



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. III NO. 43

THE HANSARD

Thursday, 6th June 2024

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: I direct the Serjeant-at-Arms to ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Serjeant-at-Arms, you may stop the Bell. Let us proceed to the first Order.

MESSAGE

APPROVAL OF THE MEDIATED VERSION
OF THE DIVISION OF REVENUE BILL
(National Assembly Bill No.14 of 2024)

Hon. Deputy Speaker: Hon. Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding the approval of the Mediated Version of the Division of Revenue Bill (National Assembly Bill No.14 of 2024) by the Senate.

Hon. Members, you may recall that the Bill was committed to the Mediation Committee pursuant to Article 112(1)(b) of the Constitution following the National Assembly's rejection of the Senate amendments to the Bill on 13th May 2024.

The message from the Senate conveys that, on 29th May 2024, the Senate considered and approved the Mediated Version of the Division of Revenue Bill (National Assembly Bill No.14 of 2024) in the form developed by the Mediation Committee.

As you are aware, during the afternoon Sitting of Wednesday, 5th June 2024, this House also approved the Mediated Version of the Division of Revenue Bill (National Assembly Bill No.14 of 2024) in the form developed by the Mediation Committee.

Hon. Members, the approval of the Mediated Version of the Division of Revenue Bill, 2024 by both Houses of Parliament, therefore, concludes the bicameral consideration of the Bill in accordance with Article 110(5) of the Constitution.

In this regard, and in accordance with the provisions of Article 113(3) of the Constitution, the Speaker will proceed to present the Bill to His Excellency the President for assent. The House is accordingly informed.

Thank you, Hon. Members.

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PAPERS

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Deputy Speaker, I beg to lay the following papers on the Table:

Reports of the Auditor General and Financial Statement for the year ended 30th June 2023 and the certificates therein in respect of:

- (a) Kenya Broadcasting Corporation
- (b) Kenya School of Government
- (c) Jomo Kenyatta University of Agriculture and Technology Noodles Limited
- (d) Kenya Animal Genetic Resources Centre
- (e) Gatitu Tea Factory Limited
- (f) Kenya Tsetse and Trypanosomiasis Eradication Council
- (g) Moi Teachers College - Baringo
- (h) National Youth Service
- (i) Kenya Engineering Technology Registration Board
- (j) Road Maintenance Levy Fund – Kenya Urban Roads Authority
- (k) Anti-Doping Agency of Kenya
- (l) Engineers Board of Kenya
- (m) Technical University of Mombasa Enterprises Limited
- (n) Cherang'any Marakwet Water and Sanitation Company Limited
- (o) Kibabii University
- (p) National Health Insurance Fund
- (q) Jomo Kenyatta University of Agriculture and Technology
- (r) Sacco Societies Regulatory Authority
- (s) Financial Inclusion Fund.

Thank you.

Hon. Deputy Speaker: Next Order. The Chairperson of the Departmental Committee on Health.

Hon. Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table:

Reports of the Departmental Committee on Health on:

- (a) Its Attendance of the 24th Figo World Congress of Gynaecology and Obstetrics at the Paris Convention Centre, France, from 9th to 13th October 2023.
- (b) Its experiential learning visit regarding the Harm Reduction Programme for Persons who use and inject drugs held in Mauritius from 20th to 24th November 2023.

Hon. Deputy Speaker: We have a personal Statement from Hon. Emmanuel Wangwe, the Member for Navakholo.

QUESTIONS AND STATEMENTS

PERSONAL STATEMENT

DEMISE OF MRS AGNETA WANGWE

Hon. Emmanuel Wangwe (Navakholo, ODM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(e), I wish to make a personal Statement regarding the passing on of my beloved mother, Mama Agneta Nerima. Very few things leave an indelible mark on the heart of an African man, like the death of a mother. We all remain children of our mothers, irrespective of age, rank, and status in society.

When I received the devastating news of my mother's passing on, my world momentarily came to a standstill. I was heartbroken, and my heart bled. However, when messages of condolences and calls started pouring in from Kenyans across the country, led by the Executive and this honourable House, I regained strength. I confronted the situation, accepting God's will and embarking on the journey to lay my mother to rest.

Biologically, I was bereaved. However, in the true African sense, it was this honourable House that was bereaved. The people of Navakholo Constituency were bereaved. My relatives, friends, and associates across the country were bereaved. With a profound sense of duty, all these groups mourned my mother as their parent. The moral and material support was immeasurable.

Allow me to thank the great people of Navakholo most sincerely. My mother's death demonstrated that, over the years, I have served my constituents. We have created a strong bond and sense of familyhood. The associations of local boda bodas, *mama mbogas* across markets, teachers' associations, and the clergy played a critical role in giving me moral support and making material and financial contributions to give my mother a befitting send-off. I was deeply touched by the President's message relayed immediately after I lost my mother. His material support cannot be gainsaid.

I express special gratitude to my party leader, the Right Hon. Raila Amolo Odinga, for his personal call and delegation to condole with me. I must also sincerely thank this honourable House for offering me the shoulder to lean on in my hour of need, led by the Right Hon. Speaker and the Hon. Members who visited to condole with me both in Nairobi and my rural home. These gestures and the enormous financial support are the reasons I stand strong before you today. Allow me to thank the judges and magistrates from the Judiciary, an arm of Government, who made moral and material contributions and attended the burial in Navakholo. I am most grateful to my brother and friend, Hon. Bernard Shinali, who chaired the funeral committee and coordinated all groups.

Finally, Hon. Deputy Speaker, I cannot fail to recognise the role played by the Catholic Church, notably the Right Reverend Bishop Joseph Obanyi and my parish priest—Reverend Father Isinyi. I also recognise the role played by all the evangelical church leaders and a team of doctors led by Dr Akenga Amwoga. The outpouring of support extended beyond my constituency. I am eternally grateful to all those near and far, from all walks of life, who rallied with me.

Thank you, Hon. Deputy Speaker and Members, for your love, care, and commitment during my family's time of grief. I am forever indebted.

Hon. Deputy Speaker: I express our deepest condolences from the House and myself. Next Statement. We have a Statement by Hon. Edward Muriu, Member for Gatanga.

REQUESTS FOR STATEMENTS

INORDINATE DELAY BY KENYA TO RATIFY THE AGREEMENT FOR ESTABLISHMENT OF THE AFRICA FINANCE CORPORATION

Hon. Wakili Edward Muriu (Gatanga, UDA): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44 (2)(c), I rise to request a Statement from the Chairperson of the

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Departmental Committee on Finance and National Planning regarding the inordinate delay by Kenya in ratifying the agreement for the establishment of the Africa Finance Corporation (AFC).

AFC was established on 28th May 2007 as a multilateral development finance institution dedicated to promoting private sector-led infrastructural investment across the African continent. Its mission is to address Africa's infrastructure development needs and foster sustainable economic growth through equity project development, financial advisory, and treasury management services.

The AFC operates under the agreement for its establishment dated 28th May 2007. Forty three Africa's sovereign States signed an instrument of accession and acceptance of membership to the AFC as a supranational body. The Republic of Kenya, through the National Treasury, signed the instrument of adherence to the terms of the AFC on 7th June 2017. Since then, the National Treasury has yet to submit the instruments for the treaty establishing the AFC to the National Assembly for ratification.

Hon. Deputy Speaker, it is against this background that I request a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

1. What milestones have been made in effecting the ratification of the treaty for the establishment of the AFC in Kenya since the signing of the instrument of adherence on 7th June 2017?
2. What has caused the inordinate delay by the National Treasury in submitting the treaty to the National Assembly for ratification?
3. When does the Ministry intend to submit the treaty to the National Assembly?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Next, we have a Statement by the Member for Loima. Is the Departmental Committee on Lands Chairperson here or someone from the Committee? I have not seen anyone from the Committee. We shall be informed by the Clerks-at-the-Table.

We can proceed with Hon. Protus Akujah, Member for Loima.

DISBURSEMENT OF THE PRESIDENTIAL SECONDARY SCHOOL BURSARY

Hon. Protus Akujah (Loima, UDA): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Social Protection regarding the lack of full disbursement of the Presidential Secondary School Bursary.

It was established in 2013 under the State Department for Social Protection to enhance secondary school enrolment, attendance, and completion of studies by orphans and vulnerable children. This initiative was a commendable commitment to actualising the provision of Article 53(1)(b) of the Constitution, which enshrines the right of every child to free and compulsory basic education. The National Assembly plays a crucial role in approving the annual Budget, which includes an allocation of Ksh1.2 billion to the Presidential Secondary School Bursary, intended to be distributed across the 290 constituencies. However, it is deeply concerning that constituencies have only received a paltry sum of the total funds for the last two financial years. The consequences of this shortfall have been devastating. Numerous orphans and vulnerable children who rely heavily on this Fund for their education have been forced to disqualify their studies due to their inability to pay for it.

This situation is particularly alarming given the rising number of targeted beneficiaries over the years, further compounding the need for adequate funding. It is against this background

that I request a statement from the Chairperson of the Departmental Committee on Social Protection on the following:

1. The reason for the lack of disbursement of the full amount of the Presidential Secondary Schools Bursary to constituencies in the last two financial years?
2. The Ministry to outline the plans that have been put in place to ensure timely disbursement of all appropriated Presidential Secondary School Bursary Funds for the previous and current Financial Years.
3. Measures that the Ministry put in place to guarantee that in future, the Presidential Secondary School Bursary Funds are released as allocated in the Budget and disbursed in a timely manner.

Thank you.

Hon. Deputy Speaker: Chairperson or any Member of the Social Protection Committee? Please give Hon. Suleka the microphone.

Hon. Suleka Harun (Nominated, UDM): Thank you, Hon. Deputy Speaker. We shall get back to this Member in three weeks.

Hon. Deputy Speaker: We can now go to our last Statement. Hon. Abdi Ali, Member for Ijara Constituency.

POWER OUTAGES IN MASALANI AND IJARA WARDS IN IJARA CONSTITUENCY

Hon. Abdi Ali Abdi (Ijara, NAP-K): Hon. Deputy Speaker, pursuant to the provision of Standing Order 44(2)(c), I rise to request a Statement from the Chairman of the Departmental Committee on Energy regarding power outages in Masalani and Ijara Wards in Ijara Constituency.

For the last three months, Masalani and Ijara towns of Ijara Constituency have been experiencing power outages that sometimes last for 30 days. The outages are believed to have been caused by Kenya Power (KP) negligence in routine maintenance and replacement of dilapidated poles.

The power outages are a major concern for the local community. Regrettably, the lack of reliable electricity has caused significant disruption to households and businesses, leading to massive losses of perishable commodities, including milk and fruits. This is due to the failure of storage facilities such as coolers and fridges.

Moreover, learning institutions and health facilities in the area have been forced to rely on generators for their operations, which increases their operational costs.

It is against this background that I request a statement from the Chairperson of the Departmental Committee on Energy on the following matters:

1. What measures has the Government taken to ensure that the residents of Masalani and Ijara towns have access to reliable electricity?
2. Does the Government plan to compensate affected businesses in Masalani and Ijara towns following massive losses of produce incurred, especially by vendors who sell perishable commodities?
3. What plan is the Government putting in place to install a power station in Masalani and Ijara wards to provide stable and reliable power connectivity, given that the current unreliable connectivity is from Hola Town, Tana River County?

Thank you.

Hon. Deputy Speaker: Thank you.

As we wait for the next Order, let me take this opportunity to recognise the presence of students from Bavuni Secondary School, Bahati Constituency, Nakuru County, seated in the Public Gallery. On my behalf and that of the entire National Assembly, we welcome you all to observe the Proceedings of the National Assembly.

Thank you.

Next Order. What is your point of order, Hon. Mulyungi?

Hon. Gideon Mulyungi (Mwingi Central WDM): Hon. Deputy Speaker, yesterday the Chairperson of the Departmental Committee on Administration and Internal Affairs gave responses to the Statements, but you did not give us time to react to them. I, therefore, want to be given the opportunity.

Hon. Deputy Speaker: I think there was no one to respond to it. I do not know whether the Chairperson is here.

Hon. Gideon Mulyungi (Mwingi Central WDM): He has just walked to the back office.

Hon. Deputy Speaker: Proceed with what you wanted to raise. I will indulge him later.

Hon. Gideon Mulyungi (Mwingi Central WDM): The Chairperson, Hon. Tongoyo, responded to my Statement on the circumstances that led to the death of Benjamin Mwaniki Katheng'u. However, I was not satisfied with the response because of the following reasons:

1. Part-two of my question was not answered.
2. The suicide theory that was cooked is not acceptable.
3. The investigations have taken six months from the date of the death.

The Investigating Officer says that they have been investigating, analysing reports, and awaiting results from the Government Chemist for six months. No arrests have been made and the family has not been briefed and updated on the matter. I am also informed that the Investigating Officer is very hostile to the family.

I, therefore, request the following:

1. There should be a family briefing meeting between the County Commissioner and the Directorate of Criminal Investigations (DCI).
2. We request independent investigations from DCI Headquarters and not the local DCI from Hola.

I, therefore, request the Chairperson to take up that matter. Thank you.

Hon. Deputy Speaker: Since the Chairperson walked out, I will ask the Leader of the Majority Party to respond.

(Hon. Abdi Ali Abdi spoke off the microphone)

Are you a Member of the Committee?

(Hon. Abdi Ali Abdi rose on a point of order)

What is your point of Order?

Hon. Abdi Ali Abdi (Ijara, NAP-K): Thank you, Hon. Deputy Speaker. I have just raised a very sensitive statement regarding Kenya Power. I want a commitment from the Chairperson or any Member of the Departmental Committee on Energy in terms of the number of days or weeks.

I want to concur and follow what my colleague has said. Yesterday, we got a Report from the Chairperson of the Departmental Committee on Administration and Internal Affairs on a Statement I raised a month ago on the abduction and missing of Harith Khalif and Abdulrahman.

The Statement that the Chairman raised was too general. I request your guidance on that matter because the families of the two people missing in Ijara Constituency request for their people, alive or dead. At least, I request proper investigation involving multi-agency teams to get feedback to the affected families.

Thank you very much.

Hon. Deputy Speaker: Thank you. Because the Chairman of the Departmental Committee on Administration and Internal Affairs is not here the Leader of the Majority Party, through the Whip of the Majority Party, will ensure that the matter raised is taken to the Committee and we have *The Hansard* records of what the Members raise. When he is present at the next Sitting, we shall ask for a commitment from the Chairman of the Departmental Committee on Administration and Internal Affairs.

Hon. Farah Maalim (Dadaab, WDM): Point of order.

Hon. Deputy Speaker: What is your point of order, Hon. Farah?

Hon. Farah Maalim (Dadaab, WDM): Hon. Deputy Speaker, I wish to add my voice to what the Member for Ijara has said. One of the biggest landmarks and earth-shaking commitments we got from this Government and our President, William Ruto, was that there was not going to be any more enforced disappearances. It was the hallmark of the previous Government. Many people are now missing. They were just plugged out of their homes and we do not know where they are. We have no problem with investigations. They could be criminals. However, the reality of the matter is that we want them taken to court. The courts are very lenient. If you need more time for investigation, they will give you two weeks, or one and even two months. After that we will know if our relatives are safe.

In Garissa alone, we are in excess of five people that cannot be accounted for over the last couple of months. The families are pestering us daily and asking us where their family members are. We want the Government as well as Parliament and the relevant committees to take this matter with that seriousness.

Thank you.

Hon. Deputy Speaker: Thank you.

Let us proceed to the next Order. There is a Procedural Motion. Chairman of the Budget and Appropriations Committee, we are back to Order No.8.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF THE SUPPLEMENTARY APPROPRIATION BILL (National Assembly Bill No.32 of 2024)

Hon. Ndindi Nyoro (Kiharu, UDA): I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Supplementary Appropriation Bill (National Assembly Bill No.32 of 2024) from seven days to one day.

The justification is that, as Members are aware, we are burning the midnight oil to complete the processes ahead of us. Yesterday, Members left here almost at midnight. We are trying to do justice to our country on processing the Supplementary Estimates, the Budget Estimates for 2024/2025, the Division of Revenue Bill, and all those associated Motions. Members are aware of what happens when we have the budget cycle like now. The Integrated Financial Management

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Information System (IFMIS) does not work technically. We could end up effecting changes when IFMIS is also releasing funds on the other side. We need the country and the National Treasury to operate properly.

That is more reason to hasten the conclusion of the Supplementary Estimates. It is for IFMIS to start working normally and the monies we are appropriating in the Supplementary Estimates comes out. This is also to fast-track Ex-chequer releases for critical areas like the National Government Constituencies Development Fund (NG-CDF).

I request Hon. Osoro, our very able Whip of the Majority Party, to second this Motion.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much.

As I said yesterday, we have a limited time in this Session. We only have Sittings this month. We will again go for a short recess early next month. That means we have to sacrifice everything, including condensing what we consider vital, to finish everything in time. That is why the publication of the Supplementary Appropriations Bill should be reduced from seven days to one. It is to dispense off the main Budget for the next financial year.

For that reason, I second.

Hon. Deputy Speaker: Have you seconded?

Hon. Silvanus Osoro (South Mugirango, UDA): Yes.

Hon. Deputy Speaker: I did not hear you say I beg to second.

(Question proposed)

Hon. Members: Put the question!

Hon. Deputy Speaker: I can allow one contribution from Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker.

We understand that we may have to move things faster because of the process we have. To that extent, I support the fast-tracking. However, we should take something as a general principle. I know we are moving very fast towards the next item, the 2024/2025 Budget Estimates. However, it is an important principle that Members know the document. This document has just arrived. I know it is similar to the one we discussed yesterday. Sometimes what you discussed yesterday may not be the same.

In future, we need to give more time so that Members peruse. How do we know if something has changed from yesterday? That is an important part. However, I support this.

Hon. Deputy Speaker: Thank you.

(Question put and agreed to)

BILL

First Reading

THE SUPPLEMENTARY APPROPRIATION BILL
(National Assembly Bill No.32 of 2024)

*(The Bill was read a First Time and ordered to
be read a Second Time by leave of the House)*

*Second Reading*THE SUPPLEMENTARY APPROPRIATION BILL
(National Assembly Bill No.32 of 2024)*(By leave of the House)***Hon. Deputy Speaker:** Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Deputy Speaker. I beg to move that the Supplementary Appropriations Bill (National Assembly Bill No.32 of 2024) be now read a Second Time.

As Hon. Nyikal has put it, the Bill before us is exactly what we were debating yesterday. I do not need to belabour the point. We now have Supplementary II. It is for tidying up Government finances, especially giving cognisance to the fact that we are crossing the year in June. That is in a few days. A lot has changed, especially around interest rates. Therefore, we had to revise our Consolidated Fund Services to reflect current dynamics in the interest rates market and the exchange rate market.

For that reason, we will be moving to the Committee of the whole House so that Members get a chance to contribute to the specifics. I do not wish to belabour the point. All the points we gave yesterday stand. The appropriations we are doing today add Ksh4 billion to fertiliser, some money goes to the security agencies, flood mitigation, and issues around supporting Kenyans heavily affected by the vagaries of weather and excess rains.

From what I insinuated before, we also get this money from the Consolidated Fund Services (CFS), where we anticipate to pay lower interest rates than budgeted in the Supplementary Estimates I for our financial obligations, both domestic and external. It is also the same Appropriations Bill that will give authority so that bodyguards and drivers of Members of this House get their fair due of arrears that have been pending from January. As Members know, these people have their own families and livelihoods. Whereas other civil servants are facilitated, bodyguards and drivers of Members have not been receiving their dues because of money constraints. In appropriating the Supplementary Estimates II, we shall be giving authority for them to get their fair dues from January to date, among many other things that I talked about. Generally, this is just to put resources into what affects most Kenyans. In farming, there is fertiliser funding. Education and security sectors are the core of any Government administration and the State.

Without further ado, I wish to move and request Hon. Mary Emaase, the Vice-Chairperson of the Budget and Appropriations Committee, to second this Bill.

Hon. Mary Emaase (Teso South, UDA): I second.

(Question proposed)

Hon. Members: Put the question!

Hon. Deputy Speaker: Leader of the Minority Party, I will give you a few minutes.

Hon. Opiyo Wandayi (Ugunja, ODM): Whereas I agree, Hon. Deputy Speaker, that we need to put the Question, I thank you for indulging me to say one or two things. First and foremost, I commend the work of the Budget and Appropriations Committee in the last couple of weeks....

(Hon. Ndindi Nyoro consulted)

with the Clerks-at-the-Table)

Hon. Deputy Speaker: Chairperson of the Budget and Appropriations Committee, you are being addressed.

Hon. Opiyo Wandayi (Ugunja, ODM): I do not know if he is listening to me. Members are listening.

Hon. Deputy Speaker: Proceed.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, I commend the Budget and Appropriations Committee for the good work it has done in the last couple of weeks. I can see my friend, Hon. Babu Owino. I do not know which other members of that Committee are here. Hon. Mwashako, the Chairman of Coast Parliamentarians, Hon. Atandi, Hon. Ruth Odinga and many other Members are here. They have done an exceptional job in the last couple of weeks, trying to deal with very serious issues. The first issue was that of mediation on the Division of Revenue Bill. They have also dealt with the issue of the main Estimates for the next financial year. And now they have dealt with Supplementary Estimates II.

As I commend the Committee under the able Chairmanship of my good friend, Hon. Ndindi Nyoro, let me say one thing. We still have a problem with money earmarked for political parties. You recall that in Supplementary Estimates I, money that had been budgeted to fund political parties was reduced from Ksh1.4 billion to a mere Ksh600 million. That is a reduction by a whopping Ksh800 million. The Committee has attempted to remedy the anomaly by reinstating some money, a paltry Ksh200 million. I am saying this because I am aware that the parent Committee, which is the Departmental Committee on Justice and Legal Affairs, had not done justice to funding of political parties, in their report to the Budget and Appropriations Committee. But that is now water under the bridge.

The Budget and Appropriations Committee has made some positive steps by allocating some money. But that is not enough, especially bearing in mind that none other than a court of law gave orders that the reduction in the Supplementary Estimates I was unconstitutional. I do not want to see a situation where this House continues to be bombarded with court orders on issues which are straightforward. The Political Parties Fund is ring-fenced under the law. Sections 23, 24 and 25 of the Political Parties Act are clear. The Political Parties Fund is 0.3 per cent of the total national revenue. In the same manner NG-CDF is ring-fenced, the Political Parties Fund is equally ring-fenced.

I plead that in the new financial year we budget for political parties funding in accordance with the law. Once we do so, let us resist the temptation to reduce that money in subsequent supplementary estimates, because it is contrary to the law. Political parties are the foundation of our multi-party democracy. Functioning political parties are the basis of our multiparty democracy under the Constitution. We must work extremely hard and ensure as a House that we are not part of the forces that are seen as negating the spirit of multi-party democracy which is enshrined in the Constitution.

As I conclude, I hope and pray that the money that has not been reinstated for funding political parties, will find its way in the main Budget for the Financial Year 2024/2025. It is incumbent upon all of us to do so. Sometimes people can argue, but the day you will kill political parties... I can see Hon. David Ochieng', who is one of the leaders of political parties, looking at me.

(Hon. David Ochieng' spoke off the record)

Hon. Ochieng', you agree with me that political parties are critical institutions of governance. They are institutions that we must strive to strengthen as a House. I am a proud member of the Orange Democratic Movement (ODM) party. I am not only a member but a ranking member. I hope that all of us who belong to various political parties will see sense in ensuring that we protect those parties. The only way to do so is, first, by funding them adequately.

Hon. Melly, please allow Hon. Ndindi to listen to me. Let me conclude by reiterating what I said earlier. The Budget and Appropriations Committee is working under very difficult circumstances; trying to balance budgets under a very unfavourable fiscal environment. I must commend it for the work it has been doing. Let us continue to support the Committee, which is what I would call the mother Committee in this House.

With those very many remarks, I support the Supplementary Appropriations Bill for Supplementary Estimates II. I hope and trust that this will be the last time we are dealing with what is called 'Supplementary Estimates II'. Going forward, let us consider only one Supplementary Budget if need be.

Thank you. I support.

(Question put and agreed to)

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

Hon. Deputy Speaker: Before we proceed, I can see that there is a point of order by the Hon. Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. Allow me to thank the Hon. Deputy Leader of the Minority Party for supporting the Appropriations Act. That is the spirit of democracy where you give and take. He has raised a very important point. Political Parties are the anchor of democracy in this Country and that anchor can never be destroyed. If we destroy these political parties, the anchor for democracy, this country will have no direction. It is important to fund political parties because failure to, we will not have strong anchors for our democracy to move this country forward.

As I support the idea of re-instituting these funds into the budget, it is imperative for political parties to put important structures to run them as they are supposed to. As Hon. Wandayi takes that trajectory in moving forward and supports the budget, the budget has two phases. One is the incomes and second is the outflows. As you support this, also support the revenue raising measures so that we have enough money to fund the budget and political parties. You cannot celebrate because we have budgeted for political parties and frown upon revenue raising measures. I would like him to go on record that he supports the revenue raising measures for this country to enable us fund political parties.

Thank you, Hon. Deputy Speaker.

(Laughter)

Hon. Deputy Speaker: Thank you. Next Order.

COMMITTEE OF THE WHOLE HOUSE

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(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Chairman
(Hon. David Ochieng') in the Chair]*

THE SUPPLEMENTARY APPROPRIATION BILL
(National Assembly Bill No.32 of 2024)

*(Hon. Opiyo Wandayi and Hon. Mark Nyamita
stood along the isle)*

(Several Hon. Members stood in their places)

The Temporary Chairman (Hon. David Ochieng): Hon. Wandayi and Hon. Nyamita, take your seats. Hon. Members please take your seats so that we can proceed with this very important matter this morning. We will start with the schedules and thereafter proceed to the clauses. This is because the schedules have an impact on the clauses.

Proceed, Hon. Chairperson.

First Schedule

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Temporary Chairman. I beg to move:

THAT, the First Schedule to the Bill be amended—

(a) in vote R1071, by deleting the figure Ksh8,818,125,506 in Column 3 (Supply), under the Programme 0717000 General Administration Planning and Support Services and substituting therefor the figure, Ksh9,489,125,560.

(b) in vote R1071, by deleting the figure Ksh2,127,400,766 in Column 3 (Supply), under the Programme 0718000 Public Financial Management and substituting therefor the figure, Ksh386,400,766.

(c) in vote R1071, by deleting the figure Ksh74,040,000 in Column 3 (Supply), under the Programme 0719000 Economic and Financial Policy Formulation and Management and substituting therefor the figure, Ksh124,040,000.

(d) in vote D1071, by deleting the figure Ksh1,686,784,580 in Column 3 (Supply), under the Programme 0717000 General Administration Planning and Support Services and substituting therefor the figure, Ksh1,086,784,580.

(e) in vote D1071, by deleting the figure Ksh5,677,875,310 in Column 3 (Supply), under the Programme 0718000 Public Financial Management and substituting therefor the figure, Ksh6,977,875,310.

f) in vote D1071, by deleting the figure Ksh3,292,790,000 in Column 3 (Supply), under the Programme 0719000 Economic and Financial Policy Formulation and Management and substituting therefor the figure, Ksh3,612,790,000.

g) by effecting the consequential amendments thereof.

Hon. Temporary Chairman, for the comfort of Hon. Members, at a time like this when we are working with too many documents, we clean up at the end. So, what we are doing is realignment and clean up. There is nothing consequential and that is why the sum total is zero sum.

The Temporary Chairman (Hon. David Ochieng): Thank you. Hon. Chairperson.

(Question of the amendment proposed)

Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you. Whereas I agree with the Chairperson that we are doing alignment, do we have it on record that this does not make any firm change in the amounts in the affected areas? Will everything in the document remain as we had discussed yesterday?

The Temporary Chairman (Hon. David Ochieng): Hon. Chairperson, kindly confirm that this is what we passed yesterday and that no vote is losing or gaining.

Hon. Ndindi Nyoro (Kiharu, UDA): I thank you, Hon. Temporary Chairman and *Daktari*. I can authoritatively confirm that this is pure clean up. *Daktari*, this is pure movement from possibly recurrent to development. It happens all the time and there is no consequential change.

*(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)*

The Temporary Chairman (Hon. David Ochieng'): There is a further amendment by the Leader of the Majority Party. Is he in the House?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes.

The Temporary Chairman (Hon. David Ochieng'): Yes, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Chairman. We have consulted with the Chairman of the Departmental Committee on Education and Research. Considering that we have only about three weeks to the end of the financial year and the foreseeable challenges with Ex-chequer releases, we have agreed to address the concerns regarding university funding figures in the next financial year, starting next week.

I, therefore, wish to drop this amendment after consulting with the two Chairpersons.

The Temporary Chairman (Hon. David Ochieng'): Thank you very much.

(Proposed amendment by Hon. Kimani Ichung'wah dropped)

(First Schedule as amended agreed to)

Second Schedule

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The Temporary Chairman (Hon. David Ochieng’): Hon. Chairman.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Second Schedule to the Bill be amended—

- a) in vote R1082, by deleting the figure Ksh4,000,000 in Column 3 (Supply), under the Programme 0402000 National Referral and Specialized Services and substituting therefor the figure, Ksh104,000,000.
- b) in vote D1082, by deleting the figure Ksh946,825,000 in Column 3 (Supply), under the Programme 0402000 National Referral and Specialized Services and substituting therefor the figure, Ksh846,825,000.
- c) in vote R1066, by deleting the figure Ksh2,830,036,440 in Column 3 (Supply), under the Programme 0501000 Primary Education and substituting therefor the figure, Ksh1,710,036,440.
- d) in vote R1066, by deleting the figure Ksh1,112,834,768 in Column 3 (Supply), under the Programme 0502000 Secondary Education and substituting therefor the figure, Ksh7,165,232.
- e) by effecting the consequential amendments thereof.

This is majorly in the health sector again. The Chairperson is here. It is exactly the same thing in the education sector, which is realignment of the votes to make it tidier.

Thank you very much, Hon. Temporary Chairman.

(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)

(The Second Schedule as amended agreed to)

(Clauses 2, 3, 4 and 5 agreed to)
(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. David Ochieng’): Hon. Members, you recall that the Leader of the Majority Party graciously dropped an amendment a few minutes ago. Before we finalise this process, I would like to give a chance to the Chairman of the Budget and Appropriations Committee to make a statement on what was dropped by the Leader of the Majority Party.

Go ahead.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Chairman. I thank my brother and our leader, Hon. Kimani Ichung’wah. We had a discussion and the same Vote that he was very concerned that it was not funded, has been funded adequately. That is in regard to the recently concluded African Diamond Bank (ADB) Group Conference.

Just for the record, what we have done is to recommend an amendment to the Supplementary Appropriation Bill 2024 (National Assembly Bill No.32 of 2024). Under Vote R1071, there is an emerging need to settle the outstanding pending bill for the recently concluded ADB Group Conference held at KICC.

I recommend reallocation of item 1071001302 (Public Sector Accounting Standards Boards), Ksh240 million and Ksh172 million from 1071000204 (National Government Budget Process), 2630100 (Current Grants to Government Agencies and other levels of Government Budget Reserve).

What we are basically doing is transferring the amount I mentioned to settle the pending bill accrued from the recently concluded ADB Group Conference held at KICC, amounting to roughly Ksh450 million. Therefore, there is no change in the overall programme and budget. It is also just part of the realignment as requested by the National Treasury.

The Temporary Chairman (Hon. David Ochieng’): Thank you, Hon. Chairman. Hon. Members, that marks the end of the Committee of the Whole House.

Hon. (Dr) James Nyikal (Seme, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. David Ochieng’): What is out of order, Hon. Nyikal?

Hon. (Dr) James Nyikal (Seme, ODM): I seek to be guided. From what I heard, it sounds like we are having an amendment after we had concluded. Is that in order? If it needed to be changed...

The Temporary Chairman (Hon. David Ochieng’): There was no amendment. He was just expressing his agreement with what was earlier dropped.

Hon. (Dr) James Nyikal (Seme, ODM): Was he explaining what was earlier dropped by the Leader of the Majority Party?

The Temporary Chairman (Hon. David Ochieng’): Correct.

Hon. (Dr) James Nyikal (Seme, ODM): Okay. Thank you.

The Temporary Chairman (Hon. David Ochieng’): Hon. Members, that marks the end of the Committee of the whole House on the Supplementary Appropriation Bill (National Assembly Bill No.32 of 2024).

I, therefore, call upon the Mover to move reporting.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Chairperson, I beg to move that the Committee do report to the House its consideration of the Supplementary Appropriation Bill (National Assembly Bill No.32 of 2024) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF REPORT ON THE SUPPLEMENTARY

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APPROPRIATION BILL

Hon. Deputy Speaker: The Temporary Chairman, you may report.

Hon. David Ochieng' (Ugenya,): Hon. Deputy Speaker, I beg to move that the Committee of the whole House has considered the Supplementary Appropriation Bill (National Assembly Bill No.32 of 2024) and approved the same with amendments.

Hon. Deputy Speaker: Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

I request the Member for Kikuyu Constituency and Leader of the Majority Party, Hon. Kimani Ichung'wah, to second.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I second.

Allow me to thank Hon. Members for the devotion that they have shown despite this being a morning sitting on a Thursday. It is unusual that Hon. Members were here in time. I also thank the Members of the Budget and Appropriations Committee for their continued commitment in this work, as well as our very diligent staff from the Parliamentary Budget Office.

Hon. Deputy Speaker, I take this opportunity to call upon the National Treasury to ensure that they have Ex-chequer releases well ahead of time. Today is around 6th of June, meaning we have less than 24 working days to the end of this financial year. They should have Exchequer releases well ahead of time. That is before the close of the financial year so that the MDAs that have additional allocations that need to be expended within this financial year are expended especially those that have pending bills. Kenyans are suffering because of bills that have been pending for long. There are a number of agencies that have been appropriated resources for settlement of pending bills.

Hon. Deputy Speaker, it is my plea that the National Treasury ensures that the Exchequer releases come out in time so that all those Kenyans who have been waiting for payments from the Government are able to receive their payments. This money can re-circulate back to the economy and help our economy grow. With those remarks, I beg to second.

(Question proposed)

(Question put and agreed to)

BILL*Third Reading*

Hon. Deputy Speaker: Mover to reply.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, I beg to move that the Supplementary Appropriation Bill National Assembly Bill No.34 of 2024 be now read a Third Time.

Hon. Deputy Speaker I also thank every Member of this House for being very supportive throughout the process. Your insights have enriched the entire budget making process and especially in regard to Supplementary Estimates II. I also thank all the departmental chairs and their memberships; they have done a tremendous job within a very short time.

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I also thank the Members of Budget and Appropriations Committee; they have been tirelessly working for two-and-half weeks. Some have actually not been going home because we have been working day and night to see this process complete. When I see Hon. Naisula being bright today I wonder why because she is supposed to be sleepy. She has been working throughout and I wonder when they get some rest.

I can even see our staff here beginning with our Clerk of the National Assembly, The Director of the Parliamentary Budget Office, Dr. Masinde and Mr. Dan Kachumbo donning a Presidential suit. I can also see Dr. Abel and Julie. Hon. Deputy Speaker just for Members to note they have been very pivotal. Dr. Abel and Julie, just for Members to know, we were in the same university, Kenyatta University with this great team. I wish to Move and I request Hon. George Murugara to second this Motion.

Hon (Dr) George Murugara (Tharaka, UDA): Thank you very much Hon. Deputy Speaker of the National Assembly. Before I second allow me to thank and commend the Chair of the Committee on Budget and Appropriations because he may not be able to thank himself for the incredible work he has done in speed and dedication. Allow me to also thank the Members of Parliament who have moved this in speed it deserves.

Let the Government get the Supplementary Appropriations, and we, as Members of Parliament, who retreat to this House to do our three cardinal duties which are representation, oversight and budgeting. As the Government executes what we allocate it, we are there to watch what is happening to public money that must be used prudently.

With those remarks I Beg to Second.

Hon. Deputy Speaker: Hon. Members

(Question proposed)

Hon. Mwasio, what do you want to say?

Hon (Dr) James Nyikal (Seme, ODM): Hon. Deputy Speaker may I also appreciate the work that the Committee and the Chair has done. I also want to stress what the Leader of Majority Party said earlier that the Treasury must make sure that there is Ex-Chequer release otherwise it will be a waste of time for us to sit and pass supplementary budget and they do not release the Exchequer.

Number two, is for the MDAs that have asked for more money to make sure that it is spent within the time that is remaining. I propose that the agencies that get money and do not spend it be sanctioned later on. With that I support.

Hon (Dr) Robert Pukose (Endebess, UDA): Point of Order.

Hon. Deputy Speaker: Yes, what is your point of order Hon. Pukose?

Hon (Dr) Robert Pukose (Endebess, UDA): Most Members had contributed on this and remember we were here until late in the evening. May I ask that the Mover be called upon to reply.

(Hon. Members spoke off the record)

Hon. Deputy Speaker: Is that the mood of the House?

Hon. Members: Yes.

Hon. Deputy Speaker: Okay, Mover you may reply. Hold on Hon. Ndindi. Hon. Members, Mover you now have the authority.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much. As I said in the beginning when we were moving this motion for the benefit of Members who were not here yesterday afternoon, I want to state that the budget we have passed in the second reading is Ksh4.006 trillion. We have done something that has never happened in the entire budget making process in Kenya, in the recorded history that this House passed the BPS level of the budget at Ksh4.18 trillion. Because this House is prudent, it has now and will be approving a budget that is a climb down from Ksh4.18 trillion as it was in the BPS to the current level of Ksh4.006 trillion.

The essence of this is just to show prudence and that we are ambitious as a country in terms of setting the revenue targets but this House is moderating the same optimism so that we come closer to the reality, and the reality is benchmarking as what has been recorded as revenue in the previous period. I say so because in this current financial year we are likely to have a shortfall of revenue collection and it is because of that that this House, the National Treasury and the Executive we felt it is important that we make a budget that aligns with the realities of revenue collection.

Hon. Deputy Speaker, I want to say a few more things so that Members can also appreciate. In the calendar year 2023, the economy of Kenya grew by 5.6 per cent in terms GDP ranking Kenya among the 27 fastest growing economies in the world. Our inflation in the month of May was 5.1 per cent year on year, and our inflation in the month of April was 5 per cent. Our benchmark target for inflation is 5 per cent with a band of 2.5 per cent either way. Therefore, it means we are well within our benchmark as a country and that is commendable.

Our currency has been gaining. From January to date, it has gained over 15 per cent against the Greenback; it has also gained around 17 per cent against the Sterling Pound and 18 per cent against most of the regional currencies. What am I trying to say? I am saying that this House led by our Leadership and all the Members of the House have been doing an incredible job in passing laws and regulations that are in tandem with an economy that is thriving. I want to cite a few things as requested by you.

One, we have been able to add Ksh10 billion into fertiliser subsidy which will go into making agriculture and especially the crop farming part of agriculture profitable for the Kenyan farmers. Out of the same intervention in the last financial year, we saw a huge harvest where the harvest of maize in our country, which is our staple food, grew from 45 million bags, which is average production every year, to 65 million bags. This shows that the fiscal intervention of providing subsidised fertiliser is paying off. Therefore, we have allocated Ksh10 billion into fertiliser subsidy; allocated Ksh2 billion into the Coffee Cherry Advance Revolving Fund and allocated monies for the sugar reforms to clear off the debt that is owed to sugarcane farmers out of the supplies they have made to public owned factories.

We need to boost some sectors of the Kenyan economy so that Kenya develops equally. In that respect, this Bill has also proposed over Ksh10 billion into the Equalisation Fund. The pastoralists of Kenya lost their livestock during the previous periods of farming and insecurity and in that respect, we have allocated Ksh1 billion for livestock restocking for those pastoralists who lost their livelihoods.

We have also included monies for electrification in our constituencies by adding Ksh14.5 billion on top of our usual budget for the energy sector. The monies will be divided equally among all the 290 constituencies for electrification of our villages and estates in the Republic of Kenya. What we did in the narration of that vote, because we know there are some constituencies which have high connectivity but also have other challenges around lighting, is that the Member of Parliament can actually propose either electrification projects or street lighting projects. The same will be done under the same Ksh50 million so that we continue to grow our nation across all areas.

As I conclude, we have added monies to the National Government – Constituency Development Fund (NG-CDF) as Members can see, from Ksh53 billion in this current financial year to Ksh62.9 billion Kenya shillings and therefore Kenyan parents are going to get much more in bursaries, infrastructure for our education sector and boosted infrastructure for our security sector which is the domain of NG-CDF. We have also added fresh monies, money that was not there before, for National Government Affirmative Action Fund (NGAAF) to the tune of Ksh0.5 billion that will go into boosting the kitty that supports mostly social interventions in our counties.

Hon. Deputy Speaker, the list is endless and long. I assure the Kenyan people that we have made a Budget that will respond to their needs and those of our economy. I see an economy that will grow in leaps and bounds as we implement this Budget.

With those many remarks, I beg to reply.

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

*[The Temporary Speaker
(Hon. David Ochieng') took the Chair]*

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, this marks the end of a very eventful period, in my opinion.

(Question put and agreed to)

(The Bill was accordingly read a Third Time and passed)

Next Order.

BILL

Second Reading

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(National Assembly Bill No.67 of 2023)

(Moved by Hon. Owen Baya on 25.4.2024)

(Resumption of debate interrupted on 25.4.2024)

The Temporary Speaker (Hon. David Ochieng'): Hon. Owen Baya, you were still moving this particular Bill. So, go ahead.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I continue moving the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023).

As we may be aware, in keeping with the practice of making various amendments that do not merit the publication of separate Bills and consolidating them into one Bill, that is why we

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have this State Law (Miscellaneous Amendments) Bill, 2023. In this Bill, if I may just recap, we talked about the Children's Act which is part of the amendments; we are also amending the Copyright Act which we already talked about; we also have in it the Scrap Metal Act of 2015; we are also amending the National Employment Authority Act of 2016 and the Fisheries Management Development Act, No.35 of 2016.

*(Hon. Ndindi Nyoro and other
Hon. Members consulted loudly)*

I would like to move on and continue. Hon. Temporary Speaker, if you can allow me and ask Hon. Ndindi Nyoro whom we listened to in silence when he was moving also accords the leadership..

The Temporary Speaker (Hon. David Ochieng'): Order, Hon. Members. The Members who want to congratulate Hon. Ndindi Nyoro can do so at some other time or in low tones.

Hon. Owen Baya (Kilifi North, UDA): Hon. Ndindi Nyoro, we gave you time to move!

The Temporary Speaker (Hon. David Ochieng'): Hon. Mbaya will be listened to in silence.

Hon. Owen Baya (Kilifi North, UDA): Hon. Ndindi Nyoro you know we gave you time to move. Give others a chance!

The Temporary Speaker (Hon. David Ochieng'): Hon. Mbaya, this is your chance now. It is not for you to...

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, in this Miscellaneous Amendment Bill, we are also amending the Energy Act, No.1 of 2019. The Bill proposes to give effect to the recommendations of the Presidential Task Force on the review of Power Purchase Agreements. We remember that the woman representative for Laikipia County tabled a Motion in this House to request for changes in the Power Purchase Agreements (PPAs). Therefore, this Bill responds to this request. It addresses the overlap in functions between the Energy and Petroleum Regulatory Authority (EPRA) and the Ministry of Energy and Petroleum.

Secondly, it includes Kenya Power in the membership of the Rural Electrification and Renewable Energy Corporation established under the Act. Thirdly, and very significant, this Bill will wind up the Nuclear Power and Energy Agency (NUPEA) and transfer all its functions to the Ministry of Energy and Petroleum. This is a significant thing given that NUPEA has caused a lot of issues and problems in my constituency. I am happy now because it will become a small department in the Ministry.

Fourthly, this Bill will subject the making of regulations to the attainment by the grid of quality and reliable supply of services prescribed by EPRA. This will allow for the compensation of consumers for power outage. This is very important because we will have regulations to allow for compensation of consumers for power outages once the country achieves number one grid-reliability status. Currently, there is no compensation when there is power outage. However, this is subject to when we will achieve number one grid-reliability status.

Let us move to the Public Private Partnership Act No.14 of 2021. The purpose of this amendment is to correct typographical and cross-referencing errors contained in the Bill, and align provisions to ensure consistency. This will lead to clarity in legislative interpretation. We have issues with this Bill. It has several errors. We also have problems of cross-referencing and, therefore, interpreting this law has been a problem. This House is being called upon to ensure that we correct the typographical and cross-referencing errors so that we are able to interpret this Bill

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properly. Any errors within a Bill maybe interpreted differently by other people. As we support this Bill, we have an opportunity to correct the errors.

We also have the Parliamentary Service Act, 2019, in this Bill. Members of this House will be interested to know what kind of amendments are being made in this Act. This Bill is for Parliament. It seeks to provide that the PSC shall be responsible for performing functions necessary for the well-being of Members and staff of Parliament. It includes one very important and significant matter that affects Members who sit in this House; that is, setting the mileage reimbursement rates. Initially, these rates were set by the Ministry of Roads, Transport and Public Works, Salaries and Remuneration Commission (SRC), and other bodies. However, we will bring back this function to PSC. It will now set the mileage reimbursement rates and other facilitations relating to the mandate of the State officers in Parliament. I ask Hon. Members to ensure that when we come to the Third Reading of the Bill, they support this amendment for the sake of their welfare.

Lastly, we have amendments within the Judicial Service Act No.1 of 2011. The amendment seeks to provide that the Judicial Service Commission (JSC) shall be responsible for performing functions necessary for the well-being of judges, judicial officers, and other staff of the Judiciary, including transport facilitation and rates of daily subsistence allowance. This has been noted and agreed upon that the JSC should now look at transport facilitation and rates of daily subsistence allowance, which is something that the SRC had taken away. We want to restore this to the JSC. I have talked about the amendments in the Parliamentary Service Act and Judicial Service Act. Under Articles 127 and 172 of the Constitution, these two bodies are independent. Therefore, they should be allowed to function as independent institutions without necessarily having interference from SRC which always interprets Article 230(4) of the Constitution to say it has the mandate to facilitate Parliament and the Judiciary. This amendment will bring back the powers to both PSC and JSC to set the limits and rates in respect of the transportation allowances.

The Supreme Court made a pronouncement and found that Article 230 of the Constitution must be read alongside other provisions that provide the same powers to PSC and JSC. The proposal is thus timely, merited, and seeks to address the constant conflict with SRC. We have conflict with SRC every time because it wants to set limits for Parliament and JSC. However, these amendments that we have brought in the Statute Law (Miscellaneous Amendments) Bill will give these two bodies an opportunity to run away from the conflict with SRC all the time.

It is my pleasure, this moment, to request Members of this august House, including Hon. Ndindi Nyoro, Hon. GK and Hon. Farah Maalim, to ensure that they support this Bill even if they have not listened to this very important debate. Hon. Farah Maalim needs to teach Hon. Ndindi Nyoro, who is a young man, that he needs to be listening in Parliament.

(Laughter)

The Temporary Speaker (Hon. David Ochieng’): I would like to know what Hon. Ndindi did to you this morning.

Hon. Owen Baya (Kilifi North, UDA): He should listen to other people when they are moving business of the House because we listen to him. Hon. Farah Maalim, teach him to listen. He should stop distracting others.

I request the Leader of the Majority Party—the eminent person whom we have in this House and the lion who roars and everything happens—to second this Bill and provide direction on how we, as a House, will move.

Thank you, Hon. Temporary Speaker. Leader of the Majority Party, welcome to second the Bill.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much, Members. I hope you have noted what is happening this morning. Chairpersons of Committees can actually allow their deputies to move Motion and second them. Leader of the Majority Party, go ahead and second this Bill.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. As I rise to second this Bill, it is indeed true that this is part of the mentorship. This morning, my very able Deputy moved this Bill on my behalf. I am very much available to second it. This should be the spirit of the Chairpersons of committees. It is good to not only allow their vice-chairpersons, but also the rank of committee membership to move Bills and Motions. That is the only way our new Members will learn what happens in the House. In the next Parliament or later within the session of this Parliament, a Member will become a Chairperson but he or she cannot move a Bill. We have seen chairpersons of committees standing up but they do not have an idea on how to move a Bill or Motion.

The Temporary Speaker (Hon. David Ochieng’): These are your chairpersons. Do the needy thing.

(Laughter)

Hon. Kimani Ichung’wah (Kikuyu, UDA): It also speaks volumes to the kind of induction we do. Maybe, the Chairperson, Liaison Committee, our very able Deputy Speaker, should consider another round of induction of chairpersons. Hon. Owen has ably articulated all the Acts of Parliament that are being touched by this Miscellaneous (Amendment) Bill, including the the Children's Act, the Copyright Act, the Scrap Metal Act, the National Employment Authority Act, the Fisheries Management and Development Act of 2016, the Energy Act, the Public Private Partnerships Act of 2021, the Parliamentary Service Act of 2019, and the Judicial Service Act of 2011.

As Members are aware, all our Statute Law (Miscellaneous Amendments) Bills, and without the exception of this one, are usually meant to realign our laws or existing statutes with minor amendments that may not necessarily need a substantive Bill to be published for the purpose of amendment.

This Bill is no exception. As I said, if you look at the amendments on the Children's Act, they are basically aligning the Act to a court ruling. You know the Children's Act of 2022 had a provision that denied sole male applicants from adopting a child unless that child was a relative. The courts have ruled that to be unconstitutional. So, the amendment is simply aligning with what the courts have ruled.

The Copyright Act, as the Hon. Owen Baya ably articulated, touches on the provisions on equitable remuneration of our performers and producers of sound recordings. It seeks to expand the responsibilities of collective management organisations towards authors and performers.

This is to ensure that content creators, performers, and producers of sound recordings are properly remunerated, and that management organisations that run these things are not collecting money and administering it in a way that disadvantages the producers of sound recordings and performers.

On the Scrap Metal Act, it proposes to provide for a special license for dealing in copper, aluminium, and their alloys.

Hon. Farah, the Deputy Speaker, and the Member for Kieni are always on their seats shouting order or rather affirming order in the House.

(Laughter)

But, surprisingly, when he is not on the seat, he is behaving in a manner likely to be described as disorderly. I was attracting their attention so that they may listen. Hon. Farah's constituents have a problem with electricity on the grid, and he knows as much. Part of the problems have emanated from people vandalising transformers and lines on the grid because they are looking for aluminium or copper alloys. Therefore, we want to have a special license for the people who deal with copper and aluminium in order for us to stem the rising cases of vandalism of transformers and other public infrastructure. We have aluminium guardrails on our roads to secure us in case of accidents, but people vandalise them. You remember when the former President Uhuru Kenyatta was commissioning the Standard Gauge Railway Phase Two, he swore in God's name that he will sign the execution of anybody who dared vandalise them during his tenure. You will be surprised that parts of that line are still being vandalised, especially the guardrails along the corridor. Therefore, there must also be penalties. The amendments which we are now dealing with here will enhance the penalties. This is so that if you are caught vandalising any public infrastructure in the name of acquiring scrap metal, be it aluminium or copper, you will pay hefty fines and penalties. That will deter vandalism and, of course, ensure that those who are trading in scrap metal are trading in scrap metal that is legally acquired, not vandalised from public infrastructure.

I do not want to go to each of the Acts because Hon. Owen has ably articulated all the amendments in those Acts, and I thought I could just mention them. I beg to second.

Hon. Owen is telling me to amplify the one on the Parliamentary Service Act of 2019. As he mentioned by passing, the proposal seeks to provide that the Parliamentary Service Commission shall be responsible for performing functions necessary for the well-being of Members and staff of Parliament, including settling of your mileage reimbursement rates and other facilitation relating to the management of State officers of Parliament. I do not want to elaborate but Members know what this means. I have never in my life as a Member of Parliament benefited a shilling or a coin in the name of mileage. The Member for Dagoretti North, Hon. Beatrice Elachi, from the time she was a nominated Member of Parliament in Nairobi, and now that she represents a constituency in Nairobi...If you get a lady being elected in a constituency, especially in a volatile constituency like Dagoretti North, you must give respect to that kind of Member. She will tell you she has never benefited a shilling in her time as a Member of Parliament despite the fact that she may have to do more trips to her constituency and back from Parliament within a day or within a week. She does more trips and covers more mileage than a Member like our former Deputy Speaker, Hon. Farah, who will probably go to his constituency once every weekend; travels for 300km to and fro. However, Hon. Beatrice will do 30km five times, probably, in a day. It is possible for the Member of Dagoretti North to be in her office at 7.00 a.m., at 8.30 a.m. she is in her constituency, 9.30 a.m. when the house is rising she is here, at 11.00 a.m. she goes back to her constituency office, comes back to the house, and the same is repeated in the afternoon.

She also warrants to get some mileage, but we have never had it to be an issue. For those who benefit, you will appreciate the work that the Parliamentary Service Commission does and why there is need to align the Parliamentary Service Act with those functions of ensuring that they are taking care of your well-being as Members, and also our staff who are doing a very good job for us. It is so that all their welfare matters and well-being are catered for by the Parliamentary Service Commission and not any other body out there. You know what I mean and if you do not,

please, know it is any other body out there. I have not mentioned any other body. I have just said it is important just like the Judicial Service Commission deals with its judicial officers in the Judiciary, Parliament does the same. Parliament is an independent arm of Government just like the Judiciary is an independent arm of Government. Therefore, we must not be treated any differently.

If the Judicial Service Commission takes care of the well-being of the members of the Judiciary and their staff, we also need to align our Parliamentary Service Act so that our own Commission takes care of your well-being. You need not have any apologies having a Commission to take care of your well-being even those who benefit from mileage. You benefit from mileage because of the distance you cover as you travel to your constituencies.

A Member who is travelling from Tiaty, like the Women Rep for Baringo County, moves close to 800 kilometres away from the Central Business District. I must appreciate what she has to go through compared to me who will move a mere 15 kilometres to Kikuyu and back. The farthest corner of my constituency I think is about 40 kilometres from here. The farthest corner is where my constituency borders Kajiado County and part of the one tip of Narok County. As we engage in other debates, including the one man one shilling, one woman, one vote, we must be cognisant of the kind of country that we all live in and appreciate each other as Kenyans.

(Applause)

It is God who placed us in our various destinations that we call home. Nothing makes Hon. Farah or Hon. Lesuuda not to come and live in Kikuyu. Today, I represent a constituency outside Nairobi. Because of its proximity to Nairobi, it hosts Kenyans of all walks of life from Garissa, Mandera, Tiaty, western Kenya and the far north in Marsabit County. These are Kenyans who have every right to live in Kikuyu and Kiambu.

I was telling somebody yesterday that in another 10 or 20 years from today, I may not be the Member of Parliament for Kikuyu Constituency. I do not know who the Member of Parliament for Kikuyu will be. However, any child who would have grown up in Kikuyu and knows Kikuyu, notwithstanding where they come from, could be elected as a Member of Parliament for Kikuyu Constituency.

I will not be surprised if at one time the governor position in Kiambu County goes to somebody who does not originally hail from Kiambu. That is the beauty of democracy and that is the kind of a country we want to build. Many people believed that there are communities that can never vote for a presidential candidate from the Rift Valley. However, today we have an elected President who was elected on the basis of what he espoused and stood for, not on the basis of where he came from. That is the reason why, elsewhere we have taken time to painfully stand for what is right and not what is politically expedient or what one thinks is politically popular in their village. We stand for what is right and good for Kenya.

I said yesterday that Kenya is now playing at a global stage. We are globalising our country. We cannot afford to dwell on village matters now. We cannot “villagise”, if there is such a word. If there is globalising, please let us not “villagise” our country. We have a beautiful country that we cannot afford to “villagise”; a beautiful country that our President has placed on the global stage. It is globalisation that we should be focusing on, not “villagising” a beautiful country like Kenya.

(Applause)

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I want to plead with all Members of Parliament that, please, as we were told by the President on Madaraka Day, we are bestowed with a very dignified position as Members of the National Assembly of Kenya. That is why you are called Members of the National Assembly, not Members of some village assemblies or county assemblies. We are Members of the National Assembly. We should espouse only that that is for the national good and the greater public good in the nation of Kenya.

With those many remarks – I can see I am short of time – let me close by giving a famous saying that I can quote. It says: “You cannot build a kingdom with someone who still wants the attention from the village.” We will not build our nation if we still want attention from our villages. Let us build a nation that we will need and seek its attention, not a nation that we will seek the attention from the village. With that, I second.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you, Hon. Ichung’wah. Did I hear you say one man, one woman or one man, one shilling? What did you say? One man, one woman? Not one shilling?

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, I said one man, one woman. You know, I am of a Christian faith. I am married to a beautiful lady from Nyeri County and you know what is said of our beautiful ladies from Nyeri County. Therefore, I have to keep re-emphasising, one man, one woman, one vote.

(Laughter)

The Temporary Speaker (Hon. David Ochieng’): Okay. Thank you.

(Question proposed)

The Temporary Speaker (Hon. David Ochieng’): Before I give the first person to contribute, Hon. Members, join me in welcoming students from Iriani Secondary School, Tharaka Constituency, Tharaka Nithi County who are seated in the Public Gallery to hold our proceedings this morning. In that regard, I will give the first bite to this Bill to the Hon. Member for Tharaka, Hon. Gitonga Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker for giving me this chance to do two things. The first one is to welcome the children of Iriani Secondary School from my constituency to this noble House of the National Assembly to observe the proceedings. Iriani Secondary School is one of the best schools from my constituency, Tharaka, and my county, Tharaka Nithi. They are actually performers, both in education and sports. Its members are some of the best in the constituency.

Young people from Iriani Secondary School, welcome here. See what these Hon. Members of Parliament do. See what your parents elected us to do. I encourage you to study hard. One day you will also sit here to represent the great constituency of Tharaka and your county, Tharaka Nithi. *Karibuni sana*. Observe what we do. I hope my time is not running out.

I now rise to support the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023). I will make quick remarks as I support the proposals to amend the Children's Act and the Copyright Act that is very important. The Copyright Act tries to recognise the work being done by our musicians. We have these young people who are out there producing

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and recording music. However, when it comes to receiving royalties, they are not properly paid. This amendment Act gives a formula on how these young men and ladies are to be paid in terms of royalties.

I also wish to comment on the proposal to amend the Scrap Metal Act. This is an Act that deals with scrap metal. Scrap metal is a valuable commodity in the country because some small-scale industries rely on it to produce goods to be sold. We know very well that unless this industry is regulated, there is a danger of people going out there to vandalise any metal they come across and sell it as scrap metal. So, it is important that we amend this Act to protect what they do.

We have a proposal to amend the National Employment Authority Act. Many of us here may not know that such an Authority exists. It is the Authority that regulates employment in the country. Emphasis is being laid here to ensure that Kenyans get employed in all these entities that are employers under the Federation of Kenya Employers (FKE) and other organizations.

We also have proposals to amend the Fisheries Management and Development Act and the Energy Act. On this, I urge you to read the Memorandum of Objects and Reasons of this Bill. You will see what kind of proposals are being made.

There are also proposals to amend the Public-Private Partnerships which is a very important entity. Under this proposed law, both the private parties and government entities will work in partnership to ensure that our country moves forward and develops. We are looking at some of the Public-Private Partnerships that we have today to ensure that what is required to be done is achieved. I have in my constituency what is called “Kibuuka Grand Falls Dam” which has to come under the Public-Private Partnership so that this country can generate more power and water for irrigation under such a scheme.

Finally, we have a proposal to amend the Parliamentary Service Act and the Judicial Service Act in a similar manner in that these are two independent institutions. Parliament is an independent second Arm of Government while the Judiciary is an independent third Arm of Government. Both have independent commissions that take care of them. The proposal introduced here is to ensure these commissions are able to take care of members’ welfare. That welfare includes Members of Parliament who do a great service to this country. Some have to travel long distances from their constituencies to the central House of Parliament here in Nairobi. They encounter hardships. They do not know where to sleep or put up. Possibly, they do not know where to spend their evenings.

This is where the Parliamentary Service Commission comes in. It is now being empowered to ensure that, away from other bodies, it is able to take care of Members’ welfare. This is very important. The same applies to judges and members of staff of the Judiciary. In as much as we talk about parliamentary staff, the Judicial Service Commission should be able to take care of judges and members of staff while they are discharging their duties. It should take care of that away from the ‘interference’ from other bodies. These are very important laws that we need to support. We need to agree to effect the amendments to benefit the affected that we target with the laws we are propagating.

With those many remarks, I support the proposed amendments. I urge this House to support the Bill, pass it, and implement it for the betterment of the House of Parliament and the Judiciary

The Temporary Speaker (Hon. David Ochieng’): Member for Dadaab.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I stand to support the Statute Law (Miscellaneous Amendments) Bill.

We have critical infrastructure in this country. One of the biggest problems happening now is the vandalism of some of those critical infrastructures like transformers. It would not cost much

for any organisation to put up the right cameras wherever there is a transformer. We already have a unit in the police force that is supposed to protect critical infrastructures such as these. We cannot continue having small cartels who specialise in sending young boys to vandalise such infrastructure and then bring those things as scraps for them to sell to the international market. They are copper, transformers and all these things.

The exportation of scrap metals should be banned in the country. We need to ban it. We are a country that wants to industrialise. We can recycle the metals and use them to add value to our industrial sector. The penalties should not only apply to the young boys who steal these things and take them to a big person at the other end. Usually, handling stolen property should carry more severe penalties than stealing itself. The people encouraging vandalism are business people who want to export these things. They pull, aggregate and consolidate it then sell to the Chinese and others who send it out of the country. You cannot fight the symptoms of a disease. You attack the vector.

Any developing country worth its salt and wants serious development cannot develop without an industrial take off. You cannot have an industrial take off if you do not protect your metals. We have to protect them.

We are talking about having power outages and not getting our electricity because of this kind of thuggery, burglary and stealing these things. During the French Revolution, the famous princess said, “let them eat cake if they do not have bread”. The dirge of someone who is not from Northern Kenya befits the state we are in very well. We do not have the national grid in the whole region. We only have it just past Isiolo and up to Garissa on the other side. We do not have the national grid and electricity connections beyond there. We do not have electricity connection. All the things you talk about such as the last mile connectivity are news and music to our children, students, mothers, fathers and young mothers and fathers.

While talking about these things, it is important to understand the need to take these developments to the four corners of this country. The only way to do that is to disabuse this very village concept of trying to reduce this country into the “villagisation” of politics and the politicisation of every small thing.

We passed the Equalisation Fund when I was in the 10th Parliament. The principle and idea behind the Fund was for those old Northern Frontier Districts and contiguous districts that were a buffer zone for the centre. They were left out of development right from colonial days up to the time we got Independence. We had the Sessional Paper No. 10 to continue that institutional marginalisation of those areas. We had all those years by the time we were passing our 2010 Constitution. That is from the time we became a colony and protectorate of Kenya up to the time we got Independence. That was 30 years later after over 100 years of systematic Government institutional marginalisation of those areas.

We ended up with a very small amount in the Equalisation Fund, 0.5 per cent of the annual revenue, initially distributed amongst 14 or 16 counties - Garissa, Wajir, Mandera, Lamu, Isiolo, Marsabit, Turkana, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, and Taita-Taveta. Those were the intended original beneficiaries. The area was expanded to call it Arid and Semi-Arid Land (ASAL) areas. These areas did not suffer over a period as we did. It was watered down. It was going to have very little effect. We went further and said that we were going to look for marginalised pockets in the rest of the country. Do you get my point? We were looking for them even in major urban centres.

The idea is very simple. It was a way of trying to make sure that this country does not remain a united Republic of Kenya with one nation and one people called Kenyans. Nobody is

going to accept to become a second class or a third class citizen in his country. Over time, these are recipes for revolutions. It is absolute nonsense today when I see people talk about one man, one woman, one vote, one shilling. You cannot any more get dimwits to advocate such petty things that you would not want to be associated with as a nationalist. Somebody like that would want to become a president in this country. You think you are going to become a president and people are going to allow you to run the country yet you take them like your slaves or part of your colony? No! They will revolt against you and there will be a revolution in the country. There is going to be civil war. It is a recipe for conflict. And when that happens, there is no guarantee on who is going to remain in the country.

In Rwanda, similar things happened. The ethnicity of every Rwandan had to be put in their identity cards, where they were called Tutsi or Hutu. The Tutsi were only 15 per cent. They endured marginalisation and victimisation from the time they got Independence from the Belgians until 1994. There were programmes and plans to wipe them out from the face of the earth. They were called cockroaches. What eventually happened? They fought their way, kicked out the oppressors from the country and that 58 per cent has had the reigns in Rwanda from 1994 until today.

If you read the history of Uganda, you will see the kinds of things that used to be done to the Banyankole, the Bahima, the Bakiga, the Batoro and other people of the west. The conflict used to be between the northerners, who are basically Nilotes, and the Baganda in the centre. It was the Kabaka side or it was Milton Obote, Brigadier-General Tito Okello and others. Eventually when they could not endure, somebody from the north comes and gives them hell, another one from the other side comes and gives them hell. Basically, they were the punching bag for everybody. In a sense, the minorities in this country cannot accept to be a punching bag for anybody regardless of whether you consider yourself a majority or not.

Hon. Temporary Speaker, I beg you to give me five more minutes.

The Temporary Speaker (Hon. David Ochieng'): You will have two.

Hon. Farah Maalim (Dadaab, WDM): I have three. Thank you.

The Temporary Speaker (Hon. David Ochieng'): I said you have two.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, it is precisely in line with that. Let us read history. You think that you can enjoy life, you can have tarmacked roads everywhere, you can have water everywhere and the others are going to live like they are the Red Indians of the old days and the Maasai are still going to be in *shukas* all their lives and basically be there as a tourist attraction and nothing more. You do not think that they are any equal to you. It does not work. It creates a revolution and the country will go to hell.

We are lucky we have not had a violent conflict or a civil war in this country. But it is all around us. It has been in Uganda. It is there in Sudan. It was there in South Sudan. It was there in Somalia. It is now happening in Ethiopia in a manner you cannot imagine. It has happened everywhere except in Tanzania. The only neighbour that has not gone through that is Tanzania. Why Tanzania? You look at the history of that country, the first leader was a Zanaki. The people were no more than 100,000 in population. The second leader Mkapa came from a small minority in the south. The third leader, Jakaya Kikwete, is a Kwere from Bagamoyo. The Kwere are about 30,000 in population. Right now, they have Sulu. Magufuli also came from a small community. The only guarantee for the future, stability and existence of a country called Kenya is the kind of politics; not the politics where you say you are going to use the impunity of the tyranny of numbers to suppress everybody else.

Hon. Temporary Speaker, any chance?

The Temporary Speaker (Hon. David Ochieng’): Are you going to use 30 minutes or one hour?

Hon. Farah Maalim (Dadaab, WDM): One minute. Thank you. You cannot have that, because these are men. I am a man. Man is mankind. I am a man or a woman. That is what the African Americans were fighting for during emancipation in the south. They said, “I am a man”, if you remember in Selma, Montgomery and other places. For you to think that any community is any less worthy than you and yet we all came from colonialism and slavery and everything else, we should know better than that. A small minority of whites colonised us for 70 years and segregated us. You get my point. They were removed both by our own effort and the global effort. Let us unite this country by having fairness, equity and equality – but equity more than anything else.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Ol Jorok.

Hon. Michael Muchira (Ol Jorok, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the Statute Law (Miscellaneous Amendments) Bill of 2023. I would like to go straight to the specific Acts. Number one is the National Employment Authority Act. We have had an Authority which has not been able to recruit a substantive CEO due to the difficulties in the Act. The Act says the CEO must be below 35 years but must have experience of 5 years in management level. This cannot not be possible. Therefore, I support the amendment towards removal of that section. I also support the removal of the word “youth” in the Act, because there are too many jobseekers who are above 35 years but are yet to be in any meaningful job.

On the Energy Act, I support the issue of including Kenya Power into the membership of the REREC. This will ensure seamless working relationship between REREC and Kenya Power and enhance electrification in our constituencies. We have had a situation where REREC does its work but the metering work, which is done by Kenya Power, takes too long because there is no seamless working relationship between the two.

On the Children Act, I support granting male applicants the right to adopt a child. The Act is discriminatory. There is no way you can discriminate against a male applicant from adoption. The guiding principle in adopting a child is the best interest of the child. There are instances where the best interest of the child is with a male applicant.

Finally, independence of the PSC and JSC is important. This House has supported independent offices before. In the last financial year, this House passed a resolution that the Auditor-General will have a one-line budget. This was meant to empower the Office of the Auditor-General in undertaking his or her work. The same case should apply to JSC and PSC, which are independent commissions. There is no way you would have a commission and then again purport to regulate the sittings of Parliament. Assuming Parliament is undertaking an investigation into something and then you purport to control the number of its sittings, that amounts to interference with the independence of the institution. Therefore, I support.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Speaker, I rise to support the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023). Let me first start with the objects of the Bill, noting that while we appreciate that sometimes we carry Miscellaneous Bills, it is also important for all of us Members to consider the main Act to have clarity of information when talking about a Bill.

I will start with the Children's Act, 2022 which the Bill proposes to amend by removing the provisions which prohibit the court from granting a sole male applicant adoption of a child. Hon. Temporary Speaker, twenty years ago in this country, a family went through the worst. They went through a case that was very sad through the High Court to Supreme Court at that time. This was a child who was born by a mother who was a Kenyan and the father, a British citizen. When issues arose between them, they had to live with the child when he was seven years at the time. The mother has followed her child all those years until recently when the UK Government, through the courts, granted her permission to see her child. These are some of the issues the Children's Act, 2022 is going to support not just to that one Kenyan woman but many other Kenyan women who might be going through the same challenges here and even abroad.

One cannot bring their child to Kenya because of these restrictions. You remember there was a time in this Parliament we were to pass the Treaty so that we help. I know we rejected it but it is something we need to look at from all angles. As we look at the proposed amendments, we have to ask ourselves... I know there are challenges when we adopt children. They go through a lot of anxiety. They also find themselves incompatible with the families they have gone to and many other things. If we agree to the amendments, we have to look at this issue from both sides and ensure that that a child goes to a homely foster home.

On the issue of scrap metal, I agree with Hon. Farah. Today, every metal along our streets has been vandalised. All the metals have been stolen because people know where to sell them. On the whole of Ngong Road and Olenguruone Road, anything metallic has been cut. These companies dealing with copper that we provide licenses to are the ones bringing the challenges we have. In a whole estate you will find a whole place is full of scrap metal. How do you deal with this? While we are talking about climate change and pollution, we are not talking much about scrap metal but encouraging it. We need to think through the issuance of licenses to these companies. This scrap metal business must be abolished because we are encouraging our highways to be vandalised at night and this might turn out to be dangerous while driving on our roads without proper lighting thus veering off. It is something we need to look into even as we agree they need to be given licenses.

When I look at the National Employment Authority Act, it states that it shall apply to an employer who employs more than 10 employees and also extends its application to every county government. It also proposes to delete the word "youth" and replaces it with "job seekers". It is good but then as we bring in the word "job seekers", we have to ensure every target group for instance People with Disabilities (PWDs) are considered and their gains not eroded hence wondering how they compete in that space.

[The Temporary Speaker (Hon. David Ochieng') left the Chair]

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]

In terms of the State Department for the Blue Economy and Fisheries, the Cabinet Secretary shall be the Chairperson of the Kenya Fisheries Advisory Council. Most of the time these Cabinet Secretaries do not chair them and instead send an alternative Chairperson. I am hoping that as we appoint the Cabinet Secretary to be the Chairperson of the Council, he will be available and not be sending an alternative to represent them otherwise there will be no purpose of making him Chairperson. Some of the major decisions are made by the real Chairpersons.

On the Energy Act, the Bill proposes to give effect to the recommendations of the Presidential Taskforce. Hon. Temporary Speaker, on the review of power purchase agreements, I agree. I also agree to include Kenya Power in the membership but I want us to focus as a House. I remember the County Women Representative for Laikipia did a very fantastic job to see how we can deal with Kenya Power. As we continue looking at many documents, you realise that most of the powers of Kenya Power seem to be going into Kenya Electricity Transmission Company Limited (KETRACO) slowly by slowly and we are just quiet in this House. Getting KETRACO staff is very difficult than getting Kenya Power staff. If we have decided to erode their mandate slowly taking it to KETRACO, we have to be wary on how to deal with that. I have seen of late we have had a very negative campaign against them and we must stop it. It is us who have killed Kenya Power. So, we cannot blame them yet we know the things we did wrongly. That is why we are all hurting in the current leadership. Most of us here did business with Kenya Power back when it was thriving but now, we have brought the institution to its knees blaming the employees. It is not fair to Kenyans working for us. We must agree to take responsibility, accept we have done wrong and build the institution. Let the institution start thinking about how it can reduce the high cost of electricity.

I have a mosque in Amboseli. My Muslim brothers and sisters have not been praying for seven to eight months. Why? They were rocked in with a bill of Ksh1 million. The contractor who did that decided to go with all the paperwork. They do not know whether it is their bill or not but they are being told to pay. What I am telling Kenya Power is that, as I support and stand with it to ensure it continues with its work, it has also to start bringing in flexibility and look at many other things that we can work together. Let people come and do agreements and see how to work together in paying their bills while continuing to pray.

In Kajiado, we have a whole ward where they erected the huge power lines in the shambas of these people. These people cannot even tap that electricity from any point yet it is passing through their land. I am begging that in Kajiado Central, the whole area on the way past the airport going up to where they have the new windmills nowadays, they at least need to consider connecting electricity.

As I finalise Hon. Temporary Speaker, I want to emphasise on what the Hon. Leader of the Majority Party has said. The work we do in Nairobi is not a joke. In Nairobi we do not sleep. We are 24/7 in our constituencies day and night. During this time when we have been hit, we have been with them the whole week.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Member for Emurua Dikirr, Hon. Johana Ng'eno.

Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to make my remarks on this Bill, which I fully support.

The issue of child adoption has long been restrictive, preventing many individuals from adopting children for various reasons. The recent amendment now allows a sole male applicant to adopt without restrictions, among other amendments that promote equal opportunities for child adoption. Section 186 grants the court the power to determine the appropriate order for applicants, whether a sole applicant or spouses jointly.

In the future, we may consider amendments regarding child upkeep to ensure it is viewed similarly to child adoption. In cases of child upkeep or determining who should stay with the child during a separation, we need thorough scrutiny to avoid discrimination.

The amendment regarding scrap metal aims to protect valuable properties that are easily vandalized, such as transformers. I fully support this, especially the provisions relating to

transformer installations, as government-owned properties, are often targeted for theft. There is inadequate security in some areas where transformers are installed, and this law will help to protect government properties. The Government should also address the issue of scrap metal, particularly rail lines which have become moribund in the Ministry of Transport and Infrastructure. These rail lines, lying unused for many years, can be repurposed for steel needed in the housing department. The Government should take stock of all metals, especially rail metals which cost billions of shillings, and convert them into useful materials like steel for construction. That can make affordable houses cheaper than they are.

I laud the amendment to redefine "students" to mean job seekers and to give "youth" a different meaning. Discriminatory terms are often used in current employment opportunities. I heard my friends discussing the issue of tribalism and ethnicity. I wish our country remained united under one flag, one president, one government, one National Assembly, one Senate and our counties.

I also support the proposal by the National Cohesion and Integration Commission (NCIC) to rename counties named after tribes as part of removing tribalism and ethnicity. For instance, why should we have Kisii County named after the Kisii tribe or Kikuyu Constituency named after the Kikuyu tribe? Tribe is not a bad thing as it was created by God. For example, in the Bible, there is the tribe of Judah and Jacob. It is just us who make negative use of the tribes. When we had almost become one and built the Tower of Babel, God in his wisdom saw that the people were becoming something else and wanted to do something bad. He decided to subdivide all the tribes into more small tribes. We are using it negatively for our own experiences. Let us not use our tribes or ethnicity negatively because that can create trouble and problems.

I see people discussing tribalism and regions but what is ailing this country has nothing to do with that. Corruption and wastage of public resources are what is ailing this country. That is what every politician should be discussing. When making the budget, every money we allocate to Ministries, Departments and Agencies (MDAs) should be used prudently. The money we use to prepare our budget is from the citizens and it is painful. It is upon this House to discuss how we can prudently use the money that we collect from our people. That way, the pain our people go through will be compensated by the work that is going to be done by the MDAs, where that money is put.

I thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Member for Emurua Dikirr.

Hon. Naisula Lesuuda, Member for Samburu West.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the Statute Law (Miscellaneous Amendments) Bill, 2023. At the outset, I support it.

I want to pick a number of issues that this Bill is dealing with. One is an amendment to the National Employment Authority. It is important that this Authority is enhanced and given the teeth it needs so as to ensure that it is functional and working for our young people. Many of them finish school, graduate and are left very helpless and hopeless because they cannot get employment.

This Bill is empowering the Authority to look for placement for trainees and interns. By ensuring that it liaises with private companies and the National Government so that our young people get placements. The other day, I was having a conversation about where all our young people who study in Technical and Vocational Education and Training (TVETs) go after graduating.

As a country, we have been encouraging our young people who do not get placements in universities and colleges to consider joining TVETs. Almost each and every constituency, in this country has a TVET or Technical Training Institute (TTI) as they were known before. I always wonder where those students go after graduating. Salonists, those who study electrical engineering and masonry, where do they go? I think it is important for this Authority to have a database of all the students. I hope once they graduate they will register with this Authority so, that anybody who wants to employ them can access the database and offer them jobs. This is a very good amendment because it is giving more power and incentives to this Authority to connect our young people with the job market.

Secondly, I want to talk about the issue of scrap metal. Our young people vandalise the railway line, steel and electricity poles because of joblessness. We go after them but we should go after the business people who use them to vandalise the infrastructure in this country and buy scrap metal from them. We cannot always go after the small people who are used by barons and cartels. The law should apply equally to all.

This matter is similar to the issue of banditry and insecurity. We target the young people who are used to steal livestock from others. We should be serious and find out where the livestock is taken after being stolen? Who are the people who probably live in air-conditioned houses and offices in Nairobi and yet, they are the beneficiaries of cattle rustling? We put penalties when we talk about the issues affecting our country. We should not just go after the people down there but also the big people, so that we cut off the entire business from the head all the way down.

I support and agree with my colleagues on the issue of giving independence to the Parliamentary Service Commission (PSC) and the Judicial Service Commission (JSC). Another issue of concern is about mileage allowance for those who come from far. For example, I come from Samburu. I also agree that those who come from areas near Nairobi should benefit. It should not be an issue of some people benefiting while others do not. We should look at this matter objectively, so that those who have not been benefiting can benefit. That is the conversation I have been hearing from my colleagues.

As we talk about the Equalisation Fund, Members should not feel bad because some counties benefit from this Fund. They should put their case on the table and state why they want to benefit. They should not say that only a few counties benefit. I wish we could swap places so that they go to live in the area I come from, so that they see the challenges we face. In this country, it should not be a matter of always competing or looking at what others have or do not have. Members should be objective and bring their issues to this House without belittling the efforts that this country has made by trying to bring all counties at par.

I have also seen issues of collection and payment of royalties. There is a lot of *Kizungu mingi* on this issue. We need to look at it properly so as to ensure that the local people benefit. We cannot have other people getting mining licences and then they exploit the communities by giving them tokens, yet the locals are the ones who will suffer from the negative effects of extractions in their areas. So, the communities have to be safeguarded as we look into the issue of payment of royalties.

As I conclude, another issue concerns ethnicity and tribalism in this country. I have listened to my good friend and colleague speaking about renaming of counties or regions. This is like dealing with a wound by just putting a bandage on it and hoping that it will heal. We should look at the root cause of this matter. Equity is what will help us fight tribalism in this country. Every region should feel as part and parcel of this country. There is nothing much in a name, whether you are from Samburu, Maasai region or Maralal.

We should ensure that there is equity in terms of distribution of resources and positions in the national Government or county governments. There are other serious issues which the NCIC should be looking at and not names. I have looked at the list of names of counties and realised that it is selective. The NCIC's proposal does not cut across the entire country. For me, this is like putting a bandage on a wound instead of dissecting and treating it properly. That is how we will end ethnicity in this country.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Naisula. In fact, one of the reasons why I gave you an opportunity after the Member for Emurua Dikirr is because I expected you to comment on Samburu County.

The next opportunity goes to Hon. Kawanjiku, the Member for Kiambaa.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute on the Statute Law (Miscellaneous Amendments) Bill, 2023.

I rise to support the Bill, and especially the amendment on the independence of commissions like the Parliamentary Service Commission and the Judicial Service Commission. Our Constitution has given mandate to these two independent institutions to make decisions in regard to the people they govern and manage. We should not interfere with the Judicial Service Commission. This is because they know how to handle their issues, especially employment and members' benefits. After all, they are the only ones who understand what happens in their institution. If we allow an outsider to dictate how the Judicial Service Commission is supposed to run its affairs, we will jeopardise the independence of the Judiciary. Similarly, the PSC is doing an amazing job. The Commission understands issues affecting Members and their staff. Therefore, it is prudent for us to amend this Act and give them the autonomy to make some decisions.

The amendment to the Children Act is progressive. We aim to remove the provision that prohibited a male applicant from adopting or retaining custody of a child. This was discriminatory and unconstitutional. I, therefore, support this amendment because sometimes the only person with the interest of the child at heart is the male parent. Denying the male parent, the right of taking care of their child, is discriminatory. Sometimes the man has the ability and capacity to care for the child. Let us remove this discriminatory provision and allow the court to decide on who holds the interest of the child in high regard.

The issue of vandalism of our infrastructure, as it relates to the scrap metal industry, is a growing concern within our Republic. For instance, despite the installation of numerous street lights in Kiambaa, there is rampant vandalism of essential public infrastructure. It is disheartening to see taxpayers' money and Government resources being destroyed in this manner. I call upon the police and the citizens to be on the lookout because the vandalised items are sold to scrap metal dealers. These same resources, provided by the national Government to improve lighting and infrastructure, are meant to benefit the local communities.

Vandalism is in another level because even transformers are not left behind. The Government has invested a lot of money in electrification to empower the hustlers by promoting a 24-hour economy, especially in areas that host high populations working in Nairobi. It is imperative to implement strict measures against vandalism. Those caught vandalising or dealing with vandalised metal from transformers, road signages and street lighting should face severe consequences. It is crucial to crack down on individuals involved in this illegal business.

We have seen transformers being stolen within Kiambu County. There must be punitive laws that protect the public interest against such activities. We cannot invest a lot of money in these

areas and then one person takes it away. We strive to promote businesses and ensure that both factories and homesteads have access to electricity. It takes us two or three months to replace a transform. Therefore, our people suffer as a result of vandalism. I support this amendment. Let us amend the law and issue clear guidelines on what kind of scrap metals should be sold by dealers. If possible, we should do away with all the scrap metal trade in the country. We invest a lot in development and it is unjust to allow a few individuals to destroy these investments.

The amendment to the National Employment Authority (NEA) is equally important. I support what other Members have said, especially on promoting our young people to get employment. We have too many young people who have manual courses from TVETs, polytechnics or through apprenticeship. Sometimes we employ them as casual labourers and with time, they gain experience and become good masons, carpenters and tailors. The NEA should consider these people. It should standardize the employment process in Kenya. The President has signed several bilateral agreements, and will sign others on labour migration soon. We support labour export. The NEA should rise to the occasion and support as many people as possible. They should also foster relationships with other countries that are willing to import labour from us.

Some countries have really benefited from labour exports. For example, the main foreign exchange earner in the Philippines is labour export. We have very hardworking young Kenyans without jobs in the country. We must look for a way to promote them and support them. We call upon the Cabinet Secretary for Labour and Social Protection to look into more bilateral agreements. We have seen the Ministry advertising nursing jobs in the UK and Saudi Arabia. We need proper agreements going forward because we do not want our people to be mistreated in foreign countries. Therefore, this amendment ensures that those who import and export labour are licenced and known. They should also take responsibility for the labour we export. This area can benefit us, as a country, but we need to put a lot of input.

I support the Miscellaneous (Amendment) Bill so that we empower the NEA to export as much labour as possible. We acknowledge that we have a shortage of jobs within the Republic and we must think outside the box to secure employment opportunities for our people.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the next opportunity is for Hon. Gideon Ochanda, the Member for Bondo. Before he proceeds, there is a point of order from Hon. Kwenya Thuku.

Hon. Thuku, I normally see you on this side of the aisle.

Hon. Kwenya Thuku (Kinangop, JP): Hon. Temporary Speaker, I pressed the intervention button by mistake. I have queued to speak.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Proceed, Hon. Gideon Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Hon. Temporary Speaker, I stand to support this Bill.

The issue of KP and Rural Electrification and Renewable Energy Corporation (REREC) is critical. Power is sourced, transmitted and sold through several different entities, which do not include REREC yet the later constructs the lines. Once they have done the lines, they hand them over to KP. The disasters we have during the long rainy season were due to maintenance or things that were not done right by REREC. This is transferred over to the KP yet the people who did the construction are the REREC. The quality of contracts, transformers, lines and poles that are used at the initial level are done by REREC. So, if the contracts are poorly done, poor quality poles and lines are sourced, REREC should bear the cost. That cost should not be transferred to KP, but they have to pay them because they are the ones selling power. So, this is one of the most critical things

that this Bill has addressed, which I appreciate. There has to be a point at which REREC and KP meet to ensure that we have the supply of power. They should also ensure quality in terms of supplies and contracts used in the supply. For example, in my constituency at the moment, there are 48 transformers. Out of those, 23 are not working. Further, most of the poles erected by REREC are down but the infrastructure was transferred to KP. It is now up to KP to make sure that they work. This has been unfair. The Bill has addressed the issue by establishing a connection between KP and REREC.

The other issue that is useful here is the regulation of the scrap metal industry. The issue of licensing as outlined in the Bill is good. However, in my view, the Bill does not address the real issues. For example, there is a section that states the penalties for the offence of stealing public utilities like sign boards on the roads and guard rails. I would like to inform this House that scrap metal dealers have a serious connection with metal thieves beyond the public utilities. There are people who have lost metals from private fences and gates. For example, if you have put up a gate in your ranch, you may wake up one morning and find that it is gone. At the end of the day, it is not just public utilities that are vandalised, but even private property.

In my view, the Bill has failed to regulate scrap metal dealers, and instead it is trying to license them. It is indicated that scrap metal dealers must be stationed at a specific point where they operate from. In this case, how does one get metal or scrap from two or three kilometres away? It means that somebody has to look for it and deliver it to you where you are stationed yet it is only you who is licensed. So, what happens to the middlemen between where the scrap metals are sourced from and the dealer? The Bill needs to indicate that the people who supply scrap metal to dealers must show the source of their scrap metal. This will ensure that it is known whether someone's gate, fence or billboards have been brought down. This has not been indicated in the Bill. We need to bring it out. Before you get to the dealer, somebody supplies the dealer. Who is this person? How do we regulate him or her such that the trade is made right? That is one area that the Bill does not address properly.

The other area that the Bill addresses itself to is the sector of fisheries. We need to remind the nation that the Fisheries Department sometimes is overrated. It is one sector that has many entities, including Kenya Fisheries Services, Kenya Fish Advisory Council and Kenya Fish Marketing Authority. In the real sense, fisheries is devolved but the structure of the Department goes up to the Beach Management Units (BMUs). We have a fisheries directorate in Nairobi, but it goes down to the regions, counties, sub-counties and finally to the BMUs. Why are we doing this? At the same time, counties also have their own arrangement from the county, sub-counties and finally to the BMUs. At the end of the day, there is conflict.

At the same time, when it comes to fisheries, one thing that we have not done well, unlike other sectors such as agriculture and livestock, is that there is no value chain that is recognised. We have been struggling a bit to do things at the landing beaches. However, there is no fish at the moment; fish stocks are down. We need to have an arrangement where we make sure that we restock the lake with fish. There are many ways of how this can be done either locally or properly by a different arrangement. If you talk about a marketing authority, it should be one that has products. You cannot have a marketing authority that does not have anything to sell.

Generally, the Bill is fine, apart from those areas that need to be corrected or enhanced, moving forward. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Kemei, Member for Kericho County.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you very much, Hon. Temporary Speaker for giving me this opportunity to add my voice to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.67 of 2023).

I will start by commenting on the Children Act, 2022. I support the fact that a man can also be allowed to adopt a child who is not necessarily a relative. This fact speaks against discrimination, according to Article 27 of the Constitution which talks about equality and freedom from discrimination. Many children are suffering out there because some of them do not have parents. There are others who have parents but are not doing well. Their parents are not in a position to take care of them. A number of women may not have the capacity to adopt children. If a man can be allowed to adopt children, we will have less children in the streets.

We have widowers and single men who have the capacity to adopt children. Therefore, they should not be discriminated. My only concern is if the man is allowed to adopt a boy or girl. If a man adopts a girl, I hope that he will not turn her into a wife or girlfriend later on. When a person is allowed to adopt children or given the responsibility, he or she should be grilled carefully, so that out children may not end up where they are not happy or well taken care of.

It is also uncalled for mothers to run away from home and leave children to their husbands. I wish we could look for them and let them take responsibility. I have too many cases. They are not very easy for me, especially as a Woman Representative for Kericho County. I have two particular cases where children were left by their mothers. There is a case in Chepseon where I was given a girl of about five to ten years and her father is hustler. The father has to go with the child to his place of work because he has no other option. We have to look for a children's home and it is not easy. If this Act passes, it will lessen the work, responsibilities and challenges that we have.

I also want to speak to the Energy Act of 2019 on Kenya Power and REREC. Our main concern which is a 'basic need' is electricity. When we go to our constituencies and counties, our people ask us for electricity connectivity. We have a challenge of transformers that stalled. When they ask, they do not want to know if it is Kenya Power or REREC. To stop this idea of blame game, it is important that this Amendment is passed. This is so that someone or membership of Kenya Power is included in REREC and especially, the fact that it is dealing more with electricity in the rural areas. Not to forget the fact that metres used to only be given by Kenya Power. Having REREC in it will make the work easy.

Sixty one years down the line, we should have all households connected. The other day, I was in a home at around 7.00 p.m., and the place was dark. When we asked them to light even a lamp, they said they normally cook at 4.00 p.m. to enable them sleep early because they cannot afford paraffin – a very humble background. We need this connectivity. That is the more reason for bringing REREC and Kenya Power together to make our work easier. Not to forget the fact that many at times, we have no power. Many families, business people and even those rearing poultry suffer a lot. When we talk about making regulations to the attainment by grid, the quality and reliability of supply and service, it is very important. Should there be anything that is going against this, then customers should be supported or be paid for.

Hon. Temporary Speaker, I also want to add my voice to the National Employment Authority. One of the greatest challenges that we face as leaders and especially from this House when we go to our counties or constituencies is that when you stand in a meeting, the first thing that you are asked is employment. They would tell you that the youths are not employed. Every household has a child out of school or colleges like the Technical Vocational Education and Training (TVET) we are talking about, yet they are not employed. When we talk about not

discriminating against job seekers who are mostly the youth... It is not only the youth who need employment. Anybody seeking employment is key to us. As we call them trainees, and noting that the county government is a great employer in this sense because it employs many...

I pray that we support this Bill that will give Kenyans an opportunity. We need more employment either in private or public sectors. Let us have more of our youth employed.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Moses Injendi, Member for Malava.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker.

I rise to support these amendments. However, there is one that has taken my interest. I do not support it. This is the one of winding up the NUPEA to be part of the Ministry of Energy and Petroleum. I am just questioning why this has happened. I am in possession of a letter done by the Principal Secretary of the Ministry. He was advising Parliament on 29th November 2023 that the position of the Ministry was that NUPEA should not be wound up. Instead, it should be funded more to operate within international standards.

The letter continues to advise Parliament that this is important because it is in line with the Executive Order No.2 of 2023 on organising Government. I find this amendment in bad taste with what the Government is doing for the country at large. If you look at the activities and programmes NUPEA is doing in this country, they are enormous in alleviating some energy problems in this country. NUPEA is here to prepare this country to generate electricity through nuclear technology.

It has many programmes that have been doing very well and are in line with what is happening in America, Japan and France. NUPEA was to fill the gap of blackouts that we always experience in our country. It was to ensure we utilise this to eliminate blackouts. Its activities of running the programmes will not be done if we move NUPEA to the Ministry. This is because the Ministry is particularly concerned with policy direction. However, NUPEA is concerned with programmes and activities that have to do with implementation. Therefore, we are seriously going to lose as a country if we take the functions to the ministry.

I am just wondering whether this was done hurriedly because of the activity that happened in Kilifi where this agency acquired some piece of land. The residents felt that there was no public participation. They have rushed to wind up its activities against Government policy and directive on what NUPEA is in the country.

NUPEA is known for a lot of research in development of energy in these countries and developing new technologies and strategies to address power in this country. Most Members who have spoken here have talked about power issues in the country. As much as the country is struggling to install electricity, you have been told how transformers have broken down and there is no power in our rural areas. Transformers are not working where we have power. There are no meters where we have transformers and electricity connected to our homes. NUPEA came in to do so much to ensure they have arrested this.

You recall that this agency is a national liaison office for International Atomic Agency. Therefore, NUPEA is only fulfilling an international obligation. We will lose the goodwill of the international community the moment you remove it and put it under the Ministry and a department. We may not be supported as we expected because of this particular agency.

I support the other amendments. However, for this, I urge the Leader of the Majority Party to refresh on the letter in my possession addressed to the Clerk of the National Assembly advising that it is the interest of the Ministry and the national Government that this agency remains as it is.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Malulu Injendi. You have a balance of five minutes. I would also like to appreciate the intention to speak on this Bill by Hon. Kiragu, Hon. Geoffrey Malanya and Hon. Kwenya Thuku.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi