

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD**

Tuesday, 30<sup>th</sup> June 2020

The House met at 10.00 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

**PRAYERS**

**Hon. Deputy Speaker:** Order Members, the quorum threshold is met because there are other Members in other holding areas. Therefore, business will begin.

**PAPERS LAID**

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

Report of the Auditor-General on the Financial Statements for the National Water Conservation and Pipeline Corporation for the year ended 30<sup>th</sup> June, 2017.

List of nominees to 14 National Government-Constituencies Development Fund Committees from the National Government-Constituencies Development Fund Board for the following constituencies:

- i Ainamoi
- ii Banissa
- iii Bondo
- iv Dadaab
- v Ikolomani
- vi Isiolo South
- vii Kajiado North
- viii Kangema
- ix Kiambu
- x Kitui East
- xi Mandera West
- xii Rarieda
- xiii Sigowet Soin
- xiv Lugari

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well, next order.

**NOTICES OF MOTIONS**

## APPROVAL OF LIST OF NOMINEES OF 14 CONSTITUENCIES TO THE NG-CDF

**Hon. Deputy Speaker:** On this one, we have the Chairperson Select Committee on National Government Constituencies Development Fund. Hon. Maoka Maore, you have the Floor.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

Pursuant to the provisions of Section 43(4) and Regulation No.5(10) of the National Government Constituencies Development Fund 2015, this House approves the list of nominees for appointment to the following constituencies committees of the NG-CDF laid on the Table of this House, on Tuesday, 30<sup>th</sup> June 2020.

- i. Ainamoi
- ii. Banissa
- iii. Bondo
- iv. Dadaab
- v. Ikolomani
- vi. Isiolo South
- vii. Kajiado North
- viii. Kangema
- ix. Kiambu
- x. Kitui East
- xi. Manderu West
- xii. Rarieda
- xiii. Sigowet Soin
- xiv. Lugari

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well, the next one is by the Vice-Chair, Departmental Committee on Finance and National Planning, Hon. Waihenya Ndirangu, who is the Member for Roysambu.

## EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEES

**Hon. Isaac Ndirangu** (Roysambu, JP): Thank you, Hon. Deputy Speaker. On behalf of the Departmental Committee on Finance and National Planning, I beg to give Notice of the following Motion:

Pursuant to provision of Section 13 of Public Appointment Parliamentary Approval Act, 2011 relating to the extension of period for consideration for nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominees submitted by His Excellency the President for appointment as the Auditor-General by a further period of fourteen (14) days from 8<sup>th</sup> July 2020.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. Next order!

## ORDINARY QUESTIONS

*Question No. 096/2020*

## CONSTRUCTION AND OPERATION OF URA DAM

**Hon. Kubai Iringo** (Igembe Central, JP): Hon. Deputy Speaker, pursuant to the provisions of Standing Order No.44(a), I wish to ask the Cabinet Secretary for Water and Sanitation the following Question:

- (i) Could the Cabinet Secretary explain why Ura Dam in Nyambene Forest in Igembe Central Constituency which was constructed by the National Government in partnership with the Catholic Diocese of Meru completed three (3) years ago remains un-operational?
- (ii) Could the Cabinet Secretary provide a breakdown of the total amount of money spent in construction of the said project, indicating the amount paid to the contractor(s); and surrounding areas?
- (iii) What measures has the Ministry put in place to ensure that the dam is operational as soon as possible so as to provide the much needed water to the people of Igembe Central?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well, the question will be replied to before the Departmental Committee on Environment and Natural Resources.

Next is the Member for Westlands, Hon. Wanyonyi.

**Hon. Tim Wanyonyi** (Westlands, ODM): Hon. Deputy Speaker, allow me to get the question first, I do not have it.

**Hon. Deputy Speaker:** You could still use the gadget. Let us then proceed to the Member for Makueni, Hon. Maanzo. We will come back to you.

*Question No. 098/2020*

## STATUS OF THE CONSTRUCTION OF A ROAD IN MAKUENI COUNTY

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Deputy Speaker. I want to ask the Cabinet Secretary (CS) for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) What is the status of the construction of Emali –Ukia Road (B107) in Makueni, Kaiti and Kibwezi West Constituencies?
- (ii) Are there plans by the Ministry to ensure that upgrading of the said road to bitumen standards commences soon?
- (iii) Could the CS explain the reasons for delays in budgeting and upgrading to bitumen standards of Ukia –Emali Road which was previously referred as (C99)?
- (iv) What was the justification for the transfer of Ukia –Emali Road (C99) from Kenya Rural Roads Authority (KeRRA) to Kenya National Highways (KeNHA) and its re-classification to B107?

That is all, Hon. Deputy Speaker.

**Hon. Tim Wanyonyi** (Westlands, ODM): Hon. Deputy Speaker, may I now ask my question?

**Hon. Deputy Speaker:** Wait a minute, Hon. Wanyonyi. That question will be replied to before the Departmental Committee on Transport, Public Works and Housing. Let us go back to Hon. Tim Wanyonyi, the Member for Westlands.

*Question No. 097/2020*

FOOD DISTRIBUTION SCHEDULE TO FLOOD VICTIMS

**Hon. Tim Wanyonyi** (Westlands, ODM): I thank you, Hon. Deputy Speaker. I rise to ask the CS for Devolution and Arid and Semi-Arid Lands (ASAL) the following Question:

- (i) Could the CS provide the food distribution schedule for the households affected by the recent flooding in the country, including the number of beneficiaries, quantities distributed per constituency, and the frequency of the distribution?
- (ii) Could the CS provide the quantity of food available for distribution and the projected duration of support?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That question will be replied to before the Departmental Committee on Administration and National Security. We will now go to the Member for Teso North, Hon. Oku Kaunya.

*Question No. 101/2020*

POLICY ON EQUIPPING AND OPERATIONALISATION  
OF TECHNICAL TRAINING INSTITUTIONS

**Hon. Oku Kaunya** (Teso North, ANC): Thank you very much, Hon. Deputy Speaker, for giving me the opportunity to ask question No.101/2020 to the CS for Education:

- (i) Could the CS provide the policy regarding equipping and operationalisation of Technical Training Institutions, and provide the status report of the equipping and operationalisation of the said institutions in the country?
- (ii) When will Chamasiri Technical Training Institute in Teso North be equipped, considering that it has been in operation since September 2019, with a current student population of over 500 students?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That question will be replied to before the Departmental Committee on Education and Research. Let me go to Statements now. Do you have a personal Statement, Hon. Omulele?

**Hon. Christopher Omulele** (Luanda, ODM): Yes.

**Hon. Deputy Speaker:** Let us hear from you.

**STATEMENT**

## VOTE OF THANKS AND APPRECIATION

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Deputy Speaker, I rise to make a personal Statement pursuant to Standing Order No.84 regarding vote of thanks and appreciation during the passing on of my dear mother, Reverend Councilor Sophia Monyo.

I wish to make a personal Statement regarding a vote of thanks and appreciation on my behalf and that of my entire family – Monyo family – for the support we received during the period of the passing on of my dear mother, Reverend Councilor Sophia Monyo.

On behalf of my entire family and the late Reverend Sophia Monyo, I am extremely humbled to register my sincere appreciation to all Members of Parliament for standing in solidarity with us during this period of mourning, following the demise of my mother. We thank you for your support, prayers and standing with us during the period of mourning and send-off of our beloved mother.

I would like to thank the Speaker of the National Assembly, Hon. Justin Muturi, the Speaker of the Senate, Hon. Lusaka, and my colleagues both in the National Assembly and the Senate for being with us, words of encouragement and all that you gave us during the period. The family truly appreciates all of you for taking time off from your busy schedules to condole with us.

We thank you all.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. Thank you very much. We will move on to the next Order.

*First Reading*

## THE MEDIATION BILL

## THE NATIONAL AVIATION MANAGEMENT BILL

*(Orders for First Reading read-Read the First Time and ordered to be referred to the relevant Departmental Committees)*

**PROCEDURAL MOTIONS**

## ALTERATION OF THE CALENDAR OF THE HOUSE

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

*(An Hon. Member walked on the gangway)*

Who is this Member? Take your seat, please.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, aware that in accordance with the calendar of the House for the Fourth Session, 2020 (as adopted on 18<sup>th</sup> February 2020 and amended on 17<sup>th</sup> March 2020, 14<sup>th</sup> April 2020 and 2<sup>nd</sup> June 2020), the House is scheduled to proceed on a short recess in respect of the second part of the Session on Friday, 3<sup>rd</sup> July 2020; now therefore, pursuant to the provisions of Standing Order No. 28(4), this House resolves to further alter the calendar by varying the resumption date of the short recess from Tuesday, 21<sup>st</sup> July 2020 at 2.30pm to Tuesday, 28<sup>th</sup> July 2020 at 2.30pm.

I gave notice of this Motion last week. It was approved by the House Business Committee (HBC) which sat and looked at the calendar, pending business and the need for Members to visit their constituencies and start planning their activities for the following year. Our staff also need a break. Following the re-organisation of committees, the new leadership in the House also requires some time to conduct the elections, sit with the new Members, think through programmes for the next Session and even meet with the various Directorates for appraisal on the ongoing and pending business in the House so that by the time we come back we can clear most of the things, including Private Members' Bills. We take cognisance of the fact that there are so many pending Private Members' Bills and we need to figure out how these can be processed within this period, so that they are ready for debate when we come back. We should also not forget the pending work arising from the Senate.

Hon. Deputy Speaker, in connection with what I have said about Members' activities, in terms of reviewing new programs, especially the NG-CDF, and monitoring what is happening, I have also been in contact with the National Treasury because I am aware that the amount that has been received is less than half. The National Treasury has agreed that they will be releasing more money in the course of this week so that Members can go and plan for it. Within a few weeks, there will be more activities taking place at the NG-CDF level, which translate into faster development for the betterment of our people. Therefore, this recess is basically being extended by an extra week.

Members may also remember that this is the first time we have passed the Finance Bill before 30<sup>th</sup> of June. Previously, we used to come back from recess and pass the Finance Bill. Now that we have done it, we do not need to rush back. We have already done most of the urgent work. We will just be coming back to deal with the Bills. So, it is really a procedural matter, but it is fundamental because we are altering our business calendar. I want to ask Members that as we support, we should start planning accordingly.

I beg to move and ask Hon. Mbadi, the Leader of the Minority Party, to second.

**Hon. Deputy Speaker:** Yes, the Leader of Minority Party.

**Hon. John Mbadi** (Suba South, ODM): Thank you very much, Hon. Deputy Speaker. I want to second the Motion that has been ably moved by the Leader of the Majority Party, who is also senior in the profession. He has done a lot of justice to the Motion. We are just adding one more week to the recess period that we were supposed to have up-to 21<sup>st</sup> July 2020 to 28<sup>th</sup> July 2020. As the HBC, we agreed to do this for some good reasons.

First, this is the first year, as the Leader of Majority has said, that we have managed to deal with both the Finance Bill and the Budget Estimates and concluded them before 30<sup>th</sup> of June. Previously, we used to come back quickly to deal with the Finance Bill. However, this time round this House was able to dispense of the two Bills in good time.

Secondly, we must give credit to this House because it has risen to the occasion and lived up to the task when called upon to do so, especially in passing various enabling legislations to allow the response by the Executive, to COVID-19. I want to thank Members of this House for

showing diligence and for being committed to the work that the people of Kenya have mandated us to do.

Finally, allow me to talk about the NG-CDF. As the leadership of this House, we will continue to put pressure on the National Treasury, so that these amounts are released in good time. The National Treasury is very slow in releasing money for the NG-CDF, yet they are very quick at releasing monies under Article 223 of the Constitution, including monies for projects that are not emergency cases. This is disheartening because if you look at the framework of the NG-CDF, it is actually what one would call a 'stimulus package'. If there is any Fund that has consistently been a stimulus package to this economy, it is the NG-CDF because it stimulates economic growth at the grassroots-level.

I agree that the Leader of Majority has communicated with the Cabinet Secretary for the National Treasury, who has made a commitment; but that commitment should be realised this week. This is to enable the constituencies which have not received the full allocation from the Board to do so latest, mid next week. Therefore, the money should leave the National Treasury this week to allow the constituencies to embark on implementation of projects which were planned for execution in the Financial Year 2019/2020.

Those of us whose constituencies got the money earlier – about 13 constituencies received their full allocations. I thank God that Suba South is one of them. We will use the recess to supervise implementation of the projects. That is our role. For example, in my constituency, there are a number of projects which have been completed. I am going to use this time productively in terms of seeing how those projects have been implemented.

Hon. Deputy Speaker, I did not intend to speak a lot on this Motion because it is a procedural Motion. Allow me to stop there.

I second the Procedural Motion.

**Hon. Deputy Speaker:** Before I propose the Question, the Sergeant-at-Arms should allow Members to take all the vacant seats that have not been occupied by the Members who had indicated that they would be here. Please, let Members take up those seats. They can wait briefly.

Order Members!

*(Question proposed)*

**Hon. Members:** Put the question! Put the Question!

**Hon. Deputy Speaker:** This is a Procedural Motion. Is that your feeling that I should put the Question?

**Hon. Members:** Yes!

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Let us move on to the next Order.

#### REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL

**Hon. Deputy Speaker:** That must be for the Vice-Chairperson of the Departmental Committee on the Budget and Appropriation, Hon. Lessonet. Where is he?

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order No.120, this House resolves to reduce the publication period of the Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 22 of 2020) from 7 days to 4 days.

Hon. Deputy Speaker, today is 30<sup>th</sup> June 2020, the end of the financial year. The Supplementary Appropriation (No.2) Bill (National Assembly Bill No.22 of 2020) intends to provide resources that are to be moved within ministries and state departments, for example, in the Ministry of Health, to move resources to Kenya Medical Supplies Authority (KEMSA) for purchase of testing kits. That is the import of the Motion. We need to shorten the publication period so that the resources are available by the end of today.

With those few remarks, I beg the Leader of the Majority Party, CPA, Hon. Amos Kimunya to second. We are colleagues in the accounting profession.

**Hon. Deputy Speaker:** It seems there is an overflow of accountants in the House.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, we take that as a compliment.

Hon. Deputy Speaker, I beg to second the Motion to alter the publication period. This is not the first time we are doing it. It is something we have done over time whenever there is a need to accelerate the processing of business in the House. It is a straightforward matter.

Last week, the Committee worked overtime and presented to us their Report. Having received the Estimates, we looked at them and said they were okay.

*(An Hon. Member walked in front of Hon. Amos Kimunya  
blocking the view of the Hon. Deputy Speaker)*

**Hon. Deputy Speaker:** Order Members! No Member is allowed to interfere with the direct view of the Hon. Speaker of the Member who is contributing. It is against the Standing Orders. Who is that Member, by the way? Proceed.

**Hon. Amos Kimunya** (Kipipiri, JP): I agree, Hon. Deputy Speaker.

Last week we approved the Report of this Committee. They worked very hard. I am aware that the Committee did not stop at us approving, but went further and looked through other issues that were not comprehensively covered in their Report. I am sure they will be reporting that so that we can process the Supplementary Appropriation Bill today.

Technically, Article 223 of the Constitution says that whatever that has been spent must be ratified or regularised within two months. On some of the items, we could even wait and regularise them next month. But we would also want to ensure we close our financial year without carrying forward issues of this financial year to the next one, just for neatness of housekeeping. Just in case there is an item that needs to be paid today rather than wait to regularise it later, it would be good for us to close the books.

I urge that we approve the Motion so that we give the Committee the opportunity to present the Report to us and then the House will make a decision on the Supplementary Appropriation Bill and hopefully, in the usual way we have been processing things, we will have this Bill ready for assent, perhaps, later in the day and Kenyans get the benefits of utilisation of the money. We need all money to be injected into the economy at this point. It will stimulate the economy with the downturn we have seen as a result of COVID-19.



We also need to ensure that we do not have a shortage of testing kits and quarantine facilities. Part of the money that is being requested for is to facilitate those two very key interventions that are required.

I do not need to belabour my point. It is important we do it and it is within our mandate as a House. We have done it before and we will continue doing it in the future whenever business is urgent.

With those words, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

## **BILL**

### *First Reading*

THE SUPPLEMENTARY APPROPRIATION (NO. 2)  
BILL, (NATIONAL ASSEMBLY BILL NO.22 OF 2020)

*(Order for the First Reading read- Read the First Time and ordered to be referred to the relevant Departmental Committee)*

**Hon. Deputy Speaker:** What is it, Hon. Lessonet? I am trying to trace you. What number is your seat?

**Hon. Moses Lessonet** (Eldama Ravine, JP): It is number 53.

**Hon. Deputy Speaker:** Number 53 has disappeared from the system, but it was there. It is not there at all. You might have to use the main microphone. In the meantime, somebody should adjust it accordingly.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Deputy Speaker, you are right. This is the standard height.

Hon. Deputy Speaker, I just want to request that before the next Order is read, you allow me to lay a Paper on the Table of the House.

**Hon. Deputy Speaker:** You have a document to lay. I am now surprised that your gadget where you were seated is now working. Probably, you should use it. It is much more comfortable for you.

We will go back to Order No.5 to allow Hon. Lessonet to table a document. It is a critical document that is why I have allowed it.

## **PAPER LAID**

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on the Supplementary Appropriation Bill, (NO.2) Bill (National Assembly Bill No.22 of 2020).

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That is what I want to do for now, then I will pronounce myself on the Report in the next Order. Thank you.

**Hon. Deputy Speaker:** Let us move onto the next Order now.

## BILL

### *Second Reading*

#### THE SUPPLEMENTARY APPROPRIATION (No.2) BILL, (NATIONAL ASSEMBLY BILL No.22 OF 2020)

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Deputy Speaker, I beg to move that the Supplementary Appropriation (No.2) Bill, (National Assembly Bill No.22 of 2020) be now read a Second Time.

Hon. Deputy Speaker, like I said when I spoke the first time, the Report I have tabled ....

**Hon. Deputy Speaker:** Just to guide you, Hon. Lessonet, be very brief on it because this is a document that originates from a previous one that has been discussed exhaustively by the House.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you.

**Hon. Deputy Speaker:** Even further than that, when the Members will have an opportunity, we should be brief on it and finalise it so that we can go to the Committee of the whole House which will be the main meat of this issue.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you. It is well taken.

**Hon. Deputy Speaker:** So, we will make it very brief, maybe 30 minutes utmost.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you. I am well guided, Hon. Deputy Speaker. This Report, which I have just tabled is basically about further amendments which were originated by the Treasury and the Ministry of Health on this Supplementary Appropriation Bill (No. 2) Bill, 2020.

The amendments by the Treasury and the Ministry of Health are valid in the sense that as at yesterday, and considering that we were not able to release the ring-fencing funds, that is, the Ksh3 billion which this House appropriated for use in particular health facilities, the Ministry of Health identified Ksh2 billion within their votes which would not have been used by today for reallocation of Ksh1.5 billion to Kenya Medical Supplies Authority (KEMSA) for purchase of testing kits and Ksh500 million to Kenya Medical Training College (KMTC) facilities to sort out the cost associated with quarantining those who had tested positive to COVID-19 at KMTC facilities.

Hon. Deputy Speaker, further amendments include monies which have been used by the Kenya Defence Forces (KDF) to the extent of Ksh1.9 billion. We need to tidy up the books by the end of the day. Those are monies which were applied courtesy of Article 223 of the Constitution.

This House is aware of a massive project on land donated by Kenya Meteorological Department towards the housing agenda in the Big Four Agenda. The Government has chosen to apply for Ksh2,370,000,000 towards social infrastructure at that particular facility. That is money that has already been released. Again, this is 30<sup>th</sup> June 2020 and monies are applied for under Article 223 of the Constitution. We are begging this House to accept that amendment.

At the Ministry of Energy, there is Loiyangalani-Suswa Project where deemed energy has to be paid for. That is power which was generated but was not used. It did not reach the customers because the long line from Loiyangalani to Naivaisha was not complete. Therefore, there is a last cost towards that. The relevant Departmental Committee has assured us that there will be no other payment towards deemed energy at the Ministry of Energy and this last payment of Ksh1,160,000,000 is towards that particular item. Again, this is money that has already been paid and we are requesting this House to approve because today is 30<sup>th</sup> June 2020.

The Committee has further confirmed to us that there will be an audit which will be undertaken at the Ministry of Energy on that deemed energy so that we establish whether it is in accordance with the law to ensure that we have not overpaid that particular project, that is, Lake Turkana Wind Power Project. Even in the event that we shall have overpaid, there is continued business between Kenya Power and Lightning Company (KPLC), the Ministry of Energy and the Lake Turkana Wind Power Company, and of course, it will be possible to recover.

Other small amendments to this Report include money which is being reallocated within the Ministry of Lands and Physical Planning. They are moving it from a vote which they were not able to spend it on by today, to a very simple item which is very quick to implement, that is, purchase of vehicles. To buy a vehicle can be a one-day transaction especially when you have confirmed rates with the various suppliers of motor vehicles. So, it is part of that which we are requesting this House to approve.

Hon. Deputy Speaker, like you said, I do not need to belabour the point. This Report had been debated last week. It is only contributing towards the extent of these amendments.

With those remarks, as I move, I want to request Hon. John Mbadi, the Leader of the Minority Party, to second. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Proceed, Hon. Leader of the Minority Party.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. As I second this Motion, I want to repeat that our concerns were expressed last week. We talked about issues that we felt that the Treasury is not doing right. However, the reason we decided to approve this Supplementary Budget and even agree to the Supplementary Appropriation Bill for the same is that we do not want our financial statements at the end of the financial year to have excess votes in our books. Definitely, if you have spent money and Parliament has not approved it, the net effect of that is that when the Auditor-General comes to audit the books of the financial statements of the Republic of Kenya, there will be certain votes that would have been overspent based on the budgetary provisions.

We agreed to the request by the Ministry of Health to reallocate Ksh2 billion. Initially, they wanted to take the Ksh3 billion from the ring-fenced funds for specific hospitals, but we rejected that. What the Ministry of Health has done... The Executive needs to be careful and serious in its budgetary process and implementation because the moment we rejected the reallocation of the ring-fenced funds, what the Ministry of Health did was to quickly look for Ksh2 billion which they easily found within their sector.

It was curious because this money was coming from salaries. When we asked how come the salaries can release Ksh2 billion because salary is so fixed, so direct and you can determine it so easily, we got an explanation which was making sense because the Ministry wanted to recruit a number of personnel. At the beginning of the year, there were so many adverts for various positions under the Ministry of Health and the Kenyatta National Hospital (KNH), which is factual. This recruitment has not been done, so that money became available.

On the justification to use Ksh500 million in our KMTCs, the Principal Secretary (PS) explained that very well. He said that many of our healthy facilities which are supposed to be used to take care of sick persons in this country are already taken up by COVID-19 patients. Of all those patients, 80 per cent are asymptomatic, that is, do not show signs of sickness. So, they just sleep in our beds and there is no serious medical attention on them. We felt that it is a right strategy to get these asymptomatic patients hosted in KMTCs because if you release them to the general public, they will infect others and the effect may be so severe. So, we agreed that we can allow the Ministry to spend Ksh500 million to make various KMTCs across the country ready to receive these asymptomatic patients. Of course, on the Ksh1.5 billion, it is clear that the Ministry had to procure testing kits. Testing for Coronavirus is one of those areas which is priority for not only this Government, but also any government in the world.

We still have issues with the KDF. This is an area that is very difficult for Budget and Appropriations Committee to dig deep into because of the sensitivity and the secrecy with which our security organs are treated. What we have said, as a Committee, is that it should be left for the relevant Committee, the Departmental Committee on Defence and Foreign Relations, which has the mandate to oversee this Ministry, to go dig deep and find out exactly what the Ksh1.9 billion was meant for. I am told it is for some intelligence gathering. That is beyond the purview of the Budget and Appropriations Committee. However, as a House, we have a duty to look into this matter even further.

I just want to confirm again that there are ring-fenced funds under health that were not touched. But something came out which I think I need to talk about. In the course of our discussion, we realised that the Permanent Secretary (PS) owned up and told us that she was not aware that this money was ring-fenced until Parliament spoke about it. I remember in the 10<sup>th</sup> Parliament, Hon. Kimunya can confirm this, almost every ministry had someone designated as a liaison officer continuously following through what Parliament was discussing so that not only the approved legislation goes to the ministry but also that the ministry is very clear even on the debate that took place in the House. So, we advised the PS that she should have someone designated to be following what Parliament is discussing so that she can understand exactly, as the accounting officer, what Parliament has approved. This should not only go the Ministry of Health. It should touch everywhere. All ministries need to be alert and understand exactly what Parliament has approved and what it is meant for. We advised the accounting officer to move with speed and release the monies to various health institutions. The argument that some of these health institutions are devolved does not hold water because there is a procedure of releasing funds to those institutions.

My final comment is on the Ministry of Energy. This Ministry told us that the auditing for this Loiyangalani-Suswa High Voltage Power project has been conducted. It is not awaiting to be conducted. It has been conducted only that the report is not yet out. I think it is because we did not have an Auditor-General. We still do not have an Auditor-General, so to speak, who would approve the audit report. Once this is done, we hope it will clarify and bring to light exactly what the mysteries around this project are. It is because we still feel there is a bit of lack of clarity in this project. We need to be clearer to know exactly what we are paying ad how far we are with the payment.

I want to end there and just say that I hope this is the last time we are going to be treated to Supplementary Budget III. In future, if we have to overstretch, we should restrict ourselves to two Supplementary Budget at most.

**Hon. Deputy Speaker:** You may need to clarify. You are talking about Supplementary Budget III. Where is it written?

**Hon. John Mbadi** (Suba South, ODM): I did not get you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I want to confirm that the Bill is No.2. Yes, it is Supplementary Budget III. Proceed. You are right, Hon. Leader of the Minority Party. I thought it is a Supplementary Budget II.

**Hon. John Mbadi** (Suba South, ODM): I think Supplementary Budget II was passed around April. So, we are actually on Supplementary Budget III which is historical in this country. Of course, we know Covid-19 is being used as an excuse everywhere. I hope this will not be an excuse going forward.

I second the Motion.

*(Question proposed)*

**Hon. Deputy Speaker:** I see only two Members interested in commenting, the third one is here. Hon. Metito. Please, let us take a short time. I know you have the 10 minutes but you could do three or four. That will be fine, to make things easier.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Deputy Speaker. I stand to support the Motion. As said by the previous speakers this Supplementary Budget III is historical. It is the first time we are doing it in one financial year.

Allow me to just speak about the Ministry of Defence. It is because the Committee I have the privilege and honour to chair, the Departmental Committee on Defence and Foreign Relations, oversees four agencies. This is the only agency that got something in the Supplementary Budget, Kshs1.9 billion. Although the Leader of the Minority Party has clearly put it that the issue of the sensitivity of security matters normally makes it a little bit difficult for Committees, especially the Budget and Appropriations Committee, to dig into this figures, I must say that we, as a Committee, have a ministry that is clearly very cooperating. We share a lot on these budget issues. This Ministry was allocated Kshs121,610,000,000 in the printed Estimates of the Financial Year coming to an end today. But by the time the Supplementary Budget III is coming, the Ministry has lost Kshs6.89 billion. The overall loss from Supplementary Budget I, Supplementary Budget II and the Supplementary Budget III even with the addition of Kshs1.9 billion in the Supplementary Budget III is Kshs6.89 billion. Therefore, this clearly says that there is a loss. I know there was a reduction on revenue collection across board but this is a big loss on security matters, especially external.

Going to the issue of Covid-19, the Ministry of Defence is not exceptional. They have put measures to check Covid-19, mostly the containment measures as stated by the Ministry of Health. This ministry has put a centre at Kabete where this Covid-19 measures are set up. Some of this money goes there. It is not only medical. The centre also provides food and other facilities required in the management of Covid-19. As a Committee, we met the Ministry last week on Wednesday. They explained in detail, before the Committee, the need for the approval of this Kshs1.9 billion. We approved. Security is in most cases quite unforeseen. You budget about security matters today and because of the changing external environment we live in and the global aspect, every insecurity that happens across the region, especially among our neighbours always affects us. Therefore, it is very difficult to budget very precisely on security. More often, they will always come up as unforeseen security matters.

Finally, I just wanted to say that we, were as a Committee, satisfied with the explanation the Ministry gave us. We requested the Budget and Appropriations Committee to agree with us and approve the Kshs1.9 billion allocation in this Supplementary Budget III.

Now that we will be going on recess with an extra one week, I wanted to mention the issue of the NG-CDF. We anticipate that, maybe by the end of the week, the economy will be opened. That is an anticipation. Then, we will go back to our normal lives, of course, taking the precautions that the Ministry of Health will issue. During our recess, maybe we will be able to meet our constituents in one way or another and implement development projects under the NG-CDF. This is the first time we are coming to the end of a Financial Year having only received about a half of the allocation. Therefore, we request the Leader of the Majority Party who really knows the workings of the National Treasury, with the assistance of the Deputy Whip of the Majority Party who chairs the NG-CDF Committee, to see that we receive all our allocation for this Financial Year by the time we are going on recess. That is even before we start talking about doing the Budget for the Financial Year beginning tomorrow.

With those few remarks, I beg to support.

**Hon. Deputy Speaker:** Well. I thought the Leader of the Majority Party had on his own moved ahead and confirmed that, supported by the Leader of the Minority Party. So, I think that issue of the NG-CDF is surely as good as done. Luckily we have all members of the leadership supporting that bit. So, let us proceed. The next Member is Hon. Ogutu Abel.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Deputy Speaker. I support the Supplementary Appropriation Bill moved by Hon. Lessonet.

I appreciate the arguments raised by the Leader of the Minority Party. It is possible to encounter scenarios that make it necessary for us to have a financial interruption in our budget. It is very unfortunate that we are having this kind of confusion at a time when the country is facing a financial crisis caused by COVID-19, preceded by the heavy and long rains that brought destruction through floods. It is important that officers who guide us in the budget-making process are cautious when we get changes that come with financial interruptions and at a time when the economy is weak. It is unfortunate that we might plunge this country into more trouble.

I want to make two comments. First, I want to support this Supplementary Appropriation Bill on grounds that it is in line with the Big Four Agenda of the Jubilee Administration in the area of affordable housing. We must start looking at this country becoming urbanised with time. Some densely populated areas like Maragoli and Kisii are slowly becoming towns. We should support that. I am not sure how people whose houses and infrastructure have been destroyed in the rural areas can benefit from this window. I know the Ministry of Devolution might come in to address these issues. The Department of Urban Development must address the issue of areas that suffer floods, so that the people can benefit.

There is a State Department for Post-Training in the Ministry of Education that has been allocated a small amount of money. Is it necessary to fund this department? It has been allocated Kshs300 million. Are we serious in having this department becoming functional in delivering its mandate? The responsible bodies must address that issue.

Looking at the State Department of Water and Sanitation, COVID-19 is an issue we have to deal with. Schools will be reopened and many of them do not have water. Even for those schools that have water, the water is not clean. I am not sure they will benefit from this allocation. In the rural areas, there are a number of boreholes that do not function. We must relook at this vote and ensure that once schools reopen, they have access to clean water. We must prepare to live with COVID-19.

Thank you, Hon. Deputy Speaker. I support.

**Hon. Deputy Speaker:** I might have said that the contribution time for Members is 10 minutes. That is not the true position. Members should contribute for five minutes, but you could speak less.

Hon. (Dr.) Wamalwa, you have the Floor.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Deputy Speaker. I rise to support the Supplementary Appropriation Bill. It is unfortunate we have a Supplementary Estimates Bill III. This is a true indication of poor planning. It has been said that failing to plan is planning to fail. The COVID-19 pandemic has been here. This should not be an explanation to allow this to go on without condemning the current Cabinet Secretary. When it comes to planning, there is normally provision for unforeseen circumstances. How sure are we that tomorrow he will not bring a Supplementary Estimates Bill IV? Wherever the Cabinet Secretary is, he must try as much as possible...

**Hon. Deputy Speaker:** I do not intend to disrupt the flow of your debate, but there can be no room for Supplementary Estimates Bill IV.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): I am just thinking outside the box, Hon. Deputy Speaker. It is very dangerous to allow such a trend to go on.

**Hon. Deputy Speaker:** The box closes today.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): I want to focus on the aspect of health, Hon. Deputy Speaker.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Wanjiru Chege, what is it?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker. I am concerned with the route the Member is taking. You have just informed him that it is not possible to have a Supplementary Estimates Bill IV because the books have been closed. We should not waste time on a line that does not add value to this House. The Member started very well, but in a pandemic, I do not think it was failure to plan. There are issues that came up and I want to inform him that Kenyans went to quarantine centres and were unable to pay. It was not that there was poor planning. He must focus on a line that adds value to the House.

**Hon. Deputy Speaker:** He had actually come to the line that was required. You have a valid concern, but he had already come back and was proceeding very well in his debate.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Absolutely, Hon. Deputy Speaker. During planning, we use trade analysis in most cases. Despite the fact that COVID-19 is there, a projection ought to have been done. You do what we call extrapolation, a methodology used in planning. The COVID-19 pandemic has been here. When it comes to quarantine at the Kenya Medical Training College (KEMTC), the Cabinet Secretary should have done a projection. It is not just from nowhere, but for planning purposes, it must be projected. The COVID-19 pandemic is here to stay. We should not entertain unnecessary amendments.

On the Kenya Medical Supplies Authority (KEMSA), testing is critical to the management of COVID-19. We have been told that we need to flatten the curve, but unfortunately, it is increasing exponentially. That means we have a problem in testing. If it is about reagents, they must be provided in full. For purposes of control, testing should be done, so that a proper projection is in place for accurate mitigating strategies. The KEMSA is in charge of all the supplies and it must be efficient and effective. The other day, we saw in the newspapers the issue of corruption at KEMSA. We want to call upon the Chief Executive Officer at KEMSA to pull his socks. All Kenyans are looking at KEMSA when it comes to supply of testing kits and Personal Protective

Equipment (PPE). We need a Statement from the Chairperson of the Departmental Committee on Health on matters of corruption at KEMSA. It was an issue raised by the Ethics and Anti-Corruption Commission (EACC). A sum of Kshs1.5 billion is not little money. This money will still be channelled there. We must have mechanisms to ensure that we have a testing centre in every county. This will help Kenyans in planning and coming up with mitigating strategies against COVID-19.

I support.

**Hon. Deputy Speaker:** Let us have Hon. Martin Owino. Since I gave an opportunity to two Members on my right side, I am now giving two on my left side. I will allow a few committee chairpersons to also contribute.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Deputy Speaker. I rise to support the Supplementary Appropriation Bill III. My leader has explained the reason why we are doing this. This House is becoming a House of lamentation and sanitisation. We keep bending too much to accommodate.

Having said that, I hope my Chair in the Departmental Committee on Health is aware that human resource for health is one of the issues that we are dealing with. There are three legs here, namely, human resource, medical supplies and equipment, and infrastructure. The reason that Kshs2 billion for human resource was there is because we have a gap.

**Hon. Deputy Speaker:** I am listening to you very keenly, Hon. Owino, and I am wondering about the reference to a House of sanitisation. Are you suggesting that this House should not be sanitised? And I can see quite a number of Members and staff are sanitising. Or what do you mean?

**Hon. Martin Owino** (Ndhiwa, ODM): Hon. Deputy Speaker, I mean bending backwards to accommodate what has been expended, so that we can have the right books when we close the financial year. That should not be the normal operation of this House. Indeed, we should ensure that ministries have contingencies and are disaster prepared, so that we do not get into these supplementary estimates.

In closing, we, in the Departmental Committee on Health, are very concerned about human resource. Even if we approve this Kshs1.5 billion for testing, there is a great need for human resource. Who is going to do the testing? Even if we set testing centres, who is going to be there to execute what we are saying? I hope the Ministry has some money that they are going to use to make sure that we have human resource for health intact, even as I agree that the Ministry needs money for KMTC and for testing.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** If Members spoke like that, many more Members would speak. Let me give one chairperson an opportunity. Hon. Pkosing.

**Hon. David Pkosing** (Pokot South, JP): I thank you, Hon. Deputy Speaker, for giving me this chance to support the Chair of the Budget and Appropriations Committee. As we support this, I want to make it very clear on record because this idea of Supplementary Estimates III is causing some unease. It is becoming an issue. In regard to the State departments that we oversee, namely, Transport, Public Works and Housing, there are two items in the Supplementary Estimates III. On housing in Mukuru Kwa Njenga, which the Chair of the Budget and Appropriations Committee had earlier spoken about, there is nothing unusual in that item of Kshs2.37 billion. This is because works were going on. This department had been allocated Kshs4.3 billion in the last Budget to be able to deal with the Big Four Agenda, which is very important for our people. But during the Supplementary Estimates II, the National Treasury removed the entire amount of Kshs4.3 billion



and yet works had already been committed to be done. So, where do you expect that money to come from when it was in the Budget? Normally when it is in the budget, people make commitments. The money was committed and works were going on in Mukuru Kwa Njenga. Maybe going forward, so that people do not bring this issue of Supplementary Estimates III, I would suggest that when the National Treasury reallocates the entire amount of money like what happened in the State Department for Housing, the Budget and Appropriations Committee should give us an opportunity to appear before them and engage with the National Treasury before the Committee, so that we can reason together to avoid the idea of Supplementary Estimates III. I raised the matter during the consideration of the Supplementary Estimates II and I opposed the reallocation, but the Budget and Appropriations Committee was in a hurry. Otherwise, I want to be on record, on behalf of my able Committee, that there is nothing unusual. That money was reallocated.

Number two, on the commuter railway, there is Kshs1.3 billion in this Supplementary Estimates III and there is nothing unusual. The Ministry was already going on with the project. The reason I want to put weight on that is that as we open the country, hopefully by the end of the week, the biggest challenge will be in the transport sector. It will be a big challenge to keep social distancing in *matatus* or buses. Remember these buses are private. They are not Government owned. The risk, therefore, is that the private sector will be motivated by profits and they might even fail to observe the social distancing protocols. Because COVID-19 is here with us, we do not know when it will go away, we should plan as a people and the Government should lead the process. That is why the Government is leading in doing the entire commuter railway in Nairobi, so that it is easier to implement the protocols that we need to observe in the country. That is why I want to be on record as the Chairperson of the Committee that there is nothing unusual. It is just because we need to plan. Somebody said earlier that planning is important. Yes, we need this money so that we can implement a proper transport system that will promote the social distancing that we require in this country.

With those few remarks, Hon. Deputy Speaker, there is nothing unusual and I support.

**Hon. Deputy Speaker:** The Chairperson of Departmental Committee on Health. This matter touches on a few other chairpersons. We will hear from the Chairperson of the Departmental Committee on Administration and National Security and the Chairperson of the Departmental Committee on Education. I will also give opportunity to Members, because not only chairpersons can speak. You should be brief.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Deputy Speaker. I want to support and thank the Chairperson of the Budget and Appropriations Committee and his team for giving the Principal Secretary for Health a chance to appear before them for clarity. I also want to assure the Members of this House that the money that was ring-fenced by Parliament is still safe. You will notice that the Kshs2 billion that we are reallocating was meant for human resource. It is good for Members to know that when the Government gave governors the opportunity to employ, some county governments still lag behind. In the fight against COVID-19, we have to work closely with the county governments. Last week, I tabled a breakdown of the amount of money that has gone to the various counties. It is important that Members find out what has been done by their county governments. As we fight COVID-19, we really have to support people in the grassroots. As we support the allocation to KMTC, a majority of the people who were taken into quarantine had come from abroad and the assumption of the Government was that they could pay the Kshs2,000 that was being asked by the facilities. But when some of them tested positive

for COVID-19, they were not able to pay. The Government had to take care of them. That is why money is owed to KMTC.

On the issue of testing kits, I want to inform the House that it is not even possible to do mass testing in Kenya. Even testing kits are very rare to come by. Africa came together and negotiated as a continent, so that we can get cheaper testing kits. As we talk about KEMSA, this is going to be a Government-to-Government deal. We hope that when such deals are done by the continent, testing kits will be cheaper. I want to urge Members to support this.

As we open the economy, everybody should take personal responsibility. I heard the Chairperson of the Departmental Committee on Transport, Public Works and Housing saying that it might be difficult to control the transport sector, but it is important for Kenyans to know that this disease has no legs. It is carried by another person. So, as you enter a full *matatu* you take responsibility first. There are protocols already raised on how people should behave in a *matatu*. I urge the private sector and the *wananchi* to take care of themselves and make sure they follow the protocols. We do not know when this disease will go away. So, it requires us to work together and make sure that what is allocated by this House or elsewhere is utilised and we do not lose any single cent. We should look for good pricing, so that we do not waste a lot of money to procure testing kits.

On what has been requested by Hon. Wamalwa, I will look into that issue. I have also seen it in the newspapers. I will be requesting the Ministry of Health to furnish us with information if there is anything happening at KEMSA. For now, I would not want to comment on an issue that I am not fully aware of.

Thank you, Hon. Deputy Speaker. I urge Members to support.

**Hon. Deputy Speaker:** Hon. Melly.

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Deputy Speaker. I want to speak to this matter. I want to support the Budget and Appropriations Committee. However, as my colleagues have alluded, the Supplementary Appropriation III, which Hon. Lessonet has just moved, is unprecedented. This is because it is actually not a manifestation of good learning. The Cabinet Secretary was supposed to foresee that.

On the education sector, and I have been a Chair of the Departmental Committee on Education and Research for quite some time, this is very important especially as we move towards reopening schools. We need enough classrooms and desks especially in primary schools. Investment in these particular areas is very important noting that children in primary schools sit on benches or desks three or four of them. The fact that they were able to invest that amount of money which is over Ksh1 billion in prefabricated lockers is a very important thing. Now that we want to flatten the curve, the money that has been set aside to buy desks and lockers needs to be spread across the country. I also want to point out that the classrooms need to be spacious. This is to allow the practice of social distancing.

*(Loud consultations)*

Hon. Deputy Speaker, kindly ask the Members to converse in low tones. Classrooms are supposed to have a maximum of 20 students. It is going to be very difficult for teachers...

**Hon. Deputy Speaker:** Order, Hon. Melly. Members must observe social distancing in the House. Even if the Leader of the Minority Party wants to consult, they must do so within the required and acceptable protocols – social distance of one-and-a-half to two meters apart, with masks on and the nose should not be out. I understand where Hon. Wamalwa comes from and his

physique. You must also consider making specifications for your face masks so that you do not have your nose outside. Hon. Melly, kindly proceed as you wind up.

**Hon. Julius Melly** (Tinderet, JP): I think it is good for Members to know that it is for their own health and safety. The classrooms that we need in this country are many. If the Ministry of Education is not given enough funds, if it is not allowed to build enough schools, even pre-fabricated classrooms, the spread of COVID-19 is going to be unprecedented in our schools.

We also have to ensure that we have sanitizers and enough water. We also have teachers and non-teaching staff who need to be taken through the protocols of how to maintain good health and sanitation in schools. What has actually been allocated looks a lot by any standards. However, if you sit and pen each and everything, you will realise that the amount is very little.

**Hon. Deputy Speaker:** Order, Hon. Melly. Hon. Fatuma Gedi, what is your point of order? The problem is that I am not in a position to notice you properly because of the mode of dressing you are in. It is matching with the seats.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Deputy Speaker. I am standing under Standing Order No.95. Looking at the mood of the House, and there is a timeline for this Bill, I request that you call upon the Mover to reply.

**Hon. Deputy Speaker:** Hon. Melly, kindly finalise. My hands are always tied when Members bring up that particular Standing Order. We do not have a choice but to proceed and put the Question.

**Hon. Julius Melly** (Tinderet, JP): I think it is important to allow Members to speak to this because it also enlightens the population and Members that the Government has actually invested in this matter. Though they have put in a lot of investment, the money is not enough. Looking at the student population, you will realise that even the money meant for NG-CDF needs to be released so fast so that it assists the Government to put up some of these structures.

I support.

**Hon. Deputy Speaker:** Since there are about two Members who want to speak to it, if they can do two minutes each then we dispense with debate, that would be fine. Hon. Pukose, kindly have the Floor. They are few anyway. However, if I see any more Members interested, I will have to finalise the way Hon. Gedi has requested.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. I stand to support the Supplementary Appropriation Bill.

Before I was de-whipped, I was the Vice-Chair of the Departmental Committee on Energy. The issue of Loiyangalani-Suswa Line came up. The reason we asked for audit on this is that this is an item that has been recurring in the Budget. I am talking about Ksh1.16 billion. This is based on the deemed energy. This is energy that Lake Turkana Wind Power Company was ready to feed into the national grid. Apparently, the moment it was fed into the national grid, it started fluctuating between 250 Megawatts or even lower and yet what they charge is per the capacity which is the 350 Megawatts. If you are not able to attain the maximum why should you charge for the deemed energy at a maximum cost? That was actually the basis.

**Hon. Deputy Speaker:** Hon. Pukose, as you contribute, Hon. Lessonet should also be in his place so that if need be, he can reply.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): That is the basis. We also looked at it as money that has been paid. We paid up to around Ksh9.6 billion initially to this company. We felt that the taxpayers were losing out by continuously paying that amount of money. Why is this Supplementary Appropriation III being approved? This is money that has already been paid. We are using Article 223 to regularise what has already been paid and since there is already an audit,

and we are hoping that the Auditor-General will be able to give a report then, I do not think Kenyans are going to lose anywhere.

Having listened to the Departmental Committee on Health, I think it is important that testing of Kenyans should be done appropriately so that we open up soon and people get back to normal. Unfortunately, people have gone back to their normal day to day activities even though the Cabinet Secretary has warned that we should not assume that things are normal. People have gone back to their normal activities. It will be very hard for us to attain what we want unless we are disciplined as a country.

With those few remarks, I support.

**Hon. Deputy Speaker:** Let us have Hon. Baya then I will dispense with it. I was trying to give chance to a few more Members. However, if you have an issue, I will put the Question and then you will make a decision on whether you want to proceed or not. If you do it, then you can be very sure of the outcome. Kindly, proceed.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you very much Hon. Deputy Speaker. I support the Supplementary Budget but also to say that the Supplementary Appropriation III Budget is unprecedented. It is historical. When you see a Government move from Supplementary Budget I to III, then there is one thing...I think the new Leader of the Majority Party will agree with me that we have a problem of efficiency within the system. When you have inefficiency, it means, therefore, you have a Supplementary Budget III because money was not spent and, therefore, it must be spent within a short time. We would have comfortably taken this money into the new Budget and moved on. Having said that, I would also like to say that we have a project there for energy. The Ministry of Energy is one of the most inefficient ministries. I would like to say that the rural electrification programme has been budgeted for many years. Since I came to Parliament, some of the programmes have not been completed yet today, we want to give them more money for whatever they want to do. They might not spend that money. They might have to come back here. Therefore, I think the Leader of Majority Party needs to inform the department that they need to be more efficient in doing that.

Secondly, Hon. Deputy Speaker, COVID-19 is a global disruption. In this country, many things could be disrupted including budgets because of COVID-19. We need to have preparedness so that in future, as we spend money in this budget that starts today or tomorrow, we will not be caged again by COVID-19 to come back and say that we are doing another supplementary budget because of COVID-19. We need to have all systems go in such a way that procurement and implementation of projects are not stalled because of COVID-19. The team that has been put in place by the President to advise him on how to handle COVID-19 needs to move to top gear, so that we are ahead of the disease. Right now, we are behind the disease. The disease is ahead of us. Moreover, if a country moves that way, then the economy of that country is more likely to be affected.

A lot of money is being spent on COVID-19, and I can see the Ministry of Health's budget of almost Kshs2 billion is coming back into the supplementary budget. Why? This is because they are behind the disease. They need to work hard to be ahead of the disease, so that they can plan and spend the money without having to come back for a supplementary budget.

For the Ministry of Education, I can see many conflicting statements from the Cabinet Secretary. This means his lack of preparedness. He says that we might open schools in September, and then he says that we might not open at all. He says we might open in January next year. It therefore, means he is delaying in decision-making. If decision-making is delayed, we will come back and say: "You know, we want a supplementary budget". Why? Because we are not ready to

open schools. Why? Because we do not have desks, masks, and things like those. I would like to advise my friend, Hon. Amos Kimunya, to advise the Government, Cabinet Secretaries and the people who are entrusted with the responsibility of making decisions to move ahead and make decisions without being hazy like we are seeing from the Cabinet Secretary for Education. My daughter calls me and says: "Dad, when are schools opening?" I cannot tell her yet I am in this Parliament. The Cabinet Secretary keeps oscillating. It is this oscillation that will lead us to Supplementary Budget IV in the next financial year. That is what is likely to happen, but I think we, as Kenyans, are resilient. We are people with the oomph and the ability to go ahead of this pandemic and overcome it as soon as possible, so that we can bring this country to normalcy.

I heard that we need to look at the rail system. That we need to put more money in the rail, but when it comes here, it takes a whole year before people can develop protocol. How long does it take to develop a protocol? Or is it the money for tea and snacks that they are looking for? So, we need to hasten the procedures on how to handle the COVID-19, so that we can avoid this next year because COVID-19 seems to be here with us. It might be here in 2022 or 2023. How we handle it is more important. Other countries have done it and we can do it as Kenyans.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Odege.

**Hon. Tom Odege** (Nyatike, ODM): Thank you, Hon. Deputy Speaker. I support, but I have some reservations. Allow me to start with...

**Hon. Deputy Speaker:** However, so that we know whether that is the final one, you know Hon. Gedi had risen under Standing Order No.95, that the Mover be called upon to reply.

*(Question, that the Mover be called upon to reply, put and agreed to)*

**Hon. Deputy Speaker:** Therefore, Hon. Odege, you will only have a few minutes to wind up.

**Hon. Tom Odege** (Nyatike, ODM): Thank you, Hon. Deputy Speaker. Let me start with the health sector. I want to address the Departmental Committee on Health alongside the Ministry of Health. When you listen to the Chairperson of the Departmental Committee on Education and Research, he is very categorical talking about the protocol and everything which they are trying to come up with, so that schools can be opened. Today, when you listen to the Supplementary Budget III, we are budgeting money for KMTCs, for quarantine when we should be, being confronted by these challenges of COVID-19, thinking of opening our medical training facilities. We should start training health professionals to come out and help us get enough work force to confront these challenges. For how long are we going to close the KMTCs and health training institutions in this country when we need more health workers to be trained and be qualified to come out and help the population to control this disease?

My second concern was about the money allocated outside here. When we talk about the ring-fenced money by Parliament, I was seriously looking forward to see money going to my county of Migori because Migori, Busia, and border counties are having this burden of the disease. When you look at the outcome, the border counties were not considered. If you look at the money, we are now...

**Hon. Member:** We are sanitizing!

**Hon. Tom Odege** (Nyatike, ODM): Okay, my colleague says that we are now sanitizing, but I do not want to use that word. It is more of benefiting towns as opposed to rural constituencies where we come from.

You talk of *Kazi Mtaani*, but when I go to Nyatike, my youths are not even benefiting from anything. If you talk about money ring-fenced for health facilities, my county borders Tanzania yet no money is going there. When you talk of the population of people affected, you look at Busia and there is no money going down there. It is high time we got a budget in which we can also have a say, and not things which are rushed up to a level where we just rubber stamp things which are not even benefiting people equally in this country.

I support, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Then we have the Mover to reply. Hon. Lessonet, your Seat No.53 is coming on and off.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you, Hon. Deputy Speaker. As I reply, I just want to assure Members that we have heard you, that next time we should not see a Supplementary Budget III in this House. In our meeting with the National Treasury, we told them it is next to bad manners to have a supplementary three on 30<sup>th</sup> June when it is the end of the financial year. Therefore, those sentiments have reached and we understood their situation that this particular time it was because of COVID-19.

Hon. Deputy Speaker, Sir, COVID-19 comes with its own challenges. At a meeting with the Principal Secretary for Health, we noted that other than the Kshs500 million to KMTC, we need money urgently, namely, Kshs200 million which we could not provide in this supplementary, towards educational institutions like Moi Girls Secondary School, Nairobi, Nairobi Primary School and Nairobi School which are centres of quarantine. That Kshs200 million is required so that by September, if schools reopen, those schools will have done massive refurbishment including fumigation of facilities and paying bills. The schools have used their resources to pay bills while attending to the quarantined patients.

Hon. Deputy Speaker, with your permission, allow me to donate some minutes to Hon. (Dr.) Mutunga.

**Hon. Deputy Speaker:** You wish to donate your minutes?

**Hon. Moses Lessonet** (Eldama Ravine, JP): Yes, I want to donate.

**Hon. Deputy Speaker:** Then it means you have nothing more to say.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Yes.

**Hon. Deputy Speaker:** Therefore, you just say that you are moving to reply because you know under the Standing Orders, once debate is cut, if you...

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Deputy Speaker...

**Hon. Deputy Speaker:** No, you will not proceed. You have finished what you wanted to say.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Deputy Speaker, I beg to reply.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)*

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman*

*(Hon. Patrick Mariru) took the Chair]*

THE SUPPLEMENTARY APPROPRIATION (NO. 2) BILL

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well, Hon. Members we are now in the Committee of the whole House. This is a very brief Bill and so we are going to take a few minutes.

Hon. Lessonet, you will be the man of the moment because of the amendments on all the clauses that we are dealing with.

*First Schedule*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Lessonet you have an amendment to that.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the First Schedule be deleted and replaced with the following new Schedule—

<b>FIRST SCHEDULE</b>			
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Vote No.</i>	<i>Service or Purpose</i>	<i>Supply</i>	<i>Supplementary Appropriations in Aid</i>
<b>Recurrent Expenditure</b>			
<b>R1011</b>	<b>The amount required in the year ending 30th June, 2020 for current expenses of the Presidency in the following programmes . . . . .</b>	<b>300,000,000</b>	0
	0704000 State House Affairs	300,000,000	-
<b>R1021</b>	<b>The amount required in the year ending 30th June, 2020 for current expenses of the State</b>	<b>300,000,000</b>	0

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<b>FIRST SCHEDULE</b>			
(1)	(2)	(3)	(4)
<i>Vote No.</i>	<i>Service or Purpose</i>	<i>Supply</i>	<i>Supplementary Appropriations in Aid</i>
	<b>Department of Interior in the following programmes . . . . .</b>		
	0602000 Planning, Policy Coordination and Support Service	300,000,000	-
<b>R1041</b>	<b>The amount required in the year ending 30th June, 2020 for current expenses of the Ministry of Defence in the following programmes . . . . .</b>	<b>1,900,000,000</b>	<b>0</b>
	0801000 Defence	1,900,000,000	-
<b>R1081</b>	<b>The amount required in the year ending 30th June, 2020 for current expenses of the Ministry of Health in the following programmes . . . . .</b>	<b>9,782,000,000</b>	<b>0</b>
	0401000 Preventive, Promotive & RMNCAH	3,432,000,000	-
	0402000 National Referral & Specialized Services	1,500,000,000	-
	0403000 Health Research and Development	500,000,000	
	0404000 General Administration, Planning & Support Services	(600,000,000)	
	0405000 Health Policy, Standards and Regulations	4,950,000,000	
	<b>SUBCLASS TOTAL</b>	<b>12,282,000,000</b>	<b>0</b>
<b>Development Expenditure</b>			
<b>D1011</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the Presidency in the following programmes . . . . .</b>	<b>218,000,000</b>	<b>0</b>
	0702000 Cabinet Affairs	218,000,000	-
<b>D1021</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the State Department for Interior in the following</b>	<b>1,500,000,000</b>	<b>0</b>

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<b>FIRST SCHEDULE</b>			
(1)	(2)	(3)	(4)
<i>Vote No.</i>	<i>Service or Purpose</i>	<i>Supply</i>	<i>Supplementary Appropriations in Aid</i>
	<b>programmes</b> .....		
	0602000 Planning, Policy Coordination and Support Service	1,500,000,000	-
<b>D1081</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the Ministry of Health in the following programmes .</b> .....	<b>818,450,000</b>	<b>(468,450,000)</b>
	0405000 Health Policy, Standards and Regulations	818,450,000	(468,450,000)
<b>D1094</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the State Department for Housing and Urban Development in the following programmes . . . . .</b> .....	<b>2,376,000,000</b>	<b>0</b>
	0102000 Housing Development and Human Settlement	2,376,000,000	-
<b>D1167</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the State Department for Irrigation in the following programmes . . . . .</b> .....	<b>70,000,000</b>	<b>0</b>
	1014000 Irrigation and Land Reclamation	70,000,000	<b>0</b>
<b>D1152</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the Ministry of Energy in the following programmes . . . . .</b> ...	<b>1,160,000,000</b>	<b>0</b>
	0213000 Power Transmission and Distribution	1,160,000,000	-
<b>SUBCLASS TOTAL</b>		<b>6,142,450,000</b>	<b>(468,450,000)</b>

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	FIRST SCHEDULE		
(1)	(2)	(3)	(4)
<i>Vote No.</i>	<i>Service or Purpose</i>	<i>Supply</i>	<i>Supplementary Appropriations in Aid</i>
<b>CLASS TOTAL</b>		<b>18,424,450,000</b>	<b>(468,450,000)</b>

That is the amendment. The import is to capture what we were just debating in this Bill, which we have just approved. We are capturing those amendments, including what was originally in the Bill in the new Schedule. That is the import for replacing the Schedule in the Bill with the one on the Order Paper.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well, Hon. Leader for the Majority Party, I will give you a chance, but then let me propose the Question first.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairman. I decided to rise early to clarify that Members know we had a Supplementary Bill that I tabled on Tuesday. The Committee looked at it but, some items had not been agreed upon at the point of writing the Report because they did not have the information. The information then subsequently came and the amendments that are being proposed are basically to bridge and bring back to the Bill what was tabled. So, what is on the Schedule is what we tabled. What is in the Bill is what the Committee had proposed, but between Thursday last week and yesterday the Committee met and reconciled all those issues. We now have the amendments which have been discussed in details during the Second Reading. With that in mind, we pray that there is no need to debate so much as long as we agree that we have reconciliation between the original Bill and the amendments that the Committee has agreed upon. As Members, I do not think we have anything else except to support the views from the Committee. I just want to bring that into focus and on record that, indeed, the new First Schedule is agreed upon following the Committee that met and what was introduced as a Bill following the approval of the Report as it was on Thursday.

With those remarks, I beg to support the amendment and ask Members that we limit the debate on this. Let us get on with it, so that we can have it signed this afternoon and get the funds to where they need to be.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us give Hon. Mbuyi a minute then we progress.

**Hon. Robert Mbuyi** (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Chairman. When we were debating the Appropriation Bill during the Second Reading, we got all the information from the Chairman of the Committee. The Order Paper now reflects that the Schedule is being changed. All that information must have gone into the Order Paper. I just wanted to state that the Order Paper that is online does not contain that information. Maybe, just for orderly conduct of business, we need to ensure that, that is always here for us to go through.

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I thank you.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Mbui, I am told you have been given another copy. The Clerk-at-the-Table must ensure that Members make progress by having copies. Hon. Members, do we not want to make progress? Hon. Sheikh, do you want to speak to it shortly, so that we can make progress?

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Temporary Deputy Chairman. I support what the Leader of the Majority Party has said. As you are aware, the Supplementary Bill came late in the day and the Committee has been receiving information from the relevant authorities in piecemeal, but now we have consolidated information that we can use at once.

*(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)*

*(First Schedule as amended agreed to)*

#### *Second Schedule*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Lessonet, you have an amendment.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you, Hon. Temporary Deputy Chairman. Just like in the First Schedule, I beg to move:

THAT, the Second Schedule be deleted and replaced with the following new Schedule—

<b>SECOND SCHEDULE</b>			
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Vote No.</i>	<i>Service or Purpose</i>	<i>Supply</i>	<i>Supplementary Appropriations in Aid</i>
<b>Recurrent Expenditure</b>			
<b>R1068</b>	<b>The amount required in the year ending 30th June, 2020 for current expenses of the State Department for Post Training and Skills Development in the following programmes . . . . .</b>	<b>0</b>	<b>0</b>
	0512000 Work Place Readiness Services	(159,400)	-
	0513000 Post Training Information Management	159,400	-

<b>R1252</b>	<b>The amount required in the year ending 30th June, 2020 for current expenses of the State Law Office and Department of Justice in the following programmes . . . . .</b>	<b>0</b>	<b>0</b>
	0606000 Legal Services	(173,730,251)	-
	0607000 Governance, Legal Training and Constitutional Affairs	14,159,960	-
	0609000 General Administration, Planning and Support Services	159,570,291	-
<b>R2061</b>	<b>The amount required in the year ending 30th June, 2020 for current expenses of the Commission on Revenue Allocation in the following programmes . . . . .</b>	<b>0</b>	<b>11,560,000</b>
	0737000 Inter-Governmental Transfers and Financial Matters	0	11,560,000
<b>SUBCLASS TOTAL</b>		<b>0</b>	<b>11,560,000</b>
<b>Development Expenditure</b>			
<b>D1092</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the State Department for Transport in the following programmes . . . . .</b>	<b>0</b>	<b>0</b>
	0203000 Rail Transport	1,800,000,000	-
	0204000 Marine Transport	(1,800,000,000)	-
<b>D1107</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the Ministry of Water and Sanitation in the following programmes . . . . .</b>	<b>(70,000,000)</b>	<b>0</b>
	1015000 Water Storage and Flood Control	(70,000,000)	
<b>D1291</b>	<b>The amount required in the year ending 30th June, 2020 for development expenses of the Office of the Director of Public Prosecutions in the following programmes . . . . .</b>	<b>(90,000,000)</b>	<b>0</b>
	0612000 Public Prosecution Services	(90,000,000)	0
<b>SUBCLASS TOTAL</b>		<b>(160,000,000)</b>	<b>0</b>

CLASS TOTAL	(160,000,000)	11,560,000
GRAND TOTAL	18,264,450,000	(456,890,000)

This is basically for the same reasons. This new Second Schedule, as shown in the Order Paper, takes care of all amendments we debated during the Second Reading. So, I request Members to support because of time. These resources are needed by the end of day.

I thank you.

*(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)*

*(Second Schedule as amended agreed to)*

#### Clause 2

**Hon. Moses Lessonet** (Eldama Ravine, JP): Thank you, Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 2 be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause –

“(1) The Treasury may issue the sum of eighteen billion two hundred sixty-four million four hundred fifty thousand shillings out of the Consolidated Fund and apply it towards the supply granted for the service of the year ending on the 30<sup>th</sup> June, 2020”.

The import is to include additional requests including the Kshs2 billion which we granted; Kshs1.5 billion to KEMSA and Kshs500 million to KMTC, which were not in the original Bill as tabled by the National Treasury.

I request Members to approve the 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)*

*(Clause 2 as amended agreed to)*

*New Clause 3*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Lessonet, please move Second Reading of New Clause 3.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the following new clause be inserted immediately after clause 2—

Appropriations  
in aid.

3. In addition to the sum granted by section 2, the sum specified in the fourth column of the First and Second Schedules shall be applied for the several services and purposes specified in the second column of those Schedules, out of revenue directed to be applied outside the consolidated fund under Article 206(1)(b) of the Constitution.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*New Clause 4*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Lessonet, please move Second Reading of New Clause 4.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Chairman, I do not seem to have New Clause 4.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Lessonet, if you cannot see it please approach the Clerk. We want this done in a tidy way and you can miss it because of the many papers you have.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Chairman, I am guided, I beg to move:

THAT, the following new clause be inserted immediately after clause 2—

Reduction.

4. The supply granted for the services of the year ending on 30<sup>th</sup> June, 2020, in respect of Votes D1107 and D1291 in accordance with the Appropriation Act, 2019, is reduced by the amounts specified in the third column of the Second Schedule.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*(Title agreed to)*

*Clause 1*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Chair you have an amendment.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 1 be amended by deleting the phrase “and shall come into force upon publication in the Gazette” and substituting therefor the phrase “and shall be deemed to have come into force on 30<sup>th</sup> June, 2020”.

Thank you.

*(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)*

*(Clause 1 as amended agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we are done with the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.22 of 2020) Committee of the whole House. Mover.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.22 of 2020) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORT AND THIRD READING

### THE SUPPLEMENTARY APPROPRIATION (NO.2) BILL

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Chairperson.

**Hon. Patrick Mariru** (Laikipia West, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.22 of 2020) and approved the same with amendments.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Mover.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I also request the Majority Deputy Whip, Hon. Maoka Maore to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Maore.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Is it the mood of the House that I put the Question.

**Hon. Members:** Yes.

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

*(Question put and agreed to)*

Mover to move Third Reading.

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, I beg to move that the Supplementary Appropriation (No.2) Bill (National Assembly Bill No.22 of 2020) be now read a Third Time. I also request Hon. Maoka Maore to second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Maore.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Is it the mood of the House that we put the Question?



**Hon. Members:** Yes.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, having confirmed that we have the requisite quorum in the House for purposes of making a decision I, therefore, put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

Next business!

### MOTION

#### APPROVAL OF THE MEDIATED VERSION OF THE COUNTY GOVERNMENTS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have the Chairperson of the Mediation Committee. Is it you, the Leader of the Majority Party? Proceed.

**Hon. Amos Kimunya** (Kipipiri, JP): Yes. I did that in my earlier life. Hon. Temporary Deputy Speaker. I beg to move the following Motion:

THAT, this House adopts the Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) laid on the Table of the House on Wednesday, April 22, 2020, and pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, approves the Mediated Version of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017).

Hon. Temporary Deputy Speaker, the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) was constituted by the Speakers of both Houses on 23<sup>rd</sup> July 2019 for the National Assembly, and 25<sup>th</sup> July 2019 for the Senate, with a mandate to consider the Bills that had been tabled in the two Houses and had amendments that were not reconcilable when each of the two Houses passed their versions.

This is a very brief Report and matter because the clauses that were in contention on this particular Bill were only three, that is, Clauses 8, 11 and 15. These were referred to the Mediation Committee. I will go to the three clauses. In Clause 8, the issue was very simple. The Senate had proposed some wording that a notice needed to be put in the county gazette. As we all know, the county gazette has not come into operation. So, this House, in its wisdom, said we should remove that and the Mediation Committee agreed just that we basically talk of “in a gazette” and not “in the county gazette”, which does not exist right now.

Clause 11 was brought in to introduce the dismissal of a County Executive Committee (CEC) member. This House suggested that when a CEC member is being dismissed, the governor should be compelled to give reasons. When we sat in the Mediation Committee, we said CEC members are political appointments just like our Cabinet Secretaries. You are appointed by the President or the governor. They do not give reasons why they are appointing you and when they want to dismiss you, they should dismiss you without necessarily having to be compelled by law to give reasons. What reason would be legally acceptable to anyone? To avoid that ambiguity, we said let us just leave it and borrow from what happens at the national level. If no reasons are required at the national level, no reason should be required at the county level.

On Clause 15, the Senate had not provided for the qualifications of a county secretary. This House, in its wisdom, provided for those qualifications and the Senate eventually agreed with us. So, the long and short of it is that of the three clauses, two were introduced by this House and the Senate agreed. The smaller one was introduced by the Senate and we agreed with them. So, really, we do not have to debate what we already proposed and agreed on their part. Hence, I would like to urge that we agree with the Mediation Committee so that this Bill can now see the light of day. It has been long overdue. We need it for the management of our counties. We do not want to go into the merits of the wider Bill, but it contains quite a lot. These three clauses have been a hindrance to the realization of the fruits that are contained in this Bill.

With those few remarks, I beg to move and ask Hon. Kaluma, who was a member of the Mediation Committee, to second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Peter Kaluma, you have the Floor.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Temporary Deputy Speaker. I stand to second the mediated version of this particular Bill which originated in the Senate. The manner in which this mediation process was undertaken confirms that if the two sister Houses are objective, we can actually agree on many things and move the nation forward.

We sat as a team which was chosen by the respective Speakers, and I can confirm that, in addition to the matters which the Leader of the Majority Party who chaired the mediation team has confirmed, those other three issues largely came from this House when we debated the Senate Bill. The concern of the National Assembly was that the suspension of a county government is a very serious thing. In the version of the Bill which came from the Senate initially, the President was being required to undertake actions related to suspension without specifying the time within which that ought to happen. It was the view of this House that there was and remains a need to limit the time within which the President will gazette suspension or dissatisfaction with the decision on suspension within 14 days. We sat in mediation and the Leader of the Majority Party has confirmed that we moved well and agreed.

There were issues of nomenclature and whether the suspension was to be authorised or approved and I think the Senate team in the Mediation Committee agreed that we go by the wording which is in the Constitution. In fact, I wanted to, therefore, request my colleagues in the House that this being something which was largely consensual, and this being the import of mediation, you agree with the Mediation Committee and you support this version of the Bill or something that is mutually agreed.

Let me thank the Speaker of the National Assembly for choosing me to be among the team from this Assembly who would lead in the mediation. I sit in the Departmental Committee on Administration and National Security. Just to confirm that this mediation went very well, Hon. Amos Kimunya, who chaired the mediation team, is today our Leader of the Majority Party. I have not had occasion to congratulate him. Let me confirm to the House and for the record that his leadership capacity, which I knew before then, manifested even best in terms of how he led this strong team both from the Senate and the National Assembly to virtually agree on anything and to save this critical Bill so that it does not fall like those others which have lapsed before.

You will note on No.4 of the membership of the Mediation Committee, Prof. Margaret Kamar. After the Mediation Committee, she is now the Deputy Speaker of the Senate. Why am I saying this? Perhaps, in this team, I am the only one remaining to be somewhere. I am saying this because my Deputy Leader of the Minority Party is in the House. Now that things are happening, I look demoted after this Mediation Committee if I will not be duly considered.

Hon. Temporary Deputy Speaker, I thank the House for the opportunity and I beg to second and request the support of the House in the passage of this Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kaluma, you will surely come into your own. Sometimes, the very best comes to those who wait like you. We pray for you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I see interest from Hon. Robert Mbui, the Member for Kathiani.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the passage of the mediated version of the County Governments (Amendment) Bill.

At the outset, it is important to note that we already debated it and made our proposals. When the Senate and the National Assembly disagreed, the Mediation Committee came up with an acceptable version which is worth supporting.

I am happy that they agreed with us on the fact that if there is no county gazette, the Kenya Gazette reigns supreme. I am also happy that they agreed on the issue of the qualifications that have to be met for any person to hold public office. So, the County Secretary is not exempt.

Finally, the critical part is where the governor was supposed to give reasons for dismissing a member of the CEC. I am very happy that the Committee has agreed with the fact that those are political appointments. That basically means that if somebody appoints you to a political office, they want you to follow and align yourself to their agenda so that they can be of service to the electorate in the way that they proposed when they were campaigning. That is why I support this Bill.

Even at the national level, the President made promises to the people when he was vying for office. Over the years, we have seen that some Cabinet Secretaries (CSs) have supported his agenda. Some have not. Whenever the President dismisses a CS, we are left to speculate. It is not important for him to tell us. It is up to us to figure out what could have gone wrong. The President cannot come out and explain that he is firing a CS because of this or that. It is not important.

Even in this House, there was a purge that took place. People were knocked out of positions because of loyalty. It is important that we allow political processes because that is how we get into this House. Let us allow political processes and allow governors to dismiss their CECs when they feel that they are not helping them in their agenda.

With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Martin Owino, the Member for Ndhiwa.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the team. This was an esteemed team. They did a good job. Can you imagine if you had to give reasons for dismissing somebody? It could take years. I agree that CECs are political appointments. Willing hire, willing fire! That was good.

Most importantly, this mediated version came from the three reasons which we raised in this House. The Mediation Committee has corrected it. We should move fast and accept the Bill.

Lastly, Hon. Kaluma has cried. He should be appointed a chairman somewhere.

I support the Bill.

(Laughter)

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Member for Ndhiwa, I can see Hon. Kaluma is canvassing. He is presenting his best CV to the powers that be who determine these things. It will be well.

Let us have Hon. Abdisalan, the Member for Wajir North. The Member does not desire to be present. Let us have Hon. Pukose, the Member for Endebess.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. I support this Bill.

At times, things change. It is only when you are on the other side that you feel it. People who were initially calling President Uhuru names are now the ones who are at the forefront in supporting what he is doing. This is the Kenya that we live in. Those are facts. That means that nothing is always the way it seems. It is not the way it is. It depends on where you are. Some of us are not bitter that we have been de-whipped. We are happy because for one, our supporters have realized where we stand. You can see where those who have managed to remain in the middle are. Some of them are not even able to hold rallies over the weekend or distribute anything because things on the ground are different. It depends on where you come from. For those of us who come from the Rift Valley, we will always stand with our man. For people who come from...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Pukose, I am just wondering which Motion you are contributing to.

**Hon. Robert Pukose** (Endebess, JP): The Mediated Version of the County Governments (Amendment) Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Without putting you down and this being the Covid-19 season, I do not see how we can advocate for Members to hold rallies and distribute things while we have this pandemic. Try to be relevant to the Motion.

**Hon. Robert Pukose** (Endebess, JP): Unfortunately, Hon. Temporary Deputy Speaker, it depends on which side of the Government you are on. For those who are within Government, they will continue having normal meetings. For those who are not within, you saw what happened to Hon. Wetangula and Hon. Mudavadi over the weekend. Even Hon. Chris Wamalwa can attest to that. For those who are considered to be...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Pukose, just hold on. What is out of order, Hon. T.J. Kajwang'?

**Hon. T.J. Kajwang'** (Ruaraka, ODM): Hon. Temporary Deputy Speaker, on account of relevance, I listened to the Leader of the Majority Party explain this Bill very well. It was seconded very well by the Member for Homa Bay Town. We are being treated to instances that are happening in the greater Rift Valley, especially in Uasin Gishu and so on. You are being asked to remember some scenes which are not on the Floor of the House concerning some people that have been mentioned. How relevant would those submissions be to the Bill that is before us? Hon. Pukose is my friend and a person I hold in high esteem because he was not only my classmate and a person I shared with very dangerous times, but he is also my personal physician. On this, would you not rule him out of order because he is bringing issues which are not before the Assembly?

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. T.J., you are absolutely right. Hon. Pukose, kindly just stay on course. You have the right to air your concerns and views about what the Government might or might not be, but the business before us now is a discussion of the mediated version of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017). Let us stay the course. You have two minutes to go.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. I respect what Hon. T. J. Kajwang' has said. In 1992, T. J. Kajwang' was the Chairman of the Student Organization of Nairobi University (SONU). That was the time we were fighting for the liberation of this country from the grip of KANU when there was only a one-party system. I was a congressman. Times have changed. T.J. Kajwang', we have gone back to 1992 when we need to have a second liberation of this country from the grip of the new KANU. That is where we are today.

I support the mediated version of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017). I know that it takes time for Bills to come from the Senate to this House. At times, some of these Bills get lost. When we go out there, some of the former councillors ask us about the Bill that takes care of their interests. Where did it disappear to? This Bill was moved in 2017. It has taken three years for this Bill to come from the Senate to the National Assembly and go to the Mediation Committee. It is here today. It is high time we moved with speed and approved this Bill, so that what was intended can be achieved.

With those few remarks, Hon. Temporary Deputy Speaker, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Hon. Pukose, I can only sympathize with you, but it will be well. You are here and you belong to this country. Some of us do not know the bosom warmth of a Government. We have been in the Opposition, but we have not died. We are still here. You will be fine. Do not worry too much.

*(Applause)*

We shall have contribution from Hon. Oundo Ojiambo, the Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Mediated Version of the County Governments (Amendment) Bill. I must reckon that it was a wonderful job.

At one time, the substantive Speaker seconded me to one of mediation committees. I left a dejected man because some of our older brothers in the Senate took a hardline position devoid of any professional input or the benefits of this country. However, I am happy because this mediated version of the Bill has been agreed upon and we can conclude this process. The county governments are the future of this country. However, we must admit that we started on a wrong-footing and so many loopholes and lacunas in law still exist. The amendment of the County Governments Act has come at the right time to address so many issues and gaps that were left out, when we were preparing the Act in a hurry to meet the constitutional requirements.

The county governments employ very many people. Some of the issues which are raised here are important and critical. I want to mention one or two issues. First of all, the appointment of the chief of the CEC is a good proposal. Being a political office, you must always wake up and work at the whims and benevolence of the governor because you serve him or her to meet his or her campaign pledges and mandate. If you are unable to deliver, the rigorous position that is taken of giving reasons as to why you are being fired is unfair considering that the President of the Republic of Kenya is not obliged to do so. Honestly speaking, we will have disagreements. I want to urge governors that members of the CEC are their advisors and implementers of their mandate. It is important that they work together and achieve whatever they are required to achieve.

The other issue that I am happy about is the Employment Equity Plan. In a number of places, there are complaints of favoritism and nepotism in employment. Where we have a county government of different ethnic groups, one ethnic group dominates all the important positions.

This clearly happens in Busia County. Once the Bill is assented to by the President, we, the people of Busia, will call for an audit of employment positions so that not all the lucrative positions are reserved for a few people to the detriment of leaders in the entire Busia County.

Hon. Temporary Deputy Speaker, as I conclude, Hon. (Dr.) Pukose has taken us back to memory lane in 1992 when many of us were first years at the University of Nairobi. In fact, the only person I heard of then is 'Chief Justice' (CJ) T.J Kajwang'. He was a congress person although he was not known much. But I want to tell him that most of us, as he has clearly put, have never known the so-called Government and we have hardly lived. Whatever little we have, we have brought development and even where we have been in Government, I cannot see any substantial thing that has come to us by virtue of being in the Government. I console with him. These things happen and life has to go on.

With those few remarks, I support.

*(Laughter)*

*(Hon. (Dr.) Pukose spoke off record)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. (Dr.) Pukose, do not worry. It is not about you. He mentioned you on a light note. Do not take it too seriously. It is well my brother. We shall have contributions from Hon. Adagala.

**Hon. (Ms.) Beatrice Adagala** (Vihiga CWR, ANC): Thank you, Hon. Temporary Deputy Speaker. My voice is a bit hoarse and I hope you can bear with that. I also stand to add my voice to this Motion that it should be approved given that our county governments have really been struggling in doing some of their work. Devolution, being something most governors had not experienced, presented governors with the challenge of knowing how to handle CECs members and other persons.

I stand in support of this Motion and I would comment just like my other colleagues have done, especially Hon. (Dr.) Pukose. Hon. (Dr.) Pukose, welcome. For the last seven years, you have been enjoying. This is the time you want to taste the fruits of being in the Opposition. I welcome you with both hands and feel at peace in Amani National Congress Party (ANC). We are welcoming you with full hearts. You are welcome, but now you have to get prepared. As we get to 2022, you will be in the Opposition.

About the team that conducted this work, especially those that were with Hon. Kaluma, they have been awarded some goodies. But my son-in-law has not been given anything. I would also wish for something to be given to my son, Hon. Kaluma, so that he can also feel the goodness of being in Government and take care of my daughter and the people of ...

Hon. Temporary Deputy Speaker, protect me from Nominee 001. He likes...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. (Ms.) Adagala, just hold on. Hon. Lessonet, what is out of order?

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, those who have spoken to this Motion have variously referred to Hon. Pukose as being in the Opposition. I am aware that Hon. (Dr.) Pukose belongs to the Majority Party, that is, Jubilee Party, in this House. I have heard members, including you, giving him assurance that it will be well. Hon. (Dr.) Pukose has not left Jubilee Party and he knows the consequences of attempting to leave the party. It might include him vacating his seat for Endebess. I am sure he has no such intentions.

I just wanted to tell the Members to stop insinuating that Hon. (Dr.) Pukose has left the Jubilee Party. For avoidance of doubt, we are aware that the Jubilee Party has not signed any post-election coalition agreement with a party like ODM, which Hon. Kaluma belongs to.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Lessonet, what is your point of order?

**Hon. Moses Lessonet** (Eldama Ravine, JP): Hon. Temporary Deputy Speaker, my point of order is that Members are imputing improper motive on Hon. Pukose and that is out of order.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Member for Eldama Ravine, Hon. Pukose, in his own submissions, had alluded to the fact that he is no longer part of what he considers to be Government. It is in that context that the Members were speaking. But anyway, that is not the debate before the Floor of the House.

*(Hon. (Dr.) Robert Pukose stood up in his place)*

Hon. Pukose, resume your seat. That is not the way we do business in the House and you know it because you are a senior Member of this House. We must have respect for our rules and Standing Orders in the House. We must have order. These matters have been spoken to outside what is before the business of the House. We must go back to business.

The Hon. Adagala, kindly, confine yourself to the business that is before this House and make your submissions on the Order that is under discussion now.

**Hon. (Ms.) Beatrice Adagala** (Vihiga CWR, ANC): Thank you, Hon. Temporary Deputy Speaker. I was coming to it. I was just trying to actually let these people know that if they are suffering in the Jubilee Party, they should come to Amani National Congress (ANC) where there is peace.

Going back to the Bill, I support it because most of the governors have been suffering under the County Executive Committee (CEC) Members. I thank the Committee that handled these matters to conclusion. They have done a very good job and, therefore, we want to see counties working in an orderly manner whereby the CECs and governors work amicably to make sure they deliver to the people in the counties. There is a lot of money that leaves the national Government for counties and that needs a lot of working together. If there is any CEC who may not want to work, the governors should be at liberty to do away with those kinds of people.

Therefore, I support the Bill and commend the team that worked on it. Hon. Pukose, welcome to Amani National Congress.

*(Hon. (Ms.) Beatrice Adagala wore her mask on the chin)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Adagala, remember to wear your mask properly. We must lead by example at all times. The Hon. Chumel Moroto, Member for Kapenguria.

**Hon. Samuel Moroto** (Kapenguria, JP): Ahsante sana, Mhe. Spika wa Muda kwa kunipa nafasi ili pia niungane na wenzangu kushukuru wale ambao walitengeneza Mswada ambao tunaongea juu yake mpaka mahali umefika.

Wakati Wakenya waliamua kuwa na ugatuzi, walikua na lengo kubwa sana kwa sababu hapo awali, mambo mengi yalikuwa yanabaki hapa juu. Sessional Paper No.10 of 1965, iligawa nchi na kuacha watu wa sehemu kame waumie sana.

(Hon. David Gikaria spoke off record)

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Order, Member for Nakuru Town East.

Proceed, Hon. Moroto.

**Hon. Samuel Moroto** (Kapenguria, JP): Ahsante. Kumekua na mateso. Wakati mmoja, Kshs3 milioni peke yake ililetwa West Pokot kwa jumla – na sio Kapenguria peke yake - itumike kwa miradi ya maji ukifahamu vile eneo hilo lilikuwa. Lakina kuna sehemu nyingine watu walikuwa wanafurahia hata wengine hawakujua mahali pa kutumia pesa walizotengewa. Lakini sehemu ambazo zilikuwa na mahitaji zilikuwa zinanyimwa pesa.

Vile tuko na ugatuzi, Mswada huu utasaidia uongozi wa kaunti. Najua ya kwamba itasukuma na kuelekeza matakwa ya wananchi pale mashinani ili waanze kufaidika. Kama vile mmoja wetu alisema, kuna eneo ambalo jamii mbalimbali wanaishi kama Kapenguria. Wanaifanya sehemu hiyo kuwa *cosmopolitan*. Ni sehemu ambayo kila aina ya jamii inapatikana. Wakati wa kampeni, ukijihusisha na jamii fulani, watu wengine watakunyima kura. Hali hiyo huchangia kuwatenganisha Wakenya wanaoisha katika sehemu kama hizo. Kuna mahali watu wawili walikuwa wanang’ang’ania kiti cha ugavana. Yule aliyetangulia kwa uchaguzi huo alikua amekamilisha kipindi chake cha kwanza na mwingini akawa anampinga kwenye uchaguzi. Ikawa huyu mwingine anajaribu kuwaangamiza kabisa wale watu waliotangulia katika kipindi hicho kilichopita. Kwa hivyo, naamini kwamba Mswada huu ukipitishwa na uanze kutumika, utawaleta watu pamoja. Kila mmoja ambaye amepewa jukumu atajua kuwa atakuwa akifanya kazi akifuata sheria. Siyo kwamba atafanya vile anavyotaka.

Wengine wetu tumekuwa hapa kwa muda mrefu. Nimeona ile michango ambayo watu wanatia hapa. Mimi ni mtu wa chama cha “baba” na “mama” tangu mwanzo. Lakini hivi juzi, nikajiunga na chama cha Jubilee. Kuna wale waliokuwa wakipiga kelele lakini, ambao sasa wameingia na wakaambiwa waonje supu peke yake – hata hawajakula ugali – lakini wameanza kupiga domo kubwa. Tutararua na kufunga midomo yenu. Wakenya wanaangalia. Tumesema kwamba siasa ya kuwagawanya wananchi ikomemeshwe. Wacha tuje pamoja tuipeleke Kenya mbele pamoja. Sasa mmeingia na kuanza kuleta mchezo.

Ahsante, Bw. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Moroto, the interest of the nation that is known as Kenya is unity. If all of us can work in a uniform way to improve our lot, then it is good. This is what we pray for; that we should be united.

We shall have contribution from Hon. Tonui, Member for Bomet Central.

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also comment on this Motion. It has been an exciting moment from the sideshows of the contributions.

I support this mediated version of the Bill because I believe we need to close the gaps in the law to ensure that the counties perform. I believe that the devolution we are experiencing in this country is God-send. It is the best thing which has ever happened. We now have access roads deep inside the villages simply because of the county governments. When we had only the national Government, we experienced a lot of under-development. If we can strengthen devolution by enacting such laws, we will have a better country. We will have better roads, better health services, *et cetera*. Even the level of corruption will reduce. Stealing of public resources in the counties is in terms of millions and thousands of shillings. But at the national level, billions of shillings are



stolen. An example is the facilities that were never cleared in the Ministry of Health, where over Kshs5 billion was lost. Oversight at the county level is much better than at the national level.

Therefore, any law that can strengthen devolution must be supported. That is why I support this Bill. In fact, I appreciate the idea of empowering the governors even more so that they can decide who to work with at any given time. If CEC members are not performing, the governors can simply sack them without having to explain why. This will ensure that governors get people they can work with better. I believe that will be better. I appreciate this Bill from the Senate. As long as devolution is being strengthened, it will be for the better of this country.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contribution. Let us hear, Hon. Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to add my voice to this very important debate. The Mediation Committee did a very good job and, therefore, we support it 100 per cent. Indeed, the spirit of the Constitution is to devolve money to the grassroots, and not to devolve corruption in the way we are seeing. The spirit was to devolve money so that we can have those access roads deep in the villages. I support this Bill.

The only reservation I have is the devolution of social services. Our people, people with disabilities are suffering on the ground because when they go to the county governments, they are told their functions are not devolved. They are referred to the National Council for Persons with Disabilities (NCPWD). You will find that the allocation given to the NCPWD which is approximately Kshs1.7 billion, minus the Kshs1.2 billion for cash transfers for the severely disabled, is only Kshs500 million. The Kshs500 million that is supposed to take care of the very vulnerable members of the society who are 6.5 million is peanuts.

As we support this Bill, we tell the governors that they cannot devolve human beings. Persons with disabilities are within the counties, sub-counties and in the Constitution. Article 54 of our Constitution talks of how persons with disabilities will be cushioned in any society. We have also ratified the United Nations Convention on the Rights of Persons with Disabilities. Therefore, we should also take care of the vulnerable members of our society as we support this amended form and devolution.

I have heard the issues about Jubilee. Jubilee is the Majority Party.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, relevance. Let us stay relevant.

**Hon. David ole Sankok** (Nominated, JP): I will maintain relevance. I will be in the Bill and that is why I am supporting it. Because of the unity you have inscribed as the Temporary Deputy Speaker of the House, we have said we should extend an olive branch to even ODM. Come so that we can unite. Come so that we can work together. All of you can sign the post-election or pre-election agreement so that we can work together. We have already accepted the Kenya African National Union (KANU). We are willing to accept the ANC. I already have two bosses. That is the Jubilee Party boss who is Uhuru Kenyatta and the KANU boss who is Gideon Moi. They are now my bosses. I have two deputy bosses. That is Ruto and others. We welcome all of you. So, come in. Do not worry. Hon. Pukose is still in Jubilee. We will work with you. The only important advice to Hon. Pukose is that party loyalty in a presidential system of government is very important.

*(Loud consultations)*

Yes, party loyalty! There should be no insubordination. Let the Head of State remain that.

*(Applause)*

Deviating from the Head of State is treason. It is punishable by law.

Thank you very much, Hon. Temporary Deputy Speaker. I support the Bill 100 per cent.

*(Hon. (Dr.) Robert Pukose gestured to the Temporary Deputy Speaker)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Pukose, Hon. Sankok had received sanction from the Temporary Deputy Speaker that the area he was going into was not part of the debate. So, just hold your horses. Hon. Pukose, that is not the way we do it. Let us just have order so that we can progress.

We will now have the Mover to reply.

*(Hon. David Gikaria raised his hands)*

The Hon. Member for Nakuru Town East, you are out of order. You do not have your card. You are carrying up your hands.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker.

This is a straightforward Bill like I said. We have already debated it. We made some amendments, took it to mediation, the Mediation Committee took our amendments and the Senate agreed. So, we are actually debating what we had debated. It is something I thought would have taken five minutes to just agree with ourselves. There is still an opportunity, probably for one more speaker, in the next Bill I will be moving shortly.

With those words, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): I direct that the next necessary step of putting the Question be undertaken when the matter will be listed again. I, therefore, direct that we move to the next order of business.

*(Putting of the Question deferred)*

## MOTION

### APPROVAL OF THE MEDIATED VERSION OF THE COUNTY GOVERNMENTS (AMENDMENTS) (NO.2) BILL

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

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move:

THAT, this House adopts the Report of the Mediation Committee on the County Governments (Amendment) (No.2) Bill (Senate Bill No. 7 of 2017), laid on the Table of the House on Wednesday, 22<sup>nd</sup> April 2020, and pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order No. 150,

approves the Mediated Version of the County Governments (Amendment) (No.2) Bill (Senate Bill No. 7 of 2017).

Hon. Temporary Deputy Speaker, the general debate has taken place within the context of the earlier Bill. I do not wish to go back to the history of how it was referred. This is a very short Bill in terms of what was being mediated because there were only two clauses, that is, clauses 2 and 3. Hon. Kaluma mentioned something on Clause 2. The difference was in terms of communication by the President when a matter on dissolution of a county has been referred to him.

There was also the issue of timelines, reports going to the Senate, who receives them and the manner of receipt. We looked at it and agreed that the National Assembly got it right and the Senate agreed with us. We must congratulate ourselves for enriching the Bill from the Senate such that it is now better in terms of how communication takes place.

*(Applause)*

Hon. Temporary Deputy Speaker, the Senate drew to our attention a nomenclature issue that we used a word that was not consistent with the Bill. We quickly agreed with them. There is an instance where we used the word 'authorization' instead of 'approval'. It is a very small issue which could have derailed the whole Bill, which is very fundamental in laying the structure for dissolution of counties. The modalities are now clear in terms of what happens if the President agrees and the tribunal disagrees; or if the President disagrees and the tribunal agrees. The Bill is now clear.

I do not want to get into the merits and demerits because those had been canvassed here. It suffices to say that I want to thank the membership of the Committee from the Senate and the National Assembly. We worked in a very cordial manner and achieved the results in record time. The originators of the two Bills, Sen. Murkomen and Sen. Mutula Kilonzo Jnr., were part of the team and made it easier for us to agree on the issues. I expect that you will even proceed to put the Question after this one because the general matters have been canvassed.

I beg to move. I also request Hon. Kaluma to second.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Peter Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Deputy Speaker, I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Member for Nakuru Town East, you can finally have a say on this.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to air my views. The Leader of the Majority Party has put it very clearly. There are very minimal changes. The National Assembly is important because every Bill must pass through it. With their wisdom, Hon. Kaluma and his team were able to come up with ideas that the Senate had not looked at. It is important for us to critically look at the timelines, as the Leader of the Majority Party has put it. Now that we are going for some form of referendum, it is important for us to look at two critical things that have been proposed in the Building Bridges Initiative (BBI) Report. It is important to bring back the health function to the national Government. That is a very key issue that we need to look at when it comes to the BBI Report. I was once a councillor and a mayor for that matter; and devolution is the heartbeat that

we required at the county level. I think we got it a bit wrong. You can see the way things are happening in the county governments, including impeachment of governors. Dissolution of county governments was well thought out by the Committee of Experts (CoE), but I think they missed out on a few things that have been finalised by Hon. Kaluma and his team. I support the Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Rosanna Passaris, Member for Nairobi City County.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I actually did not want to contribute to this Motion; I wanted to contribute to the next one. In as far as the Senate and the National Assembly are concerned, we have had a back and forth relationship. It is increasingly becoming obvious that legislators are in the National Assembly and not in the Senate. Every time the Senate passes a Bill, I think it would be nice and prudent for them to try and involve our Committees so that, by the time it comes to the National Assembly, we are able to synergize and make sure that we all serve the people. The Senate has responsibilities in as far as the counties are concerned. We know that there are so many issues in the counties.

When COVID-19 was confirmed in the country, the Senate was very quick to rush and create a COVID-19 taskforce. There is so much duplication. The Senate seems to overstep what the National Assembly has to do. You find that the Cabinet Secretaries are being called by both the Senate and the National Assembly and then there is total confusion. If the National Assembly focused on strengthening and empowering county governments, we would be in a better position to ensure that devolution is a success. Right now, we have so many challenges in devolution and so much confusion in as far as how the Senate is handling devolution. The Government has allocated Kshs5 billion to county governments to boost their response to COVID-19 and ensure they deliver on Universal Health Coverage (UHC). Quite a number of counties have not been able to get more than 10 or 15 beds. With the rising cases of COVID-19, we are actually in a crisis. When you think of devolution, the whole idea was to make sure that in the grassroots, we end up uplifting people's lives. Right now with COVID-19, we are going to see drastic increase in poverty because we have not been able to address what the Senate should do in terms of protecting county governments.

There is this talk right now about women representatives being taken to the Senate. Taking women representatives to the Senate because we work in the counties makes a lot of sense but, at the end of the day, we should not lose the gains that we have in the National Assembly. We should also be encouraging the various political parties to ensure that the National Assembly brings women who are elected by nominating them to vie, and not ensuring that that we end up with more nominated women in Parliament and thus seeing women as a burden. All in all, we respect and appreciate what the Senate does. There is need to focus clearly on trying to empower the county governments to enable them to deliver on the various devolved functions. What they are trying to do in terms of legislation and oversight is duplication which makes it very difficult for us to attain what we want. We are exhausting the Executive by requiring Cabinet Secretaries to come to both Houses of Parliament to answer same questions.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Passaris, women can never be a burden to this nation. They are pillars of the earth. We appreciate them.

Hon. Edith Nyenze, kindly have the Floor.

**Hon. (Ms.) Edith Nyenze** (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

Let me congratulate the two Committees. They were able to come up with something agreeable, and that should be the way to go. The health and agriculture functions have been proposed to come back to the national Government. As we try to amend some of the devolution related Acts, we should actually mirror the same in the National Government Constituencies Development Fund (NG-CDF) Act. The NG-CDF projects are the only things you see on the ground. There are many developments but, if you look at what the county governments are doing, it does not reflect the 30 per cent of the national revenue that is supposed to go to development. So, it is actually good to look at the Acts related to county governments so that we can have value for money. In most counties, there is no value for money and you wonder whether it is because of the Acts or the regulations for devolution that people out there are not well versed with. What is the problem? You also find that some counties are doing very well while others are not. Their finances are being misused left, right and centre; especially, the revenues from their own sources. So, as we also harmonise some of these Acts, we should also look at that aspect so that devolution can be a success.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Can we have the Mover to reply?

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I just want to thank the Members for their contributions and, once again, thank the Committee for the deliberations. Fortunately, I know them. So, next time there is mediation I, at least, know the team to pick. One of the things we have learnt in the course of mediation is that we need a wider training of all Members on mediation. It is not a matter of fighting for who is right or wrong. It is about how we can get the best out the situation. I believe if we do this even across the political divide, we will be going places.

With those words, I beg to reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, I direct that the next steps with regard to this Motion be undertaken when it next appears on the Order Paper.

*(Putting of the Question deferred)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

*The House rose at 1.00 p.m.*