



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MARCH 9, 2023 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. MOTION – REPORT OF THE 42ND SESSION OF THE ORGANIZATION OF AFRICA, CARIBBEAN AND PACIFIC STATES AND THE EUROPEAN UNION JOINT PARLIAMENTARY ASSEMBLY

(Leader of the Kenya Delegation to the OACPS-EU JPA)

THAT, this House **notes** the Report of the 61st Session of the Organization of Africa, Caribbean and Pacific (OACPS) Parliamentary Assembly and the 42nd Session of the ACP-EU Joint Parliamentary Assembly, *laid on the Table of the House on Wednesday, November 30, 2022.*

9*. MOTION - REPORT ON THE CONSIDERATION OF THE AMENDMENTS TO THE STANDING ORDERS

(General Debate)

(The Chairperson, Committee on Procedure and House Rules)

THAT, this House adopts the Sixth Report of the Procedure and House Rules Committee on Amendments to the Standing Orders, *laid on the Table of the House on Wednesday, 8th March, 2023* and pursuant to the provisions of Article 124(1) of the Constitution and Standing Order 265-

- (i) **approves** the proposed amendments to the Standing Orders as contained in Annex 3 of the Report;
- (ii) **resolves** that the amendments agreed to in Committee of the whole House and approved by the House shall take effect on Thursday, 23rd March 2023; and
- (iii) **further resolves** that the Questions pending Reply as at the commencement date shall be disposed of by the respective Committees.

10*. COMMITTEE OF THE WHOLE HOUSE

Amendments to the National Assembly Standing Orders

(The Chairperson, Procedure and House Rules Committee)

11*. MOTION – GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS

(The Leader of the Majority Party)

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; **Acknowledging that**, actualization of the proposals which relate to, *inter alia*, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; **Further acknowledging that**, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the *Departmental Committee on Justice and Legal Affairs* with regard to proposals relating to the implementation of the Two-Thirds Gender principle and the establishment of the Office of the Leader of Official Opposition; *The Joint Parliamentary Ad Hoc Committee* with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and *The Procedure & House Rules Committee* with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate

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public participation pursuant to Article 118 of the Constitution; **NOW THEREFORE**, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House **notes, considers and makes general comments** on the proposals contained in the Memorandum by His Excellency the President.

(Resumption of debate interrupted on Wednesday, March 8, 2023 – Afternoon Sitting)

12*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

(The Leader of the Majority Party)

Second Reading

Denotes Orders of the Day

...../Notices*

NOTICES

I. PROPOSED AMENDMENTS TO THE NATIONAL ASSEMBLY STANDING ORDERS

Notice is given that pursuant to the provisions of Standing Order 265, the Chairperson of the Procedure and House Rules Committee intends to move the following amendments to the National Assembly Standing Orders—

STANDING ORDER 25A

THAT, Standing Order 25A be amended by deleting paragraph (b) and substituting therefor the following new paragraphs—

“(b) a Cabinet Secretary to expound on government policy, reply to Questions and provide Reports concerning matters under his or her control;

(c) other persons to make submissions or presentations before the House.”

STANDING ORDER 30

THAT, Standing Order 30 be amended by deleting paragraph (2) and substituting therefor the following new paragraph—

(2) Unless the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business for the convenience of the House, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the House is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again—

(a) at 1.00 p.m. during a morning sitting;

(b) at 7.00 p.m. during an afternoon sitting on Tuesday and Thursday;

(c) at 9.00 p.m. during an afternoon sitting on Wednesday; or

(d) if it is an Allotted Day—

(i) at 7.30 p.m. during an afternoon sitting on Tuesday and Thursday;

(ii) at 9.30 p.m. during an afternoon sitting on Wednesday.

STANDING ORDER 39

THAT, the Standing Orders be amended by deleting Standing Order 39 and substituting therefor the following new Standing Order—

39. The Clerk shall prepare and publish on the parliamentary website a tentative list of Cabinet Secretaries scheduled to reply to Questions and provide Reports to the House, a weekly programme showing the business of the House and a schedule of sittings of the various committees; and shall circulate such programmes to Members, State Departments, and the media not later than the Friday of the week preceding such business.

STANDING ORDER 40

THAT, Standing Order 40 be amended by inserting the following new paragraph immediately after paragraph (3)—

“(3A) On Wednesday afternoon, Questions and Reports by Cabinet Secretaries shall have precedence over all other business for a period not exceeding three hours.”

STANDING ORDER 42A

THAT, Standing Order 42A be amended—

(a) by deleting paragraph (5) and substituting therefor the following new paragraphs—

“(5) A Member shall ask his or her Question on the day it is scheduled in the Order Paper.

(5A) The Leader of the Majority Party shall inform the House of the date, time and order in which Cabinet Secretaries shall appear to reply to Questions and provide Reports to the House and committees, subject to paragraph (6).”;

(b) by inserting the following new paragraphs immediately after paragraph (6)—

“(6A) The Speaker may, on request of the Leader of the Majority Party vary the order in which Questions shall be disposed of, or defer a Question scheduled to be responded to.

(6B) A Cabinet Secretary shall attend and answer any Question concerning matters for which the Cabinet Secretary is responsible.”

(c) in paragraph (7) by deleting the expression “paragraph (5) and (6)” appearing immediately after the words “duties under” and substituting therefor the expression “paragraph (5A), (6) and (6A)”.

STANDING ORDER 42B

THAT, Standing Order 42B be amended—

- (a) in paragraph (1) by deleting the words “and Questions referred to Committees for reply” appearing immediately after the word “House” and substituting therefor the words “and replied to in the House or before a committee”;
- (b) in paragraph (4) by deleting the word “Committee” appearing immediately after the words “referred to a” and substituting therefor the words “Cabinet Secretary”;
- (c) by deleting paragraph (5A) and substituting therefor the following new paragraph—
 - (5A) A Member scheduled to ask a Question in the House may—
 - (a) request the Speaker to defer a Question to another time or day;
 - (b) withdraw a Question where it has been overtaken by events; or
 - (c) at least two hours before a sitting, nominate another Member to ask the Question in his or her absence by notifying the Speaker in writing.
- (d) by inserting the following new paragraph immediately after paragraph (6)—

“(7) A Question may include a request for a Report from a Cabinet Secretary concerning matters under the control of the Cabinet Secretary.”

STANDING ORDER 42C

THAT, the Standing Orders be amended by deleting Standing Order 42C and substituting therefor the following new Standing Order—

Manner of disposing of Questions

- 42C.** (1) A Cabinet Secretary shall provide physical and electronic copies of the reply to a Question at least a day before appearing before the House.
- (2) Subject to Standing Order 42A (Notice of Question), the House shall dispose of a Question in the sequence it appears in the Schedule of Questions or as the Speaker may direct.
- (3) The Speaker may—
 - (a) permit the Member who raised a Question to ask a maximum of two supplementary Questions that relate to the original Question;

- (b) permit a Member other than the Member who asked a Question to ask a further supplementary Question that relates to the original Question;
- (c) direct a Cabinet Secretary to provide additional information or a further reply to a Question or supplementary Questions to the relevant committee of the House; or
- (d) defer a Question to a different time or day from its scheduled time and day.

(4) A Cabinet Secretary shall reply to a Question on the day it is scheduled for reply notwithstanding the absence of the Member who raised the Question.

STANDING ORDER 42E

THAT, Standing Order 42E be amended—

- (a) in paragraph (1) by deleting the words “thirty days of referral of a Question to a Committee” appearing immediately after the words “within” and substituting therefor the words “fourteen days of referral of the Question”
- (b) in paragraph (2) by deleting the words “three days of referral of a Question to a Committee” appearing immediately after the words “within” and substituting therefor the words “forty-eight hours of referral of the Question”.

STANDING ORDER 42G

THAT, the Standing Orders be amended by deleting Standing Order 42G and substituting therefor the following new Standing Order—

Questions to Commissions and Independent Offices

42G. (1) Subject to paragraph (2) this Part shall apply to a Question directed to a Commission or Independent Office with necessary modifications.

(2) A Commission or Independent Office to which a Question is directed shall reply before the relevant Committee of the House.

STANDING ORDER 216

THAT, Standing Order 216 be amended by inserting the following new paragraph immediately after paragraph (7)—

“(8) Where the Minority Party is the party forming the National Government, the duties under paragraph (6) and (7) shall be undertaken by the Leader of the Minority Party.”



LIMITATION OF DEBATE

The House resolved on Wednesday February 15, 2023 as follows—

Limitation of Debate on Other Committee Reports

- II. THAT**, each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation on General Debate on the Proposal to Parliament to consider amending the Constitution and the Standing Orders

- III. THAT**, each speech on the debate on the Motion on the *General Debate on the Proposal to Parliament to Consider Amending the Constitution and the Standing Orders* shall be limited as follows: A maximum of twenty (20) minutes for the Mover in moving and ten (10) minutes in replying, and ten (10) minutes for any other Member speaking, except the Leader of the Majority **Party** and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority in speaking be accorded to the Leader of the Majority Party and the Leader of the Minority Party in that order.

Limitation of Debate on Bills sponsored by Parties or Committees

- IV. THAT**, each speech in a debate on Bills sponsored by a **Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows: A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is **not** sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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NOTICE PAPER

Tentative business for

Tuesday, March 14, 2023

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Tuesday, March 14, 2023 –

A. **MOTION** – **REPORT ON THE CONSIDERATION OF THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY**
(The Chairperson, Public Debt and Privatization Committee)

(Subject to tabling of Committee Report and Notice of Motion)

B. **MOTION** - **REPORT ON THE CONSIDERATION OF THE DRAFT SALARIES AND REMUNERATION COMMISSION (REMUNERATION AND BENEFITS OF STATE AND OTHER PUBLIC OFFICERS) REGULATIONS, 2022**
(The Chairperson, Committee on Delegated Legislation)

C. **MOTION** – **REPORT ON THE CONSIDERATION OF THE 2023 BUDGET POLICY STATEMENT**
(The Chairperson, Budget and Appropriations Committee)

(Subject to tabling of Committee Report and Notice of Motion)

D. **MOTION** – **CONSIDERATION OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE NATIONAL CLIMATE CHANGE COUNCIL**
(The Chairperson, Departmental Committee on Environment, Forestry and Mining)

(Subject to tabling of Committee Report and Notice of Motion)

E. **MOTION** – **GENERAL DEBATE ON THE PROPOSAL TO AMEND THE CONSTITUTION AND THE STANDING ORDERS**
(The Leader of the Majority Party)

(If not concluded on Thursday, March 9 2023)

F. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

(The Leader of the Majority Party)

(If not concluded on Thursday, March 9, 2023)

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 - QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask **questions** for reply before the specified Committees-

| <u>QUE. NO.</u> | <u>ORDINARY QUESTIONS</u> |
|------------------------|----------------------------------|
|------------------------|----------------------------------|

017/2023

The Member for Nakuru Town East (Hon. David Gikaria, MP) to ask the Cabinet Secretary for Energy and Petroleum: -

- (i) Could the Cabinet Secretary explain and provide details on the circumstances that led to the termination of 30 employees by the Geothermal Development Company in April, 2022, including the reasons for dissolution of each employee's contract and clarify whether due process was followed?
- (ii) Could the Ministry indicate if there are plans to reinstate these employees, and provide an expected date for their return, including any planned compensation for them?

(To be replied to before the Departmental Committee on Energy)

031/2023

The Member for Saboti (Hon. Caleb Amisi, MP) to ask the Attorney-General:-

- (i) Could the Attorney General explain the circumstances under which the defunct *Barclay Bank of Kenya Limited* rebranded and registered as *Absa Kenya Limited* in 2017 considering that the *Absa* name was already registered and patented in 2007, issued with a Certificate of Incorporation No. C130654 whose Director is one Mr. Edward Njuguna, and the patent renewed in 2017 for a ten-year period?
- (ii) Could the Attorney General outline the steps that the Government is taking to address the concerns raised in (i) above and in particular, confirm whether any user rights for the name were transferred to the Bank?

(To be replied to before the Departmental Committee on Justice and Legal Affairs)

032/2023

The Member for Homa Bay Town (Hon. Peter Kaluma, MP) to ask the Teachers Service Commission: -

- (i) Could the Commission provide details of all primary and secondary teachers employed during the last recruitment exercise, including the names, ethnicity and counties of origin and confirm whether the recruitment complied with the requirements of Article 232(h) and (i) of the Constitution?
- (ii) Could the Commission explain the circumstances under which it failed to undertake the recent recruitment of teachers on “first-to-graduate first-to-be employed principle?
- (iii) Could the Commission consider absorbing all qualified teachers, particularly those in Homa Bay Town Constituency and the larger Homa Bay County, who graduated before 2012 in a bid to address the acute understaffing in primary and secondary schools in the said region?
- (iv) What affirmative action steps is the Commission taking to ensure that qualified teachers hailing from Homa Bay Town Constituency and Homa Bay County generally, whose employment has been unduly delayed are employed?

(To be replied before the Departmental Committee on Education)

033/2023

The Member for Mwingi West (Hon. Charles Ngusya, MP) to ask the Cabinet Secretary for Energy and Petroleum: -

Could the Cabinet Secretary -

- (i) explain the status of electricity connection and stalled electrification projects to public institutions in Mwingi West Constituency under the Last Mile Connectivity Programme and Rural Electrification and Renewable Corporation?
- (ii) explain why Kenya Power, Mwingi Region has been taking inordinately long to undertake repairs and maintenance of power lines, including replacement of faulty transformers, which has occasioned frequent blackouts in Mwingi West Constituency?

- (iii)state the measures that the Ministry has put in place to address the low voltages in some parts of the Constituency?

(To be replied before the Departmental Committee on Energy)

034/2023

The Member for Mandera South (Hon. Abdul Haro, MP) to ask the Cabinet Secretary for Agriculture and Livestock Development: -

Could the Cabinet Secretary-

- (i) state the percentage contribution of livestock farming to Kenya's Gross Domestic Product (GDP), the percentage of Kenyans depending on livestock for their livelihoods and the estimated loss in Kenya shillings of livestock that perished in ASAL counties from the year 2020 to date due to prolonged drought in the country?
- (ii) Provide data on the foreseeable food insecurities in the said counties, including long-term impact on food security strategies under vision 2030 and beyond?
- (iii)State the measures that the Ministry has put in place to mitigate drought and cushion pastoralists in ASAL regions of the country from effects of drought-related food insecurity?

(To be replied before the Departmental Committee on Agriculture and Livestock)

035/2023

The Member for Kipipiri (Hon. Wanjiku Muhia, MP) to ask the Cabinet Secretary for Labour and Social Protection: -

- (i) What measures has the Ministry put in place to facilitate elderly persons in the country through provision of food, water and means of transport whenever they are invited to the Beneficiary Welfare Committee Meetings?
- (ii) Could the Cabinet Secretary consider decentralising the said meetings and activities to sub-location level in order to enhance participation of elderly people who cannot travel to far places and also allow verified caregivers to the elderly to attend the meetings on their behalf and vote as proxies?

- (iii) Could the Cabinet Secretary outline the plans for ensuring inclusivity in attendance of Beneficiary Welfare Committee meetings through participation of stakeholders, particularly political leaders and administration officers at both levels of government?
- (iv) Could the Cabinet Secretary further explain why a recent meeting for formation and training of the Beneficiary Welfare Committee held in Kipipiri Constituency in February 2023 was convened on a short notice without involvement of any of the relevant stakeholders?

(To be replied before the Departmental Committee on Social Protection)
