



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, MARCH 14, 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 ON THE CONSIDERATION OF THE 2023 MEDIUM-TERM DEBT MANAGEMENT STRATEGY**
(The Chairperson, Public Debt & Privatization Committee)

THAT, this House **adopts** the Report of the Public Debt and Privatization Committee on its consideration of the 2023 Medium Term Debt Management Strategy, *laid on the Table of the House on Thursday, 9th March, 2023* and pursuant to the provisions of section 15(4) of the Public Finance Management Act, 2012 and Standing Order 232A(7) and (8) –

- (a) **approves** the 2023 Medium-Term Debt Management Strategy; and
- (b) makes the **Policy and Financial Resolutions** contained in the Schedule to the Order Paper.

9*. 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)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the *Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022 laid on the Table of the House on Wednesday, 8th March, 2023*, and pursuant to the provisions of section 26(2) of the Salaries and Remuneration Commission Act, 2011 **rejects** the *Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022*.

10*. MOTION – REPORT OF SESSIONS 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*.

(Resumption of debate interrupted on Thursday, March 9, 2023)

(Balance of time - 53 minutes)

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

...../11*(Cont'd)

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 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

SCHEDULE

POLICY AND FINANCIAL RESOLUTIONS RELATING TO THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY

A. POLICY RESOLUTIONS

1. **THAT**, any borrowing undertaken by the National Treasury in FY 2023/24 should not exceed the approved debt ceiling set by Parliament.
2. **THAT**, to enhance liquidity management and to help reduce unnecessary short-term domestic borrowing occasioned by Government's inability to access surplus funds held in numerous Ministries, Departments and Agencies (MDAs) bank accounts, the National Treasury spearheads the integration of MDA banking arrangements into a **single treasury account** system as provided for in the Public Finance Management (PFM) Act, 2012 and regulations.
3. **THAT**, as indicated in the Committee's report on the Consolidated Fund Services (CFS) expenditures for supplementary estimates No. 1 of FY 2022/23, the National Treasury should within six months, table regulations for the establishment of a sinking fund dedicated to public debt servicing as provided for under section 50(8) of the PFM Act, 2012.
4. **THAT**, in order to safeguard against exchange rate fluctuations, the National Treasury should consider hedging mechanisms on foreign exchange risks and/or negotiating lending agreements in Kenya shillings.
5. **THAT**, the National Treasury undertakes a review of all undisbursed loans amounting to Kshs. 1.179 trillion and submits to the National Assembly within one month, a report with information on terms, status, reasons for non-disbursement and proposals on any loans that can be cancelled to save spending on commitment fees.
6. **THAT**, in adherence to the Accra Agenda for Action 2018, donor support **MUST** be aligned to the country's budget cycle to facilitate proper planning by the implementing agencies and reduce occurrence of undisbursed loans.

...../Schedule*(Cont'd)

7. **THAT**, within two months, the National Treasury submits to this House, a strategy for resolution of non-performing loans linked to various State-Owned Corporations (SoEs) including Kenya Airways.
8. **THAT**, the Office of the Auditor General expedites the audit of project loans under the water sector and the Ksh. 9.9 billion loan borrowed on behalf of Kenya Power and Lighting Company (KPLC) and submits this report to the House.
9. **THAT**, in the next budget cycle, the National Treasury aligns the borrowing strategy proposed in the Budget Policy Statement with the borrowing strategy in the Medium-Term Debt Strategy (MTDS) in order to ensure credibility of the Government's planning documents.
10. **THAT**, in the next budget cycle, the National Treasury must undertake public participation on the MTDS in line with Article 201 of the Constitution.
11. **THAT**, going forward, the MTDS should live up to its expectation as a medium-term document by showing consistency in proposed debt management strategies on a three-year rolling framework, from one MTDS to another.
12. **THAT**, the National Treasury undertakes a sensitivity analysis on the 2023 MTDS and submits to this House, within two weeks, a contingency plan on measures to be undertaken in the event of revenue shortfalls or underperformance of loans.

B. FINANCIAL RESOLUTIONS

1. **THAT**, the fiscal deficit target for the medium term is approved and set at 4.4% of Gross Domestic Product (GDP) for FY 2023/24; 3.9% of GDP for FY 2024/25 and 3.6% of GDP for FY 2025/26 in line with the fiscal consolidation path.
2. **THAT**, the country's borrowing strategy is approved at 50 percent net external borrowing and 50 percent net domestic borrowing as contained in the 2023 Medium-Term Debt Management Strategy.
3. **THAT**, any deviation from the approved borrowing strategy will require the approval of the National Assembly.

NOTICES

LIMITATION OF DEBATE

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

Limitation of Debate on Other Committee Reports

- I. **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

- II. **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

- III. **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),

...../Notices*(Cont'd)

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.

NOTICE PAPER I

Tentative business for **Wednesday (Morning), March 15, 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 Wednesday (Morning), March 15, 2023 –

- A. **MOTION** – **POLICY FORMULATION ON IMPLEMENTATION AND ENHANCEMENT OF EPZ PROGRAMMES IN THE COUNTRY**
(The Hon. Beatrice Elachi, M.P.)

(Resumption of debate interrupted on Wednesday, March 8, 2023 – Morning sitting)
(Balance of time - 25 minutes)

- B. **MOTION** – **REDUCTION OF COST OF ELECTRICITY IN THE COUNTRY**
(The Hon. Jane Kagiri, M.P.)

- C. **MOTION** – **DEVELOPMENT OF A POLICY AND FUNDING FOR JUNIOR SECONDARY SCHOOLS**
(The Hon. Geoffrey Ruku, M.P.)

- D. **MOTION** – **ESTABLISHMENT OF A NATIONAL CANCER PREVENTION AND CONTROL FUND**
(The Hon. Timothy Kipchumba, M.P.)

- E. **MOTION** – **NATIONAL POLICY ON DEWORMING OF SCHOOL-GOING CHILDREN**
(The Hon. John Waithaka, M.P.)

- F. **HOJA** – **KUHUSU KUTEKELEZWA KWA SHERIA ZA KUPIGA MARUFUKU MAHUSIANO YA JINSIA MOJA NCHINI KENYA**
(Mhe. Mohamed Ali)

NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), March 15, 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 Wednesday (Afternoon), March 15, 2023 –

A. 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)

B. 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)

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

(The Leader of the Majority Party)

(If not concluded on Tuesday, March 14, 2023)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, March 14, 2023)

...../Appendix*

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-

QUE. NO.

QUESTION BY PRIVATE NOTICE

QPN
003/2023

The Member for Samburu East (Hon. Jackson Lekumontare, MP) to ask the Cabinet Secretary for Environment, Climate Change and Forestry: -

Could the Cabinet Secretary –

- (i) Explain why no youth from Samburu East Constituency was recruited in the just-concluded recruitment exercise conducted by the Kenya Forestry Service countrywide?
- (ii) Explain the criteria used during the exercise and state the number of slots given to the entire Samburu County?
- (iii) Consider nullifying the recruitment exercise and conducting it afresh to ensure that there is fair distribution of employment opportunities across the Country?

(To be replied before the Departmental Committee on Environment, Forestry and Mining)

QUE. NO.

ORDINARY QUESTIONS

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)

036/2023

The Member for Ugunja (Hon. Opiyo Wandayi, MP) to ask the Cabinet Secretary for National Treasury and Economic Planning: -

Could the Cabinet Secretary –

- (i) provide an explanation for the recent surge in cost of excise stamps, despite the fact that the *SICPA* Security Solutions contract for the Excisable Goods Management System (EGMS) expired last year and the equipment is now entirely owned by the Kenya Revenue Authority?
- (ii) provide an explanation for the proliferation of counterfeit goods and the resultant loss of revenue to the Government thereof, despite the implementation of the EGMS, and the measures that have been put in place to address the problem of counterfeit and goods for which duty is not paid?
- (iii) clarify whether the *KRA-SICPA* contract has been transparently executed, and if so, what actions have been taken to guarantee transparency?
- (iv) provide a detailed report on the funds collected and the value for money obtained from the *KRA-SIPCA* contract?

(To be replied before the Departmental Committee on Finance and National Planning)

037/2023

The Member for Kathiani (Hon. Robert Mbui, MP) to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development: -

- (i) Following compulsory acquisition of land by the Government in 1985 from eight land owners to accommodate the expansion of Kathiani Level 4 Hospital, why has the Government compensated only five of them, and neglected the valuation and compensation of the remaining three land owners, namely *Mr. Mwilu Mwema Kalondu and Mr. John Musyoka Telela, joint owners of Mitaboni/Kathiani/135, and Mr. Maswa Mwen of Mitaboni/Katiani/139?*
- (ii) When does the Cabinet Secretary intend to pay this long overdue compensation to the distressed land owners?

(To be replied before the Departmental Committee on Lands)

038/2023

The Member for Soy (Hon. David Kiplagat, MP) to ask the Cabinet Secretary for Ministry of Agriculture and Livestock Development: -

Could the Cabinet Secretary –

- (i) explain the measures that were put in place to ensure that all subsidized maize flour that was to retail at Kshs. 100 per 2 kg packet in 2022 reached the target population at the subsidized prices and give a report on the impact, if any, of the programme in achieving the intended objectives?
- (ii) state whether all millers who released subsidized maize flour were paid their dues and if not, when does the Government intend to pay them?

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

