



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MAY 2, 2024 AT 10.00 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 BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2024)

(The Hon. Sabina Chege, M.P.)

First Reading

9*. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2024)

(The Hon. Owen Baya, M.P.)

First Reading

10*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL (SENATE BILL NO. 9 OF 2022)

(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022).

(Question to be put and Third Reading)

11*. COMMITTEE OF THE WHOLE HOUSE

- (i) The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)
(The Leader of the Majority Party and the Leader of the Minority Party)
- (ii) The National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023)
(The Leader of the Majority Party)

12*. MOTION— RATIFICATION OF THE MULTILATERAL CONVENTION TO IMPLEMENT TAX TREATY RELATED MEASURES TO PREVENT BASE EROSION AND PROFIT SHIFTING (MLI)

(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 Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting, *laid on the Table of the House on Tuesday, 30th April 2024*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting*, subject to **reservations on Article 5** (*Application of Methods for Elimination of Double Taxation*) and **Article 16** (*Mutual Agreement Procedure*).

13*. SPECIAL MOTION – DISMISSAL OF HON. MITHIKA LINTURI AS THE CABINET SECRETARY FOR AGRICULTURE AND LIVESTOCK DEVELOPMENT

(The Hon. Jack Wamboka, M.P.)

THAT, pursuant to the provisions of Article 152(6) of the Constitution and Standing Orders 64(1A) and 66, this House **RESOLVES** that the President **DISMISSES** the Hon. Franklin Mithika Linturi from the office of Cabinet Secretary for the Ministry of Agriculture and Livestock Development on the following grounds—

1. Gross violation of the Constitution:**(a) Violation of Articles 2 and 10(1)(c) of the Constitution**

THAT, the Hon. Franklin Mithika Linturi, acting as the Cabinet Secretary responsible for the Ministry of Agriculture and Livestock Development, appears to have committed gross violation of these constitutional provisions by—

- (i) not undertaking public participation with leaders, stakeholders, or even departments within the Ministry in the implementation of far-reaching policy decisions on the procurement and distribution of fertilizer therefor

violating the provisions of the Constitution on national values and principles of good governance in so far as he acted as a State officer to make and implement a public policy to approve the procurement and distribution of fake fertilizer contrary to recommendations of the National Cereals and Produce Board, an agency in the Ministry; and

- (ii) approving procurement and distribution of fake fertilizer by the National Cereals and Produce Board, discloses a gross violation of national values and principles of good governance in so far as he acted as a State officer to make and implement a public policy to approve the procurement and distribution of fake fertilizer contrary to **Article 10(1)(b) of the Constitution.**

(b) Gross violation of Article 46 of the Constitution

THAT, one Franklin Mithika Linturi, acting in his role as the Cabinet Secretary responsible for the Ministry of Agriculture and Livestock Development, appears to be in gross violation of this constitutional provision by—

- (i) infringing on consumers' right to goods and services of reasonable quality and to the protection of their health, safety, and economic interests by approving the procurement and distribution of fake fertilizer; and
- (ii) approving the budgets for procurement and distribution of fake fertilizer by the National Cereals and Produce Board thereby violating consumer's right to goods and services of reasonable quality and to the protection of their health, safety, and economic interests as he approved the procurement and distribution of fake fertilizer contrary to **Article 46 of the Constitution.**

(c) Gross violation of Article 73 of the Constitution

THAT, the conduct of one Franklin Mithika Linturi, acting in his role as the Cabinet Secretary responsible for the Ministry of Agriculture and Livestock Development, appears to be a gross violation of this constitutional provision in so far as the public trust was exercised in a manner that is inconsistent with the purposes and objects of the Constitution. He failed to demonstrate respect for the people, failed to bring honour to the nation, dignity to the office, and failed to promote public confidence in the integrity of the office contrary to **Article 73(1)(a)(i), (ii), (iii) and (iv) of the Constitution.**

(d) Gross violation of Article 201 of the Constitution

THAT, one Franklin Mithika Linturi, acting in his role as the Cabinet Secretary responsible for the Ministry of Agriculture and Livestock Development, appears to have committed a gross violation of this constitutional provision by approving the procurement and distribution of fake fertilizer by the National Cereals and Produce Board. This amounts to a gross violation of principles on public finance in so far as public money is concerned and that public money was not applied in a prudent and responsible way when he approved the procurement and distribution of fake fertilizer contrary **Article 201(d) of the Constitution.**

(e) Gross violation of Article 232 of the Constitution

THAT, the Hon. Franklin Mithika Linturi, the Cabinet Secretary for Agriculture and Livestock Development, appears to have committed a gross violation of this constitutional provision where, he outlined in his written submission as a response to the fertilizer subsidy programme to the Departmental Committee on Agriculture and Livestock, misleading information that the National Cereals and Produce Board (NCPB) signed an Agency Agreement with 51 Capital Africa Diatomite Industries on 31st March 2022 for supply and distribution of GPC diatomaceous for its commercial function, and that the product was not sold as a chemical fertilizer but as a soil conditioner, violating the values and principles of public service, duty to use resources efficiently, effectively and economically contrary to **Article 232 of the Constitution**.

2. Serious reasons for believing that the Cabinet Secretary has committed a crime under national law:

(a) Serious reasons for believing the Cabinet Secretary has committed a crime under sections 100 and 101 of the Penal Code, Cap. 63

THAT, one Franklin Mithika Linturi, acting in his role as the Cabinet Secretary for the Ministry of Agriculture and Livestock Development, issued a directive to officials of KELS Chemicals to attend a press conference and issue a statement from the National Cereals and Produce Board. His subsequent closure of the factory and declaration of it as a crime scene due to the company's refusal to participate in the staged press conference, discloses grounds that there are serious reasons for believing that the Cabinet Secretary has committed a crime under national law, including but not limited to offences involving abuse of office and false claims by a person employed in the public service contrary to **sections 100 and 101 of the Penal Code, Cap 63**.

(b) Serious reasons for believing the Cabinet Secretary has committed a crime under sections 353 and 355 of the Penal Code, Cap. 63

THAT, one Franklin Mithika Linturi, the Cabinet Secretary for the Ministry of Agriculture and Livestock Development, is currently under investigation by the Director of Public Prosecutions and the Director of Criminal Investigations, and is facing arrest, charging, prosecution and institution of criminal proceedings in relation to six pending civil, commercial and family suits. This discloses grounds that there are serious reasons for believing that the Cabinet Secretary has committed a crime under national law, including but not limited to offences involving uttering false documents and procuring execution of documents by false pretences, contrary to **sections 353 and 355 of the Penal Code, Cap 63**.

3. Gross misconduct:

THAT, one Franklin Mithika Linturi, acting in his role as the Cabinet Secretary responsible for the Ministry of Agriculture and Livestock Development, by approving procurement and distribution of fake fertilizer by the National Cereals and Produce Board, in so far as being a State officer—

- (i) has failed to exercise public trust in the best interest of the people of Kenya and this amounts to gross misconduct contrary to **section 8 of the Leadership and Integrity Act, Cap 185C;**
- (ii) has failed in the performance of his duties to the best of his ability to carry out the duties of the office efficiently and honestly, and to carry out the duties in a transparent and accountable manner, and this amounts to gross misconduct contrary to **section 10(a) & (b) of the Leadership and Integrity Act, Cap 185C;**
- (iii) has failed to demonstrate professionalism in carrying out duties of the office in a manner that maintains public confidence in the integrity of the office and this amounts to gross misconduct contrary to **section 11(a) of the Leadership and Integrity Act, Cap 185C;**
- (iv) misled the public by submitting false information to a Departmental Committee of the National Assembly that GPC diatomaceous was distributed as a soil conditioner and not as a fertilizer, and this amounts to gross misconduct contrary to **section 29 of the Leadership and Integrity Act, Cap 185C.**

Members who appended their signatures in support of the Notice of Motion

Pursuant to the provisions of Standing Order 66(1) and (3), it is notified that the names of the Members who appended their signatures in support of the Notice of Motion is as hereunder: -

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|--------------------------------------|--------------------------------------|
| 1) The Hon. Jack Wamboka, M.P. | 15) The Hon. Marianne Kitany, M.P. |
| 2) The Hon. Joyce Kamene, M.P. | 16) The Hon. Beatrice Adagala, M.P. |
| 3) The Hon. Raphael Wanjala, M.P. | 17) The Hon. Adams Kipsanai, M.P. |
| 4) The Hon. Fatuma Zainab, M.P. | 18) The Hon. Samuel Parashina, M.P. |
| 5) The Hon. Paul Musyimi, M.P. | 19) The Hon. Antoney Kibagendi, M.P. |
| 6) The Hon. (Dr.) James Nyikal, M.P. | 20) The Hon. Martin Owino, M.P. |
| 7) The Hon. Gideon Mulyungi, M.P. | 21) The Hon. Catherine Nanjala, M.P. |
| 8) The Hon. Julius Musili, M.P. | 22) The Hon. Joseph Oyula, M.P. |
| 9) The Hon. Rebecca Tonkei, M.P. | 23) The Hon. Stephen Mogaka, M.P. |
| 10) The Hon. Pauline Lenguris, M.P. | 24) The Hon. Dorice Donya, M.P. |
| 11) The Hon. Farah Yussuf, M.P. | 25) The Hon. Beatrice Elachi, M.P. |
| 12) The Hon. Dick Maungu, M.P. | 26) The Hon. Shakeel Shabbir, M.P. |
| 13) The Hon. Irene Mayaka, M.P. | 27) The Hon. Clive Gisairo, M.P. |
| 14) The Hon. Anthony Oluoch, M.P. | 28) The Hon. John Owino, M.P. |

- 29) The Hon. Thuddeus Nzambia, M.P. 51) The Hon. Tom Kajwang', M.P.
- 30) The Hon. Elsie Muhanda, M.P. 52) The Hon. (Dr.) Makali Mulu, M.P.
- 31) The Hon. Fredrick Ikana, M.P. 53) The Hon. Guyo Waqo, M.P.
- 32) The Hon. Daniel Manduku, M.P. 54) The Hon. Paul Kahindi, M.P.
- 33) The Hon. Mohamed Aden, M.P. 55) The Hon. Joshua Aduma, M.P.
- 34) The Hon. Patrick Simiyu, M.P. 56) The Hon. Oku Kaunya, M.P.
- 35) The Hon. Zamzam Mohamed, M.P. 57) The Hon. John Mbadi, M.P.
- 36) The Hon. David Pkosing, M.P. 58) The Hon. Mishi Mboko, CBS, M.P.
- 37) The Hon. Daniel Wanyama, M.P. 59) The Hon. Hussein Barre, M.P.
- 38) The Hon. Gathoni Wamuchomba, M.P. 60) The Hon. Innocent Momanyi, M.P.
- 39) The Hon. Mohamed Machele, M.P. 61) The Hon. Millie Odhiambo, M.P.
- 40) The Hon. Samuel Atandi, M.P. 62) The Hon. Irene Kasalu, M.P.
- 41) The Hon. Charles Ngusya, M.P. 63) The Hon. Patrick Osero, M.P.
- 42) The Hon. Amos Mwago, M.P. 64) The Hon. Jerusha Momanyi, M.P.
- 43) The Hon. Opiyo Wandayi, EGH, M.P. 65) The Hon. Joshua Odongo, M.P.
- 44) The Hon. Junet Mohamed, CBS, M.P. 66) The Hon. Abubakar Ahmed, M.P.
- 45) The Hon. Nolfason Barongo, M.P. 67) The Hon. Flowrence Jematiah, M.P.
- 46) The Hon. Gertrude Mbeyu, M.P. 68) The Hon. John Makali, M.P.
- 47) The Hon. Geoffrey Odanga, M.P. 69) The Hon. Chiforomodo Mangale, M.P.
- 48) The Hon. Abdi Chome, M.P. 70) The Hon. Geoffrey Ekesa, M.P.
- 49) The Hon. Erastus Nzioka, M.P. 71) The Hon. Timothy Toroitich, M.P.
- 50) The Hon. Sarah Korere, M.P.
- 72) The Hon. Mwengi Mutuse, OGW,
M.P.
- 73) The Hon. Gideon Kipkoech, M.P.
- 74) The Hon. Victor Koech, M.P.
- 75) The Hon. Catherine Omanyo, M.P.
- 76) The Hon. Caroline Ng'elechei, M.P.
- 77) The Hon. Stephen Mule, M.P.
- 78) The Hon. Leah Sankaire, M.P.
- 79) The Hon. Peter Nabulindo, M.P.
- 80) The Hon. Mumina Bonaya, M.P.
- 81) The Hon. David Mboni, M.P.
- 82) The Hon. James Onyango, M.P.
- 83) The Hon. Charles Were, M.P.
- 84) The Hon. Rashid Juma, M.P.
- 85) The Hon. Bashir Abdullahi, M.P.
- 86) The Hon. Abdi Ali, M.P.
- 87) The Hon. Tungule Kazungu, M.P.
- 88) The Hon. Gonzi Rai, M.P.
- 89) The Hon. Harrison Kombe, M.P.
- 90) The Hon. Tim Wanyonyi, M.P.

- 91) The Hon. Lydia Haika, M.P.
- 92) The Hon. Fatuma Jehow, M.P.
- 93) The Hon. Kakuta Maimai, M.P.
- 94) The Hon. Nabwera Nabii, M.P.
- 95) The Hon. Innocent Mugabe, M.P.
- 96) The Hon. Christine Ombaka, M.P.
- 97) The Hon. Kitilai Ole Ntutu, M.P.
- 98) The Hon. Joshua Mwalyo, M.P.
- 99) The Hon. Githua Wamacukuru, M.P.
- 100) The Hon. Mark Mwenje, M.P.
- 101) The Hon. Geoffrey Ruku, M.P.
- 102) The Hon. Mary Emaase, M.P.
- 103) The Hon. Eve Obara, M.P.
- 104) The Hon. (Dr.) Otiende Amollo, M.P.
- 105) The Hon. Peter Orero, M.P.
- 106) The Hon. Babu Owino, M.P.
- 107) The Hon. Joyce Bensuda, M.P.
- 108) The Hon. Amina Mnyazi, M.P.
- 109) The Hon. Adipo Okwome, M.P.
- 110) The Hon. Johnson Naicca, M.P.

Denotes Orders of the Day

NOTICES

I. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2024)

- 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill, 2024 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended by inserting the following new paragraph immediately after paragraph (e)—

“(f) by inserting the following new definition in proper alphabetical sequence—

“parliamentary party” means a party or coalition of parties consisting of not less than five percent of the membership of the National Assembly;

CLAUSE 5

THAT, Clause 5 of the Bill be amended by deleting the proposed new subsection (4) and substituting therefor the following subsection—

“(4) The secretary shall hold office for a term of four years and is eligible for re-appointment for one further term of four years.”

CLAUSE 6

THAT, the Bill be amended by deleting Clause 6 and substituting therefor the following new Clause—

Insertion of a new s. 24A in Cap. 7C.

6. The principal Act is amended by inserting the following new section immediately after section 24—

Review of conduct of general election.

24A.(1) The Commission shall, after every general election, review its operations and make the necessary changes required to make its operations more efficient, effective, transparent and accountable.

(2) The review shall be completed within eighteen months after every general election and the Commission shall publish the report in the Gazette and submit the report to Parliament.

CLAUSE 7

THAT, the Bill be amended by deleting Clause 7 and substituting therefor the following new Clause—

Insertion of a new PART IIIA in Cap. 7C.

7. The principal Act is amended by inserting the following new Part immediately after section 24—

PART IIIA—DELIMITATION OF ELECTORAL UNITS

Procedure for delimitation of electoral boundaries.

24B. (1) The Commission shall discharge its mandate of the delimitation of boundaries of constituencies and wards in accordance with the Constitution, this Act and any other law.

(2) Subject to the Constitution, matters to be addressed in the delimitation of electoral boundaries are—

- (a) review of the names and boundaries of constituencies;
- (b) review of the number, names and boundaries of wards;
- (c) re-distribution of wards affected by any changes in the boundaries of constituencies; and
- (d) ensuring that the number of inhabitants in each constituency and ward is as nearly as possible, equal to the population quota as provided for by Article 89(5) of the Constitution and that such a process—

- (i) allows for variation of margin of not more than the limits provided under Article 89(6) of the Constitution in relation to cities, sparsely populated areas and other areas;
- (ii) takes into account the provisions of Article 89(7)(b) of the Constitution that provides for the progressive realization of the requirement that the number of inhabitants in each constituency and ward to be as nearly as possible, equal to the population quota for the purposes of the each review;
- (iii) is subject to the use of enumerated national census figures.

(3) The Commission shall prepare and publish a preliminary report outlining—

- (a) the proposed delimitation of boundaries for constituencies and wards; and
- (b) the specific geographical demographical details relating to such delimitation; and

(4) The Commission shall ensure that the preliminary report is made available to the public for a period of thirty days and invite representations from the public on the proposals contained in the report during that period.

(5) Upon the expiry of the period provided in subsection (4), the Commission shall, within fourteen days, review the proposed delimitation of boundaries considering the views received and submit the revised preliminary report to the Parliamentary Committee.

(6) The Parliamentary Committee shall, within fourteen days of receipt of the revised preliminary report, table the report in the National Assembly together with its recommendations.

(7) The National Assembly shall, within fourteen days of the tabling of the revised preliminary report, consider the report and forward its recommendations to the Commission.

(8) Within fourteen days of the expiry of the period provided for in subsection (7), the Commission shall upon receipt and considerations of the National Assembly and representations from the public, prepare the final report for publication in the Gazette.

(9) Where the National Assembly fails to make recommendations within the period specified in subsection (7), the Commission shall publish its report in accordance with subsection (8).

(10) A person who, being responsible for the publication in the Gazette of the final report submitted under this subsection fails to publish the report within the time required by the Commission after the report has been submitted to that person, commits an offence and is liable to imprisonment for a term of one year.

(11) Notwithstanding any other written law, where the final report is not published in accordance with the provisions of subsection (9) the Commission shall, within seven days of the submission of the said report, cause the report to be published in at least two dailies of national circulation and such publication shall have effect as if it were done in the Gazette.

(12) Subject to this section, the provisions set out in the Fifth Schedule shall apply during the process of delimitation of electoral units.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new Clause immediately after Clause 7—

Repeal of section
36 of Cap, 7C.

7A. The principal Act is amended by repealing section 36.

CLAUSE 8

THAT, Clause 8 of the Bill be amended in paragraph (a)—

- (a) by renumbering subparagraphs (i), (ii) and (iii) as subparagraphs (ii), (iii) and (iv);
- (b) by inserting the following new subparagraph immediately before subparagraph (ii)—
 - (i) by deleting the word “seven” appearing immediately after the words “consisting of” appearing in sub-paragraph (1) and substituting therefor the word “nine”;
- (c) by deleting subparagraph (ii) and substituting therefor the following new subparagraph—
 - (ii) by deleting sub-paragraph (2) and substituting therefor the following new sub-paragraph—
 - “(2) The selection panel shall consist of—
 - (a) two persons nominated by the Parliamentary Service Commission, representing the majority party or coalition of parties and the minority party or coalition of parties;
 - (b) three persons nominated by the Political Parties Liaison Committee of whom—

- (i) one shall be from a party other than a parliamentary party or coalition of parties;
 - (ii) one shall be from the majority party or coalition of parties;
 - (iii) one shall be from the minority party or coalition of parties;
 - (c) one person nominated by the Law Society of Kenya;
 - (d) one person nominated by the Institute of Certified Public Accountants of Kenya; and
 - (e) two persons nominated by the Inter-religious Council of Kenya.
- (d) by inserting the following new subparagraph immediately after subparagraph (iv)—
- (v) by inserting the following new subparagraph immediately after subparagraph (6)—

“(7) The Parliamentary Service Commission shall provide for and meet the expenditure of the selection panel.”

CLAUSE 11

THAT, the Bill be amended by deleting Clause 11 and substituting therefor the following new Clause—

Saving and transition.

11. Upon the commencement of this Act—

- (a) the selection panel existing immediately before the commencement of this Act shall stand dissolved but—
 - (i) the members of that panel may be nominated to serve in any subsequent panel; and
 - (ii) nothing done by that panel for purposes of executing its functions shall, if done in good faith, render any member of that panel personally liable for any action, claim or demand

- (b) The respective nominating bodies under paragraph 1(2)(b), (c), (d) and (e) of the First Schedule to the principal Act shall within fourteen days from the date of commencement of this Act submit the names of their nominees to the Parliamentary Service Commission for transmission to the President for appointment to the selection panel under the Act;
- (c) the President shall, within seven days of receipt of the names of the nominees under paragraph 1(2) of the First Schedule to the principal Act from the Parliamentary Service Commission, appoint a selection panel for the purpose of appointment of the chairperson and members of the Commission; and
- (d) a person holding the office of the secretary of the Independent Electoral and Boundaries Commission shall continue in office for the remainder of the unexpired period of their term.

2) Notice is given that the Member for Kinangop (Hon. Zachary Thuku) intends to move the following amendments to the Independent Electoral and Boundaries Commission (Amendment) Bill, 2024 at the Committee Stage—

CLAUSE 3

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Amendment of section 6 of Cap. 7C.

3. The principal Act is amended by deleting section 6 and substituting the following new section—

Qualification for appointment as chairperson or member of the Commission.

6. A person is qualified for appointment as a chairperson or member of the Commission if the person—

- (a) holds a degree from a recognized university;
- (b) has proven relevant experience in any of the following fields—
 - (i) electoral matters;
 - (ii) management;
 - (iii) finance;

- (iv) governance;
 - (v) public administration;
 - (vi) law;
 - (vii) information and communication technology; and
 - (viii) accounting.
- (c) meets the requirements of Chapter Six of the Constitution.

CLAUSE 5

THAT, Clause 5 of the Bill be amended by deleting the proposed new subsection (4) and substituting therefor the following new subsection—

(4) The secretary shall hold office for a term of six years and shall not be eligible for re-appointment.

CLAUSE 6

THAT, the Bill be amended by deleting Clause 6 and substituting therefore the following new Clause—

Insertion of new section 24A in Cap. 7.

6. The principal Act is amended inserting the following new section immediately after section 24—

Review of conduct of general election.

24A. (1) The Commission shall appoint an independent committee to review the operations of the Commission after a general election.

(2) The independent committee under subsection (1) shall consist of—

(a) two persons nominated by the Parliamentary Service Commission representing the majority party or coalition of parties and minority party or coalition of parties;

(b) three persons nominated by the Political Parties Liaison Committee of whom—

(i) one shall be from a party other than a parliamentary party or coalition of parties;

(ii) one shall be from a parliamentary party of coalition of parties forming the national government;

(iii) one shall be from a parliamentary party or coalition of parties not forming the national government;

(c) two persons nominated by the Association of Professional Societies in East Africa;

(d) two persons nominated by the Inter-Religious Council of Kenya.

(3) A person is qualified for appointment as a member of the independent committee under subsection (1) if the person—

(a) is a citizen of Kenya;

(b) holds a degree from a university recognized in Kenya; and

(c) meets the requirements of Chapter Six of the Constitution.

(4) The respective nominating bodies under subsection (2) shall, within three months after a general election, submit the names of their nominees to Commission for appointment.

(5) The review shall be completed within one year after a general election and the independent committee shall submit the report to the Commission.

(6) The Commission shall, within seven days of receipt of the report, publish the report in the *Gazette* and submit the report to Parliament.

(7) The Commission shall provide the secretariat services and facilities required by the independent committee in the performance of its functions.

CLAUSE 8

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new Clause—

Amendment of
the First
Schedule in
Cap. 7C..

8. The First Schedule to the Principal Act is amended—

(a) in paragraph 1—

(i) by deleting the word “seven” appearing immediately after the words “consisting of” appearing in sub-paragraph (1) and substituting therefor the word “nine”;

(ii) by deleting sub-paragraph (2) and substituting therefor the following new sub-paragraph—

(2) The selection panel shall consist of—

(a) two persons nominated by the Parliamentary Service Commission representing the majority party or coalition of parties and minority party or coalition of parties;

(b) three parties nominated by Political Parties Liaison Committee of whom—

(i) one shall be from a party other than a parliamentary party or coalition of parties;

(ii) one shall be from a parliamentary party or coalition of parties forming the national government;

- (iii) one shall be from a parliamentary party or coalition of parties not forming the national government;
 - (c) two persons nominated by the Association of Professional Societies in East Africa;
 - (d) two persons nominated by the Inter-Religious Council of Kenya.
- (iii) inserting the following new sub-paragraphs immediately after sub-paragraph (2A)—
 - (2B) The respective nominating bodies shall select the nominees for appointment through a competitive and transparent process.
 - (2B) In nominating the persons under paragraph (2), the respective nominating bodies shall ensure that not more than two-thirds of the nominees are of the same gender.
- (iv) in sub-paragraph (3), by deleting the words “sub-paragraphs (2)(b) and (c)” and substituting therefor the words “sub-paragraphs (2)(b), (c) and (d)”;
- (b) by deleting paragraph 6 and substituting therefor the following new paragraph—
 - 6. Dissolution of selection panel
 - (1) The selection panel shall finalize the recruitment exercise within ninety days of its appointment and forward the names of the nominees to the President and shall thereafter stand dissolved.

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

Notice is given that the Chairperson of the Departmental Committee on Regional Development intends to move the following amendments to the National Disaster Risk Management Bill, 2023 at the Committee Stage—

CLAUSE 5

THAT, the Bill be amended by deleting Clause 5.

CLAUSE 6

THAT, the Bill be amended by deleting Clause 6.

CLAUSE 7

THAT, the Bill be amended by deleting Clause 7.

CLAUSE 8

THAT, the Bill be amended by deleting Clause 8.

CLAUSE 11

THAT, Clause 11 of the Bill be amended in paragraph (n) by deleting the words “Intergovernmental Council” and substituting therefor the words “Cabinet and the Summit”.

CLAUSE 13

THAT, the Bill be amended by deleting Clause 13 and substituting therefor the following new Clause—

Composition of the Board.

13. (1) The management of the Authority shall vest in a Board which shall comprise—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to disaster risk management or a representative designated in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary in the Ministry for the time being responsible for matters relating to defence or a representative designated in writing;

- (e) the Principal Secretary in the Ministry for the time being responsible for matters relating to drought management or a representative designated in writing;
- (f) the Chief Executive Officer of the Council of Governors;
- (g) one person, who has knowledge and experience in disaster risk management, nominated by the Council of County Governors and appointed by the Cabinet Secretary;
- (h) a person nominated by the Kenya Red Cross Society and appointed by the Cabinet Secretary;
- (i) a person nominated by the Kenya Private Sector Alliance and appointed by the Cabinet Secretary; and
- (j) the Director-General of the Authority who shall be an *ex-officio* member of the Board.

(2) The chairperson and members of the Board, other than an *ex-officio* member, shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

CLAUSE 19

THAT, clause 19 of the Bill be amended in subclause (2) by deleting the word “co-opt” appearing immediately after the word “resolution” and substituting therefor the word “engage”.

CLAUSE 23

THAT, clause 23 of the Bill be amended in subclause (2) by inserting the words “or her” immediately after the word “his”.

CLAUSE 29

THAT, clause 29 of the Bill be amended in subclause (1) by deleting the expression “the Director-General or such other person as the Board may direct” appearing immediately after the word “Secretary”.

CLAUSE 35

THAT, clause 35 of the Bill be deleted and replaced with the following new clause—

Establishment of County Disaster
Risk Management Committees.

35. (1) There is established a County Disaster Risk Management Committee in each county.

(2) The members of the County Committee shall comprise—

- (a) the Governor who shall be the chairperson;
- (b) the county commissioner who shall be the co-chairperson;
- (c) the county executive committee member responsible for matters relating to disaster risk management who shall be the secretary;
- (d) the County Police Commander;
- (e) two persons, a man and a woman, with knowledge and experience in disaster risk management appointed by the Governor;
- (f) a person nominated by the Kenya Red Cross Society and appointed by the Governor;
- (g) a person nominated by the Kenya Chamber of Commerce appointed by the Governor;
- (h) a person nominated by the civil society organization with expertise in disaster risk management in the county appointed by the Governor.

(3) In appointing members under subsection (2) (e), (f), (g) and (h), the Governor shall observe the principle of gender equality, and representation of the youth, persons with disabilities and the marginalized communities.

(4) The members of a County Committee shall elect one of the members appointed under subsection (2) (e), (f), (g) and (h) to be the vice-chairperson.

(5) A member of the County Committee appointed under subsection (2) (e), (f), (g) and (h) shall serve for a term of three years and shall be eligible for re-appointment for one further term.

(6) The members of the County Committee shall serve on a part-time basis and shall be paid such allowance as may be advised by the Salaries and Remuneration Commission.

(7) The County Committee may engage an expert into its membership for effective discharge of its functions.

(8) The County Committee shall regulate its own procedure in the conduct of its business and affairs.

CLAUSE 47

THAT, Clause 47 of the Bill be amended in subclause (2) (a) by deleting the word “changes” appearing immediately after the word “other” and substituting therefor the word “charges”.

CLAUSE 57

THAT, Clause 57 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) A public officer currently serving in the National Disaster Operations Centre and National Disaster Management Unit shall be seconded to the Authority for a period not exceeding three years.”

CLAUSE 58

THAT, clause 58 be amended in subclause (1) by deleting the word “Risk” appearing immediately before the words “Management Unit”.



LIMITATION OF DEBATE

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

Limitation of Debate on Motions

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

Limitation of Debate on Other Committee Reports

- V. 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.

NOTICE PAPER

Tentative business for

Thursday, (Afternoon) May 02, 2024

(Published pursuant to Standing Order 38(1))

It is notified that the following business is *tentatively* scheduled to appear in the Order Paper for Thursday, (Afternoon) May 02, 2024 –

- A. **SPECIAL MOTION – DISMISSAL OF HON. MITHIKA LINTURI AS THE CABINET SECRETARY FOR AGRICULTURE AND LIVESTOCK DEVELOPMENT**
(The Hon. Jack Wamboka, M.P.)

(If not concluded on Thursday, May 02, 2024 – Morning Sitting)

- B. **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (NATIONAL ASSEMBLY BILL NO. 67 OF 2023)**
(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Thursday, April 25, 2024)

- C. **THE LAND LAWS (AMENDMENT) (No. 2) BILL (NATIONAL ASSEMBLY BILL NO. 76 OF 2023)**
(The Leader of the Majority Party)

Second Reading

- D. **COMMITTEE OF THE WHOLE HOUSE**

The Kenya Drugs Authority Bill (National Assembly Bill No. 54 of 2022)
(The Hon. (Dr.) Robert Pukose, M.P.)

(To resume from Clause 23)

- E. **MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND FOR NINE CONSTITUENCIES IN BUNGOMA COUNTY**
(The Chairperson, Decentralized Funds Accounts Committee)

- F. **MOTION – REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF SPECIFIED STATE CORPORATIONS**
(The Chairperson, Public Investments Committee on Social Services, Administration and Agriculture)

- G. MOTION – PUBLIC PETITION ON FUNDS SPENT CONTRARY TO THE PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION
(The Chairperson, Public Petitions Committee)
- H. MOTION – ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS
(The Chairperson, Committee on Parliamentary Broadcasting and Library)
- I. MOTION – INSPECTION VISIT TO SEMI-AUTONOMOUS INSTITUTIONS OF THE EAST AFRICAN COMMUNITY IN UGANDA
(The Chairperson, Committee on Regional Integration)
- J. MOTION – IMPLEMENTATION STATUS OF REPORTS ON PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE
(The Chairperson, Committee on Implementation)
- K. MOTION – ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA
(The Chairperson, Departmental Committee on Trade, Industry and Cooperatives)
- L. MOTION – INQUIRY INTO THE MAIZE FLOUR SUBSIDY PROGRAMME FOR THE FINANCIAL YEAR 2022/2023
(The Chairperson, Departmental Committee on Agriculture and Livestock)
- M. ADJOURNMENT OF THE HOUSE IN ACCORDANCE WITH THE CALENDAR
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