



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, MARCH 15, 2023 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*. MOTION- REPORT ON THE CONSIDERATION OF THE 2023
MEDIUM-TERM DEBT MANAGEMENT STRATEGY
(The Chairperson, Public Debt & Privatization Committee)

THAT, this House **adopts** the Report of the Public Debt and Privatization Committee on its consideration of the 2023 Medium Term Debt Management Strategy, *laid on the Table of the House on Thursday, 9th March, 2023* and pursuant to the provisions of section 15(4) of the Public Finance Management Act, 2012 and Standing Order 232A(7) and (8) –

- (a) **approves** the 2023 Medium-Term Debt Management Strategy; and
- (b) makes the **Policy and Financial Resolutions** contained in the Schedule to the Order Paper.

(Question to be put)

9*. MOTION – REPORT ON THE CONSIDERATION OF THE DRAFT SALARIES AND REMUNERATION COMMISSION (REMUNERATION AND BENEFITS OF STATE AND OTHER PUBLIC OFFICERS) REGULATIONS, 2022

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the *Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022 laid on the Table of the House on Wednesday, 8th March, 2023*, and pursuant to the provisions of section 26(2) of the Salaries and Remuneration Commission Act, 2011 **rejects** the *Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022*.

*(Resumption of debate interrupted on Tuesday, March 14, 2023)
(Balance of time – 1 hour 56 minutes)*

10*. MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE NATIONAL CLIMATE CHANGE COUNCIL

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

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources in its report on the Vetting of Nominees for Appointment as Members of the National Climate Change Council, *laid on the Table of the House on Tuesday, 14th March, 2023*, and pursuant to Article 132 (2)(f) of the Constitution, section 7(4) of the Climate Change Act, sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 216 (5) (f) of the National Assembly and the Senate Standing Order 228 (4)(f)-

(a) approves the appointment of the following persons as **Members** of the National Climate Change Council –

- (i) Ms. Emily Mwendu Waita;
- (ii) Mr. John Kioli Kalua; and
- (iii) Prof. George Odera Outa.

(b) rejects the appointment of Ms. Umra Omar as a Member of the National Climate Change Council.

11*. MOTION – REPORT OF SESSIONS OF THE ORGANIZATION OF AFRICA, CARIBBEAN AND PACIFIC STATES AND THE EUROPEAN UNION JOINT PARLIAMENTARY ASSEMBLY

(Leader of the Kenya Delegation to the OACPS-EU JPA)

THAT, this House **notes** the Report of the 61st Session of the Organization of Africa, Caribbean and Pacific (OACPS) Parliamentary Assembly and the 42nd Session of the ACP-EU Joint Parliamentary Assembly, *laid on the Table of the House on Wednesday, November 30, 2022.*

(Resumption of debate interrupted on Thursday, March 9, 2023)

(Balance of time - 53 minutes)

12*. MOTION – GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS

(The Leader of the Majority Party)

THAT, noting the contents of a Memorandum submitted to Parliament by His Excellency the President asking Parliament to consider initiating amendments to the Constitution; **Acknowledging that**, actualization of the proposals which relate to, *inter alia*, the composition of Parliament as provided for in Articles 97 and 98 of the Constitution in order to attain the two-thirds gender principle, the creation of the office of Leader of Official Opposition in Parliament, and the inclusion of various funds in the Constitution, would necessitate amendment to the Constitution, while the restructuring of parliamentary oversight to allow for Cabinet Secretaries to appear before the Houses of Parliament to respond to Questions by Members would require the amendment of Standing Orders; **Further acknowledging that**, the Speaker, vide a Notification issued on 9th December 2022 referred the matters raised in the Memorandum to the *Departmental Committee on Justice and Legal Affairs* with regard to proposals relating to the implementation of the Two-Thirds Gender principle and the establishment of the Office of the Leader of Official Opposition; *The Joint Parliamentary Ad Hoc Committee* with regard to proposals to amend the Constitution to entrench the Constituency Development, Senate Oversight and National Government Affirmative Action Funds; and *The Procedure & House Rules Committee* with regard to proposals to amend the Standing Orders to strengthen parliamentary oversight of the Executive, so as to facilitate public participation pursuant to Article 118 of the Constitution;

..... /12*(Cont'd)

NOW THEREFORE, pursuant to the provisions of Articles 1(2) and 95(2) of the Constitution, this House **notes, considers and makes general comments** on the proposals contained in the Memorandum by His Excellency the President.

(Resumption of debate interrupted on Wednesday, March 8, 2023 – Afternoon Sitting)

**13*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL
(NATIONAL ASSEMBLY BILL NO. 60 OF 2022)**

(The Leader of the Majority Party)

Second Reading

Denotes Orders of the Day

SCHEDULE

POLICY AND FINANCIAL RESOLUTIONS RELATING TO THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY

A. POLICY RESOLUTIONS

1. **THAT**, any borrowing undertaken by the National Treasury in FY 2023/24 should not exceed the Kshs. 10 trillion approved debt ceiling set by Parliament.
2. **THAT**, to enhance liquidity management and help reduce unnecessary short-term domestic borrowing occasioned by governments inability to access surplus funds held in numerous Ministries, Departments and Agencies (MDAs) bank accounts, the National Treasury spearheads the integration of MDA banking arrangements into a **single treasury account** system as provided for in section 28(2) of the Public Finance Management (PFM) Act, 2012 and the PFM regulations. This should be submitted to Parliament within six months.
3. **THAT**, as indicated in the Committee’s report on the Consolidated Fund Services (CFS) expenditures for supplementary estimates No. 1 of FY 2022/23, the National Treasury should within six months, table regulations for the establishment of a sinking fund dedicated to public debt servicing as provided for under section 50(8) of the PFM Act, 2012.
4. **THAT**, in order to safeguard against shocks with regard to external interest payments, the National Treasury adopts hedging mechanisms on foreign exchange risks and/or negotiates lending agreements in Kenya shillings.
5. **THAT**, the National Treasury undertakes a review of all undisbursed loans amounting to Kshs. 1.179 trillion and submits to the National Assembly within one month, a report with information on terms, status, reasons for non-disbursement and proposals on any loans that can be cancelled to save spending on commitment fees.
6. **THAT**, in adherence to the Accra Agenda for Action 2018, donor support **MUST** be aligned to the country’s budget cycle to facilitate proper planning by the implementing agencies and reduce occurrence of undisbursed loans.

...../Schedule*(Cont’d)

7. **THAT**, within two months, the National Treasury submits to this House, a strategy for resolution of non-performing loans linked to various State Owned Enterprises (SoEs) including Kenya Airways.
8. **THAT**, the Office of the Auditor General expedites the audit of project loans under the water sector and the Kshs. 9.9 billion loan borrowed on behalf of KPLC and submits this report to the House within the next two months.
9. **THAT**, in the next budget cycle, the National Treasury aligns the borrowing strategy proposed in the Budget Policy Statement with the borrowing strategy in the Medium-Term Debt Strategy (MTDS) in order to ensure credibility of the Government's planning documents.
10. **THAT**, in the next budget cycle, the National Treasury undertakes public participation on the MTDS in line with Article 201 of the Constitution.
11. **THAT**, going forward, the MTDS should live up to its expectation as a medium term document by showing consistency in proposed debt management strategies including deficit financing on a three year rolling framework, from one MTDS to another.
12. **THAT**, the National Treasury undertakes a sensitivity analysis on the 2023 MTDS and submits to this House, within two weeks, a contingency plan on measures to be undertaken in the event of revenue shortfalls or underperformance of loans.

B. FINANCIAL RESOLUTIONS

1. **THAT**, the fiscal deficit target for the medium term is approved and set at 4.4% of Gross Domestic Product (GDP) for FY 2023/24; 3.9% of GDP for FY 2024/25 and 3.6% of GDP for FY 2025/26 in line with the fiscal consolidation path.
2. **THAT**, the country's borrowing strategy is approved at 50 percent net external borrowing and 50 percent net domestic borrowing as contained in the 2023 Medium-Term Debt Management Strategy.
3. **THAT**, any deviation from the approved borrowing strategy will require the approval of the National Assembly.

NOTICES

LIMITATION OF DEBATE

The House resolved on Wednesday, February 15, 2023 as follows—

Limitation of Debate on Other Committee Reports

- I. **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 Motions

- II. **THAT**, each speech in a debate on any **Motion, including a Special motion** 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 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 on General Debate on the Proposal to Parliament to consider amending the Constitution and the Standing Orders

- III. **THAT**, each speech on the debate on the Motion on the *General Debate on the Proposal to Parliament to Consider Amending the Constitution and the Standing Orders* shall be limited as follows: A maximum of twenty (20) minutes for the Mover in moving and ten (10) minutes in replying, and ten (10) minutes for any other Member

...../Notices*(Cont'd)

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 in speaking be accorded to the Leader of the Majority Party and the Leader of the Minority Party in that order.

Limitation of Debate on Bills sponsored by Parties or Committees

- IV. 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** 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 be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.



NOTICE PAPER

Tentative business for

Thursday, March 16, 2023

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Thursday, March 16, 2023—

A. MOTION – APPROVAL OF NOMINEES TO THREE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND COMMITTEES

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

(Subject to tabling of Committee Report and Notice of Motion)

B. MOTION – REPORT ON THE CONSIDERATION OF THE 2023 BUDGET POLICY STATEMENT

(The Chairperson, Budget and Appropriations Committee)

(Subject to tabling of Committee Report and Notice of Motion)

C. MOTION – GENERAL DEBATE ON THE PROPOSAL TO PARLIAMENT TO CONSIDER AMENDING THE CONSTITUTION AND THE STANDING ORDERS

(The Leader of the Majority Party)

(If not concluded on Wednesday, March 15, 2023 – Afternoon Sitting)

D. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2022)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Wednesday, March 15, 2023 – Afternoon Sitting)

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

023/2023

The Member for Mwea (Hon. Mary Maingi, MP) to ask the Cabinet Secretary for Agriculture and Livestock Development: -

- (i) Could the Cabinet Secretary provide details on the status of implementation and specify the timelines within which the Ministry intends to revive Mwea Cotton Ginnery following legalization of commercial cultivation of genetically modified pest resistant *BT Cotton* variety in 2019 after trials at Kenya Agricultural and Livestock Research Organisation (KALRO) Centre in Mwea?
- (ii) What steps has the Ministry taken to ensure that when the Ginnery begins active production, locals of Mwea Constituency will directly benefit in terms of employment opportunities and Corporate Social Responsibility (CSR) initiatives?

(To be replied before the Departmental Committee on Agriculture and Livestock)

040/2023

The Member for Kibwezi East (Hon. Jessica Mbalu, MP) to ask the Cabinet Secretary for Energy and Petroleum: -

Could the Cabinet Secretary -

- (i) Provide details of the number of public utilities, including primary and secondary schools in Kibwezi East Constituency that are not connected to electricity and the steps being undertaken to connect them to the national grid?

- (ii) Outline the measures that the Ministry has put in place to either service or replace faulty and obsolete Solar PV Systems that were installed to supply uninterrupted power to various public institutions in Kibwezi East Constituency, particularly primary schools where power is critical for implementing digital learning programme?
- (iii) Provide a status report on electrification projects for other areas in Kibwezi East Constituency that are not connected to electricity and plans being undertaken to ensure that the areas get connected to the national grid?

(To be replied before the Departmental Committee on Energy)

044/2023 The Member for Teso North (Hon. Oku Kaunya, MP) to ask the Cabinet Secretary for Education: –

Could the Cabinet Secretary –

- (i) consider incorporating the Competency Based Curriculum (CBC) into the 8-4-4 curriculum as a way of addressing the challenges that have affected smooth transitioning from 8-4-4 to the CBC system?
- (ii) confirm whether the Ministry will meet the full costs of implementing the CBC, particularly purchase of resources necessary for carrying out CBC lessons?
- (iii) state the measures that the Ministry is taking to ensure that all the 1.2 million Grade 7 learners transition to Junior Secondary School?
- (iv) explain the fate of infrastructure that was earlier established in Secondary Schools using public funds in readiness for Junior Secondary Schools, which are now domiciled in primary schools?

(To be replied before the Departmental Committee on Education)

045/2023 The Member for Yatta (Hon. Robert Basil, MP) to ask the Cabinet Secretary for Education: –

- (i) Could the Cabinet Secretary explain to the criteria applicable to deployment of Principals in Junior Secondary Schools?
- (ii) When will the teachers who have served as Principals or Deputy Principals in acting capacities beyond the statutory six months be substantively appointed in those positions?

(To be replied before the Departmental Committee on Education)

046/2023

The Member for Bahati (Hon. Irene Njoki, MP) to ask the Cabinet Secretary for Interior and National Administration:

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- (i) Could the Cabinet Secretary explain the steps that the Government has taken to fight against the proliferation of illicit brews in Bahati Constituency, including steps being taken to eradicate their production and sale?
- (ii) Could the Cabinet Secretary explain mechanisms put in place to enforce proper disposal of illicit brews nabbed by Police during swoops to ensure that the product does not find its way into circulation?

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