



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

THURSDAY, NOVEMBER 30, 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 - 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)

THAT, this House **notes** the Report of the Kenya Delegation to the 4th General Assembly of the Eastern Africa Parliamentary Alliance on Food Security and Nutrition, held in Kigali, Rwanda from 7th to 9th December 2022, *laid on the Table of the House on Tuesday, 11th April 2023.*

(Question to be put)

9*. COMMITTEE OF WHOLE HOUSE

The National Lottery Bill (National Assembly Bill No. 69 of 2023)

(The Leader of the Majority Party)

10*. MOTION – SESSIONAL PAPER NO. 2 OF 2023 ON THE NATIONAL TAX POLICY

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

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its consideration of the Sessional Paper No. 2 of 2023 on the National Tax Policy, *laid on the Table of the House on Thursday, 23rd November 2023*, and approves *Sessional Paper No. 2 of 2023* on the National Tax Policy as recommended in the Report.

(Resumption of Debate interrupted on Thursday, November 30, 2023 – Morning Sitting)
((Balance of time – 1 hour 45 minutes))

11*. MOTION – REPORTS OF THE AUDITOR-GENERAL ON TWENTY-THREE NON-COMPLIANT STATE CORPORATIONS

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

THAT, this House **adopts** the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on twenty-three Non-Compliant State Corporations, *laid on the Table of the House on Wednesday, 23rd August 2023*.

12*. MOTION – PROCEEDINGS OF THE SECOND ORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

(Member of the Pan-African Parliament)

THAT, this House **notes** the Report of the Record of Proceedings of the Second Ordinary Session of the Sixth Pan-African Parliament (PAP) held in Midrand, South Africa, from 15th May to 2nd June 2023, *laid on the Table of the House on Thursday, 24th August 2023*.

13*. MOTION – PROCEEDINGS OF THE 2023 UNITED NATIONS HIGH LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

(The Vice Chairperson, Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business)

THAT, this House **notes** the Report of the Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business on the Proceedings of the 2023 United Nations High Level Political Forum on Sustainable Development (HLPF 2023) held in New York, United States of America (USA) from 10th to 21st July 2023, *laid on the Table of the House on Thursday, 24th August 2023*.

14*. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

THAT, this House **adopts** the Report of the Select Committee on Parliamentary Broadcasting and Library on Enhancing Reporting of Parliamentary Business on Online Platforms, *laid on the Table of the House on Wednesday, 4th October 2023.*

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

(The Leader of the Majority Party)

Second Reading

16*. THE VOCATIONAL TRAINING BILL (SENATE BILL NO. 3 OF 2022)

(The Chairperson, Departmental Committee on Education)

Second Reading

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

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

Second Reading

Denotes Orders of the Day

NOTICES

I. THE NATIONAL LOTTERY BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2023)

Notice is given that the Chairperson of the Departmental Committee on Sports and Culture intends to move the following amendments to the National Lottery Bill, 2023 at the Committee Stage—

LONG TITLE

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“An Act of Parliament to provide for the establishment of the National Lottery; provide for the establishment, powers and functions of the National Lottery Board; provide for the establishment and administration of the National Lottery Fund; and for connected purposes”

CLAUSE 2

THAT, clause 2 of the Bill be amended in the definition of “Cabinet Secretary” by deleting the words “the National Lottery” and substituting therefor the words “internal security and national administration”.

CLAUSE 5

THAT, clause 5 of the Bill be amended —

(a) in sub-clause (1)—

(i) by deleting the words “the National Lottery” appearing in paragraph (c) and substituting therefor the words “internal security and national administration”;

(ii) by inserting the words “or her” immediately after the word “his” appearing in paragraph (d);

(iii) by deleting paragraph (e) and inserting the following new paragraph—

“(e) four other members who have proven business acumen or applicable knowledge or experience with regard to matters connected to the functions of the Board, appointed by the Cabinet Secretary, comprising of—

(i) be an Advocate of the High Court of Kenya;

(ii) a practicing Certified Public Accountant;

- (iii) a representative of persons with disability; and
- (iv) a representative of the faith-based organizations;
- (iv) by inserting the words “who shall be an ex officio member” immediately after the words “the Chief Executive Officer” appearing in paragraph (f);
- (b) by inserting the following new sub-clause immediately after sub-clause (1)—
 - “(1A) In appointing the members of the Board under subsection (1)(e), the Cabinet Secretary shall ensure that not more than two-thirds of the members are of the same gender, shall observe the principle of regional and ethnic balance and shall have due regard to the principle of fair competition and merit as the basis for the appointments.”
- (c) in sub-clause (2) by deleting the words “holds a university” appearing in paragraph (b) and substituting therefor the words “holds a bachelors”;
- (d) in sub-clause (3) by deleting the words “twelve months” appearing in paragraph (e) and substituting therefor the words “three years”; and
- (e) in sub-clause (4) by inserting the words “based on satisfactory performance” immediately after the words “one further term of three years”.

NEW CLAUSE 5A

THAT, the Bill be amended by inserting the following new clause immediately after clause 5—

Vacancy in the Board.

5A. (1) The office of the Chairperson or a member of the Board appointed under section 5(1)(a) and (e) shall become vacant if the holder—

- (a) dies;
- (b) resigns from office by notice in writing—
 - (i) in case of the Chairperson, to the President; and
 - (ii) in case of a member, to the Cabinet Secretary;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (d) has been absent from three consecutive meetings of the Board without a notice to the Chairperson; or
- (e) is removed in accordance with subsection (2).

- (2) A member of the Board may be removed from office for—
- (a) violation of the Constitution or any other law;
 - (b) gross misconduct, whether in the performance of the functions of the office of a member or otherwise;
 - (c) physical or mental incapacity to perform the functions of the office of a member;
 - (d) incompetence; or
 - (e) bankruptcy.

(3) The Cabinet Secretary shall ensure that any vacancy in the Board is filled as soon as practicable in accordance with the provisions of the Act.

CLAUSE 7

THAT, clause 7 of the Bill be amended—

- (a) in sub-clause (2) by deleting paragraph (f); and
- (b) by deleting sub-clause (3).

CLAUSE 9

THAT, clause 9 of the Bill be amended by—

- (a) renumbering the existing provision as sub-clause (1); and
- (b) inserting the following new sub-clause after sub-clause (1)—

“(2) Despite the provisions of sub-section (1), not more than four committees may be established under this section.”

CLAUSE 10

THAT, clause 10 of the Bill be amended by deleting the words “in consultation with the relevant Government Agencies”.

CLAUSE 11

THAT, clause 11 of the Bill be amended in sub-clause (4) by inserting the words “based on satisfactory performance” immediately after the words “further term of three years”.

CLAUSE 12

THAT, clause 12 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “Secretary to the Board” and substituting therefor the words “Corporation Secretary”; and
- (b) in sub-clause (2) by deleting the words “Secretary to the Board” and substituting therefor the words “Corporation Secretary”.

CLAUSE 13

THAT, clause 13 of the Bill be amended by deleting the words “in consultation with the relevant Government agencies” and substituting therefor the words “on the advice of the Salaries and Remuneration Commission”.

CLAUSE 15

THAT, clause 15 of the Bill be amended in sub-clause (1) by deleting the words “Chief Executive Officer or such other person as the Board may direct” and substituting therefor the words “Corporation Secretary”.

CLAUSE 18

THAT, the Bill be amended by deleting clause 18 and inserting the following new clause—

Annual estimates.

18. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that year.

(2) The annual estimates shall make provisions for all estimated expenditure of the Board for the financial year concerned, and in particular shall provide for the—

- (a) payment of salaries, allowances and other charges in respect of the staff of the Board;
- (b) payment of pensions, gratuities and other charges in respect of former staff of the Board;
- (c) proper maintenance of the buildings and grounds of the Board;
- (d) maintenance, repair and replacement of the equipment and other property of the Board;
- (e) payment of allowances of the members of the Board and the members of the Board; and
- (f) creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance, replacement of buildings or equipment, or in respect of such other matters as the Board may deem fit.

CLAUSE 20

THAT, clause 20 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “the National Assembly” immediately after the words “Controller of Budget”; and

(b) by deleting sub-clause (2) and inserting the following new sub-clause—

“(2) The Board shall continuously and on a regular basis monitor and report on its performance and on the performance of the operator on a quarterly basis, with a summary of performance reported through the Board’s annual report on the basis of a clear outcome-based performance framework based on the policy developed by the ministry responsible for performance and service delivery.”

CLAUSE 21

THAT, clause 21 of the Bill be amended—

(a) by deleting sub-clause (3) and inserting the following new sub-clause—

“(3) The percentages of the Fund proceeds that shall be allocated as well as the good causes that shall be facilitated by the National Lottery under subsection (2) shall include—

(a) thirty per centum shall be allocated to the Sports, Arts and Social Development Fund towards sports, arts and recreational activities, including—

- (i) support for national teams and sportspersons to participate in regional and international events;
- (ii) facilitation for the acquisition and provision of equipment to sports and recreation facilities; and
- (iii) support for the development, marketing and promotion of artistic production of artistic works;

(b) twenty per centum towards culture and heritage activities, including—

- (i) facilitating the exhibition and promotion of contemporary or cultural goods and services;
- (ii) financing the acquisition, development, and preservation of, among others, heritage sites, cultural centres, national monuments, tangible and intangible heritage and culture and heritage equipment and tools;
- (iii) promotion of culture and heritage, such as through the support of museums or cultural events;

- (c) twenty per centum towards charitable causes, including—
 - (i) providing care and protection for persons living with disabilities, the aged, orphans and vulnerable children and the marginalised;
 - (ii) facilitate the protection and rehabilitation of vulnerable or problem gamblers;
 - (iii) promote the protection and conservation of the environment and wildlife; and
 - (iv) aid to the needy such as provision of food, shelter and healthcare services.
 - (d) twenty per centum towards innovation, education and entrepreneurship, including—
 - (i) support education through provision of scholarships or educational resources such as libraries and laboratories; and
 - (ii) promotion of scientific research, innovation and technological development; and
 - (e) seven per centum towards emergencies, including—
 - (i) response to emergencies or crises affecting communities such as natural disasters, conflicts, public health crises and any other unforeseen events that require urgent intervention; and
 - (ii) disaster risk management.”
- (b) by inserting the following new sub-clause immediately after sub-clause (3)—
- “(3A) In facilitating the good causes under subsection (3), the Board shall—
- (a) collaborate with the relevant Ministries, Departments and Agencies in facilitating the good causes to be applied from the proceeds of the National Lottery;
 - (b) ensure the equitable distribution of the resources to all parts of Kenya;
 - (c) identify projects for funding at the constituency level;
 - (d) and submit the project funding proposals to the National Assembly for approval.”
- (c) in sub-clause (4) by deleting the words “but losses from the game of chance, the collaboration, partnership or joint venture shall not be compensated for by the State or from the National Lottery Fund” and substituting therefor the words “relating to the regulation of gambling activities”.

CLAUSE 23

THAT, clause 23 of the Bill be amended—

- (a) in sub-clause (3) by deleting the words “in the opinion of the Board, was” appearing in paragraph (a)(iii) and substituting therefor the words “is proven to be”;
- (b) by deleting sub-clause (4) and inserting the following new sub-clause—

“(4) The Board shall satisfy itself that the applicant has sufficient appropriate knowledge or experience to carry out the operation of a national lottery and will be able to conduct the National Lottery in accordance with this Act.”

CLAUSE 27

THAT, clause 27 of the Bill be amended in sub-clause (2) by deleting the word “gambling” appearing in paragraph (b) and substituting therefor the words “conduct of the national lottery”.

CLAUSE 28

THAT, clause 28 of the Bill be amended—

- (a) in sub-clause (3) by deleting the word “revoke” appearing immediately after the words “intends to” and substituting therefor the word “vary”; and
- (b) in sub-clause (5) by deleting the words “cease to be valid” and substituting therefor the words “be deemed to be varied”.

CLAUSE 31

THAT, clause 31 of the Bill be amended in sub-clause (1) by deleting the words “suspension or” appearing immediately before the word “revocation”.

CLAUSE 32

THAT, clause 32 of the Bill be amended in sub-clause (2) by deleting the words “mutatis mutandis” and substituting therefor the words “with the necessary modifications”.

CLAUSE 35

THAT, clause 35 of the Bill be amended in—

- (a) sub-clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - “(a) a child;”

- (b) sub-clause (4) by deleting the words “children do” and substituting therefor the words “a child does”.

CLAUSE 40

THAT, clause 40 of the Bill be amended—

- (a) by deleting sub-clause (3);
- (b) in sub-clause (4) by deleting the words “the time specified by the regulatory authority shall be forfeited and paid to the Fund” and substituting therefor the words “five years shall be presumed to be abandoned and shall be surrendered to the Unclaimed Financial Assets Authority.”; and
- (c) by inserting the following new sub-clause immediately after sub-clause (4)—
- “(4A) An operator shall keep and maintain a register of prizes surrendered under subsection (4).”

CLAUSE 41

THAT, clause 41 of the Bill be amended in sub-clause (2) by deleting the word “organization’s” appearing in paragraph (a) and substituting therefor the word “operator’s”.

CLAUSE 42

THAT, clause 42 of the Bill be amended in sub-clause (1) by deleting the words “National Lottery” appearing in paragraph (d).

CLAUSE 43

THAT, clause 43 of the Bill be amended—

- (a) in sub-clause (4) by deleting the words “National Lottery”; and
- (b) in sub-clause (5) by deleting the words “National Lottery”.

CLAUSE 44

THAT, clause 44 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “oversight” and substituting therefor the word “administration”;
- (b) in sub-clause (2)—
- (i) by deleting the words “or non-statutory bodies, or non-state actors” appearing in paragraph (g);

(ii) by deleting paragraph (m) and inserting the following new paragraph—
“(m) ensure that the amount of money that may be spent from the Fund on administrative expenses is three per centum of the total funds in a fiscal year;”

(c) by deleting the last sub-clause and inserting the following new sub-clause—
“(3) The Board shall, while proposing and determining the allocation, setting the criteria and conditions for accessing the Fund, ensure equitable distribution across the country.”

CLAUSE 45

THAT, clause 45 of the Bill be amended in sub-clause (1)—

- (a) by deleting the words “and non-state” appearing in paragraph (c); and
- (b) by deleting sub-paragraph (d)(iv).

CLAUSE 47

THAT, clause 47 of the Bill be amended by deleting sub-clause (1) and inserting the following new sub-clause—

“(1) The funds from the Fund shall be accessible to state actors for the purposes of undertaking projects and programmes for good causes.”



LIMITATION OF DEBATE

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

Limitation of Debate on Other Committee Reports

- II. 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 Sessional Papers

- III. THAT**, pursuant to the provisions of Standing Order 97(1), this House orders that each speech in a debate on any **Sessional Paper** 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 Sessional Paper 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 Reports of Audit Committees

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

Limitation of Debate on Bills sponsored by Parties or Committees

- V.** **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.
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NOTICE PAPER

Tentative business for **Tuesday, December 05, 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 Tuesday, December 05, 2023–

A. COMMITTEE OF THE WHOLE HOUSE

- (i) The Gambling Control Bill (National Assembly Bill No. 70 of 2023)
(The Leader of the Majority Party)
- (ii) The Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022)
(The Hon. Robert Pukose, M.P.)

(To resume from Clause 23)

B. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL **(NATIONAL ASSEMBLY BILL NO. 67 OF 2023)**

(The Leader of the Majority Party)

Second Reading

C. MOTION – SESSIONAL PAPER NO. 2 OF 2023 ON THE **NATIONAL TAX POLICY**

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

(If not concluded on Thursday, November 30, 2023 – Afternoon Sitting)

D. MOTION – REPORTS OF THE AUDITOR-GENERAL ON **TWENTY-THREE NON-COMPLIANT STATE** **CORPORATIONS**

(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

(If not concluded on Thursday, November 30, 2023 – Afternoon Sitting)

E. MOTION – PROCEEDINGS OF THE SECOND ORDINARY **SESSION OF THE SIXTH PAN-AFRICAN** **PARLIAMENT (PAP)**

(Member of the Pan-African Parliament)

(If not concluded on Thursday, November 30, 2023 – Afternoon Sitting)

F. MOTION – PROCEEDINGS OF THE 2023 UNITED NATIONS HIGH LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

(The Vice Chairperson, Parliamentary Caucus on Sustainable Development Goals (SDGs) and Business)

(If not concluded on Thursday, November 30, 2023 – Afternoon Sitting)

G. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

(If not concluded on Thursday, November 30, 2023 – Afternoon Sitting)

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

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, November 30, 2023 – Afternoon Sitting)

I. THE VOCATIONAL TRAINING BILL (SENATE BILL NO. 3 OF 2022)

(The Chairperson, Departmental Committee on Education)

Second Reading

(If not concluded on Thursday, November 30, 2023 – Afternoon Sitting)

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

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

Second Reading

(If not concluded on Thursday, November 30, 2023 – Afternoon Sitting)



APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO. 4 - PETITIONS

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

No.	Subject	Petitioner(s)	Relevant Committee
71/2023	Gazettement of Chepalungu Sub County as a hardship area	<i>To be presented by the Hon. Victor Koech, MP (Chepalungu) on behalf of residents of Chepalungu Sub County</i>	Public Petitions
75/2023	Enactment of the Kenya Robotics and Artificial Intelligence Society Bill, 2023	<i>To be reported by the Hon. Speaker on behalf of Fred Ondieki Sagwe representing the Robotics Society of Kenya</i>	Public Petitions
