

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 7<sup>th</sup> June 2017

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) in the Chair]*

PRAYERS

QUORUM

**Hon. Speaker:** Ring the Quorum Bell.

*(The Quorum Bell was rung)*

We can commence business.

### PETITION

#### ESTABLISHMENT OF VETTING BOARD FOR PRESIDENTIAL CANDIDATES

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order No.225 (2)(b), I hereby convey to the House that my office is in receipt of a Petition signed by one Peter Kimani Runo. The Petitioner is praying for establishment of a vetting board for the purposes of vetting candidates for election as President of the Republic of Kenya.

The Petitioner avers that the position of the President of the Republic of Kenya requires a person who is of high morals, demonstrated integrity and who possesses public service experience in appointed or elected positions. As such, he petitions that there is need to set out statutory qualifications and requirements based on experience, integrity and accountability.

In this regard, the Petitioner prays that the National Assembly provides in law, minimum requirements based on experience, integrity and accountability and establishes a statutory vetting board whose mandate shall be to vet all presidential candidates prior to clearance by the Independent Electoral and Boundaries Commission (IEBC). The Petitioner also prays that these new provisions take effect from the year 2022.

Hon. Members, it is worth to note that Article 137 of the Constitution provides for the basic qualifications for election as president and the grounds for disqualification. Since it is the right of the Petitioner to petition the House, notwithstanding the various constitutional provisions, I will commit this Petition to the Departmental Committee on Justice and Legal Affairs for consideration, for whatever worth it may be. The Committee is required to examine the prayers contained in this Petition with a view to proposing amendments to Article 137 of the Constitution and report its findings in accordance with the provisions of Standing Order No.227(2).

Thank you.

### PAPERS LAID

**Hon. Speaker:** Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House today Wednesday, 7<sup>th</sup> June 2017:

Sessional Paper No. 3 of 2017 on Government Guarantee of the USD 750 million (Equivalent to Kshs75.26 billion) in support of restructuring of Kenya Airways from the National Treasury;

The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2016, and the certificates therein:

(a) Council of Governors Secretariat; and,

(b) Kenya Institute for Public Policy Research and Analysis;

The Annual Report and Financial Statements of the Kenya Investment Authority for the Financial Year ended 30<sup>th</sup> June 2016;

The Performance Report of the Independent Policing Oversight Authority (IPOA) for the period June to December 2016;

The Marriage (Customary Marriage) Rules 2017 and the Explanatory Memorandum;

The Marriage (Customary Marriage) Hindu Marriage Rules 2017 and the Explanatory Memorandum;

The Mining (Use of Local Goods and Services) Regulations 2017 and the Explanatory Memorandum;

The Mining (Employment and Training) Regulations 2016 and the Explanatory Memorandum;

The Mining (Work Programmes and Exploration Reports) Guidelines 2016 and the Explanatory Memorandum;

The Mining (Use of Assets) Regulations 2017 and the Explanatory Memorandum: and,

The Mining (State Participation) Regulations 2017 and the Explanatory Memorandum

**Hon. Speaker:** I just wish to note that these various regulations - as I am sure Members will appreciate - seek to operationalise the Mining Act which this House passed in the course of last year. Although we are at the tail-end of this Parliament's term, I would wish to urge the Committee on Delegated Legislation which has the onerous responsibility of scrutinising these regulations to, indeed, move with speed and ensure that they bring reports relating to those regulations. Also to caution, remember in terms of the Statutory Instruments Act, unless those regulations are annulled by the House in one way or another, the regulations as promulgated may continue to be implemented, that is unless they are annulled within seven days.

Although I do not see the Chairperson of the Committee on Delegated Legislation, Hon. Cheptumo or the Vice-Chair, Hon. Gachoki Gitari, I urge Members of the Committee who may be present to, indeed, get seized of these regulations with immediate effect and begin scheduling meetings to consider them. I thank you.

Hon. Charles Nyamai?

**Hon. C.M. Nyamai:** Hon. Speaker, I beg to lay the following Papers on the Table of the House today Wednesday, 7<sup>th</sup> June 2017:

Reports of the Departmental Committee on Lands on consideration of the following petitions:

- (i) By Hon. Francis Mwangangi concerning irregular allocation of land in Ndalani Ward, Yatta Constituency;
- (ii) By Hon. David Gikaria on behalf of the residents of Nakuru Town East Constituency on revocation and cancellation of title for land L.R. No. Nakuru Municipality Block 23/108 belonging to Naka Primary School;
- (iii) By Hon. Cyprian Kubai-Iringo on behalf of the residents of Igembe Central Constituency regarding parcels of land allocated to the community; and,
- (iv) By the residents of Pongwe Area, Lunga Lunga Constituency on imminent eviction from LRNo.1083 Shimoni - Kwale.

This is on behalf of the Chairperson of the Departmental Committee on Lands.

**Hon. Speaker:** Very well. Hon. Michael Onyura?

**Hon. Onyura:** Hon. Speaker, I beg to lay the following Papers on the Table of the House today Wednesday, 7<sup>th</sup> June 2017:

The Reports of the Kenya Delegation to Assemblies of the Inter-Parliamentary Union (IPU) and related meetings as follows:

- (i) The 136<sup>th</sup> Assembly held in Dhaka, Bangladesh from 1<sup>st</sup> to 5<sup>th</sup> April 2017; and,
- (ii) The 135<sup>th</sup> Assembly held in Geneva, Switzerland from 21<sup>st</sup> to 22<sup>nd</sup> October 2016.

**Hon. Speaker:** Very well. Before we proceed, allow me to recognise the presence of pupils from Ave Maria Boarding Primary School, Kibwezi East Constituency, Makueni County. They are welcome to observe proceedings in the House.

Next Order.

## NOTICE OF MOTION

### APPROVAL OF GOVERNMENT GUARANTEE TO SUPPORT RESTRUCTURING OF KQ

**Hon. Speaker:** Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Article 213 of the Constitution, and sections 50 and 58 of the Public Finance Management Act (CAP 412C), this House notes Sessional Paper No.3 of 2017 on Government Guarantee in support of restructuring of Kenya Airways, and approves the Government of Kenya Guarantee of United States Dollars (USD) 750 million, equivalent to Kshs75.26 billion at the current exchange rate, to the US Exim Bank and eleven(11) local banks, for the restructuring of Kenya Airways PLC.

**Hon. Speaker:** Very well. Next Order.

*(Hon. Musyimi gestured to Hon. Speaker)*

Sorry, Hon. Mutava Musyimi. Do you have something you wanted to say on that? Proceed.

**Hon. Musyimi:** Hon. Speaker, I thought I was to move the Motion in its amended form. Is that later on? Do I do it now?

**Hon. Speaker:** Not now. We are at Order No.6 which is giving Notices of Motions. Leader of the Majority Party, is there something you want to say?

**Hon. A.B. Duale:** Hon. Speaker, I want your guidance to get to the Chairman of the Departmental Committee on Finance, Planning and Trade, that there are two urgent matters before that Committee. You have given direction to the Committee on Delegated Legislation on this guarantee; the Government of Kenya's guarantee to the restructuring of the Kenya Airways. There is also the issue of the nominee for Financial Reporting Centre. Let them fast-track those two businesses before we go on the final recess next week.

**Hon. Speaker:** I do not see the Chairman of the Departmental Committee on Finance, Planning and Trade, Hon. Benjamin Langat. The Vice-Chairman, Hon. Nelson Gaichuhie?

Hon. Members, with hindsight, maybe, the House may have to rue its decision on defeating a Motion by Hon. David Ochieng. It looks like doing nominations and coming to sit is becoming a big challenge. I think the House should just be adjourned and people do nominations so that those who win continue campaigning, and those who lose can continue doing some other things in the village without requiring them to come and perform. One, as you sit, it is as a representative. If you have lost in your nominations and you have decided you are not even going to pursue the matter, you sit here as who? Are you representing? I think this is something the country really needs to think about. I think it is a big challenge to both the House and various other agencies that may require the House to make certain decisions on their behalf.

Nevertheless, I believe there are other members of that committee who are present. Is there any one from the Departmental Committee on Finance, Planning and Trade? Have all members of that committee lost interest in the business in the House?

**Hon. Lati:** I am here.

**Hon. Speaker:** Hon. Lati Lelelit! Why do you not rise to the occasion and take up this matter? I know you are up to the task. I am sure you can deal with this matter.

Please, let us give the responsibility to Hon. Lati Lelelit to try and take the business forward so that by Tuesday or Wednesday next week, we are through with the consideration of those two businesses.

Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Speaker (Hon. Muturi) left the Chair]*

### IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Hon. Cheboi) took the Chair]*

#### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL

**The Temporary Deputy Chairman (Hon. Cheboi):** We will now be doing the Committee of the whole House on the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 48 of 2016). So, we will be pretty fast. Members, kindly concentrate.

*Provisions relating to the Betting, Lotteries and Gaming Act (Cap.131)*

*(Provisions relating to the Betting, Lotteries and Gaming Act (Cap. 131) agreed to)*

*Provisions relating to the Pensions Act (Cap.189)*

*(Provisions relating to the Pensions Act (Cap. 189) agreed to)*

*Provisions relating to the Dairy Industry Act (Cap.336)*

*(Provisions relating to the Dairy Industry Act (Cap.336) agreed to)*

*Provisions relating to the Clinical Officers (Training, Registration and Licensing) Act (No.9 of 1988)*

*(Provisions relating to the Clinical Officers (Training, Registration and Licensing) Act (No.9 of 1988) agreed to)*

*Provisions relating to the Kenya Roads Board Act (No.7 of 1999)*

**The Temporary Deputy Chairman** (Hon. Cheboi): I see the Leader of the Majority Party has an amendment.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I beg to move that the Bill be amended in the Schedule in the proposed amendments to the Kenya Roads Board Act (No.7 of 1999) –

Written law	Provision	Amendment
The Kenya Roads Board Act, 1999 (No. 7 of 1999)	s. 12(2)	Delete subsection (2) and substitute therefor the following new subsection— (2) A person shall be qualified for appointment as the Executive Director if that person— (a) holds a Master’s degree in finance, accounting, law or engineering from a university recognised in Kenya; (b) has knowledge and at least ten years’ experience in a relevant field; (c) has served in a senior management position for a period of at least five years; and (d) satisfies the requirements of Chapter Six of the Constitution.

This is just to redefine the qualifications of the Executive Director to make sure that it caters for as many Kenyans as possible in different fields and with 10 years’ experience serving in senior management position. It is just a small amendment.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Provisions relating to the Kenya Roads  
Board Act (No.7 of 1999) as amended agreed to)*

*Provisions relating to the Employment Act (No.11 of 2007)*

*(Provisions relating to the Employment  
Act (No.11 of 2007) agreed to)*

*Provisions relating to the Alcoholic Drinks Control Act (No. 4 of 2010)*

*(Provisions relating to the Alcoholic Drinks  
Control Act (No. 4 of 2010) agreed to)*

*Provisions relating to the Kenya Institute of Curriculum Development Act (No.4 of 2013)*

**The Temporary Deputy Chairman** (Hon. Cheboi): I see the Chair of the Committee on Education, Research and Technology, Hon. Sabina Chege.

**Hon. (Ms.) S.W. Chege:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in the Schedule in the proposed amendments to the Kenya Institute of Curriculum Development Act by —

(a) deleting the proposed amendment to section 5 and substituting therefor the following new amendments to section 5—

s.5 Delete subsection (2) and substitute therefor the following new subsection—

(2) The Council shall consist of—

- (a) a chairperson who shall be appointed by the President;
- (b) the Principal Secretary in the ministry responsible for matters relating to education and training or a representative designated by the Principal Secretary;
- (c) the Principal Secretary responsible for Treasury or a representative designated by the Principal Secretary;
- (d) one person to represent the Kenya National Examinations Council;
- (e) one person to represent the Teachers Service Commission;
- (f) the following members appointed by the Cabinet Secretary—
  - (i) one person to represent public universities;
  - (ii) one person, from the private sector;
  - (iii) one person nominated by the Kenya Primary Schools Head Teachers Association;
  - (iv) one person nominated by Kenya Secondary Schools Head Teachers Association;

- (g) the Director who shall be an *ex-officio* member.  
Delete subsection (3)

(b) deleting the proposed amendment to section 7 and substituting therefor the following new amendments to section 7—

- s.7 Insert the words 'if the chairperson or the member' immediately after the word 'vacant' in subsection (1)  
Delete the words 'if the member' appearing immediately before the word 'resigns' in paragraph (a)  
Delete subsection (2)

The justification is that the Bill has proposed a miscellaneous amendment to section 5(2) to the effect that members of the council in paragraph (f) and (g) be appointed by the Cabinet Secretary and not through a selection panel. The Bill thus also proposes to delete subsection (3). The Committee supports the proposal for appointment to be by the CS for efficiency and to reduce bureaucracy, but further proposes to restructure the composition of the board by replacing the nominee of Kenya National Parents Association with two nominees each from Kenya Primary School Heads Association and the Kenya Secondary School Heads Association. This is owing to the fact that it is unclear how the nominee of the parents association is nominated and the head teachers of primary and secondary schools might be better suited to deal with curriculum matters as they are implementers of the curriculum in schools. The director of the Institute remains as an *ex-officio* member.

The Bill has proposed a miscellaneous amendment to section 7 which is a grammatical correction. The Committee agrees with the proposed amendment but notes that despite the proposed correction, a grammatical error still exists. The proposal by the Committee is therefore to take care of the grammatical mistake.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us hear two Members on this one. We will start with Hon. Wamalwa then Hon. Johana Ngeno.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Chairman. I rise to support this amendment. Curriculum development is very critical and dynamic depending on the environment that you operate in. However, I would have wished to see representation of the industry. If we had a member of the Private Sector Alliance.... The industry has accused academia of developing a curriculum which is totally out of touch when it comes to the industry. This is the time to have the industry represented. When you go to other jurisdictions, like the US, Japan and China, the academia must be linked to the industry. That is why when people finish college, they go out for attachment. So this was an oversight by the Committee. In future, if possible, it will be very nice to have representation by the industry so that there is that linkage of what is happening in the outside world.

I thank you. I support, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): What is it Hon. Chepkong'a? You are not contributing. I hope it is a point of order.

**Hon. Chepkong'a:** No, I am contributing from what he has said because he appears to have been misled. He has not read paragraph (f) which is very clear. We know he is suffering from the rigours of campaigns, so we have no problem. This is a very good amendment. It takes

care of all the stakeholders in the sector. I totally support it. It is a very wise amendment from the Chair of the Committee on Education, Research and Technology.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us have Hon. Ngeno. I thought you were on a point of order. Anyway, you have contributed.

**Hon. Chepkong'a**: But Hon. Ngeno did not ask for opportunity.

**Hon. Kipyegon**: Thank you, Hon. Temporary Deputy Chairman. Forget about Chepkong'a. You know he is torn between here and there. He is facing a very serious crisis and he is really confused at the moment and we understand that. He belongs to the league of Jakoyo, not that of Ngeno.

Hon. Temporary Deputy Speaker. I support this amendment.

**The Temporary Deputy Chairman** (Hon. Cheboi): I surely cannot allow that because Hon. Ng'eno has not gone through any baptism. We should have a lot of respect for the people who have gone through very serious challenges. I am blind to what is happening in the political cycles but I am informed that Hon. Ng'eno has been oscillating between many parties. However, that is not for today. So, just proceed.

**Hon. Kipyegon**: Hon. Temporary Deputy Chairman, I think you are out of order. There are some of us who can never pass through some of those rigorous nominations. Hon. Duale and I are a special group who get direct nominations wherever they go; whether in Jubilee, the National Super Alliance or any other party. These are the people you cannot subject to nominations. How can you subject a whole Hon. Ng'eno to a nomination?

*(Laughter)*

People like Hon. Chepkong'a and others have to go through the nominations, but not people like us. We just look for the 8.8 to be confirmed.

**The Temporary Deputy Chairman** (Hon. Cheboi): If it was the Member for Kibwezi West or is it East, I would take that one very seriously. But Hon. Ng'eno, proceed with your prosecution.

*(Laughter)*

**Hon. Kipyegon**: Thank you, Hon. Temporary Deputy Chairman, I just wanted to support without much say. I will request the Chair, because I know she is coming back to create a situation... When we talk on matters of education, especially when we are changing the curriculum and modes of education such as from the 8-4-4 to another system, I do not think it is good for the Cabinet Secretary to just wake up one morning and declare: "We are moving away from 7-4-2-3 to 8-4-4".

We need to have a very serious body which can deal with those matters. We need serious assessments, public participation and make a definite decision as to why we are moving from one system to another and how it is going to affect the citizens of this country and the students. So, I support and would wish to do amendments in our next stage so that we can include, among other things, the decision to change from one mode of education to another. I support.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Wamalwa, I would not give you an opportunity unless you are recanting the position you took earlier because we have heard you. So, if you are not supporting, you have given your justification. So, what is it that you have?



**Hon. Wakhungu:** I have looked at (f), but there is ambiguity when it comes to (f)(2) when you talk of private sector. When it comes to private sector, we have the Kenya Association of Manufacturers, Kenya Private Sector Alliance (KEPSA) and Federation of Kenya Employees (FKE). So, we need to have some clarity on this word “private”. That is why we are saying there is a lot of ambiguity and when it comes to nominations, it brings a challenge.

Thank you.

**The Temporary Deputy Chairman (Hon. Cheboi):** Okay. Since you have stated that you are going to be opposing it. Let us put it to the membership to make the decision.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

*(Provisions relating to the Kenya Institute of Curriculum  
Development Act (No.4 of 2013) as amended agreed to)*

*Provisions relating to the Crops Act (No.16 of 2013)*

*Provisions relating to the Crops Act (No.16 of 2013) agreed to)*

*Provisions relating to the Technical and Vocational Education and Training Act (No.29 of 2013)*

**The Temporary Deputy Chairman (Hon. Cheboi):** Let us have the Chair of the Departmental Committee on Education, Research and Technology.

**Hon. (Ms.) S.W Chege:** Thank you, Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in the Schedule in the proposed amendments to the Technical and Vocational Education and Training Act by —

- (a) deleting the proposed amendment to section 2;
- (b) deleting the proposed amendment to section 52; and,
- (c) deleting the proposed amendment to section 58.

These proposed amendments are not of a miscellaneous nature and the Committee does not support them. They have a very significant effect upon the very existent of the TVET Authority and Kenya Universities and College Central Placement Service (KUCCPS) which was established by clipping its admission powers. Hon. Members, as you are all aware, as provided in the Universities Act, KUCCPS admits Government-sponsored students to public universities and colleges and to which proposal it would mean that this function would be taken away from KUCCPS and vested in the individual public colleges.

We would be going back to where we started and the spirit of the amendment of the Universities Act 2012 would have been lost. The establishment of KUCCPS brought sanity in matters of admission of our students by offering a central placement service and curbing unscrupulous and unfair dealings by colleges during admissions. This amendment would have an adverse effect on the admission criteria of public colleges and universities. It is, therefore, important to know that these are institutions of public nature and they receive funding from the

Government. The current practice is that KUCCPS deals with the placement of Government-sponsored students to public colleges and those that are not prohibited from taking up self-sponsored students.

Further, the proposed amendment in Section 58 removes colleges established by separate statutes other than the repealed Education Act from the ambit of TVET Act. Adversely, this institution will not be regulated by TVET Authority and it is unclear how education standards will be ensured.

Who will accredit and inspect programmes and courses? The role that TVET Authority plays in technical and vocational training cannot be gainsaid and should be retained as it is. Whereas an establishment statute may contain provision as an establishment of management, the regulatory aspect of education in this institution is not addressed in the establishment statutes and no proposals have been made to set out the regulator.

On the same breath, it is important that some of the colleges that have continued admitting students where we already gave that work to KUCCPS, action should be taken against them by the mother ministry. So far, there are some colleges that are still admitting students. It is ridiculous where we have doctors being admitted in the universities, but in medical schools they are admitted by the college itself. We know why some people have been fighting for it and we want to tell the mother ministry to take action against those colleges.

I beg to move.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Cheboi): The effect is that she is asking for deletions. So, the provisions relating to Sections (2), (52) and (58) are going to be deleted. So, I will give the first shot to Hon. Rasso.

**Hon. Dido:** Thank you. I rise to support this amendment. The import of this amendment is to put fairness and equity into admissions into our colleges and universities. Before we had the Joint Admissions Board (JAB), but we now have KUCCPS. Universities and colleges have been admitting students based on the Vice-Chancellors or Registrar's decisions. This puts an end to the sort of *carte blanche* we had with admissions. For that reason, this amendment is important and I support it.

Thank you, the Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us have the last one from Hon. Wamalwa.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Chairman. I rise to support. It is known that when it comes to miscellaneous amendments, we are supposed to amend things which are insignificant. For instance, we amend for purposes of bringing consistency and spell-checking. Of late, we have realised we are having very significant amendments coming in under the guise of miscellaneous amendments. As we support this, next time we need to change our Standing Orders and look at the issue of amendments and see whether they qualify to be miscellaneous or something significant which has to be subjected to public participation.

Last time, we had an amendment on the Judicial Service Commission (JSC) concerning the appointment of the Chief Justice (CJ) and the Law Society of Kenya (LSK) went to court. I agree with the Chair of the Departmental Committee on Education, Research and Technology. For instance, the Commission for University Education (CUE) is a body which regulates

universities and handles the issue of college placements. We had a case concerning admission of students to the Kenya Medical Training College (KMTC) which went to court.

I agree with the Chair that these are significant amendments and, they do not quantify to be miscellaneous. We must change this in future because we are passing some funny amendments in the guise of being miscellaneous and yet, they are so significant that they are working against the import of the main statute.

I support.

**Hon. Kipyegon:** On a point of order.

**The Temporary Deputy Chairman** (Hon. Cheboi): I will proceed to put the Question. What is it Members? I have already given two Members to speak on this one. What is your point of order, Hon. Kipyegon?

**Hon. Kipyegon:** On a point of order, Hon. Temporary Deputy Chairman. Whenever we make such amendments, we should consider several issues. All the students who are admitted by KUCCPS normally receive loans from the Higher Education Loans Board (HELB). If we want to include KMTC here, we should change the law so that KMTC students can benefit from HELB.

**Hon. (Ms.) S.W. Chege:** On a point of information, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Ngeno, do you want to be informed?

**Hon. Kipyegon:** Yes.

**Hon. (Ms.) S.W. Chege:** I would like to inform this House that as at now, the students joining KMTC are placed by KUCCPS. All the students who pass after completion of high school are placed in the universities by the same body. The ones who do not get a chance to join the universities are placed in colleges. I also want to inform the Hon. Members that the students under TVET are also getting loans from HELB. The Government has put aside Kshs900 million specifically for students under TVET.

**Hon. A.B. Duale:** On a point of order.

**The Temporary Deputy Chairman** (Hon. Cheboi): What is your point of order, the Leader of the Majority Party? Order, Hon. Sabina!

**Hon. A.B. Duale:** The Chair is misleading this House. We are aware that there is a case before a court between KMTC and KUCCPS. The genesis of that case is that the KMTC Act still gives it powers to do independent selection. If we are trying to rectify that, I disagree. We need to amend the KMTC Act and remove their function of admitting and selecting students. KMTC is independent and does selection. The Chair is wrong.

**The Temporary Deputy Chairman** (Hon. Cheboi): Can you make up your mind?

**Hon. A.B. Duale:** I had nothing against KUCCPS even in the 10<sup>th</sup> Parliament. I think there was a serious problem with the person who created it. How do you create a parastatal just to perform one function in a year of selecting students and placing them in various universities and colleges? This should have been a function of the University Admissions Board (UAB). You should look at the objective of setting up KUCCPS. I am sure the Cabinet Secretary for Education, Research and Technology is watching me. KUCCPS does not have any other function. The Chair must tell us exactly what she wants to do. Otherwise, she cannot delete.

**Hon. Chepkong'a:** On a point of order.

**The Temporary Deputy Chairman** (Hon. Cheboi): Order! The Chair wants to inform us. What is your point of order, Hon. Chepkong'a?

**Hon. Chepkong'a:** There is misinformation which is going on in this House. The Chair is seeking to delete what was being proposed to enable KUCCPS to take away powers from

KMTC. If we allow this amendment to go through, it means we are going to centralise all admissions to be done by KUCCPS. If we delete this Clause as proposed, it means that KMTC will continue to admit as per their Act without centralising it. I think we better listen to what the Leader of the Majority Party is saying. We will do something which is not right. I think the Chair of the Departmental Committee on Education, Research and Technology should listen.

**The Temporary Deputy Chairman** (Hon. Cheboi): Chair, can you concentrate?

**Hon. Chepkong'a:** The proposal from the Chair is that we delete the centralisation of admissions so that you do not take away powers from KMTC. If we go with the proposed amendment, it means that KMTC will not be allowed to admit students.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Sabina Chege, I do not want you to inform anybody or rise on a point of order. I want you to address us because I can see there are many issues which the Members do not agree with you on this one. Let us hear you and I am giving you some time.

**Hon. (Ms.) S.W. Chege:** I wish the three gentlemen would listen to me because they are opposing something which they do not know. If they give me an ear, I will be able to explain. This is not my own amendment. I would like to inform Hon. Duale because he is talking about KUCCPS meeting only once in a year. It is good for him to know that there was JAB which later became KUCCPS. I am the Chair of the Departmental Committee on Education, Research and Technology, and, therefore, I think it is good for Hon. Duale to listen to me.

Secondly, the miscellaneous amendment proposes to take all powers from KUCCPS and that means we go back to the universities admitting their own students. We know what our children have gone through and those from poor families who could not be placed unless they gave money. What Hon. Duale is raising about KMTC being in court has nothing to do with this amendment. That is because by deleting, the *status quo* will remain. If there is anything about amending the KMTC Act, that is a subject for another day and I will not talk about it. The *status quo* is that KUCCPS has the authority to admit students in all Government owned colleges and universities. We need the stakeholders to be involved. We cannot just sit here as a House and decide to delete something which is very sensitive to this nation about the placement of our students.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Sabina, you still have the Floor.

**Hon. (Ms.) S.W. Chege:** It is good for Members to declare their interest because this is a very major amendment. I want to be on record that the children of the poor people must be given an opportunity to be placed in any college they want. We cannot control the placement of students in our schools.

**The Temporary Deputy Chairman** (Hon. Cheboi): I will not put the Question first. Let us be clear, Hon. Sabina Chege.

*(Hon. (Ms.) S.W. Chege and Hon. A.B. Duale consulted loudly)*

Hon. (Ms.) Chege, please, do not exchange words with Hon. Duale. Order Members! I can see three Members who are arguing. Chair, I really wish you can concentrate. You are proposing three deletions.

What is the effect of those deletions? I want to give you the Floor to be very clear. The rest of the membership, please, let us listen to her. I will give an opportunity to two more Members to contribute after she speaks.

**Hon. (Ms.) S.W. Chege:** Hon. Temporary Deputy Chairman, I am deleting what was proposed in the amendments.

**The Temporary Deputy Chairman** (Hon. Cheboi): What was the proposal?

**Hon. (Ms.) S.W. Chege:** Hon. Temporary Deputy Chairman, I can read.

*(Loud consultations)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Do not interrupt the Chair. Let us listen to her. Let us start with Section 2. Since I can see what we are doing is fairly contentious, I will put the Questions to specific clauses. That would be better.

Let us start afresh. Let us consider Section 2. You are proposing to delete Section 2. There is a proposed amendment to Section 2 which you are proposing to delete. Look at page 1051 of the Statute Law (Miscellaneous Amendments) Bill.

**Hon. (Ms.) S.W. Chege:** Thank you, Hon. Temporary Deputy Chairman. There is an amendment to Section 2 of the Technical and Vocational Education and Training Act. The proposal is to delete the proposed amendment to Section 2 which says: “Insert the words “other than an institution established under any other law and which is not expressly subjected to this Act” immediately after the word “institution” appearing in the definition of the expression “public institution”.

The amendment to Section 52 states: “Insert the words “unless otherwise provided by any other statute” immediately before the word “admission”. I think then I need to read the original Act.

**The Temporary Deputy Chairman** (Hon. Cheboi): If we could first deal with Section 2, it would be easy. Do you want us to go to Section 52 now? We have dealt with Section 2.

**Hon. (Ms.) S.W. Chege:** Hon. Temporary Deputy Chairman, let me just get the highlights from my legal counsel so that I am able to follow and not have a mix-up.

**The Temporary Deputy Chairman** (Hon. Cheboi): In the meantime, let me hear Hon. Wandayi.

**Hon. Wandayi:** Hon. Temporary Deputy Chairman, I just want to make a general comment. Looking at the issues surrounding these proposed amendments and deletions, you start realising that we need to re-look at the wisdom of lumping such far-reaching legislative proposals in the Statute Law (Miscellaneous Amendments) Bills. What we are proposing in this particular Bill is so fundamental because it goes to the core of the admission of our children to colleges and universities, something that has been as contentious as we can imagine. It is not something that we can just talk about casually like this. It is an issue that needs to be looked into and given deep thought. Therefore, I will propose later that we turn down this debate then we look at it in a more conclusive manner in a subsequent sitting.

**The Temporary Deputy Chairman** (Hon. Cheboi): We will proceed anyway. Let us have the Member for Marakwet East.

**Hon. Bowen:** Thank you, Hon. Temporary Deputy Chairman, for giving me this opportunity. If you check in the records of this House, I tabled before this House sometime back this year the dispute between KUCCPS and KMTC. This is a very important amendment and we have to look at it very critically. I said it before this House that there is no way this House can appropriate money to the Ministry of Health to go to KMTC and it is spent by the Ministry of Education, Science and Technology through KUCCPS.

The KMTC Act is still in place. When the Universities Act was brought before this House, the KMTC Act was not repealed. It is still there. It still has the mandate to admit, examine and graduate its students. Even as the Leader of the Majority Party said, the KUCCPS sits once in a year. What are they doing? If you check the admission to KMTC, there are special characteristics which need to be checked. Last year, there was a case where a student who is physically handicapped and disabled was admitted as a nurse. How can that happen? But KMTC has a way or criteria of admitting its students. It should be given that opportunity. We will reject this amendment.

**The Temporary Deputy Chairman** (Hon. Cheboi): I will give the last opportunity to the Chair then we will make a decision. Let us have the Hon. Chair then we dispose of this. Can you please say something to this?

**Hon. (Ms.) S.W. Chege:** I am not consulting. I am done. It is good for the Leader of the Majority Party to refuse but to do so with very good reasons.

**The Temporary Deputy Chairman** (Hon. Cheboi): Do not exchange words with the Leader of the Majority Party. Just convince the House. They will probably see your point.

**Hon. (Ms.) S.W. Chege:** Hon. Temporary Deputy Chairman, I want to start with the proposed amendments. The first proposed amendment was on definition. The first amendment to Section 2 was to insert the words “other than an institution established under any other law and which is not expressly subjected to this Act” immediately after the word “institution” appearing in the definition of the expression “public institution”. The spirit of the deletion that was proposed in the amendment was to... For lack of any other example, I want to read the definition that was given for “private institution”. It means an institution which is not a public institution. If I can take the Members back to when we were doing the admissions for the public and private universities, KUCCPS was able to do both. Once we make this deletion, it means institutions - and for lack of any other example KMTC - will be independent and KUCCPS will have no right to place students. I want to mention to this House that such institutions are built and funded by Government. Hence, they are public and not private institutions. It is good for this House to note that the students who are going under the TVET also have access to the Higher Education Loans Board (HELB). Currently, we have funded that institution with Kshs900 million of Government money where students are able to access HELB loans.

I want to move to the second amendment.

**Hon. A.B. Duale:** Can I say something, Hon. Temporary Deputy Chairman? Will you allow me to say something on the same?

**Hon. (Ms.) S.W. Chege:** Hon. Temporary Deputy Chairman, can I continue and complete?

**The Temporary Deputy Chairman** (Hon. Cheboi): I wanted you to complete and probably I will give the very last opportunity to the Leader of the Majority Party and we dispose of this thing.

**Hon. (Ms.) S. W. Chege:** I want to go to Section 52. It is on the placement of students. I want you to see where the spirit of all these amendments is headed to. It is on placement of students into TVET institutions. I want to read the mother Act. It says admission of students into technical and vocational education institutions shall be conducted by the services established under the law relating to universities. That means the admission will be done by KUCCPS. The amendment proposes to insert “unless otherwise provided by any other statute” immediately after the word “admission”. So, that is the second amendment as it was proposed.

I want to go to the final amendment relating to clause 58, which is on existing institutions. The proposed amendment seeks to insert the following new subsection immediately after subsection (3):

(4) For the avoidance of doubt, this Act shall not apply to institutions established under statutes other than the Education Act (repeal).

If you go to Section 7, which is on technical and vocational training, you will see what the work of (TVET) is. I would like the Leader of the Majority Party to stop misinforming Members that the technical training institutions we are establishing are going to be managed by KUCCPS. There is a regulation on the same. I am trying to look at Section 7.

**The Temporary Deputy Chairman** (Hon. Cheboi): Have you finished on that particular one?

**Hon. (Ms.) S.W. Chege:** The TVET Authority is supposed to regulate the courses that are being offered in our universities, and look at the students admitted there. We have had several education reforms. Some bridging courses have already been rejected. We want to bring sanity in our education sector. We need to bring uniformity and equality. Education is the only equaliser. KUCCPS was the only body that gives students opportunity to get admitted to higher institutions of learning, irrespective of whether one comes from a rich or poor background.

Hon. Temporary Deputy Chairman, we all know what has been happening. We know why a case involving KMTC is in court today. It is because of personal interests and admitting students from only one area. Some parents are asked to part with a lot of money, which they cannot afford.

This House stands adjudged. Mine was just to maintain---

*(Hon. A.B. Duale stood up in his place)*

I do not know why the Leader of the Majority Party is standing when I am still speaking. I also have a right to do so. I do not know why he is agitated. I am only saying that for now, we would like to maintain the *status quo*. If this amendment was to be done, it should not be under miscellaneous amendments, but should follow the proper procedure and stakeholders to be involved.

I rest my case.

**The Temporary Deputy Chairman** (Hon. Cheboi): Let us not exchange words. Leader of the Majority Party, let us make the decision. Have one minute, not two; because we cannot go on for so long on this one.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I want to go on record. It is for the Chair of the Departmental Committee on Education, Research and Technology to declare her interest.

The spirit of this amendment originates from the case between KUCCPS and KMTC. The Attorney-General of the Republic of Kenya is trying to address the issue. He is saying that where any other Act or law exists, the admission can be done. She wants us to delete that provision and say anybody – even the few colleges we are building privately and publicly – should be a monopoly of one institution. We will not allow that. I will give you an example. There are children in Siaya who have got different grades from children from Makini School. When we had the University Admissions Board, there was a way they would look at different criteria for different students. Even Members of Parliament would walk to the University Admissions Board or vice-chancellors. We have now created a parastatal, whose function is admitting students in 12

months. We want children to be subjected to a fair process when seeking placements in institutions of higher learning.

Members will agree with me that the placement body has introduced a system in which they say that if you want to do medicine and you choose to go to Maseno University, you will be subjected to a cut-off point that is different from someone who chooses to go to the University of Nairobi. Medicine students must have the same cut off points across the country. I am sure there are people who do not want to solve the problem that has taken two Government institutions to court. This law is addressing that problem. We must reject this deletion. We must accept the way it is in the Bill.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Members, make your decision loud and clear. We have been on this amendment for long. Let us hear Hon. Midiwo as the last person to speak on this amendment, so that the views of the minorities can also be felt.

**Hon. Midiwo:** I want to agree with the Leader of the Majority Party.

**Hon. A.B. Duale:** Independent!

**The Temporary Deputy Chairman** (Hon. Cheboi): Order, Leader of the Majority Party. Hon. Midiwo is the Deputy Leader of the Minority Party. He is not an independent yet. If I was very sure that he is independent, obviously, I would not give him an opportunity to speak. I am just giving him the opportunity to speak on behalf of the minority party.

**Hon. Midiwo:** I will be an independent in the next two months. You cannot refuse a reality whose time has come. Even this weekend, we are going to review the Standing Orders. There must be a position for minority. We are going to be the majority. Read the Malawi case. We will force this country to change.

Let me tell the House that I agree with the position of the Leader of the Majority Party, the reason being mainly that Members of Parliament today are involved in building tertiary institutions. We are doing it. I have built a KMTC in my constituency. I know that the Member for Ugenya has built a Teachers Training College (TTC). The position that is being deleted by the Chair of Departmental Committee on Education, Research and Technology is the position we rejected in this House. The KMTC that is three years old in Siaya County, the constituencies contributed to build it, and we said that there must be a local class. I have built one in Gem and there must be a local class. Because of devolution, these institutions must address local needs. But there is also room for students to be admitted from across the nation.

I plead with this House to reject the position of the Chair of the Departmental Committee on Education, Research and Technology. It may seem ideal but it is disastrous for TTCs and KMTCs.

As I finish, we established that the reason as to why KUCCPS wanted to take this power was because of money – admission fees and application fees. They are not doing it for the good of education of our country, but for the good of the parastatal that has been established to milk the poor. Kenyans are eager to join those facilities.

**The Temporary Deputy Chairman** (Hon. Cheboi): Leader of the Minority Party, the earlier we dispose of this amendment, the better.

**Hon. Midiwo:** Hon. Temporary Deputy Chairman, I plead with this House to reject the deletion. It will be like the law on party-hopping. Nobody agreed with me, we now see the consequence. This is a bad one.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Members, make your decision very loud and clear.



*(Question, that the words to be left out  
be left out, put and negatived)*

*(Provisions relating to the Technical and Vocational  
Education and Training Act (No. 29 of 2013 agreed to)*

*(Provisions relating to the Public Procurement and Asset Disposal Act (No.33 of 2015)*

*(Provisions relating to the Public Procurement and  
Asset Disposal Act (No.33 of 2015) agreed to)*

*The National Employment Authority Act (No.3 of 2016)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Sakaja. Hon. Mwaura, what is it?

**Hon. Mwaura:** Hon. Temporary Deputy Chairman, I am to move the amendment on behalf of Hon. Sakaja.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Members, before Hon. Mwaura moves that amendment, I must confirm that I have a written request that Hon. Mwaura should move the amendment on behalf of Hon. Sakaja. It is signed by Hon. Sakaja. The only small issue that I have here, Hon. Mwaura, is that I see somebody signed on behalf of Hon. Sakaja.

**Hon. Mwaura:** But there is that concurrence.

**The Temporary Deputy Chairman** (Hon. Cheboi): Who is this?

**Hon. Mwaura:** That is the personal assistant.

**The Temporary Deputy Chairman** (Hon. Cheboi): A personal assistant cannot sign on behalf of a Member.

**Hon. Mwaura:** But he is in concurrence with that. Obviously, Hon. Temporary Deputy Chairman, I cannot come to impersonate myself. I have the full authority to move on behalf of the Member.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Mwaura, it is very clear. It was a little confusing. This is a situation whereby somebody signs on behalf of Hon. Sakaja. Never mind the fact that it is on a letter head. What I will do is I will not accept it because, if it is on behalf of Hon. Sakaja, a letter head can be obtained by any person and typed. So, Hon. Mwaura, I think---

**Hon. Mwaura:** What happened, Hon. Temporary Deputy Chairman, is that the Member was actually away and he realised that he was not able to make it. So, he gave me a call and sent the PA to bring the letter. This is because he would not have been able to actually sign it. So, if the amendment falls, then it is to the disadvantage of the Member and yet I was ready to execute it on his behalf.

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Mwaura, I have decided that I am not going to accept it for the very simple reason that the Member should have been able to prepare himself a little earlier. I will not accept it. So, Hon. Members, we will proceed to the next one.

*(Proposed amendment by Hon. Sakaja dropped)*

*(The National Employment Authority Act (No.3 of 2016) agreed to)*

**The Temporary Deputy Chairman** (Hon. Cheboi): What is it, Hon. Wamalwa?

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Chairman. I rise to seek your guidance pertaining to Hon. Sakaja's amendment. Whatever you have ruled is true and procedural. The import of that amendment was to help the youth. Is it possible to defer this matter so that the procedure can be followed? Of course, because it is on the Floor of the House, we can discuss. This is because this amendment is very critical, particularly when it comes to the issue of unemployment of the youth. It is my humble request.

**The Temporary Deputy Chairman** (Hon. Cheboi): I agree with you totally but we have to follow the procedure. The issue is this thing is improperly before us. It might be a very good amendment but, unfortunately, it must follow the procedure. In future, Hon. Members should act in good time because all we require is a Member to sign. Had I not seen the fact that it is signed for, I would have probably assumed it is Hon. Sakaja's signature, which would have been a little better, but still not right. However, this one is specifically signed for Hon. Sakaja and the ruling would remain. It is not really a matter of life and death. I believe an amendment can still be made even to the mother Act itself.

*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Members, let us have the Mover of the Bill to move reporting. That is the Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 48 of 2016 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Members, we will now move to the next one so that we can be able to finalise quickly.

#### THE COMPANIES (AMENDMENT) BILL

**The Temporary Deputy Chairman** (Hon. Cheboi): We are now doing the Companies (Amendment) Bill (National Assembly Bill No. 23 of 2017)

*(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54,*

55, 56, 57, 58 and 59 agreed to)

(Title agreed to)

Clause 1 agreed to)

**The Temporary Deputy Chairman** (Hon. Cheboi): We will have the Mover to move the Report. Hon. Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Companies (Amendment) Bill (National Assembly Bill No.23 of 2017 and is approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

**The Temporary Deputy Chairman** (Hon. Cheboi): Hon. Members, let us go by our traditions, “Ayes” should be “Ayes” but I saw some Members shouting “*ndiyo*”. It is not our tradition. It might mean the same thing. Anyway, the decision was made.

(The House resumed)

[The Speaker (Hon. Muturi) in the Chair]

## REPORTS AND THIRD READINGS

### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)(NO.2) BILL

**Hon. Cheboi:** Hon. Speaker, I beg to report that the Committee of the whole House has considered the Statute Law (Miscellaneous Amendments)(No.2) Bill (National Assembly Bill No. 48 of 2016 and approved the same with amendments.

**Hon. A.B. Duale:** Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Sabina Chege to second the motion for agreement with the Report of the Committee of the whole House.

(Laughter)

**Hon. Speaker:** Hon. Sabina Chege. Member for Gem, you cannot laugh like that. That is not laughter; that is cackling.

**Hon. (Ms.) S.W. Chege:** Hon. Speaker, you know I am meant to refuse because these people have massacred my amendment.

(Laughter)

Hon. Duale is just trying to be funny by asking me to second. I am his friend and he is saying he has rejected some of the amendments that are actually touching on the children of this nation, especially those from poor families.

As I second, I want to say something. It is important for all of us as we make laws in this House to actually put in mind that we are making laws that affect thousands of Kenyans out there, especially those from very vulnerable families. I was moving an amendment that was rejected by this House. But since the Murang'a people have given me a second chance and I know they will confirm it on 8<sup>th</sup> August, I want to assure this House that I will be bringing back the amendment that has just been done. Some of these things, even if you are doing miscellaneous amendment, it is important that we look at the nature and weight of the amendments that we are doing, instead of using shortcuts. I second because part of my amendments were passed, but I have reservations.

I second.

**Hon. Speaker:** You second?

**Hon. (Ms.) S. W. Chege:** Yes.

**Hon. Speaker:** Before I propose the Question, just for your information and those who are of a similar age, even at the commission level today, we have made great progress about facilitating lactating mothers.

*(Applause)*

*(Question proposed)*

*(Question put and agreed to)*

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (No.2)

**Hon. A.B. Duale:** Hon. Speaker, I beg to move that the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 48 of 2016 be now read the Third Time.

After listening to Hon. Sabina Chege, I do not want to go that route. I will ask Hon. Jakoyo Midiwo to second. I was very magnanimous. Being among the few ladies in the House, I wanted to help her. This time round, I do not want to go the same route. I ask the Hon. Leader, and the future leader of independents in the House, to second.

*(Laughter)*

**Hon. Speaker:** Hon. Midiwo.

**Hon. Midiwo:** Thank you, Hon. Speaker. I rise to second. First of all, let me thank you for informing us that you have taken good steps to facilitate lactating mothers. The age is getting younger and we want to appreciate that. We want comfort for our young sisters here. Hon. Sabina Chege is a good Chair and you know this is a House of debate - you can win or lose. So, do not take it personally against the Leader of the Majority Party. I am on your side. I am supporting lactation.

I second.

*(Laughter)*

*(Question proposed)*

**Hon. Speaker:** Hon. Members, from the look of things I cannot put the Question for Third Reading. That is reserved for another sitting day - maybe tomorrow.

*(Putting of the Question deferred)*

Next Order.

THE COMPANIES (AMENDMENT) BILL

**Hon. Cheboi:** Hon. Speaker, you should also take care of lactating fathers like Hon. Midiwo, whatever the definition of a lactating father is.

Hon. Speaker, I beg to report that a Committee of the whole House has considered the Companies (Amendment) Bill (National Assembly Bill No.23 of 2017 and approved the same without amendments.

**Hon. A.B. Duale:** Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report. I request Hon. Bowen, Member for Marakwet East, to second the motion for agreement with the Report of the Committee of the whole House.

**Hon. Bowen:** Hon. Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. A.B. Duale:** Hon. Speaker, I beg to move that the Companies (Amendment) Bill (National Assembly Bill No.23 of 2017 be now read the Third Time. I request Hon. Bowen, Member for Marakwet East to second.

**Hon. Bowen:** Hon. Speaker, I second.

*(Question proposed)*

**Hon. Speaker:** For the same reason that we do not have the number required for the Question to be put, that step of the passage of the law is adjourned to tomorrow.

*(Putting of the Question deferred)*

Next Order.

**MOTION**

ADOPTION OF REPORT ON THE SECOND  
SUPPLEMENTARY BUDGET FOR FINANCIAL YEAR 2016/2017

**Hon. Speaker:** Hon. Mutava Musyimi.

**Hon. Musyimi:** Hon. Speaker, pursuant to Standing Order 48, I beg to move the Motion in an amended form. I beg to move:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Second Supplementary Estimates for the Financial Year 2016/2017, laid on the Table of the House on Tuesday, 6th June 2017, and pursuant to the provisions of Article 223 and Standing Order 243 of the Constitution, approves-

- (i) an increment of the total recurrent expenditure for Financial Year 2016/2017 by Kshs6,493,177,978 in respect of the votes as contained in the Schedule;
- (ii) an increment of the total capital expenditure for Financial Year 2016/2017 by Kshs42,132,984,988 in respect of the votes as contained in the First Schedule;
- (iii) an overall increment in the total budget for Financial Year 2016/2017 by Kshs.48,626,162,966 in respect of the votes as contained in the First Schedule; and
- (iv) further resolves that the First Schedule forms the basis of the enactment of the Second Supplementary Appropriations Act, 2017.

“Subject to:

- (i) Reallocation of Kshs507 million within the State Department for Irrigation under the “Irrigation and Land Reclamation” programme from Thiba Dam to the National Irrigation Board to clear pending bills in the following projects: Kshs307 million for Bura Scheme Gravity Project, Kshs100 million for Daua River Flood Water Control Project; and Kshs100 million for Expanded National Irrigation projects
- (ii) Increment of Kshs550 million to the State Department for Livestock under the Livestock Resource Management and Development programme for drought mitigation interventions in ASAL counties; and
- (iii) Effecting the consequential amendments to the First Schedule and the total sum approved accordingly.”

I would like to begin by appreciating the tireless efforts made by the members of my committee and the other committees of the House that we work with. I also wish to thank the National Treasury and the Parliamentary Budget Office for working round the clock to get these numbers in place. These changes that we have brought today to the budget of this financial year subject to Article 223 of the Constitution and Section 43(2) of the Public Finance Management Act have to deal with four or five issues. One is drought and high cost of living, which we are seeking to address in this supplementary. Second is enhancing security in our country especially with regard to the coming elections in August. We also have the issue of salaries for medical personnel. Fourth is increment in donor funding and the reallocations that I have mentioned.

This supplementary budget proposes to increase the total budget by Kshs64.1 billion. This comprises an increase in the recurrent expenditure by Kshs6.4 billion, an increase in the development expenditure by Kshs42.1 billion, and an increase in the Consolidated Fund Services by Kshs15.5 billion which is a first charge to the Consolidated Fund. The increment has targeted sectors that will address these challenges affecting the country. Under the recurrent expenditure, key allocations have been factored for the following areas:

- (i) Kshs3.7 billion for acquisition of strategic grain stock which will address the food shortage as we have said.
- (ii) Kshs3.2 billion for security operations occasioned by the general elections.
- (iii) Kshs1.5 billion to cater for salaries for medical practitioners under the various collective bargaining agreements.

Under the development expenditure, the bulk of the additional funds, which amounts to Kshs32.5 billion, relates to increment in donor funding. This House will recall that one of the major reasons for the reductions of the First Supplementary was due to reduction in donor funds. This now has been taken care of substantially. We therefore wish to reverse the situation. We have received significant funds particularly from the World Bank. We therefore wish to increase Kshs9.6 billion to the State Department for Energy to undertake power transmission and distribution projects.

We wish to recommend an increase of Kshs8.3 billion for the State Department for Water Services to develop dams and water supply projects. We wish to propose an increase of Kshs7 billion for the State Department for Infrastructure, road construction including, those from Ukambani. Members of the public will be pleased to hear that we are giving the Kibwezi-Kitui Road Kshs4.2 billion out of the Kshs7 billion—the lion share of the amount—and the Nairobi Outer Ring Road Kshs2 billion. We wish to propose an increase of Kshs2.4 billion for the State Department for Vocational and Technical Training for equipping 134 training institutes.

We held quite a number of meetings as is required by common sense and by the law. We met the National Treasury last week and Monday this week. Further to those meetings, we wish to allocate Kshs74.5 million to settle outstanding obligations. These are pending salaries from former employees of Pan Paper, and an additional Kshs9 million for the youth talent activities at Kenyatta University. No amount is too small to bring to this House. So we are seeking an increase of Kshs9 million for these activities at KU.

After engaging colleagues in other committees, we wish to propose the reallocation of Kshs40 million under the State Department for Interior so as to enhance allocations to security operations. With respect to health, we wish to propose a reallocation of Kshs343 million under the department of health so as to provide allocations for development of Burns Unit in the KNH.

In the past four financial years, the National Assembly has been receiving two supplementary budgets annually. The contents of these budgets have most of the times included changes that do not always meet the threshold as provided for in the relevant laws and allocations for pending bills. This will tend to erode the reforms that have so far been achieved in ensuring good budgeting process. Therefore, we need to review all pending bills and ensure that they get adequate funding at the beginning of each year.

It is my pleasure to present these figures to this House. It is even my greater pleasure to request my good friend and colleague the Member for the great people of Mandera East, Hon. Farah, to kindly second this Motion.

I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Member for Mandera East.

**Hon. Farah:** Thank you, Hon. Speaker. It is true that this country is experiencing a prolonged spell of drought. We are not foreseeing its end. The Supplementary Budget that the Chairman is moving is meant to help tackle the unending drought in this country.

I come from a region which is devastated by the drought and any effort by the Government to put money to alleviate the biting drought is welcome. So, for the Government to allocate money to fight the effects of drought in this country, it is a great idea that we all need to support. If the Government is to put money in the off-take programme, then the families that lost livestock could be compensated. That way, they would restart life with great optimism. We are experiencing a high cost of living in this country. The price of *unga* has been politicized all over this country. For the Government to reduce the price of *unga*, that is welcome.

The Supplementary Budget targets the security in this country. In the recent primaries, every polling station needed to be guarded by security personnel. It will be the same thing during the election on 8<sup>th</sup> August 2017. Therefore, there is need to have the right financial support to do it rightly. We have also seen that there has been an increase in the recruitment of officers. All these activities need money. So, this Budget is targeting those activities in order to synchronise the country during this period of elections.

We have the new component of the National Police Reservists (NPRs) in some parts of this country, especially the area I come from. We have requested to have a good number of NPRs like was the case when we had in place the Kenya Police Reservists (KPRs). We requested for that security personnel because the criminals that cause havoc in our regions can only be deterred by people who behave, dress, eat and walk like them. So, we recruited NPRs who can walk out in the night just like the bandits and the terror groups. That also has a budgetary implication, which the Supplementary Budget is addressing. I hope the Cabinet Secretary will fast-track it before the elections so that the security apparatus are in place in those counties that require the NPRs. As the Chairman has mentioned, we have issues to grapple with ranging from salaries, medical supplies and donor fatigue.

I, therefore, second.

*(Question proposed)*

**Hon. Speaker:** Let us have the Member for Kitui Central.

**Hon. Mulu:** Thank you Hon. Speaker for giving me this opportunity to contribute to this Supplementary Budget. I am a Member of the Budget and Appropriations Committee, but I will not dwell on the figures. However, I want to make some observations.

The Constitution makes provision for Supplementary Budgets. What is expected is---

*(Hon. (Ms) Odhiambo-Mabona walked into the Chamber)*

**Hon. Speaker:** Member for Mbita, you cannot just walk in and start talking to Hon. Peris Tobiko across the Aisle. You are disrupting proceedings.

**Hon. Mulu:** Hon. Speaker, this constitutional provision provides the National Treasury with the opportunity to make provisions in terms of funds for unforeseen activities.

Looking at this Supplementary Budget the House is being requested to approve about Kshs64 billion so that we are able to meet the unforeseen expenditures. One of the challenges we have faced as a Committee is the way the Budget is presented to Members of Parliament. It is not usually very clear how much has already been spent so that the House is requested to regularise.

The Constitution states that the Cabinet Secretary, National Treasury can spend and within two months seek for approval from Parliament. There is also a part where he can ask for resources which will be spent in due course. Without that clarification it becomes a bit tricky because we have about three weeks to the end of the financial year. How can we spend about Kshs64 billion in three weeks? This is very tricky. This being an election year, it can open room for people to think that this money may be spent for purposes of getting resources for elections.

We are nearing the end of the 11<sup>th</sup> Parliament. In the 12<sup>th</sup> Parliament it will be good for MPs while debating the Supplementary Budget, for the parliamentary budget office to show how much has been spent so that we can only approve regularisation and how much is supposed to be spent. That way we will get a clear picture on how much we spend. On the issue of donor



funding, if you look at this Budget it has a huge amount in terms of development vote. This is because we are trying to factor in money which has been provided by donors so that it can be spent. Unless, we do this, it cannot be spent outside the budget making process. This request is very important for the country.

In future, it will be very important to do right timing while factoring in donor contribution in our budget-making process. It should come in good time so that we are able to factor it in our budget and should not be brought on the last day. I am wondering why Kshs.42 billion is requested to be put under the capital expenditure in the development vote. I am wondering whether in three weeks this money will be spent so that on 1<sup>st</sup> July, the budget we passed in April becomes effective. Donor projections and getting the right commitment from the donors should come in good time so that in future we are able to have these amounts in the Budget and allow time for implementation.

Out of this money you will realise there is some money for the Kitui-Kibwezi Road which we have been fighting for many years to get tarmacked. I appreciate as Member coming from that region because I can see serious commitment of tarmacking it using the Kshs.4.3 billion which has been set aside. At the same time I also want to see good work done. This money is supposed to be spent in the next three weeks before we get to the end of the financial year. This means people will have to rush. I would have been very comfortable being told that this money is already committed and is a pending bill, but if it is money to be spent in three weeks, it raises some issues.

The issue of pending bills in this country is a serious concern. As a House we need to push the Executive. I do not know how this can be done but I will propose a situation whereby all these pending bills will be audited the way we did in the year 2010. After proper auditing as a House we make provision of a lump sum amount which can clear most of them because they are becoming an issue. For example, the other day we were discussing an issue concerning prisons. I am a Member of the Departmental Committee on Administration and National Security. We realised that the Department of Corrective Services has a pending bill of almost Kshs.4.3billion. Every time they have to plead with suppliers to supply them with food so that they can feed the prisoners. As a House we should decide that in future or in the next financial year for those who will be lucky to be in this House to participate in the budget-making process they should ensure a provision is made to clear most of the pending bills. They should start on a clean slate in budget-making and this will help this country. Otherwise, most of these pending bills are accumulating high interest and every time we pay huge amounts because of the accrued interest. This is one of the areas as a House, if we want to help this country and the budget-making process we should focus on.

Another area is food. I like this Supplementary Budget because it is focusing more on food security in this country and the issue of election security. A lot of money has gone to the Kenya Police and the Administration Police Service, so that at the end of the day we secure our elections. This is very important for this country because we know what happens if we do not have credible and fair elections. Any effort being made to secure elections in this country is worthy supporting. That is why I want to support this Supplementary Budget. At the same time, I also want to plead with the security agencies to make sure that fairness is practised as we secure elections.

The last point is about food security, we have all seen the issue of *unga* which is common talk all over Kenya. The *unga* we are getting is written "Government of Kenya (GoK)". Historically, in Kenya anything written "GoK" is not for sale. Anytime you sell then it sends the

wrong message. Once we used to have the GoK bed sheets in hospitals and I saw people being arrested when those sheets were found in their houses. I am sure Dr. Nyikal can bear me witness. It was written “GoK” and the expectation is that it was a free issue and could only be used by patients. If it was found in your house, you had to answer questions. The same way, if we want to subsidise food for Kenyans, let us give them without branding it “GoK” and then selling it. That does not augur well out there because people think they are being conned by the businesspeople. As the Government subsidises food we need to avoid the idea of branding *unga* and then selling it to Kenyans because it is not good. This does not come out well.

With those remarks, I want to support the Second Supplementary Budget and plead with the National Treasury that in future, it should be brought in good time so that there is time for implementation.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Member for Nambale.

*[The Speaker (Hon. Muturi) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Omulele) took the Chair]*

**Hon. Bunyasi:** Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute on this discussion on the Second Supplementary Budget. I am a bit pained by what has been going on in this country in the last several months, part of which is being sought to be fixed through funding in this Supplementary Budget.

Last year, we cut back the allocation to the National Government Constituencies Development Fund (NG-CDF) because of a court case. Funds remained with the Government and were going to be disbursed through a mechanism which was not contestable as direct disbursement to schools. We went ahead and committed ourselves to schools and it turned out to be a lie because of two reasons. One, the amount disbursed in my constituency is less than half, and two it was the simplest method of distribution of giving equal amounts to all schools irrespective of needs. That is not what we expected and the Government should not be in the game of changing the goal posts and ending up effectively with a lie. We are the agents of the perpetration of the lie.

The second thing is that the northern part of this country faces drought every year. To wait until people have lost lives and their only assets in life and then come up with a post-life loss compensation is cruel. No supplementary budget passed three weeks to the end of the fiscal year is going to fix the drought problem. We are trying to hoodwink Kenyans. There is strong global experience that countries that are almost entirely desert have been able to invest resources in water and in forage, including importing adequate forage into those areas and taking other measures in stock control to avoid loss of property and lives. You cannot use a supplementary budget to fix problems that have significant loss of lives and property.

We are burying our heads in the sand knowing that in fact, these have essentially become sources of financing patronage that are not intended in any honest way to fix the problems that these northern Kenyan communities are particularly facing. Why would you let somebody lose all their camels and livestock and then you come back and say you will restock for them to die again in another year or so? This is an annual problem. The ministries concerned and the Government must step up to the task and pick lessons from countries that are almost nearly

desert but do not have these kinds of problems. It is either callousness or I would almost call it incompetence in the planning process. That is pretty saddening.

With regard to the other allocations that have been made, we have a perennial problem of our interactions with donors. If you have a donor who can never commit as to how much money they will release until the last month of the fiscal year, there is something wrong with that donor. I do not know which cadre of donor that must be. The ministries must step up and get their work plans clear because that is normally a difficult area. They should get their work plans properly drawn up, negotiated and agreed with donors. They should make sure that they are meeting the conditions on which they must have signed prior to that, including good financial governance. They need to ensure that funds are released in good time and committed firmly in good time for them to enter the budget process so that we know when the money can come and used for what it is intended to do.

One of the adjustments that have been made in the Supplementary Budget is on irrigation. Irrigation has almost become a joke in this country. You know how irrigation was treated. We had the 1 million acre scheme that ended up being 5,000 acres with no more than 20,000 bags or tonnes, if it was that much at all and many billions down the drain. It was nearly Kshs9 billion down the drain from the numbers that were given earlier. These just look like schemes for people to sort of draw money. I hope that the Departmental Committee on Agriculture, Livestock and Cooperatives has looked critically at the budget use in the irrigation sub-sector of this country. When I see numbers that are relatively small such Kshs100 million here or Kshs500 million there, we do not know what the outcome of those funds would be.

We are in a year where there is not only famine but hunger. I come from Nambale and as I walk around communities there is a lot of stress. They have gone through a long dry spell. The crops are still in the field. The harvest is coming in another month or two. There has been a lot of hunger. There is a lot of money being thrown around and there are people either dying at the extreme or actually going through enormous hunger strain. These allocations of funds - throwing money without telling us how the problems are going to be resolved - is simply trying to finance people's needs at a time like this, particularly in an election cycle. The methods of how to do this are well-known. People must know how money in irrigation is being used or misused and I think it is being misused. The reports that came out last year are scary. When I see additional money being thrown at it, it really bothers me.

I am saddened by the supplementary allocations that have been made. I do not think that they are addressing the problem. I think they are throwing money at the problem at a time when funds will be used in these three weeks through fictitious spending bills as it has happened before where monies simply go into a bottomless pit to finance various needs, including the needs of an election year. This third Supplementary Budget is unfortunate, in my view. It is something that should have come out of prior planning and thinking. I know that Kenya has a strong capacity in planning. We have had it for over 40 years. I see no reason why we have these knee-jerk reactions at the end of the year with large sums of money that we do not know where they will go.

Overall, I do not support this Supplementary Budget allocation because it has been done in a hurried manner that is supposed to finance patronage.

**The Temporary Deputy Speaker** (Hon. Omulele): Let us have Hon. Isaac Mwaura.

**Hon. Mwaura:** Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this Supplementary Budget.

Before I proceed, I need to set the record straight on some insinuation that was made by the Member for Marakwet, Kangogo Bowen, to the effect that people with disabilities cannot be nurses. That is something that is rather unfortunate and should not go unchallenged in the previous debate. We have made a lot of progress and you cannot say that the work of a nurse is only to wash people. People with disabilities can do a lot of nursing and it has been proved. There are quite a number of them who have been rightfully admitted as nurses.

Looking at this Supplementary Budget, it is very timely because we are coming from a regime where we have had to fast-track the budget-making process so as to comply with the electoral timelines. It is this august House that was able to pass the Budget Policy Statement (BPS) which we usually deal with around April/May to around October.. We have done a rather commendable job.

To have Supplementary One of the new Budget 2017/2018 that speaks to the arising concerns is something that we need to commend. This is because if we look at the issue of famine and the issues around *unga* and how they are being politicised especially around the election time, it is very critical that we do not play around with such a basic need that is the staple food of this country. Therefore, I wish to really commend the Government for ensuring that with this allocation, we will have enough *unga* and so, therefore, people may not want to make political statements, in my opinion, an *unga* revolution. With this Supplementary Budget we should be able to ensure that all the local shops are properly populated with *unga* that is properly written “GOK Kshs90”. I want to differ with my friend, Dr. Makali Mulu. Anyone who is seen to sell this *unga* to the contrary must be arrested because Kenyans require to be properly fed so that we do not entertain political competition in that regard.

When I look at this Supplementary Budget it also speaks to the issue of security. It talks about provision of equipment and facilitation of our security organs and apparatus so as to secure our elections come 8<sup>th</sup> August. This is very germane because if you look at what Kenyans are speaking about even in social media and the public space, there is concern that we need to ensure that there is peace. Therefore, we need to strengthen the role of the police, the army, if need be, and any other organ that would come into play including surveillance. This is also very critical because as you may have seen, issues to do with violent extremism are critical to the growth of our economy, considering the three attacks that have been witnessed in London and the diplomatic row that has emerged in the Middle East against Qatar. It is important to ensure that the containment that we have done on *Al Shabaab* in Somalia is strengthened. I highly commend the Jubilee Administration for ensuring that insecurity, which was a big concern some time back, has been contained through allocation of resources for strengthening of the capacities of our security agencies.

Hon. Temporary Deputy Speaker, the Supplementary Estimates also seek to speak to certain on-going projects that are critical. I want to single out Kenyatta University Referral Hospital. It will go a long way in ensuring that we meet the needs of the high population of this country, including Kenyans who would require specialised treatment. Therefore, it is important. With the allocation of these resources, we will ensure that the doors to that great hospital, which has consumed over Kshs8 billion, are opened to serve members of the public. This would, of course, mean that our young people will get opportunity for employment. Alluding to an earlier debate, it is rather unfortunate that we did not pass the amendment on the National Employment Authority. The amendment sought to ensure that whatever vacancies arise within the national Government and county government are reported to that Authority so as to encourage that our young people apply for them.

These Supplementary Estimates come under the backdrop of the on-going nurses strike. I would like to imagine that with the guidance of the Salaries and Remuneration Commission, and the Council of Governors, we are going to ensure that we resolve the issue of the nurses so that they can return to work. The nurses are dancing on the streets while our dear Kenyans suffer. Patients have been turned away or they have been told to check out of hospitals. As a Member of Parliament, I believe that this issue can also be resolved. The idea I have heard the nurses advance – indeed they do a lot of work in this country – that this country is rich is not reason enough to cause suffering to our patients because of non-attendance.

The other issue that also arises from these Supplementary Estimates is the fact that you cannot say that you can foresee all the issues that may emerge within a budget cycle. Our budget-making process has been, and has continued to be, dynamic. We need a government that is responsive to the needs of the people, and which is able to ensure that when there is an emergency, you can spend some form of expenditure to ensure that you respond to such need.

There are many Government projects that are speaking to the minds and hearts of Kenyans. Supplementary Estimates are not just for the sake of political expediency. When, for example, the Government makes a commitment to provide free secondary education in January next year or in the next fiscal year, some individuals claimed that they would introduce Supplementary Estimates in September. In my opinion, that is being a little bit dishonest because you have to ensure that you have a proper schedule of how you are going to collect revenue by the time you commit yourself. As a former Member of the Budget and Appropriations Committee, I know that usually within the first quarter of a financial year, the Exchequer is not well endowed with financial resources.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Mwaura, you have a minute to wind up.

**Hon. Mwaura:** It is important to have realistic timelines that would ensure that whatever commitments we make to our people, including students, teachers, and elderly people, can be attained. I commend the Jubilee Government for these timely Supplementary Estimates in response to the needs of Kenyans.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Shakeel Shabbir.

**Hon. S.S. Ahmed:** Thank you, Hon. Temporary Deputy Speaker. I stand to support the Supplementary Estimates. The Budget and Appropriations Committee has had a very difficult task. This is complementary to the efforts they have made together with the Budget Office, the Executive and the secretariat. The 11<sup>th</sup> Parliament is very instrumental in the process of or responsibility of the budget-making process. Hitherto the introduction of the current dispensation, the Budget used to be prepared by the Executive and brought to Parliament in a rubberstamping process. During the 10<sup>th</sup> Parliament, I was in the Departmental Committee on Finance, Planning and Trade, which used to look at the Budget. We found out that we had neither the capacity nor the time. The fact was that it was a very big responsibility. I was in the Constitutional Review Committee with the reverend, our Chairman. I remember how we discussed these issues. The issue of taking the role of budget-making started as a thought there. As I go back, I see the first years of the 10<sup>th</sup> Parliament. For one-and-a-half years, the Budget and Appropriations Committee went through a lot of challenges. Nobody wanted to hand over the responsibility or power. It was a power game between the Ministries, the Executive and the Committee. The power games went on and on and it took a lot of goodwill, firmness and diplomacy to get this over to the extent that one at time, it appeared that the Budget and

Appropriations Committee had been taken to ransom by certain members who perhaps had put their demands so that the Budget and Appropriations Committee could succeed. Thankfully, the House saw through that and the Budget and Appropriations Committee was reorganised.

I must say that this is probably the last Motion that the Budget and Appropriations Committee will have in this particular Parliament. Earlier, I had thought that the Budget and Appropriations Committee was being run through dictatorship. I realised later that I had no option but to try and steer through very difficult waters. There were times that, probably, democracy did not really meet the challenges that the Budget and Appropriations Committee had.

So, I take this opportunity to thank my Chair and the Budget and Appropriations Committee. It has done a tremendous job. Even yesterday, there was request by one Committee to bring in certain issues and the Chair said we will have to find some time to handle it, rather than take the time of Parliament. It was agreed that we would forgo our lunch and do it at one O'clock. That is what is required and that is what has brought the Budget and Appropriations Committee to where it is. I am very pleased that I had the opportunity of being part and parcel of this particular Committee.

On the issue of the Supplementary Budget, as we said, ideally, there should be very few supplementary budgets. As we improve the process and take over and start our planning process at an earlier stage, it should be cyclic. It should be a continuous cycle of budget-making until we get to that process. Of course, there will be certain adjustments and arrangements so that we can continue the process as we have. Therefore, the Supplementary Budget is very important and the fact that we have had a few should not dissuade us from moving forward. I hope the 12<sup>th</sup> Parliament will take over the good work that has been done here.

There are issues on the Supplementary Budget that I still raise concerns on. We have our soldiers in Somalia. There is so much concern that we have one item for the armed forces. We were not able to look at that in great detail because of certain confidentialities. That is where some of these problems are occurring. We have Armed Personnel Carriers (APCs) which was brought in from China which can be pierced by a 35 millimetre bullet and not even an AK47 bullet. We have already lost 17 of our people. The ministries also should realise that when they bring the budget to us, we will look at them very carefully.

The other day, the Departmental Committee on Health asked for Kshs343 million to be transferred to the Burns Unit from the slum project of the containers. You know the medical containers are still lying in Mombasa. So, they had put aside some money to have that implemented and it has not been implemented. It makes good sense to have that money transferred. However, the question is that we must make something out of the money that we have lost presently on the containers. I hasten to add that we did approve the Kshs343 million for the Burns Unit. We were initially told by the Departmental Committee on Health that the Government had to put up 15 per cent of Kshs2.1 billion. When the Chair and Members asked more detailed questions, it turned to be Kshs2.9 billion. I am quite aware. I have been in the health sector for some time. It appears that the figure shot up from Kshs2.1 billion to Kshs2.9 billion. We do not know how the Executive decided and it forced the Chair to call the Executive. He was given a figure of Kshs2.1 billion, but at the last minute he was given one of Kshs2.9 billion. Whatever it is, we will not take it sitting down. Even the Chair said that we will not approve it until the CS makes a commitment. Therefore, we have given them Kshs343 million. We expect the ministry not to use a single cent of that money for anything else other than the Burns Unit. I spent a lot of time in health management. We have really been fighting for a Burns

Unit. We want to make sure that this supplementary budget of Kshs343 million that we have given for the Burns Unit, being 15 per cent, is used exactly for the Burns Unit and must be done before the end of this month. That commitment must be sent over to our partners before the end of this month so that we can get what we have really desired.

Unfortunately, as we said, we have had to make Kshs42 billion in respect of increment of capital expenditure. I do not agree with that. But in any case, since it is there we have had to look at it very carefully. We need to make sure that next time this does not occur in this manner. I am an accountant. This is a major percentage and 10 per cent variation is good enough.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Shabbir, I would like to notify you that you have about a minute to go. Our lights are not working.

**Hon. S.S. Ahmed:** Thank you very much for giving me this time. I support and commend the Budget and Appropriations Committee for an excellent job. I commend our Chair for excellent leadership.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall now have Hon. (Dr.) Nyikal, the Member for Seme.

**Hon. (Dr.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Motion. I rise to support, though with some reservations which I will mention here. Before I do that, I must appreciate the work of the Budget and Appropriations Committee. I do understand how complex and time consuming it is, especially when we are discussing it at this time of the year. At this stage of Parliament, I think they have done a commendable job.

I know the Constitution gives flexibility to have more than one supplementary budget in a year. In fact, we could have several. This is actually the second one in this year. I think we should not replace proper planning with a number of many small supplementary budgets. This is because if we have very many supplementary budgets, it means we are actually not planning well and may actually be burdening the Budget and Appropriations Committee. That is an important part we should take.

The other issue we should look at is that, if we have this flexibility, we should then be very careful what information is given to the Committee. I know that when we pass a supplementary budget, some part of it is money that has already been spent and which is actually being regularised. Within the information given, it is not often easy to know whether you are passing money that has been spent or that will be spent. That is important information. I would ask the Budget and Appropriations Committee to insist when bringing this to the House. We should know what is to be spent and what has been spent. This is particularly important now when we are in the last few weeks of the financial year and we are passing KShs64 billion. If all that money is to be spent now, one wonders how it will be spent. Considering that this is actually an election year, it can lead to speculation as to why this huge amount is coming to be spent so easily. Therefore, to avoid that, we should have that information.

Let me also comment about the pending bills. I think this is something we can avoid. To a large extent, this comes with late procurement of projects. We can actually plan because the budget process starts as early as August, September or October. Once certain projects have been identified, it is actually possible to start preliminary arrangements and planning so that as soon as the money is available, this money is applied and the projects are completed in time to be paid for.

The other element that leads to pending budget is lack of Exchequer release. Sometimes we blame the spending agents or the ministries. What really happens is that what may be in the Budget may not be released to them and they end up with debts that they cannot repay.

I appreciate that Kshs3.7 billion is going to the Strategic Grain Reserve. This is commendable because of the problem we are having now. But I do not think we should now look at abating the problem of food shortage now. We have to look at the issue. Why are we having food shortage? Earlier last year, we had a problem because some fertilisers were not of good quality. We are also aware that the docket or the function of agriculture has been devolved. Like health and others, there may be issues that are actually going on there that are making us unable to produce food as before. As we buy food so that we alleviate the current problem, we need to look at the basic issues. I know we have brought *unga* and we still have shortage. I think the problem is hoarding. There have been reports of people repackaging the Kshs90 packet. The solution to this normally is that if you have put aside money, flood the market. Once *unga* is available, those who are hoarding it will release it. They know if they hoard it and there is a lot of *unga*, it will go bad. The answer is not to arrest people, but flood the market if money has been made available, and *unga* will be brought.

I appreciate that some money has been targeted for Arid and Semi-Arid Lands (ASAL). Again this is going to the food security and that is commendable. But again, ASAL areas are not new. This is something we have been talking about and we should look at it. I do appreciate that some money has been put for power transmission. It is important that as a country we have done a lot for rural electrification. There is large consumption of power. To put money there is appropriate but I notice that in western Kenya and Siaya area, there are a lot of power outages. You cannot go for two days without power outage. I think this should be looked at. We should look at the issue of transmission. I have been given information that sometimes it is threatening because there is a deficit of transmission capacity between Naivasha and parts of western Kenya. What we are seeing as outage is actually rationing. We should know, and the matter should be addressed. Rationing cannot be a problem of transmission deficit. I do appreciate that money has been put there. We have some money that has been put in water. The issue we have to look at here again is that water is a devolved function, to a large extent. If you have a lot of money that is going to the national Government for water, we really have to know how that links with the distribution of water that is a function of the county governments. If large resources are being identified and developed at national level, how does that go down to the counties? That is where we need to know. I am always concerned that if you have these large monies at the national level and for a devolved function; one of the problems is that there may be no equity. We really do not follow that as much as we follow what will go to the counties.

We have noticed that Kshs2.3 billion has been put for equipment at the technical institutes that are being put up. This is commendable. It would be sad if we had these institutions put up and then they stay there as white elephants. Many are coming up and we should all equip them. They have acute shortage of mid-level technical people. I am happy to realise that some money has been put to Kenyatta University Referral Hospital. This is a project that was started in 2004/2005, and if it is coming to fruition that will be extremely important. But as we do this, the issue of health workers should be solved.

The nurses are on strike with regard to the CBA that was agreed on not many months ago and has not been implemented. Doctors have once again threatened to go on strike. It is not right that we get into agreements which we do not implement. Health is not like other areas where you



can solve a problem tomorrow. People who die when we have the crisis now will not come back to enjoy when we make corrections.

As I said, I have listed the reservations that I have otherwise, I support and appreciate the work of the Budget and Appropriations Committee. I know what they go through.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well spoken. We shall proceed in this manner. There are three Members interested in this. First of all we shall have Hon. Millie, the Member for Mbita and then the Member for Nakuru East, Hon. Gikaria. We shall also have Hon. Wandayi in that order. Then the Mover will reply. Let us proceed in that order.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Speaker. Unlike the other Members, I am neither persuaded to support nor to have kind words for the Budget and Appropriations Committee. I know the Budget and Appropriations Committee may have worked very hard, but it is only a little thing that can spoil all their hard work. I am here representing the good people of Mbita. The Chairman of the Budget and Appropriations Committee must know even as this Parliament comes to a close, they have not just offended me, but the great people of Mbita. The Budget and Appropriations Committee came to Mbita to get their views on Budget about two years ago and made promises. When you come as a Budget and Appropriations Committee and make promises as a parliamentary committee that is not something that the public takes lightly. You make me sound like a liar before my constituents and it does not matter how hardworking they are, in my eyes, you failed because I am here to represent the people of Mbita not the entire Kenya.

I am saying that because as we speak, the same issues that the people of Mbita raised, they are still confronted with the same challenges. As we are speaking very many fishermen are currently arrested. They have been there for more than a week in Lolwe Island of Uganda. The Government promised to give a patrol boat and additional security but it has not. Therefore, the security people who are there are not able to provide adequate security. Therefore, Chair, as you go home, know that you are going with Mbita as a dent in your otherwise good work. It is a dent in our---

**Hon. Musyimi:** On a point of information, Hon. Temporary Deputy Speaker.

**Hon. (Ms.) Odhiambo-Mabona:** I will allow you to inform me.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Chair, you know you must pass through the Speaker. It is alright. Proceed.

**Hon. Musyimi:** Hon. Temporary Deputy Speaker, I thank the honourable lady for that comment. It is true that we went to Mbita Constituency and among the things that we committed ourselves to deal with, was the bridge that connects the mainland to Rusinga Island to allow the bridging of fish. That bridge, as far as I know, is either under construction or the plans are fairly advanced. That I can confirm.

Secondly, we went to Tom Mboya place and we committed to support the renovation of that very historic site with Kshs20 million. The only mistake we made was not using the right protocol. We said that this money would be spent through the NG- CDF and it was very difficult to make the connection. What we have done in the coming year is that we have more than doubled the allocation. We have set aside Kshs50 million to renovate Tom Mboya memorial site. We propose to give that money in the 2017/2018 Financial Year. The Appropriation Act is now law and that money has been given to the ministry. The only thing we have not been able to deal with is the issue of the boat. But then you cannot also do everything. I can confirm that the bridge connecting Mbita and Rusinga has been allocated money. We have also allocated Kshs50 million to the Tom Mboya memorial site.

I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Speaker. I hope you take into account the fact that he took a bit of my time. The reason why I wanted to allow the Chair of the Committee is because he is a man I respect and I was not very happy when they misled the people of Mbita. I want to thank you if you have put aside money for Tom Mboya. I do not care whether it comes through NG-CDF or other means, so long as it supports what you have promised to do to the people of Mbita.

What I am not happy about, because it was priority number one, is security. The priority number of the people of Mbita was security. The causeway was already in progress. So it was putting money to complete it. It was launched by the then Minister Hon. Bett and then Prime Minister Raila Amolo Odinga, so it was work in progress. Even then, it was a causeway. So even if we did not have a bridge, people would still pass. It would help the ecology, but people would still pass. I am happy.

I know I am coming back as MP for Mbita. What we have promised is to ensure that security is enhanced. If it means I have to come back to the budget committee, I will be there so that we make sure that the fishermen of Mbita are adequately protected. We are tired of being arrested and taken to Uganda every week. Sometimes the people of Mbita ask me to come and ask the Government of Kenya whether we are in Kenya or Uganda. If we are not in Kenya, then we move to Uganda. We are being treated as though we are not citizens of this country.

The other reason why I am not happy is because in this House we had a quiet agreement as Members of Parliament, the ones that we are not supposed to come and say in the open, that money which was meant for NG-CDF was supposed to go through the Ministry of Education, Science and Technology and be allocated to schools that MPs who know the needs of specific schools have identified. In Mbita, because I have two predominant communities—Suba and Luo—they went and picked schools which are predominantly Suba and removed their allocations. And that is a minority community. I am not happy. That is why I am not praising. I would be happy if you gave us all our money, which was Kshs34 million. If that is not possible, let it be considered that no NG-CDF money went to the ministry. That was the Ministry of Education, Science and Technology money and the NG-CDF is intact. When the court matter is complete, let the entire money that was stopped by virtue of the court order be given to us.

The other reason why I am not happy is that this budget seems very election-gearred or election-persuaded, more like what we have seen with IDPs. All these years we have been here, even with the report that we passed as a select committee saying which IDPs and integrated IDPs have not been compensated. Only yesterday the President was rewarding the IDPs in Kisii. The allocation that was given to them is very small compared to the ones...I know other areas where people were built houses and given extra money. Kisii is being given very little. We still have integrated IDPs from western Kenya and other parts of Nyanza who have not been paid. That is why you see the money allocated to livestock, which is very laudable, is very election-gearred. We want the Government not to do a budget that is election-gearred but that serves the entire Kenya. I would be very happy if I saw that we also provided for integrated IDPs from other areas.

I have in my constituency a young man called John; I have given him some tools of trade to start working with. He has no legs. He lost them during the election period. He has a sickly wife. Every day I have to send him money for daily subsistence. And we hear other places people are being compensated, but in other parts of the country they are not being compensated.

If we are dealing with the issue of national cohesion and healing, the President must start preaching that in his own actions. When he comes to Nyanza, even when we criticise him, he is still the President. I need him to come to Mbita and compensate IDPs. Even as I will be telling him off, he must come and compensate the IDPs. We did not tell him to be President. Once you decide to be president, whether people like you or not, you must serve everybody equally. Even in our own areas, we have places where people do not like us but we go there and serve them because that is their constitutional right and our mandate. Because of that I am not very persuaded to support this budget.

Finally, I want to speak to the issue of food security. When I walked in the Chair was speaking around the issue of Galana. As the Committee on Agriculture, Livestock and Cooperatives we have looked at it. It was meant to ensure food security. But as we speak, from where I come *ugali* is life. I cannot afford *ugali* now; I am eating fish with *mukimo* or *chapati*. It is actually almost a curse for us to eat fish that way. We are being told there is *unga* for Kshs90. I do not care if it is Kshs500. I need to buy *unga*. It is just not there. If Millie Odhiambo, a Member of Parliament, cannot get *unga* where do Kenyans get it from? There is a place where I wash my car. They told me: “*Mheshimiwa*, when you go to Parliament today, tell them we just need *unga* at any price”. Leave alone the Kshs90 one which is supposed to be subsidised. Before, people were crying about very expensive *unga*; now it is not even there. Can we have that *unga* at all?

Finally, on the issue of election security I would want to say that the Government must not just commit resources. They must commit resources knowing that we have women who are also vying. As I speak today, I buried my bodyguard. My home was burnt down. The other day, Hon. Duale was saying that I burnt my own home, which is a language very similar to that of one of my opponents associated with burning my house. I have been saying he is a Jubilee Party candidate. It proves me right because Hon. Duale used to have a lot of information about my house burning. So, we want the Government to show commitment that where there are women candidates, there must be heightened security. Not a situation where all my supporters were being attacked and it took the police more than an hour to arrive. It took somebody to die before the police could come. I had to run to a neighbouring constituency to get the police. So, it is not enough to put money here. It must be money with action.

Hon. Temporary Deputy Speaker, with those few remarks I will not support. Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Gikaria.

**Hon. Gikaria:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to support the Second Supplementary Budget. As the Chair made it very clear, it emerges out of the effects of drought and the high cost of living. Some of these things drove the BAC to sit down and address them. At the same time, we also need to be very careful. I come from a county where they go against the PFM Act and bring up to six supplementary budgets, to a point where they erode everything that the good people of Nakuru County had suggested and given their views on. When you have a budget that erodes sense and purpose, it beats logic. However, in this one, I can say that there has been a huge improvement in the budget-making process. The Budget needs to address over 95 per cent of the issues affecting us so that we do not have many more issues being raised in the Supplementary Budget. I believe we have a good reason for this particular one.

Secondly, I do not know how the Budget and Appropriations Committee conducts its visits. From what I have heard from my lovely sister Millie, it is like the Committee visited Mbita. I have never seen the Budget and Appropriations Committee in Nakuru! I do not know

whether it is an application that is required of us to make. I would want the Committee to visit us in Nakuru at some point. We have so many issues that we would want the Budget and Appropriations Committee to address although we would later raise them through other legal avenues. It is important that the Committee now visits the places they have not visited. I have been around for four years, but I have not seen Members of that Committee in Nakuru County.

This budget addresses emerging issues. The Jubilee Government would not want the current situation our country is in to prevail - It is the most unfortunate situation. Persons in the Opposition are using the existence of natural calamities to bash the Government. That should not be the case. We should not hear of that from able Opposition leaders. It is not the wish of Jubilee that our country be faced with drought. It has not only hit Kenya but also our neighboring countries. I am saying this because we used to get a lot of maize from Tanzania. I remember President Magufuli had given a directive that they add value to their maize. In fact, Tanzania was trying to come up with legislation that bars selling of maize to neighboring countries. I had some people at the border complaining so much about the new policies that President Magufuli has come up with. His policies are killing business in Kenya and our businesspeople who used to trade with Tanzanians can no longer do so. As much as they wanted to get maize from Tanzania, it is now proving to be difficult because of the Magufuli policies and the shortage of maize. It is unfortunate that the Opposition is using acts of God to challenge the Government.

This budget has addressed some key issues. For example, some billion shillings have been allocated to the Strategic Grain Reserve. The President directed the other day that any person who is hoarding any of the maize stocks will be punished. This is because maize has been brought in plenty and yet it is not found in the local shops. It is because most businesspeople are hoarding the commodity for purposes of enriching themselves. We are hoping that the Ministry of Interior and Co-ordination of National Government will do something. They should instruct the local chiefs to find out the people hoarding this commodity in their warehouses. The maize should be let out and sold to people. I am aware that the maize stocks are coming in bits.

On matters security, we met yesterday as a committee. We know that some money has been set aside for purposes of addressing crime, especially during the coming general election. However, it is also important to address some of the alarming statements coming from the Opposition regarding security matters. It is a matter of great concern when an Opposition leader comes out in the open to declare that they are not going to follow the due process of the law! What do they mean by saying that they would not go to court? It can only mean that they want to throw this country into fracas; that is very unfortunate.

I agreed with Hon. Nkaissery. When you talk of support of 10 million votes and yet you know you cannot attain those numbers, indeed, you are just inciting your supporters. It means that if your coalition does not attain the 10 million votes, then you will declare that the elections were stolen. Look at the other issue of the Opposition saying that it will set up its own parallel tallying centre. What does that mean? The laws of this country are very clear. If they happen to be unsatisfied with the results, they are bound to go to the streets and incite people.

Yesterday, we told the CS, Interior to use the money given to him in all the 47 counties. We instructed him to conduct awareness programmes with regard to the coming election. So, there is money that has been given for purposes of security operations during election. Hon. Nkaissery has already assured us that there will be peace before, during and after election. We told him we will hold him to account. We cannot give him money and find ourselves in a situation that is uncomfortable. We want to avoid such a situation at all costs.

I thank the Chairman of the Budget and Appropriations Committee for allocating some money to address the Collective Bargaining Agreements (CBAs). It is unfortunate that the Constitution gave some key functions to county governments which they are not addressing at all. It is now raising a lot of labour concerns.

I support this Supplementary Budget and thank the Committee. I plead with it to visit Nakuru County, specifically Nakuru Town East Constituency.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. We shall have Hon. Wandayi.

**Hon. Wandayi:** Thank you, Hon. Temporary Deputy Speaker. I have a lot of difficulty supporting this Second Supplementary Budget and for obvious reasons. If it were something worthwhile, I would support it, but not this one. Why am I saying so? It is important that when you come to ask for more money in any ordinary circumstance, you first explain how you have used the money you were given before - That is the only time you can justify being granted additional money. Here is case where we are being told to give more money and yet there is nothing to show for the money we appropriated. Really? I think that is ridiculous.

Secondly, it is unfortunate that the Second Supplementary Budget will be passed courtesy of the tyranny of numbers. The other unfortunate thing is that even as we haggle here, this money we are seeking to pass has either been spent or has been committed. So, it is a rubber-stamping exercise I will not be party to.

I say this because if you look at the areas which this Government has continued to talk about as having intervened, you do not see any positive results. Take for instance, the Mumias Sugar Company saga. This is why I am very cautious about supporting an endeavour like this at this critical time of the year or calendar when people are headed to elections. This is a time when money can easily be channeled for use that was not intended originally. It can be confirmed that what is going round the social media is true. For instance, money we appropriate to go to the Sugar Development Levy is simply being sent to people to use in campaigns. There is a letter doing round in the social media alleging that---

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Wandayi, you know the rules of this House.

**Hon. Wandayi:** I know, I have not mentioned anybody adversely, I am very careful. I am just trying to enforce my point that we could easily end up approving money which will be misdirected for purposes of campaigns and that is not the original purpose. It is unfortunate that they are accusing my good friend, Hon. Washiali but I hope the police will investigate this matter and tell us the truth as to who was extorting money from Mumias Sugar Company and who actually killed that legal officer.

The Mumias saga is simply a tip of the iceberg. It tells you for sure that a lot of the old habits have not died, like the old Nyayo habits, whereby parastatals were seen as cash cows. The good boys used to go and milk money every other day for their own purposes of politics. They say that the more things change, the more they remain the same. This is very true when it comes to money being appropriated from State agencies. Another example is the maize sub-sector. Money is now being allocated to subsidise *unga*. You need to ask yourself who is really benefiting from this subsidy. If you want to get the answer to that question ask yourself, first and foremost who the millers are. If you get to know the true identity of these millers you will be shocked because of the circus we are being treated to.

As we speak, maize is being imported from Mexico and far flung areas yet there is cheaper maize in Ethiopia. Nobody wants to import it because it will reduce the profit margin of

brokers who are well known and hold very high levels in the administration of Jubilee. This is not an idle matter but a very serious one. You cannot create an artificial food crisis for the benefit of a few connected people. Yet you want Kenyans to believe that you are helping them but you are simply helping a few people through the creation of artificial food shortage.

What we are doing here by supporting this Supplementary Budget is helping this Government to address the symptoms rather than the root cause of the problem. If the Government meant well it would invest more in agriculture by supporting farmers so that they can continue to invest in farming and produce more food not only for local consumption but also for export. That is what any responsible Government would do. That is what we shall do when we take over power in August, we shall address the issue of agriculture more proactively. This is because Jubilee has failed to do so. If you doubt, you will get a shock of your life, Hon. Duale and Hon. Gikaria.

I have seen money being channeled to security matters and more so in relation to elections, as my friend Hon. Gikaria said. Do not invest money in buying bullets, tear gas and others. They cannot guarantee peace. What can guarantee peace is credible, free and fair democratic elections. Invest more in this. Do not waste time buying more bullets because they will not guarantee peace or even cow anybody. Trouble can only be felt to be there if the elections are not seen to be free and fair. People want justice and fairness and not shenanigans. Do not invest in the wrong things but the right things by supporting the Independent and Electoral Boundaries Commission (IEBC) to do credible elections.

*(Consultations)*

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Gikaria, let us hear Hon. Wandayi. You had your chance so give him a chance to say what he wants.

**Hon. Wandayi:** I am telling him things he does not want to hear, the plain truth and nothing but the truth. The truth is that if you continue investing in hardware like bullets, guns and APCs which are being blown like Toyota salon cars, you will not guarantee peace in this country. Let the IEBC do its work and support it. Let them announce credible results and then peace will be there. We will save a lot of money which could have gone to waste by buying tear gas and bullets.

The reason why I am afraid to support this budget is clear that this is money being diverted for campaign purposes. The Post-Election Violence (PEV) happened in this country about 10 years ago and Internally Displaced Persons (IDPs) emerged. Ten years down the road, you go round brandishing cheques purportedly compensating IDPs. As you do so, you are donning campaign uniforms. You think Kenyans are fools! We cannot allow Mr. President to continue duping Kenyans that he is assisting them yet he is basically engaging in bribery. He went to Kisii to give Kshs50,000 to every IDP and yet we have spent millions per IDP in other areas. This is the money we are approving today to be channeled in a similar manner in the coming weeks. You will see this money being brandished all over in campaign platforms as compensation.

**Hon. Gikaria:** On a point of order.

**Hon. Wandayi:** There is no need for a point of order. Hon. Temporary Deputy Speaker, you will add me two minutes, if you do not mind.

**The Temporary Deputy Speaker** (Hon. Omulele): What is out of order, Hon. Gikaria?

**Hon. Gikaria:** On a point of order, Hon. Temporary Deputy Speaker. Is Hon. Wandayi in order to say that the President is engaging in bribery? He complained yesterday that his people are not compensated. This is on record and the HANSARD will bear me witness. He requested for IDPs in Luo-Nyanza to be compensated. For example, if the President goes to Luo-Nyanza to compensate, will he be bribing? I request you to order Hon. Wandayi to withdraw that statement and apologise for saying that the President is engaging in bribery activities knowing very well that is not the position.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Wandayi, I believe that parliamentary civility requires that we choose our words carefully. I do not believe that the President can bribe Kenyans. I think Hon. Gikaria has a valid point that the President is not engaging in open bribery. I do not think that is an allegation you can make in this House and we let it go. I believe it is proper for you to withdraw it.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, I agree and want to respect your ruling. You know as much as there are rules in this House, I also have the freedom of free thought. He went there as the Jubilee Presidential candidate donned in red attire. He was not performing any State function.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Wandayi, let us just be honourable and maintain civility. I know it is the campaign period and there are opinions. I believe that the right thing for you to do is to withdraw.

**Hon. Wandayi:** Okay, I will make matters easier for you, Hon. Temporary Deputy Speaker, by withdrawing it but I will use other platforms to pursue the same matter.

**The Temporary Deputy Speaker** (Hon. Omulele): That is quite in order.

**Hon. Wandayi:** I have 1,001 platforms to get to this matter of bribery of voters. Hon. Temporary Deputy Speaker, as I conclude, I do not know why I always...

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Wandayi, I will give you two minutes so that you can wind up.

**Hon. Wandayi:** Thank you, Hon. Temporary Deputy Speaker. I do not know why people feel agitated whenever I speak. I have never understood the Jubilee people. I am making very factual statements. Come September or October this year, those of you who will be lucky to be elected will be on this side and I will be on that side. Those of you who will be unlucky like Hon. Duale will not be here so there is no point of debating that.

I want to conclude that this Supplementary Budget is not defensible. You cannot defend it under any ordinary circumstances. I do not support it and I urge my colleagues who will see the sense to follow suit and reject it *in toto*.

**The Temporary Deputy Speaker** (Hon. Omulele): Let us have the Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, thank you very much. I support this Supplementary Budget and I want the Member for Ugunja to listen to me now.

I support this Supplementary Budget. For his information, within the reading of the Constitution, the Cabinet Secretary for the National Treasury is required to spend money at a certain percentage and ask Parliament for approval. Please, go read the Constitution.

Secondly, Kshs3.7 billion will go to the Strategic Grain Reserve which will address the food shortage. I have the benefit of being a senior Member of Parliament as compared to him. I want to give him free advice that I am a living example of a leader who refused to kneel down for his leader and become a sycophant. Sycophancy will not take you anywhere, whether in the Chamber or at funerals. In this Chamber, we must debate the matter before us.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Member for Garissa Township and Leader of the Majority Party, for us to proceed and conclude this matter, let us just keep ourselves within the rules. Do not address a particular Member in a particular way but let us deal with the matters in the way that we should.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, as the Leader of the Majority Party, I have all the rights within the reading of the Standing Orders to make serious rebuttals when a colleague from the other side who, because of sycophancy, wants to mislead us from the Supplementary Budget Estimates.

Why are we allocating Kshs3.7 billion to the Strategic Grain Reserve? This is because we are a Government that offers solutions. We do not lament. We did not import maize in 2014, 2015 or 2016. We are importing maize in 2017 because of the current ongoing drought, not only in Kenya but in the whole region in Somalia, Ethiopia and South Sudan. There is no sugar in the Common Market for Eastern and Southern Africa (COMESA) region. Who brought down the Mumias Sugar Company? I want to go on record that before anybody, including the Right Honourable Raila Odinga and his so called sycophants use the Floor of this august House, they should take a cheque from his family and take it to the poor small-scale sugarcane farmers. I went on record and called for a Press conference...

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Wandayi, what is out of order?

**Hon. A.B. Duale:** Relax. Why are you agitating?

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, is the Hon. Aden Duale in order, firstly, to impute improper motive on a fellow Member, but more importantly to drag the name of the Right Honourable Raila Odinga who cannot defend himself on the Floor of this House and more critically to continuously address me instead of addressing you? Is he in order?

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Leader of the Majority Party, let us constrain ourselves. We have very important matters to consider.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I am talking about Mumias Sugar Company. I addressed a Press conference and asked the former Prime Minister to pay his debts. He threatened to sue me. Until today, he has not done that. That confirms that he owes the debt. If you want him to be the next leader of the Opposition - which I do not think he will - let him pay the poor small-scale farmers. Secondly, let his governor in Nairobi, who a report of this House indicted him when he was the CEO of Mumias, pay the billions that he has stolen.

This is only the Government since Independence that has a solution to land issues. It gives out titles. It has a solution to make sure that each and every Kenyan goes home and sleeps under a roof where he and his property are secured.

The Kshs3.2 billion allocated for security operations is meant for characters who are known for losing elections in this country. When they lose, they go out looting, destroying and engaging in all acts of violence in the hope of getting a *nusu mkate* Government. I want to tell Hon. Wandayi and his colleagues, under the watch of Uhuru Kenyatta, General Nkaissery and the security sector, you will not have your way this time as you had it in 2007. You will not. The way of creating violence and ultimately you walk on the dead bodies of Kenyans either to be sworn in as vice-president or as a prime minister...

You need to read the article I wrote last night. It is online on my twitter page. It was about their clamour to change the Constitution. If you read my article of around 10 or 15 pages, it will enrich you and your mindset. You do not win elections through chest-thumping. Kenya is composed of 45 million citizens from different regions. Those of us who come from the pastoral community will not subscribe to the ideology of another constituency. We work with partners.



General Nkaissery, you have shs3.7 billion shillings, deal with the owners of violence. You know them. You know their colour. You know how they behave. If you want my advice, I will give it to you. But this time round, the security apparatus must deal with each and every politician - Jubilee Members included - who want to cause chaos in this country because they do not want to accept the verdict of the people of Kenya.

From where I sit, the Jubilee Administration has a transformation scorecard in healthcare, education, infrastructure, water, security and ensuring of our people's maternal healthcare. Hon. Temporary Deputy Speaker, we will win the elections. Those who have lived in the Opposition since Independence will have their place. Hon. Duale will come back and will continue to be the Leader of the Majority Party, *Ishallah*. I am sad that the competent Deputy Leader of the Minority Party was removed because he was not the highest bidder. I pray that he becomes the leader of the independent members, however few they will be.

A sum of Kshs1.5 billion has been provided to cater for salaries of medical practitioners. I want to remind nurses and doctors that they took oath to save lives of patients. They cannot continue demonstrating outside hospitals while patients die. I want to ask them to sober up, come to the table, sit with the Council of Governors and the national Government and agree on a formula to save the lives of innocent poor Kenyans.

Sarah Serem should not take a hard position. She is a creation of Parliament. She must listen to the Council of Governors, the nurses, and the doctors with a view to finding a solution.

*Unga* is Kshs90. Unfortunately, where I come from, we do not eat *unga*. The Government of Uhuru Kenyatta put cheap *unga* on the table of the people that Hon. Wandayi represents. His constituents eat more *unga*. I do not eat *unga*. I eat *chapati* and spaghetti. Instead of Hon. Wandayi saying "Halleluiah, long live Uhuru Kenyatta! We will vote for you!", he is asking where the *unga* is coming from. Is it from Brazil? My friend, we have given you *unga* at Kshs90 per two-kilogramme packet. I am sure your constituents are celebrating. Deep down in their hearts, they are praying for Uhuru Kenyatta.

**Hon. Wandayi:** On a point of order, Hon. Temporary Deputy Speaker.

**Hon. A.B. Duale:** He needs to be tolerant. Tolerance is a virtue of leadership. Relax and be tolerant. I am sure next week ....

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Wandayi, I am sure there is nothing out of order. Let him have his point of order.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, you need to restrain Hon. Duale from continuing to refer to me instead of addressing you.

More importantly, he cannot continue to misrepresent facts to the extent of saying that my constituents have benefited from the so called Kshs90 *unga* of Uhuru Kenyatta. We do not see it in shops. We do not even need it. It will not make us change our minds.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Wandayi, that is argumentative. All of us know that we need this *unga*. If Hon. Duale says his constituents do not need it, that is his.

*(Hon. (Ms.) Shebesh walked into the Chamber)*

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, let me first welcome my sister, Hon. Shebesh. I wish her quick recovery. This is the month of *Ramadhan*, and our prayers are accepted by *Allah*.

It is known demographically that *unga* is consumed most in the Western and Nyanza regions of this country. There is no fish that is eaten without *ugali* in the area where Hon. Wandayi comes from. So, please, say “*Halleluiah*” to Uhuru Kenyatta for he has reduced the price of *unga* to Kshs90 for the people of Nyanza and Western regions. We will add sugar. It is at the port of Mombasa.

If you go back to history, the difference between us and our competitors is that they lament about problems while we offer solutions to those problems. I will give you an example. They were at the helm of the Government when they held the Ministry of Lands. They never issued title deeds to Kenyans. We have issued over three million title deeds in four years. They were there when the maize scandal took place in this country during the 10<sup>th</sup> Parliament. None other than the former Prime Minister and the people who worked in his office were blamed for being part of the maize scandal. We have no maize scandal. Our opposite is cheap maize flour. You cannot be eating the Kshs90 *unga* tonight, Hon. Wandayi, and opposing us here. I am sure that tonight your beautiful wife will go to the supermarket and say, “Thank you, Uhuru Kenyatta”.

Finally, enough money has been allocated for infrastructure. I am also sure that Kshs500 million has been set aside for drought mitigation in the ASAL areas. The money must reach the people. The livestock take-off programme must take place.

Since my time is almost up, I would like to finish by saying on record that Raila Odinga must pay the cheque of Mumias Sugar Company. He has not sued me. He must pay. Kidero must return the billions of shillings to Mumias farmers...

**The Temporary Deputy Speaker** (Hon. Omulele): We shall have Hon. Savula.

**Hon. Angatia:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to the debate on the Second Supplementary Estimates for Financial Year 2016/2017.

At the outset, I would like to support the content of the Supplementary Estimates so that Ministries, including the Independent Electoral and Boundaries Commission (IEBC), can continue running the affairs of this country. Financial support is very critical, especially for an institution like the IEBC, which will be carrying out a major election exercise later this year. I would like the IEBC to have adequate funds at this particular time to ensure that the process of holding a free and fair election is not interfered with because of shortage of finances. It is a very critical exercise that holds the fabric of this country together.

Having said that, I would also like to caution my colleagues in both the Jubilee Coalition and the Coalition for Reforms and Democracy (CORD). They are raising the political temperatures in the country because of the insults they having been hurling at each other. They are creating a lot of tension. We do not want a repeat of the 2007 Post-Election Violence. We want a free and fair election. Let us be mature enough and campaign on platforms based on facts and issues. Let us not insult each other. Let us stop raising tensions and dividing Kenyans along tribal lines.

There is an interesting proposal whereby the Government has requested for a Kshs75.2 billion guarantee to fund restructuring of Kenya Airways. The spirit that the Government has used to request the National Assembly to approve this guarantee for restructuring Kenya Airways should also be done to Mumias Sugar Company. We are requesting that the Government should have a heart and look at the farmers of Mumias Sugar Company, who are suffering. The Government can guarantee Mumias Sugar Company to get private capital for restructuring its operations. Currently, Mumias Sugar Company operates only an eighth of its

normal operations because of lack of adequate resources and lack of sugarcane. We can only help the farmers of Mumias Sugar Company if we provide them with fertilisers and engage them in a campaign to replant cane to resupply the sugar company. This can only be done if we provide a restructuring facility guarantee of more than Kshs45 billion to that company. That company holds the economy of western Kenya. We cannot afford to give Kenya Airways a Kshs72 billion guarantee and give Mumias Sugar Company a paltry Kshs2 million.

Lastly, we have read from the media that the Company Secretary of Mumias Sugar Company was actually murdered, but to date the suspects have not been arrested. My fellow Members of Parliament have made remarks or statements that the murder was linked to sugar importation and that it was linked to coercive nature of some individuals to get money from Mumias Sugar Company for their campaigns. I would like to urge the Inspector-General of Police to summon any individual mentioned in this affair to record a statement. This matter is so serious in that from the look of things, the Company Secretary attended a board meeting in Nairobi. The following day, he was killed. There is a letter circulating on email. The Inspector-General of Police must investigate and authenticate the letter. The letter is alleging that one of us, a Member of Parliament, was trying to coerce the management of Mumias Sugar Company to give him Kshs10 million towards the campaign. The money was from the Sugar Development Levy.

**Hon. (Ms.) Shebesh:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Savula! Hon. Shebesh, we wish you well. We are sorry for whatever happened to you. We are happy to see that you are here with us today. I know what you want to say. I will just give directions that we shall not deal with matters that are circulating out there in the social media. We must follow our rules. I think that is what was eating Hon. Shebesh.

**Hon. (Ms.) Shebesh:** Thank you, Hon. Temporary Deputy Speaker. That is exactly the direction I wanted you to give from the seat that you sit. Thank you for your good wishes and those of the House. I am healing well. One of the reasons I am healing well is having facilities. So, when nurses are on strike, it does not matter what campaign we are doing, we must stop everything and get nurses back to work for other Kenyans.

However, I want to say that the Member who is addressing this issue of Mumias should also declare his interest. This is because at the time when issues happened in Mumias, the Member had direct link with Mumias Sugar Company. If he wants to mention Members of Parliament here, thinking that we do not understand what he is insinuating, then you think you can call a kettle black and you are also black. So, declare your interest also. What I am saying is, just as you have said, letters circulating in social media or anywhere cannot be a basis to come and play campaign politics here and start pointing fingers at Members who come from that region. So, Hon. Temporary Deputy Speaker, your word is already final that if you want to discuss a Member of Parliament, you should bring a substantive Motion. Please, do not insinuate.

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Rachel Shebesh, we wish you quick recovery. Hon. Savula, you are sufficiently advised. Let us comply with the rules of debate of the House.

**Hon. Angatia:** Thank you, Hon. Temporary Deputy Speaker, for the guidance. While supporting the Second Supplementary Budget, I just want to insist on this issue. If you guarantee Kenya Airways a Kshs75.2 billion restructuring facility, Mumias Sugar Company is also a major factory that needs another Kshs45 billion similar restructuring. Why should you give Kenya Airways and leave Mumias Sugar Company? Kenya Airways sustains an economy and Mumias

Sugar Company is also sustaining an economy. Let us balance. As much as we support Kenya Airways, we have to support Mumias Sugar Company.

Thank you.

**The Temporary Deputy Speaker** (Hon. Omulele): I had already given directions that I will be calling the Mover to reply. So, those Members who still have an interest can speak to him and if he is so minded and he is generous, he can donate some time to you.

The Mover, Chair of the Budget and Appropriations Committee, the Floor is yours.

**Hon. Musyimi:** Hon. Temporary Deputy Speaker, I begin by joining you in your best wishes to Hon. Rachel Shebesh. We are happy to see her here and we wish her a quick recovery. My good friend, the Chair of Public Investments Committee (PIC), is on the other side and also the Member for Gatundu North. I donate one minute to each of them.

**The Temporary Deputy Speaker** (Hon. Omulele): We shall start off with Hon. Keynan and then we shall have Hon. Kigo.

**Hon. Keynan:** Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to thank Hon. Musyimi. I just want to say three things. Elections come and go. We have a country and an image to protect. Therefore, whatever we do, this Supplementary Budget is coming at the right time to allow further reallocations to critical sectors and institutions which are expected to play a very important role in the management of the general elections.

For this to happen and for a country to grow, develop, internally accept and bring together all its dynamics, there has to be free, fair and credible elections. Towards this end, there is one aspect that we forgot as Members of Parliament, which we must deal with as a matter of urgency. There is no law that obligates governors in the assumption of office. There is something that the Senate attempted to come up with and that has been scuttled. As we speak right now, governors all over the 47 counties are free to do anything with all the budgetary allocation that we have given them. Therefore, I ask my good friend, the Chairman of the Budget and Appropriations Committee to think out of the box and see what---

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Keynan, you had been given a minute. You spent it. My hands are tied. Let us have Hon. Kigo.

**Hon. Njenga:** Hon. Temporary Deputy Speaker, mine is to say that for the first time, the Budget and Appropriations Committee, which I serve in, has actually been involved in actual budget preparation. The ministry has also cooperated and consulted with us. I am very happy about what has been happening. I can see even and equal distribution of resources across the entire country and not just mentioning where people are “jubilated” or where people are “corded”. That did not work. We were actually doing things above board.

I also say that major services were provided. I am happy about my Karimnu Dam. The Karimnu Dam is in my constituency and it was given Kshs3.6 billion to provide water to every Kenyan, especially those who are living in this City. I believe and trust that we will be back. For those who stole like the Leader of the Majority Party said here, there are set recovery systems and the department dealing with that should quickly recover from those who stole and bring this money to the Exchequer for us to finance other good projects such as the Standard Gauge Railway (SGR); electricity; education; the Independent Electoral and Boundaries Commission (IEBC), which has been given adequate resources; and healthcare.

I have just lost my sister-in-law in the United States of America because of cancer. I am sure that the Jubilee Government has brought in facilities that Kenyans are not really suffering as they used to. They were going outside there but now they can go to the Kenyatta National Hospital. Who does not get---

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Mutava.

**Hon. Musyimi:** I thank you most sincerely, Hon. Temporary Deputy Speaker. Let me begin by thanking my honourable colleagues for very useful, insightful and incisive comments. I think they are the kind of comments that are important for us as we grow our democracy and as we settle down into the implementation of the new Constitution. Very good points have been made. I wish Hon. Gikaria was here. I would tell him, through you, Hon. Temporary Deputy Speaker, that we have actually visited all the 47 counties during our public hearing obligations. We were not visiting constituencies. We were visiting counties and we indeed went to Nakuru. I led that delegation. So, I am aware that we went to Nakuru.

As we come to the end of this term, I join others in wishing that we have free, fair and credible elections. In the past, I have been a bit involved in that process in my former life. I know what it means when politicians disagree vehemently and what it can cost the country. Let us also hope that the other actors other than politicians will play their role in ensuring that there is peace. The other actors include the media, civil societies, donor partners and religious sectors. These sectors are very important if they each pull their weight so that the field of competition is not just left to politicians. We need referees out of IEBC as well.

I want to close by thanking Hon. Members. A lot of valid points have been made as I said. I now beg to reply.

**The Temporary Deputy Speaker** (Hon. Omulele): Very well. Hon. Members, for obvious reasons I will not put the Question. I will direct that we move to the next business on the Order Paper.

*(Putting of the Question deferred)*

## BILL

### *Second Reading*

THE CONSTITUTION OF KENYA (AMENDMENT)(NO. 6) BILL

*(Hon. Katoo on 24.5.2017)*

*(Resumption of Debate interrupted on 6.6.2017)*

**The Temporary Deputy Speaker** (Hon. Omulele): I see no interest in this particular one and I direct that we defer it and move on to the next business on the Order Paper.

*(Bill deferred)*

## MOTIONS

ADOPTION OF SESSIONAL PAPER ON THE NATIONAL HOUSING POLICY

THAT, this House adopts Sessional Paper No. 3 of 2016 on the National Housing Policy, laid on the Table of the House on November 15, 2016.

**The Temporary Deputy Speaker** (Hon. Omulele): I see no interest and, therefore, I direct that this Motion be deferred to another date. Let us move to the next Order.

*(Motion deferred)*

ADOPTION OF SESSIONAL PAPER ON THE  
NATIONAL CLIMATE CHANGE FRAMEWORK POLICY

THAT, this House adopts the National Climate Change Framework Policy Sessional Paper No. 5 of 2016, laid on the Table of the House on Thursday, December 20, 2016.

**The Temporary Deputy Speaker** (Hon. Omulele): I, therefore, direct that this Motion be deferred. Let us move on to the next Order.

*(Motion deferred)*

**BILL**

*Second Reading*

THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL

*(Bill deferred)*

**MOTION**

ADOPTION OF THE TWENTY FIRST REPORT OF PIC

**Hon. Keynan:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Twenty First Report of the Public Investments Committee (PIC) on the Audited Accounts of State Corporations, laid on the Table of the House on Thursday, 18<sup>th</sup> May 2017.

The PIC is established pursuant to Standing Order No. 206 and is responsible for the examination of the working of public investments. The Committee is mandated to examine reports and accounts of public investments. The Committee also examines reports of the Auditor-General on public investments and finally, the Committee examines in the context of autonomy of public investments whether they are being managed in accordance with sound financial or business principles and prudent commercial practices.

In execution of its mandate, the Committee is guided by the National Assembly's Standing Order, 2013; the Constitution of Kenya; the National Assembly Powers and Privileges Act, Cap. 6 of the Laws of Kenya; the State Corporations Act, Cap 44(6); the Public Procurement and Disposal Act of 2005 and 2015; the Public Procurement and Disposal Regulations 2006 and the Public Audit Act, 2003 among others.

Currently, the fund is established under the State Corporation Act or Cap. 44(6) revised in the year 2012 which empowers the board among others. The Committee held 45 sittings in

which it closely examined the audited financial statements of 41 State Corporations and the Reports thereon by the Auditor-General up to the Financial Year 2014/2014.

In its inquiry on whether or not the affairs of public investments were being managed in accordance with sound business principles and prudent commercial practices, the Committee heard and received both oral and written evidence from the Chief Executive. That is, the accounting officers of various State Corporations and other relevant witnesses. The recommendations on issues raised by the Auditor-General for various corporations are found under different sections of this Report.

This is a voluminous Report and is one of the most authoritative Reports the PIC has ever generated. It is my hope that notwithstanding the electioneering fever, many Members will get an opportunity to go through this very important Report.

The Committee also made a number of observations and recommendations which if taken into account and implemented, will enhance accountability, effectiveness, transparency, efficiency, prudent management, commercial viability and value for money in State Corporation investments as a critical sector in our development agenda. In the records of evidence we used, documents and notes received by the Committee form the basis of observation and recommendations. The Committee has outlined in the Report and can be obtained in the minutes of the Committee proceedings attached in volume II. Among the State Corporations examined in this Report include:

1. The Agro Chemical and Food Company Limited for the Financial Year 2012/2013, 2014/2015;
2. Athi Water Service Board for the Financial Year, from 2004 to 2014 and you can see this has a backlog of many years.
3. Bukura Agricultural College from 2009 to 2015
4. Capital Markets Authority from 2004 to 2015
5. Coast Water Services Board from 2012 to 2015.
6. Council for Legal Education from 2000 to 2015
7. Energy Regulatory Commission from 2012 to 2015
8. Geothermal Development Company from 2014 to 2015
9. Golf Hotel from 2006 to 2015
10. Higher Education Loans Board, from 2012 to 2015
11. Jaramogi Oginga Odinga University of Science and Technology from 2009 to 2015
12. Kenya Accountants and Secretaries National Examinations Board 2014/2015
13. Kenya Bureau of Standards from 2012 to 2014
14. Kenya Ferry Services from 2012 to 2015
15. Kenya Maritime Authority from 2012 to 2015
16. Kenya National Bureau of Statistics from 2007 to 2015
17. Kenya National Examinations Council from 2012 to 2015
18. Kenya National Highways Authority from 2012 to 2014
19. Kenya Pipeline Company from 2012 to 2015
20. Kenya Ports Authority from 2013/2014
21. Kenya Railways Corporation from 2009 to 2015
22. Kenya Revenue Authority 2013/2014
23. Kenya Ordinance Factories Corporation from 2005 to 2015
24. Kenya School of Government Management from 2000 to 2014
25. Kenyatta University from 2014/2015
26. Kerio Valley Development Authority 2006 to 2015
27. Kisii University from 2010 to 2015
28. Lake Basin Development Authority from 2007 to 2016

29. Lake Victoria North Water Services Board from 2005 to 2015
30. Masinde Muliro University of Science and Technology from 2007 to 2015
31. Moi Teaching and Referral Hospital from 2012 to 2015
32. Moi University from 2008 to 2015
33. National Cereals and Produce Board from 2012 to 2015
34. National Hospital Insurance Fund from 2012 to 2015
35. National Water Conservation and Pipeline Corporation 2013/2014
36. Postal Corporation 2013/2014
37. Postal Corporation of Kenya from 2007 to 2011
38. Rongo University from 2012 to 2015
39. Sunset Hotel from 2006 to 2016
40. RIVATEX East Africa from 2008 to 2014
41. Tana and Athi Rivers Development Authority 2012 to 2014
42. University of Eldoret from 2011 to 2015.

If you look at this Report, it tells a lot even on the working of this critical committee. That is why the framers of our current Constitution and even the former Constitution decided to have an independent audit office and a critical oversight committee called PIC to deal with accounts of State Corporations.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Keynan, we have been caught up by time. I know this is a very serious matter. You had 60 minutes; you have spent only seven. You still have 53 minutes. I will therefore direct that you will have your 53 minutes when this matter will again come up.

Hon. Members, the time being 6.32 p.m., this House stands adjourned until tomorrow Thursday, 8<sup>th</sup> June 2017, at 2.30 p.m.

The House rose at 6.32 p.m.