



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, OCTOBER 16, 2024 AT 9.30 A.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 – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)
(The Leader of the Majority Party)

THAT, this House resolves to exempt the business appearing as **Order No's 9, 10, 11 and 12** in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a committee.

- 9*. MOTION – CONSIDERATION OF SENATE AMENDMENTS TO THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2024)
(The Chairperson, Budget and Appropriations Committee)

THAT, the **Senate amendments** to the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024) be now considered.

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

(Question to be put)

10*. MOTION – ALTERATION OF THE CALENDAR AND RESOLUTION TO SIT ON A SPECIFIED FRIDAY
(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Orders 28(4) (*Calendar of the House*) and 30(3)(c) (*Hours of Meeting*), this House resolves to **commence the short recess on Tuesday, 22nd October 2024** and **hold Sittings on Friday, 18th October 2024**, commencing at 9.30 a.m. for the morning sitting and 2.30 p.m. for the afternoon sitting, for purposes of considering priority business, including mediated Bills.

11*. MOTION – CONSIDERATION OF MEDIATED VERSION OF THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2023)
(The Leader of the Majority Party)

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House **adopts** the Report of the Mediation Committee on the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023), *laid on the Table of the House on Tuesday, 15th October 2024*, and **approves** the Mediated version of the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023).

12*. MOTION– INQUIRY INTO IRREGULAR AND ILLEGAL GRANT OF TAX EXEMPTIONS TO A COMPANY UNDER THE SPECIAL OPERATING FRAMEWORK AGREEMENT
(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on the inquiry into irregular and illegal grant of tax exemptions to a company under the Special Operating Framework Agreement, *laid on the Table of the House on Thursday, 26th September 2024*.

13*. THE KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2022)
(The Hon. Elisha Odhiambo, MP)

Second Reading

14*. THE COMMUNITY HEALTH WORKERS BILL (NATIONAL ASSEMBLY BILL NO. 53 OF 2022)
(The Hon. Martin Peters Owino, MP)

Second Reading

15*. THE HIGHER EDUCATIONS LOANS BOARD (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 58 OF 2022)
(The Hon. Joyce Kamene, MP)

Second Reading

16*. MOTION: 006/2024 – COMPREHENSIVE REFORM OF EDUCATION BURSARY SCHEMES TO ENSURE FREE BASIC EDUCATION IN KENYA

(The Hon. Esther Passaris, M.P.)

THAT, aware that Article 43(1) as read together with the Article 53(1)(b) of the Constitution provides that every person has the right to education and enshrines the right of every child to free and compulsory basic education; further aware that Kenya Vision 2030 identifies education as a crucial component for transforming the country into a globally competitive nation; appreciating that bursaries play a vital role in supplementing funding for enhancing access to education, particularly for students from disadvantaged backgrounds and contributes to the realization of universal basic education; noting that various education bursaries exist in the country including ward-based level bursary, County Government's bursary, National Government Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF) and the Presidential Secondary School bursary (PSSB); further noting that the evolution of bursary schemes from centralized to community-based administration aimed to enhance educational access, equity and responsiveness to local needs; concerned that despite these efforts, the current bursary system faces numerous challenges including lack of standardized and transparent selection criteria, delay in disbursement of funds and insufficient coverage of education costs leading to gaps in support; further concerned that these challenges have resulted in persistent disparities in education access, increased dropout rates particularly in secondary schools due to financial constraints and strain on household incomes as families struggle to meet educational expenses not covered by bursaries; acknowledging that the implementation of community-based bursary scheme has not fully achieved its intended objective hence the need to re-evaluate the current bursary systems with a view to ensure equitable and free access to quality education for all students; cognizant that the duty of the government to provide free basic education can best be achieved by consolidating education funds and directly remitting to public schools; now therefore, this House **urges** that the government, through the Ministry of Education, in collaboration with the relevant stakeholders, undertakes a comprehensive overhaul of the education bursary system with a view to collapse all bursary schemes and allocate the funds to the State Department of Education for provision of free basic education through capitation to be directly remitted to schools.

*(Resumption of debate interrupted on Wednesday, September 25, 2024 – Morning Sitting)
(Balance of time – 58 minutes)*

17*. MOTION: 028/2023 – ESTABLISHMENT OF A SCIENCE MUSEUM
(The Hon. John Kiarie, M.P.)

THAT, aware that, Article 11(2)(b) of the Constitution provides that the government shall recognize the role of science and indigenous technologies in the development of the nation; further aware that the Vision 2030 provides for the integration of information, communication and technology in the country's

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transformative agenda; concerned that, there exists no science museum for consolidating indigenous scientific and technological innovations, training and research purposes in the East Africa Region; appreciating that, integration of science and technology would greatly enhance Kenya's economic and societal success; noting that there is potential for growth in the technology sector by establishing a science museum; further noting that, the informal science education plays a key role in the progression of Science, Technology, Engineering and Mathematics (STEM); acknowledging that science museums operate as the nexus between science practitioners, policy-makers and the public; cognizant of the fact that, a science museum in the country would greatly impact on the economy of the country in the quest to become an industrialized nation; now therefore, this House **resolves** that, the national Government through the relevant Ministries establishes and operationalizes a science museum in the country.

(Resumption of debate interrupted on Wednesday, October 2, 2024 – Morning Sitting)

(Balance of time – 1 hour 29 minutes)

18*. MOTION: 026/2023 – NATIONAL SENSITIZATION AND SUPPORT FOR COMBATING SICKLE CELL AND HAEMOPHILIA DISEASES
(The Hon. Peter Nambulindo, M.P.)

THAT, aware that Article 43(1) of the Constitution entitles every person to the right to the highest attainable standard of health, which includes the right to health care services; further aware that, every year, an estimated 14,000 children born in Kenya suffer from sickle cell and haemophilia diseases, with the highest prevalence rate being within Western, Nyanza and Coastal Regions; concerned that, failure to undertake sickle cell and haemophilia screening at birth hinders timely administration of appropriate treatment and other mitigation measures to forestall high infant mortality caused by preventable diseases like malaria; cognizant that, national population surveys does not include data on sickle cell and haemophilia diseases; concerned that, the dearth of data and information negatively hinders prioritization of resources and implementation of sickle cell disease management programs; recognizing that, the number infant deaths caused by the disease continues to grow as a result of underfunding due to lack of data on the number of cases of the killer disease; now therefore, this House **resolves** that the National Government, through the Ministry of Health, and in conjunction with county governments –

- (a) conducts awareness and sensitization programmes on sickle cell and haemophilia diseases and supports research and training for medical personnel on the two diseases; and
- (b) puts in place measures for mandatory screening of newborns sickle cell and haemophilia diseases in all public health facilities in the country in order to create a database to guide funding and other interventions aimed at curbing the diseases and reducing infant mortalities resulting from the diseases.

19*. MOTION: 033/2023 – SUPPORTING AND PROMOTING LOCAL FERTILIZER MANUFACTURING INDUSTRIES

(The Hon. Samuel Atandi, M.P.)

THAT, aware that, the Fertilizer and Animal Foodstuff Act, 2015 provides for the regulation of fertilizer importation in the country; further aware that, the Fertilizer and Animal Foodstuffs Board regulates the fertilizer and animal foodstuffs industry including the manufacture and production of fertilizers; noting that, the country currently relies heavily on imported fertilizer due to inadequate local production capacity; further noting that, the low local production leads to high costs for farmers, reducing their profits and results in an unhealthy reliance on imported fertilizer; concerned that, this scenario threatens the country's food security in case of supply disruptions and discourages local production; recognizing that local fertilizer production could lead to improved fertilizer quality, increased crop yields and a reduction in environmental harm caused by the use of substandard fertilizers; recalling that the country has the potential to produce fertilizer that could meet the country's domestic demand and also supply the regional market; further recognizing that there is need for the government to work with local producers to develop high quality fertilizer tailored to the needs of Kenyan farmers and crops; now therefore this House **resolves** that the National Government through the Ministry of Agriculture and Livestock Development, supports and promotes local fertilizer manufacturing industries by investing in research and development to bolster the domestic fertilizer manufacturing sector.

20*. MOTION: 035/2023 – GOVERNMENT-TO-GOVERNMENT (G2G) MODEL TO ACQUIRE AND SUPPLY FERTILIZERS TO FARMERS AT SUBSIDIZED COST

(The Hon. Geoffrey Ruku, M.P.)

THAT, aware that, Kenya is an agricultural-based economy with a significant portion of its population relying on farming for their livelihood; noting that, the quality and quantity of crop yields in Kenya has been hampered to a large extent by lack of adequate and quality fertilizers leading to decreased agricultural productivity and economic losses; further noting that, the government has committed to improving agricultural productivity through various initiatives including provision of subsidized fertilizers; concerned that the cost, quantity and quality of fertilizers and subsequently the cost of production of food crops and cash crops including coffee, tea and Miraa has increased due to a number of factors, among them high cost of fertilizers due to markup by private suppliers of fertilizers; further concerned that threat to food security is a threat to national security; recognizing that the Government-to-Government model has been noted to lower cost of products; further recognizing that, there are countries willing to enter into a G2G agreement; appreciating that G2G has been proven to be effective in provision of services that have a direct impact on citizens' livelihood including the cost of living such as the supply of fertilizers, particularly in countries with similar agricultural conditions as Kenya; **this House, therefore resolves that**, the government, through

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the Ministry of Agriculture and Livestock Development and its agencies adopts-

- (i) the Government-to-Government (G2G) model in the acquisition and supply of fertilizers by identifying potential partner countries that have surplus and quality fertilizers; and
- (ii) a comprehensive programme for Government-to-Government (G2G) acquisition and distribution of fertilizers through, among others, Kenya Farmers Association (KFA), Kenya Tea Development Agency (KTDA), Coffee Board of Kenya, Kenya Planters Cooperative Union (KPCU), Kenya Grain Growers Cooperative Union, Pyrethrum Board of Kenya for increased agricultural productivity.

21*. MOTION: 038/2023 – DEVELOPMENT OF MEASURES TO MITIGATE DIGITAL EXCLUSION

(The Hon. Marianne Kitany, M.P.)

THAT, aware that the Government of Kenya has prioritized digitization and automation of government processes and services as part of the Kenya Digital Master Plan (2022-2030), the blueprint for leveraging and deepening the contribution of information and communications technology (ICT) to accelerate the country's economic growth; further aware that, the Government is committed to consolidating the industrial, academic institutions and other innovators to co-invest in emerging technologies to create high-quality jobs that leverage on artificial intelligence, robotics and other technologies; cognizant of the fact that, the Government intends to increase internet broadband connectivity across the country through construction of 100,000 km of national fiber optic connectivity network; concerned that, as the country rapidly digitizes services and processes, the high costs of data, internet services as well as purchase of internet-enabled digital devices may lead to digital exclusion of a majority of Kenyans; recognizing that, there is need to bridge the existing gap in ICT to ensure inclusivity in access to internet make Kenya a regional ICT hub while keeping pace with shifting technological changes; noting that, the Government's plan for a digital superhighway may not be realized without deliberate interventions to lower data costs; now therefore, this House **resolves** that, the Government, through the Ministry of Information, Communication and the Digital Economy formulates a policy to:

- (a) regulate internet billing by Internet Service Providers (ISPs) by providing for metered billing of internet use based on consumption in order to mitigate exploitation and secure economic interests of internet users in line with Article 46 of the Constitution; and,
- (b) require Internet Service Providers to develop and deploy quality metered billing systems capable of monitoring customer usage, convert to readable details and creating invoices based on consumption and align their metrics with the value the customers get from various internet services.

22*. MOTION: 040/2023 – ESTABLISHMENT OF A NATIONAL POLICY TO COMBAT DISRESPECTFUL CHILDBIRTH PRACTICES IN KENYA
(The Hon. Gathoni Wamuchomba, M.P.)

THAT, aware that, Article 43(1)(a) of the Constitution provides for the right of every person to access the highest attainable standard of health; further aware that, poor quality of health services especially maternal care has been a recurring concern among women in the country; noting that, there is increased pre- and post-partum mistreatment and dehumanized care of women by healthcare providers, also known as *obstetric violence (OBV)*; further noting that, obstetric violence includes, but is not limited to, disrespectful and abusive behaviour, physical and verbal abuse, neglect, forced medical procedures, humiliation and assault in healthcare settings; concerned that, sustained class-based disparities shape different maternal and infant health outcomes with women of low socio-economic status experiencing greater levels of obstetric violence; further concerned that, this not only affects women's physical and mental health, but also impacts on the overall health outcomes of mothers and their newborns, significantly contributing to high maternal mortality rates; cognizant of the fact that, there exists no national policy or framework to address and prevent obstetric violence; now therefore, this House **resolves** that, the National Government, through the Ministry of Health, develops a policy on prevention of obstetric violence in healthcare facilities in the country and provides a framework for regular monitoring and reporting of cases to curb incidences of pre- and post-partum mistreatment of women seeking health services.

23*. MOTION: 039/2023 – FORMULATION OF A REGULATORY FRAMEWORK ON ARTIFICIAL INTELLIGENCE IN THE COUNTRY
(The Hon. Marianne Kitany, M.P.)

THAT, aware that the world is rapidly embracing Artificial Intelligence (AI), which is the use of a digital computer or computer-controlled robots to perform tasks commonly associated with intelligent beings; acknowledging that, the 2022 Government Artificial Intelligence Readiness Index report ranked Kenya fifth in Africa and 90th globally in readiness to adopt Artificial Intelligence (AI); further acknowledging that the Oxford Insights Survey 2022 pegged Kenya's readiness to adopt AI at 40.3%; appreciating that AI has brought forth positive benefits that have increased efficiency in different sectors such as healthcare, manufacturing and robotics; concerned that, the exponential rate at which Artificial Intelligence is being embraced in the society without proper regulatory mechanisms has caused various negative consequences such as rising cases of disinformation and fake news; noting that there is need to protect Kenyans from the potential AI-instigated harms such as privacy breaches, AI-powered fake technology algorithms, algorithmic discrimination, autonomous weapons, job displacement and economic inequality, social manipulation and misinformation, financial market manipulation, and privacy invasion; now therefore, this House **urges** the Government, through the Ministry of Information, Communication and the Digital Economy to:

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- (a) formulate a regulatory framework and ethical guidelines for implementation of Artificial Intelligence (AI) in the country to control its potential misuse; and,
- (b) develop and execute a public awareness programme on Artificial Intelligence to raise understanding of AI, foster transparency and promote responsible use of AI for the benefit of all.

24*. MOTION: 044/2023 – FORMULATION OF A LAND USE POLICY ON ZONING OF LAND FOR AGRICULTURE AND BUILT DEVELOPMENT

(The Hon. Timothy Wanyonyi, M.P.)

THAT aware that land is a critical but limited factor of production that supports human habitation and food production; noting that, agriculture is Kenya's main economic mainstay; appreciating that, that the Central Bank of Kenya (CBK) *Monetary Policy Committee Agriculture Sector Survey 2022* estimated the contribution of the agriculture sector to the country's Gross Domestic Product (GDP) to be 22% directly and 27% indirectly, through its linkages with other sectors; further appreciating that, the Survey showed that the sector employs over 40% of the Kenya's total population; concerned that, in the *Land Reform, Vol. 3* publication, the Kenya Land Alliance Land estimated that only 17% of the country's land mass is classified as suitable for rain-fed agriculture land while the remainder is either semi-arid or arid; further concerned that, the country's agricultural productivity has been decreasing over the years; cognizant of the fact that, the decline in agricultural productivity is partly attributable to the shrinking agricultural land due to unplanned settlements that encroach on agricultural lands; further concerned that, agricultural lands in rural areas are continually being subdivided into small portions for built development, thereby diminishing the size of land available for agriculture; noting that, there is need to put in place measures for effective land use in the country in order to guarantee optimal use of agriculture; now therefore, this House **resolves** that, the Government, through the Ministry of Lands, Public Works, Housing and Urban Development puts in place a policy framework for effective land use in rural areas by consolidating and designating zones for built development for commercial and residential developments with shared public utilities and separate zones for agricultural use in order to arrest further diminishing of agricultural land and steady the country's agricultural productivity.

25*. MOTION: 045/2023 – REVIEW OF THE ELIGIBILITY AGE FOR ENROLMENT OF OLDER MEMBERS OF SOCIETY TO THE INUA JAMII CASH TRANSFER PROGRAMME

(The Hon. Majimbo Kalasinga, M.P.)

THAT, aware that Article 57 of the Constitution provides that the State shall take measures to secure the rights of older persons to live in dignity and to receive reasonable care and assistance from the State; noting that to actualize the provisions of Article 57 of the Constitution, the Government rolled out the *Inua Jamii* Cash Transfer Programme in 2015 to provide regular and predictable cash transfers

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to older persons aged seventy (70) years and above and who are not in receipt of a civil service pension; appreciating the success that the programme has recorded in alleviating poverty and suffering among older members of the society since its inception; noting that the government intends to progressively net more vulnerable and under-privileged members of the society with a view to reaching 2.5 million beneficiaries in the next three (3) years; concerned that, with respect to eligibility to the programme for older members of society, the guidelines requires them to have attained the age of seventy years; noting that, Article 260 of the Constitution defines an “older member of society” as one who has attained the age of sixty (60) years; concerned that capping the eligibility for enrolment to the *Inua Jamiii Programme* at the age of seventy years is discriminatory to the older members of society and negates the spirit of the Constitution entitling support to older members of the society; **now** therefore, this House **urges** the national Government, through the Ministry of Labour and Social Protection, to revise the age requirement for eligibility of elderly members to be enrolled to the *Inua Jamiii Programme* from seventy (70) years to sixty (60) years in line with the Constitution.

26*. MOTION: 001/2024 – FORMULATION OF A REWARD SCHEME FOR ACCOMPLISHMENTS BY SPORTS PERSONS IN INTERNATIONAL COMPETITIONS

(The Hon. Charles Ngusya, M.P.)

THAT, aware that, sports play an integral role in promoting cultural heritage, national identity, national development, the well-being of the people and sustenance of livelihoods, particularly of the youth; appreciating that, *Sessional Paper No. 3 of 2005* provides a framework for sports development and operationalization in the country; further appreciating that the *Sector Plan for Sports, Culture and Arts – 2018* by the Ministry of Sports, Culture and Arts mainstreamed sports development in the Third Medium Term Plan (MTP III) for 2018-2022, under Kenya’s Vision 2030; recognizing that, the Vision 2030 aims at capitalizing on the country’s international reputation as a world-class sports powerhouse whose sportsmen and women have won international accolades and recognition, especially for their prowess in athletics; concerned that, despite bringing honour and national pride to the country, most sports men and women face a myriad of challenges such as lack of psychosocial support and social protection, hence pushing many to alarming levels of mental health challenges during their careers and even after retirement; noting that *Sessional Paper No. 3 of 2005* contemplated motivation of sportspersons by the State through cash and material prizes, conferring State Honours, appointments as goodwill ambassadors and establishing contributory insurance and savings schemes among other forms of motivation; cognizant of the fact that, the prospect of receiving State recognition, financial grants, and other perks inspires sportsmen to push their limits in attaining their full potential as well as fostering a collective sense of pride in sporting achievements; now therefore, this House **urges** that the Government, through the Ministry of Youth Affairs, Sports and Arts, develops a policy and standardized sports reward scheme for recognizing the achievements made by sports persons in internationally recognized competitions, through–

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- (i) financial rewards of Kshs. 6 million for setting new world records; Kshs. 4 million for Gold medalists; Kshs. 3 million for Silver medalists and Kshs. 2 million for Bronze medalists;
- (ii) non-financial motivation, including facilitation with issuance of diplomatic passports for established sportsmen and women, appointment as goodwill ambassadors and conferring national honours and privileges; and,
- (iii) establishing medical cover and a post-retirement social protection scheme, including establishing contributory insurance and savings schemes to support sports persons who retire from active sporting due to injuries or age.

27*. MOTION: 002/2024 – EXPANSION OF MAJOR ROADS IN THE COUNTRY TO DUAL CARRIAGEWAYS
(The Hon. Faith Gitau, M.P.)

THAT, aware that the Kenya Roads Act, 2007 provides for the establishment of road authorities responsible for, among other functions, the management and development of roads under their respective purview and for developing and providing adequate transport infrastructure that guarantees safe and efficient movement of people, goods and services across the country and beyond; further aware that the First Schedule of the Kenya Roads Act provides for the classification of national trunk roads into Classes A, B and Class C; recognizing that the Fourth Schedule to the Constitution assigns to the national government the function of the construction and operation of national trunk roads; noting that a significant portion of highways in the national trunk road network are currently single carriageways; concerned that single carriageway roads pose multifaceted challenges including traffic congestion during peak periods which limits movement of people, goods and services across regions and increases vulnerability to road accidents; further concerned that the lack of footbridges and safe pedestrian crossing areas on these high-traffic roads has been a leading contributor to the surge in road accidents in the recent past; cognizant of the duty of the government to provide a reliable transport system for efficient traffic management, economic development and bolstering interconnectivity among all regions in the country and beyond; now therefore, this House **resolves** that the government, through the Ministry of Roads and Transport, undertakes an expansion programme of national trunk roads with a view of upgrading all classes A, B and C roads in the country from two-way lanes to dual carriageway (one-way roads) with the necessary infrastructure that include footbridges, safe crossing zones at regular intervals, proper drainage systems, and other requisite infrastructure for their optimal operation.

28*. HOJA: 003/2024 –UUNDAJI WA SERA ZA KUSHUGHULIKIA
MATUKIO YA UBAGUZI DHIDI YA
WANAFUNZI WA DINI MBALIMBALI
KATIKA TAASISI ZA ELIMU NCHINI

(Mhe. Mohamed Ali, M.P.)

KWAMBA, tukifahamu kuwa, Ibara ya 27(5) ya Katiba inaeleza kwamba hakutakuwepo na ubaguzi wa moja kwa moja au kwa njia isiyokuwa ya moja kwa moja dhidi ya mtu yeyote kwa msingi wowote, ikiwemo misingi ya dini; tukitambua kwamba taasisi za elimu za kidini kote nchini zinatekeleza wajibu muhimu katika utoaji wa elimu kwa wanafunzi wa imani mbalimbali za kidini; tukiwa na shauku kuwa kumekuwepo na ripoti za wanafunzi wa dini tofauti katika taasisi fulani za kielimu za kidini kukabiliwa na desturi za ubaguzi wa kidini, ikiwemo kushurutishwa kuhudhuria ibada zisizolingana na dini zao; tukiwa na shauku zaidi kwamba pia kumekuwepo na matukio ya wanafunzi Waislamu kukatazwa kuvaa kulingana na mahitaji ya imani zao za kidini ambako kunawaathiri wanafunzi hawa kwa njia hasi, ikiwemo kukwazika katika kaida zao za kiimani, kuathirika kwa utendaji masomoni na mfadhaiko wakisaikolojia; tukitambua kuwa ni muhimu kuunda mazingira jumuishi ya elimu na yenye heshima ambapo wanafunzi wote wanaweza kufanikiwa bila hofu ya chuki; pia tukitambua kwamba shule haziruhusiwi kuunda au kutekeleza kanuni zinazokiuka uhuru wa kuabudu, kama ilivyobainishwa katika Katiba; tukitambua ukweli kwamba hakuna sera ya kitaifa au mfumo wa kushughulikia na kuzia ubaguzi wa dini dhidi ya wanafunzi wa dini mbali mbali katika taasisi za kielimu za Kidini; hivyo basi sasa, Bunge hili **linaamua** kwamba Serikali ya Kitaifa, kupitia kwa Wizara ya Elimu, iunde sera ambayo itaharamisha kwa njia bayana ubaguzi kwa msingi wa dini na kuhakikisha heshima kwa uanuwai wa dini kwa shule zote nchini na kutoa mfumo wa kufanya ukaguzi wa mara kwa mara na kuripoti matukio ili kushughulikia hali za ubaguzi na kuhakikisha ulinzi wa haki za wanafunzi.

29*. MOTION: 005/2024 –INTRODUCTION OF MANDATORY
COMMUNITY SERVICE TO ALL LEARNERS
UPON COMPLETION OF SECONDARY
SCHOOL EDUCATION

(The Hon. Amos Mwago, M.P.)

THAT, aware that there are minimum requirements for enrolment of students to tertiary education in the country; further aware that not all students qualify for university or Technical and Vocational Education Training (TVET) institutions due to lack of minimum grades for direct enrolment or financial constraints; acknowledging that there is need to provide technical skills to students who do not progress to university to reduce the ever-increasing unemployment rate among the youth; cognizant of the fact that the lack of advanced education has led to a high rate of unemployment among the youth; appreciating that mandatory community service for all students upon completion of secondary school education would equip them with technical and life skills for the marketplace; further noting that the community service training will encourage learners to develop an

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understanding of civic responsibility to support and strengthen communities; this House therefore **resolves** that the government through the Ministry of Education introduces mandatory community service to all learners upon completion of secondary school education.

30*. THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (SENATE BILL NO. 37 OF 2023)

(The Hon. Jack Wamboka, M.P. – *Co-Sponsor*)

Second Reading

Denotes Orders of the Day

NOTICES

I. SENATE AMENDMENTS TO THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2024)

It is notified that the Senate made the following amendments to Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024) —

CLAUSE 2

Senate Amendment

THAT, Clause 2 be amended by deleting the clause and substituting therefor the following new clause—

- Object. 2. The object of this Act is to amend the Division of Revenue Act (hereinafter referred to as the “principal Act”) to provide for the downward revision of projected ordinary revenue.

CLAUSE 3

Senate Amendment

THAT, Clause 3 be deleted.

CLAUSE 4

Senate Amendment

THAT, Clause 4 amended by deleting the proposed new schedule and substituting therefor the following 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 FY 2020/21 audited and approved Revenue i.e. KSh. 1,570,562,945,014
A. Total Sharable Revenue	2,631,418,000,000	
B. National Government	2,223,301,211,853	
C. Equalization Fund	8,000,000,000	
<i>Of which: a). 0.5 Per Centum</i>	<i>7,852,814,725</i>	0.50%
<i>b). Arrears</i>	<i>147,185,275</i>	
D. County equitable share	400,116,788,147	25.48%

II. MEDIATED VERSION OF THE WATER (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2024)

THE WATER (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Water Act, 2016 to provide for Public Private Partnerships arrangements and for connected purposes

ENACTED by the Parliament of Kenya as follows—

1. This Act may be cited as the Water (Amendment) Act, 2023. Short title.

2. Section 2 of the Water Act, 2016, (hereinafter referred to as “the principal Act”), is amended— Amendment of section 2 of No. 43 of 2016.

(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;

“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) by deleting the definition of “bulk water” and substituting 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;

3. Section 32 of the principal Act is amended in subsection (1) by inserting the following new paragraphs immediately after paragraph (f)—

Amendment of section 32 of No. 43 of 2016.

No.14 of 2021.

(g) enter into a bulk water purchase agreement with an investor in accordance with the provisions of the Public Private Partnerships Act and in consultation with the Regulatory Board;

(h) enter into a bulk water purchase agreement with a water works development agency and in consultation with the Regulatory Board.

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

Amendment of section 68 of No. 43 of 2016.

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

No.14 of 2021.

(i) with an investor in accordance with the provisions of the Public Private Partnerships Act, after conducting public participation and in consultation with the Regulatory Board and the relevant county government whose area of jurisdiction the water works is located ; or

(ii) with a water services provider in consultation with 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:

Provided that a national public water works shall not be transferable to a county government;

5. The principal Act is amended by inserting the following new section immediately after section 68—

Insertion of a new section 68A in No.43 of 2016.

Licensing of water works development agencies.

68A. (1) Each water works development agency shall be licensed by the Regulatory Board with respect to the functions under section 68 (ba) of this Act.

(2) The Regulatory Board shall, upon commencement of this Act and as may be necessary thereafter, publish in the Gazette and on its website the standards and conditions for licensing of water works development agencies under this section

6. Section 69 of the principal Act is amended—

Amendment of section 69 of No.43 of 2016.

(a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) As soon as possible, following the commissioning of waterworks other than national public water works, the waterworks development agency shall enter into an agreement with the county government, water services provider or cross-county water services provider within whose area of jurisdiction the water works is located to provide water services.

(b) in subsection (2), by deleting the words ",the joint committee, authority or water services provider" and substituting therefor the words “ water services provider or cross-county water service providers”;

(c) in subsection (3), by deleting the words "the joint committee, the authority" or water services provider" and substituting therefor the words “ water services provider or cross-county water service providers”.

7. Section 72 of the principal Act is amended in sub section (1)—

Amendment of section 72 of No. 43 of 2016.

(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 and approve the imposition of such tariffs in line with consumer protection standards for irrigation purposes;

(b) by deleting paragraph (c) and substituting therefor the following new paragraph—

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

8. Section 75 of the principal Act is amended in subsection (1)— Amendment of section 75 of No. 43 of 2016.

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

(a) their names, telephone numbers, electronic mail and postal addresses;

(b) in paragraph (c) by deleting the word “accredited” and substituting therefor the word “licensed”.

9. Section 93 of the principal Act is amended by— Amendment of section 93 of No. 43 of 2016.

(a) deleting subsection (1) and substituting therefor the following new subsection—

(1) A contracting authority may enter into a public private partnership or public partnerships for the exercise and performance by another person as a licensee, of some or all of its functions with respect to a part or the whole of its area of water service provision.

(b) deleting subsection (3) and substituting therefor the following new subsection—

(3) Where the person entering into an agreement with the contracting authority owns or possesses assets or infrastructure used for the contracted function, the agreement shall set out the terms and conditions under which the assets may continue to be used.

(c) inserting the following new subsections immediately after subsection (3)—

(3A) Where a person entering into an agreement with the contracting authority fails to complete the project, the contracting authority shall take up the remaining works and complete the project.

(3B) Where a party to an agreement and the contracting authority jointly or concurrently participate in undertaking the project works, the party and the contracting authority shall undertake mutual co-ordination, integration and consultation in the implementation of the whole project.

(3C) Subject to subsection (3B) each party to an agreement shall select identifiable components of the project and set out specific financial and non-financial responsibilities attached to each party on each of the components of the project.

10. Section 100 of the principal Act is amended by inserting the following new subsections immediately after subsection (3)—

Amendment of section 100 of No. 43 of 2016.

(4) Despite any provisions 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 service providers licensed under this section.

(5) The Cabinet Secretary may make regulations prescribing the manner in which an application for a licence for bulk water supply shall be made.

11. The principal Act is amended by deleting section 119 and substituting therefor the following new section—

Repeal and replacement of section 119 of No.43 of 2016.

Establishment of the Water Tribunal. **119.** (1) There is established a Water Tribunal.

(2) The Water Tribunal shall consist of the following members appointed by the Judicial Service Commission—

(a) a Chairperson who shall be an advocate of the High Court of Kenya with not less than ten years' post qualification experience;

(b) two persons one of whom shall be a registered civil engineer and the other a registered water engineer, with at least ten years' experience; and

(c) two persons who possess a degree from university recognized in Kenya and at least five years' experience in a relevant field.

(3) The Chairperson and members of the Water Tribunal shall be appointed for a term of three years and shall be eligible for reappointment for one further term of three years.

(4) The Chairperson and members of the Water Tribunal shall be paid such remuneration and allowances as the Judicial Service Commission may, in consultation with the Salaries and Remuneration Commission, determine.



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 Individual Members' Bills

- IV.** **THAT**, each speech in a debate on **Bills NOT 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 three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of 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; 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 Bills sponsored by Parties or Committees

- V.** **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.

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), October 16, 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 Wednesday (Afternoon), October 16, 2024 –

A. MOTION – CONSIDERATION OF SENATE AMENDMENTS TO THE FOOD AND FEED SAFETY CONTROL CO-ORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)

(The Leader of the Majority Party)

(Question to be put)

B. COMMITTEE OF THE WHOLE HOUSE

- (i) Consideration of Senate amendments to the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024)
(The Chairperson, Budget and Appropriations Committee)

(Subject to approval of Order No. 9 on Wednesday, October 16, 2024 – Morning Sitting)

- (ii) Consideration of Senate amendments to the Food and Feed Safety Control Co-ordination Bill (National Assembly Bill No. 21 of 2023)
(The Leader of the Majority Party)

(Subject to Order No. A)

- (iii) The Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022)
(The Hon. Robert Pukose, M.P.)

(To resume from Clause 55)

C. THE KENYA NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2023)

(The Chairperson, Departmental Committee on Sports and Culture)

Second Reading

(Resumption of debate interrupted on Wednesday, October 9, 2024 – Afternoon Sitting)

D. MOTION – FIRST REPORT ON THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS ON COMMITTEE REPORTS AND PUBLIC PETITIONS

(The Chairperson, Committee on Implementation)

(Resumption of debate interrupted on Thursday, September 19, 2024)

(Balance of time – 2 hours 12 minutes)

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

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

F. MOTION – SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

(The Chairperson, Committee on National Cohesion and Equal Opportunity)

G. MOTION – REPORT OF THE EXTRAORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

(Member of the Pan-African Parliament)

H. THE EQUALISATION FUND (ADMINISTRATION) BILL (SENATE BILL NO. 14 OF 2023)

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

Second Reading

I. MOTION – CONSIDERATION OF REPORTS ON FINANCIAL STATEMENTS OF STATE CORPORATIONS (NYANZA REGION)

(The Chairperson, Public Investments Committee on Governance and Education)

J. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

Second Reading

K. MOTION – THIRD REPORT ON CONSIDERATION OF THE AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS

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

L. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2022)

(The Chairperson, Procedure and House Rules Committee)

Second Reading

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.7 - QUESTIONS

(Questions to Constitutional Commissions and Independent Offices pursuant to Standing Order 42G)

It is notified that, pursuant to the provisions of Standing Order 42G, the following Member will ask a **Question** to a Constitutional Commission for reply before the specified Committee—

QUE. NO.

ORDINARY QUESTION

134/2024

The Member for Nyandarua County (Hon. Faith Gitau, MP) to ask the National Police Service Commission—

- (i) When will Police Constable Nelson Wahome (*PF No: 36703*), who was unfairly dismissed from the service in September 1990, be re-instated despite being acquitted by the Bungoma Court vide *Case No. 2076 of 1990*?
- (ii) state the timelines within which Mr. Wahome will be receive payment for outstanding salaries and benefits for the period he has been out of employment, as well as compensation for the unwarranted violation of his labour rights as guaranteed under Article 41 of the Constitution?

(To be replied before the Departmental Committee on Administration and Internal Security)

135/2024

The Member for Mbeere North (Hon. Geoffrey Ruku, MP) to ask the Teachers Service Commission—

- (i) outline specific measures in place to ensure that teacher recruitment procedures are inclusive and provide adequate affirmative action safeguards to accord teachers from marginalized groups such as the Mbeere community opportunity for equitable employment, particularly in the ongoing recruitment, in line with the fulfillment of Articles 10(2)(b), 27(6) and (8) of the Constitution?
- (ii) provide the list of teachers from marginalized groups and communities, including the Mbeere community, who have

been recruited on account of affirmative action in the past five years?

(To be replied before the Departmental Committee on Education)

136/2024

**The Member for Mbeere North (Hon. Geoffrey Ruku, MP)
to ask the Public Service Commission—**

- (i) provide a report on the actions that the Commission has taken to mainstream marginalized groups and communities in the public service through recruitment, placement and promotion in line with Article 232 of the Constitution and the Public Service (Values and Principles) Act, CAP 185A?
- (ii) clarify whether there are established recruitment quotas or targets for marginalized groups in the public service and if so, provide details on the progress made in meeting these quotas and targets?

(To be replied before the Departmental Committee on Labour)

ORDER NO. 7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c), the following Statements will be:

(a) requested—

No.	Subject	Member	Relevant Committee
1.	Tenure and transfer of the Deputy County Commissioner for <i>Garbatulla</i> in Isiolo South Constituency	<i>Hon. Mohamed Bidu, MP (Isiolo South)</i>	Administration and Internal Security
2.	Termination of insurance business by Directline Assurance Company Limited	<i>Hon. Abubakar Talib, MP (Nominated Member)</i>	Finance and National Planning
3.	Delay in disbursement of the National Government Affirmative Action Fund for Machakos County	<i>Hon. Joyce Kamene, MP (Machakos County)</i>	Social Protection
4.	Increase in wildlife attacks in Mandera County	<i>Hon. Abdul Haro, MP (Mandera South)</i>	Tourism and Wildlife

(b) responded to—

No.	Subject	Member	Relevant Committee
1.	Review of the scheme of service for appointment of chiefs and assistant chiefs in marginalized areas	<i>Hon. William Kamket, MP (Tiaty)</i>	Administration and Internal Security
2.	Best school start time for school going children	<i>Hon. Dorice Donya, MP (Kisii County)</i>	Education
