



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 20th June 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, we have more than enough quorum to transact business.

POINT OF ORDER

Hon. Speaker: Yes, honourable Leader of the Minority Party.

BLOCKADE OF PARLIAMENT AND ITS PRECINCTS

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, it is indeed, with an extremely heavy heart that I have to address you again this afternoon. If you recall, this morning I rose to plead with you to give directives to whoever is concerned to remove the blockade that is around Parliament. The situation has now turned from bad to worse. If you may not know, my office is just next to *Mzee* Jomo Kenyatta Mausoleum. The whole of this afternoon, I have not been able to sit in the office. The police are firing teargas canisters, and there are no people. They have blocked the entire Parliament Road. I am not talking about town. I am talking about Parliament.

In the morning, you directed the Clerk and the Serjeant-at-Arms to establish what the situation is and report back to you. I do not know if they ever reported back to you. I am not concerned with whatever else is happening for now. My concern is that Parliament has been blockaded. Parliament has been put under siege. This is creating unnecessary tension in the country.

(Hon. Junet Mohamed spoke off the record)

Parliament is under *siege*, and this is causing unnecessary tension in the country. In the morning I said that we are not under state of emergency. This country is not a police state. Let us address this matter because this is the House that addresses issues concerning the people. This is the highest organ of our democracy. Could we basically get a report on what is actually happening and an assurance that this House remains independent and free to transact its business as mandated by the Constitution? Otherwise, we shall now be acting under some kind of duress. Members of Parliament will now be acting under coercion in whichever way they want to transact the business of the House.

Hon. Speaker, I plead with you.

Hon. Speaker: Yes, Hon. Otiende Amollo. Is it on the same issue?

(Hon. (Dr) Otiende Amollo spoke off the record)

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. It is the same issue. I want to confirm that I have just approached the precincts of Parliament and it is blocked from the side of Inter-Continental Hotel and the other side of Protection House. If even for us Members of Parliament, Parliament is blocked, then what are we supposed to do? It is not just the House of Parliament that is august. The precincts of Parliament are also august. You should give direction that our orderlies open access to Parliament. There is no reason to blockade Parliament. I know that we will vote. Those who choose to vote the way they choose to vote will be seen by Kenyans. We do not need to be shielded from Kenyans. Let this House be accessible.

Thank you, Hon. Speaker.

Hon. Speaker: Leader of the Majority Party.

(Hon. Raphael Wanjala and several Members stood along the gangways)

Order, Hon. Members. Hon. Wanjala, take your seat.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. It is good that the Leader of Minority Party has raised that issue again. I asked the Inspector-General of the National Police Service in mid-morning why there was a blockade.

Firstly, let me set the record straight that there is no Member of Parliament who is unable to access Parliament. That is why we are here in numbers. Even our parliamentary staff...

(Loud consultations)

Hon. Speaker, protect me from the shouting or I simply sit down and allow those who want to shout to shout.

Hon. Speaker: Order, Hon. Members! Try and listen to each other. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I was saying there is no Member of Parliament or any parliamentary staff who has not been able to access the precincts of Parliament. The Inspector-General of the National Police Service confirmed to me this mid-morning that there were organised groups that had planned to take siege — what Hon. Junet calls *siege*—of Parliament and criminal elements who also intended to use the ongoing peaceful demonstrations to access Parliament and cause harm to Members of Parliament.

It is good that the Leader of the Minority Party has raised this issue. At the end of the day, if anyone of you or any of our staff members is harmed in any way, we will point fingers at the same police officers, on whom we have bestowed the responsibility of ensuring our safety.

(Hon. Babu Owino stood in his place)

Hon. Speaker: Order, he is responding to a point of order. Order, Hon. Babu Owino. Resume your seat.

(Hon. Babu Owino spoke off the record)

It is my responsibility to rule whether he is out of order or not, not yours. Resume your seat.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, we said the other day that respect is earned. You indicated to us that even in this House, we must act with decorum and respect. It could also be said that you have to exhibit maturity in the House to earn your respect.

In an endeavour to protect not only Members but also the institution of Parliament, the Inspector-General of Police indicated to me that they have instituted adequate security measures to ensure that every Member of Parliament who wants to access Parliament is able to do so. Hon. Members can vote willingly and not under coercion or duress, either for or against the Finance Bill. In relation to what Hon. (Dr) Otiende Amollo has said, it is true; we know the kind of intimidation that has been out there, but none of the Members in this House is a coward. They are here to exercise their mandate as bestowed on them by the Constitution of our Republic. They will vote willingly, without being coerced by anybody. The police are not here to tell them how to vote. Let them do their work. We will do ours from inside Parliament. Those who want to shout and excite the crowds out there, like Hon. Babu Owino may do, or parade themselves with the people out there, may do so but not in this Chamber. He must behave maturely, and not in the indecent, immature and imbecile manner he behaves.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Babu Owino, take your seat. Order, Hon. Wanjala. I will not deny you the right to vote on this Bill by sending you out, remain here and vote. Hon. Members, I know that is what you are soliciting for but I will not give in to it. Each and every one of you has the right to be in this House to represent the people who sent you here to legislate for this country and oversee the Executive. Therefore, nobody – and I mean nobody – has any colour of right either in law or in fact to prevent you from coming here to perform your duties. Seeing how many we are here is a testimony to the fact that you came in freely.

Secondly, the grounds of Parliament, as stated by Senior Counsel Hon. Otiende Amollo, are hallowed and protected. That is why no Member can be arrested or served with any court summons or processes within the precincts of Parliament. You are protected to that extent. Beyond the precincts of Parliament, the Speaker and the administration of Parliament have no jurisdiction. Our jurisdiction is here in the Chamber and within the precincts of Parliament.

I instructed the Leader of the Majority Party, after Hon. Wandayi raised the issue, to get in touch with the Police – to speak to the Inspector-General and bring him to the attention that whatever law enforcement activities are going on out there, they should not in any way interfere with your legislative work. I have been in these precincts since 6.00 a.m. No single Member has come to me to report any prevention, harassment or interference in coming to do their work. If I get any information or report, I will act on it.

Twenty minutes ago, I had a meeting with the Serjeant-at-Arms and his team to ask them if they had any reports on security issues around Parliament. They indicated to me that they are hearing noises out there but within the precincts of Parliament, they have no report to make because there are no incidents.

That being the case, Hon. Members, I want to encourage you. So far, so good. You have debated this Bill with extreme decorum and intellectual industry. You have done such a fantastic job. There could have been a few errant Members but the majority of you have been very good. Kenyans have watched each and every one of you speaking to this Bill. Now that you have reached the level of going to vote, I want to encourage you to carry the same honour to the people who sent you here. We are here to protect their interests not physically but intellectually. We must be

conscious of the fact that we are the conscience of this country. So, in our conduct, we must constantly bear in mind the fact that whatever we do here can have negative or positive consequences on the public out there.

(Hon. Raphael Wanjala spoke off the record)

Order, Hon. Wanjala. Having said that there are still several Members who want to speak to this Bill. I promised to give you one hour this afternoon. There is a small ruling I will deliver on the issue that was raised by the Leader of the Minority Party. I am waiting for it. I have just made some corrections. When it comes, I will stay the proceedings and give that ruling in just four or five minutes. So, we will go on for one hour after which we will call the mover to reply as we had agreed. Upon replying, we will go to vote. If the equipment in front of you is working, we will do an electronic vote.

(Hon. Robert Mbui spoke off the record)

Order, Hon. Robert Mbui. You are normally more orderly than you are today. If the equipment does not work, I have no difficulty. I will sit here and allow you to vote in the manner that you want. Whatever means of voting you will have, the end will justify the means.

Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Thank you very much, Hon. Speaker, for your guidance, which was well-researched. However, it is the view of the minority side that on this matter of the Finance Bill, we vote manually or orally or through roll call. On this one, people do not have a lot of faith in the gadgets. We want to vote orally so that everyone's vote can count.

I seek your guidance.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Let us cross that bridge when we reach it.
Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Oundo, you have a Statement. Order, Hon. Members.

REQUESTS FOR STATEMENTS

FACILITATION OF NATIONAL GOVERNMENT ADMINISTRATION OFFICERS

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding facilitation of National Government Administrative Officers, specifically from Samia Sub-County.

Hon. Speaker, Section (8)(2) of the National Government Administrative Act, 2013 gives powers to National Government Administrative Officers (NGAO) to coordinate national government functions under the Constitution as the Office of the President is necessary for the

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effective and efficient coordination of national government functions. Regrettably, the Assistant County Commissioners (ACC) of Sio-Port Division, Funyula Division and the Sub-County Police Commander (OCPD) of Samia Sub-County do not have government vehicles. This is despite the fact that these senior officers are expected to facilitate the execution of their mandate of ensuring peace and security in their respective jurisdictions 24 hours a day without fail.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following matters—

1. What are the criteria for and the status of distribution of government vehicles to NGAOs?
2. What steps has the Government taken to ensure that all NGAOs, particularly those in Funyula Constituency, are facilitated with vehicles?
3. When is the Ministry supplying vehicles to NGAOs, especially to those in Samia Sub-County?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Oundo. The next Statement Request is by Hon. Joseph Namuar, the Member for Turkana Central. Hon. Joseph, go ahead.

TRAGIC INCIDENTS INVOLVING KWS PERSONNEL IN MARSABIT COUNTY

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding recent incidents involving the Kenya Wildlife Services (KWS) and local communities in Sibiloi National Park, Marsabit County.

Hon. Speaker, On 12th June 2024, a tragic confrontation between Kenya Wildlife Service (KWS) rangers and suspected Merille poachers in Sibiloi National Park resulted in the unfortunate loss of lives of KWS rangers. The following day, in an apparent act of retaliation, KWS rangers pursued and forcibly evicted villagers from Kotela Village. Escalating the situation further, on 14th June 2024 at approximately 9.00 a.m., KWS personnel aboard a helicopter opened fire on a group of fishermen who were in an engine boat near the shores of Lake Turkana in Kanakwara Village. During the ordeal, Mr Daniel Esokon of Identity Card No. 24076166, who was one of the fishermen, was fatally shot. The rangers continued their indiscriminate firing at other fishermen despite pleas to ceasefire.

The attacks have instilled widespread fear and panic among the residents of that area. Multiple fishing boats belonging to local communities have been destroyed and many innocent fishermen remain unaccounted for and are feared dead after fleeing from the KWS assault. These continued attacks pose a great danger and threat to the lives of the residents.

Hon. Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following—

1. Could the Ministry provide a detailed account of these incidents, including detailing the circumstances that led to the use of excessive force by KWS rangers against the residents?
2. What specific actions have been initiated to ensure thorough investigation into these events, including the tragic shooting of Mr Daniel Esokon?

3. What measures has the Ministry put in place to ensure that the family of Mr. Daniel Esokon is compensated for the tragic loss caused by KWS?
4. What steps are being taken to de-escalate tensions between KWS and the local communities, including collaboration with the Ministry of Tourism and Wildlife, to prevent such tragic incidents from recurring in the future?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Joseph. Is Hon. Tongoyo here? Both Hon. Oundo's and Hon. Namuar's Statement Requests are referred to your Committee. Bring the responses in two weeks' time.

Hon. Protus Akujah.

RECRUITMENT OF CASUAL WORKERS BY KENYA POWER COMPANY IN TURKANA COUNTY

Hon. Protus Akujah (Loima, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44 (2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Energy regarding the recruitment of casual workers at the Kenya Power Company stations in Lodwar and Kakuma, Turkana County.

The Kenya Power Company has been engaging casual workers to supplement its workforce. There have been growing concerns and grievances reported by the casual workers engaged by the Kenya Power Company workers stationed in Lodwar regarding their unsatisfactory terms of employment. It is disheartening to note that the workers, who have served the company diligently for years, have been denied permanent and pensionable employment status during the recruitment and confirmation exercises while their counterparts from other counties have been absorbed. Some of them have even been posted in Turkana County. Reports indicate that factors such as nepotism, tribalism and lack of transparency have marred the recruitment process, thereby locking out qualified casual workers. This unjust treatment not only demoralizes the affected workers and hinders effective service delivery but also perpetuates the marginalization of Turkana County residents and denies them opportunities for gainful employment.

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Order, Irene Mayaka! That *Kamukunji* is illegal.

Hon. Protus Akujah (Loima, UDA): Hon. Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Energy on the following—

1. Could the Chairperson provide a report on the number of casual workers in Kenya Power Company stations in Turkana County absorbed on permanent and pensionable terms in the last three years?
2. Could the Chairperson outline the plans that have been put in place to address the plight of casual workers who have served Kenya Power Company for years without being confirmed as permanent and pensionable employees?
3. What measures has the Ministry put in place to combat nepotism, tribalism and corruption in the recruitment process to ensure that qualified casual workers get a fair opportunity?

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Thank you, Hon. Speaker.

Hon. Speaker: Hon. Lillian Siyoi.

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Thank you, Hon. Speaker. I rise to request for a Statement.

Hon. Speaker: I am sorry, Lillian. Just hold on.

Hon. Akujah's Statement Request is directed to the Chairman of the Departmental Committee on Energy. Who is the Chairman of the Departmental Committee on Energy? Is it Vincent Kawaya? Is he in the House? Who is the Vice-Chair?

An Hon. Member: It is Hon. Aramat.

Hon. Speaker: Hon. Aramat. Is he in the House?

(Hon. Lemanken Aramat spoke off the record)

Thank you. We need a response in two weeks' time. Hon. Lillian, go ahead.

STATUS OF ELECTRONIC TAX INVOICE
MANAGEMENT SYSTEM ONLINE PLATFORM

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding delays in issuance of e-TIMS invoices by Kenya Revenue Authority (KRA).

The KRA issued a directive to all taxpayers engaged in business to onboard the electronic Tax Invoice Management System (e-TIMS). The e-TIMS was introduced through the VAT (Electronic Tax Invoice) Regulations, 2020. However, taxpayers have in the recent past experienced challenges in generating invoices from the e-TIMS online portal. This has resulted in delays in payments, which has caused anguish amongst taxpayers who conduct businesses in Kenya. Additionally, the challenge has caused anxiety to the taxpayers, noting that they stand to lose out on payments at the close of Financial Year 2023/2024.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following—

(i) What steps have been taken to ensure prompt and seamless functionality of the e-TIMS online platform?

(ii) What is the status of successful onboarding of taxpayers to the e-TIMS online platform?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Lillian. Chairman of the Departmental Committee on Finance and National Planning. Where is Kimani? Leader of the Majority Party, inform him to bring a response in two weeks' time.

Hon. Members, there are four Statement responses. I will stay them to Tuesday next week. Leader of the Majority Party, let us have your Thursday Statement.

BUSINESS FOR THE WEEK COMMENCING 24TH TO 28TH JUNE 2024

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44 (2) (a), I rise to give the weekly Statement on behalf of the House Business

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Committee, which met on Tuesday, 18th June 2024 to prioritize business for consideration during the week commencing 24th June 2024.

As Members are aware, debate on the Finance Bill, 2024 has been going on, and the Second Reading is expected to conclude this afternoon. I would like to commend the Departmental Committee on Finance and National Planning and, indeed, the House for the steadfast commitment and robust engagement on this business of great national interest.

With regard to the business for Tuesday next week, the House is expected to give priority to business bound by statutory timelines. Further, the House is likely to sit longer, especially noting the resolution of the House earlier today approving a Tuesday morning sitting. The following Bills have been prioritised –

1. Second Reading of:
 - (a) The Appropriation Bill, 2024; and,
 - (b) The County Allocation of Revenue Bill (Senate Bill No.25 of 2024).
2. Committee of the Whole House on:
 - (a) The Finance Bill, 2024; and,
 - (b) The Appropriation Bill, 2024.
3. Second Reading of the following Bills, should they not be reached today –
 - (a) The Land Laws (Amendment) (No.2) Bill, 2023; and,
 - (b) The Mung Beans Bill (Senate Bill No.13 of 2022).

Hon. Speaker, debate will also be undertaken on the following Motions, should they not be concluded today –

1. Reports of the Auditor-General on the National Government Constituencies Development Fund (NG-CDF) for nine constituencies in Bungoma County;
2. Report of the Public Petitions Committee on its consideration of public petition on funds spent contrary to the provisions of Article 223 of the Constitution;
3. Reports of the Auditor-General on the Financial Statements of Specified State Corporations;
4. Report of the Committee on Parliamentary Broadcasting and Library on enhancing reporting of Parliamentary business on online platforms;
5. Report of the Committee on Regional Integration on its inspection tour of the semi-autonomous institutions of the East African Community in Uganda;
6. Report of the Committee on Implementation on the implementation status of reports on petitions and resolutions passed by the House;
7. Report of the Committee on Trade, Industry and Cooperatives on its consideration of alleged unfair trade practices by foreign investors in Kenya; and,
8. Second Report of the Committee on National Cohesion and Equal Opportunity on employment diversity audit in public institutions.

I previously told Members that the Cabinet Secretary for the Ministry of Interior and National Administration was scheduled to appear before the House on the afternoon of Wednesday, 19th June 2024 to respond to Questions in the Plenary. However, due to priority business before the House, the appearance was postponed to Wednesday, 26th June 2024. In this regard, Members whose Questions had been listed for response are encouraged to avail themselves then. Last week, I read out the whole list of the almost 16 Questions by various Members. Therefore, I do not need to repeat them.

Hon. Speaker, in conclusion, the House Business Committee will reconvene next week on Tuesday, 25th June 2024 to schedule business for the rest of that week.

I now lay the Statement on the Table.

Thank you.

Hon. Speaker: Thank you, Majority Leader. Hon. Zaheer, Mishi Mboko, Amina Mnyazi, and Rael Kasiwai, the responses to your Statement Requests will be delivered on Tuesday. Chairpersons of the respective committees, be notified.

Next Order.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Senior Counsel, what is out of order?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. I rise pursuant to Standing Order 252 on access to the House. It has been brought to our attention that some of our colleagues in the Senate are interested in accessing the Public Gallery or the Speaker's Gallery to observe the debate but they have been denied access. Could you give direction that the Public Gallery and the Speaker's Gallery should be accessible not just by the Senators but by any Kenyan who cares to come and listen to our debate and voting?

Thank you, Hon. Speaker.

Hon. Speaker: Order, Hon. Members. Hon. Otiende, I hear you.

(Hon. Kiborek Reuben and other Hon. Members stood in their places and the aisle)

(Hon. Gladys Boss stood in the aisle)

Order, Hon. Kiborek and your team. Hon. Deputy Speaker, kindly take your seat.

COMMUNICATION FROM THE CHAIR

GUIDANCE ON ADVISORY BY CABINET SECRETARY FOR NATIONAL TREASURY AND ECONOMIC PLANNING ON MEASURES OF SUPPLY AND WAYS AND MEANS

Hon. Speaker: Hon. Members, you will recall that during today's Morning Sitting, the Leader of the Minority Party, Hon. Opiyo Wandayi, EGH MP; rose in his place and sought guidance on an advisory from the Cabinet Secretary for the National Treasury and Economic Planning on the measures of supply and ways and means currently being considered by the House.

The Hon. Leader of the Minority Party noted that the advisory from the Cabinet Secretary was couched in the form of an unprocedural ultimatum to the House, directing against the amendment of the various revenue-raising measures contained in the Finance Bill, 2024. He concluded by requesting for the advisory to be repudiated by the House as unduly anticipating debate on the Finance Bill 2024, and as an affront to the budget-making mandate of the House.

Hon. Members, I allowed the Hon. Leader of the Majority Party, Hon. Kimani Ichung'wah, EGH MP; and the Chairperson of the Budget and Appropriations Committee, Hon. Ndindi Nyoro, MP; to make brief rejoinders on the issue before scheduling it for my guidance during this Afternoon Sitting. As I proceed to guide on the matter, I wish to note that the advisory referred to by the Hon. Leader of the Minority Party, though addressed to the Clerk of the National Assembly, was copied to both my office and to the Chairperson of the Budget and Appropriations Committee.

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Contrary to the assertions made by the Hon. Leader of the Minority Party, the advisory is not an unusual document. Hon. Members will note that every year, before the conclusion of the budget process, the Office of the Clerk seeks the views of the Cabinet Secretary responsible for finance on the options available to the House and its committees to ensure a balance between the measures of supply and ways and means under consideration by the House. This is in keeping with the requirements of Article 114 of the Constitution on the consideration of money Bills. The advice enables the House to ensure that the measures of supply and ways and means that it approves in the Appropriation Bill and the Finance Bill adhere to applicable constitutional and statutory limits.

As you are aware, under Section 39(a)(4)(c) of the Public Finance Management Act, Cap 412(a), any recommendations made or resolutions passed by this House on revenue matters must take into account the impact of the proposed changes on the composition of the tax revenue that the National Treasury is expected to raise. Additionally, under Section 4(5)(c) of the Public Finance Management Act, the House has an obligation to ensure that the total amount of revenue raised is consistent with the fiscal framework that it approved during the budget process.

During its consideration of budget proposals, the House must strike a balance between the supply of monies that it appropriates for the national government and the ways and means of financing such expenditure. As ably expressed by the Hon. Leader of the Majority Party, and the Chairperson of the Budget and Appropriations Committee, any negative imbalance between the ways and means and the supply approved by the House ultimately results in a fiscal deficit. This deficit can only be addressed through borrowing, enhanced taxation or reduction of the Estimates of expenditure. If you listened to the contributions of Hon. TJ Kajwang' yesterday, these are the exact words he used in his contribution. He was very right in law and under the Constitution.

As Hon. Members recall, any borrowing sanctioned by the House must strictly adhere to the threshold prescribed by this House in line with Section 50 of the Public Finance Management Act and the principles outlined under Article 211 of the Constitution that caution against overburdening future generations with unnecessary bad debt. All things considered, my reading of the advisory from the Cabinet Secretary is that it constitutes a reminder to the House of its constitutional and statutory obligations. I do not view it as a directive in the manner argued by the Hon. Leader of the Minority Party.

In the letter, the Cabinet Secretary reminds the House of the recent increase made to the Estimates of Expenditure when the House considers supply measures. The House is merely being asked to factor in this increased expenditure when considering the ways and means of financing the approved supply. In its decision-making, the House is only bound by the Constitution and the law. The ultimate decision lies with this House. I, therefore, find nothing untoward with the advisory. Its contents may be used for the information of the Budget and Appropriations Committee, the Departmental Committee on Finance and National Planning and the House in Plenary and during the Committee of the whole House, while considering both the Appropriations Bill and the Finance Bill.

The House is accordingly guided.

Hon. Members, on what Hon. (Dr) Otiende Amollo has raised, entry and access to the galleries is not anybody's right. It is at the discretion of not just the Hon. Speaker but also the Serjeant-at-Arms and his team. Their advice this afternoon was that they desired to keep the galleries unoccupied. That being a security matter, to which I am not an expert, I have given them the benefit of the doubt.

Secondly, Hon. Otiende Amollo, you may recall that in 2021, the Hon. John Mbadi nearly killed me in the Public Gallery.

(Hon. John Mbadi spoke off the record)

No, you are the one who saved me.

(Laughter)

It was Hon. Alice Ng'ang'a who nearly killed me. With a light touch, if you recall, the former Senator Muthama left the gallery half-naked, and Hon. Bonny Khalwale left the gallery at a speed that would have broken a world record. We do not want a repeat of that incident.

(Laughter)

Hon. Members, we will now proceed to the Finance Bill, 2024.

BILL

Second Reading

THE FINANCE BILL
(National Assembly Bill No.30 of 2024)

(Debate moved by Hon. Kuria Kimani on 19.6.2024 – Morning Sitting)

(Resumption of debate interrupted on 20.6.2024 – Morning Sitting)

Hon. Speaker: Hon. Members, as I call the next Member, Hon. Robert Basil, I have been requested by the Hon. Leader of the Majority Party and the Hon. Leader of the Minority Party to reduce the time further from three minutes to one and a half minutes.

Proceed, Hon. Robert Basil.

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Speaker. The time is too short though. At the outset, I reject the Bill. This is because it is clear that Generation Zoomers have reached their elastic limit on taxation. We need to listen to the cries of the citizen and do what Ronald Reagan in the United States of America did. We cut taxes and Government expenditure. If you look at some taxes, for example, the 5 per cent excise duty on coal, in principle, it will kill cement clinker manufacturing industries. With that, we will lose jobs and revenue, and we will not be able to reach the target.

Additionally, the import declaration fee, which has been raised from 2.5 to 3.5 per cent, will be moved to the final consumer. Since we import most of the items, such as medicinal drugs, it means hustlers and poor patients will not be able to afford medicine. We need to say no to the Finance Bill and possibly cut taxes. The eco levy on plastics will also increase the price of plastic packages. In reality, that will affect the export of flowers and make our flowers non-competitive.

Thank you.

Hon. Speaker: Hon. Victor Koech, Chepalungu.

Hon. Victor Koech (Chepalungu, CCM): Thank you so much, Hon. Speaker.

Unfortunately, I am now getting one-and-a-half minutes. Nonetheless, I will try my best. This particular debate is taking a different angle – political. I am saying this because Members are now deviating from arguing from the point of facts to dealing with political issues. Some are now informing the House that bread is going to be taxed. The truth is that the Committee led by Hon. Kimani Kuria sought public opinion and dropped the 16 per cent VAT on bread. On motorcycles, again, the Committee Report says that instead of allowing the importation of motorcycles, we should promote our local manufacturers to create job opportunities for our citizens.

And in that case, I support. Thank you.

Hon. Speaker: Hon. Jalang’o, Langata. One-and-a-half minutes.

Hon. Antoney Kibagendi (Kitutu Chache South, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Order! Yes, Hon. Kibagendi. What is out of order, and under which Standing Order?

Hon. Antoney Kibagendi (Kitutu Chache South, ODM): Thank you, Hon. Speaker.

There is a stranger in the House. I have seen someone resembling Hon. Oscar Sudi in the House.

(Laughter)

Hon. Speaker: Order, Hon. Kibagendi. If you want to provide comic relief, that is a very poor one.

Go on, Hon. Jalang’o.

Hon. Phelix Odiwour (Langata, ODM): Thank you so much, Hon. Speaker.

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Order, Hon. Wanjala. What is out of order? Give Hon. Wanjala the microphone. What Standing Order are you standing on?

Hon. Raphael Wanjala (Budalangi, ODM): Standing Order 91.

Hon. Speaker: Take your seat.

Hon. Jalang’o, *endelea*.

(Hon. Raphael Wanjala spoke off the record)

Hon. Wanjala, you have no point of order. Take your seat.

Hon. Jalang’o, carry on.

(Hon. Raphael Wanjala spoke off the record)

Hon. Wanjala, when you spoke yesterday, the House listened to you. What is it about? Order, Hon. Wanjala. Standing Order 91 is used to challenge a colleague who is on the Floor and has said a statement you think is not factual. Order! The Member on the Floor, Hon. Jalang’o, representing Langata Constituency, has not uttered a single word for you to challenge him on any fact. You are, therefore, out of order.

(Several Hon. Members spoke off the record)

I ruled him out of order already.

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Hon. Jalang'o, continue.

Hon. Phelix Odiwour (Langata, ODM): Thank you so much, Hon. Speaker, for giving me this opportunity.

I oppose the Finance Bill 2024.

(Applause)

Hon. Speaker: Order, Hon. Members.

Hon. Phelix Odiwour (Langata, ODM): Immediately it touched on things that affect a common person, like M-Pesa, cars and pads... When I looked back and saw the whole generation of Langata out here raising their voices aloud even after the amendments, I had to make the choice I have made today.

Out here is Generation Z, whom I talk to every day. I interact with them on *Twitter, TikTok*, and everywhere else. When most of you return to the villages, we will be here with them. The questions will still be there. Most of you know I am a friend of the President. I spoke to him, and he knows my stand.

Thank you very much.

(Loud consultations)

Hon. Speaker: Order! Hon. Katana, you are grossly disorderly. Please exercise some decorum—not just you but everybody else cheering or jeering. We want to have an orderly end to this.

Member for Kuresoi.

Hon. Joseph Tonui (Kuresoi South, UDA): Thank you, Hon. Speaker, for allowing me to add my voice to this important Bill. I have been waiting for it since morning.

From the outset, I support the Bill for a number of reasons. One is the increase in National Government Constituencies Development Fund (NG-CDF) by around Ksh50 million. This is a Fund that touches all corners of our country. It has transformed our country.

I also support this Bill because of the Ksh50 million set aside for electricity. When I go around my constituency, Kuresoi South, people ask me about electricity, maximising transformers, and installation.

Hon. Speaker: Hon. Ruth Odinga.

Hon. Ruth Odinga (Kisumu County, ODM): Thank you, Hon. Speaker. I stand to reject the Finance Bill 2024. Mine is very simple; the Bill is driven by the International Monetary Fund (IMF). One of the tenets of the IMF is to see countries stop subsidies and promote privatisation. But, the worst of them all is that they want citizens to be oppressed. What is currently happening out here with Generation Z is not only because the State is oppressing them, but IMF plays a big role in that. It is clear that Generation Z is out. I am very happy about that. The only thing I agree with in this Finance Bill, 2024, is for Generation Z to say that *Baba* should be left out of this *maandamano*.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker. The people of Mbeere North Constituency in 684 villages are not connected to power. If you multiply 684 by 100 households per village, you will realise that 68,400 households in my constituency are not

connected to power. This budget promises power connectivity to the people of Mbeere North Constituency.

Some young people have been employed as intern teachers. This budget seeks to confirm the young JSS intern teachers into permanent and pensionable terms. Further, it promises that 20,000 young teachers will be employed as interns. Some will be from Mbeere North Constituency, who sent me here. For this reason, among many others, I support this Bill.

Hon. Speaker: Your time is up. Hon. Esther Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Speaker. As much as I commend the public participation on the Bill and the proposed amendments, I reject it because we need to ensure that we listen to what the population is saying.

(Applause)

This Government needs to listen. We need to tighten our belts, live within our means, and address corruption. Yesterday, I saw Hon. Obado get away with a settlement of only 15 per cent when he owes Ksh1.9 billion. That tells us that we are not serious about addressing corruption. If we address corruption, we will be able to fund the expenses of this Government. It is time for us to take the position that corruption is the biggest enemy in the room. I stand ashamed to know that a house in Loresho is not Ksh40 million and a flat in Nairobi is not Ksh9 million; even in the settlements, we are cutting deals. We should say no to corruption. We should fund and live within our means.

Hon. Speaker, I reject the Finance Bill, 2024. Thank you.

(Applause)

Hon. Speaker: Member for Nyaribari Chache. Give him the microphone.

Hon. Zaheer Jhanda (Nyaribari Chache, UDA): Thank you, Hon. Speaker. A time has come for us, as a Godly nation, to make decisions that will positively impact the lives of the over 55 million Kenyans. Today, I stand here to vote and support the Finance Bill, 2024 so that the people of Nyaribari Chache Constituency and Kenya at large can get infrastructural projects, electricity, water, and much more.

I want to urge Generation Z to relax because the Kenya Kwanza Government means well. They will be the greatest beneficiaries of the proposed amendments. Generation Z are young democrats trying to exercise their constitutional rights to picket and assemble. I urge the Inspector General of Police to treat them humanely and provide maximum security.

The Finance Bill, 2024 proposes an export and investment promotion levy to encourage consumers to purchase locally produced alternatives which will, in turn, support domestic manufacturers.

Hon. Speaker: Hon. Caleb Luyai.

Hon. Caleb Amisi (Saboti, ODM): Thank you, Hon. Speaker. Finally, I get a chance to speak. I will only use one minute to say that we reject the Bill and the Report of the Departmental Committee on Finance and National Planning. A German social constructivist, Alexander Wendt, once said that anarchy is what the states make of it. This Government will create anarchy. This Finance Bill, 2024, will be the impetus of this anarchy. We have seen whatever is happening; every town in this country is occupied. The homes of the Members of Parliament will soon be occupied.

We cannot sit here and pretend that everything is normal out there. I urge my colleagues on the Majority side that they have a few minutes to change their minds. We must reject this Bill.

Hon. Speaker: Hon. GG Kagombe. Give him the microphone.

Hon. GG Kagombe (Gatundu South, UDA): Thank you, Hon. Speaker. I stand to support the Bill because, as a House, we have a responsibility to create employment for the people demonstrating out there. We also have a responsibility to make sure that we give the right information to the young people of this nation. As much as they elected us and we listened to them during public participation, we are also responsible for telling them the truth. I will vote ‘yes’ for the following people: those lying in Gatundu Hospital and the doctors who will treat them, tea farmers in Gatundu and other places, the JSS teachers, the police officers who guard us, the Kenya Defence Forces (KDF) who need to be paid salaries, the people that we need to create employment for, and the manufacturing sector in this nation. We will introduce excise duty on products that are imported into the country so that we support our economy. Those people out there need jobs. They are being mobilised because they do not have jobs. We have a responsibility to create jobs for them.

Hon. Speaker: Thank you. Member for Kajiado East, Hon. Maimai. Give him the microphone.

(Technical hitch)

Hon. Maimai, use the microphone on the seat next to you.

Hon. Kakuta Maimai (Kajiado East, ODM): Thank you, Hon. Speaker, for allowing me to contribute on behalf of the people of Kajiado East Constituency. I rise to oppose the Finance Bill, 2024 because it has excessive taxes on the common wananchi. Our economy has not improved, and about 16 per cent of our population live below poverty line. This is because of the bad economy and corruption. More taxes will overburden wananchi. We should do more to help the *wananchi* instead of loading them with taxes.

The Ksh9 fuel levy is another burden to wananchi. I can imagine my people commuting between Kitengela and Nairobi. With the back and forth, they pay more for transport because of the increase in the fuel levy. I stand to oppose the Bill because it is not friendly to common mwananchi.

Thank you.

Hon. Speaker: Hon. Moses Kirima.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Speaker, for allowing me to contribute to this Bill. Originally, this Bill was bad and punitive to the people. My people had instructed me to oppose it if it remained as it was.

When I raised the issue with the Chairman of the Departmental Committee on Finance and National Planning, Hon. Kimani Kuria, he told me there would be some amendments. I was told to oppose the tax on bread, bodaboda, ladies’ essentials, cooking oil, avocados, and other agricultural outputs. After the amendments, I do not see any reason to oppose the Bill. I thereby support it with amendments. But if there are no amendments, there is no way.

Thank you.

Hon. Speaker: Hon. Ken Chonga.

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Speaker. From the outset, I stand to oppose this Bill. The fact that the drafters of this Bill were thinking of taxing bread, milk, and rubber means that they never had good intentions for Kenyans. This Bill is obnoxious,

diabolical, pungent, and choking to the lives of Kenyans. I was surprised yesterday when the Leader of the Majority Party said that the cost of livelihood has gone down and that a packet of maize flour is trading at Ksh100. In which supermarket can we find that? Unless he has a supermarket that he can tell Kenyans to buy from.

The mere fact of adding Ksh9 to petroleum products implies that the entire economy is boiling down. Everything in the economy depends on fuel. When you hike the price of fuel, everything will spiral. I stand to oppose this Bill.

Thank you.

Hon. Speaker: Hon. Janet Sitienei, Member for Turbo.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Speaker. I rise to support the Finance Bill with amendments. I support this Bill because it proposes revenue-raising measures and this will give Kenyans an opportunity to benefit from development in their areas. Kenyans will get electricity, school infrastructure, bursaries, subsidies to farmers, and increased milk prices. Sugarcane farmers are going to receive their pending payment arrears, school-going children are going to be fed, and elderly people are going to get cash transfers. This Bill has also addressed what the wananchi were worried about - VAT on transportation of sugarcane, 16 per cent tax on bread, excise duty on...

(Loud consultations)

Hon. Speaker: Order, Hon. Members.

Hon. Janet Sitienei (Turbo, UDA): Protect me, Hon. Speaker. Proposals in the Bill will see to it that VAT is removed on bread, excise duty is removed on money transfers, and VAT is removed on transportation of sugarcane.

Hon. Speaker: Hon. (Eng.) Nzengu.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Speaker, for giving me this opportunity that I have waited for since yesterday. From the outset, I oppose this Bill. There are many reasons why I oppose it. One of them is that it increases the levy on clinker, an important component of cement.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: What is it, Hon. Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I seek your indulgence. As you are aware, there is time for everything.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. I cannot hear Hon. Junet clearly.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, as you are aware, there is time for debate and voting in Parliament. Some of our Members on my side took an early lunch of *ugali* and *nyama* by 10.00 a.m. They are here so that their vote can count. Having debated this Bill extensively, we should now undertake our constitutional duty of voting so that Kenyans can know the direction we are taking. I seek your indulgence to call the mover to reply.

Hon. Speaker: Thank you, Hon. Junet. Let Hon. Nzengu finish. I intended to give Hon. Rose Museu a chance and then call the mover to reply.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Speaker. From the Finance Act of 2023, it is reported that the road maintenance levy was not enough because of an

increment in the price of petroleum products. This year, the same mistake is being repeated. The price of cement and steel went up because of the export promotion and investment levy, which is unnecessary since it is meant to promote monopoly in the industry. The people producing cement are the same ones producing steel. This is why the cost of construction has gone up, and it is a burden to many Kenyans who are constructing their houses and properties. I reject the proposed Bill in totality.

Thank you.

Hon. Speaker: The Woman Representative for Murang'a County; thereafter, Hon. Rose Museo and then the mover to be ready to reply.

Hon. Betty Maina (Murang'a County, UDA): Thank you, Hon. Speaker, for giving me this opportunity. I rise to support the Bill, and I will vote 'yes' to it. By voting for this Bill, we will be voting for real issues and not for the negative things that are being said in the media to hype up emotions. Voting for this Bill is voting for Ksh6.8 billion for coffee cherry farmers. It is also voting for the 46,000 JSS teachers on internship to be employed and put on the payroll. We are here to tell our brothers from the opposition that we do not need to hype emotions. We also know the sponsors of the ongoing *maandamano* and will revisit the matter after the Bill is passed.

Thank you.

Hon. Amos Maina (Starehe, JP): Thank you, Hon. Speaker, for allowing me to add my voice to this Bill. I reject the 2024/2025 Finance Bill. The picketing and protesting that people are doing on the streets of my constituency is because this Bill did not undergo due public participation. That is why the Committee should listen to the people again and return the Bill to them. We reject this Bill and ask that it be withdrawn and returned to the people. These people are the taxpayers and they should be heard. The Government should not pretend they are doing Kenyans any favours by introducing these amendments. These amendments were not in the Finance Bill, 2023. You are not doing the people of Kenya any favour. We ask the people in the Government to listen to the common mwananchi. I have done so. That is why I reject this Bill. I have also listened to my side of the House, Azimio la Umoja-One Kenya Coalition, which has the most professors who can never be wrong on this Finance Bill. I reject it.

Thank you, Hon. Speaker.

Hon. Rose Mumo (Makueni County, WDM): Asante, Mhe. Spika, kwa kunipatia nafasi. Natoa sauti yangu kupinga Mswada huu wa Fedha, 2024.

Watu wa Makueni wameniambia hawawezi kuukubali Mswada huu. Wakenya wametoka katika janga la korona ambalo lilifanya wengi wafunge biashara zao. Wengine hawana kazi. Maisha ya Wakenya yamekuwa katika hali ya juu sana. Serikali haijaweka mikakati maalum ya kuboresha maisha yao. Tungekuwa katika Nyumba hii tukiongea jinsi tunaweza kuwasaidia Wakenya waboreshe maisha yao. Kuna njia nyingi za serikali kuweza kupata fedha za kuendeleza mikakati yao. Kizungu kingi kimezungumzwa na Mwenyekiti wa Kamati ya Bajeti. Naomba watumie mbinu hizo, wakae chini kama Kamati na waangalie ni jinsi gani wanaweza kuleta fedha bila kumuumiza mwananchi wa kawaida.

Mambo ya sodo imezungumziwa sana. Nchi zingine zinapeana bure.

Hon. Joshua Kimilu (Kaiti, WDM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Kimilu.

Hon. Joshua Kimilu (Kaiti, WDM): Hon. Speaker, is it in order for you to deny me a chance to reject this Finance Bill? I have been here since yesterday, but you have not given me any opportunity to contribute. I reject this Bill, Hon. Speaker.

(Applause)

(Laughter)

Hon. Speaker: Thank you, Hon. Kimilu. Order, Hon. Members. You have rigged yourself to the *Hansard*. Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Speaker. I watched the debate yesterday and today. I celebrate the democracy that our forefathers fought for. Kenyans across the political divide can sit down for hours on end and discuss issues of this country.

As it has been said, the conversation in our country is no longer about our communities but about how to grow our economy and country. When we differ, we differ on how, but not on what we need to do as a country in order to become a growing economy. Sadly, this debate has been skewed differently because of the fallacies and lies that have been told. I have seen some Members and members of the public say that the Bill introduces taxation on cancer patients. I have gone through the Bill word by word, clause by clause, but nothing mentions cancer patients. This falsehood to emotionalise our members of the public is immoral, wrong, and very distasteful.

We have seen a lot of contestations, especially by our young people, that we have introduced taxation on digital content creation. This is far from the truth. In fact, the Bill proposes to exclude content creation that does not lead to money generation. The rejection of this Bill will make our content creators worse off than they are in the current provisions of the law. The current provisions of the Finance Act talk about content creation, even when it is not monetised. The Bill proposes to delete content creation that is not monetised. That is a fact of the matter. For our content creators, rejection of this Bill means that you will be worse off than you were last year or at the moment.

I have watched the debate on sanitary towels and diapers. I grew up during napkin times when children used napkins. I have seen how diapers have revolutionised and modernised our women. A few years ago, the quality of a good mother and wife was known by how well she washed the napkins for her children. They used to soak them at night with Jik and hot water and tire their hands to wash them until they were white. When neighbours passed, they would watch how white they were. The quality of that wife and mother was based on how white those napkins were. Therefore, where we are in diapers, we have greatly revolutionised and given dignity to our wives and mothers. This Bill proposes to give them more dignity by making them use diapers and sanitary towels that are affordable and of good quality. We can also ascertain their safety. That is why we are saying that we should use our locally manufactured products.

Hon. Speaker, how much do we hate ourselves as Kenyans that we demonise our capacity to manufacture here locally? How much do we hate our young people that we would rather export these jobs to India and China but not have them here in Kenya? The Government allocates resources to ensure free sanitary towels for our school-going children. How much do we hate ourselves that we want this money to go to India and China, but not to our local manufacturers here in Kenya? These arguments came last year. This House made two difficult decisions. One of them was imposing import duty and excise duty on imported furniture. As we speak, this tax and policy measure has seen the furniture used in this country being locally manufactured and creating jobs for young people. If you go to the big furniture shops like Tile and Carpet Centre and others, they have all started local assembly and manufacture of furniture. Therefore, the furniture we are using, courtesy of the Finance Act of 2023, is locally made here. Last year, we zero-rated the local

assembly of mobile phones. As a result, we are producing 400,000 phones every day for the external market.

(Applause)

This means and demonstrates that giving tax incentives to manufacturers leads to the growth of local manufacturing and continues with the motto of ‘Buy Kenya, Build Kenya.’ This Bill proposes to exempt tax on increased pension payments for salaried people from Ksh20,000 to Ksh30,000. Rejection of this Bill means that these pension contributions that will take care of us when we get old will not be tax-exempt. Therefore, Kenyans will be worse off if this Bill and its proposed amendments are rejected.

On Pay As You Earn (PAYE), the report of this Committee proposes that all statutory deductions, including the Housing Levy and SHIF be tax allowable. Rejection of this Bill, as amended by this Committee, means that our salaried Kenyans will have less disposable income to take home.

Hon. Speaker, to facilitate business, if your sales are above Ksh5 million, you are subject to VAT registration. This Bill and the Committee's report recommend increasing this from Ksh5 million to Ksh8 million. Therefore, rejecting this Bill as amended by the Committee will make it more difficult for our businesses.

Hon. Speaker, you heard the complaints about eTIMS last year for our avocado farmers and young traders. This Bill proposed amendments on exempting subsistence farmers and Small and Medium Enterprises (SMEs) with a turnover of less than Ksh1 million.

Hon. Speaker: Order. Yes, Hon. Jared Okello, what is the point of order, and under what Standing Order are you raising it? Give him the microphone.

Hon. Jared Okello (Nyando, ODM): Thank you very much, Hon. Speaker. I rise under Standing Order 91. A pattern is developing in this House. Each time we are objective in a matter such as this, we are told that the NG-CDF will be reduced and there will be no financial support for roads under the Kenya Rural Roads Authority (KeRRA). This kind of blackmail must stop. We must always approach...

Hon. Speaker: What is out of order?

Hon. Jared Okello (Nyando, ODM): What is out of order is what the Chairman of the Departmental Committee on Finance and National Planning is telling us; that if we reduce the budget, it will affect even issues of this House. But I also reject this Bill in total in line with...

Hon. Speaker: Order, Hon. Jared. That is called rigging. Finish up, Hon. Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Speaker. The challenges we have had with eTIMS and complaints by our farmers and our SMEs have made this Committee recommend the removal of the registration requirement for eTIMS for farmers and advocated for what we call reverse invoicing. The threshold for registration should be reduced to those with a turnover of Ksh1 million. This will lead to more ease of doing business.

On the subject of the internet and all its related matters, this Bill proposes to increase investment deductions for fibre for identifiable rights to the fibre optic cable and spectrum licence by a telecommunication operator by 10 per cent. This will enhance availability and the rollout of fibre optic and internet connectivity to the whole country.

Lastly, I know the generation behind us; their quickest modes of communication are platforms like *TikTok* and *Instagram*. If you check that platform, the reels are very short, so the communication is sensationalised. I took my lunch break yesterday and today to return all the calls

I got on my phone. I asked them: ‘You are telling me to reject; tell me what you want me to reject in this Bill?’ Then they said, ‘*Wewe kataa tu!*’ I asked them what clause added additional taxes and made it difficult to do business and they replied: ‘*Wewe kataa tu*’ because they have not taken time to understand this Bill.

With that, Hon. Speaker, I beg to reply.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Members on your feet take your seats.

(Hon. Babu Owino spoke off the record)

He has concluded, Hon. Babu Owino.

(Several Hon. Members stood in the gangways)

Order, Hon. Members. Take your seats. Member for Bumula, take your seat. Member for Kuresoi, take your seat. Hon. Nyamita, take your seat. Hon. Nyamita, you cannot stroll around the House when you are being told to take your seat.

Hon. Members, we have come to the end of the debate on this Bill, the Finance Bill (National Assembly Bill No. 30 of 2024). Before I put the Question, I want to direct the House as follows: my question will not attract a voice vote. We will go straight into Division. I directed the House yesterday and repeated this morning that in the interest of proper time management, the voting will be electronic.

Hon. Members: No! No!

Hon. Speaker: Order! Order! Order! Hon. Kajwang’, you are my junior but a senior lawyer and I expect a lot more from you. Hon. Members, the Speaker can read the mood in the House. I do not want to give anybody an excuse to go and play to the gallery. Whether you vote electronically or manually, the result is the same.

(Loud consultations)

Order! Order! Order! I have consulted with your leaders, and they do not have a hard feeling either way. Consequently, I will put the Question. I will thereafter direct the Division Bell to be rung for five minutes. The Whips, if your Members are still loitering out there, you have five minutes to get them into the House. Within five minutes, the Whips on either side will bring your two tellers, and we will then close the Bar and go into manual voting.

(Applause)

Order! Order! Order Hon. Members. Order!

(Question put and agreed to)

(Several Members rose in their places)

Hon. Members: Division. Division.

Hon. Speaker: Order. Order, Hon. Members. Take your seats. Take your seats. You are being disorderly. Before even the Speaker announces the outcome of the vote, you are on your feet, claiming a Division, meaning you are claiming that you have lost.

Order! Order, Hon. Millie Odhiambo. I have never heard of the winner claiming a Division in my many years in this House. It is only the losing side that claims a Division. So, why are you demonstrating this? I will now put the Question again. I like the comic relief in the House.

(Question put and agreed to)

(Loud consultations)

(Hon. Amos Maina stood in his place)

Order, Hon. Members. Take your seats. Hon. Mwago, take your seat.

The claim for a division is overwhelming. We do not need to count. I now direct that the Division Bell be rung for five minutes.

Hon. Junet and Hon. Osoro, provide two tellers each and after five minutes we will close the Bar and conduct a rollcall vote.

(The Division Bell was rung)

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

The Temporary Speaker (Hon. Martha Wangari) took the Chair

The Temporary Speaker (Hon. Martha Wangari): Serjeant-at-Arms, ring the Bell for a further five minutes.

(The Division Bell was rung)

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

[The Speaker (Hon. Moses Wetang'ula) resumed the Chair]

(Several Members stood in their places and in the gangway)

Hon. Speaker: Hon. Members, take your seats. Order! Hon. Members, take your seats. Hon. Mathenge, Hon. Johanna and Hon. Rindikiri, take your seats. Take your seats, Hon. Members. I now order that the Bars be drawn and doors locked.

(The Bars were drawn)

The tellers of the Ayes are Hon. (Dr) Robert Pukose and Hon. Eric Kahugu Wamumbi.

The tellers of the Noes are Hon. Julius Mawathe and Hon. Jared Okello. The vote available to each Member is Ayes, which is 'yes', Nays which is 'no', and abstention. Those of you who wish to abstain should record your name at the Clerk's desk when you are called, or you shout that you abstain.

(Hon. Didmus Barasa spoke off the record)

Order, Hon. Didmus. I know that we have locked the doors out there. In case of extreme pressure for any Member to go to the washroom, the washrooms behind the Speaker's Chair are still available, but I am not encouraging a queue towards those facilities because under your Standing Orders, when a vote is being taken, no Member is allowed to walk around. You remain in your seats and be silent. When you are called out to vote, it is you to say 'yes' or 'no'. The Speaker has the right to declare the vote of any Member who interjects and becomes a nuisance invalid. Do not go that route.

Hon. Members, when you are called, if you maintain silence, you have your microphones. Some of you have got very loud voices, and because your vote is not necessarily going to the *Hansard*, you can shout from where you are, and there will be nobody required to assist anybody in shouting. Every individual is voting on their own. I repeat, if you engage in the kind of conduct my brother from Budalangi normally does, your vote will be declared invalid.

Clerk, can we proceed with the roll call? Order, Hon. Wanjala. Take your seat, my brother.

(Hon. Babu Owino responded when Hon. Abdi Shurie's name was called out)

Hon. Babu Owino, you are grossly disorderly. You are not Shurie, Member for Balambala, and you cannot do what you are doing. You are a decent young man. I do not know why you keep doing these things. Order! Tellers and the Clerk, be on the lookout! A Member who is called is the only one entitled to vote. I want to encourage you, Hon. Opiyo Wandayi and Hon. Ichung'wah, to counsel your members. Let us not engage in disgraceful behaviour. Call Hon. Shurie again.

(Applause)

Order, Hon. Members. No vote attracts cheering. Remain in silence.

(Hon. Junet Mohamed spoke off the record)

Order, Clerk. Order, Hon. Junet. In the course of voting, the House does not entertain anything else. No points of order and no moving around. The tellers and the Clerks are not complaining. They are okay.

(Loud consultations)

Order, Hon. Members. You have given these four Hon. Members a responsibility to guard, oversee and protect your votes. Trust them. Any Member who has a stress in his or her voice can use the portable microphone. But continue the way you are doing.

Order, the tellers say they heard you vote no. So, why do you want the microphone?

Take your seat. Hon. Members, your colleague, Hon. Tubi of Isiolo South, is recuperating in Nairobi Hospital. Let us pray for him.

(Loud consultations)

There is no vote for him. Go on.

(Hon. Babu Owino joined the tellers at the Table)

Order, Members! Hon. Babu Owino, go back to your seat. Hon. Members, you need to exercise some decorum. Hon. Junet Mohamed, the Minority Whip has not notified the Speaker of the change of any teller. You all go through elections and know that once you appoint an accounting agent, they remain so to the end. Is that not what happens?

(Hon. Babu Owino resumed his seat)

Hon. Salasya, can you vote. No theatrics!

Order! The Whip of the Minority Party informs me that he has appointed the Member for Bumula to relieve Hon. Mawathe as a teller.

(Laughter)

Order, Hon. Makilap! Order, Hon. Members! Before the tally is over... Order, Hon. Wanjala! Is there any Member in the House who has not been called out to vote? Everybody has been called out. Proceed to do the tally.

(Vote tallying in progress)

DIVISION

(Question put and the House divided)

Tellers of the Ayes: Hon. (Dr) Robert Pukose and Hon. Eric Wamumbi.

Tellers of the Noes: Hon. Jared Okello and Hon. Wanami Wamboka.

RESULTS

AYES

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|--------------------------|--------------------------------|
| 1. Hon. Samwel Chepkonga | 8. Hon. Nelson Koech |
| 2. Hon. Benjamin Lang'at | 9. Hon. Alfah Miruka |
| 3. Hon. Marianne Kitany | 10. Hon. Linet Chepkorir |
| 4. Hon. Jematiah Sergon | 11. Hon. Kilel Richard |
| 5. Hon. Joshua Kandie | 12. Hon. Richard Yegon |
| 6. Hon. Joseph Makilap | 13. Hon. Gideon Ochanda |
| 7. Hon. Charles Kamuren | 14. Hon. Catherine Wambilianga |

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| 15. Hon. Kibet Komingoi | 61. Hon. Gideon Kimaiyo |
| 16. Hon. Mugambi Rindikiri | 62. Hon. Beatrice Kemei |
| 17. Hon. Moses Kirima | 63. Hon. Julius Rutto |
| 18. Hon. Victor Koech | 64. Hon. Christopher Wangaya |
| 19. Hon. Paul Biego | 65. Hon. Njuguna Kawanjiku |
| 20. Hon. Patrick Ntwiga | 66. Hon. John Waithaka |
| 21. Hon. Farah Maalim | 67. Hon. Ann Wamuratha |
| 22. Hon. John Kiarie | 68. Hon. Mwengi Mutuse |
| 23. Hon. Musa Sirma | 69. Hon. Antony Wainaina |
| 24. Hon. Adan Keynan | 70. Hon. Joseph Munyoro |
| 25. Hon. Caroline Ng'elechei | 71. Hon. Ndindi Nyoro |
| 26. Hon. Josses Lelmengit | 72. Hon. Kimani Ichung'wah |
| 27. Hon. Omboko Milemba | 73. Hon. Owen Baya |
| 28. Hon. Johana Kipyegon | 74. Hon. Didmus Barasa |
| 29. Hon. (Dr) Robert Pukose | 75. Hon. Gonzi Rai |
| 30. Hon. Farah Yakub | 76. Hon. Kwenya Thuku |
| 31. Hon. Kenneth Tungule | 77. Hon. Wanjiku Muhia |
| 32. Hon. Dekow Mohamed | 78. Hon. Joseph Chererot |
| 33. Hon. Ali Wario | 79. Hon. Hilary Kosgei |
| 34. Hon. Wakili Edward Muriu | 80. Hon. Joseph Gitari |
| 35. Hon. Elijah Kururia | 81. Hon. Nimrod Mbai |
| 36. Hon. GG Kagombe | 82. Hon. (Dr) Rachael Nyamai |
| 37. Hon. Elisha Odhiambo | 83. Hon. Japheth Nyakundi |
| 38. Hon. Gichimu Githinji | 84. Hon. Brighton Yegon |
| 39. Hon. Martha Wangari | 85. Hon. Alfred Mutai |
| 40. Hon. Charles Gimose | 86. Hon. Joseph Tonui |
| 41. Hon. Daniel Karitho | 87. Hon. Maisori Kemero |
| 42. Hon. Julius M'anaiba | 88. Hon. Mathias Robi |
| 43. Hon. John Paul Mwirigi | 89. Hon. Ferdinand Wanyonyi |
| 44. Hon. Abdi Ali Abdi | 90. Hon. Abdikadir Mohamed |
| 45. Hon. Benard Shinali | 91. Hon. Jane Kagiri |
| 46. Hon. Mumina Bonaya | 92. Hon. Mwangi Kiunjuri |
| 47. Hon. Githua Wamacukuru | 93. Hon. Sarah Korere |
| 48. Hon. Titus Lotee | 94. Hon. Wachira Karani |
| 49. Hon. Leah Sankaire | 95. Hon. Joseph Lekuton |
| 50. Hon. Memusi Kanchory | 96. Hon. Muthoni Marubu |
| 51. Hon. Onesmus Ngogoyo | 97. Hon. Ruweida Mohamed |
| 52. Hon. George Sunkuyia | 98. Hon. Stanley Muthama |
| 53. Hon. Njuguna Chege | 99. Hon. Kahangara Mburu |
| 54. Hon. John Makali | 100. Hon. (Eng) John Kiragu |
| 55. Hon. Peter Kihungi | 101. Hon. Protus Akujah |
| 56. Hon. Fabian Muli | 102. Hon. Chiforomodo Mangale |
| 57. Hon. Samwel Chumel | 103. Hon. Kareke Mbiuki |
| 58. Hon. Oscar Sudi | 104. Hon. Caleb Mule |
| 59. Hon. (Capt) Ronald Karauri | 105. Hon. Malulu Injendi |
| 60. Hon. Adams Korir | 106. Hon. Major (Rtd) Abdullahi Sheikh |

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| 107. Hon. Umul Kheir Kassim | 153. Hon. Michael Muchira |
| 108. Hon. Abdul Haro | 154. Hon. David Kiaraho |
| 109. Hon. Yusuf Adan | 155. Hon. Michael Wainaina |
| 110. Hon. Mary Njoroge | 156. Hon. David Pkosing |
| 111. Hon. Kangogo Bowen | 157. Hon. Paul Chebor |
| 112. Hon. Timothy Kipchumba | 158. Hon. Kamande Mwafrika |
| 113. Hon. Naomi Waqo | 159. Hon. Simon King'ara |
| 114. Hon. Edwin Gichuki | 160. Hon. Muchangi Karemba |
| 115. Hon. Eric Wamumbi | 161. Hon. Ali Raso |
| 116. Hon. Kassim Tandaza | 162. Hon. Pauline Lenguris |
| 117. Hon. Peter Nabulindo | 163. Hon. Jackson Lekumontare |
| 118. Hon. Ruku GK | 164. Hon. Letipila Eli |
| 119. Hon. (Eng) Nebart Muriuki | 165. Hon. Fred Ikana |
| 120. Hon. Elizabeth Kailemia | 166. Hon. Peter Lochakapong |
| 121. Hon. Kiborek Reuben | 167. Hon. Justice Kemei |
| 122. Hon. Phylis Bartoo | 168. Hon. John Koyi |
| 123. Hon. Kuria Kimani | 169. Hon. Francis Sigei |
| 124. Hon. Abraham Kirwa | 170. Hon. Silvanus Osoro |
| 125. Hon. Feisal Bader | 171. Hon. David Kiplagat |
| 126. Hon. Fred Kapondi | 172. Hon. Caroli Omondi |
| 127. Hon. Kaguchia John | 173. Hon. Samuel Gachobe |
| 128. Hon. Johnson Naicca | 174. Hon. Haika Mizighi |
| 129. Hon. Betty Maina | 175. Hon. Amina Dika |
| 130. Hon. Vincent Musau | 176. Hon. Hussein Abdi |
| 131. Hon. Peter Shake | 177. Hon. John Bwire |
| 132. Hon. Mary Maingi | 178. Hon. Mary Emaase |
| 133. Hon. Jayne Kihara | 179. Hon. George Murugara |
| 134. Hon. Liza Chelule | 180. Hon. Alice Ng'ang'a |
| 135. Hon. David Gikaria | 181. Hon. Kassait Kamket |
| 136. Hon. Samuel Arama | 182. Hon. Mpuru Aburi |
| 137. Hon. Cynthia Muge | 183. Hon. (Dr) John K Mutunga |
| 138. Hon. Rebecca Tonkei | 184. Hon. Julius Melly |
| 139. Hon. Lemanken Aramat | 185. Hon. John Chikati |
| 140. Hon. Kitilai Ntutu | 186. Hon. Lillian Siyoi |
| 141. Hon. Gabriel Tongoyo | 187. Hon. Janet Sitienei |
| 142. Hon. Emmanuel Wangwe | 188. Hon. Joseph Emathe |
| 143. Hon. George Gachagua | 189. Hon. Daniel Nanok |
| 144. Hon. George Kariuki | 190. Hon. Gladys Boss |
| 145. Hon. Charity Chepkwony | 191. Hon. Ernest Kivai |
| 146. Hon. Rahim Dawood | 192. Hon. Adagala Beatrice |
| 147. Hon. Joash Nyamoko | 193. Hon. Ibrahim Saney |
| 148. Hon. Jerusha Momanyi | 194. Hon. Mohammed Adow |
| 149. Hon. Faith Gitau | 195. Hon. Martin Wanyonyi |
| 150. Hon. Zaheer Jhanda | 196. Hon. Daniel Wanyama |
| 151. Hon. Rahab Mukami | 197. Hon. Rael Kasiwai |
| 152. Hon. Duncan Mathenge | 198. Hon. (Dr) Jackson Kosgei |

199. Hon. Abdisirat Khalif
 200. Hon. Dorothy Muthoni
 201. Hon. Joseph Wainaina

202. Hon. Joseph Hamisi
 203. Hon. Suleka Harun
 204. Hon. Abubakar Talib

NOES

1. Hon. Samuel Atandi
 2. Hon. Walter Owino
 3. Hon. Innocent Obiri
 4. Hon. Nolfason Barongo
 5. Hon. Patrick Osero
 6. Hon. Raphael Wanjala
 7. Hon. Wanami Wamboka
 8. Hon. Catherine Omanyoo
 9. Hon. Nicholas Mwale
 10. Hon. Maero Oyula
 11. Hon. Omar Mwinyi
 12. Hon. Patrick Simiyu
 13. Hon. Beatrice Elachi
 14. Hon. Babu Owino
 15. Hon. Julius Mawathe
 16. Hon. Mark Mwenje
 17. Hon. (Dr) Ojiambo Oundo
 18. Hon. Amina Siyad
 19. Hon. Gathoni Wamuchomba
 20. Hon. Atieno Bensuda
 21. Hon. Peter Kaluma
 22. Hon. Bady Twalib
 23. Hon. George Koimburi
 24. Hon. Eve Obara
 25. Hon. Majimbo Kalasinga
 26. Hon. Joshua Kimilu
 27. Hon. Kakuta Maimai
 28. Hon. Parashina Sakimba
 29. Hon. Elsie Muhanda
 30. Hon. Paul Katana
 31. Hon. Yusuf Hassan
 32. Hon. Adipo Okuome
 33. Hon. Charles Ong'ondo
 34. Hon. Robert Mbui
 35. Hon. Peter Orero
 36. Hon. Jessica Mbalu
 37. Hon. Julius Sunkuli
 38. Hon. Gertrude Mwanyanjje
 39. Hon. Ken Chonga
 40. Hon. Thuddeus Nzambia

41. Hon. Bisau Kakai
 42. Hon. Rashid Bedzimba
 43. Hon. Ruth Odinga
 44. Hon. Joshua Oron
 45. Hon. Rozaah Buyu
 46. Hon. Irene Kasalu
 47. Hon. (Dr) Makali Mulu
 48. Hon. David Mwalika
 49. Hon. Edith Nyenze
 50. Hon. Antony Kibagendi
 51. Hon. Clive Gisairo
 52. Hon. Fatuma Masito
 53. Hon. Phelix Odiwuor
 54. Hon. Mishi Mboko
 55. Hon. Innocent Mugabe
 56. Hon. Dick Oyugi
 57. Hon. Nabii Nabwera
 58. Hon. Titus Khamala
 59. Hon. Joyce Kamene
 60. Hon. George Aladwa
 61. Hon. Suzanne Kiamba
 62. Hon. Rose Mumo
 63. Hon. Amina Mnyazi
 64. Hon. Hussein Weytan
 65. Hon. Gitonga Mukunji
 66. Hon. Geoffrey Odanga
 67. Hon. Anthony Oluoch
 68. Hon. Stephen Mule
 69. Hon. Patrick Makau
 70. Hon. Kivasu Nzioka
 71. Hon. Fatuma Mohammed
 72. Hon. Zamzam Mohammed
 73. Hon. (Prof) Guyo Jaldesa
 74. Hon. James K'Oyoo
 75. Hon. Peter Salasya
 76. Hon. Mohamed Machele
 77. Hon. Gideon Mulyungi
 78. Hon. (Eng) Paul Nzengu
 79. Hon. Charles Nguna
 80. Hon. Esther Passaris

81. Hon. Geoffrey Mulanya
82. Hon. Martin Owino
83. Hon. Adhe Guyo
84. Hon. Aduma Owuor
85. Hon. Jared Okello
86. Hon. Daniel Manduku
87. Hon. Tom Odege
88. Hon. Kenga Mupe
89. Hon. (Dr) Lilian Gogo
90. Hon. (Dr) Otiende Amollo
91. Hon. Paul Abuor
92. Hon. TJ Kajwang'
93. Hon. Caleb Amisi
94. Hon. Naisula Lesuuda
95. Hon. (Dr) James Nyikal
96. Hon. (Dr) Christine Ombaka
97. Hon. Amos Maina
98. Hon. Millie Odhiambo-Mabona
99. Hon. Junet Mohamed
100. Hon. Peter Masara
101. Hon. Oku Kaunya
102. Hon. Paul Nabuin
103. Hon. John Namoit
104. Hon. David Ochieng'
105. Hon. Opiyo Wandayi
106. Hon. Mark Nyamita
107. Hon. Khamis Chome
108. Hon. Yussuf Farah
109. Hon. Stephen Mogaka
110. Hon. Tim Wanyonyi
111. Hon. Danson Mwashako
112. Hon. Robert Basil
113. Hon. Irene Mayaka
114. Hon. John Mbadi
115. Hon. Umulkher Harun

(Loud consultations)

(Several Members were upstanding)

Hon. Speaker: Order, Hon. Members. The voting is not over until the results are announced. Take your seats. Order, Members!

(Hon. Njuguna Kwanjiku stood in his place)

Hon. Kwanjiku, take your seat. Hon. Members, the tellers are not sure whether Hon. Saney voted or not. He is coming to confirm.

(Several Members spoke off the record)

Are you satisfied?

(Hon. Ibrahim Saney consulted the Clerks-at-the Table)

Okay. Hon. Saney, take your seat. Order, Hon. Members. Can the tellers walk to the bar?

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Speaker, the results of the Division on the Second Reading of the Finance Bill, 2024 are:

Ayes – 204

Noes – 115

Abstention – Nil

(Hon. Millie Odhiambo–Mabona spoke off the record)

Hon. Speaker: Order, Hon. Members! Order, Hon. Millie! The results of the Division are not announced by the tellers.

Hon. Members, the results of the Division on Second Reading of the Finance Bill, 2024 are as follows:

Ayes – 204

Noes – 115

Abstention – Nil

The Ayes have it.

(Question carried by 204 votes to 115)

Order! The House is in session. Clerk-at the-Table, go ahead.

(The Bill was read a Second Time and committed to Committee of the whole House)

Hon. Members, the matter of the Finance Bill is now over. Wait for Committee of the whole House. Those who have amendments should file them. The deadline was 1.00 p.m. The Clerk of

the National Assembly and his team will process them. As you were told, the House will sit on Tuesday in the morning to proceed on the same matter. Open the Bar and doors.

Call out the next Order.

MOTION

CONSIDERATION OF SENATE AMENDMENTS TO THE INDEPENDENT
ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL
(National Assembly Bill No.10 of 2024)

(Loud consultations)

Hon. Speaker: Order, Hon. Members! Those who are leaving the Chamber, please, do so quietly.

The next Order has been called, that is, Order No.9. I call upon the Chairman of the Departmental Committee on Justice and Legal Affairs to move the Motion.

(Several Hon. Members walked out of the Chamber)

Those who are recessing out of the Chamber, do so quietly. The House is not adjourned; it is still in session.

Hon. Murugara, proceed.

Hon. George Murugara (Tharaka, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, the Senate amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024) be now considered.

Hon. Speaker, this House considered the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024) and passed it with amendments. It was thereafter forwarded to the Senate for consideration. I wish to report that the Senate considered the Bill and returned it with some proposed amendments. The proposed amendments were considered by the Departmental Committee on Justice and Legal Affairs Committee which prepared a detailed report. They agreed with the Senate proposals. The National Assembly should now agree with the Senate on the proposed amendments, in which case we would amend the Bill as proposed by the Senate. We could then pass it and await assent.

The Departmental Committee on Justice and Legal Affairs Committee agreed with the Senate that the proposed amendments... The IEBC Act is supposed to be considered by the two Houses. Where we have made a provision from the National Assembly then there is also a mention of the same by the Senate. It would have been tidier if the Senate had proposed that we delete the words 'National Assembly' and substitute them with the word 'Parliament'. This is because we are not supposed to touch this Bill in any other way so as not to necessitate mediation. We entirely agree with the Senate and propose that we move to the Committee of the whole House where the proposed amendments will be considered. Once passed or adopted by this House, the Bill will have passed through the two Houses and will be ready for assent.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

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[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

(Several Hon. Members stood in their places)

Hon. Deputy Speaker: Hon. Members, please, resume your seats.

Hon. George Murugara (Tharaka, UDA): Hon. Deputy Speaker, I beg the House to agree with the proposed amendments by the Senate and move on to the Committee of the whole House. I beg to move and request Hon. Chepkonga, Member for Ainabkoi, to second.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you very much. I rise to second the proposed amendments from the Senate as moved by the Chairman of the Departmental Committee on Justice and Legal Affairs. I totally agree that we should consider the other House when it comes to giving input to the making of laws in this country. As you know, the Senate participates in making the law, but it is this House that enacts the laws. I agree that we approve the proposed amendments that have been forwarded here.

I second.

(Question proposed)

Hon. Kwenya Thuku (Kinangop, UDA): Thank you, Hon. Deputy Speaker. I support the amendment as presented by the Senate. I have a keen interest in this Bill, which is a culmination of the agreement that was reached by the National Dialogue Committee (NADCO). The Senate's proposals should be captured in this Bill because elections across the country and issues to do with boundaries cut across national and county governments. I feel that this is the right thing to do and the Senate has ably stated its stand on matters of IEBC appointments. It is only in order that we support this Bill because of some of the constituencies and wards that do not have representatives. Those whose representatives have passed on or whose seats have been declared vacant now have an opportunity to get representatives working for them.

I support this amendment. Thank you.

Hon. Deputy Speaker: Hon. Member for Mandera North, Hon. Bashir Abdullahi.

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): Thank you very much, Hon. Speaker. This Bill is very important and I urge this House to agree with the Senate amendments. I have a neighbour constituency by the name Banissa.

Hon. Deputy Speaker: The Leader of the Minority Party, I am going to give you a chance after Hon. Bashir.

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): My neighbouring constituency called Banissa does not have a representative. It is 15 months since the death of our brother, the Late Hon. Maalim Kullow Hassan. All this is because of the fact that IEBC is not fully constituted. It is unfortunate that the people of Banissa have been denied representation by the fact that IEBC is not fully constituted. I have brought a Bill which seeks that the IEBC's CEO, in the absence of the Chairman of IEBC, be given the mandate to gazette a Returning Officer. However, now that this Bill is on the Floor with the amendments from the Senate, it only requires this House to pass it so that it is assented to. That way, the people of Banissa and some county assemblies and wards that are lacking representatives can go ahead and elect their representatives. I urge this House to be fair to the people of Banissa and other many wards that are lacking representation so that we fast-track the Bill. If it is assented to, IEBC will be fully constituted.

Once the selection panel is constituted, the membership of the IEBC Commission should not take a period within 90 days to be formed; rather, it should be within a span of between 40 days to 45 days. When they are in place, the people of Banisa should go for a by-election and get another representative.

I support.

Hon. Deputy Speaker: The Leader of the Minority Party, did you want to speak to this matter? You were busy and I gave someone else the opportunity.

What is your point of order, Hon. Junet?

Hon. Junet Mohamed (Suna East, ODM): Hon. Deputy Speaker, I stand under Standing Order 35 and ask whether there is quorum in the House. Please ascertain whether there is quorum in the House. *Muende nyumbani Bwana. Muache kutusumbua!*

QUORUM

Hon. Deputy Speaker: I direct that you ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Serjeant-at-Arms, you may stop the Bell. Let us proceed. Yes, Hon. TJ, do you want to contribute? Just hold on. Who was the last person? He had finished. Okay, you may proceed, Hon. TJ.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, we should accede to and pass this Bill. As the Departmental Committee on Justice and Legal Affairs, we were able to look at it and it only had three issues which were not really in contention, which as a matter of oversight, we may have passed the Bill to the Senate without looking at it thoroughly in terms of defining a parliamentary party. We defined parliamentary party in the National Assembly, but somehow, we did not define it for the benefit of the Senate. So, they adjusted that.

Secondly, we have the Report of the Independent Electoral and Boundaries Commission. In the parent Act before the bicameral system, it used to come to the National Assembly. Again, we did not see that now we have two Houses, and they have corrected that.

The third thing is that they have added 10 years' experience in matters of law, ICT among others. Of course, Generation Z will really suffer. But again, experience is also a good thing for management of an office. I had said in the Committee, perhaps, on ICT, they should allow Generation Z without a fetter of age. But it would seem that already the Senate was minded to make these 10 years. It is consistent with many of the existing laws.

Of all that, the only matter that, probably, will bring issues on the selection panel is the nominee other than the parliamentary party, the people who are out there. It calls on that Political Parties Liaison Office to know how to go through the parameters of transparency, qualifications, and eligibility, not just to handpick a friend, but go through a verifiable criterion, by which that member of the panel should be. I support, and we should accede to this without necessarily going for mediation.

Thank you very much.

(Hon. Opiyo Wandayi spoke off the record)

Hon. Deputy Speaker: No, you cannot do that, Leader of the Minority Party. There is an order.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, this is a Bill that has been canvassed for a long time in the two Houses. It has gone through rigorous scrutiny, and it is the right time now for us to bring it to a closure.

I, therefore, support.

Hon. Deputy Speaker: Okay, thank you. Can the mover reply?

Hon. George Murugara (Tharaka, UDA): Thank you very much Hon. Deputy Speaker. Allow me to thank everyone who has contributed to this. This is purely routine, and in my view, there is no contention as regards the proposed amendments.

With those remarks, I beg to reply.

(Question put and agreed to)

Hon. Deputy Speaker: Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

IN THE COMMITTEE

*[The Temporary Chairlady
(Hon. (Dr) Rachael Nyamai) in the Chair]*

SENATE AMENDMENTS TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (National Assembly Bill No.10 of 2024)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we are in the Committee of the whole House to consider the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024).

Senate amendment to Clause 2

THAT, Clause 2 be amended—

- (a) by inserting the following new paragraph immediately after paragraph (e)
 - (g) in the definition of the word “Parliamentary Committee” by inserting the words “and Senate” immediately after the words “the National Assembly”.
- (b) in paragraph (f) in the proposed new definition of the word “parliamentary party” by inserting the words “and Senate” immediately after the words “the National Assembly”.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Senate amendment to Clause 2 agreed to)

Senate amendment to Clause 3

THAT, Clause 3 be deleted and substituted therefor with the following new clause —

3. Section 6 of the principal Act amended in subsection 2(c) —

(a) by deleting the introductory clause and substituting therefor the following new Clause —

(c) has proven knowledge and at least ten years' experience in any of the following fields —

(b) by inserting the following new subparagraphs immediately after subparagraph (vi) —

(vii) information and communication technology.

(viii) accounting.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Senate amendment to Clause 3 agreed to)

Senate amendment to Clause 7

THAT, Clause 7 be amended —

(a) in new section 24(B)(5) by inserting the words “in each House of Parliament” immediately after the words “Parliamentary Committee”;

(b) in new section 24(B)(6)—

(i) by inserting the words “in each House of Parliament” immediately after the words “Parliamentary Committee”; and

(ii) by deleting the words “the National Assembly” appearing immediately after the words “the report in” and substituted therefor the words “the respective House of Parliament”;

(c) in new section 24B (7) by inserting the words “and the Senate” immediately after the words “the National Assembly”;

(d) in new section 24B (8) by inserting the words “and the Senate” immediately after the words “the National Assembly”; and

(e) in new section 24B (9) by inserting the words “or the Senate” immediately after the words “the National Assembly”.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Question, that the words to be left out be left out, put and agreed to)

(Senate amendment to Clause 7 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Mover.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Chairlady. I beg to move that the Committee do report to the House its consideration of the Senate amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024), and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

MOTION

CONSIDERATION OF REPORT ON SENATE AMENDMENTS
TO THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION BILL

Hon. Deputy Speaker: The Temporary Chairlady.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Deputy Speaker. I beg to report that the Committee of the whole House has considered Senate amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024) and approved the same without amendments.

Hon. Deputy Speaker: Mover.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. I beg to move that the House do agree with the Committee in the said report. I request the Hon. Leader of the Majority Party, Hon. Kimani Ichung’wah to second.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I beg to second. Once approved, this Bill sets in motion the process to have a panel to recruit IEBC commissioners. I hope that those who will be nominated by the various nominating bodies will be

men and women of integrity. These commissioners will guarantee us that in 2027 we will have an election, and the winner will be known without any questions.

I second.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

MOTION

ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR NG-CDF FOR CONSTITUENCIES IN BUNGOMA COUNTY

Hon. Deputy Speaker: Mover. Chairperson of the Select Committee on the National Government Constituencies Development Fund.

Since the Chairperson is not here, we can move to the next Order and defer the Motion to a later date.

(Motion deferred)

ADOPTION OF REPORT ON FUNDS SPENT CONTRARY TO PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

Hon. Deputy Speaker: Chairperson, Select Committee on Public Petitions.

Hon. Nimrod Mbai (Kitui East UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No.4 of 2022 regarding Funds spent by the National Government Contrary to the Provisions of Article 223 of the Constitution, laid on the Table of the House on Tuesday, 12th March 2024.

On 15th November 2022, Mr Stephen Mutoro, the Secretary General of the Consumers Federation of Kenya (COFEK) conveyed to House Public Petition No. 4 of 2022 regarding funds spent contrary to the provisions of Article 223 of the Constitution.

The Committee went through this Petition, listened to the petitioner and several witnesses; and it was clear that funds were spent outside Article 223 of the Constitution. It was noted that in the last 20 days of the former regime, over Ksh14 billion was hurriedly approved and paid without the authority of the Controller of Budget and the Auditor-General.

I beg to move the Motion and request Hon. Janet Sitienei to second.

Thank you.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

The Temporary Speaker (Hon. Farah Maalim): Secunder.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Temporary Speaker. I second.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members.

(Question proposed)

Hon. Josses Lelmengit (Emgwen, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

QUORUM

Hon. Josses Lelmengit (Emgwen, UDA): Hon. Temporary, I stand pursuant to Standing Order 35. Looking at the House, I do not think we have quorum.

The Temporary Speaker (Hon. Farah Maalim): We do not have quorum?

Hon. Josses Lelmengit (Emgwen, UDA): Yes.

The Temporary Speaker (Hon. Farah Maalim): Indeed. The Temporary Speaker agrees with you. There is no need to even count. Ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

*(Hon. Kimani Ichung'wah and several Members
walked out of the Chamber)*

Order, Leader of the Majority Party and Hon. Members. Come back. The rules are very clear; once the Quorum Bell is on, no one is allowed to leave the Chamber.

(Hon. Silvanus Osoro spoke off the record)

He is not the Whip of the Majority Party, but you are. Order, Hon. Ichung'wah. You are a ranking Member in this House. You are not the Whip of the Majority Party. Hon. Osoro and Hon. Naomi can go and whip Members, but you will have to stay.

(Loud consultations)

Order, Hon. Members. The rules are clear and I have given my directions. Hon. Osoro and Naomi, go and whip Members. That is their duty.

(Loud consultations)

Order, Leader of the Majority Party. Take your seat. This is a House of rules. Please respect them.

Serjeant-at-Arms, please ensure that no one leaves until the 10 minutes of the Quorum Bell have lapsed. If there will be no quorum after that, the House will be adjourned. In the meantime, no one leaves the Chamber.

(The Quorum Bell was rung)

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ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Stop the Quorum Bell. Order, Hon. Members. The time being 6.26 p.m., and there being no quorum, this House stands adjourned until Tuesday, 25th June 2024, at 9.30 a.m.

The House rose at 6.26 p.m.

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