



(No. 15)

(094)

REPUBLIC OF KENYATHIRTEENTH PARLIAMENT – (FIRST SESSION)THE NATIONAL ASSEMBLYORDERS OF THE DAY**SUPPLEMENTARY**TUESDAY, NOVEMBER 01, 2022 AT 2.30 P.M.ORDER OF BUSINESSPRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8\*. MOTION - RECOGNITION AND REMUNERATION OF VILLAGE ELDERS

(The Hon. Mwengi Mutuse, M.P.)

*(Departmental Committee on Administration and Internal Affairs)*

**THAT**, aware that there have been village elders in every village in the Republic of Kenya; **cognizant** that the village is not formally recognized as an administrative unit in accordance with Section 14 of the National Government Co-ordination Act No. 1 of 2013; **noting** that despite the said village elders offering services to the public and the Government, they are not remunerated contrary to Article 41 of the Constitution on fair labour practices; **further noting** that in accordance with Section 14 and 15 of the National Government Co-ordination Act No. 1 of 2013, the Cabinet Secretary in charge of Interior and Coordination of National Administration in consultation with the President and the Public Service Commission have the power to establish national government administrative units and appoint administrative officers to serve under those units; **recalling that** Article 10(2) (b) of the Constitution binds state organs and state officers to uphold human dignity which includes remuneration for work done; **noting** that village elders have existed for many years and interact with “*wananchi*” at the lowest level hence, their recognition is in public interest and their remuneration has been long overdue; **this House therefore urges** the national Government, through the Ministry of Interior and Coordination of National Administration, to –

...../8\*(Cont'd)

- (i) establish all existing villages as administrative units in accordance with Section 14 of the National Government Co-ordination Act No. 1 of 2013; and
- (ii) recruit and remunerate the existing village elders as administrative officers.

*(Question to be put)*

**9\*. SPECIAL MOTION – APPOINTMENT OF THE CLERK OF THE NATIONAL ASSEMBLY**

*(Member, Parliamentary Service Commission)*

**THAT**, taking into consideration the Recommendations of the *Parliamentary Service Commission in its Report on the Recruitment of the Clerk of the National Assembly*, laid on the Table of the House today, Tuesday, 1<sup>st</sup> November, 2022, and pursuant to the provisions of Article 128 (1) of the Constitution, this House **approves** the appointment of **Mr. Samuel Njoroge as the Clerk of the National Assembly**.

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**\*Denotes Orders of the Day\***

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...../Notices\*

# **NOTICES**

## **I. STATEMENTS ON THE LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION UNDER STANDING ORDER 114 (7A)**

*(The Hon. Gichimu Githinji, M.P. and the Hon. Stephen Mule, M.P.)  
(Co-sponsors)*

*(Not later than 4.00 P.M.)*

PURSUANT to the provisions of Standing Order 114(7A), it is notified that, today, Tuesday 1<sup>st</sup> November, 2022, the Speaker will accord an opportunity to the Member for Gichugu (The Hon. Gichimu Githinji) and the Member for Matungulu (The Hon. Stephen Mule) to make statements on the *Legislative Proposal* to amend the Constitution to entrench the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund, and the Economic Stimulus and Empowerment Fund in the Constitution;

THEREAFTER, the Speaker will allow Members to make general comments on the Legislative Proposal.

## II. LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

*(The Hon. Gichimu Gitinji, MP and the Hon. Stephen Mule, MP) (Co-sponsors)*

### THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2022 A Bill for

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya as follows—

Short title.

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2022.

Insertion of new Articles in the Constitution.

2. The Constitution is amended by inserting the following new Articles immediately after Article 204—

The National Government Constituencies Development Fund.

**204A.** (1) There is established the National Government Constituencies Development Fund which shall be a national government fund consisting of monies of an amount of not less than five per centum of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(2) All monies allocated under this Article shall be considered as funds allocated to constituencies pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.

(3) Parliament shall enact legislation to make further provision for the operation of this Article.

The Senate Oversight Fund.

**204B.** (1) There is established the Senate Oversight Fund which shall be a national government fund consisting of monies of an amount of not less than one hundredth per centum of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(2) All monies allocated under this Article shall be considered as funds allocated to the Senate pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.

(3) Parliament shall enact legislation to make further provision for the operation of this Article.

The National  
Government  
Affirmative  
Action Fund.

**204C.** (1) There is established the National Government Affirmative Action Fund whose object and purpose shall be to complement the national government programmes on affirmative action measures.

(2) The Fund shall be a national government Fund consisting of monies of an amount of not less than one quarter per centum of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

(3) Parliament shall enact legislation to make further provision for the operation of this Article.

The Economic  
Stimulus and  
Empowerment  
Fund.

**204D.** (1) There is established the Economic Stimulus and Empowerment Fund whose object and purpose shall be to provide funds for programmes relating to—

- (a) women empowerment;
- (b) men empowerment;
- (c) youth empowerment; and
- (d) empowerment of persons living with disabilities.

(2) Parliament shall enact legislation to make further provision for the operation of this Article.



**SCHEDULE**  
**CONSEQUENTIAL AMENDMENTS**

| <b>Act</b>  | <b>Provision</b> | <b>Amendment</b>   |
|---|------------------|--|
| The National Government Constituencies Development Fund<br>Act, No. 30 of 2015. | s. 4             | Delete the expression “2.5% (two and half per centum)” appearing in subsection (1)(a) and substitute therefor the expression “5% (five per centum)”. |

**MEMORANDUM OF OBJECTS AND REASONS**

**Statement of objects and reasons for the Bill**

The principal object of this Bill is to amend the Constitution to entrench the following Funds as funds established in the Constitution—

- (a) the National Government Constituencies Development Fund;
- (b) the National Government Affirmative Action Fund;
- (c) the Senate Oversight Fund; and
- (d) the Economic Stimulus and Empowerment Fund.

The entrenchment of these Funds in the Constitution will ensure that the critical role the funds play in promoting the development of national government projects and empowerment of the vulnerable persons is safeguarded, as well as ensuring that the funds are not subject to abuse. Further, this will guarantee an avenue for the facilitation and implementation of national government functions in all parts of the Republic pursuant to Article 6(3) of the Constitution.

Further, the establishment of the Senate Oversight Fund in the Constitution will ensure that the Senate is adequately empowered and resourced to perform its functions as stipulated in Article 96 of the Constitution.

The net effect of the entrenchment of the Funds in the Constitution is to guarantee developmental benefits, without undue interruption, to the people by channelling resources to meet the ever-increasing needs of the people of Kenya.

**Clause 1** of the Bill provides for the short title of the Bill.

**Clause 2** of the Bill proposes to amend the Constitution by introducing the following new Articles—

- (a) Article 204A which proposes to establish the National Government Constituencies Development Fund as a national government fund. The fund shall be allocated an amount of not less than five per centum (5%) of all the national government’s share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218;

...../Notices(Cont’d)

- (b) Article 204B which proposes to establish the Senate Oversight Fund as a national government fund. The fund shall be allocated an amount of not less than one hundredth per centum (0.001%) of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218;
- (c) Article 204C which proposes to establish the National Government Affirmative Action Fund as a national government fund. The fund shall be allocated an amount of not less than one quarter per centum (0.25%) of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218; and
- (d) Article 204D which proposes to establish the Economic Stimulus and Empowerment Fund whose object is to provide funds for programmes relating to women empowerment, men empowerment, youth empowerment and empowerment of persons living with disabilities.

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

This Bill does not delegate legislative powers nor does it limit any fundamental rights and freedoms.

**Statement of how the Bill concerns county governments**

A Bill to amend the Constitution shall be considered by both Houses of Parliament as provided under Articles 255, 256 and 257 of the Constitution.

**Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill shall occasion additional expenditure of public funds.

## **LIMITATION OF DEBATE**

The House resolved on Wednesday, October 12, 2022 as follows-

### **Limitation of Debate on Motions**

- III. **THAT**, each speech in a debate on any **Motion, including a Special Motion** shall be limited in the following manner:- 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 shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
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# **NOTICE PAPER I**

## **Tentative business for**

**Wednesday (Morning), November 02, 2022**

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*(Published pursuant to Standing Order 38(1))*

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Wednesday (Morning), November 02, 2022-

- A. **HOJA** - **KUBUNIWA KWA BARAZA LA KISWAHILI LA KENYA**  
(Mhe. Yusuf Hassan, M.B.)
- B. **MOTION** - **EMPOWERMENT OF ARTISANS BY THE NATIONAL GOVERNMENT**  
(The Hon. John Kiarie, M.P.)
- C. **MOTION** - **DEVELOPMENT OF A UNIFIED NATIONAL POLICY ON SMALL AND MICRO-ENTERPRISE**  
(The Hon. Beatrice Elachi, M.P.)
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*...../Notice Paper II\**

# **NOTICE PAPER II**

## **Tentative business for**

### **Wednesday (Afternoon), November 02, 2022**

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*(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), November 02, 2022-

- A. **MOTION** - **ADOPTION OF SESSIONAL PAPER NO. 3 ON THE NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS**  
(The Leader of the Majority Party)
- B. **HOJA** - **KUBUNIWA KWA BARAZA LA KISWAHILI LA KENYA**  
(Mhe. Yusuf Hassan, M.B.)

*(If not concluded on Wednesday, November 02, 2022 – Morning Sitting)*

- C. **MOTION** - **EMPOWERMENT OF ARTISANS BY THE NATIONAL GOVERNMENT**  
(The Hon. John Kiarie, M.P.)

*(If not concluded on Wednesday, November 02, 2022 – Morning Sitting)*

- D. **MOTION** - **DEVELOPMENT OF A UNIFIED NATIONAL POLICY ON SMALL AND MICRO-ENTERPRISE**  
(The Hon. Beatrice Elachi, M.P.)

*(If not concluded on Wednesday, November 02, 2022 – Morning Sitting)*

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