec.43(2)(b)
2.	Samuel Kagwa Gichuru	<i>Male Adult Representative</i>	Appointment, pursuant to Sec.43(2)(b)
3.	Sarah Nyanjuki Kamandi	<i>Female Youth Representative</i>	Appointment, pursuant to Sec. 43(2)(c)
4.	Roselynn Nduta Gitau	<i>Female Adult Representative</i>	Appointment, pursuant to Sec.43(2)(c)
5.	Anthony Mwangi Kiguru	<i>Representative of Persons with Disability</i>	Appointment, pursuant to Sec. 43(2)(d)
6.	Sammy Mburu Chege	<i>Nominee of the Constituency Office (Male)</i>	Appointment, pursuant to Sec.43(2)(e)
7.	Esther Muthoni Kinuthia	<i>Nominee of the Constituency Office (Female)</i>	Appointment, pursuant to Sec.43(2)(e)

*(The Chairperson, Select Committee on National Government Constituencies
Development Fund)*

There being no debate arising;

Question put and agreed to.

The Honourable Speaker reorganized business to enable business appearing as Order No. 10 to be transacted before that appearing as Order No. 9.

10. MOTION – RATIFICATION OF THE AGREEMENT BETWEEN KENYA AND THE UNITED KINGDOM ON DEFENCE COOPERATION

Motion made and Question proposed –

THAT, this House **adopts** the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation, *laid on the Table of the House on Tuesday, 21st March 2023*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** *the Ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation*, subject to the following reservations:

- (i) Article 6 (5) of the Agreement should be amended by inserting a new paragraph immediately after paragraph (h) to include murder as one of the offences which are under the jurisdiction of the Host Nation; and
- (ii) Article 23 of the Agreement to include Corporate Social Responsibility.

(The Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

Debate arising

(Change of Chair from the Hon. Speaker to the Hon. Deputy Speaker)

Debate continued

(Change of Chair from the Hon. Deputy Speaker to the First Chairperson of Committee)

Debate interrupted to discuss a

11. ADJOURNMENT OF THE HOUSE PURSUANT TO STANDING ORDER 33(1) TO DISCUSS THE DETERIORATING STATE OF THE ECONOMY

Motion made –

THAT, this House do now adjourns

(Hon. James Opiyo Wandayi, M.P. – Leader of the Minority Party)

Debate arising;

Rising on a point of Order pursuant to the provision Standing Order 91 on responsibility for statement of fact, the Member for Ainabkoi (Hon. Samuel Chepkonga, MP) claimed that the document tabled by the mover of the Motion, Leader of Minority Party, (Hon. James Wandayi, MP) was unrelated to the motion and its source could not be authenticated therefore the Member should withdraw the said document;

And the Leader of Minority Party (Hon. James Wandayi, MP) having declined to withdraw the document;

The First Chairperson of Committees ruled that the document was inadmissible and directed that it be expunged from the records of the House.

Debate concluded.

And the time being seven O'clock the First Chairperson adjourned the House without Question put pursuant to the Standing Orders.

12. HOUSE ROSE - at seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, April 12, 2023 at 9.30 am

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