



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SPECIAL SITTING

(Convened vide Kenya Gazette Notice No. 5612 of 6th May 2024)

MONDAY, MAY 13, 2024 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*. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF A SPECIFIED BILL

(The Chairperson, Departmental Committee on Finance and National Planning)

THAT, pursuant to the provisions of Standing Order 120, this House **resolves** to reduce the publication period of the Finance Bill (National Assembly Bill No. 30 of 2024) from **seven (7) days to four (4) days**.

9*. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2024)

(The Chairperson, Departmental Committee on Finance and National Planning)

First Reading

...../10*

10*. MOTION – CONSIDERATION OF SENATE AMENDMENTS TO THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2024)

(The Chairperson, Budget and Appropriations Committee)

THAT, the **Senate amendments** to the Division of Revenue Bill (National Assembly Bill No. 14 of 2024) be now considered.

(Schedule of Senate Amendments to the Bill is published in the Notices)

11*. MOTION– RATIFICATION OF THE MULTILATERAL CONVENTION TO IMPLEMENT TAX TREATY-RELATED MEASURES TO PREVENT BASE EROSION AND PROFIT SHIFTING (MLI)

(The Chairperson, Departmental Committee on Finance and National Planning)

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its consideration of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting, *laid on the Table of the House on Tuesday, 30th April 2024*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting*, subject to **reservations on Article 5** (*Application of Methods for Elimination of Double Taxation*) and **Article 16** (*Mutual Agreement Procedure*).

*(Resumption of debate interrupted on Thursday, 2nd May 2024)
(Balance of time – 2 hours 15 minutes)*

12*. COMMITTEE OF THE WHOLE HOUSE

(i) Consideration of **Senate amendments** to the Division of Revenue Bill (National Assembly Bill No. 14 of 2024)

(The Chairperson, Budget and Appropriations Committee)

(Subject to Order No. 10)

(ii) The National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023)

(The Leader of the Majority Party)

Denotes Orders of the Day

NOTICES

I. SENATE AMENDMENTS TO THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2024)

It is notified that the Senate made the following amendment to the Division of Revenue Bill (National Assembly Bill No. 14 of 2024) —

SCHEDULE

Senate Amendment

THAT, the Bill be amended by deleting the schedule and substituting therefor the following new schedule-

SCHEDULE (s.4)

ALLOCATION OF REVENUE RAISED NATIONALLY BETWEEN THE NATIONAL GOVERNMENT AND COUNTY GOVERNMENTS FOR THE 2024/25 FINANCIAL YEAR.

Type/Level of allocation	Amount in KSh.	Percentage (%) of 2020/21 audited and approved Revenue i.e. KSh. 1,570,562,945,014
A. Total Sharable Revenue	2,948,123,505,582	
B. National Government	2,524,318,490,857	
C. Equalization Fund	7,852,814,725	0.50%
D. County equitable share	415,952,200,000	26.48%

II. THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

1) Notice is given that the Chairperson of the Departmental Committee on Regional Development intends to move the following amendments to the National Disaster Risk Management Bill, 2023 at the Committee Stage—

CLAUSE 5

THAT, the Bill be amended by deleting Clause 5.

CLAUSE 6

THAT, the Bill be amended by deleting Clause 6.

CLAUSE 7

THAT, the Bill be amended by deleting Clause 7.

CLAUSE 8

THAT, the Bill be amended by deleting Clause 8.

CLAUSE 11

THAT, Clause 11 of the Bill be amended in paragraph (n) by deleting the words “Intergovernmental Council” and substituting therefor the words “Cabinet and the Summit”.

CLAUSE 13

THAT, the Bill be amended by deleting Clause 13 and substituting therefor the following new Clause—

Composition of the Board.

13. (1) The management of the Authority shall vest in a Board which shall comprise—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to disaster risk management or a representative designated in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary in the Ministry for the time being responsible for matters relating to defence or a representative designated in writing;

- (e) the Principal Secretary in the Ministry for the time being responsible for matters relating to drought management or a representative designated in writing;
 - (f) the Chief Executive Officer of the Council of Governors;
 - (g) one person, who has knowledge and experience in disaster risk management, nominated by the Council of County Governors and appointed by the Cabinet Secretary;
 - (h) a person nominated by the Kenya Red Cross Society and appointed by the Cabinet Secretary;
 - (i) a person nominated by the Kenya Private Sector Alliance and appointed by the Cabinet Secretary; and
 - (j) the Director-General of the Authority who shall be an *ex-officio* member of the Board.
- (2) The chairperson and members of the Board, other than an *ex-officio* member, shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

CLAUSE 19

THAT, clause 19 of the Bill be amended in subclause (2) by deleting the word “co-opt” appearing immediately after the word “resolution” and substituting therefor the word “engage”.

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (2) by inserting the words “or her” immediately after the word “his”.

CLAUSE 29

THAT, clause 29 of the Bill be amended in subclause (1) by deleting the expression “the Director-General or such other person as the Board may direct” appearing immediately after the word “Secretary”.

CLAUSE 35

THAT, clause 35 of the Bill be deleted and replaced with the following new clause—

Establishment of County
Disaster Risk Management
Committees.

35. (1) There is established a County Disaster Risk Management Committee in each county.

(2) The members of the County Committee shall comprise—

- (a) the Governor who shall be the chairperson;
- (b) the county commissioner who shall be the co-chairperson;
- (c) the county executive committee member responsible for matters relating to disaster risk management who shall be the secretary;
- (d) the County Police Commander;
- (e) two persons, a man and a woman, with knowledge and experience in disaster risk management appointed by the Governor;
- (f) a person nominated by the Kenya Red Cross Society and appointed by the Governor;
- (g) a person nominated by the Kenya Chamber of Commerce appointed by the Governor;
- (h) a person nominated by the civil society organization with expertise in disaster risk management in the county appointed by the Governor.

(3) In appointing members under subsection (2) (e), (f), (g) and (h), the Governor shall observe the principle of gender equality, and representation of the youth, persons with disabilities and the marginalized communities.

(4) The members of a County Committee shall elect one of the members appointed under subsection (2) (e), (f), (g) and (h) to be the vice-chairperson.

(5) A member of the County Committee appointed under subsection (2) (e), (f), (g) and (h) shall serve for a term of three years and shall be eligible for re-appointment for one further term.

(6) The members of the County Committee shall serve on a part-time basis and shall be paid such allowance as may be advised by the Salaries and Remuneration Commission.

(7) The County Committee may engage an expert into its membership for effective discharge of its functions.

(8) The County Committee shall regulate its own procedure in the conduct of its business and affairs.

CLAUSE 47

THAT, Clause 47 of the Bill be amended in subclause (2) (a) by deleting the word “changes” appearing immediately after the word “other” and substituting therefor the word “charges”.

CLAUSE 57

THAT, Clause 57 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A public officer currently serving in the National Disaster Operations Centre and National Disaster Management Unit shall be seconded to the Authority for a period not exceeding three years.”

CLAUSE 58

THAT, clause 58 be amended in subclause (1) by deleting the word “Risk” appearing immediately before the words “Management Unit”.

2) Notice is given that the Member for Suba North (Hon. Millie Odhiambo-Mabona) intends to move the following amendments to the National Disaster Risk Management Bill, 2023 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) in the definition of the word “disaster,” by deleting the word “localized” appearing before the word “natural”
- (b) by deleting the definition “disaster risk management” and substituting therefor the following new definition—

“disaster risk management” means a continuous and integrated multisectoral, multi-disciplinary process of developing, planning and implementing of policies, strategies and measures aimed at -

- (a) having in place a permanent structure of disaster risk management at the county and national level;
- (b) identifying and mapping disaster prone or vulnerable areas, situations or people;
- (c) issuing early-warning of eminent disaster;
- (d) relocating populations in case of eminent disasters;
- (e) preventing or reducing the risk of disasters;
- (f) mitigating the severity or consequences of disasters;
- (g) protecting the most vulnerable populations in disasters including women, children, persons with disabilities and the elderly;
- (h) emergency preparedness;
- (i) a rapid and effective response to disasters;
- (j) post-disaster recovery, restoration and rehabilitation; and
- (k) using technology to better manage disasters.

(c) in the definition of the words “emergency preparedness” –

- (i) by deleting the word “a state of readiness” appearing in paragraph (a) and substituting therefor the words “measures in place”
- (ii) by inserting the following new paragraphs immediately after paragraph (b)—
 - (c) having in place a policy at the national and county level on disaster response;
 - (d) having in place a structure at the county and national government level that enables quick response in cases of disaster;
 - (e) having in place a monitoring system at the national and county level on disaster risk;
 - (f) having in place an early-warning system at the national and county level on disaster risk;
 - (g) having in place a continuous public education and awareness of the public on disaster risk response including emergency numbers and centres;
 - (h) having in place facilities and equipment for effective and quick response to disasters including fire tracks, land, water and air ambulatory services; and
 - (i) establishing a centers for emergency convergence during disasters.

CLAUSE 4

THAT, clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (f)

(fa) protecting vulnerable groups including women, children, persons with disabilities and older persons of the society.”

CLAUSE 8

THAT, clause 8 of the Bill be amended in sub clause (3)(c)(ii), by inserting the words “on individuals desegregated by gender, age and disability” immediately after the word “disaster”

CLAUSE 13

THAT, clause 13 of the Bill be amended by inserting the following paragraph immediately after paragraph (h)—

“(ha) the Principal Secretary in the Ministry for the time being responsible for matters relating to issues gender”

CLAUSE 14

THAT, clause 14 of the Bill be amended in subclause (2) by inserting the following new paragraph immediately after paragraph (f)—

(g) is serving as a member of another Board”

CLAUSE 15

THAT, clause 15 of the Bill be amended in paragraph (d) by deleting the words “permission of the Board” and substituting therefor the words “justifiable cause”

CLAUSE 16

THAT, clause 16 of the Bill be amended in paragraph (c) by—

- (a) deleting the words “is” appearing before the word “absent” and substituting therefor the words “being”
- (b) deleting the words “permission of the Board” and substituting therefor the words “justifiable cause”

CLAUSE 24

THAT, clause 24 of the Bill be amended in subclause (1) by deleting the words “or otherwise in writing from time to time”

CLAUSE 28

THAT, clause 28 of the Bill be amended by inserting the following new sub clause immediately after in subclause (2)—

“(3) In appointing staff under sub-clause (1), due regard to ethnic, gender representation, representation of young persons and persons with disabilities shall be taken into account”

CLAUSE 35

THAT, clause 35 of the Bill be amended—

(a) in subclause (1)(a), by deleting the words “or a representative appointed in writing by the Governor”

(b) by inserting the following new sub clause immediately after sub clause (7)—

“The members of the County Committee shall ensure that the member elected under sub-clause (3) shall be of a different gender from the Chairperson.”

CLAUSE 38

THAT, clause 38 of the Bill be amended in paragraph (b) by deleting the words “the permission of the Chairperson” and substituting the words “justifiable cause”

CLAUSE 40

THAT, clause 40 of the Bill be amended in sub clause (3)(h)(i), by inserting the word “on” before the word “legislative”

CLAUSE 43

THAT, clause 43 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c)—

“(ca) establishment of designated public convergence zones in case of emergencies”

CLAUSE 56

THAT, clause 56 of the Bill be amended in sub clause (2) by inserting the following new paragraph immediately after paragraph (b)—

“(ba) establishment of designated public convergence zones in case of emergencies’

SCHEDULE

THAT, the Schedule to the Bill be amended in paragraph 1(2) by –

- (a) deleting the words “may, and” immediately after the word Chairperson and substituting therefor the word “shall”
- (b) deleting the word “shall” appearing before the words “convene a special meeting of the Board”
- (c) deleting sub paragraph (5) and substituting therefor the following new paragraph –

“The Chairperson shall preside at every meeting of the Board at which he is present, but in his absence, the vice chairperson shall preside and in the absence of the vice chairperson, members present shall elect one of their members to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.”

- (i) inserting the following new subparagraph immediately after subparagraph (5)

“(5A) At the first meeting of the Board, the members shall elect a vice-chair who shall not be of the same gender with the chairperson”

LIMITATION OF DEBATE

The House resolved on Wednesday, February 14, 2024 as follows—

Limitation of Debate on Motions

- III. THAT**, each speech in a debate on any **Motion, including a Special motion** shall be limited as follows: A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; 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.

Limitation of Debate on Other Committee Reports

- IV. 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 of Debate on the Senate Amendments to Bills Originating in the National Assembly

- V. THAT**, each speech in the general debate contemplated under Standing Order 146 (**Consideration of Senate amendments to Bills originating in the National Assembly**) shall be limited as follows:- a maximum of one hour and thirty minutes, with not more than fifteen minutes (15) for the Mover in moving, fifteen minutes (15) for the Chairperson of the relevant Departmental Committee, and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party (if the Bill is not party-sponsored), and that five (5) 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, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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