



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (THIRD SESSION)
THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, APRIL 24, 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*. **THE NATIONAL LAND COMMISSION (AMENDMENT) BILL**
(NATIONAL ASSEMBLY BILL NO. 43 OF 2023)

(The Hon. Owen Baya, M.P.)

Second Reading

(Question to be put)

9*. **THE INDEPENDENT ELECTORAL AND BOUNDARIES**
COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL
NO. 10 OF 2024)

(The Leader of the Majority Party and the Leader of the Minority Party)

Second Reading

(Resumption of debate interrupted on Tuesday, April 23, 2024)

10*. **MOTION – RATIFICATION OF THE KENYA-EUROPEAN UNION**
ECONOMIC PARTNERSHIP AGREEMENT

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

THAT, this House **adopts** the Report of the Departmental Committee on Trade, Industry and Cooperatives on its consideration of the Economic Partnership Agreement between the European Union and the Republic of Kenya, *laid on the Table of the House on Tuesday, 23rd April 2024*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the Ratification of the *Economic Partnership Agreement between the European Union and the Republic of Kenya*.

11*. MOTION – CONSIDERATION OF SENATE AMENDMENTS TO THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2023)

(The Leader of the Majority Party)

THAT, the **Senate amendments** to the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) be now considered.

(Schedule of Senate’s Amendments is published in the Notices)

12*. COMMITTEE OF THE WHOLE HOUSE

Consideration of **Senate amendments** to the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023)

(The Leader of the Majority Party)

(Subject to Order No. 11)

13*. MOTION– RATIFICATION OF THE AFRICAN UNION CONVENTION ON CROSS-BORDER COOPERATION

(The Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

THAT, this House **adopts** the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its Consideration of the African Union Convention on Cross Border Cooperation, *laid on the Table of the House on Thursday, 14th March 2024*, and pursuant to the provisions of section 8 (4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the African Union Convention on Cross-Border Cooperation (Niamey Convention)*.

14*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2023)

(The Leader of the Majority Party)

Second Reading

15*. THE LAND LAWS (AMENDMENT) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 76 OF 2023)

(The Leader of the Majority Party)

Second Reading

16*. MOTION– REPORTS OF THE AUDITOR-GENERAL ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR NINE CONSTITUENCIES IN BUNGOMA COUNTY

(The Chairperson, Decentralized Funds Accounts Committee)

THAT, this House **adopts** the Report of the Decentralized Funds Accounts Committee on its consideration of the Reports of the Auditor-General on the Financial Statements for the National Government Constituencies Development Fund for nine Constituencies in Bungoma County for Financial Years 2013/2014, 2014/2015 and 2015/2016, *laid on the Table of the House on Thursday, 7th March 2024.*

17*. MOTION – PUBLIC PETITION ON FUNDS SPENT CONTRARY TO THE PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

(The Chairperson, Public Petitions Committee)

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

18*. MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF SPECIFIED STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

THAT, this House **adopts** the Second Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Reports of the Auditor-General on the Financial Statements of the Kenya Medical Training College for Financial Years 2017/2018 to 2020/2021; the Kenyatta University Teaching Referral and Research Hospital for Financial Years 2019/2020; the Kenya Medical Research Institute for Financial Years 2012/2013 and 2013/2014; the Kenya Medical Laboratory Technicians and Technologists Board for Financial Years 2014/2015 to 2020/2021; and the Kenya Medical Practitioners and Dentists Council for Financial Years 2017/2018 to 2020/2021, *laid on the Table of the House on Thursday, 22nd February 2024.*

19*. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

THAT, this House **adopts** the Report of the Select Committee on Parliamentary Broadcasting and Library on Enhancing Reporting of Parliamentary Business on Online Platforms, *laid on the Table of the House on Wednesday, 4th October 2023.*

20*. MOTION – INSPECTION VISIT TO SEMI-AUTONOMOUS INSTITUTIONS OF THE EAST AFRICAN COMMUNITY IN UGANDA

(The Chairperson, Committee on Regional Integration)

THAT, this House **adopts** the Report of the Committee on Regional Integration on its consideration of the Inspection Visit to the Semi-autonomous Institutions of the East African Community in Uganda, *laid on the Table of the House on Wednesday, 29th November 2023.*

21*. MOTION – IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

(The Chairperson, Committee on Implementation)

THAT, this House **adopts** the Report of the Select Committee on Implementation on its consideration of the First Report on Implementation Status of Reports on Petitions and Resolutions passed by the House, *laid on the Table of the House on Thursday, 26th October 2023.*

22*. MOTION – ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

THAT, this House **adopts** the Report of the Departmental Committee on Trade, Industry and Cooperatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, *laid on the Table of the House on Thursday, 7th March 2024.*

Denotes Orders of the Day

NOTICES

I. SENATE AMENDMENTS TO THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2023)

It is notified that the Senate made the following amendments to the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023) —

CLAUSE 2

Senate Amendment

THAT clause 2 of the Bill be amended—

- a) by deleting paragraph (a) and inserting the following new paragraph—
 - (a) by inserting the following new definitions in the proper alphabetical sequence-
 - “bulk water service provider” means a water service provider, contracting authority, or any other person providing bulk water services in accordance with a license issued by the Regulatory Board for the service areas specified in the license;
 - “contracting authority” means-
 - (a) at the national government level, a state department, agency or state corporation which intends to have its functions undertaken by a private party; or
 - (b) at the county level, the county government, county agency or county corporation which intends to have its functions undertaken by a private party;
 - “joint committee” means a committee established by the national or county government consisting of the national government and a county government or two or more county governments;
 - “private party” means a party that enters into a project agreement with a contracting authority and is responsible for undertaking a project on behalf of the contracting authority under this Act;
 - b) in paragraph (b) by deleting the proposed definition of “bulk water” and inserting therefor the following new definition—
 - “bulk water” means supply of water in bulk by a bulk water services provider to a water services provider for retail;
 - c) by deleting paragraph (c).

(The Committee recommends rejection of the Senate amendment)

CLAUSE 3**Senate Amendment**

THAT, Clause 3 of the Bill be amended —

- (a) in the proposed new paragraph (g) by inserting the words “subject to the economic efficiency criteria set by the Regulatory Board” at the end of the paragraph; and
- (b) in the proposed new paragraph (h) by inserting the words “subject to the economic efficiency criteria set by the Regulatory Board” at the end of the paragraph.

(The Committee recommends rejection of the Senate amendment)

CLAUSE 4**Senate Amendment**

THAT the Bill be amended by deleting Clause 4 and inserting the following new Clause 4 —

4. Section 68 of the principal Act is amended by inserting the following new paragraphs immediately after paragraph (b)—

(ba) operate water works and provide bulk water services by entering into a bulk water purchase agreement —

- (i) with an investor in accordance with the provisions of the Public Private Partnerships Act, Cap 430, subject to the economic efficiency criteria set by the Regulatory Board and after conducting public participation and consulting the relevant county government whose area of jurisdiction the water works is located; or
- (ii) with a water services provider subject to the economic efficiency criteria set by the Regulatory Board.

(bb) operate water works and provide bulk water services as a bulk water services provider until such a time as the water works development agency transfers responsibility for the operation and management of water works to a county government or water services provider in whose area of jurisdiction the water works is located.

(The Committee recommends rejection of the Senate amendment)

CLAUSE 5**Senate Amendment**

THAT the Bill be amended in the proposed section 68A (2) by deleting the words “and with the approval of the Cabinet Secretary,” appearing immediately after the words “necessary thereafter”.

(The Committee recommends rejection of the Senate amendment)

CLAUSE 6**Senate Amendment**

THAT, Clause 6 of the Bill be amended—

- (a) in paragraph (a), by deleting the new proposed subsection (1) and inserting the following new proposed subsection (1)—
 - (1) As soon as possible, following the commissioning of waterworks, the water works development agency shall enter into an agreement with a county government, a joint committee, cross-county water services provider, or water services provider to provide water services within whose area of jurisdiction the services are located.
- (b) by deleting paragraph (b) and inserting the following new paragraph—
 - (b) in subsection (2) by deleting the word “authority” appearing after the words “the joint committee” and inserting therefor the words “cross-county water service providers”.
- (c) by deleting paragraph (c) and inserting therefor the following new paragraph —
 - (c) in subsection (3) by deleting the words “the authority” appearing immediately after the words “the joint committee” and inserting the words “cross-county water service providers”.

(The Committee recommends rejection of the Senate amendment)

CLAUSE 7**Senate Amendment**

THAT, Clause 7 of the Bill be amended—

- (a) by deleting paragraph (a) and inserting the following new paragraph —
 - (a) by inserting the following new paragraphs immediately after paragraph (b)—
 - (ba) evaluate and recommend bulk water tariffs and approve the imposition of such tariffs in line with consumer protection

standards for use of water for domestic and commercial purposes;

(bb) evaluate and recommend tariffs for irrigation purposes;

(b) in paragraph (b) by deleting the proposed new paragraph (c) and inserting the following new paragraph—

(c) issue licenses, set conditions for water service provision, and accredit water service providers and bulk water services providers.

(The Committee recommends rejection of the Senate amendment)

CLAUSE 9

Senate Amendment

THAT clause 9 of the Bill be amended in paragraph (b) in the proposed new subsection (3), by deleting the words “provision of water services” appearing immediately after the words “infrastructure used for the” and inserting therefor the words “contracted function”.

(The Committee recommends approval of the Senate amendment)

CLAUSE 10

Senate Amendment

THAT clause 10 of the Bill be amended by deleting the proposed subsection (4) and inserting therefor the following new subsection —

(4) Despite any provision in this Act, bulk water supply services which are primarily intended to supply water in bulk to a water services provider in a county or counties other than the county in which the bulk water abstraction works are located, shall be undertaken by bulk water services providers licensed under this section.

(The Committee recommends approval of the Senate amendment)

CLAUSE 11

Senate Amendment

THAT, the Bill be amended by deleting Clause 11.

(The Committee recommends rejection of the Senate amendment)

CLAUSE 12

Senate Amendment

THAT, Clause 12 of the Bill be amended in the proposed new section 119 (2) by inserting the following new paragraph immediately after paragraph (c):

- (d) two persons, a man and a woman, who possess a degree from a university recognized in Kenya and at least five years' experience in a relevant field, nominated by the Council of County Governors.

(The Committee recommends rejection of the Senate amendment)



LIMITATION OF DEBATE

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

Limitation of Debate on the Senate Amendments to Bills Originating in the National Assembly

- II.** **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.

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** shall 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 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.

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 Audit Committee Reports

- V.** **THAT**, each speech in debate on **Reports of Audit Committees** be limited as follows: A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, 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 (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
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NOTICE PAPER

Tentative business for

Thursday, April 25, 2024

(Published pursuant to Standing Order 38(1))

It is notified that the following business is tentatively scheduled to appear in the Order Paper for Thursday, April 25, 2024 –

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The County Licensing (Uniform Procedure) Bill (Senate Bill No. 9 of 2022)
(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)
- (ii) The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)
(The Leader of the Majority Party and the Leader of the Minority Party)
- (iii) The National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023)
(The Hon. Owen Baya, M.P.)

B. MOTION – RATIFICATION OF THE KENYA-EUROPEAN UNION ECONOMIC PARTNERSHIP AGREEMENT

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

C. MOTION– RATIFICATION OF THE AFRICAN UNION CONVENTION ON CROSS-BORDER COOPERATION

(The Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

D. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

E. THE LAND LAWS (AMENDMENT) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 76 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

F. MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR NINE CONSTITUENCIES IN BUNGOMA COUNTY

(The Chairperson, Decentralized Funds Accounts Committee)

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

G. MOTION – PUBLIC PETITION ON FUNDS SPENT CONTRARY TO THE PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

(The Chairperson, Public Petitions Committee)

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

H. MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF SPECIFIED STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

I. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

(If not concluded on Wednesday, April 17, 2024 - Afternoon Sitting)

J. MOTION – INSPECTION VISIT TO SEMI-AUTONOMOUS INSTITUTIONS OF THE EAST AFRICAN COMMUNITY IN UGANDA

(The Chairperson, Committee on Regional Integration)

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

K. MOTION – IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

(The Chairperson, Committee on Implementation)

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

L. MOTION – ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

(If not concluded on Wednesday, April 24, 2024 - Afternoon Sitting)

M. MOTION – INQUIRY INTO THE MAIZE FLOUR SUBSIDY PROGRAMME FOR THE FINANCIAL YEAR 2022/2023

(The Chairperson, Departmental Committee Agriculture and Livestock)
