

(No. 11)



(051)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, FEBRUARY 16, 2022 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*. THE CHILDREN (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2021)

(The Hon. Lillian Gogo, M.P.)

First Reading

9*. THE GERIATRIC BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2021)

(The Hon. Gathoni Wamuchomba, M.P.)

First Reading

10*. THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2021)

(The Hon. Kassait Kamket, M.P.)

First Reading

11*. COMMITTEE OF THE WHOLE HOUSE

- (i) The National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019)
(The Hon. Kimani Ichung'wah, M.P.)
- (ii) The Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019)
(The Hon. Benjamin G. Mwangi, M.P.)

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- (iii) The Alcoholic Drinks Control (Amendment) Bill (National Assembly Bill No. 70 of 2019)
(The Hon. Silvanus Osoro, M.P.)

12*. THE COMMUNITY HEALTH WORKERS BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2020)

(The Hon. Martin Owino, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, February 9, 2022 – Morning sitting)

(Balance of time – 1 hour 18 minutes)

13*. THE POVERTY ERADICATION AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2020)

(The Hon. John Waluke, M.P.)

Second Reading

14*. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2020)

(The Hon. Patrick Wainaina, M.P.)

Second Reading

15. THE SEXUAL OFFENCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2020)**

(The Hon. Gathoni Wamuchomba, M.P.)

Second Reading

16*. THE INSURANCE PROFESSIONALS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2020)

(The Hon. Benjamin Washiali, M.P.)

Second Reading

17*. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2020)

(The Hon. Alice Wahome, M.P.)

Second Reading

18*. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2020)

(The Hon. Gideon Keter, M.P.)

Second Reading

**19*. THE INSTITUTE OF SOCIAL WORK PROFESSIONALS BILL
(NATIONAL ASSEMBLY BILL NO. 31 OF 2020)**

(The Hon. Joshua Kimilu, M.P.)

Second Reading

**20*. THE BIRTH AND DEATH REGISTRATION (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 32 OF 2020)**

(The Hon. Martha Wangari, M.P.)

Second Reading

**21*. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2020)**

(The Hon. Richard Tongi, M.P.)

Second Reading

**22*. THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 35 OF 2020)**

(The Hon. Danson Mwakuwona, M.P.)

Second Reading

23. THE PUBLIC DEBT MANAGEMENT AUTHORITY BILL (NATIONAL
ASSEMBLY BILL NO. 36 OF 2020)**

(The Hon. Sakwa Bunyasi, M.P.)

Second Reading

**24*. THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 37 OF 2020)**

(The Hon. John Mwirigi, M.P.)

Second Reading

**25*. THE INFORMATION COMMUNICATION TECHNOLOGY
PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2020)**

(The Hon. Godfrey Osotsi, M.P.)

Second Reading

26. THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 41 OF 2020)**

(The Hon. Nelson Koech, M.P.)

Second Reading

27*. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2020)

(The Hon. David Gikaria, M.P.)

Second Reading

28*. THE CHILDREN (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2020)

(The Hon. Peter Kaluma, M.P.)

Second Reading

29*. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2020)

(The Hon. Benjamin G. Mwangi, M.P.)

Second Reading

30*. THE PHARMACY AND POISONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2021)

(The Hon. Alfred Keter, M.P.)

Second Reading

31*. THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2021)

(The Hon. Aden Duale, M.P.)

Second Reading

32*. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2021)

(The Hon. Mwambu Mabongah, M.P.)

Second Reading

Denotes Orders of the Day

****Denotes Orders of the Day for which Committee Report is yet to be tabled****

NOTICES

I. THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the National Disaster Management Authority Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended by inserting the following definitions in their proper alphabetical sequence—

“disaster management” means a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at—

- (a) preventing or reducing the risk of disasters;
- (b) mitigating the severity or consequences of disasters;
- (c) emergency preparedness;
- (d) a rapid and effective response to disasters; and
- (e) post-disaster recovery and rehabilitation;”

“County Committee” means the County Disaster Management Committee established under section 27A

CLAUSE 4

THAT, Clause 4 of the Bill be amended in subclause (2) by deleting the words “in other counties” and substituting therefor the words “across the regions in the country”.

CLAUSE 5

THAT, Clause 5 of the Bill be amended—

- (a) in the opening statement by deleting the words “in liaison with the county governments”;
- (b) by inserting the following paragraphs immediately after paragraph (b)—
 - (ba) adopt a coordinated inter-agency and inter-ministerial approach in disaster prevention, preparedness, mitigation, response and recovery activities;
 - (bb) advice the national and county governments on disaster management measures;
 - (bc) promote linkages with key ministries, community service organisations, international organisations, county, sub-county and community based disaster management entities;
 - (bd) coordinate and collaborate with relevant agencies and institutions to facilitate capacity enhancement and research in disaster related issues;
 - (be) coordinate training and research and development in fire-fighting , search and rescue ambulance services;

CLAUSE 6

THAT, Clause 6 of the Bill be amended by inserting a new paragraph immediately after paragraph (g)—

“(h) engage services of such experts in respect of any of the functions in which the experts are considered to have special competence.”

CLAUSE 8

THAT, Clause 8 of the Bill be amended—

(a) in subclause (1) by —

(i) deleting the words “ or their representative appointed in writing” wherever they occur;

(ii) deleting paragraph (h); and

(iii) deleting paragraph (k).

(b) in subclause (2) by deleting the words “Cabinet Secretary” and substituting therefor the word “President”;

(c) by deleting subclause 3 and substituting therefor the following new subclause

—
“(3) A person shall be qualified for appointment as Chairperson if the person

(a) is a citizen of Kenya;

(b) holds a degree from a university recognized in Kenya; and

(c) has knowledge and experience in disaster and emergency management of not less than three years.”

(d) in sub clause (4) by deleting the words “or member of the Board under subsection (1) (k)”.

CLAUSE 10

THAT, Clause 10 of the Bill be amended by deleting the expression “and members appointed under section 7(l) (k) shall hold office for a term of five years” and substituting therefor the words “shall hold office for a term of three years”.

CLAUSE 14

THAT, Clause 14 of the Bill be amended—

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

“(b) holds a degree from a university recognized in Kenya;”

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

“(c) has knowledge and experience in matters related to disaster management of not less than ten years.”

CLAUSE 18

THAT, Clause 18 of the Bill be deleted.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 21—

Electronic information
system.

21A. (1) The Authority shall develop and maintain an electronic database containing—

- (a) particulars of—
 - (i) national and county organs involved in disaster management;
 - (ii) non-governmental organisations involved in disaster management;
 - (iii) disaster management experts;
 - (iv) private sector organisations with specialised equipment, skills or knowledge relevant to disaster management;
 - (v) private sector voluntary agencies involved in disaster management; and
 - (vi) foreign non-governmental organisations and international organisations involved in disaster management;
- (b) in coordination with the Kenya Bureau of Statistics, information concerning disaster including information on—
 - (i) phenomena, occurrences, activities and circumstances that cause or aggravate disasters;
 - (ii) risk factors underlying disasters and ways and means to reduce such risks;
 - (iii) disaggregated data on disaster loss and damage showing the type of disaster, type of impact and its gender, age geographical disaggregation dimensions;
 - (iv) recurring occurrences that result in loss, but which are not classified as disasters under this Act;
 - (v) prevention and mitigation;
 - (vi) early warning system;
 - (vii) areas and communities that are particularly vulnerable to disasters; and
 - (viii) traditional knowledge relating to disaster management;
- (c) the directory of role-players referred to in subsection(1)(a) and the names and particulars of the respective contact persons;

- (d) emergency preparedness, response and recovery resources and capacity in the national and county governments and in the non-government sectors, including the location and size of, and other relevant information relating to-
 - (i) police stations;
 - (ii) hospitals clinics and other health facilities;
 - (iii) emergency medical services;
 - (iv) public buildings and other facilities that maybe used as emergency shelters or hospitals in the event of a disaster;
 - (v) fire-fighting services;
 - (vi) airports, airstrips, harbours, and railway stations; and
 - (vii) any other critical infrastructure including power stations, power distribution networks and water reservoirs,
 - (e) emergency response resources and capacity in neighbouring states and relevant international relief agencies;
 - (f) emergency preparedness in the different spheres of government;
 - (g) each disaster classified by the Authority; and
 - (h) disaster management research and training facilities.
- (3) The Authority shall facilitate the accessibility of the database.
- (4) Notwithstanding subsection (3), the Authority—

- (a) shall—
 - (i) establish security safeguards to ensure that access to the information on the database does not violate the right of the subject of information to privacy;
 - (ii) on request by any person for information on the database, immediately redact or restrict access to the information; and
- (b) may classify parts of the database as restricted areas and limit access to those parts to authorised persons.

Disaster management plans.

21B.The Authority shall—

- (a) develop and regularly review a national disaster management plan and strategy for organs of state and other institutional role-players involved in disaster management;
- (b) collaborate with the counties in coordinating the implementation of the policies, plans and strategies; and

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- (c) develop guidelines for the integration of the concept and principles of disaster management in national and county integrated development plans, protocols, programmes and initiatives; and
- (d) mainstream gender issues in the plans and strategies.

(2) The national disaster management plan and strategy shall include information on—

- (a) measures to be taken for the prevention and response to disasters and the mitigation of their effects;
- (b) measures to be taken for preparedness and capacity building to effectively respond to any impending disaster;
- (c) minimum requirements for the provision of shelter, food, drinking water, medical services and sanitation in relief camps;
- (d) roles and responsibilities of different ministries, county governments, and relief agencies in respect of measures specified in paragraph(a),(b),and(c);and
- (e) any other matter relevant to disaster management.

(3) In developing and reviewing a disaster management plan under subsection(1), the Authority shall collaborate with departments, agencies and institutions involved in the implementation of the development plans and the leaders involved in the oversight of the implementation of the development plans.

Classification of disasters.

21C. (1) When a disastrous event occurs or threatens to occur, the Authority shall determine whether the event is a disaster under this Act, and immediately—

- (a) assess the magnitude and severity or potential magnitude and severity of the disaster;
- (b) classify the disaster as a county or national disaster in accordance with subsections(4),(5)and(6);and
- (c) record the prescribed particulars concerning the disaster in the prescribed register.

(2) When assessing the magnitude and severity or potential magnitude and severity of a disaster, the Authority—

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- (a) shall consider information and recommendations concerning the disaster received from a County Committee; and
- (b) may enlist the assistance of an independent assessor to evaluate the disaster on site.

(3) The Authority may reclassify a disaster classified under subsection (1) (b) at any time after consultation with the relevant County Committee if the magnitude and severity or potential magnitude and severity of the disaster differs from the initial assessment.

(4) A disaster is a county disaster if—

- (a) it affects a single county; and
- (b) the county concerned is able to effectively manage it.

(5) A disaster is a national disaster if it affects—

- (a) more than one county; or
- (b) a single county which is unable to effectively manage it.

(6) Any disaster which does not fall under a disaster classified by the Authority, shall be deemed to be a county disaster.

(7) Despite the classification of a disaster under this section designating primary responsibility for managing a disaster to a particular level of government, the two levels of government may assist each other in managing the disaster.

21D. In the event of a national disaster, the President may, pursuant to Article 58 of the Constitution, by notice in the Gazette, declare a state of emergency.

Declaration of a state of emergency due to disaster.

CLAUSE 26

THAT, Clause 26 of the Bill be amended in subclause (3) by deleting the words “on the advice of the Authority and”.

NEW PART IVA

THAT, the Bill be amended by inserting the following new Part immediately after clause 27—

PART IVA— COUNTY DISASTER MANAGEMENT

Establishment of county disaster management committee.

27A. (1) There is established, for each county, a County Disaster Management Committee comprising—

- (a) the Chairperson appointed by the Governor;
- (b) the county executive committee member responsible for matters relating to disaster management, who shall be the secretary;
- (c) the county executive committee member responsible for matters relating to finance;
- (d) the county executive committee member responsible for matters relating to health;
- (e) the county executive committee member responsible for matters relating to information;
- (f) the county executive committee member responsible for matters relating to environment;
- (g) the County Commissioner; and
- (h) the County Police Commander;

(2) A member of a County Committee appointed under paragraph (a) of subsection (1) shall serve for a term of three years, renewable for one further term.

(3) The members of a County Committee shall serve on a part-time basis and shall be paid such allowances as may be determined by the county government in consultation with the Salaries and Remuneration Commission.

Functions of a County Committee.

27B. (1) A County Committee shall—

- (a) advise the county government on matters relating to disaster management;

- (b) serve as the central agency in the implementation of disaster management activities in the respective county;
- (c) establish and implement a county early warning and emergency communication strategy that is in line with the national early warning and emergency communication strategy;
- (d) formulate the county disaster management plans and policy in line with the national plan and policy;
- (e) promote civic education and public awareness, training and capacity building on disaster management in the county including in schools;
- (f) (make recommendations to the county government regarding all financial matters in relation to disaster management;
- (g) promote an integrated and coordinated approach to disaster management in the county, with special emphasis on prevention, mitigation preparedness, response and recovery by other role-players involved in disaster management in the county;
- (h) collaborate with the national government, relevant agencies and leaders involved in overseeing disaster management in the county, on matters relating to disaster management—
- (i) act as a repository of, and conduit for, information concerning-
 - (i) damage and loss arising from disasters;
 - (ii) impending disasters; and
 - (iii) disaster management in the county;
- (j) act as an advisory and consultative body on issues concerning disasters and disaster management in the county to—
 - (i) state organs;
 - (ii) the private sector and non- governmental organisations; and
 - (iii) community based organisations, indigenous groups, communities and individuals;
- (k) initiate and facilitate efforts to make funding available for disaster management in the county;
- (l) promote research into the aspects of disaster management at the county; and
- (m) devolve disaster management measures and structures to sub-county and village level.

(2) The county executive committee member responsible for disaster management within the county shall, within fourteen days of the preparation of a county disaster management plan, submit to the clerk of the county assembly, a copy of the disaster management plan for tabling before, and approval by the county assembly.

(3)The county executive committee member shall, once the county disaster management plan is approved, circulate, publish and publicise the plan, to the residents of the county, through such means as the county executive committee member may consider appropriate.

Powers of County Committee.

27C. (1)A County Committee shall have all the powers necessary for the proper performance of its functions under this Act, and, in particular, but without prejudice to the generality of the foregoing, the Committee shall have power to—

- (a) receive any grants, gifts, donations or endowments and to make legitimate disbursements there from;
- (b) delegate some of its powers to a public officer;
- (c) undertake any activity necessary for the execution of any of its functions; and
- (d) to enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.

Vacation of office.

27D.The office of a member of a County Committee shall become vacant if the member—

- (a) resigns by issuing notice in writing addressed to the County Executive;
- (b) is absent from three consecutive meetings of the County Committee without the permission of the chairperson;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (d) is convicted of an offence that constitutes a serious violation of Chapter Six of the Constitution;
- (e) is unable, by reason of mental or physical infirmity, to discharge his or her functions; or
- (f) dies.

Conduct of business and affairs of a County Committee.

27E.The conduct of the business and affairs of County Committee shall be as provided in the Second Schedule, but subject thereto the Committee may regulate its own procedure.

Procedure during disaster events.

27F.(1)When a disastrous event occurs or threatens to occur in a county, a County Committee shall determine whether the event is a disaster under this Act, and where it so determines, the County Committee shall immediately and without delay —

- (a) initiate the implementation of the county disaster management plan and emergency procedure;
- (b) initiate efforts to assess the magnitude and severity or potential magnitude and severity of the disaster; and

(c) inform the Authority of the disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of the disaster.

(2) When informing the Authority, in terms of subsection (1) (c), the County Committee may recommend the appropriate classification, of the disaster.

Annual report to County Assembly.

27G. A County Committee shall prepare and submit its annual report to the county assembly on—

- (a) its activities during the year;
- (b) results of its monitoring of prevention and mitigation initiatives;
- (c) disasters that occurred during the year in the county together with information on—
 - (i) their classification, magnitude and severity;
 - (ii) the effects they had;
 - (iii) problems experienced in dealing with the disasters;
- (d) progress on the preparation and regular updating of disaster management plans and strategies in the county; and
- (e) an evaluation of the implementation of disaster management plans and strategies in the county.

County Committee may make regulations.

27H. A county executive committee member may, for the purposes of managing a disaster, and with the approval of the county assembly, make regulations for—

- (a) measures for disaster prevention, mitigation, preparedness, response and recovery;
- (b) collection and publication of data relating to disaster management
- (c) use of listed premises as shelters to manage a disaster;
- (d) activation of a disaster response plan; or
- (e) conducting public awareness and civic education on disaster management.
- (f)

Fire disaster management system.

27I. (1) Each county executive committee member shall be responsible for the development and implementation of a fire disaster management system and shall, for this purpose—

- (a) establish an effective fire management system for the prevention and management of fire disasters in the respective county;
- (b) ensure the provision of adequate personnel and equipment for the prevention and management of fire disasters in the county;

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- (c) provide adequate information and carry out sensitization programmes on the prevention and management of fire disasters;
- (d) put in place an effective mechanism for fire rescue services; and
- (e) do such other thing necessary for the effective implementation of a fire disaster management system.

(2) The county executive committee member shall, in the performance of the functions under subsection (1)—

- (a) adopt a multi-disciplinary and multi-sectoral approach in firefighting;
- (b) factor in climate variations into firefighting;
- (c) disseminate information on firefighting;
- (d) establish and encourage volunteer community firefighting initiatives; and
- (e) be guided by the national values and principles of governance as set out under Article 10 of the Constitution.

(3) With respect to any matter concerning fire management legislation enacted by a County Government in accordance with section 12 of Part 2 of the Fourth Schedule to the Constitution, the county legislation shall apply.

NEW SCHEDULE

THAT, the Bill be amended by—

- (a) renaming the existing schedule as the First Schedule; and
- (b) inserting the following new schedule immediately after the First Schedule—

SECOND SCHEDULE s. 27E
PROVISIONS AS TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF A COUNTY COMMITTEE

Meetings.

1. (1) The County Committee shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- (2) Notwithstanding the provisions of subparagraph (1) the chairperson may, and upon requisition in writing by at least three members shall, convene a special meeting of the Committee at any time for the transaction of the business of the Committee.
- (3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the County Committee shall be given to every member of the County Committee.
- (4) The quorum for the conduct of the business of the County Committee shall be one half of all the members.
- (5) The chairperson shall preside at every meeting of the County Committee at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.
- (6) Unless a unanimous decision is reached, a decision on any matter before the County Committee shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.
- (7) Subject to subparagraph (4), no proceedings of the County Committee shall be invalid by reason only of a vacancy among the members thereof.

2.(1)If a member is directly or indirectly interested in any contract, proposed contract or other matter before the County Committee and is present at a meeting of the County Committee at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the County Committee may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2)A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3)A member of the County Committee who contravenes subparagraph(1)commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

Execution of Instruments.

3. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the County Committee by any person generally or specially authorized by the County Committee for that purpose.

Minutes.

4. The County Committee shall cause minutes of all resolutions and proceedings of meetings of the Committee to be entered in books kept for that purpose.

II. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Public Service Commission (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 2

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

Amendment of section 34 of No. 10 of 2017.

2. Section 34 of the “principal Act” is amended by inserting the following new subsection immediately after subsection (3)—

“(3A) An appointing authority who fails to fill a vacant position under subsection (3) within six months, commits an offence, and shall, on conviction, be liable to a fine of not exceeding five hundred thousand shillings or imprisonment for a term of not exceeding six months, or to both.”

CLAUSE 3

THAT, the Bill be amended by deleting clause 3 and substituting therefor the following new clause —

Amendment of section 80 of No. 10 of 2017.

3. Section 80 of the “principal Act” is amended—

(a) in subsection (1)—

(i) by deleting the words “as may be prescribed in the regulations” and substituting therefor the words “of fifty five years and for persons with disabilities the mandatory age of sixty years”;

(ii) by inserting the following new subsections immediately after subsection (1)—

“(1A) A person who appoints a retired public officer in a State office or Public office commits an offence, and shall, on conviction, be liable to a fine of not exceeding five hundred thousand shillings or imprisonment for a term of not exceeding six months, or to both.”

(1B) The Cabinet Secretary may prescribe a period not exceeding three years—

(a) exempting any person or class of persons from compliance with this section; or

(b) extending the time for compliance by any person or class of persons with this section.

(b) by deleting subsection (2).

NEW CLAUSE

THAT, the Bill be amended by inserting a new clause immediately after clause 1—

Amendment of section 2 of No.10 of 2017.

1A. Section 2 of the Public Service Commission Act, 2017(in this Act referred to as the “principal Act”) is amended by deleting the definition of “public officer” and substituting therefor the following new definition—

“public officer” means any person other than a state officer who holds a public office or a state officer who holds a public office or state office but not a state officer who holds an elective position.

III. THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 70 OF 2019)

Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Alcoholic Drinks Control (Amendment) Bill, 2019 at the Committee Stage—

CLAUSE 1

THAT, the Bill be amended by deleting clause 1.

CLAUSE 2

THAT, the Bill be amended by deleting clause 2.

CLAUSE 3

THAT, the Bill be amended by deleting clause 3.

TITLE

THAT, the title to the Bill be deleted.

LIMITATION OF DEBATE

The House resolved on Wednesday, February 2, 2022 as follows-

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 be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.
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*...../Notice Paper**

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), February 16, 2022

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Wednesday (Afternoon), February 16, 2022-

A. THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILL NO. 28 OF 2020)

(The Chairperson, Departmental Committee on Health)

Second Reading

(Question to be put)

B. SPECIAL MOTION-

**APPROVAL OF THE NATIONAL ASSEMBLY'S
NOMINEE TO THE EQUALIZATION
FUND ADVISORY BOARD**

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

(Question to be put)

C. SPECIAL MOTION-

**APPROVAL OF NOMINEES FOR
APPOINTMENT TO THE KENYA NATIONAL
COMMISSION ON HUMAN RIGHTS**

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

(Question to be put)

D. THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2021)

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

First Reading

E. THE POLITICAL PARTIES (AMENDMENT) (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 58 OF 2021)

(The Leader of the Minority Party)

First Reading

F. MOTION - REPORT ON THE BUDGET POLICY STATEMENT FOR THE FY 2022/2023

(The Chairperson, Budget and Appropriations Committee)

G. MOTION - REPORT ON THE MEDIUM-TERM DEBT MANAGEMENT STRATEGY FOR THE FY 2022/2023

(The Chairperson, Budget and Appropriations Committee)

H. COMMITTEE OF THE WHOLE HOUSE

The Sacco Societies (Amendment) Bill (National Assembly Bill No. 55 of 2021)
(Leader of the Majority Party)

I. THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 30 OF 2020)

(The Chairperson, Departmental Committee on Environment and Natural Resources)

Second Reading

(Resumption of debate interrupted on Tuesday, February 15, 2022)

J. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2021)

(The Leader of the Majority Party)

Second Reading

K. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

L. THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)

(The Leader of the Majority Party)

Second Reading

M. THE ADVOCATES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2021)

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

Second Reading

N. THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) (NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2021)

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

Second Reading

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.

ORDINARY QUESTIONS

039/2022

The Member for Tiaty (Hon. William Kamket, MP) to ask the Cabinet Secretary for the Education: -

Considering the severe drought being experienced in Tiaty Constituency which has forced families to migrate in search of water and pasture for livestock, what measures has the Ministry put in place to ensure that the school feeding programme in the Constituency continues uninterrupted with a view to keeping learners in schools?

(To be replied before the Departmental Committee on Education and Research)

040/2022

The Member for Magarini (Hon. Michael Kingi, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary provide a status report regarding the financing of infrastructure development for *Galana Teacher Training College* and the stalled *Waresa Technical College* in Magarini Constituency?
- (ii) What measures has the Ministry put in place to develop the infrastructure at the *Galana Teacher Training College* and also ensure that *Waresa Technical College* is completed and operationalized?
- (iii) What steps is the Ministry taking to ensure deployment of adequate staff at the *Galana Teacher Training College*?

(To be replied before the Departmental Committee on Education and Research)

041/2022

The Nominated Member (Hon. Godfrey Osotsi, MP) to ask the Cabinet Secretary for ICT, Innovation and Youth Affairs:

-

- (i) Could the Cabinet Secretary provide copies of the quarterly quality of service reports, if any, for all the licensed telecommunication operators in the Country for the last three (3) years?

- (ii) Could the Cabinet Secretary also provide a detailed report indicating all penalties, fines and other charges paid by licensed telecommunication operators for the said period, specifying the name of each operator, incidents, period when the incident took place, quality of service, warnings issued, third parties involved, if any, and amounts paid?
- (iii) Could the Cabinet Secretary further provide detailed technical reports of the critical terrestrial infrastructure *NoFBI 1 and NoFBI 2* for the last three (3) years prepared on a quarterly basis pursuant to the provisions of the Kenya Information and Communications Act, 1998?
- (iv) What action(s) has the Ministry taken against licensed telecommunication operators and/or associated contractors who violate the law by providing poor quality services?

(To be replied before the Departmental Committee on Communication, Information and Innovation)

042/2022

The Nominated Member (Hon. Wilson Sossion, MP) to ask the Cabinet Secretary for National Treasury and Planning: -

- (i) What is the status of payment of pension to *Mr Johnstone Kipngeno Langat of ID No. 1774993 (Pension No. 118125)*, a retired teacher who served under the Teachers Service Commission until the year 2002?
- (ii) When will Mr. Langat be paid his pension dues considering that he already provided all the necessary documentation for processing of the same?

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

ORDER NO.7 - STATEMENTS

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

No.	Subject	Member	Relevant Committee
1.	Socio-economic empowerment of men particularly through expansion of access to finance to facilitate initiation and expansion of their enterprises.	<i>Hon. Kamau Wamacukuru, MP (Kabete)</i>	D.C. on Labour and Social Welfare
