

REPUBLIC OF KENYA



PARLIAMENT
OF KENYA
LIBRARY

TWELFTH PARLIAMENT
(SECOND SESSION)

NATIONAL ASSEMBLY

Paper Laid on
the Table of the
House by Hon. Amos
Kimunya on
Tuesday,
6th November 2018



REPORT ON ATTENDANCE OF THE NATIONAL CONFERENCE OF
STATE LEGISLATURES 2018 LEGISLATIVE SUMMIT
HELD IN LOS ANGELES, CALIFORNIA, USA

30TH JULY – 2ND AUGUST 2018



TABLE OF CONTENTS

INTRODUCTION 3

DELEGATION TO THE CONFERENCE..... 5

CONFERENCE SESSIONS..... 6

BEST PRACTICES: POTENTIAL AREAS OF IMPLEMENTATION.....11

CONCLUSION.....11



A. INTRODUCTION

1. The Kenya National Assembly was invited vide a letter dated July 10, 2018 to send a delegation to the 2018 National Conference of State Legislatures (NCSL) summit. This is the fourth time the National Assembly has participated, underlying the growing bonds between the two bodies.
2. The NCSL was established on 1st January 1975 to support, defend and strengthen state legislatures in the United States of America (USA). Since 1975, NCSL has been the champion of state legislatures in the US, and has helped the states remain strong and independent by giving them the tools, information and resources to craft the best solutions to difficult problems. ¹
3. The NCSL has reportedly fought against unwarranted actions in the US Congress and saved states in the US more than \$1 billion. The NCSL also conducts workshops to sharpen the skills of lawmakers and legislative staff in every state.²
4. The NCSL is committed to the success of all legislators and staff, within the US and outside its borders. Towards this end, the NCSL's objectives include:
 - a. Improvement of the quality and effectiveness of state legislatures;
 - b. Promotion of policy innovation and communication among state legislatures; and
 - c. Ensuring state legislatures are a strong, cohesive voice in the federal system.
5. The strength of NCSL is in its bipartisanship and commitment to serving both Republicans and Democrats in the US Congress and in the 50 states. This is

¹www.ncsl.org

² See note one above.



recognized in its comprehensive and unbiased research. NCSL serves both legislators and staff. This is reflected in the NCSL's constitutive documents and work.

6. The NCSL recognizes that Lawmakers play a vital role in developing the US States' agenda, the blueprint for NCSL's advocacy work on Capitol Hill. Each year, legislators and staff from across the USA participate in NCSL's nine (9) standing committees formed to achieve its objectives.
7. The NCSL has grown over time to accommodate international legislatures in its various conferences and activities. These conferences, such as the recent conference in Los Angeles, play a vital role in Legislators and staff from Parliaments across the world meeting to discuss and exchange ideas on issues facing legislatures worldwide, especially on emerging issues.
8. The NCSL's Legislative Summit is one of the largest gatherings of today's leaders, experts, and policymakers that creates an environment filled with unparalleled learning, networking and inspiration. This conference allowed Members and Staff of Parliament from Kenya to connect with legislative peers and policy innovators from across the US and other parts of the world. Last year, NCSL welcomed over 250 international delegates from 20 countries.
9. This year's summit included featured sessions on topics such as world-class teaching, sexual harassment policy, big data, and the rural – urban divide. There were also various speakers on topics such as cryptocurrency, artificial intelligence, and energy innovation, among others.
10. The summit enabled Members and Staff of Parliament to take home ideas, strategies and solutions to tackle the important issues facing us in Kenya. The summit included interactive sessions allowed participants to dig deep into a



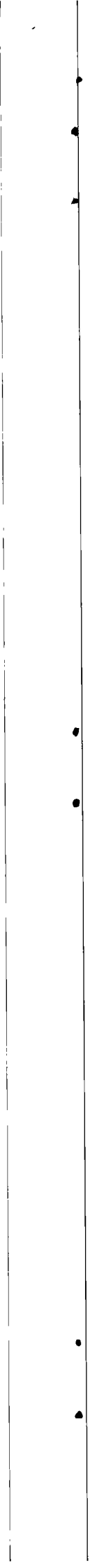
particular topic or get an overview of an area that interested them. Professional development workshops and networking events where Members and Staff of Parliament could connect with legislative colleagues also took place.

B. DELEGATION TO THE CONFERENCE

11. The National Assembly delegation to the Conference this year comprised of the following Members of Parliament from various Committees-
 - (i) The Hon. Amos Kimunya, EGH, MP – Leader of the Delegation;
 - (ii) The Hon. Kimani Ichung’wah, MP;
 - (iii) The Hon. T.J. Kajwang’, MP;
 - (iv) The Hon. Alfred Keter, MP;
 - (v) The Hon. Shadrack John Mose, MP;
 - (vi) The Hon. Gathoni Wamuchomba, MP
 - (vii) The Hon. Didmus Wekesa Barasa, MP;
 - (viii) The Hon. Omboko Milemba, MP;
 - (ix) The Hon. Edith Nyenze, MP.

12. The delegation was accompanied by the Clerk of the National Assembly, Mr. Michael Sialai, EBS and the staff as listed below:
 - (i) Ms. Wanjiru Ndindiri – Senior Clerk Assistant
 - (ii) Ms. Jemimah Waigwa – Legal Counsel
 - (iii) Mr. Mbarak Ahmed – Legal Counsel

13. Parliament was also represented by a separate delegation from the Senate, led by the Speaker, the Hon. Kenneth Lusaka, EGH, MP, and also included the Clerk of the Senate, Mr. Jeremiah Nyegenye, CBS. There were also representatives of County Assemblies.



C. CONFERENCE SESSIONS

14. All attendees were welcome to attend any public sessions hosted by NCSL. In fact, multiple sessions were scheduled at the same time, taking place concurrently. As a result, the delegation was in multiple meetings at once, except for the general sessions attended by everyone.

15. There was a separate programme prepared for international attendees, which comprised of the following sessions:

(i) Welcome and Introduction

International legislators and staff met colleagues and counterparts from around the globe, and were provided with a short introduction to NCSL's work. Each delegation introduced its members who were in attendance for the Summit. In Kenya's case, the Hon. Kenneth Lusaka, EGH, MP, Speaker of the Senate, made introductions of all Members of Parliament and staff in attendance.

(ii) Panel on Workforce Development

This was a discussion and roundtable discussion on the approaches to workforce development, including collaboration among local, state, national and business partners to address current and future skills gaps. The panelists, who included a Member and Vice President from North Rhine-Westphalia State Parliament in Germany, highlighted how public-private partnerships and educational initiatives can help workers obtain skills and credentials to match workplace needs, citing examples from Europe, Africa, and the Americas.³

(iii) General Sessions on the following topics:

- CEO Forum: The Next Generation of Innovation

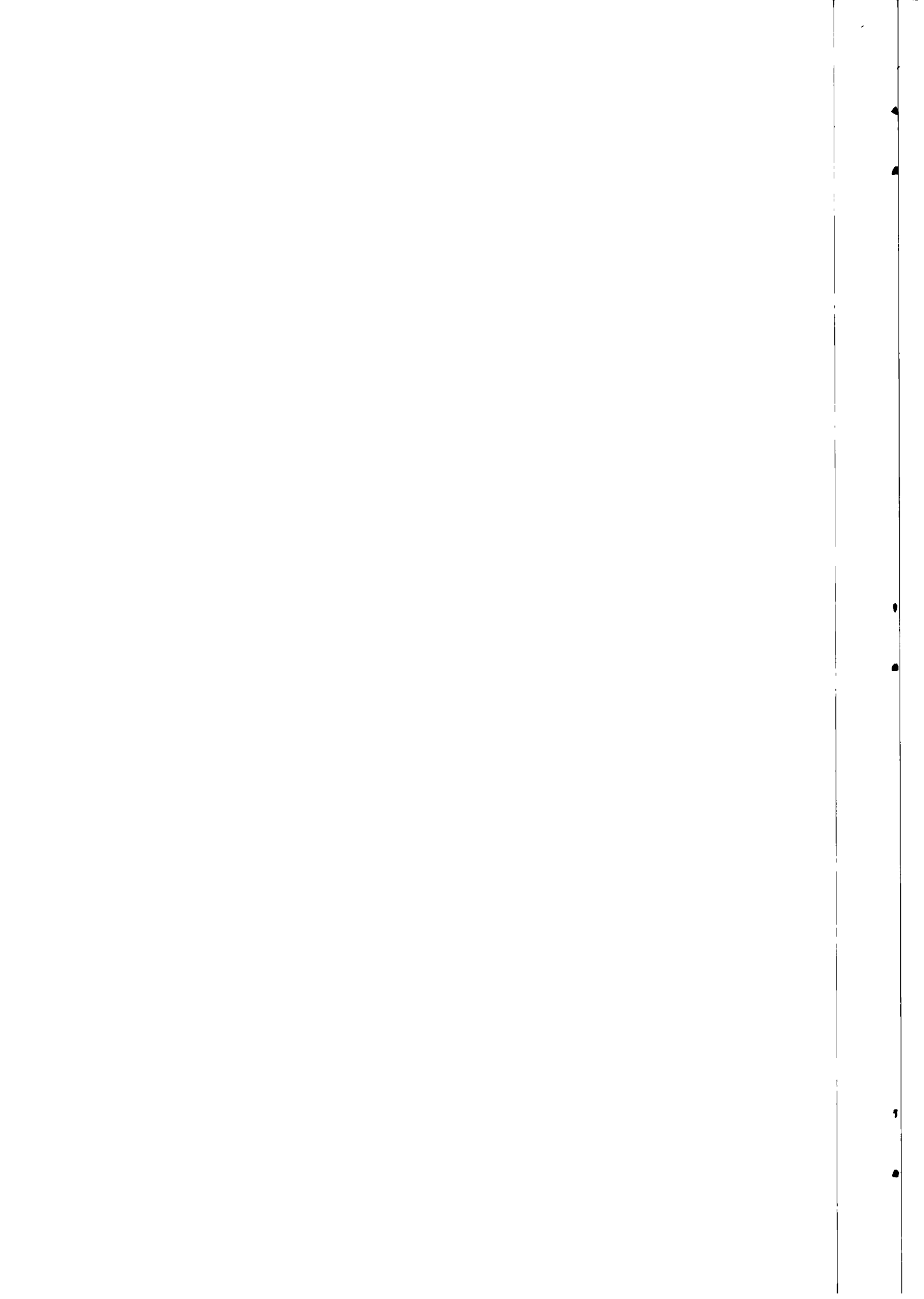
³NCSL International Programme Agenda



- International Trade Panel & Discussion
- Legislative Staff Breakfast- Ethics in the Legislature: How to Avoid the Danger Spots
- International Investment and State Economic Development Opportunities Panel
- Address by Mr. Johnny Taylor Jr., the President and CEO of the Society for Human Resource Management (SHRM), the world's largest HR professional society
- Address by Brock Bierman, Assistant Administrator, USAID
- Legislative Information and Communications Staff Section Breakfast
- Salute to Legislative Staff Luncheon: Play-by-Play Leadership Lessons
- 2019 Summit Kickoff Breakfast – It's All About Country: Politics, Polling and Pop Culture
- Pollsters

(iv) Optional Sessions were held simultaneously on the following range of topics:

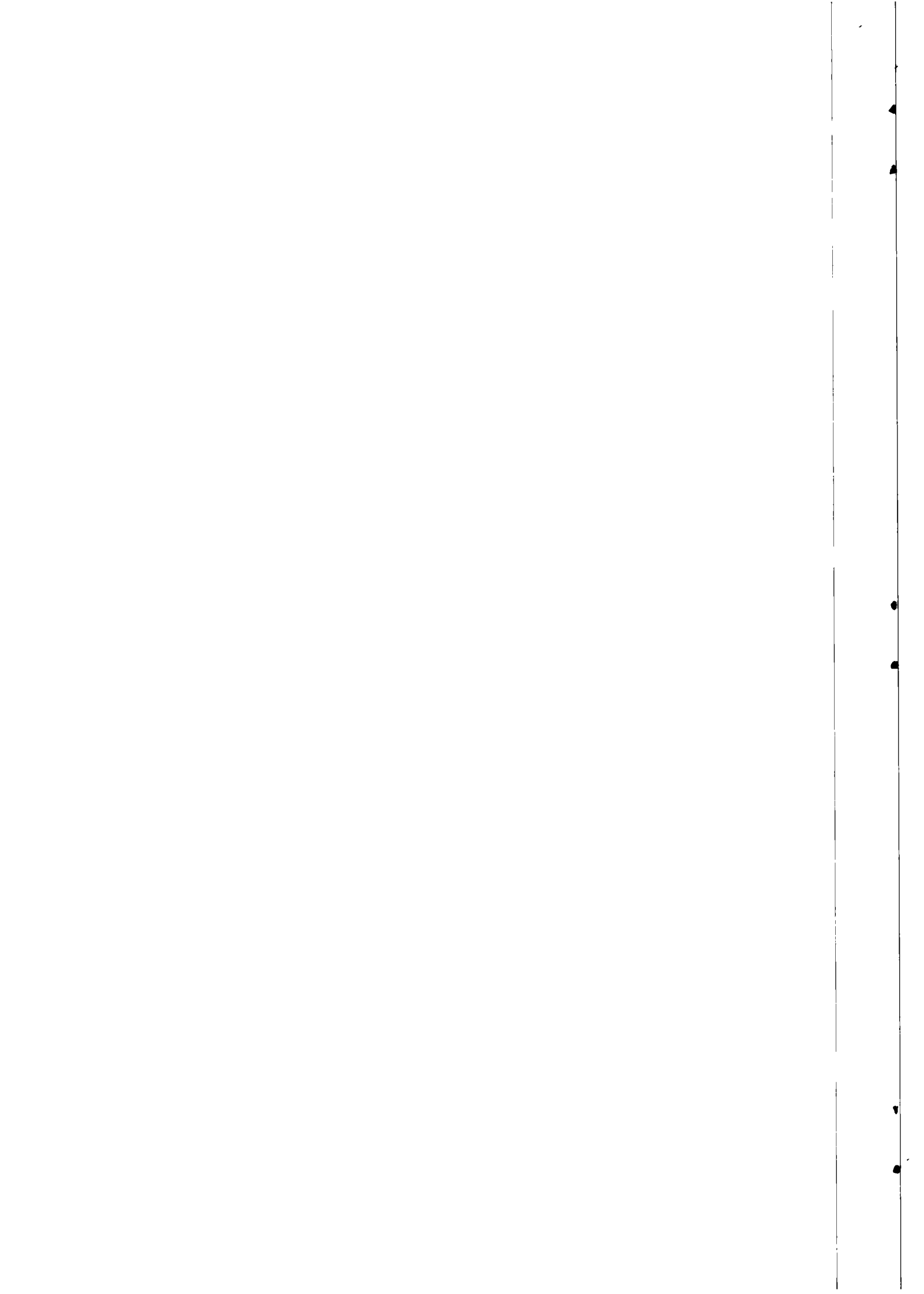
- Ethics in the World of Social Media
- Responding to Cybersecurity Threats in Legislatures
- Security in the Legislature
- Healthy Starts: Tools for Early Childhood Success
- Closing Opportunity Gaps in Early Life
- Broadband, Smart Communities, and Beyond
- Promoting the People's Branch of Government



- Big Data: How Information Can Help Create Good Policy
- Strengthening Rural Communities

16. Outside of the International Delegates' programme, conference attendees were also able to attend other ongoing sessions on a wide range of topics. The sessions attended by members of the delegation involved presentations on various key issues which included the following-

- (i) **A Committee by laws and Standing Orders:** The presentation entailed a synopsis of the rules and procedures that govern the operations of Committees at the State Legislatures and House of Congress;
- (ii) **The Legislative process:** This presentation espoused how different state legislatures and the US Congress process their Bills and the different stages through which a Bill goes through before it becomes law;
- (iii) **State Bill Information Service Training:** This presentation gave an overview of the NCSL 50-State Bill Information Training which is a Service exclusively available to state legislators and legislative staff that provides access to the full text of legislation in the 50 States and the US Congress. This gave the delegation insights on possible development of a similar forum to enable the members of the 47 county assemblies and their staff to have access not only to laws, as Kenya has uniformity of laws which are easily accessible on kenyalaw.org, but also to sharing of experiences on parliamentary practice with Parliament as a way of undertaking capacity building of counties.
- (iv) **Supreme Court Roundup:** The presentation analyzed different landmark rulings of the US Supreme Court and their implications for the States. The cases that were analyzed included cases of gerrymandering and elections, religious and gay rights, sports, gambling and taxation.
- (v) **Responding to Cybersecurity Threats in Legislatures:** The presentation exhaustively covered the debate on cybersecurity threats and proposed steps



which Legislatures should take to protect legislative operations and IT Systems, including what the tools and policies should be in place to respond to such threats.

It is noteworthy that the recently passed Cyber Security Crime Act, 2018 offers a legal framework for addressing such threats. However, there may be need for the National Assembly to review its IT systems and establish tools that can assist its' system to deal with potential threats to its data system. Suffice it to say, it calls for the National Assembly to start appreciating that it can be a potential victim of such threats.

- (vi) **International Trade:** The presentation provided in detail the contents of the North America Free Trade Agreement commonly known as NAFTA between the US, Canada and Mexico and examined the challenges and opportunities available to the states.
- (vii) **Writing Short:** The presentation gave a summary of how to communicate as legislators and how to embrace the digital platforms as a medium of communication. The presentation gave insights on how to write effectively which calls for 'writing as you speak' as only then are sentences made intelligible and easily understood by the members of the public. The presentation also encouraged legislators and legislative staff to always appreciate who their audience is when drafting or writing briefs. The presentation was particularly important to legislative staff of the National Assembly responsible for drafting Bills and legislative proposals.
- (viii) **Legislator Conduct and Discipline:** The presentation analyzed the meaning of Order, Decorum and Disorderly Conduct by examining various state legislatures' laws, with a case in point being the Colorado House of Representatives Rule No. 23 which specifies in detail as to what constitutes Decorum. The presentation also expounded on the powers of a Speaker. The



presentation was very relevant to Members of the Committee of Powers and Privileges.

- (ix) **State Regulation of Drones:** The presentation was timely and insightful on the need to create effective regulation of drones. This issue recently arose during the consideration of regulations on drones by the Committee on Delegated Legislation which were eventually annulled in entirety by the House for having failed to meet the requirements of the Statutory Instruments Act. The need for careful consideration of the legal framework for drones goes beyond the Statutory Instruments Act due to the security threats that drones also create. An effective legal framework should be one that enhances the effectiveness of drones in undertaking surveillance and minimizing the security threats especially in the country's airspace.
- (x) **Legislative Internship - Pathway to Public Service:** The presentation was instrumental to the two Clerks of Parliament as it highlighted how Parliament can have a robust legislative internship programme that can serve as an effective part of a legislative body's staff succession plan.
- (xi) **When Legislators and Citizens engage:** The presentation provided insights on how legislators can best engage with the electorate. From the presentation, it became apparent that the need for the National Assembly to consider and introduce a Public Participation law or mechanism to provide a framework on how Parliament can best engage with the Members of the public cannot be overstated.

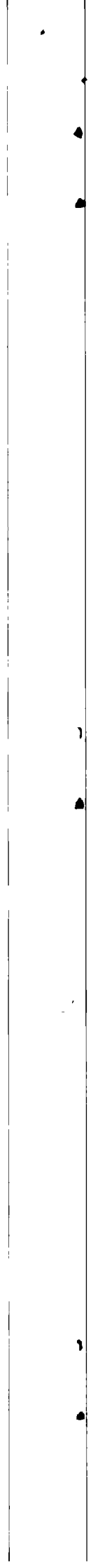


D. BEST PRACTICES: POTENTIAL AREAS OF IMPLEMENTATION

17. The delegation observed that there is need for a forum akin to the one between the National Council of State Legislatures and the US Congress to be established consisting of all the forty-seven County Assemblies and Parliament.
18. The forum would provide Parliament and the County Assemblies an opportunity to exchange ideas on legislative and oversight work among other critical parliamentary discourses including issues such as parliamentary democracy, good governance, and leadership and integrity.
19. The forum will also provide a linkage between the county legislatures and Parliament and ensure the implementation of the objectives of Article 6(2) of the Constitution where Parliament and the legislative assemblies in the county governments shall conduct their affairs on the basis of consultation and cooperation to avoid conflict, and in particular, conflict of laws as envisaged under Article 191 of the Constitution.
20. The forum will also ensure professional development of the staff serving in counties and Parliament as they exchange ideas on their experiences on legislative work.

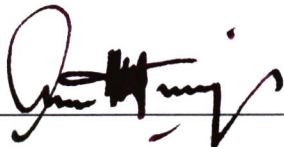
E. CONCLUSION

21. The delegation was also able to attend a few networking and social events organized by the conference hosts, including a visit to Paramount Studios, providing opportunities to engage with peers at an informal level.
22. The NCSL therefore accorded Members and staff opportunities to meet with and exchange ideas with their counterparts from the US States and around the world, and gain skills and knowledge from the wide range of sessions offered. This will hopefully improve the operations of Members and staff in the legislatures in the long term.



23. The delegation wishes to record its appreciation to the Leadership of the National Assembly for the opportunity to attend the Summit, and the exposure, which has gone a long way in enhancing their legislative capacity.

24. I therefore present this report to the House for noting.

Signed:  _____

Hon. Amos Kimunya, EGH, MP
(Leader of the delegation)

Date: 23 October 2018

