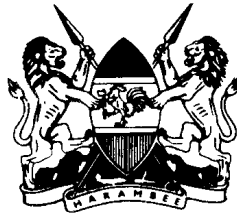


(No. 12)



(071)

**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – (SIXTH SESSION)**

**THE NATIONAL ASSEMBLY**

**ORDERS OF THE DAY**

**WEDNESDAY, FEBRUARY 16, 2022 AT 2.30 P.M.**

**ORDER OF BUSINESS**

**PRAYERS**

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

**8\*. THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILL NO. 28 OF 2020)**

(The Chairperson, Departmental Committee on Health

Second Reading

*(Question to be put)*

**9\*. SPECIAL MOTION-**

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

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

**THAT**, taking into consideration the recommendations of the Departmental Committee on Finance and National Planning in its Report on the *Recruitment of the National Assembly's Nominee to the Equalization Fund Advisory Board, laid on the Table of the House on Wednesday, February 9, 2022* and pursuant to the provisions of section 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and paragraph 4(1)(d) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, this House **approves** the appointment of **Mr. Abdullahi Adan Khalif** to the Equalization Fund Advisory Board.

*(Question to be put)*

**10\*. SPECIAL MOTION- APPROVAL OF NOMINEES FOR APPOINTMENT TO THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS**

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

**THAT**, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the *Vetting of nominees for appointment as Chairperson and Members of the Kenya National Commission on Human Rights, laid on the Table of the House on Thursday, February 10, 2022*, and pursuant to the provisions of Article 250(2)(b) of the Constitution, section 11(7) of the Kenya National Commission on Human Rights Act, 2011 and section 8 (1) of the Public Appointments (Parliamentary Approval Act, 2011, this House **approves** the appointment of the following persons to the Kenya National Commission on Human Rights: -

- (i) **Ms. Roseline Doreen Adhiambo Odhiambo - Odede** - **Chairperson;**
- (ii) **Prof. Marion Wanjiku Mutugi** - **Member;**
- (iii) **Dr. Raymond Plal Sangsang Nyeris** - **Member;**
- (iv) **Ms. Sara Talaso Bonaya** - **Member; and**
- (v) **Dr. Dennis Nyongesa Wamalwa** - **Member.**

*(Question to be put)*

**11\*. THE REGIONAL DEVELOPMENT AUTHORITIES BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2021)**

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

First Reading

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

(The Leader of the Minority Party)

First Reading

**13\*. MOTION - REPORT ON THE BUDGET POLICY STATEMENT FOR THE FY 2022/2023**

(The Chairperson, Budget and Appropriations Committee)

**THAT**, this House **adopts** the Report of the Budget and Appropriations Committee on the Budget Policy Statement for the financial year 2022/2023, *laid on the Table of the House on Tuesday, February 15, 2022* and pursuant to the provisions of section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10)-

- (a) **approves** the Budget Policy Statement (BPS) for the financial year 2022/2023;
- (b) makes the following **financial resolutions with respect to the BPS** -
  - (i) approves the capping of the **fiscal deficit** at Ksh. 400 billion or 3.0% of GDP, whichever is lower;
  - (ii) approves **the National Government's** Budget ceiling for the year 2022/23 at Ksh. 1,629.011 trillion-

...../13\*(Cont'd)

*Of which-*

- |  |                        |
|--|------------------------|
| 1) Executive                                   | Ksh. 1,559.910 billion |
| <i>Of which: Office of the Auditor General</i> | Ksh. 6.378 billion     |
| 2) Parliament                                  | Ksh. 50.220 billion    |
| 3) Judiciary                                   | Ksh. 18.885 billion    |

- (iii) **resolves that**, the budget ceilings of the Ministries, Departments and Agencies (MDAs) be rationalized to be within the deficit as approved herein, and further that necessary measures be put in place to collect additional revenue;
- (iv) **approves** the County Governments' Equitable Share at Ksh. 370 billion;
- (v) **approves** the Equalization Fund at Ksh. 7.068 billion;
- (vi) **approves** the Conditional Grants at Ksh. 37 billion, to be distributed in accordance with Annex 4 of the Report of the Budget and Appropriations Committee;
- (c) makes the **policy resolutions** contained in the First Schedule to the Order Paper (*Policy Resolutions relating to the Budget Policy Statement for the financial year 2022/23*);
- (d) **orders** that the resolutions form the basis for the preparation of the 2022/2023 budget;
- (e) **resolves** that the Budget Policy Statement for the financial year 2022/2023 forms the basis for the introduction of the Division of Revenue Bill, 2022.

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

(The Chairperson, Budget and Appropriations Committee)

**THAT**, this House **adopts** the Report of the Budget and Appropriations Committee on the Medium Term Debt Management Strategy for the financial year 2022/2023 submitted by the Cabinet Secretary for the National Treasury pursuant to the provisions of section 33 of the Public Finance Management Act, 2012 and Standing Order 232(4), *laid on the Table of the House on Tuesday, February 15, 2022* and pursuant to the provisions of section 15(4) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10)-

- (a) **approves** the Medium Term Debt Management Strategy for the financial year 2022/2023;
- (b) **approves** the national borrowing strategy as contained in the 2022/2023 Medium Term Debt Management Strategy, at a level consistent with the fiscal deficit of Ksh. 400 billion or 3 % of GDP, whichever is lower; and,
- (c) makes the **policy resolutions** contained in the Second Schedule to the Order Paper (*Policy Resolutions relating to the Medium-Term Debt Management Strategy for the financial year 2022/23*).

**15\*. COMMITTEE OF THE WHOLE HOUSE**

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

**16\*. 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)*

**17\*. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2021)**

(The Leader of the Majority Party)

Second Reading

**18\*. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)**

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

**19\*. THE CHILDREN BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2021)**

(The Leader of the Majority Party)

Second Reading

**20\*. THE ADVOCATES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2021)**

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

Second Reading

**21\*. 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

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

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FIRST SCHEDULE**POLICY RESOLUTIONS RELATING TO THE BUDGET POLICY  
STATEMENT FOR THE FINANCIAL YEAR 2022/23****Policy Resolutions**

- 1) **THAT**, by 31<sup>st</sup> March, 2022, the Cabinet Secretary for the National Treasury submits-
  - (a) a report to Parliament on the implementation status of the Big Four Agenda. The report should include information on key milestones achieved, targets missed and a list of development projects to be completed in FY 2022/23 as prioritized under the Public Investment Management framework; and,
  - (b) a status report of the Credit Guarantee Scheme to the National Assembly. This report should contain details on the amounts released and the number of beneficiaries.
- 2) **THAT**, in future, the Cabinet Secretary for the National Treasury ought to prepare the Budget Policy Statement in line with the public debt ceiling.
- 3) **THAT**, the Cabinet Secretary National Treasury expedites the finalization of the proposed Medium Term Revenue Strategy (MTRS) and submits it to the National Assembly by 30<sup>th</sup> April, 2022.
- 4) **THAT**, the National Treasury spearheads an evaluation of the emergency relief cash-transfer programme to households affected by drought under the Ministry of Public Service, Gender, Senior Citizen Affairs and Special Programmes. The evaluation report be submitted to Parliament within three months from the date of this resolution.
- 5) **THAT**, within two months from the date of this resolution-
  - (a) a framework on the pre-approvals under Article 223 of the Constitution on Supplementary Budgets be developed by the National Treasury, Controller of Budget and Office of the Auditor General and a report be submitted to Parliament;
  - (b) the Ministry of Education, through stakeholders' engagement, spearheads the review of the capitation amount provided for public primary school learners and realigns it to support the implementation of the new curriculum without compromising the quality of education, and submits a report to the National Assembly;

- (c) the State Department for Early Learning and Basic Education submits a report to the National Assembly on the re-mapping of areas to benefit from the school feeding programme. Once approved, the new re-mapping should form the basis of implementing programmes in the 2022/23 financial year. Further, for effective and smooth implementation and management of this programme it should be fully transferred and domiciled in the National Council for Nomadic Education in Kenya (NACONEK); and,
- (d) the State Department for Labour submits the Labour Migration Bill to Parliament to address the matter of mistreatment of Kenyan migrant workers in the Gulf Region. Cases of Kenyan migrant workers being mistreated in the Gulf region have been on the rise yet there is no policy or targeted interventions to address the same.
- 6) **THAT**, the State Department for ICT and Innovation spearheads the establishment of a multi-agency committee that should come up with a strategy on the rollout of the Digital Learning Programme and a report be submitted to Parliament within six months upon approval of the 2022/23 BPS. The multi-agency committee should be made up of representatives from the State Department for Energy, State Department for Interior and Co-ordination of National Government, Ministry of Education, Research and Technology, and the State Department for ICT and Innovation. Further, the strategy should incorporate modalities of addressing challenges in settling of electricity bills in public learning schools.
- 7) **THAT**, the relocation of the relevant agencies domiciled in the State Department for ICT and Innovation such as the Kenya Film School, Kenya Film Classification Board and the Kenya Film Commission to Konza Technopolis be effected by 31<sup>st</sup> December, 2022 and the budget savings from this be utilized to reduce the fiscal deficit.
- 8) **THAT**, within the next three months, the higher education sub sector, through the University Funding Board (UFB), establishes and implements the university education data management information system to promote accountability and improve management of disbursed funds. This university data management system should also be linked to the National Education Management Information Systems (NEMIS) to create a pool of credible data for the whole education sector.
- 9) **THAT**, in the next financial year 2022/23, the One Village One Product (OVOP) initiative which will cost Kshs. 505 million be implemented and domiciled under the Kenya Industrial Estates (KIE). The National Treasury should provide the required resources.

- 10) **THAT**, the police housing audit be fast-tracked by the Cabinet Secretaries for the State Department for Interior and State Department for Housing and Urban Development, and the report submitted to the National Assembly by 1<sup>st</sup> June 2022.
- 11) **THAT**, the Cabinet Secretary in the Ministry of Lands and Physical Planning completes the development of an interim digital revenue collection system by 30<sup>th</sup> June 2022 and submit a report to Parliament. This is to ensure collection leakages are eliminated for the Ministry to meet its revenue collection targets.
- 12) **THAT**, the State Department for Petroleum reviews the Petroleum Development Fund Act, 1991 to provide for a Board to administer the funds and ring-fence the allocations/appropriations for use in fuel stabilization by the end of FY 2022/2023.
- 13) **THAT**, the National Treasury, Kenya Revenue Authority (KRA), Commission on Revenue Allocation (CRA) and the Council of Governors should fast-track the development of an integrated County Revenue Management system for a unified revenue collection system for all counties. The CRA should fast track the development of model tariffs and pricing policy to guide counties to develop their own.
- 14) **THAT**, within the next one month, the Ministry of Health submits an exit report for the leasing of the medical equipment programme. The report should contain among other things the successes, challenges and the value-for-money of the programme and more particularly detailing the Ministry's options with regard to the equipment when the contract comes to an end later this year. It is critical that the persistent and pertinent issues surrounding this project are addressed to guarantee smooth transition.
- 15) **THAT**, by 1<sup>st</sup> May 2022, the Ministry of Health ensures that the fragmented government-sponsored social health covers such as *Linda Mama*, insurance for the Elderly and Persons with Disabilities, *Edu Afya*, among others, are harmonized into one single pool of resources for Universal Health Coverage (UHC). The savings from the implementation of this policy should be used to reduce the fiscal deficit.
- 16) **THAT**, by 1<sup>st</sup> September 2022, the Ministry of Health submits to Parliament a clear policy and criteria for classifying health facilities across the country. This will facilitate smooth and seamless transfer of health facilities between the two levels of government.

SECOND SCHEDULE

**POLICY RESOLUTIONS RELATING TO THE MEDIUM-TERM DEBT  
MANAGEMENT STRATEGY FOR THE FINANCIAL YEAR 2022/23**

**Policy Resolutions**

- 1) Given the high level of debt stock, enhancement of debt transparency and accountability initiatives be instituted in accordance with the provisions of Article 201 of the Constitution, including -
  - (i) **THAT**, a full quantification of Kenya’s Public debt stock as defined under Article 214 of the Constitution be undertaken by the Cabinet Secretary for the National Treasury by the time of submitting the Budget Estimates for the year 2022/23 in April, 2022. The quantification is to include the amount of debt disbursed and debt commitments already incurred;
  - (ii) **THAT**, the Cabinet Secretary for the National Treasury submits a debt register on a quarterly basis to Parliament for scrutiny; and,
  - (iii) **THAT**, in order to enhance transparency and accountability, by the time of submitting the Budget Estimates for the year 2022/23 in April, 2022, the Cabinet Secretary for the National Treasury submits a progress report on all externally funded projects to the National Assembly.





# NOTICES

## LIMITATION OF DEBATE

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

### Limitation of Debate on Bills sponsored by Parties or Committees

- I. **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 Motions

- II. **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.

### Limitation of Debate on Committee Reports

- III. **THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit Committees)**, 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 Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee) **except** for the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each, 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.
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# **NOTICE PAPER**

## **Tentative business for**

**Thursday, February 17, 2022**

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*(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 Thursday, February 17, 2022-

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

(The Chairperson, Budget and Appropriations Committee)

*(If not concluded on Wednesday, February 16, 2022 – Afternoon Sitting)*

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

(The Chairperson, Budget and Appropriations Committee)

*(If not concluded on Wednesday, February 16, 2022 – Afternoon Sitting)*

**C. COMMITTEE OF THE WHOLE HOUSE**

(i) The Public Procurement and Assent Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021)

(The Leader of the Majority Party)

(ii) The Copyright (Amendment) Bill (National Assembly Bill No. 44 of 2021)

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

**D. MOTION- REPORT ON STALLED AND/OR INCOMPLETE PROJECTS INITIATED THROUGH THE NG-CDF BUT FALLING UNDER THE COUNTY GOVERNMENT FUNCTIONS**

(The Chairperson, Select Committee on National Government Constituencies Development Fund)

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

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

Second Reading

*(If not concluded on Wednesday, February 16, 2022 – Afternoon Sitting)*

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

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Wednesday, February 16, 2022 – Afternoon Sitting)*

**G. THE COFFEE BILL (SENATE BILL NO. 22 OF 2020)**

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

*(If not concluded on Wednesday, February 16, 2022 – Afternoon Sitting)*

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

(The Leader of the Majority Party)

Second Reading

*(If not concluded on Wednesday, February 16, 2022 – Afternoon Sitting)*

**I. THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2021)**

(The Chairperson, Committee on the National Government Constituencies Development Fund)

Second Reading

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

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

Second Reading

*(If not concluded on Wednesday, February 16, 2022 – Afternoon Sitting)*

**K. 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

*(If not concluded on Wednesday, February 16, 2022 – Afternoon Sitting)*

# **A P P E N D I X**

## **NOTICE OF PETITIONS, QUESTIONS & STATEMENTS**

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### **ORDER NO.4 - PETITIONS**

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It is **notified** that, pursuant to the provisions of Standing Order 225, the following Petition will be presented -

<b>No.</b>	<b>Subject</b>	<b>Petitioner(s)</b>	<b>Relevant Committee</b>
045/2021	Compensation for land dispossessed by the British Colonial government from local communities in Kilifi and the larger coastal region	<i>To be presented by the Hon. Owen Baya, MP (Kilifi North) on behalf of the people of Kilifi County</i>	D.C. on Justice and Legal Affairs and D.C. on Lands

# **ORDER NO.7 -QUESTIONS**

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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**

021/2022

**The Member for North Imenti (Hon. Abdul Rahim Dawood, MP) to ask the Cabinet for Lands and Physical Planning: -**

- (i) What is the original and current ownership status of a parcel of land, L.R. No. *Ntima/Igoki/1769* in *Gakoromone* area in *North Imenti Constituency*, which was sub-divided into *Land Reference Number Ntima/Igoki 5980 and 5999* on 8<sup>th</sup> April 1999?
- (ii) Could the Cabinet Secretary provide details of persons who have illegally acquired or occupied the said land?
- (iii) Could the Cabinet Secretary undertake to institute action against persons who facilitated the illegal transfer of the said land?
- (iv) Are there plans by the Ministry to ensure that the title deeds illegally acquired for the said land are revoked and that the land reverts to the community for public use?

*(To be replied before the Departmental Committee on Lands)*

035/2022

**The Member for Tharaka (Hon. Gitonga Murugara, MP) to ask the Teachers Service Commission: -**

- (i) Could the Chairperson of the Teachers Service Commission explain why *Mr. Kitbinji John Gituura (TSC No. 414517)*, *Ms. Sarah Njeri Kamiri (TSC No. 462538)*, *Mr. Murugara Kitbinji Leonard (TSC No. 463028)*, *Mr. Erugura Godfrey Mwiti (TSC No. 492980)* and *Ms. Lucy Wanjiku Kiriga (TSC No. 366144)*, who were appointed as Deputy Principals and deployed by the Commission in September 2019 have not had their grades and salaries effected as required under the Commission's Policy on Human Resource and Remuneration Guidelines?
- (ii) Could the Chairperson indicate when their grades and salaries will be affected as required under the provisions of the policy?

*(For Written Reply by the Chairperson of the Teachers Service Commission)*

043/2022

**The Member for Mathioya (Hon. Peter Kihara, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -**

- (i) Could the Cabinet Secretary explain why persons living along the *Kiriaini-Kairo road* in Mathioya Constituency are yet to be compensated for land compulsorily acquired by the Government for the upgrading of the road to bitumen standards?
- (ii) Could the Cabinet Secretary state the timelines when the said residents will be compensated?

*(To be replied before the Departmental Committee on Transport, Housing and Public Works)*

044/2022

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

- (i) Could the Cabinet Secretary provide a status report regarding electricity connectivity to homes and public institutions in *Magarini* Constituency?
- (ii) What measures has the Ministry put in place to ensure electricity connectivity in homes and schools particularly at *Adu Secondary School, Kamale, Sogorosa, Kaguguta, Bodoi and Makumba Primary Schools*?

*(To be replied before the Departmental Committee on Energy)*

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