



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, MARCH 12, 2024 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

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

8*. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF A SPECIFIED BILL

(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 120(1)(c), this House resolves to reduce the publication period of the Division of Revenue Bill (National Assembly Bill No. 14 of 2024) from **seven (7) days** to **four (4) days**.

9*. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILL NO. 6 OF 2022)

(The Chairperson, Departmental Committee on Environment, Forestry and Mining)

Second Reading

(Question to be put)

10*. THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2024)

(The Chairperson, Budget and Appropriations Committee)

First Reading

11*. THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2023)

(The Chairperson, Departmental Committee on Regional Development)

Second Reading

(Resumption of debate interrupted on Thursday, March 07, 2024)

12*. MOTION – COMPLIANCE TO ARTICLE 54(2) OF THE CONSTITUTION REGARDING EMPLOYMENT OF PERSONS WITH DISABILITIES IN PUBLIC INSTITUTIONS

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

THAT, this House **adopts** the Report of the Committee on National Cohesion and Equal Opportunity on the Compliance to Article 54(2) of the Constitution regarding Employment of Persons with Disabilities in Public Institutions, *laid on the Table of the House on Wednesday, 21st February 2024.*

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

(The Leader of the Majority Party)

Second Reading

14*. THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2023)

(The Leader of the Majority Party)

Second Reading

15*. MOTION – REPORT OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF SELECTED STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Commercial Affairs and Energy)

THAT, this House **adopts** the Report of the Public Investments Committee on Commercial Affairs and Energy on its examination of the Reports of the Auditor-General on the Financial Statements of selected State corporations, *laid on the Table of the House on Wednesday, 6th December 2023.*

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

(The Chairperson, Decentralized Funds Accounts Committee)

THAT, this House **adopts** the Report of the Decentralized Funds Accounts Committee on its consideration of the Financial Statements for the National Government Constituencies Development Fund for five Constituencies in Vihiga County for Financial Years 2013/2014, 2014/2015 and 2015/2016, *laid on the Table of the House on Wednesday, 14th February 2024.*

Denotes Orders of the Day

NOTICES

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

(The Hon. Maj. (Rtd) Bashir Sheikh, M.P. and the Hon. Alice Ng'ang'a, M.P.)

PURSUANT to the provisions of Standing Order 114(7A), it is notified that, today, Tuesday, 12th March, 2024, the Speaker will accord an opportunity to Members to make General Comments on the following Legislative Proposals to amend the Constitution—

- (1) a Legislative Proposal by the Member for Mandera North (Hon. Maj. (Rtd) Bashir Sheikh) to amend Article 88 of the Constitution to provide that when the Independent Electoral and Boundaries Commission is not constituted, the Secretary of the Commission can perform the functions of the Commission that are limited to conducting by-elections under Article 101 (4)(b) of the Constitution; and
- (2) a Legislative Proposal by the Member for Thika Town (Hon. Alice Ng'ang'a) to amend Article 89 of the Constitution to protect 27 Constituencies that were protected for the First delimitation of electoral units in spite of not meeting the population quota requirement and which constituencies risk being merged with others when the Independent Electoral and Boundaries Commission conducts the Second review that is due.

1) **LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION**

(The Hon. Maj. (Rtd) Bashir Sheikh, M.P.)

THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya as follows—

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

2. Article 88 of Constitution is amended by inserting the following new clause immediately after clause (5) — Amendment of Article 88 of the Constitution.

(6) Where the Commission is not constituted, the Secretary to the Commission shall perform the functions of the Commission related to the conduct of a by-election under Article 101 (4).

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 ensure a continuance of the functions of IEBC as per section 4, 7A and 7B of the Act. Further, the Bill seeks to ensure that where the Commission is not constituted, the secretary to the Commission can perform the functions of the Commission limited to the conduct of a by-election.

Clause 1 of the Bill is the short title.

Clause 2 of the Bill proposes amendments to Article 88 to provide that when the Commission is not constituted, the Secretary of the Commission can perform the functions of the Commission that are limited to conducting by-elections under Article 101 (4)(b) of the Constitution.

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

This Bill does not delegate legislative power or limit any fundamental rights or freedoms.

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.

Article 88 of the Constitution that is proposed to be amended—

88. Independent Electoral and Boundaries Commission

- (1) There is established the Independent Electoral and Boundaries Commission.
- (2) A person is not eligible for appointment as a member of the Commission if the person—
 - (a) has, at any time within the preceding five years, held office, or stood for election as—
 - (i) a member of Parliament or of a county assembly; or
 - (ii) a member of the governing body of a political party; or
 - (b) holds any State office.
- (3) A member of the Commission shall not hold another public office.
- (4) The Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by this Constitution, and any other elections as prescribed by an Act of Parliament and, in particular, for—
 - (a) the continuous registration of citizens as voters;
 - (b) the regular revision of the voters' roll;
 - (c) the delimitation of constituencies and wards;
 - (d) the regulation of the process by which parties nominate candidates for elections;
 - (e) the settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results;
 - (f) the registration of candidates for election;
 - (g) voter education;
 - (h) the facilitation of the observation, monitoring and evaluation of elections;
 - (i) the regulation of the amount of money that may be spent by or on behalf of a candidate or party in respect of any election;
 - (j) the development of a code of conduct for candidates and parties contesting elections; and
 - (k) the monitoring of compliance with the legislation required by Article 82 (1) (b) relating to nomination of candidates by parties.
- (5) The Commission shall exercise its powers and perform its functions in accordance with this Constitution and national legislation.

2) LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION*(The Hon. Alice Ng'ang'a, M.P.)***THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2023****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, 2023.

Amendment of Article 89 of the Constitution.

2. Article 89 of the Constitution is amended by inserting the following new clause immediately after clause (2)—

(2A) The Commission shall ensure that a review of constituencies undertaken in terms of this Constitution shall not result in the loss of a constituency existing on the effective date.

MEMORANDUM OF OBJECTS AND REASONS**Statement of objects and reasons for the Bill**

The principal object of this Bill is to amend Article 89 of the Constitution to protect 27 Constituencies that were protected for the First review in spite of not meeting the population quota requirement and which constituencies risk being merged with others when the Independent Electoral and Boundaries Commission conducts the second review that is due.

The said constituencies are Voi; Wundanyi; Mwatate; Galole; Bura; Isiolo South; Samburu East; Laisamis; North Horr; Saku; Kilome; Mukurweini; Mbeere North; Mathioya; Ndaragwa; Budalang'i; Vihiga; Othaya; Mathioya; Kangema; Marakwet East; Keiyo North; Tetu; Mogotio; Lamu East; Lamu West; and Mvita.

The Constitution only safeguarded the 27 Constituencies from the initial review, which took place in March 2012. With the second review due in 2024, 12 years after the first, it is crucial to ensure that the constituencies are not merged with others. The Constitution stipulates that the Independent Electoral and Boundaries Commission (IEBC) should conduct a review after 8 years but not more than 12 years. This amendment ensures that these constituencies are protected for a minimum of 8 and a maximum of 12 years, allowing them to gradually grow their population to meet the threshold. These constituencies hold significant cultural and developmental value for their inhabitants. Residents have grown attached to them, viewing them as the focal point for the allocation of developmental resources. Through public participation, they have a say in how resources are utilized for various purposes, such as education, infrastructure, and security.

Merging these constituencies would result in an irredeemable feeling of loss of identity and control on the part of their inhabitants over their local development much as they will not be literally moved from their homes.

The Constitution does not grant the IEBC the authority to interfere with county boundaries. Equally IEBC has no powers to increase or reduce the number of Constituencies. Therefore, if a constituency is merged within one county, the IEBC would have to adjust the boundaries of other constituencies in a different County to maintain the total of 290 constituencies. This could lead to discord and grievances among counties, as they may perceive others as benefiting at their expense. With 47 counties in Kenya, each with its own devolved functions and resources, the sentimental attachment to county identity is strong. Folding an existing constituency in one county to create a new one elsewhere may be seen as an act of “robbing” a county of its representation and resources. This could potentially lead to unnecessary disharmony and conflicts among counties.

Clause 1 of the Bill is the short title.

Clause 2 of the Bill seeks to amend Article 89 of the Constitution to insert a new clause (2) requiring the IEBC to ensure that their review of constituency boundaries does not result in the loss of a constituency that existed when the Constitution was promulgated.

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

This Bill does not delegate legislative power or limit any fundamental rights or freedoms.

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.

Article 89 of the Constitution that is proposed to be amended—

Delimitation of electoral units

89. (1) There shall be two hundred and ninety constituencies for the purposes of the election of the members of the National Assembly provided for in Article 97 (1) (a).

(2) The Independent Electoral and Boundaries Commission shall review the names and boundaries of constituencies at intervals of not less than eight years, and not more than twelve years, but any review shall be completed at least twelve months before a general election of members of Parliament.

(3) The Commission shall review the number, names and boundaries of wards periodically.

(4) If a general election is to be held within twelve months after the completion of a review by the Commission, the new boundaries shall not take effect for purposes of that election.

(5) The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota, but the number of inhabitants of a constituency may be greater or lesser than the population quota in the manner specified in clause (6) to take account of—

- (a) geographical features and urban centres;
- (b) community of interest, historical, economic and cultural ties; and
- (c) means of communication.

(6) The number of inhabitants of a constituency or ward may be greater or lesser than the population quota by a margin of not more than—

- (a) forty per cent for cities and sparsely populated areas; and
- (b) thirty per cent for the other areas.

(7) In reviewing constituency and ward boundaries the Commission shall—

- (a) consult all interested parties; and
- (b) progressively work towards ensuring that the number of inhabitants in each constituency and ward is, as nearly as possible, equal to the population quota.

(8) If necessary, the Commission shall alter the names and boundaries of constituencies, and the number, names and boundaries of wards.

(9) Subject to clauses (1), (2), (3) and (4), the names and details of the boundaries of constituencies and wards determined by the Commission shall be published in the *Gazette*, and shall come into effect on the dissolution of Parliament first following their publication.

(10) A person may apply to the High Court for review of a decision of the Commission made under this Article.

(11) An application for the review of a decision made under this Article shall be filed within thirty days of the publication of the decision in the *Gazette* and shall be heard and determined within three months of the date on which it is filed.

(12) For the purposes of this Article, "population quota" means the number obtained by dividing the number of inhabitants of Kenya by the number of constituencies or wards, as applicable, into which Kenya is divided under this Article.



LIMITATION OF DEBATE

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

Limitation of Debate on Bills sponsored by Parties or Committees

- II. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows: A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Limitation of Debate on Other Committee Reports

- III. THAT**, each speech in a debate on **Other Committee Reports**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation of Debate on Audit Committee Reports

- IV. THAT**, each speech in debate on **Reports of Audit Committees** be limited as follows: A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Limitation of General Debate on Legislative Proposals to amend the Constitution

- V. THAT**, each speech in the general debate contemplated under Standing Order 114(7A)(b) (Consideration of a Legislative Proposal to amend the Constitution) shall be limited as follows:- a maximum of twenty minutes (20) for the Mover in moving and ten (10) minutes in replying, fifteen minutes (15) for the Leader of the Majority

Party and the Leader of the Minority Party (if the Proposal is not party-sponsored), Member(s) with similar or related proposals and the Chairperson of the relevant Departmental Committee, and ten (10) minutes for any other Member speaking; and further that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.



NOTICE PAPER I

Tentative business for

Wednesday (Morning), March 13, 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 (Morning), March 13, 2024 –

A. THE COTTON INDUSTRY DEVELOPMENT BILL (SENATE BILL NO. 5 OF 2023)

(The Hon. Mary Emaase, M.P. – Co-Sponsor)

Second Reading

(Question to be put)

B. THE WHISTLEBLOWER PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2023)

(Hon. Irene Kasalu, MP)

First Reading

C. THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024)

(Hon. Umulkher Mohamed, MP)

First Reading

D. COMMITTEE OF THE WHOLE HOUSE

(i) The Land (Amendment) Bill (National Assembly Bill No. 40 of 2022)
(The Hon. Simon King'ara, M.P.)

(ii) The Cancer Prevention and Control (Amendment) (No. 2) Bill (National Assembly Bill No. 45 of 2022)
(The Hon. Abdul Rahim Dawood, M.P.)

(iii) The Penal Code (Amendment) Bill (National Assembly Bill No. 56 of 2022)
(The Hon. David Gikaria, M.P.)

E. MOTION: 027/2023 – DEVELOPMENT OF A SATELLITE-BASED CLIMATE CHANGE MONITORING POLICY

(The Hon. Abdul Haro, M.P.)

(Resumption of debate interrupted on Wednesday, March 06, 2024 – Morning Sitting)

(Balance of time – 1 hour 12 minutes)

F. MOTION: 019/2023 – POLICY FOR THE PROVISION OF MENTAL HEALTH SERVICES IN ALL HEALTHCARE FACILITIES

(The Hon. Mishi Mboko, M.P.)

- G. MOTION: 025/2023 – PROVIDING A SAFETY NET FOR CAREGIVERS OF PERSONS WITH SEVERE DISABILITIES
(The Hon. Dorothy Ikiara, M.P.)
- H. MOTION: 028/2023 – ESTABLISHMENT OF A SCIENCE MUSEUM
(The Hon. John Kiarie, M.P.)
- I. MOTION: 033/2023 – SUPPORTING AND PROMOTING LOCAL FERTILIZER MANUFACTURING INDUSTRIES
(The Hon. Samuel Atandi, M.P.)
- J. MOTION: 041/2023 – ESTABLISHMENT OF A PRIORITY BOARDING PROTOCOL FOR KENYA DEFENCE FORCES AND KENYA SPECIAL FORCES PERSONNEL ON LOCAL AIRLINES
(The Hon. (Capt.) Ruweida Obo, M.P.)
- K. 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.)
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NOTICE PAPER II

Tentative business for

Wednesday (Afternoon), March 13, 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), March 13, 2024 –

A. STATEMENTS ON THE LEGISLATIVE PROPOSALS TO AMEND THE CONSTITUTION UNDER STANDING ORDER 114(7A)

(The Hon. Maj. (Rtd) Bashir Sheikh, M.P. and the Hon. Alice Ng'ang'a, M.P.)

(If not concluded on Tuesday, March 12, 2024)

B. THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 7 OF 2023)

(The Chairperson, Departmental Committee on Regional Development)

Second Reading

(If not concluded on Tuesday, March 12, 2024)

C. MOTION – COMPLIANCE TO ARTICLE 54(2) OF THE CONSTITUTION REGARDING EMPLOYMENT OF PERSONS WITH DISABILITIES IN PUBLIC INSTITUTIONS

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

(If not concluded on Tuesday, March 12, 2024)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, March 12, 2024)

E. THE NATIONAL GOVERNMENT ADMINISTRATION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 73 OF 2023)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, March 12, 2024)

F. MOTION – REPORT OF THE AUDITOR-GENERAL ON FINANCIAL STATEMENTS OF SELECTED STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Commercial Affairs and Energy)

(If not concluded on Tuesday, March 12, 2024)

G. MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR FIVE CONSTITUENCIES IN VIHIGA COUNTY

(The Chairperson, Decentralized Funds Accounts Committee)

(If not concluded on Tuesday, March 12, 2024)

NOTICE OF QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (6B), the **Cabinet Secretary for Public Service, Performance and Delivery Management** will respond to the following Questions in plenary on Wednesday (Afternoon), March 13, 2024—

ORDINARY QUESTIONS

Que. No.	Member	Subject
Question No. 009/2024	Hon. Joyce Kamene, MP <i>(Machakos County)</i>	Reforms that the Ministry has instituted to transform the operational standards of public service to boost productivity
Question No. 010/2024	Hon. Joyce Kamene, MP <i>(Machakos County)</i>	Categories of individuals recruited into the National Youth Service
Question No. 011/2024	Hon. Gonzi Rai, MP <i>(Kinango Constituency)</i>	Eligibility of civil servants to earn hardship allowance in Kinango Constituency
Question No. 012/2024	Hon. (Dr.) Oundo Ojiambo, MP <i>(Funyula Constituency)</i>	Transfer of implementation of the public service internship and volunteer program from Public Service Commission
Question No. 051/2024	Hon. Agnes Pareiyo, MP <i>(Narok North Constituency)</i>	Gazettement of Narok North as a hardship area
Question No. 052/2024	Hon. Paul Nzengu, MP <i>(Mwingi North Constituency)</i>	The criteria considered to classify an area as a hardship zone
