



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (SECOND SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
WEDNESDAY, OCTOBER 4, 2023 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 NATIONAL TRANSPORT AND SAFETY AUTHORITY BILL
(NATIONAL ASSEMBLY BILL NO. 36 OF 2023)

(The Hon. Didmus Barasa, M.P.)

First Reading

9*. THE LAND CONTROL BILL (NATIONAL ASSEMBLY BILL NO. 39
OF 2023)

(The Hon. Wilberforce Oundo, M.P.)

First Reading

10*. MOTION – REVIEW OF THE SCOPE OF EDUCATION BURSARY
SCHEME UNDER NG-CDF AND CAPITATION FOR
LEARNERS IN PRIMARY AND JUNIOR SECONDARY
SCHOOLS

(The Hon. Wakili Edward, M.P.)

THAT, aware that Article 43(1)(f) of the Constitution as read together with Article 53(1)(b) entitles every child to free quality and compulsory basic education; cognizant of the fact that, access to funding for education immensely contributes to the realization of universal access to basic education in the country; appreciating that, section 48 of the National Government Constituency Development Fund (NG-CDF) Act, 2015 establishes education bursary schemes for every constituency towards access to basic education; noting that section 48A of the NG-CDF Act further allows for affirmative action mechanisms of allocating additional funds to cater for education bursary schemes and other teaching and learning related activities; concerned that, the NG-CDF Act caps

allocation to bursary schemes under the Fund at not more than 35% of total Constituency allocation in a financial year, thereby limiting the number of cases that may be supported to access basic education; further concerned that, the NG-CDF Board has only been approving bursary support for secondary and tertiary education and not primary schools and the recently created Junior Secondary Schools; cognizant of the fact that, the failing to extend bursaries to primary and Junior Secondary Schools on the assumption that the two levels of education are 'free' is a misnomer since the Government's capitation per pupil is inadequate to cater for the mandatory materials required for Competency Based Curriculum (CBC), thereby affecting pupils whose parents are unable to meet the attendant costs; deeply concerned that, continued exclusion of allocation of bursary to Primary and Junior Secondary Schools violates the provisions of Article 27 of the Constitution and slows down attainment of universal basic education in Kenya; now therefore, this House **resolves** that:

- (i) the education bursary schemes under section 48 of the National Government Constituency Development Fund (NG-CDF) Act, 2015 be extended to support learners in Primary and Junior Secondary Schools to cater for Competency Based Curriculum requirements;
- (ii) pursuant to section 48A of National Government Constituency Development Fund Act, 2015, the NG-CDF Board in each Constituency approves additional allocation to the education bursary scheme in order to Support for teaching and learning related activities associated with the CBC education including School Feeding Programmes; and
- (iii) the Government revises the capitation per student in primary schools from the current Kshs. 1,420 per year to at least Kshs. 7,760, being the minimum optimal capitation factoring the new CBC education system and the prevailing high cost of living.

(Party-Sponsored Motion)

11*. MOTION – EXPANSION OF DRUG AND SUBSTANCE ABUSE REHABILITATION CENTRES

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

THAT, aware that, according to the National Protocol for Treatment of Substance Use Disorders in Kenya by the Ministry of Health, drug abuse has been increasing in Kenya especially among the youth with statistics indicating that more than half of drug users are aged between 10 and 19 years; further aware that, research released by the National Authority for the Campaign Against Drug Abuse (NACADA) in December 2022 placed western region as the leading region in alcohol and substance abuse at 23.8%, followed by the coast region at 13.9% and the central region at 11.9%; recognizing that, the high level of drug abuse in the western region is attributable to illegal entry points from neighbouring countries and unlicensed establishments especially in Bungoma and Busia counties with statistics indicating two out of every five establishments in Bungoma operate illegally; further recognizing that, a majority of the consumers of illegal substances are school-going children who end up

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dropping out of school; cognizant of the fact that the Alcoholic Drinks Control Act, 2010 established the Alcoholic Drinks Control Fund whose purpose is to, among other things, facilitate the dissemination of information on alcoholic drinks, and promote rehabilitation programmes in the country; this House **urges** the Government to institute intensive programmes for the dissemination of information on alcohol and substance abuse in line with the Alcoholic Drinks Control Act, 2010 and to increase the number of rehabilitation centres across the counties.

12*. MOTION – BANNING THE GROWING OF EUCALYPTUS TREES IN THE COUNTRY

(The Hon. Moses Kirima, M.P.)

THAT, aware that, the eucalyptus tree species are popular among large scale and commercial tree farmers in Kenya; noting that, these tree species are grown in most ecological zones in the country and in particular in the *Western, Central Rift Valley, Central Kenya, parts of Eastern and the Coastal Regions* of the country; acknowledging that, farming of the eucalyptus trees has been on the rise due to their fast growth, good economic returns and diverse commercial uses such as transmission poles, fuelwood, timber, plywood, pulp, fencing posts and building materials among others; concerned that, eucalyptus trees species are majorly cited as high water depleting agents through high consumption, transpiration and evaporation thus causing the drying up of streams, rivers and depletion of groundwater water sources; deeply concerned that, the high depletion of water by the said trees has caused adverse negative effects on soil fertility, land degradation and are a serious threat to the biodiversity; recognizing that, due to the serious threats posed by the Eucalyptus trees to the biodiversity, there is need therefore for their removal and replacement with other types of trees to improve conservation of water sources and the ecosystem; this House **resolves** that the National Government through the Ministry of Environment, Climate Change and Forestry –

- (i) orders absolute banning of planting eucalyptus trees and encourages planting of indigenous species across the country;
- (ii) orders the uprooting of all eucalyptus trees and replacement with other varieties of trees particularly, indigenous species to ensure conservation of water sources and preserve the ecosystem; and
- (iii) initiates the process of putting in place punitive measures against persons who defy the above orders.

13*. MOTION – ESTABLISHMENT OF STRATEGIC GRAIN STORAGE RESERVES AND SILOS IN CLOSE PROXIMITY TO SMALLHOLDER FARMERS

(The Hon. Jessica Mbalu M.P.)

THAT, aware that, agriculture is the backbone of the Kenya's economy contributing approximately 33% of the GDP and employing more than 40 percent of the total population and 70 percent of the rural population; noting that the sector's performance has been declining as a result of adverse effects of

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climate change, resulting in droughts, famine and food insecurity; further noting that Smallholder farming is predominantly rain-fed cereal grain farming and farmers experience boom harvest every time there is adequate rains; concerned that such farmers majorly lack proper post-harvest grain handling and modern storage facilities and resort to selling their harvest almost immediately after harvesting at low prices when market is flooded to reduce the risk of suffering losses through spoilage; cognizant of the fact that the current state of affairs exacerbates poverty in rural areas and there is need for instituting measures that boost local production to augment our grain reserves as stipulated under the National Food and Nutrition Security Policy, which would also lead to a reduction of grains imports in the country; this House now **resolves** that the Government through Ministry of Agriculture and Livestock Development establishes strategic grain storage reserves and silos in close proximity to smallholder farmers so as to address post-harvest inefficiencies.

14*. MOTION – POLICY ON INTEGRATING A CURRICULUM FOR ENVIRONMENTAL CONSERVATION IN PRIMARY AND SECONDARY SCHOOLS

(The Hon. Umul Ker Kassim, M.P.)

THAT, aware that, Article 42 of the Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) of the Constitution also mandates the State to encourage public participation in the management, protection conservation of the environment; concerned that, the prevailing climate change and global warming has adversely affected our ecosystems and biodiversity causing unprecedented droughts, food insecurity and famine thus affecting livelihoods and our economy, further concerned that, there is a general lack of awareness or insensitivity among our citizens regarding the place of environmental conservation in preserving our biodiversity; noting that, there is need to inculcate a culture of environmental conservation practices to restore and maintain balanced natural ecosystems, and ensure protection of biodiversity, including reducing the effects of pollution and conserving natural resources for our future generations; this House **resolves** that the Government through the Ministry of Environment, Climate Change and Forestry develops and implements a policy on integrating a curriculum for environmental conservation in primary and secondary schools in the Country.

15*. MOTION – REGULATION OF THE SUGAR INDUSTRY TO DISCOURAGE BRANDING OF SUGAR BY NON-MILLERS

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

THAT, aware that, the importation and exportation of sugar is regulated by various laws including the Crops Act and the Agriculture and Food Authority Act, 2013; further aware that, the Agriculture and Food Authority is charged with the responsibility of regulating the importation and exportation of sugar in the country in accordance with the law; noting that, the importation of sugar is also negotiated within the regional trade blocs' frameworks and agreements to enable the country to meet the demand for sugar; further noting

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that, individuals or entities are allowed to import sugar provided they obtain the necessary permits and meet the required standards; concerned that, despite these regulations, there have been instances of illegal importation of low quality sugar or adulterated sugar; further concerned that, unscrupulous traders have been found to rebrand the sugar which does not meet the standards of the Kenya Bureau of Standards specifications; deeply concerned that, this poses significant health risk to consumers as well as undermining the efforts to regulate and strengthen the sugar industry to protect local millers; acknowledging that, the country has the potential to produce enough sugar to meet its domestic demand as the sector has been a key driver of economic growth; further acknowledging that there is need for concerted efforts by stakeholders to discourage the branding of sugar by non-millers and promote the development of the local sugar industry; now therefore, this House **resolves** that the Government through the Ministry of Trade, Investments and Industry ensures strict operationalization of the regulatory frameworks governing sugar importation into the country.

16*. MOTION – POLICY FOR THE PROVISION OF MENTAL HEALTH SERVICES IN ALL HEALTHCARE FACILITIES

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

THAT, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health including the right to health care services; further aware that, mental health is a key determinant of overall health and socio-economic development; recognizing that, the Constitution assigns to the national government the responsibility of matters of health policy; concerned that, according to the World Health Organization (WHO), mental and neurological disorders are common and about ten (10) percent of the global population suffer from at least one mental health disorder at any given time; concerned that, psychiatric units are only available in a few facilities in the country and patients requiring psychiatric services have limited or no access to these facilities; acknowledging that, access to healthcare facilities would lead to improved overall health, increased economic productivity, social equity and improved quality of life for all; now therefore, this House **urges** the National Government, through the Ministry of Health, to collaborate with County Governments to develop a policy integrating mental health services in all healthcare facilities in the country.

17*. MOTION – IMPLEMENTATION OF FIRST AID TRAINING AS A CORE SUBJECT IN SCHOOLS

(The Hon. Caleb Amisi, M.P.)

THAT, aware that first-aid training is a key component of Emergency Medical Response (EMR); further aware that first-aid response promotes a safer and healthier community by reducing accidents and injuries; noting that lack of first-aid training and skills among the general public has contributed to the aggravation of preventable injuries and accidents which, in some cases, has led to loss of lives; further noting that the current education system does not include first-aid training as a compulsory subject in the curriculum which

deprives students of essential knowledge and skills necessary for their personal safety and that of persons around them; acknowledging that it is critical to equip students with the ability to assess and handle day-to-day emergencies in schools and at home; now therefore, this House **urges** the National Government through the Ministry of Education to develop and implement a comprehensive first-aid curriculum for schools across the country.

18*. MOTION – ESTABLISHMENT OF A NATIONAL FUND TO SUPPORT VICTIMS OF GENDER-BASED VIOLENCE

(The Hon. Mary Emaase, M.P.)

THAT, aware that Article 29 of the Constitution provides the right of every person to freedom from any form of violence; further aware that, gender-based violence (GBV) is a serious violation of human rights with records indicating that one in every three women will experience sexual or physical violence in their lifetime; noting that according to the UN Refugee Agency (UNHCR), gender-based violence includes sexual, physical, mental and economic harm inflicted in public or in private and may involve threats of violence, coercion and manipulation in the form of intimate partner violence, sexual violence, child marriage, and female genital mutilation; further noting that, timely response to and effective post- management of GBV incidences is critical in curbing the effects of these incidences to victims; concerned that at present, there are inadequate gender-based violence response centres and shelters in the country with limited resources being provided for victims seeking assistance; further concerned that, there are inadequate rehabilitation and reintegration programmes for victims and perpetrators of gender-based violence; recognizing that, victims of gender-based violence as well as perpetrators require specialized professional assistance for full reintegration into the community; this House therefore **resolves** that the Government through the relevant Ministry establishes a national fund to ensure all survivors of GBV have adequate, timely and unhindered access to quality services that meet their needs, and support victims of GBV to have access to timely and unhindered quality services.

19*. MOTION – ACTION TO ADDRESS THE RECENT SURGE IN ROAD ACCIDENTS IN THE COUNTRY

(The Hon. Naomi Waqo, M.P.)

THAT, aware that, the National Transport and Safety Authority Act 2012, provides for the establishment of the National Transport and Safety Authority (NTSA); further aware that, the Authority in line with section 4 of this Act plays a critical role in ensuring the provision of safe, reliable and efficient road transport services; concerned that, there has been an alarming surge in road accidents in the recent past resulting in loss of life, injuries and damage to properties; further concerned that, the Authority has not effectively and fully performed its functions of regulating safe and reliable transport service especially in dealing with public service vehicles; noting that, poor maintenance of motor vehicles and a lack of deeply concerned that, school-going children are increasingly becoming victims of these road accidents; recognizing that, it is the responsibility of the Authority to ensure adherence to the road traffic rules, and

to establish systems and procedures for, and oversee the training, testing and licensing of drivers; now therefore, this House **resolves** that the government through the Ministry of Roads & Transport undertakes a comprehensive overhaul of the transportation sector to provide for proper regulation of the sector and ensure strict operationalization of the Traffic regulations to provide a safer and more reliable transport sector.

20*. MOTION – ADOPTION OF GOVERNMENT-TO-GOVERNMENT (G2G) MODEL TO ACQUIRE AND SUPPLY FERTILIZERS TO FARMERS AT SUBSIDISED COST

(The Hon. Geoffrey Ruku, M.P.)

THAT, aware that, Kenya is an agricultural-based economy with a significant portion of its population relying on farming for their livelihood; noting that, the quality and quantity of crop yields in Kenya has been hampered to a large extent by lack of adequate and quality fertilizers leading to decreased agricultural productivity and economic losses; further noting that, the government has committed to improving agricultural productivity through various initiatives including provision of subsidized fertilizers; concerned that the cost, quantity and quality of fertilizers and subsequently the cost of production of food crops and cash crops including coffee, tea and *Miraa* has increased due to a number of factors, among them high cost of fertilizers due to markup by private suppliers of fertilizers; further concerned that, threat to food security is a threat to national security; recognizing that the Government-to-Government (G2G) model has been noted to lower cost of products; further recognizing that, there are countries willing to enter into a G2G agreements; appreciating that G2G has been proven to be effective in the provision of services that have a direct impact on citizens' livelihood including the cost of living such as the supply of fertilizers, particularly in countries with similar agricultural conditions as Kenya; this House, therefore, **resolves** that, the government, through the Ministry of Agriculture and Livestock Development and its agencies adopts –

- (i) the Government-to-Government (G2G) model in the acquisition and supply of fertilizers by identifying potential partner countries that have surplus and quality fertilizers;
- (ii) a comprehensive programme for government-to-government (G2G) acquisition and distribution of fertilizers through among others, Kenya Farmers Association (KFA), Kenya Tea Development Agency (KTDA), Coffee Board of Kenya, Kenya Planters Cooperative Union (KPCU), Kenya Grain Growers Cooperation Union (KGGCU), Pyrethrum Board of Kenya among others for increased agricultural productivity.

21*. MOTION – POLICY AND FUNDING FOR SUGARCANE FARMING IN THE COUNTRY

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

THAT, aware that, commercial sugarcane production in Kenya was introduced in the early years of independence with an aim of eliminating dependence on sugar importation and contributing to economic transformation

in the sugar belt and the country at large through agriculture; acknowledging that, at its pinnacle, the sugar industry significantly contributed to the country's National Gross Domestic Product (GDP) and became one of the largest employers which supported livelihoods of many Kenyans both directly and indirectly; concerned that, over the last 25 years, sugarcane farming particularly in Western Kenya has been declining significantly, thereby dipping sugar production from over 600,000 metric tonnes per year in the 1990s to less than 300,000 metric tonnes in recent years; noting that, the decline in sugarcane farming has forced local millers to operate far below their milling capacities and pushed the country to over-rely on net importation of sugar, which negatively impacts on the balance of trade; noting that, the decline in sugar production is attributable to factors such as mismanagement, interference and unfair competition from cheap imported sugar; further concerned that, state-owned sugar millers like Mumias Sugar Company and Nzoia Sugar Company ceased milling while owing farmers hundreds of millions of shillings; appreciating that, the Government has been putting in place strategies, policies and regulations to define roles of millers and major players and stakeholders in the sugar industry in a bid to revamp the sector; concerned that, the acute shortage of sugarcane resulting from mass abandonment of sugarcane farming continues to roll back initiatives for reviving sugar milling; recognizing that, further investment in revamping sugar companies before reviving sugarcane farming would occasion loss of the invested public funds instead of yielding success; now therefore, this House **resolves** that, the National Government, through the Ministry of Agriculture and Livestock Development, reviews the sugar development policies to provide that every investor-miller sets aside definite funds for development of sugarcane farming, incentivizing farmers to embrace sugarcane growing and to enhance cane production in each of the respective zones.

22*. MOTION – PROVIDING A SAFETY NET FOR CAREGIVERS OF PERSONS WITH SEVERE DISABILITIES

(The Hon. Dorothy Ikiara, M.P.)

THAT, aware that, Article 21(3) of the Constitution provides that all State Organs have the duty to address the needs of vulnerable groups within the society; further aware that the persons with severe disabilities cash transfer programme (PWSD-CT) is one of the four cash transfer programmes implemented by the government as part of the overall social protection interventions; noting that caregivers undertaking the immense responsibility of providing daily care and assistance to persons with severe disabilities (PWSD) are oftentimes the immediate family members of the PWSD; concerned that, this causes a disproportionate burden on these families as persons who would otherwise be engaged in gainful employment or other activities to provide for the families are limited by these immense responsibilities; further concerned that, this loss of income opportunities and resources exacerbates the challenges faced by these families; cognizant that, the government ought to take action to recognize

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the invaluable contributions of caregivers and support them in caring for individuals with severe disabilities; now therefore, this House **resolves** that the government, through the Ministry of Labour & Social Protection, recognizes primary caregivers of persons with severe disabilities (PWSD) as a distinct category requiring social protection and support, and further, develops and implements a cash transfer programme for these primary caregivers.

23*. MOTION – NATIONAL SENSITIZATION AND SUPPORT FOR COMBATING SICKLE CELL AND HAEMOPHILIA DISEASES

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

THAT, aware that Article 43(1) of the Constitution entitles every person to the right to the highest attainable standard of health, which includes the right to health care services; further aware that, every year, an estimated 14,000 children born in Kenya suffer from sickle cell and haemophilia diseases, with the highest prevalence rate being within Western, Nyanza and Coastal Regions; concerned that, failure to undertake sickle cell and haemophilia screening at birth hinders timely administration of appropriate treatment and other mitigation measures to forestall high infant mortality caused by preventable diseases like malaria; cognizant that, national population surveys does not include data on sickle cell and haemophilia diseases; concerned that, the dearth of data and information negatively hinders prioritization of resources and implementation of sickle cell disease management programs; recognizing that, the number infant deaths caused by the disease continues to grow as a result of underfunding due to lack of data on the number of cases of the killer disease; now therefore, this House **resolves** that the National Government, through the Ministry of Health, and in conjunction with county governments –

- (a) conducts awareness and sensitization programmes on sickle cell and haemophilia diseases and supports research and training for medical personnel on the two diseases; and
- (b) puts in place measures for mandatory screening of newborns sickle cell and haemophilia diseases in all public health facilities in the country in order to create a database to guide funding and other interventions aimed at curbing the diseases and reducing infant mortalities resulting from the diseases.

24*. MOTION – DEVELOPMENT OF A SATELLITE-BASED CLIMATE CHANGE MONITORING POLICY

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

THAT, aware that the Constitution recognizes the people’s respect for the environment as the country’s heritage and the commitment to sustaining the environment for future generations; further aware that the cyclic drought in the country has caused devastating effects and serious disruption to the economy; recognizing that climate change is a global problem with developing countries being the most affected as these regions are dependent on climate-sensitive sectors such as agriculture and forestry; further recognizing that the severe effects of climate change are already being experienced in the form of frequent

droughts, flooding and other extreme weather occurrences; concerned that the current climate change monitoring mechanisms in the country are based on traditional methods which rely on ground observations and climate models which have limitations in terms of accuracy, timeliness and spatial coverage; noting that the country recently launched its first operational satellite to collect and transmit high- quality data; further noting that this technology can help in accurately monitoring and forecasting climatic and weather patterns; cognizant of the fact that other jurisdictions have made use of this technology to monitor climate change with marked positive impacts; appreciating that the use of technology especially satellite technology would allow enhanced monitoring that can have significant impact on sustainable environmental management; further appreciating that this technology would be useful in monitoring difficult-to-reach, expansive and unsafe areas; now therefore, this House **resolves** that the Ministry of Environment, Climate Change & Forestry develops a policy on IT that deploys the use of satellites in the monitoring and forecasting of climatic conditions with the objective of ensuring timely and accurate data collection to enhance the country's capacity to respond to weather-related risks and vulnerabilities including climate change.

25*. MOTION – ESTABLISHMENT OF A SCIENCE MUSEUM

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

THAT, aware that, Article 11(2)(b) of the Constitution provides that the government shall recognize the role of science and indigenous technologies in the development of the nation; further aware that the Vision 2030 provides for the integration of information, communication and technology in the country's transformative agenda; concerned that, there exists no science museum for consolidating indigenous scientific and technological innovations, training and research purposes in the East Africa Region; appreciating that, integration of science and technology would greatly enhance Kenya's economic and societal success; noting that there is potential for growth in the technology sector by establishing a science museum; further noting that, the informal science education plays a key role in the progression of Science, Technology, Engineering and Mathematics (STEM); acknowledging that science museums operate as the nexus between science practitioners, policy-makers and the public; cognizant of the fact that, a science museum in the country would greatly impact on the economy of the country in the quest to become an industrialized nation; now therefore, this House **resolves** that, the national Government through the relevant Ministries establishes and operationalizes a science museum in the country.

26*. MOTION – AFFIRMATIVE ACTION PLAN FOR THE PROVISION OF WATER IN ARID AND SEMI-ARID AREAS

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

THAT, aware that, Article 43 of the Constitution as read together with section 9 of the Water Act, 2016 provide for the access to clean, safe and adequate water for all citizens; further aware that, access to water guarantees human and animal health, food security, clean and sustainable environment

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among other socio-economic drivers; acknowledging that, with a population of nearly 53 million, about 28 million Kenyans lack access to safe water while 41 million lack access to improved sanitation; further acknowledging the rising water demand in the country and the growing water scarcity due to climate change, population growth, urbanization, water pollution, and poor management of water resources; noting that, the lack of clean, safe and adequate water affects economic activities, food security, education, and health and that the effects are especially evident in rural areas and urban slums; further noting that, with recurring drought, the country experiences acute water shortage resulting in loss of lives, livelihoods, as well as environmental degradation with arid and semi-arid (ASAL) areas being the most affected; recognizing that this has led to economic decline in these areas partly due to successive marginalization and/or under investment in water; further recognizing that, during rainy seasons, these areas experience destructive immense surface water flow sometimes leading to flooding, and that with adequate supply of water, these ASAL areas can greatly contribute to food security, employment and wealth creation hence reduce poverty and accelerate national economic growth; this House therefore **urges** the National Government through the relevant Ministry, to –

- (i) institutionalize rainwater harvesting and storage in the country and particularly in the Arid and Semi-Arid areas; and
- (ii) develop an affirmative action programme for investment in water harvesting, purification, storage and distribution in the Arid and Semi-Arid areas.

27*. MOTION – DEVELOPMENT OF A FRAMEWORK TO MITIGATE FLOOD HAZARDS

(The Hon. Umulkher Harun, M.P.)

THAT, aware that the Constitution recognizes the people’s respect for the environment and the determination to sustain it for the benefit of future generations; further aware that the country has been experiencing some of its worst flood events during the rainy season in recent years; concerned that the effects of climate change will exacerbate the frequency and intensity of these extreme flood events; further concerned that floods pose a direct threat to the safety and security of Kenyans causing significant loss of life and mass displacement which leads to severe economic setbacks; recognizing that there is need to take proactive measures by developing an actionable framework to implement strategic water harvesting techniques to mitigate against perennial flooding; acknowledging that rainwater harvesting would not only alleviate the destructive impacts of excessive runoff rainwater but also contribute to long-term water availability; now therefore, this House **urges** the national government through the Ministry of Environment, Climate Change and Forestry to develop a national framework providing for, among other things, the prevention and control of flooding in flood-prone areas in the country, emergency response coordination and evacuation, and long-term rainwater management systems through harvesting and storage.

28*. MOTION – PROVISION OF APPROPRIATE ACCESS TO MARKETS IN THE COUNTRY

(The Hon. Beatrice Kemei, M.P.)

THAT, aware that, the Kenya Roads Act, 2007 mandates the various road authorities to, among other functions, control roads and road reserves, and access to roadside developments; further aware that, market centres are ordinarily constructed along road developments across the country; noting that, due to improper planning, some of the marketplaces have no access roads leading buyers and traders to encroach on the roads and road reserves; further noting that, there have been instances of accidents leading to multiple deaths due to this unregulated use of road development; appreciating that, proper access roads to market places would ease access by buyers and thereby avert accidents due to the converging of traders and buyers on roadsides, thus enhancing road safety and service delivery while providing opportunities for economic engagement for the traders; now therefore, this House **resolves** that the Government, through the Ministry of Roads & Transport, develops a framework to ensure that where market centres exist along road developments, appropriate access is provided including service lanes and access roads.

29*. MOTION – SUPPORTING AND PROMOTING LOCAL FERTILIZER MANUFACTURING INDUSTRIES

(The Hon. Samuel Atandi, M.P.)

THAT, aware that, the Fertilizer and Animal Foodstuff Act, 2015 provides for the regulation of fertilizer importation in the country; further aware that, the Fertilizer and Animal Foodstuffs Board regulates the fertilizer and animal foodstuffs industry including the manufacture and production of fertilizers; noting that, the country currently relies heavily on imported fertilizer due to inadequate local production capacity; further noting that, the low local production leads to high costs for farmers, reducing their profits and results in an unhealthy reliance on imported fertilizer; concerned that, this scenario threatens the country's food security in case of supply disruptions and discourages local production; recognizing that local fertilizer production could lead to improved fertilizer quality, increased crop yields and a reduction in environmental harm caused by the use of substandard fertilizers; recalling that the country has the potential to produce fertilizer that could meet the country's domestic demand and also supply the regional market; further recognizing that there is need for the government to work with local producers to develop high quality fertilizer tailored to the needs of Kenyan farmers and crops; now therefore this House **resolves** that the National Government through the Ministry of Agriculture and Livestock Development, supports and promotes local fertilizer manufacturing industries by investing in research and development to bolster the domestic fertilizer manufacturing sector.

30*. MOTION – REGULATORY FRAMEWORK FOR THE MONEYLENDER INDUSTRY IN THE COUNTRY
(The Hon. Beatrice Kemei, M.P.)

THAT, aware that the Consumer Protection Act, 2012 provides for the protection of the consumer and prevention of unfair trade practices in consumer transactions in line with Article 46 of the Constitution; further aware that there exists unregulated moneylenders, commonly referred to as ‘*shylocks*’, that provide loans outside the scope of formal financial institutions; noting that with the repeal of the Moneylenders Act in 1984, unscrupulous business people have exploited the loopholes to the detriment of the general public; concerned that these lenders operate outside of the formal financial sector and as such, engage in predatory practices such as high interest rates, hidden fees, unclear terms and conditions and aggressive loan recovery methods; further concerned that the absence of clear and enforceable regulations is untenable and requires immediate remedy; recognizing that the effects of these unregulated operations extend beyond financial implications but are also social and emotional with reports of depression, family breakups and even instances of suicide by borrowers due to excessive penalties and harsh recovery methods; now therefore, this House **resolves** that the government, through the National Treasury and Economic Planning develops a framework to regulate unlicensed money lenders to promote a fair and sustainable financial system.

31*. MOTION – FORMULATION OF A GOVERNMENT-TO-GOVERNMENT FRAMEWORK FOR IMPORTATION AND DISTRIBUTION OF ESSENTIAL FOODSTUFF AND GOODS
(The Hon. Geoffrey Ruku, M.P.)

THAT, aware that, Kenya National Trading Corporation (KNTC) Ltd., a State Corporation in the Ministry of Industry, Trade & Investment; recalling that, KNTC was established under Session Paper No. 1 of 1965 in recognition of the importance of trade and industry in economic development of the then newly independent Kenya; noting that, among other functions, the corporation acts as the procurement agent for the government and participates in promotion of wholesale and retail trade with a view to strengthening and promoting supply chain of essential products in the country; appreciating that the corporation plays a crucial role in supporting Micro, Small & Medium Enterprises (MSME) sector through the supply of raw materials, provision of consultancy services and the identification of markets for their products; concerned that the price of foodstuffs and other essential basic commodities in the country have incredibly risen, causing majority of Kenyan households financial distress in the face of surging inflationary pressures, weakening shilling, high cost of fossil fuels, supply chain gaps, declining agricultural productivity orchestrated by high input prices, climate change and variability; concerned that, the decline in local food production has been progressively pushing Kenya to the edge of becoming a net importer of foodstuff; noting that the prices of foodstuff and other essential goods imported into the country by merchants have also been on the rise;

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acknowledging that Government-to-Government arrangements and frameworks are important drivers in trade, economic integration and bears better outcomes in pushing downward pressure on costs for goods and stabilizing market supply conditions; now therefore, this House now **resolves** that the Ministry of Industry, Trade & Investment urgently establishes a framework for Government-to-Government contractual agreements for importation and distribution of foodstuff and other essential goods in the country through the Kenya National Trading Corporation Ltd. with a view to normalizing market supply conditions and prices for such basic food commodities.

32*. MOTION – POLICY FRAMEWORK FOR GOVERNMENT-TO-GOVERNMENT SOURCING OF ELECTRICITY EQUIPMENT AND ON CONNECTION AND BILLING OF ELECTRICITY INFRASTRUCTURE

(The Hon. Geoffrey Ruku, M.P.)

THAT, acknowledging that, Kenya Vision 2030 identifies energy as an enabler to achieving social, economic and political pillars and that access to affordable, reliable and quality power is crucial for economic growth and development; aware that, prompt connectivity to affordable and stable electricity power is an essential enabler for spurring rural economies, thus contributing to national growth and development towards attainment of the Vision 2030; recognizing that, the Kenya Power Company Ltd. is the national electricity utility company responsible for connection and billing of electricity to customers throughout the country and it also undertakes electricity licensing, metering, billing, offering emergency electricity services and customer relations; concerned that, the cost of electricity in the country has increased significantly over the years thus burdening households and industrial users with high costs of production; further concerned that the protracted chain of stages that characterize the processing of new electricity connections, coupled with delays in importation of critical electricity connection equipment such as transformers, conductors and meters overseas causes a red tape that results in inordinate delays in concluding new connections to electricity; considering that the convoluted process of connection to electricity and attendant management challenges that grapple the Kenya Power in managing electricity in the country bear serious implications on cost of living and retard economic growth by making businesses less competitive thereby diverting potential investments to other economies in the region; cognizant of the fact that, Government-to-Government procurement is an important factor in trading and efforts towards increased economic integration and bears better outcomes in curbing supply hitches, in order to increase operational efficiency and impacting the overall prices of electricity, this House **resolves** that the Ministry of Energy to –

- (i) formulate a policy framework Government-to-Government agreements to facilitate local assembly of essential equipment for electricity connections such as transformers, conductors, meters and attendant equipment in order to address unwarranted supply hitches and to guarantee quality assurance of the equipment; and,

...../32*(Cont'd)

- (ii) formulates management contracts with contractors with private entities to manage power connections and billing services on behalf of the Kenya Power with a view to enhancing efficiency.

33*. MOTION – DEVELOPMENT OF MEASURES TO MITIGATE DIGITAL EXCLUSION

(The Hon. Marianne Kitany, M.P.)

THAT, aware that the Government of Kenya has prioritized digitization and automation of government processes and services as part of the Kenya Digital Master Plan (2022-2030), the blueprint for leveraging and deepening the contribution of information and communications technology (ICT) to accelerate the country’s economic growth; further aware that, the Government is committed to consolidating the industrial, academic institutions and other innovators to co-invest in emerging technologies to create high-quality jobs that leverage on artificial intelligence, robotics and other technologies; cognizant of the fact that, the Government intends to increase internet broadband connectivity across the country through construction of 100,000 km of national fiber optic connectivity network; concerned that, as the country rapidly digitizes services and processes, the high costs of data, internet services as well as purchase of internet-enabled digital devices may lead to digital exclusion of a majority of Kenyans; recognizing that, there is need to bridge the existing gap in ICT to ensure inclusivity in access to internet make Kenya a regional ICT hub while keeping pace with shifting technological changes; noting that, the Government’s plan for a digital superhighway may not be realized without deliberate interventions to lower data costs; now therefore, this House **resolves** that, the Government, through the Ministry of Information, Communication and the Digital Economy formulates a policy to:

- (a) regulate internet billing by Internet Service Providers (ISPs) by providing for metered billing of internet use based on consumption in order to mitigate exploitation and secure economic interests of internet users in line with Article 46 of the Constitution; and,
- (b) require Internet Service Providers to develop and deploy quality metered billing systems capable of monitoring customer usage, convert to readable details and creating invoices based on consumption and align their metrics with the value the customers get from various internet services.

34*. MOTION – FORMULATION OF A REGULATORY FRAMEWORK ON ARTIFICIAL INTELLIGENCE IN THE COUNTRY

(The Hon. Marianne Kitany, M.P.)

THAT, aware that the world is rapidly embracing Artificial Intelligence (AI), which is the use of a digital computer or computer-controlled robots to perform tasks commonly associated with intelligent beings; acknowledging that, the 2022 Government Artificial Intelligence Readiness Index report ranked

Kenya fifth in Africa and 90th globally in readiness to adopt Artificial Intelligence (AI); further acknowledging that the Oxford Insights Survey 2022 pegged Kenya’s readiness to adopt AI at 40.3%; appreciating that AI has brought forth positive benefits that have increased efficiency in different sectors such as healthcare, manufacturing and robotics; concerned that, the exponential rate at which Artificial Intelligence is being embraced in the society without proper regulatory mechanisms has caused various negative consequences such as rising cases of disinformation and fake news; noting that there is need to protect Kenyans from the potential AI-instigated harms such as privacy breaches, AI-powered fake technology algorithms, algorithmic discrimination, autonomous weapons, job displacement and economic inequality, social manipulation and misinformation, financial market manipulation, and privacy invasion; now therefore, this House **urges** the Government, through the Ministry of Information, Communication and the Digital Economy to:

- (a) formulate a regulatory framework and ethical guidelines for implementation of Artificial Intelligence (AI) in the country to control its potential misuse; and,
- (b) develop and execute a public awareness programme on Artificial Intelligence to raise understanding of AI, foster transparency and promote responsible use of AI for the benefit of all.

Denotes Orders of the Day

NOTICES

LIMITATION OF DEBATE

The House resolved on Wednesday, August 9, 2023 as follows—

Limitation of Debate on Motions sponsored by Individual Members

THAT, each speech in a debate on any Motion introduced by an Individual Member shall be limited in the following manner:- A maximum of one and a half hours with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying, and a maximum of five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party; 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.

NOTICE PAPER

Tentative business for

Wednesday (Afternoon), October 4, 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 Wednesday (Afternoon), October 4, 2023–

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

(The Leader of the Majority Party)

Second Reading

(Question to be put)

B. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 59 OF 2022)

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

Second Reading

C. THE KENYA DRUGS AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2022)

(The Hon. Robert Pukose, M.P.)

Second Reading

D. THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2023)

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

Second Reading

E. THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 40 OF 2022)

(The Hon. Simon King'ara, M.P.)

Second Reading

F. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 6 OF 2023)

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

Second Reading

G. THE ASSISTED REPRODUCTIVE TECHNOLOGY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 61 OF 2022)

(The Hon. Millie Odhiambo, M.P.)

Second Reading

**H. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 2 OF 2023)**

(The Chairperson, Committee on Delegated Legislation)

Second Reading

**I. MOTION – THE EAST AFRICAN COMMUNITY (EAC)
MULTILATERAL AGREEMENT ON AIRCRAFT
ACCIDENT AND INCIDENT INVESTIGATIONS**

(The Chairperson, Departmental Committee on Transport and Infrastructure)

**J. MOTION - THE 4TH GENERAL ASSEMBLY OF THE EASTERN
AFRICA PARLIAMENTARY ALLIANCE ON FOOD
SECURITY AND NUTRITION (EAPA-FSN) HELD IN
KIGALI, RWANDA**

(The Chairperson, EAPA-FSN Caucus)

**K. MOTION – INSPECTION OF VARIOUS ONE STOP BORDER
POSTS IN THE NORTHERN CORRIDOR IN THE
EAST AFRICAN COMMUNITY REGION**

(The Chairperson, Select Committee on Regional Integration)

**L. MOTION – REPORT ON EMPLOYMENT DIVERSITY AUDIT IN
PUBLIC INSTITUTIONS**

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

**M. MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE
FINANCIAL STATEMENTS FOR THE NATIONAL
GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND FOR TWELVE
CONSTITUENCIES IN KAKAMEGA COUNTY**

(The Chairperson, Decentralized Funds Accounts Committee)



APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 7 – QUESTIONS

(Questions to Constitutional Commissions and Independent Offices pursuant to Standing Order 42G)

It is notified that, pursuant to the provisions of Standing Order 42G, the following Members will ask **questions** to Constitutional Commissions for reply before the specified Committees-

QUE. NO.

ORDINARY QUESTIONS

371/2023

The Member for Matuga (Hon. Kassim Tandaza, MP) to ask the Judicial Service Commission: -

Could the Commission —

- (i) state the steps it is taking to address the backlog of 521,823 cases indicated in the Judiciary and the Administration of Justice Annual Report (SOJAR Report) for the FY 2021/2022 as pending in various Magistrates Courts as at 30th June 2022?
- (ii) provide a status report regarding construction of new court infrastructure in every sub-county to enhance timely access to justice and speed up conclusion of cases pending in various Magistrates' Courts countrywide?
- (iii) provide a status report on when the stalled Court building in Kwale, Matuga Constituency will be completed and how much money has been allocated to the project?

(To be replied before the Departmental Committee on Justice and Legal Affairs)

437/2023

The Member for Bahati (Hon. Irene Mrembo, MP) to ask the Teachers Service Commission: -

Could the Commission —

- (i) clarify whether not being a *'bona fide local'* of a county was one of the criterion for disqualification from being recruited for Junior Secondary School internship positions in that county?
- (ii) enumerate the parameters, if any, used to classify an applicant as a *local* or *non-local* of a particular area for purposes of being employed in that area?

(iii) explain why *Ms. Ednah Mino Nzioka* of ID No. 22445112 and TSC No. 998705, a resident of Bahati Constituency was turned away during interviews for Junior Secondary School internship position at Kiamaina Primary School in Bahati Constituency on 1st August 2023?

(iv) explain the administrative measures it has put in place to ensure that recruitment of Junior Secondary School interns is transparent and free of any form discrimination?

(To be replied before the Departmental Committee on Education)

440/2023

The Member for Moiben (Hon. (Prof.) Phyllis Bartoo, MP) to ask the Teachers Service Commission: -

Could the Commission —

- (i) substantiate the alleged igneous acts of corruption activities in the Teachers Service Commission Pension Department?
- (ii) explain the measures implemented by the Commission to address and prevent corruption within the management of the Pensions Department, with the aim of improving service delivery?

(To be replied before the Departmental Committee on Education)

451/2023

The Member for Homabay Town (Hon. Peter Kaluma, MP) to ask the National Police Service Commission: -

Could the Commission —

- (i) explain the transfer policy for officers in the National Police Service, moreso with regard to officers deployed in operation or hardship areas?
- (ii) explain the promotion policy in the National Police Service, particularly with regard to officers deployed to serve in hardship and operation areas?
- (iii) state the measures regarding transfer and promotion of officers who have served in operation and hardship areas for over 3 years?

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

The Member for Bomachoge Borabu (Hon. (Eng.) Nolfason Obadiah, MP) to ask the National Police Service Commission:-

Could the Commission —

- (i) explain the circumstances under which the National Police Service Commission terminated the services of Mr. Japhet Mochama Mauti, Force No. 90638, with effect from 21st November 2016?
- (ii) explain why the National Police Service Commission is yet to reinstate Mr. Mauti after the High Court acquitted him on 25th July 2019 for all charges trumped up against him, including alleged possession of 720 rounds of ammunition and five litres of rifle oil?
- (iii) state the action the Commission has taken to reinstate Mr. Japhet Mochama Mauti to the National Police Service and compensate him for the seven years of joblessness that he has endured following the unlawful dismissal in 2019?

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