

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

SPECIAL SITTING

*(Convened vide Gazette Notice
No. 2404 of 15th March, 2021)*

Thursday, 18th March 2021

The House met at 10.00 a.m.

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

PRAYERS

Hon. Speaker: Order, Hon. Members! Take your seats. I can see some of you have finished the morning Sitting and are going away.

COMMUNICATIONS FROM THE CHAIR

SPECIAL SITTINGS OF THE NATIONAL ASSEMBLY

Hon. Members, I wish to make the following Communication. That, pursuant to the provisions of Standing Order 29 relating to the procedure for convening of Special Sittings of the House during recess, I wish to report to the House that on 13th March 2021, I received a letter from the Leader of the Majority Party requesting that I convene a Special Sitting of the National Assembly to consider certain matters. Having taken cognizance of the urgency of the matters so specified in the letter by the Leader of the Majority Party, I acceded to the request to convene a Special Sittings today Thursday, 18th March 2021, commencing at 10.00 a.m. for the Morning Sitting and at 2.30 p.m. in the case of the Afternoon Sitting, for purposes of –

(a) Tabling of the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2020/2021;

(b) Tabling of any other paper(s) and statutory instrument(s);

(c) Transaction of the following business—

- i. Notification of a Motion for approval of the First Supplementary Estimates for the Financial Year 2020/2021;
- ii. Consideration of the Motion for the approval of the First Supplementary Estimates for the Financial Year 2020/2021;
- iii. Consideration in Second Reading of the National Aviation Management Bill, (National Assembly Bill No. 18 of 2020);
- iv. Voting on the Motion for Second Reading of the Division of Revenue Bill, (National Assembly Bill No. 7 of 2021);
- v. Consideration in the Committee of the Whole House of the Division of Revenue Bill (National Assembly Bill No. 7 of 2021); and,

- vi. Consideration in Third Reading of the Division of Revenue Bill, (National Assembly Bill No.7 of 2021).

Hon. Members, pursuant to provisions of Standing Order 29, I did gazette the said Special Sittings of the House vide *Kenya Gazette Notice No. 2604* of 15th March, 2021. In this regard, the Sittings of the House this morning and afternoon are properly convened.

Hon. Members, today's Sittings come at a time when the country is witnessing a spike in the number of cases of infection of the COVID-19 Pandemic as, indeed, stated by the Ministry of Health.

In this regard, I urge Hon. Members to strictly adhere to the Ministry of Health protocols that have been issued for the prevention of the pandemic. In particular, Hon. Members are advised to observe social distance in the Chamber and while in the other facilities, strictly sit only in the designated places in the Chamber and avoid changing seats and close physical interactions.

With respect to the use of the dining facility, I have instructed the Sergeant-at-Arms and catering staff to ensure that not more than two Members shall be permitted to occupy one table at a time. May I remind the House that, as leaders, we have a duty to join the concerted efforts of flattening the curve of COVID-19 pandemic infections in our beloved nation. I will be giving further guidance on this matter with respect to the Sittings of the House and attendant protocols in the course of next week. The House is accordingly guided.

I thank you. Hon. Kimani Ichung'wah, where is your card?

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker, for giving that Communication. I thank you because I had intended to rise on that related matter.

As you have rightly said, there is a very serious spike in Covid-19 related cases in the country. I am sure, as the Chair of the Parliamentary Service Commission (PSC), you are aware that quite a number of us, Members of Parliament, and even staff in this House have, in one way or the other, been affected by this pandemic and even been infected. It is, indeed, a matter of grave concern especially looking at the way we conducted ourselves last week on Thursday, both here and at the Members' Lobby.

I was wondering, Hon. Speaker, as much as you have said that you will be giving communication next week on the observance of the Ministry of Health protocols, you will remember that, last year, when this pandemic came in, we had very stringent measures both within and outside the Chamber. But those measures seem to have been relaxed. You will realize that if you walk at the parking lot, both at the Members' Lobby and even within the precincts of Parliament, many of those protocols have been relaxed.

Last week, His Excellency the President, in furtherance of those health protocols, did institute a ban on all political gatherings. You realize that all these are politicians seated in this House and may constitute a political gathering. I am not saying that we should be teargased in the House, as it happened in Baringo County Assembly but, there is already a precedent. But we must be in the forefront in leading in observance of all the health protocols.

Hon. Speaker, I want to ask you and challenge the Parliamentary Service Commission. I say this with due respect to you as the Chair of the PSC, that we seem to have thoroughly relaxed on the observance of those protocols rightly as you said, from the dining hall and in the manner we sit in the Chamber. You remember we had Serjeant-at-Arms in white overcoats sanitizing our desks, the microphones we use and all these other objects here. You may realize that in the last few months, that has since been relaxed.

At least, today, I see one Serjeant-at-Arms in a white overcoat, but I have not seen him sanitizing anything. I see them very quick to sanitize the Speaker's seat if you happen to leave and the Deputy Speaker is coming to sit. I want to insist that we continue to observe those

protocols even as we extend our sympathies to our colleagues who have been infected or affected in one way or the other.

Hon. Speaker, I am also begging your indulgence. You realise that, as an East Africa Community (EAC) member, we have lost a leader of a friendly nation - not just a neighbour but a neighbour that is a friendly nation. I seek your indulgence to allow Members to convey their condolences to the people and the Republic of Tanzania, if you may allow us, because being a friendly country...

Hon. Speaker: Hon. Kimani Ichung'wah, you are jumping the gun. There is already a programme for that. Obviously, what you are saying is correct but, given the arrangement for today, we want that to happen at 2:30 p.m. so that we give Members sufficient time to express themselves.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. Then I will just conclude by asking you, as Chair of the Parliamentary Service Commission and also as a ranking member of the Members Welfare Committee, that you cause the Parliamentary Service Commission to ensure that there is proper observance of all COVID-19 related protocols in the House.

It may even be necessary - and I say this with respect to the House Business Committee, and I know there is a lot of important business pending before the House... There are three Bills that we have today - the Division of Revenue Bill (National Assembly Bill No.7 of 2021), the National Aviation Management Bill (National Assembly Bill No.18 of 2020) and the Supplementary Appropriations Bill which hopefully, we can quickly pass today.

However, beyond today, as you said, we were bound to resume next week. We may need to also relook into our Calendar. I beg that we relook into our Calendar. That is why I was speaking about the gathering that we are in here.

We need to relax our Calendar in terms of the number of sittings and the days we sit, as we did last year, at least, for this season between now and the time the Annual Estimates are tabled towards the end of April. We may consider altering our Calendar so that we also give ourselves the time that you were asking, to help the country in reducing the spread of the pandemic. I ask you, as the Chair of the House Business Committee, that as we retreat after today's sittings, you may consider relooking at our Calendar to be away at least between now and the time the Supplementary Estimates are tabled.

Hon. Speaker, I know we changed our Calendar last week to allow ourselves to come back next week to debate the Building Bridges Initiative (BBI) Constitutional (Amendment) Bill, but life and our health may be more important than BBI. I say this with a lot of respect to the promoters of BBI. BBI can wait: your health, my health, your life and our lives cannot wait. I really beg that we ...

Hon. Speaker: I thought you rose on a point of order. Now you appear to be debating so many things.

Hon. Kimani Ichung'wah (Kikuyu, JP): I rest my case, Hon. Speaker.

Hon. Speaker: Hon. Members, let me give this guidance. If you rise on a point of order, please, make sure that you just deal with what you think is a matter of order. You have covered too many topics including what the House Business Committee does, what Parliamentary Service Commission will do, catering, social gatherings and you started by indicating that this is also a political gathering. I allowed you to make the mistake so that I can correct you.

These can never be affected by the directives of the President. This is called the third Arm of the Government. It cannot be the subject of directives about when to sit and when not to sit. It designs and determines its Calendar. When the pandemic broke out in the country, you will recall the advice from the Ministry of Health through their State Department of Public Health, the sitting arrangements was such that the Chamber only accommodated 66 Members. After some time, they reviewed that and increased the sitting capacity to 112 Members. I do

not know whether Members read the seat labels written: “Sit Here”. Even those people who went up to Class III can read that. I would expect Members of Parliament to be the first ones to read those simple words. They are just seven letters. “Sit Here”. If you find yourself sitting where it is not so labeled, you are in violation. There are so many empty sitting spaces. There are some who find it very inconveniencing, but we have to allow the inconvenience to happen for the time being. I know there are some who like sitting next to certain Members and they feel uncomfortable when they sit next to others. Because Hon. Millie Odhiambo came late, she now has to sit far away from where she normally sits. Obviously, we have to live with these times as they are.

The issue about the number of sittings is already under discussion. We will make an appropriate decision. However, the proposition could come from the House Business Committee, but the decision will be made by the House itself. The House Business Committee cannot impose on the House. It is the House to make the decision on the number of sittings, the duration and the number of people. No! The number of people will be determined by technical advice from the Public Health Department.

The first point which Hon. Ichung’wah raised is very pertinent. I alluded to it last week when I said in passing that we must appreciate that there is a spike in COVID-19 cases. There is an increase in the number of cases. When you look around and you do not see some of your colleagues, that should suggest that all is not well. We obviously continue to pray for them to recover quickly.

We have also had a spike among the staff. As I say this, you can see the Member for Imenti North is not listening. You can see how actively he is... Hon. Caleb Kositany, even if you were vaccinated yesterday, please, help us to navigate through this period.

All those matters that Hon. Ichung’wah has raised are being actively considered. Like I said, with regard to the passing on of the President of the United Republic of Tanzania, we have programmed that matter in the Afternoon Sitting to allow Members to express themselves.

In accordance with my Communication, part of the reason why we had this Sitting, as I explained, was to get the report of the Budget and Appropriations Committee with regard to the First Supplementary Estimates for the Financial Year 2020/2021. Thereafter, they are supposed to table their report, after which the Chairperson is supposed to give notice of Motion.

I have relaxed the Standing Orders because I am told that there have been consultations happening throughout the last five days, extending to this morning. I am aware. I may not sit in those committees but I am always briefed. I am aware that there are consultations. The Chairperson will be given up to 1.00 p.m. to table the First Supplementary Estimates and give notice of the Motion, failing which, they shall be deemed not to have been tabled and will not form part of the business for the afternoon. We must go by our own rules. If the Chairperson and his team do not table and give notice of the Motion before 1.00 p.m. today, you can consider that as having been skipped and we will proceed to other business. I am told that there is work that is being done along those lines following the various consultations that have been happening.

What are all these interventions? I hope it is not about the passing on of Magufuli. Let us move to the next Order. We were on Order No.3.

PAPERS LAID

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

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Reports of the Auditor-General and financial statements in respect of the following institutions, for the year ended 30th June 2019, and the certificates therein:

- (a) The University of Nairobi; and,
- (b) Jomo Kenyatta University of Agriculture and Technology Enterprises Limited.

Perhaps, I would have wished to also lay another Paper on the Status of Disbursement of the National Government - Constituencies Development Fund (NG-CDF). With your indulgence, I could brief Members on where we are.

Hon. Speaker: Proceed.

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

Hon. Members, you may recall that we had a rather candid discussion on Thursday. I appreciate the sentiments of the Members because the message got where it needed to. As a result of that, we had a meeting with the National Treasury on Friday, assisted greatly by your interventions on Thursday. We managed to get some commitments on a number of things.

First, Kshs6 billion had been disbursed from Treasury to the NG-CDF Board. That amount had not been disbursed to the constituencies. We made a decision that, that money must move from the Board to the constituencies. Members would have noted that the first disbursement of Kshs4 billion was made on Monday. The second disbursement of Kshs2 billion was made on Tuesday. By now, Kshs6 billion has already hit the bank accounts. I have also been following and have conducted sample tests on a number of constituencies. I have confirmed that the list, as provided by the NG-CDF Board, in terms of the status of the disbursement for 2020/2021, has hit the banks of the constituencies. If for some reason your constituency...

(Loud consultations)

Hon. Speaker, instead of me reading the whole list for the 290 constituencies, the list will be available. I circulated it on our regular wall. I have checked and can confirm that there was money in the accounts of all the constituencies I tested. I have training in audit. Different constituencies have different amounts. Let us agree that we move in stages. The important thing to note is that we had an allocation of Kshs41.71 billion this year. That is what is in the Budget. As you all know, money cannot be paid from the National Treasury, unless it is in the Budget. We have Kshs41 billion in the Budget. Out of that money, Kshs28 billion has been disbursed to the NG-CDF Board. Another Kshs2 billion will be disbursed this week and next week. We agreed that Kshs2 billion will be disbursed by Friday of every week. By the third week of April, Kshs41 billion would have been liquidated.

(Loud consultations)

Let us go slowly. The law has a certain timeline as to when money is supposed to be disbursed. It was made by this House. You do not disburse money ahead of its need. That is what we need to figure out. By third week of April, Kshs42 billion would have been disbursed. The Supplementary Estimates that came here, first, had a reduction of NG-CDF of Kshs10 billion. That has been reinstated.

(Applause)

In addition, the Kshs13.718 billion that had not been included in relation to the 2019/2020 Financial Year has now been agreed and featured. You will see it in the Supplementary Budget as an amendment. Once we approve it, that amount will be disbursed

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from the fourth week of April, May and three weeks in June. By the third week of June, we shall have received Kshs54 billion as NG-CDF. That is something that the National Treasury committed in writing. I will follow it up. If it does not come, hold it on me.

(Loud consultations)

The next thing that we need to do is to work with the Constituencies Development Committee. Even as we get money from the National Treasury to the Board, we need to make sure that it moves from the Board to the constituencies. I discussed this with the Board. The reason the money does not move is because Members have huge balances in their constituencies' accounts.

Hon. Members: No!

Hon. Amos Kimunya (Kipipiri, JP): Let the truth be told. It is true that there are some constituencies which have huge balances.

An Hon. Member: On a point of order, Hon. Speaker.

Hon. Speaker: He is also on a point of order.

An Hon. Member: On a point of information, Hon. Speaker.

Hon. Speaker: I have not given you a chance to contribute. Just relax!

Hon. Amos Kimunya (Kipipiri, JP): There is Kshs20 billion that was disbursed between Monday and yesterday. I want to encourage Members to utilize it as much as possible, so that we can now pull the amount going to the Board and then we pull it to the constituencies. As long as the money is lying in constituencies' accounts and you have not done the returns and requisition, the Board will sit with the money, instead of taking it to where it is supposed to be - to stimulate economic activities at the constituency level.

Hon. Members, Kshs13.7 billion was not included in the Supplementary Estimates earlier. The Board, in its wisdom, used part of the Kshs28 billion to pay the constituencies that had arrears. Just for your records, arrears of Kshs15.67 billion in the 2019/2020 Financial Year have been disbursed out of the Kshs28 billion meant for this year. Another Kshs742 million was also disbursed in respect of arrears of previous years because there are Members who had not claimed their monies for previous years. Kshs16.4 billion that relates to Kshs41 billion for this year has been paid to cover arrears for previous year. However, we have not authorized it. We have to do it within the framework of 2.2.3. First of all, we will rectify that and also top-up our money to reinstate it to Kshs41 billion this year because part of it has now gone to previous years. If we do not do that, we will remain with Kshs41 billion which has to be divided between what has gone in arrears and the balance for this year. The National Treasury saw the light and said that they would give us back our money, which is Kshs13 billion and pay it all this year.

I have reported that because you requested me to do it on Thursday. I believe that we have done our bit. I want to thank the Whip, Chair of the Budget and Appropriations Committee and the other leaders whom we work with who accompanied me to discuss this matter with the National Treasury and ensure that NG-CDF money is protected. Let us expedite the operations at the constituency level because the money which will be disbursed tomorrow and next week - which is Kshs4 billion - is the equivalent of Kshs13 million per constituency; which should now sustain operation for another two weeks. If we continue that way, there will be enough cash flow moving between now and at the end of the year. Based on the calculations that we have done, everything will be funded by the third week of June.

We have made good progress. I will continue pressuring for the money to move from the National Treasury as you pressurize for the money to come from the Board to the constituencies. I do not want to become the Chair of the Constituencies Development

Committee. Let me be the debt collector from the National Treasury to the Board and then you help me from the Board to the constituency and from the constituencies to the *wananchi*.

Thank you very much.

(Applause)

Hon. Speaker: Will you table that document?

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, with your permission, I can table it so that Members can see how much money each constituency has received. It is in three columns. The first column is for the financial Year 2020/2021. That money should tally with what was disbursed in respect to that.

The second column is what was sent for 2019/2020 Financial Year arrears. The third column is what was sent for previous arrears and then you have the total in terms of actual cash that moved between 1st July, last year to Tuesday, this week. You should have that. Your Fund Managers should confirm that. On a sample basis, I know that we have tested and the money has moved. It accounts for the entire Kshs27,150,850,000 that has gone to the Board for the operation. So, the entire Kshs28 billion from the National Treasury has been accounted for. As we move on, we will continue monitoring.

With those remarks, I beg to table the document.

(Hon. Amos Kimunya laid the document on the Table)

(Several Hon. Members raised up their hands)

Hon. Speaker: Hon. Members, this is not a debate. This is the problem. When you understand the rules, you find it very easy to operate in the Chamber. I can see some Members raising up their hands. I want this document to be tabled. We ordinarily do our work. Sufficient copies will be produced so that each Member who desires to look through and raise issues at whatever time can raise them. Do not begin to make this a debate. Let the document be tabled. Raise issues after you have gone through it.

Where is the Chairman of the Constituencies Development Committee?

(Several Hon. Members spoke off-record)

Hon. Speaker: Is he in Dubai? Hon. Kimunya, can you sign this document so that it gets some ownership? Otherwise, it will look like something that has been collected from the streets.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker I will be very happy to sign it. I will take responsibility for its accuracy. As a follow-up, I have just been informed that the Ksh2 billion was disbursed last night and it is in the process of moving. Things are moving.

(Loud consultations)

Hon. Speaker: Hon. Members, there is nothing to agitate about, unless you have a point of order that is not related to that.

Do not ask me about this because I do not sit in the National Government - Constituencies Development Fund Committee. In fact, I have no intentions of ever sitting there. Ever!

(Laughter)

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An. Hon. Member: Become a Member of Parliament.

Hon. Speaker: No! No! I do not want to. Hon. Koech, I can see you are burning with a point of order. What is it?

Hon. Nelson Koech (Belgut, JP): Thank you, Hon. Speaker. It is important that we understand that since this matter was brought up last week - and we gave the Government some time to consult with the leadership - there has been a communication circulating in our WhatsApp groups indicating that, at least, Ksh38.7 million has been disbursed so far. What we need to know is exactly how much the balance is. What is the schedule of payment of the balance? That is what is important.

Even as we are fighting COVID-19, all the money that we need at the moment is meant to build classrooms to enable students to attain social distancing in schools. By mid-May, the systems will be closed. Therefore, we must be very accurate on the information that is being given in this House. It is not enough to mention and to circulate a message on WhatsApp. We want to know where it is originating from and who the author is!

Hon. Speaker: Again, you are missing the point. The reason I have allowed that document to be tabled is so that you can now... I am not dealing with WhatsApp. As you can see, I do not have a phone here.

Hon. Nelson Koech (Belgut, JP): Who is the author of this document? Is it the Majority Leader or the National Treasury?

Hon. Speaker: Hon. Koech, the Leader of the Majority Party has said that he is signing it in order to own it.

Hon. Nelson Koech (Belgut, JP): He has no power.

Hon. Speaker: No! It is not about having the power. I do not know who has the power. Unless you were not in the Chamber that day, issues were raised here and he was given the assignment to try to get where we are. That is what he has been reporting on. As you can see, the person who should be tabling the document - I hear from some Members - is in Dubai. Maybe, then, if you want to check about the accuracy, you have to fly to Dubai.

(Laughter)

That is what some Members have said. So, Hon. Kimunya is stepping in as an agent of necessity because there is some vacuum especially with regards to what Hon. Koech has said about the accuracy. Get a copy of this document. Look at what has been indicated against your constituency, Belgut. Later, I will allow Members to raise some issues about accuracy. The Hon. Kimunya, who has laid the document and signed to own it, can then respond. However, as at now, if we start saying that something was on WhatsApp, then something else will be on Twitter and another on Instagram. Now Hon. Koech, I know you are one person who likes following procedure. There will be nothing for us to debate.

You have raised a good point but let us first get the document. You can then critique it and show the inaccuracy in it based on facts. He says that the document is accurate. So, you hold him to that fact. Is it not?

Hon. Members, until maybe sufficient copies have been made, let us not deal with this.

(An Hon. Member spoke off-record)

No! No! Not on this. Have you read the document or you are going to tell me about something that is on Instagram?

Hon. Nelson Koech (Belgut, JP): *off-record.*

Hon. Speaker: No! Let me refer to the immediate former Chairperson of the Departmental Committee on Finance and National Planning, Hon. Limo.

Hon. Joseph Limo (Kipkelion East, JP): Thank you, Hon. Speaker. I am rising to say that this is a House of order. We use records and practices. I know the issues that were raised last week. If those issues could have been tackled the way we have always done previously when there is a good mood in the House, we could not be at this point now. I sympathize with you that you are now being dragged to get involved in trying to cool the House. The mood here is what the Members are bringing from the ground where the members of the public are in dire need of finances.

However, the Majority Leader has tried, but he has not done it as per the practice. When there is an issue in this House, we have always had a bipartisan conversation where all of us are called to a *Kamukunji*. We thrash the issues out and come here as one.

(Applause)

We are not opposing the Division of Revenue Bill. We are expressing ourselves to the fact that the Government is not very serious about disbursing the NG-CDF.

(Applause)

Even the Majority Leader has tried his best to explain how it is being disbursed. As finance experts here, we are also aware that the Government disburses what it collects and, therefore, we look at the time. Looking at the time, we are at 75 per cent of the time and, therefore, we should also be at 75 per cent of disbursement. If we work on the figure, it is at Kshs190 million. What we should have done so that we do not involve the Speaker here is this: We should have had a *Kamukunji* and discuss this. Then when we come here, we pass all the other Bills without all this acrimony. We will be using our minds to express ourselves in one way or the other but, objectively. Right now, we are still trying to bring out minds together, but it cannot be about how much has been disbursed.

Hon. Speaker, I urge my friend Hon. Kimunya: “You are a good leader.” However, you need to learn from your predecessor, Hon. Aden Duale. He used to ensure that he brings all the Members to one mind. We would discuss it in a *Kamukunji* or even in other forums, but not what Hon. Speaker is calling WhatsApp and all that. We need to see each other face-to-face and that is it.

Thank you, Hon. Speaker.

Hon. Speaker: Now that you want to see each other face-to-face...

(Laughter)

Most interestingly, I can see that you are looking at each other face-to-face. Well Hon. Members, I appreciate that you have been having the conversation.

Member for Tharaka, you have the Floor.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Speaker. Indeed, we have some acrimony between ourselves and the business we are coming to transact is very important. May I pray and move that you give us some 30 minutes for the House to rise. In 30 minutes to one hour, we can have a conversation between ourselves and then we can come back and transact the important business in the Order Paper. Provided we have assurances which we do not seem to trust now, maybe, it will be slightly better when we meet face-to-face. So, kindly, allow us 30 minutes to one hour.

Hon. Members, is it that you do not want to read the document which has been tabled or many of you are not sufficiently literate in that field? It has been signed and owned by somebody. Hon. Kimunya has said that he should be held to account for its accuracy.

(Loud consultations)

No, Members!

(An Hon. Member had no mask on)

You must have your mask on so that you are not seen when you are without it, however brown you may look.

Member for West Mugirango, Hon. Kemosi.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Speaker for giving me this opportunity. I keenly listened to the Leader of the Majority Party and he tried to explain, but fell short of expectations of Members of this House.

We have only three months to finish this financial year and yet we have only received 36 per cent of the allocation we are supposed to get. We have been bashed in our various constituencies for failure to issue bursaries. Members of the public in our constituencies do not understand that the money is held by the National Treasury. The Leader of the Majority Party, by explaining to this House, is adding more insult, not only to the Members of the House, but to the public at large.

The promise we were given last week and the money we have since received is not enough. Therefore, Hon. Speaker, the mood of the House is that we seek more time, so that we can build consensus. These Members are very emotional.

Hon. Speaker: You have no capacity to talk about that. I can see you are emotional but do not say that about the others.

(Laughter)

Hon. Vincent Kemosi (West Mugirango, FORD-K): Hon. Speaker, I stand guided. I conclude by saying that even the disbursement which was done was skewed and was not done in an equal way. Some constituencies have received about Kshs45 million while some of us have received Kshs30 million. They should explain the formula they used to give some constituencies more money and explain if some constituencies are more super than others and others inferior.

Thank you, Hon. Speaker.

Hon. Speaker: Chair of the Budget and Appropriations Committee, what is your point?

Hon. Kanini Kega (Kieni, JP): Thank you very much, Hon. Speaker. I beseech Members to listen to me just for a minute.

When the issue of National Government Constituencies Development Fund (NG-CDF) came to the Floor of the House, I caused a meeting between my Committee, the Constituencies Development Fund Committee and the National Treasury and the NG-CDF Board. We were informed then that the National Treasury had disbursed Kshs26 billion. They also gave us the timeframe that by the end of April, they would have exhausted the Kshs41 billion.

There are Members here, and we have also be very candid and honest, who between 1st July 2020 this financial year up to Tuesday, have received in excess of Kshs100 million. That is a fact.

(Loud consultations)

Let me explain. These are facts.

Hon. Speaker: Let him explain.

Hon. Kanini Kega (Kieni, JP): Let me explain because figures do not lie. Figures will speak for themselves. That is a fact. It is, of course, the NG-CDF Board which had the discretion to disburse funds. The National Treasury, up to today, has disbursed Kshs30 billion out of Kshs41 billion for this financial year.

(Loud consultations)

Hon. Speaker, I seek your protection because basically these are facts. The National Treasury... It is good to listen. The truth will always set you free. The National Treasury has indicated and has lived true to its promise that each week, it will be disbursing Kshs2 billion. Cumulatively, they have said that by 30th April 2021, they would have disbursed Kshs41 billion. In the Supplementary Estimates that I will be tabling later in the day, we have included the Kshs10 billion that was slashed and the arrears of Kshs13 billion, which was not disbursed in the last financial year. The Kshs13 billion could not be disbursed without us appropriating that money and that is what we have done as a Committee. So, we have put it in the Supplementary Budget. That money could not be disbursed without us passing it. This is a question of facts or a statement of facts.

(Loud consultations)

I am speaking as facts are. So, Hon. Speaker, my Committee has considered that, appropriated it and put it in the Supplementary Estimates which we are bringing, which will include the arrears.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, there has been a request, which as you know, we can do and suspend business. There has been that request. We can suspend business. It is within the Standing Order but even if that were to happen, Hon. Members, but you do not listen to one another, what would you go to do? Will you go to a *kamukunji* where everybody is shouting at one another? There is need for us to listen to one another, so that even if we were to suspend business, we will be going to engage in an exercise that will be fruitful. Surely, to listen to one another is not asking for too much.

Hon. Nyamita, you appear to be...

(Several Hon. Members rose in their places)

Hon. Members, you know that if we hear one person from one side, we hear another one from the other side. So, when somebody has spoken from this side and many of you are unable to sit down because you want to catch my eye, my eye will not catch you.

Hon. Mark Nyamita (Uriri, ODM): Hon. Speaker, thank you for the opportunity. I just want to make some clarification. I agree with you that even if we were to break, it is important we listen to each other.

I heard the Leader of the Majority Party and the Chair of the Budget and Appropriations Committee explain to Members the issue of the NG-CDF. One of the points that is not coming out clearly, which probably Members need to understand, is the following: At the close of the last Financial Year 2019/2020, the NG-CDF Board had not released about Kshs14 billion. So, when we went into the budgeting cycle for the 2020/2021 Financial Year, the current financial year, we budgeted for the NG-CDF for this financial year without taking into consideration the arrears of Kshs14 billion. So, that was one of the things that escaped all of us here. But it was

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probably not brought even by the NG-CDF Board. So, what Members need to understand is that, indeed, we went to this financial year with a whole Kshs14 billion for the previous financial year. So, when we came into this financial year, the total allocation for the NG-CDF was Kshs41 billion, but the Kshs41 billion, even if it were to be disbursed as a whole as of today, we will still be having the whole of Kshs14 billion for the previous financial year. So, this is what happened. There are Members in this House, for reasons that they know, for example, Hon. Millie, who had arrears from previous years. So, when we received money for this financial year, Hon. Millie has confirmed to us that she received as lump sum of about Kshs69 million. So, this is essentially what happens. When Hon. Limo says that we should be...

(Loud consultations)

Just allow me some time to speak. Hon. Limo has said that we should have received 75 per cent of the money, but out of the Kshs41 billion for this financial year, Kshs30 billion has been released, which is about 70 per cent. However, there is a gap of Kshs14 billion. If this House does not pass the Kshs14 billion... By the way, I am also affected by this issue of the NG-CDF. We need to pass the extra Kshs14 billion, which is the contention that some of us had. We even warned the Cabinet Secretary for the National Treasury that if he does not cater for the Kshs14 billion in the Supplementary Budget, we will not pass the Budget. Even if we were to pass the Budget as it is, it will mean that by the end of the financial year, Kshs41 billion will have been released, but we will still be short of that Kshs14 billion.

So, Hon. Members, the reason why even the Budget and Appropriations Committee sent away the Cabinet Secretary is because he had not included the Kshs14 billion arrears, which has since been included in the Supplementary Budget that is going to be tabled here. We need to be clear about the issue of the Kshs14 billion plus the Kshs11 billion that is remaining for this financial year, which will bring the total to about Kshs25 billion. We need to have clarity on how it is going to be spread so that before the end of this financial year, we receive the whole amount for the current financial year and the arrears for the previous financial year.

I beg to submit, Hon. Speaker.

Hon. Speaker: What is it, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker. I would like to bring in the voice of reason since I do not have a NG-CDF account. I will be very independent and objective in my contribution. In today's Order Paper, we are supposed to discuss very important Bills like the Division of Revenue Bill and the National Aviation Management Bill. I do not see how these businesses are tied with the NG-CDF. We should move forward and prosecute the mandate that brought us here. Does it mean that if there is no NG-CDF we will not debate the other very important business?

(Loud consultations)

Are we prosecuting our business based on the importance of the Motions and Bills? We do not need time to go and negotiate. We only need to prosecute the business that is in front of us. Does it mean that the NG-CDF is a bribe? So, let us prosecute the important business. Does it mean that this business will only become important if the NG-CDF has been deposited into your accounts?

Hon. Members: Yes.

Hon. Speaker: Order! Hon. Sankok, you have been heard. Hon. Members, let us all appreciate that there are Members here who represent single Member constituencies, others who represent entire counties and others who represent special interest groups. You are all

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Members of this House, and you all have equal right to speak. Therefore, it is not right to say that he does not understand the NG-CDF. He might not understand it, but those of you who understand the NG-CDF have an obligation to also lecture him a bit so that he understands the NG-CDF.

Hon. Amin.

Hon. Rashid Kassim (Wajir East, WDM-K): Thank you, Hon. Speaker. I want to speak on behalf of the majority of the Members and this House. It is fair to give a true picture of the disbursement that has been going in the current financial year, which started on 1st July 2020. I wish to confirm that in the last financial year, we had arrears averaging Kshs17 million per constituency. So, we had an outstanding payment of projects which were due to receive a total of Kshs17 million in that financial year. In the ongoing fiscal year, we have a total disbursement of Kshs36.4 billion, which amounts to only 26 per cent of the entire expected disbursements.

While this Government is taking keen interest to disburse and give revenues to the counties, it has not given attention to the Members of Parliament in their respective constituencies, which are doing critical services particularly in disbursement of bursaries, construction of classrooms and provision of items used for prevention of COVID-19. Members' interests have not received the attention they desire. So, it is the intention of these Members of Parliament, in unison, to make sure that there is disbursement of nearly 80 per cent of the total NG-CDF pending allocations prior to them undertaking any other dedication on the Division of Revenue Bill and the Supplementary Budget.

(Applause)

Hon. Speaker: Hon. Members, I know some of you are very good in addressing mobs. Please, you are addressing your colleagues. There is no need for emotions. The Member for West Mugirango talked about emotions. It looks like he had seen Hon. Amin. That is the Member he had noticed that was going to be emotional. There is always room for people to put their heads together and reason together. There is nothing that is insurmountable in this discussion.

I am told that the former Chairperson of the NG-CDF Committee, Hon. Lessonet, who is holding brief for the current Chairperson, has some updates.

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Speaker, for this opportunity. You have said it correctly. I used to chair the NG-CDF Committee and it was the wisdom of the membership of this House that this time round I remain a Member of the NG-CDF Committee. I am standing in for the Chairperson, who is not in today. I just want to give the House a small brief. In this brief, there is no constituency in this financial year which has received Kshs100 million, like I heard a Member say. None of the constituencies has received Kshs100 million for this financial year.

There is a very long list of constituencies which, because of the arrears of the last financial year totaling Kshs14 billion, which was alluded to, did not receive their funds. We have constituencies like Ainabkoi, Ainamoi and Balambala, which did not receive Kshs69 million for the last financial year. To date, the funds which have been received for this financial year total Kshs30 billion, namely, Kshs2 billion which was received yesterday and Kshs28 billion which has already been disbursed. The outstanding balances for the affected constituencies in the previous financial year have since been disbursed.

I would like to update Members that up to today, the Treasury has disbursed, for this financial year, Kshs30 billion to the NG-CDF Board. With this Kshs30 billion out of Kshs41 billion, if it was not for the arrears of close to Kshs14 billion for the last financial year, we would be saying that the Treasury has done a good job. Out of this Kshs30 billion, Kshs15

billion and more has gone to service the total arrears which we know, of course, amount to Kshs18 billion, including the arrears for the other financial years.

That is the update from the National Government Constituencies Development Fund Board in terms of disbursements from the National Treasury. I just want to beg this House...

(Loud consultations)

I wish Members could listen. I beg this House that the National Treasury, for the last three weeks, has demonstrated goodwill by disbursing at least Kshs2 billion every week to the NG-CDF Board. The Kshs2 billion for this week was received yesterday by the NG-CDF Board. Yesterday was Wednesday. That is a lot of goodwill. The National Treasury has promised to disburse Kshs2 billion every week. I am just saying that they have demonstrated that goodwill over the last three weeks. We have seen Kshs2 billion every week to the NG-CDF Board. For the National Treasury to disburse Kshs14 billion which they are promising to disburse every week even after they exhaust the Kshs41 billion, we need to have processed the Supplementary Budget. We need this House to process the Supplementary Budget, allocate the Kshs13.714 billion to the NG-CDF Board, so that the National Treasury can disburse.

With that, I believe I have the latest disbursement from the National Treasury and not Hon. Kimunya.

I beg to table this new allocation list. I thank you, Hon. Speaker.

(Hon. Moses Lessonet laid the document on the Table)

(Several Hon. Members stood along the aisle)

Hon. Speaker: Order Members! Order! Members, take your seats. I can hear some of you make some very interesting suggestions. Obviously, you seem to suggest that you have not gone through your Order Paper properly. I hope you have all looked at the Order Paper. Actually, the point at which we are is Order No. 5 on Papers. It is at that point that the Leader of the Majority Party laid some Papers, among them the document he said relates to the NG-CDF disbursements. In terms of sequence, we are still at Order No. 5. It is at that point that a few of you claim to rise in your places on points of order. I have heard you. It looks like you would want to consult further.

Hon. Members: Yes!

Hon. Members: No!

Hon. Speaker: Hon. Members, before we go to that, I will direct the Clerk-at-the-Table to read out the next two Orders, after which a decision will be made. For some of you who like saying things here and there, whatever you want to say, if you want to go to consult further, I will put the Question. For those who want carry the day, that will be the will of the House. Standing Order No.1 allows me to do that so as to know exactly the mood of the House so that I do not listen to one of you shake your head, some of you winking at me and so on.

(Laughter)

What message are you communicating when you wink at me? Is it a message of love? What is it? Or is it a message of invitation to treat? I really do not know. So, it is only fair that we do the next two Orders. I appreciate the sensitivity of the matter.

(Hon. Ahmed Kolosh stood along the aisle)

Hon. Kolosh, can you be in the National Assembly Chamber? Do not go to the market in Wajir. It is important that Members reason together as Members. Therefore, we only want to finish this. This is one minute and we will be through. Then, because I can see people grimacing and doing all manner of things, I will put the Question as to whether I invoke Standing Order No.1 to suspend the Sitting for a specified period, not exceeding one hour. The Sitting goes on up to 1.00 p.m., so that it allows you to consult as I have heard some of you say. If those in favour of that carry the day, then that shall happen. If those in opposition carry the day in terms of how I will have heard the acclamation, then we will proceed. So, there is no need for anybody to get agitated because we appreciate. Remember it was on this same seat that an appeal was made to you, Hon. Members from single Member constituencies to assist the national Government in the construction of classrooms. I am alive to that statement. It was made from this very seat. So I am alive to that. I would want to see a proper resolution of this issue so that Members are able, through their Constituency Development Committees (CDCs), to make sure that ongoing projects are completed. I am aware there is the question of bursaries through the NG-CDF.

Hon. Members, we just want to have a win-win situation so that neither the national Government nor the House feels shortchanged as appears to be the suggestion from some of you.

I want to ask the Clerk-at-the-Table to quickly call out the next two Orders.

QUESTIONS AND STATEMENTS

(Several Hon. Members walked in)

Hon. Members, if you are coming in, do not wave at others because you might actually have a lot of time to talk to them. I think there are no seats. Please, go and sit in the Members' Lobby.

Hon. Members, I want to put this Question, but it is good that I am understood. There have been suggestions that the House suspends this Sitting for one hour.

Hon. Members: One-and-a-half hours.

Hon. Speaker: Can we suspend for one hour?

Hon. Members: Two hours.

Hon. Speaker: Member for Kilifi North, the Order Paper has already been drawn and we shall be going to Order No.8. Can we agree to suspend for 45 minutes? If you are able to resolve the issue, I want to assure you that the next Order can be completed in less than 30 minutes, except the other business appearing on the Order Paper. Will 30 or 45 minutes be okay?

Hon. Members: 40 minutes.

Hon. Speaker: Since there are suggestions for 30, 40 and 60 minutes, we will suspend the sitting for 45 minutes.

*(Question, that the House be suspended for 45 minutes,
put and agreed to)*

Order, Hon. Members! Look at this Member. Please, listen. The Sitting is merely suspended and the Speaker does not have to go through the walkway. The Sitting will be converted to the informal consultation room that you wanted to have.

Thank you, Hon. Members.

The House was suspended at 11.24 a.m.

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The House Resumed at 12.10 p.m.

Hon. Speaker: Order Members! We appear to have exceeded the number. Serjeant-at-Arms, you know the COVID-19 protocols are that the Chamber may only accommodate 112 Members. Hon. Members, I appreciate the business which was to be transacted, but the Clerk's notification was clear that the COVID-19 protocols were to apply and that admission to the Chamber will be on a first come first serve basis. I can see some Members who have no seating places. Hon. Duale is suggesting that some of you slept here.

(Laughter)

Obviously, Hon. Sankok was here on Tuesday pretending to come at 2.30 p.m. only to meet with me and tell me that he wanted to be the early bird. He had forgotten that the House had passed a Motion suspending the sitting of Tuesday this week. That is why he was walking into the Chamber.

(Laughter)

Hon. Members, can I get some indication? I am told the Deputy Speaker has some good news.

Hon. Moses Cheboi (Kuresoi North, JP): Hon. Speaker, this is one occasion that I have nothing to report other than that we had a robust interaction. All Members wanted to speak, but they could not because time was limited. Definitely, there was no agreement. Therefore, there is nothing for me to report, but there were a number of issues that came up; most of them were a repetition of what you had heard before, for example, the issue of NG-CDF. I do not think the Leader of the Majority Party has anything more to report. There was nothing, but a lot of airing of what was in Members' hearts. So, there is nothing that I can report.

Hon. Speaker: Well, looking at the time now, it is almost 21 minutes past midday. I had given indication that the Chair of the Budget and Appropriations Committee will be given an opportunity to Table the Supplementary Estimates I 2020/2021, and thereafter proceed to give notice of Motion. So that in terms of the gazette notice this will be business to discuss at 2.30 p.m., just to alert the House. I am assuming the Chair of the Budget and Appropriations Committee has gone through his Report and the figures he will table will not make him sweat in the afternoon.

Hon. Members, to pave the way to whatever you may wish to do in the Afternoon Sitting at 2.30 p.m., let me go back to Order No.5 and 6.

PAPER LAID

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Speaker for your indulgence. I beg to lay the following Paper on the Table of the House:

The Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2020/2021.

Thank you, Hon. Speaker.

Hon. Speaker: What about the appendix or addendum?

Hon. Kanini Kega (Kieni, JP): The addendum, Hon. Speaker.

Hon. Speaker: Which is the Report of the various Departmental Committees? I think...

Hon. Kanini Kega (Kieni, JP): It is here. Thank you.

Hon. Speaker: Let us move on to order No.6.

NOTICE OF MOTION

CONSIDERATION OF THE FIRST SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 2020/2021

Hon. Kanini Kega (Kieni, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2020/2021, laid on the Table of the House on Thursday, 18th March 2021 and pursuant to the provisions of Article 223 of the Constitution and Standing Order 243-

- (i) approves an increment of the total recurrent expenditure for Financial Year 2020/2021 by Kshs19,125,524,385.00 in respect of the Votes as contained in the attached Schedule;
- (ii) approves an increment of the total capital expenditure for Financial Year 2020/2021 by Kshs61,579,711,818.00 in respect of the Votes as contained in the attached Schedule;
- (iii) approves an overall increment in the total budget for Financial Year 2020/2021 by Kshs80,705,236,203.00 in respect of the Votes as contained in the Schedule; and,
- (iv) resolves that the attached Schedule forms the basis for the introduction of the First Supplementary Appropriations Act, 2020/2021.

Thank you, Hon. Speaker.

Hon. Speaker: You are right Hon. Kaluma. It will have to come in as a Bill so that Members have an opportunity to go through it through a toothcomb and see whether the First Supplementary Appropriations Bill, contains many of the various promises I understand have been made to you in the short-suspended session.

It is only in the Supplementary Appropriations Bill and not the debate. This debate is just talk. It is in the Supplementary Appropriations Bill where Members will have to check and see that each and every coin promised is included. You are the people to make the law, it is where you have all what it means to say no and if need be call the virements. I am saying this because it is good for people to understand the processes of budget-making especially in regard to the legislative aspects. I can see the Member for Suba North is ready because this is one of her best times, to ensure she combs everything and leaves nothing to pass.

So, Hon. Members, I am told you have the Report and we can now go back to the business. The Deputy Speaker has reported that there has been no agreement. Maybe, the next business can be read out so that if there are any things to be said they are said within that business.

Next Order!

THE DIVISION OF REVENUE BILL

(Second Reading)

(Question to be put)

(Consultations)

Hon. Speaker: Yes, Hon. Maore.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, I thank you for the decision that we deliberate and suspend the sitting, which we have done. We did not agree. I now rise under Standing Order 53 (3) and seek your wisdom to defer the putting of the Question to such other time that you may designate so that we can get time to agree on what we did not agree.

Thank you

(Loud consultations)

Hon. Speaker: Yes, the Member for Garissa Township.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I first want you to protect me from Hon. Sankok. I am not arriving from Dubai. If I want to go to Dubai, I can even go this afternoon.

I rise to support the suggestion by Hon. Maoka Maore. I have two reasons why I should do so. This august House has a moral and constitutional duty not to put the country into a financial crisis. We have seen the mood of the House. This is the Division of Revenue Bill that divides the resources between the two levels of government vertically. In the event that this Bill is negated, even the financial operation of the Legislature will be affected. Even the operations of the Judiciary will be affected. Even the operations of the NG-CDF we are talking about, for the next financial year, will be affected.

Hon. Speaker, sometimes it calls for wisdom and leadership. We are coming back on Tuesday next week. We are not very far between now and Tuesday. We can even have a *Kamkunji* on Monday and invite the Cabinet Secretary for the National Treasury to continue with the negotiations. The NG-CDF Board will also be here. Let us not throw away the baby with the bathwater. I really want to ask you that we agree to the suggestion under Standing Order 53; that, we step down this Bill. It will not be the first time we are doing such a thing, from my experience as the former Leader of the Majority Party. I did it many times and the House agreed with me. We do not know how the vote will go. I am not like Hon. Gimose, who reads the emotions of others. I only read mine.

Hon. Speaker, this Bill is very important. It has gone through serious public participation from the National Treasury and the Intergovernmental Budget and Economic Council (IBEC), chaired by the Deputy President. It has gone to the Commission on Revenue Allocation. It has gone to our Budget and Appropriations Committee. It is anchored on the advisory of the Supreme Court – that, we cannot enact the Appropriations Act without passing the Division of Revenue Bill. So, this matter is weighty. This matter is serious. This is not a matter you can play around with. It is not a walk in the park.

I support the Deputy Majority Whip so that we step down this Bill as we build consensus. Consensus is not built within one or two hours. We can build it over the weekend through Monday. Moreover, the Leader of Majority and the leadership of the House can consult the Executive. We work together. This House must make a decision that is beneficial to the people of Kenya. That is why we are saying the NG-CDF is very critical. It is because it benefits the people of Kenya. The Division of Revenue Bill is beneficial to the people of Kenya. Therefore, I support and would like the House to agree with me so that we defer the Bill. We can bring it back on Tuesday. We are at a very critical stage of this Bill. What remains is for the Question to be put.

Hon. Speaker, question to be put is not a matter that can even be deferred. It is a serious matter. We cannot even debate. We really beg you under your leadership. We have never gone wrong historically. You have led this Parliament well. We really want to beg you to agree with what the Majority Deputy Whip has said. Let us step down the Bill and get back to soberness. Let us go back and deal with the matter of the NG-CDF.

Hon. Speaker, Hon. Pukose is very sober because he is a surgeon. Surgeons are very sober because they deal with precision when they are in theatre. However, there are others who are economists who are politicians and others who did political science. Therefore, I really want to ask that you use your wisdom and step it down. I request that you agree with Hon. Maoka Maore, and then we move on to the next agenda.

Thank you.

Hon Speaker: Let us hear the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. In fact, that request has come by surprise because last Thursday we had a similar discussion and we said we take time to go and look for some extra money. The House sent me and I reported back. Now, as we keep on adjourning this matter, Members also need to know that there are some consequences for delays in the passing of the Division of Revenue Bill.

(Loud consultations)

This is because we have some timelines...

(Loud consultations)

Listen! We have some timelines....

(Loud consultations)

Hon. Speaker: Order! Order, Members! Let Hon. Kimunya make his point. I will allow you to also make yours.

Hon. Amos Kimunya (Kipipiri, JP): Our Constitution has timelines within which we need to prosecute the Division of Revenue Bill so that it goes to the Senate. Once it goes to the Senate, they also need to go through it. We have no control as to how long the Senate will take. The courts have ruled that until the Division of Revenue Act has been assented, the Estimates cannot be introduced to the House. The Constitution says the Estimates need to be introduced before 30th April of each year. Therefore, we are operating within a timeline of one month. In addition, we cannot control the Calendar of the Senate.

Therefore, Hon. Members, the reason we incorporated this last Thursday and this week was so that this House does its constitutional obligation, passes the Division of Revenue Bill and pass it on to the Senate. Moreover, if you remember last year, we had a discussion that took almost three months until the courts ruled that this must be done within a certain time. Therefore, because of those uncertainties, and with us having only one month, it is important that we process this business in the most expeditious manner. We still have an opportunity for Members to express themselves by the time we get the Financial Estimates. If we are not happy, we still can do that. However, let us save the country by, first of all, passing the Division of Revenue Bill and forwarding it to the Senate. We can then discuss our internal matters here which we can take forward by the time we do the Budget Estimates.

Hon. Members, we can keep on dilly-dallying and pushing it forward but at some point in time, we will have to make a decision. In addition, the country is watching and waiting. I would wish that we save the country from that anxiety.

(Loud consultations)

Hon. Speaker: Hon. Members, please let us just be orderly. Hon. Members, as usual, in this kind of situation, it is good to listen to each other. Hon. Junet, do not take too long.

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Remember the request that has been made by Hon. Maore is that we defer the putting of the Question to... Do not press anything. I think you have over pressed your buttons and I think your fingers are becoming a bit... Hon. Junet, you can use the microphone at the Dispatch Box.

Hon. Junet Nuh (Suba East, ODM): Hon. Speaker, thank you. I stand to support the Motion raised by the Deputy Whip of the Majority Party. Consultations are never harmful. People can continue consulting until they agree on something. This matter of NG-CDF is very emotive and important to Members of Parliament because it concerns their constituencies. However, I know that there is a lot of work that has gone into it in the last three days. We can take two more days to fine tune it and agree and make sure that we have all the monies required and then come back to this House and pass all the laws that are required to help the country, as the Leader of the Majority Party has put it.

Hon. Speaker, can I be protected? I am not running for presidency. They know that *Baba* is still alive.

Having said that, the issue of the Division of Revenue Bill is very important to this country. This is the Bill that will divide money between the counties and the national Government. If we do not do justice to it, history will judge us very badly that we never took care of our people in the counties. So, on Tuesday or whichever day you will appoint, we will come back here. I can guarantee you that whichever way, that day we will vote on this Bill, we will have prepared. Hon. Speaker, you know there is NG-CDF and also the other issues. We will sort them all out. When you see Hon. Sudi today seated here from morning, you will know there is politics in this thing.

With those few remarks, let us meet on Tuesday here.

Hon. Speaker: Hon. Members, there have been three on the right side so let me hear one on the left side. Let me hear the Member for Suba North. Hon. Members, you know Members sit in the Chamber. This one is for technical staff and others.

Hon. (Ms.) Odhiambo-Mabona (Suba North ODM): Thank you, Hon. Speaker. Last week I had actually requested, on record, that we have a *kamukunji* with the Cabinet Secretary for Treasury. There are times that in the House you can see it is beyond the chairman or the House leadership. Those who were with me in the 10th Parliament know that there was an issue that was as divisive as this and it actually went to the President and Prime Minister. It called that we actually had to engage with them.

Hon. Speaker, why do you see Members going this way? Many people may say that Hon. Members are looking out for their interests. The NG-CDF is not just about Members. Where I am seated here somebody has texted me from a place called Lusau, a contractor saying: “*Mheshimiwa*, I did work here and I have not been paid.” He is a simple man. I even do not know who he is because he has been awarded the contract by the Project Management Committee (PMC) at the village level.

Hon. Speaker, the money that reaches ordinary Kenyans is NG-CDF, whether it is through the projects it does, the bursaries and everything. So, when NG-CDF stops, it means there is no *pesa mashinani*. I urge the House leadership not to take this issue that we will consult in the air. When Members ask for a *kamukunji*, call a *kamukunji*. Let Members have an indication whether it is on Monday or wherever. I would actually suggest on Monday but when you go with the mood of the membership at this level, it is going to collapse. Then people will start blaming Members. Hon. Speaker, I also urge you that in difficult moments like this, use discretion under Standing Order No. 1 to help us move. I know you have really tried but I also urge the House leadership, let us all humble ourselves. Members are very reasonable. They all want what is good for the country. Let us talk to each other but I am also encouraging Members that when we sit and actually have the *kamukunji*, let us listen to each other and let us move forward. I almost said in Jesus name.

Thank you, Hon. Speaker.

Hon. Speaker: I think it would have been better that way. Next is Hon. Pukose. Hon. Members, I think during the suspension you must have really also messed with the system.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker, for allowing me to contribute to this. I like what Hon. Maore has said. We are going to step down this business using Standing Order No. 1. I ask the leadership of the House that by next week Monday or Tuesday when this matter comes before the House, we need to have money in our accounts. Let us not just talk about that we will go and discuss this and that. People want money. What will only make sense is money in our accounts. Yesterday when the Treasury knew that we were going to have a Sitting, they started sending money in little amounts to our accounts. On Monday, they sent Ksh13 million. Yesterday they sent Ksh6.5 million. This means it is possible for them to respond to the needs of these Members.

When you look at the amount that we are talking about, all of us have put money for bursaries. We need to put up classrooms. Because of the COVID-19 pandemic, the classrooms are not enough. We cannot just give out money for just bursaries alone. We need to put up classrooms. So, whatever we have been given is not even enough for bursaries and classrooms. The President was here. I was hearing what Hon. Kimunya was saying. The President cannot give us a speech in vain. The President was here and he said NG-CDF will construct classrooms. I do not think he was quoting a law that does not exist. So, with all due respect, Hon. Kimunya and the leadership including the Chairman of the Budget and Appropriations Committee, please go to the National Treasury and tell them to put money in our accounts.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Budalangi.

Hon. Raphael Wanjala (Budalangi, ODM): Thank you, Hon. Speaker, for giving me this chance. You and I are senior Members of this House. Hon. Speaker, you know what we used to do with your predecessors even during Moi's time. Moi was a dictator but he would come and sit with Members of Parliament in a *kamukunji*. When an honourable Member suggested that we need the Cabinet Secretary for the National Treasury to come and talk to us, he had a reason for that. We are equally leaders and they are equally leaders where they are. Let them come and tell us the problem they are facing. We are human beings. We will listen. However, when they sit away and we are away and we start exchanging, we will reach nowhere.

Hon. Speaker, I want you to use your wisdom like your predecessors. On Monday, let them come, sit and talk to us. Let them bring that money by Monday. We want our accounts to receive full amount of NG-CDF by Monday. Then on Tuesday, we will be on top of the game. We cannot allow our Government to collapse, but the Government too must not allow us as Members to collapse. We cannot support them when they do not support us. As you have been told by Members, the only money that reaches the ground today is NG-CDF. Today schools have changed; they want everything from NG-CDF. We do not know where they take their money. The Ministry of Education is given money for development of infrastructure. However, all principals come to the NG-CDF to look for money. Therefore, this money from NG-CDF is important and is needed on the ground. We ask you to use your wisdom, like your predecessor. Even Kibaki would come and sit with us here.

Hon. Speaker: Hon. Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Speaker. I also rise to support the request to defer this particular Motion. I do so because I have been an elected Member for 10 years and I know a Member of Parliament without NG-CDF is useless.

(Applause)

I also know as we get nearer to the elections, if as a Member of Parliament you are not able to do most of your projects, next year will be almost impossible to do anything meaningful. At

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around February or March, they will freeze your accounts and you will not be able to do much. It is time you got your money. It is time this Parliament reasserts its authority because I have seen the authority of this House go down in a great way and I feel very sad.

You must stick to what we used to do, that you are able to put your foot down when push comes to shove and reassert your authority as Members of Parliament. I do not know how you will be re-elected, if you stood here and supported everything that came on the Floor, and are not able to do anything on the ground. I think it is time that you put our foot down and request that on Monday there be money in your accounts so that you can go on the ground and do work for your constituents.

Finally, let me tell the House leadership the following: It does not help to use force to push your agenda on this Floor. Experience has shown me that leaders who have used negotiations, persuasions and consultations have achieved more than those that come here with threats. Please respect Members of Parliament, they are here in their own rights. The only way you can get Members to support your point of view is through persuasion not through threats. If we do not change that style of leadership, this Parliament will continue experiencing what you have seen today. I have never seen Members get to this level where you have to threaten to get your money. I hope the leadership of this House has learnt a lesson and will change their style of leadership going forward.

Hon. Speaker: Hon. Babu Owino has never left high school. He still raises his hand. Proceed.

Hon. Babu Owino (Embakasi East, ODM): Thank you, Hon. Speaker. I rise to support the Motion on the fact that there should be a postponement till we get money.

Hon. Speaker: Put on your mask.

Hon. Babu Owino (Embakasi East, ODM): I have a long nose, so I will not breathe well.

Hon. Speaker: Do not worry about the nose; it will be cut to size.

(Laughter)

Hon. Babu Owino (Embakasi East, ODM): If Treasury were King Solomon, they would have decided that you cut the baby into two. Today, there are a lot of frustrations as demonstrated by Members of the National Assembly. This is not the House that we expected it to be. We must stamp our authority. In Embakasi East Constituency, people are languishing in abject poverty. Some of them would wish to die, but do not have money to buy ropes to hang themselves.

(Laughter)

Lastly, there is *nemo dat quod habet* rule that states that you cannot spend what you do not have. It is our inherent duty to protect the inalienable rights — not only spiritedly, but also religiously — of our constituents. Therefore, money must come. The trickle-down effect and the leaking basket concept must be felt in Embakasi East constituency.

I thank you.

Hon. Speaker: The Member for Baringo County, do you have some time? Can you sit? I heard somebody calling her Gladys. She is called Gladwell. I know all of you by your many names. Some of you have more names than the Speaker. Now the Speaker has very many names.

Hon. Members, let us face facts. Listening to the few contributions that have been made, most of which have been in support of the request by the Deputy Majority Whip requesting that putting of the Question on this Motion be deferred to another date, which is indeed what

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is remaining, under Standing Order No. 53 (3), it was only fair that I hear a few more contributions from the Floor. It seems to me that the mood is one that agrees with Hon. Maoka Maore and that the Speaker...

(An Hon. Member spoke off record)

Do not say no because the request was not made to you. So, you are completely lost.

If you read Standing Order No. 53 (3), you will see that the request was made to the Speaker. It says very clearly that such a request may be made.

The Speaker may adjourn or defer the putting of the Question to the next sitting day and the Speaker shall nominate the time when the Question will be put for the reasons that you have said, mostly to allow for consultations. Please these consultations must be real and meaningful.

(Applause)

I do not know about what must come, but let there be meaningful and real engagements.

Hon. Members, the next sitting day is Tuesday, 23rd March 2021, when the House is scheduled to sit at 2.30 p.m. After conclusion of the various procedural matters that normally come in the sequence of business, this business will still appear as Order No. 8. In the meantime, you will have the opportunity to consult. I, therefore, defer the putting of the Question till Tuesday, 23rd March 2021, at 2.30 p.m. when the House will reconvene.

(Putting of the Question deferred)

(Applause)

However, even as I do that, I wish to also draw the attention of the House to the fact that, you noticed the Chairman of the Budget and Appropriations Committee has tabled the First Supplementary Estimates for the 2020/2021 Financial Year and various documents annexed thereto. I encourage those of you who have a penchant for reading to do so very quickly, within the next two hours, go through what is there. This is so that we can see whether some of those undertakings that we are being told about are actually contained there. Remember, even after passing the Supplementary Estimates, it does not end there. As I said earlier on, that will pave way for introduction in the House of the First Supplementary Appropriations Bill. As you consult and negotiate, I urge you to pay greater attention to the details contained in that Bill.

ADJOURNMENT

Hon. Speaker: For the reasons that we have stated, and the time being exactly 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

