

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 24th February 2022

The House met at 2.30 p.m.

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

PRAYERS

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, we seem to be doing well, but let me confirm whether we have the numbers.

All right. Hon. Members, having seen the Members who have just come in, we now have the required numbers. So let us start business.

(Several Hon. Members walked into the Chamber)

Order, Hon. Members. Those Hon. Members who are making your way in, please, take your seats.

COMMUNICATION FROM THE CHAIR

**RECOGNITION OF STUDENTS AND STAFF OF
STILL I RISE ORGANISATION**

Hon. Members, I wish to introduce to you a group of 20 students and five members of staff of the Still I Rise organisation seated in the Speaker's Gallery. This is an independent international organisation formed to offer education and protection to vulnerable children through creation of opportunities and promotion of their development.

The organisation opens high-quality international schools in nations that have become the destination or long-term transit spaces for immigrants, of which Kenya is one. The organisation targets the most destitute by awarding them internationally-recognised diplomas upon graduation. The group is currently on a study visit to the National Assembly.

On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them a fruitful visit.

PAPERS LAID

Hon. Deputy Speaker: There are quite a handful of Papers. Let us have the Leader of the Majority Party.

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

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2021 and the certificates therein:

1. Roads Annuity;
2. African Union and Other International Organisation Subscription Fund;
3. State Department for Shipping and Maritime;
4. Kenya Roads Board; and
5. Commission on Revenue Allocation.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2020 and the certificates therein:

1. Kenya Urban Roads Authority;
2. National Construction Authority;
3. Engineers Board of Kenya;
4. National Housing Corporation;
5. KWS-Kenya Roads Board Project;
6. Nairobi Metropolitan Area Transport Authority;
7. Kenya Railways Corporation;
8. Kenya Forest Service;
9. Kenya Civil Aviation Authority;
10. Kenya Institute for Public Policy Research;
11. Micro and Small Enterprises Authority;
12. Northern Water Works Development Agency;
13. National Environment Management Authority;
14. Kenya Wildlife Service;
15. Kenya Investment Authority;
16. Bandari Maritime Academy;
17. Kenya Bureau of Standards;
18. Tourism Fund;
19. Tourism Promotion Fund;
20. Kenya Industrial Estates Limited;
21. Taita Taveta University;
22. Rongo University;
23. Kisii University;
24. University of Kabianga;
25. Laikipia University;
26. Maseno University;
27. Kenya Utalii College;
28. Kenya Industrial Research and Development Institute;
29. Gatanga Technical and Vocational Training;
30. Kipkabus Technical and Vocational College;
31. Moiben Technical and Vocational College;
32. Coast Institute of Technology;
33. Koshin Technical Training Institute;

34. Kenya Industrial Property Institute;
35. Tinderet Technical and Vocational College;
36. Mathioya Technical and Vocational College;
37. Siala Technical Training Institute;
38. Kisii National Polytechnic;
39. Taveta Technical and Vocational College;
40. Karumo Technical Training Institute;
41. Tetu Technical and Vocational College;
42. Emsos Technical and Vocational College;
43. Michuki Technical Training Institute;
44. Rift Valley Technical Training Institute;
45. Mukurweini Technical Training Institute;
46. Godoma Technical Training Institute;
47. Murang'a Technical Training Institute;
48. Mukiria Technical Training Institute;
49. Sabatia Technical and Vocational College; and
50. Nachu Technical and Vocational College

Report of the Auditor-General and Financial Statement in respect of Rongai Constituency for the year ended 30th June 2020 and the certificate therein.

Report of the Auditor-General and Financial Statement in respect of the following institutions for the year ended 30th June 2019 and the certificates therein:

1. Northern Water Works Development Agency (formerly Northern Water Services Board);
2. Lake Victoria North Water Works Development Agency; and
3. Tourism Fund.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. We go to the Chairperson of the Committee on Implementation, Hon. Kenta Moitalel.

Hon. Richard ole Kenta (Narok North, ODM): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Select Committee on Implementation on its Consideration of the Implementation Status of the Report of the Departmental Committee on Finance and National Planning on the Optimisation of Revenue Collection in Grain Handling Services at the Port of Mombasa.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. For those Members who do not know Hon. Kenta's other name, he is also called Richard. Next, is the Chairperson, Constitutional Implementation Oversight Committee.

Hon. Alois Lentoimaga (Samburu North, JP): Hon. Deputy Speaker, I have been told by the Clerk you have not approved.

Hon. Deputy Speaker: What has not been approved?

Hon. Alois Lentoimaga (Samburu North, JP): The two Bills.

Hon. Deputy Speaker: There is nothing that needs my approval which has not been approved. If it has not been approved, I understand you are new in your station and I could easily do it from where I sit.

Hon. Alois Lentoimaga (Samburu North, JP): I did not bring the document.

Hon. Deputy Speaker: Well, if you do not have the document, it is something that will be done later otherwise, I will be happy to approve it. Let us go to the next Order.

NOTICES OF MOTIONS

Hon. Deputy Speaker: On this particular one we have Hon. Wangaya. I mean the Chairperson of the Committee on Members' Services and Facilities.

Hon. Christopher Wangaya (Khwisero, ANC): Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Well, this is interesting.

Hon. Christopher Wangaya (Khwisero, ANC): Hon. Deputy Speaker, I beg to give notice...

Hon. Deputy Speaker: Next time put the name we are more familiar with.

Hon. Christopher Wangaya (Khwisero, ANC): Which one?

Hon. Deputy Speaker: The one which incorporates some of your... proceed

ADOPTION OF REPORT ON STUDY VISIT TO THE LEGISLATIVE ASSEMBLY OF ALBERTA

Hon. Christopher Wangaya (Khwisero, ANC): Hon. Deputy Speaker, I beg to give notices of the following Motions:

THAT, this House adopts the Report of the Select Committee on Members' Services and Facilities on a study visit to the Legislative Assembly of Alberta, Canada from 14th to 18th October 2019, laid on the Table of the House on Tuesday, 11th December 2020.

ADOPTION OF REPORT ON ESTABLISHMENT OF PARLIAMENTARY HEALTH SERVICES UNIT

THAT, this House adopts the Report of the Select Committee on Members' Services and Facilities on Establishment of Parliamentary Health Services Unit, laid on the Table of the House on Wednesday, 11th August 2021.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. We are more familiar with Aseka as your name. Wangaya is another name we are yet to get used to in your new station.

Hon. Christopher Wangaya (Khwisero, ANC): Thank you.

Hon. Deputy Speaker: The next Member is Hon. Richard Moitalele ole Kenta.

ADOPTION OF REPORT ON OPTIMISATION OF REVENUE IN GRAIN HANDLING SERVICES AT THE PORT OF MOMBASA

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Speaker for giving me another name. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on Implementation on its Consideration of the Implementation Status of the Report of Departmental Committee on Finance and National Planning on Optimisation of

Revenue in Grain Handling Services at the Port of Mombasa, laid on the Table of the House on Thursday, 24th February 2022.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Okay, they were only two. What is it Hon. Sankok?

**NOTICE OF MOTION FOR ADJOURNMENT UNDER
STANDING ORDER NO.33 (1)**

RISING FOOD PRICES IN THE COUNTRY

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Deputy Speaker, for giving me this opportunity. Pursuant to Standing Order 33(1), I rise to seek leave for adjournment of the House for the purpose of discussing a definite matter of urgent national importance on rising food prices in the country.

According to the latest data from the Kenya National Bureau of Statistics (KNBS), food prices rose by 8.89 per cent in January 2022 making it hard for thousands of Kenyans to put food on their table. The KNBS shows that over the last year, the price of cooking oil has risen by 30.76 per cent per litre, maize flour by 20.99 per cent, Liquefied Petroleum Gas (LPG) by 16.93 per cent, bread is up by 9.10 per cent and fertiliser is even worse because it has risen by 250 per cent.

Hon. Deputy Speaker, the sharp increase in food prices over the last couple of years has raised serious concerns about food and nutrition of poor people in this country. The higher cost may largely be attributed to dry weather condition that is currently affecting more than 10 counties, climatic change and increase in oil prices, among others. I, therefore, seek your leave for the adjournment of the House in order to discuss this matter so as to propose possible lasting solutions. Do I have the numbers? I only need five. You are all there. Of course, I have seen Hon. Junet and Hon. Kimunya saying that I do not have the numbers to discuss food prices, but we have to be sensitive to Kenyans.

Hon. Deputy Speaker: No! Order, order Hon. Members!

Hon. Sankok, you might actually be misleading yourself that you only require five Members. Let us count. If you have less than the required numbers, then you will have to wait for another day. How many are they because it is very clear that we know the numbers.

Hon. David ole Sankok (Nominated, JP): *Simama bwana*. We are talking about food. It is not about the Building Bridges Initiative (BBI) or political parties. *Wewe simama bwana*. Hon. Junet is up and he represents 10 of them. Thank you.

Hon. Deputy Speaker: Order, order Hon. Members. Take your seats. The numbers that are required are 20 and not five as Hon. Sankok wanted to mislead the House. Luckily for you, you got the 20. The only problem we have is that we will not have it today because we will be dealing with the Budget Policy Statement (BPS) which has to be completed. There is even a probability that we will extend the time for today's sitting. It is very critical and this is probably one thing that will also deal with some of the issues that you have raised. I am trying to consult to confirm if I can slot it for Tuesday next week at the close of the House. I want to consult briefly to see if the Standing Orders allow or I have to invoke Standing Order No. (1).

As you are aware, the BPS is something that we need to finalise today. Whereas what Hon. Sankok has raised is very critical, the BPS is also very critical because it deals with probably the same things. If Hon. Sankok is happy, then we can fix it for Tuesday next week.

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, I am well guided and I accept any decision that you will make because as much as food prices are an emergency, the BPS is also a critical matter that this House must finalise. With your guidance, Tuesday is well accepted by me.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you so much for your understanding, Hon. Sankok. Tuesday, it is! The time will be communicated to you so that you are aware.

Order, Hon. Members! Before we go to the next Order, I want to revisit Order No. 5 on Order Paper. As the new Chair would be aware, this matter had already been approved and signed off. So, please, table the document. What is your point of order, Hon. Wandayi? Use that microphone.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, I was wondering when you will make a determination as to when to schedule the Motion for Adjournment that was proposed by Hon. Sankok.

Hon. Deputy Speaker: I will do it after I confirm something and then see the amount of time that we should allocate to it.

Hon. Opiyo Wandayi (Ugunja, ODM): He cast some serious aspersions when he was moving the Motion. We need to debunk them once the Motion is approved and we get an opportunity to raise very pertinent issues that concern Kenyans. As you know, we represent Kenyans and have been known to be pro-people. We can combine that with the Sagana Declaration so that we can have a more comprehensive...

Hon. Deputy Speaker: Order, Hon. Wandayi. That is a political statement. That matter is closed. Let us have Hon. Junet. I hope you do not want to make a political statement.

Hon. Junet Nuh (Suna East, ODM): Hon. Deputy Speaker, not at all. I want to commend your ruling. Hon. Sankok has raised an important matter. As leaders who have been elected by Kenyans, it is incumbent upon us to discuss issues affecting our people. We must also discuss national issues of importance like the Sagana Declaration. That was a very important day for this country, where the Head of State and the President of the Republic of Kenya guided the nation on the way forward. It is the responsibility of the Head of State to tell Kenyans which direction this country will go.

Hon. Deputy Speaker: Order!

(Loud consultations)

What is it, Hon. Pukose? I see that even the Leader of the Minority Party wants to speak.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Deputy Speaker, the matter that Hon. Sankok has raised is critical. My friends, Hon. Junet and Hon. Opiyo Wandayi, being senior Members of this House, should not trivialise the matter by associating it with the declaration that was made in a language that not everybody understood. That is a very strange concept to bring into the House. We speak in either English or Kiswahili in the House. Those are the languages we understand. Giving guidance on what Hon. Sankok has said will be good so that we can discuss it and dispense with it.

Hon. Deputy Speaker: To make things easy, we will discuss this particular Motion from 6.00 p.m. to 7.00 p.m. on Tuesday, 1st March 2022. Let us close that one for now.

Hon. Members, you are introducing many issues that were not raised by Hon. Sankok. The issues that we will be discussing are food prices and all those issues that he has raised. With regard

to other issues, any Member can seek a Motion for Adjournment and then we will see whether it is a matter of national interest. Any Member is free to do that.

What is it, Hon. Mbadi? I hope it is on a different matter. I have not seen you in the House for some time. That is why I would easily give you an opportunity to say something. I am sure you are a busy man. I know that people are busy during this campaign season. Let us hear what you have to say.

Hon. John Mbadi (Suba North, ODM): Hon. Deputy Speaker, undoubtedly, I am a very busy man. My timetable was almost conflicting today which demonstrates that I am busy.

I agree entirely that food prices are a very key issue to discuss as a nation. I want to agree with Hon. Wandayi and Hon. Junet that to save time we could also merge it with this major discussion that took place yesterday. You know when a sitting Head of State holds such an event and makes a pronouncement, some of which I do not want to discuss the details - He even talked about corruption...

Hon. Deputy Speaker: Order! Take your seat!

Hon. John Mbadi (Suba South, ODM): Hon. Deputy Speaker, I beg to be heard. If you listened to the translation of what the Head of State said, he was talking about how this country's economy has been battered as a result of corruption.

Hon. Deputy Speaker: Order, Members! The only presidential address we will discuss in this House is the State of the Nation Address that is done in Parliament. Please, let us leave that for now. Order, Hon. Members! I have given Hon. Sankok Tuesday.

Therefore, any Member with an issue should bring it on Tuesday, if it is in this line. The issue is we cannot merge it with any other. The Motion we will deal with is Hon. Sankok's. We will be happy to hear from any other Member who would wish to have the House adjourned on another matter of definite national importance. Please, Hon. Members let us proceed.

(Laughter)

Hon. Deputy Speaker: Order, Hon. Ngunjiri! We are taking a lot of time, yet we have a very important issue. What is it?

Hon. Ngunjiri Wambugu (Nyeri Town, JP): Thank you, Hon. Deputy Speaker. I think what the President said was very important, but because he spoke in Kikuyu language, I offer myself to interpret what he said. That is very simple.

(Loud consultations)

Hon. Deputy Speaker: Order! Take your seat! Hon. Members, I think that has made the afternoon a little lighter. Let us go to business, I will not give any other Member on this one. Order, Members!

Next Order!

ORDINARY QUESTIONS

Hon. Deputy Speaker: Hon Members, on this particular one we will start with the Ordinary Questions. Starting us off is the Member for Kathiani, Hon. Mbui.

Question No.044/2022

IRREGULAR REGISTRATION OF CITIZENS
AS MEMBERS OF POLITICAL PARTIES

Hon. Robert Mbui (Kathiani, WDM- K): Thank you, Hon. Deputy Speaker, for this opportunity to ask Question No.044/2022 to the Registrar of Political Parties:

- (i) Could the Registrar of Political Parties explain how and why a number of citizens have been registered as members of various political parties without their knowledge and consent?
- (ii) What measures has the Registrar taken to ensure that members of the public are not unlawfully registered in political parties?
- (iii) What steps has the Office of the Registrar taken to update its management information system to ensure better coordination, control, analysis and decision-making regarding information for political parties?

Hon. Deputy Speaker, this is in consideration of the fact that we are about to go into the nomination process.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That one will be replied to before the Departmental Committee on Justice and Legal Affairs.

The next is the County Woman Representative for Meru, Hon. Bishop Kawira Mwangaza.

Question No. 054/2022

INFRASTRUCTURAL DEVELOPMENT IN LEARNING INSTITUTIONS

Hon. (Ms.) Kawira Mwangaza (Meru CWR, Independent): Thank you, Hon. Deputy Speaker. I would like to ask Question No. 054/2022 to the Cabinet Secretary for Education:

- (i) Could the Cabinet Secretary outline the measures the Ministry has put in place to ensure that construction of infrastructure in public learning institutions across the country is adequately supervised by experts to ensure it is of quality standards and that the safety of learners is not compromised?
- (ii) What steps is the Ministry taking to ensure that old and dilapidated school infrastructure in Meru County is repaired?
- (iii) Could the Cabinet Secretary explain the criteria used by the Ministry to allocate and disburse infrastructure funds to public learning institutions in Meru County?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That will be replied to before the Departmental Committee on Education and Research.

Next is the Member for Mathioya, Hon. Kihara. Member for Mathioya?

An Hon. Member: He is not in.

Hon. Deputy Speaker: Let us have the Member for Nakuru Town East. It seems that he is also absent. Member for Endebess.

Question No. 057/2022

DELIVERY OF RELIEF FOOD TO ENDEBESS

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Deputy Speaker. I stand to ask Question No. 057/2022 to the Cabinet Secretary for Public Service Gender Senior Citizens Affairs and Special Programmes:

- (i) Could the Cabinet Secretary clarify whether 300 bags of rice, which were part of relief food dispatched vide letter Ref No: MDP/SDSP/9/11Vol.1 (37), dated 11th May 2020 addressed to the Deputy County Commissioner, Endebess and copied to the area Member of Parliament for Endebess Constituency, were delivered and distributed to the intended beneficiaries?
- (ii) Could the Cabinet Secretary provide a list of all beneficiaries of the said relief food?
- (iii) Could the Cabinet Secretary also provide a breakdown of all the relief food that was distributed in Trans Nzoia County in the year 2020, indicating its estimated cost, details of all beneficiaries in the county indicating their sub-locations, locations and sub-counties?

Hon. Deputy Speaker, this was during the epidemic and we want to know whether this relief food reached the intended beneficiaries.

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Administration and National Security.

Next is the Member for Gilgil.

Question No. 058/2022

STATUS OF INVESTIGATIONS INTO DISAPPEARANCE
OF MR. BONIFACE NJUGUNA NDUNG’U

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Deputy Speaker. I rise to ask...

Hon. Deputy Speaker: The Member who is in the neighbourhood, kindly allow the Member for Gilgil to ask her Question in absolute peace.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Hon. Deputy Speaker, I was consulting Hon. JK on the fact that the Order Paper is not uploaded on my system. I was checking whether it is uploaded on his.

Hon. Deputy Speaker: If it is only on uploading, then that is fine. But please maintain social distance. Proceed.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No. 058/2022 to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) What is the status of investigations into the disappearance of Mr. Boniface Njuguna Ndung’u of ID No. 20125197, a businessman and resident of Gilgil Constituency who was kidnapped in Churo area, Baringo County on 31st August, 2021 while sourcing for chicken for his business as reported in Gilgil Police Station on 17th September, 2021 vide OB No. 21/17/9/2021?
- (ii) Have there been any arrests of those involved in the disappearance, particularly the suspect(s) who allegedly demanded for a ransom for the release of Mr. Njuguna on 2nd September, 2021, but later reneged on grounds that the incident was a revenge mission?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That one will be replied to before the Departmental Committee on Administration and National Security.

Is the Member for Nakuru Town East, Hon. Gikaria, now in? What about the Member for Mathioya? Those Questions are deferred to next week.

Question No.055/2022

DELAYED SUPPLY OF COCONUT AND GRAFTED
CASHEWNUT SEEDLINGS

(Question deferred)

Question No.056/2022

HALTED OPERATION OF GATEIGURU BUS-STOP IN NAKURU

(Question deferred)

We move to the second segment under that particular Order, which is on Statements. We will start with the Leader of the Majority Party who, obviously, has a Statement.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING 1ST TO 3RD MARCH 2022

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No. 44(2) (a), I rise to give the following Statement on behalf of the House Business Committee which met on Tuesday, 22nd February 2022 to prioritise business for consideration:

Last week, we concluded the process of re-organising various Committees of this House. I take this opportunity to congratulate the Members who have been given fresh mandates as Chairpersons or Vice-Chairpersons. I urge them to hit the ground running and encourage Committees to keep working hard to expedite all the pending, but urgent business before them. The time remaining in this Session is not much, yet a lot needs to be done.

I wish to urge Members who have sponsored certain Bills to keep track of the progress made in consideration of individual Members' Bills whenever they are scheduled on the Order Paper, mainly on Wednesday mornings. This will prevent Members from losing an opportunity to move their Bills.

For the Tuesday Sitting of 1st March 2022, the House Business Committee has scheduled continuation of the following Motions, if not concluded today: The Report of the Budget and Appropriations Committee on the Budget Policy Statement for the Financial Year 2022/2023 and the Report of the Budget and Appropriations Committee on the Medium Term Debt Management Strategy for the Financial Year 2022/2023.

The following Bills have also been scheduled for consideration in the Second Reading, namely, the Children Bill, the Huduma Bill and the Advocates (Amendment) Bill, 2021.

In accordance with the provisions of Standing Order No. 42A (5) and (6,) I wish to convey that the following Cabinet Secretaries are scheduled to appear before the Departmental Committees as follows:

- (1) The Cabinet Secretary for Lands is scheduled to appear before the Departmental Committee on Lands on Tuesday, 1st March 2022 to respond to Question No.043 of 2022 by Hon. Peter Kihara regarding compensation of Kiriaini-Kairo residents.
- (2) The Cabinet Secretary for East African Community and Northern Corridor Development is scheduled to appear before the Departmental Committee on Defence and Foreign Relations on Tuesday, 1st March 2022 to respond to Question No.013 of 2022 by Hon. Olago Aluoch regarding the payment of terminal dues to all former employees of the defunct East African Posts and Telecommunications Corporation who were not compensated following the winding up of the Corporation in the late 1970s.
- (3) The Cabinet Secretary for Public Service, Gender, Senior Citizens Affairs and Special Programmes is scheduled to appear before the Departmental Committee on Labour and Social Welfare on Tuesday, 1st March 2022 to respond to Question No.027 of 2022 by Hon. Zuleikha Hassan regarding fresh registration of beneficiaries to the Inua Jamii Programme.
- (4) The Cabinet Secretary for Interior and Coordination of National Government is scheduled to appear before the Departmental Committee on Administration and National Security on Tuesday, 1st March to respond to the following Questions: Questions Nos.018 and 019 of 2022 by Hon. Abdul Rahim Dawood regarding the abduction of Louise Muthiri and payment of dues to Police Constable Japhet Kaumbuthu, respectively. Secondly, Question No.030 of 2022 by Hon. Benard Okoth regarding the abduction and killing of Miss Cynthia Makokha.

The House Business Committee will reconvene on Tuesday, 1st March to schedule business for the rest of the week. I now wish to lay this Statement on the Table of the House.

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

Hon. Deputy Speaker: Before we go to the next Order, let us have Hon. Lentoimaga giving us his Notice of Motion.

PAPER LAID

Hon. Alois Lentoimaga (Samburu North, JP): Hon. Deputy Speaker, I beg to lay following Paper on the Table of the House...

Hon. Deputy Speaker: Are you laying a Paper or giving a Notice of Motion?

Hon. Alois Lentoimaga (Samburu North, JP): I am laying a Paper.

Hon. Deputy Speaker: Okay. Let us proceed.

Hon. Alois Lentoimaga (Samburu North, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Reports of the Constitutional Implementation Oversight Committee on its consideration of:

- (i) The Elections (Amendment) Bill (National Assembly Bill No. 41 of 2021); and
- (ii) The Election Campaign Financing (Amendment) Bill (National Assembly Bill No.37 of 2021).

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Lentoimaga, do you have a notice? There is no notice, it is only laying of a Paper. Hon. Zuleikha just take your seat. What is your point of order? I intend to give Hon. Zuleikha a chance to request for her Statement which is an urgent one. What is it Hon. Rasso?

Hon. Ali Rasso (Saku, JP): On a point of order, Hon. Deputy Speaker. Two weeks ago, I sought a Statement regarding one of my constituents, Mr. Robert who was picked up by National Police Service (NPS). Two weeks is a very long time and the Leader of the Majority Party is here in this House. A missing person to a family is a harrowing experience. I think as representatives of the people seated in this House, if you had a missing person in your constituency and the Government knows his whereabouts, but you have not been told or the family... I think it is important that as legislators...

Hon. Deputy Speaker: Hon. Rasso, are you asking about a request for a Statement you made which has not been responded to?

Hon. Ali Rasso (Saku, JP): Yes, two weeks ago.

Hon. Deputy Speaker: You have mentioned the Leader of the Majority Party, I thought it should be more of the Chair of that particular Committee.

Hon. Ali Rasso (Saku, JP): Not at all, Hon. Deputy Speaker.

Hon. Deputy Speaker: Were you expecting that Statement from the Leader of Majority Party?

Hon. Ali Rasso (Saku, JP): The Chairman was missing on that day and the Leader of the Majority Party picked up the responsibility to respond to my Statement.

Hon. Deputy Speaker: Hon. Rasso, if that is the case, you are a seasoned Member. I understand the gravity of the situation, but the fact that the Leader of the Majority Party picked up that matter does not put it in his docket. It should be handled by the Chairperson of the Departmental Committee on Administration and National Security. So, take your seat because I know Hon. Yusuf Hassan also has an issue then we can see how to resolve the matter.

Hon. Hassan, Member for Kamukunji.

Hon. Yusuf Hassan (Kamukunji, JP): On a point of order, Hon. Deputy Speaker. I want to raise an issue similar to what *Mhe.* Rasso has asked. In general, there is a tendency that many of the Questions and Statements Members of Parliament are asking are either being ignored or delayed by the Cabinet Secretaries.

This august House is no longer given respect in terms of responding to the Questions and Statements we ask here every day.

For example, I have four Questions and Statements that have been pending since last year and many Chairs are not found in this House these days. On behalf of Members of Parliament, I want to ask whether we could get an inventory of the Questions and Statements out there that have not been answered. We should be given some response on when Members' Questions and Statements will be responded to in due time by the various Cabinet Secretaries.

Hon. Deputy Speaker: Hon. Hassan you would be more helpful...

Order, Members! Please take your seats. Hon. Hassan you would be more helpful if you were specific about a Question you had asked to a certain Departmental Committee or Cabinet Secretary. So, which ones are they? You have said you have four, so where were they going to? If it is last year, you know they lapsed.

Hon. Yusuf Hassan (Kamukunji, JP): No, they did not lapse, but were extended into this year.

Hon. Deputy Speaker: Okay, which ones?

Hon. Yusuf Hassan (Kamukunji, JP): They did not; they were extended into this sitting by the Speaker.

Hon. Deputy Speaker: Which one?

Hon. Yusuf Hassan (Kamukunji, JP): I asked a Question on the delayed title deeds for the Kinyago and Kanuku neighbourhood in my constituency in November.

Hon. Deputy Speaker: That goes to the Departmental Committee on Lands.

Hon. Yusuf Hassan (Kamukunji, JP): I asked a Question on the frequent fires in Gikomba Market last year in November. I brought a Petition on the renaming of the Karura Forest after Wangari Maathai. I also raised a Petition on behalf of people who were requesting the Government to establish the National Council of Kiswahili. I hear about several Questions and Statements that have been completely ignored by either the Chairpersons or the Cabinet Secretaries. This means that the Questions and Statements that we ask here have no meaning whatsoever. We are wasting our time.

Hon. Deputy Speaker: You have now put it on record. We know those that went to various Departmental Committees and Cabinet Secretaries. Of course, we would not lay the blame on Chairpersons of Committees because just like yourself, they are Members of Parliament and they are also as active in the constituency as you are. I would ask the clerks especially at the Table Office to look at those specific issues and see how we can have an inventory of some sort to enable us know which Questions have taken too long to be responded to so that we can activate them. The one by Hon Rasso is a bit more specific. I understand that the Chairperson is not in. The Vice-Chair of that particular Committee also seems not to be here.

Therefore, through the Leader of the Majority Party, we would ask them to give us a status update on Tuesday. We cannot push the Chairpersons to definitely respond at a particular time because the Cabinet Secretary must have come to the Committee. On Tuesday, if we could get a status update, then that will be fair. For Hon. Hassan and several others, we will see how to help in terms of creating an inventory on those Questions that have taken too long to be responded to. Luckily that can be done easily by the Table Office.

What is it, Hon Zuleikha? I am giving you the opportunity. I hope it is a short one because we are running out of time.

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, ODM): Hon. Deputy Speaker, I had requested to make a Statement.

Hon. Deputy Speaker: Proceed.

REQUEST FOR STATEMENT

REPATRIATION OF KENYANS CAUGHT UP IN RUSSIA'S INVASION OF UKRAINE

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, ODM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order No. 44(2)(c), I seek to request for a Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations regarding repatriation of Kenyans caught up in Russia's invasion of Ukraine.

Hon. Deputy Speaker, on the early hours of Thursday, 24th February 2022, the Russian Federation commenced a multi-pronged invasion of Ukraine. The unwarranted military assault, which is being regarded as a 'War of Aggression', involves the unrestricted use of missiles and explosives in targeted regions in Ukraine, and a humanitarian crisis is already unfolding.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Deputy Speaker, the month-long State of Emergency in Ukraine has been complicated further by the recent declaration of martial law on account of the invasion, resulting in mass exodus of people from Kiev and other cities in the country.

Unfortunately, a number of Kenyans have been caught up in this invasion, and they include; Wachu Mustafa, Hamish Walid, Ahmed Tawakal, Yussuf Mohamed, Mude Suleiman and many other students from Ternopil National Medical University and other institutions and workplaces. These Kenyans are already facing movement challenges occasioned by closure of airports, and face the real possibility of inaccessibility to food supplies and communication platforms via imminent internet restrictions in the coming hours and days.

Hon. Deputy Speaker: Order! There is a Member and I do not know who exactly it is. Hon. Abuor, do what is supposed to be done. You know the particular issue that you have violated.

(Hon. Paul Abuor went back to the Bar and bowed)

Hon. Deputy Speaker: You may proceed, Hon Zuleikha.

Hon. (Ms.) Zuleikha Hassan (Kwale CWR, ODM): Hon. Deputy Speaker, it is on account of these concerns that I wish to seek an urgent Statement from the Chairperson of the Departmental Committee on Defence and Foreign Relations on the following:

- (i) Is the National Government considering urgent repatriation of Kenyans caught up in the Russian invasion of Ukraine back to Kenya, and if so, within what timelines shall the same be undertaken?
- (ii) In lieu of repatriations, could the National Government consider relocating these citizens to safer regions within Ukraine or to more peaceful nations that neighbour Ukraine, as well as provide relief food and other supplies to them?

Thank you.

Hon. Deputy Speaker: That is referred to the relevant Committee. It is fairly urgent. We hope that they can move with speed and look at it as it is a live issue.

Next Order.

CONSIDERATION OF REPORT AND THIRD READING

THE COPYRIGHT (AMENDMENT) BILL

Hon. Members, I have confirmed that we have the numbers.

(Question put and agreed to)

Let us have the Mover to move the Third Reading.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Hon. Deputy Speaker, I beg to move that the Copyright (Amendment) Bill (National Assembly Bill No. 44 of 2021) be now read the Third Time.

This Bill is a game-changer for artists in this country. The artists who are within the *Skiza Tunes* purview are now moving from a paltry 16 cents for every *Skiza Tune* song to 52 cents for every tune that you put on your *Skiza Tunes*.

Secondly, the game-changer is the national registry for all artists. This is big. With the national registry, all our artists can now store their music.

I beg to move and ask Hon. K. J. to second.

Hon. Deputy Speaker: Proceed, Hon. K.J.

Hon. John Kiarie (Dagoretti South, JP): Thank you, Hon. Deputy Speaker. I rise to second the Bill. I would like to commend Hon. Gladys Wanga for doing something that is a game-changer. I would like to go on record mentioning the three things that this Bill has done such as improving the royalties that artists get from *Skiza Tunes*, preserving Section 35 and most importantly, introducing a copyright registry, which will be one of the biggest achievements of the 12th Parliament.

I second.

(Question proposed)

Hon. John Kiarie (Dagoretti South, JP): Put the Question!

Hon. Deputy Speaker: I will put the Question because I can see it is the mood of the House. Just as Hon. John Kiarie has done, this would have been the best time for you to get an opportunity to speak about this. You would have had enough time at this point.

Let me proceed to put the Question. I have confirmed that we have the requisite quorum in the House for purposes of making this decision.

(Question put and agreed to)

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

BILL

Second Reading

THE UNIVERSITIES (AMENDMENT) BILL

(Hon. Amos Kimunya on 16.2.2022)

(Debate concluded on 17.2.2022)

What is your point of order, Hon. Gikaria?

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker. I do not want to cast any aspersion. I am the Member of Parliament for Nakuru Town East. I have put an intervention for a point of order for quite a while. I had a Question and before you left Order No. 9 on Questions, I was trying to raise...

Hon. Deputy Speaker: Hon. David Gikaria I have been looking at the interventions slot unless, you are not quite sure on how to handle your machine. No.1, it is not there and no.2 when we were in that Order you were absent. You are very lucky I did not drop your Question because I had an option to do so. I simply put it away to another day. Whether you talk about casting aspersions or anything else, this will not assist you at all. You do not seem to have a card and you were absent when you were supposed to ask your Question. If you insist, I will do what I was supposed to do at that time which is to drop your Question.

Hon. David Gikaria please be present on Tuesday to ask your Question.

(Laughter)

Hon. David Gikaria take your seat. Your Question will not be dropped, but be here on Tuesday to ask it. Let us proceed. Order, Members! Order! Take your seats. Hon. David Gikaria take your seat. Hon. Members, we have the numbers to make a decision.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Well, then we go to the next Order.

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. Christopher Omulele) took the chair)*

CONSIDERATION OF PRESIDENT'S RESERVATIONS TO KENYA DEPOSIT INSURANCE (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order. Order Members. We are now in the Committee of the whole House to consider the President's Reservations to the Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 43 of 2020).

Clause 2

The Temporary Deputy Chairman (Hon. Christopher Omulele): Leader of the Majority Party, you can now move.

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

THAT, the Bill be amended in Clause 2-

(a) by deleting paragraph (b);

(b) in paragraph (c) by deleting subsection (3) and substituting therefor the following new sub-section-

(3) A person who contravenes this section shall be liable on conviction-

(a) in the case of a natural person, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both; or

(b) in any other case, to a fine not exceeding one million shillings.

The President's Memorandum was brought to this House and explained by the Speaker. So, let us accommodate the reservations by His Excellency the President where he recommends deletion of some clauses and rewording of others. It is a straightforward matter that does not require debate. I ask Members to support the reservations by His Excellency the President, so that the Bill can become law once this is approved.

I beg to move.

(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)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Mover to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the President's Reservations to the Kenya Insurance Deposit (Amendment) Bill (National Assembly Bill No.43 of 2020) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

PRESIDENT'S RESERVATIONS TO THE KENYA INSURANCE DEPOSIT (AMENDMENT) BILL

Hon. Christopher Omulele (Luanda, ODM): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the President's Reservations to the Kenya Insurance Deposit (Amendment) Bill (National Assembly Bill No.43 of 2020 and its approval thereof without amendments.

Hon. Deputy Speaker: Let us have the Mover of the Bill to move agreement with the Report.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Angwenyi to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Deputy Speaker: Hon. Jimmy Nuru Angwenyi Ondieki.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Hon. Deputy Speaker, I beg to second.
(*Question proposed*)

(*Question put and agreed to*)

Hon. Deputy Speaker: Next Order.

MOTION

REPORT ON BUDGET POLICY STATEMENT FOR THE FINANCIAL YEAR 2022/2023

Hon. Deputy Speaker: Hon. Members, please, take your seats because I want to give some guidance which will take a few minutes.

COMMUNICATION FROM THE CHAIR

GUIDANCE: CONSIDERATION OF AMENDMENTS TO THE REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE

Order Members. Hon. Members, I wish to guide the House that I have received notices of proposed amendments from various Members as published in today's Order Paper. The proposed amendments are by the Member for Kikuyu, Hon. Kimani Ichung'wah, the nominated Member, Hon. Sossion Wilson, the Member for Kilifi North, Hon. Owen Baya and the Member for Garissa Township, Hon. Aden Duale.

Hon. Members, as you have noticed, the proposed amendments are published in the Order Paper preceded by a disclaimer to the effect that they are subject to the Speaker's decision on application of Article 114 of the Constitution. It is this decision which I now wish to convey to the House. To start with, Article 114(2) of the Constitution states as follows in respect to money Motions:

"114(2) If, in the opinion of the Speaker of the National Assembly a Motion makes provision for a matter listed in the definition of "a money Bill", the Assembly may proceed only in accordance with the recommendation of the relevant committee of the Assembly after taking into account the views of the Cabinet Secretary responsible for finance.

(3) In this Constitution, "a money Bill" means a Bill other than a Bill specified in Article 218 that contains provisions dealing with;

- (a) taxes;
- (b) the imposition of charges on public fund or variation or repeal of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment or
- (e) matters incidental to any of those matters".

On the other hand, processing the Annual Budget Policy Statement (BPS) is provided for in Section 25 of the Public Finance Management Act, 2012. The BPS sets out broad strategic priorities and policy goals that will guide the national Government and the county governments in preparing their budgets both for the following financial year and over the medium-term and includes *inter alia*-

- (a) an the assessment...

(Several Hon. Members stood along the gangways)

Hon. Members, you can take your seats quickly because this will be a little long.

They include *inter alia*:

- a. an assessment of the current state of the economy and financial outlook over the medium-term including macroeconomic forecasts;
- b. the financial outlook with respect to Government revenues, expenditure and borrowing for the next financial year and over the medium-term;
- c. the proposed expenditure limits for the national Government including those of Parliament and the Judiciary and indicative transfer to the county governments;
- d. the fiscal responsibility principles and financial objectives over the medium-term including the limits on total annual debt; and
- e. the fiscal risk statement.

Before I render my determination, Hon. Members, it is noteworthy that there are two main purposes of the annual BPS that I wish to restate. Firstly, the BPS informs the basis of the vertical distribution of the national revenue between the national Government and the county governments, which are actualised in the annual Division of Revenue Act. The decision of the House on BPS, therefore, determines the content of the Division of Revenue Bill, whose publication follows the resolution of the House on the BPS.

Secondly, the BPS sets limits for distribution of the share of national revenue to be allocated to each of the three arms of the national Government and within the upper limits of distribution amongst the programmes of the national Government. Therefore, for all intents and purposes, the resolution of the House on BPS constitutes a “money Motion”.

Section 25(7) of the Public Finance Management Act, 2012 requires Parliament to approve the BPS, with or without amendments. Therefore, the law contemplates amendments being made to the BPS by the House. However, we must make a distinction between amendments being proposed to the BPS as it was submitted to the House by the Cabinet Secretary for the National Treasury, and amendments being proposed by Members to the amendments of the Budget and Appropriations Committee on the BPS and the financial and policy resolution as proposed by the Committee. As you will notice, the financial and policy resolutions proposed to this House by the Committee are normally extracted from the Committee’s Report and published on the Order Paper for ease of reference by all Members.

The first amendment by the Member for Kikuyu basically seeks to alter the budget ceiling by reducing the national Government’s portion of the sharable revenue and allocating the difference to the county governments and the Judiciary, by each getting an additional allocation of Kshs125 billion and Kshs12 billion respectively.

This also relates to the proposed amendments under Paragraph 79 of the Report of the Budget and Appropriations Committee where the Member for Kikuyu proposes to increase the county governments' equitable share from Kshs370 billion to Kshs495 billion, representing 35 per cent of the last audited and approved revenues, being Kshs1.413 trillion. Notably, the House is aware that the Senate passed the 2022/2023 Budget Policy Statement (BPS) with a similar resolution.

For this reason, Hon. Members, I will allow this amendment to be considered by the House for a decision as relates to the vertical division of the national revenue. I have allowed this proposal conscious of the fact that the limits on the portion of sharable revenue between the two levels of Government have an implication on the Division of Revenue Bill which, of course, will be considered by the Senate. Therefore, with the Senate having made a decision by capping it at 35 per cent, it will only be fair for me to allow the amendment for the House to also make a decision on the matter one way or the other.

I will proffer the same treatment to the proposal to increase the limit of the Judiciary's budget ceiling from the amount of Kshs18.885 billion to Kshs30.885 billion.

Hon. Members, the proposed amendment under Paragraph XXA relating to Recommendation 75 of the Report on the BPS seeks to reallocate Kshs50 billion to support credit finance and micro, small and medium enterprise (MSEs) that were adversely affected by the COVID-19 Pandemic. However, since we are not at the stage of approving 2022/2023 Estimates, I will disallow these amendments with the hope that the Budget and Appropriations Committee will consider the proposal at the time of considering the Estimates.

(Several Hon. Members walked into the Chamber)

The Members who are standing there, please, take your seats. Take your seats quickly. You know, just walk like you really mean. Please, take your seats.

Hon. Members, the proposed amendments under Paragraph XXB relating to Recommendation 75 of the Report on the BPS as a policy proposal for rolling out the mapping exercise of exportable goods and services from all constituencies in the country, I will allow this amendment. If approved by the House, the Government will consider the proposal in line with existing broad priorities. This will also apply to the proposal on operationalisation of the Judiciary Fund, the designation of the Inspector-General of Police (IG) as an accounting officer for the National Police Service (NPS) and the proposed additional allocation of resources to facilitate upward review of remuneration of police officers.

The proposed amendment by Hon. Wilson Sossion seeks to provide for funding of the Teacher Professional Development Programme under Section 35 of the Teachers Service Commission Act of 2009. This being a policy proposition to the Government, I will allow it to be considered by the House.

(Applause)

Hon. Members, the Member for Kilifi North, Hon. Owen Baya, has also proposed various amendments to this Motion. The proposal relates to allocation of resources to the State Department for Crops Development and Agriculture Research to provide for subsidies on fertiliser so as to reduce the price of purchasing fertiliser. To the extent that this proposal is not asking for any additional resources but rather asking the Cabinet Secretary for the National Treasury to consider

reallocation of the available resources and making available resources to actualise this proposal, I will allow the House to debate the matter and make a decision one way or the other. However, I will disallow the Member's other two proposed amendments relating to revival of the cashew nut and mangoes sub-sector in Kilifi County and resettlement of squatters as they are better canvassed at the level of consideration of the Estimates.

The purpose of the BPS is really not to allocate and determine the details of funding, but rather to set out broad strategic priorities and policy goals that will guide the national Government and the county governments in preparing their budgets.

Finally, the Member for Garissa, Hon. Aden Duale, has proposed an amendment seeking to alter the budget ceiling of the national Government's portion of sharable revenue by reducing the reallocation of the Kshs12 billion difference to the Judiciary. You will notice that the effect of the proposed amendments is similar to that being proposed by the Member for Kikuyu. In this regard, I will allow consideration of the two in line with the procedure for processing amendments of similar nature.

Hon. Duale has also proposed the reinstatement of the livestock off-take programme and drought mitigation measures by allocating Kshs1.5 billion and Kshs2 billion to the programmes respectively. Noting that this is a specific programme-based allocation, I will disallow the amendment as it will be best placed at the stage of consideration of the Estimates.

Hon. Members, on the Motion on the Medium-Term Debt Strategy under Order No.12, the Member for Kikuyu is proposing an insertion of a new paragraph (ba) to the effect that the House notes that the approval of the 2022/2023 BPS and the Medium-Term Debt Strategy is to be construed to be an approval for raising the national debt limit currently stipulated in law. It is observed that the Member is asking the House to make a further recommendation whose implication is to affirm that the approval of the BPS and the Medium-Term Debt Strategy is not an approval of an increase of the national debt limit. It will be noted that, in its recommendation to this House, the Committee is also asking the House to cause the National Treasury to align the projected 2022/2023 expenditure to be within the headroom allowed by the limit set out by the House on 9th October 2019. To this extent, I am inclined to allow this amendment as it is an emphasis of the resolution of the House of 9th October 2019.

Hon. Members, before I conclude, I wish to respond to the point of order raised by Hon. Kimani Ichung'wah relating to this matter during the Afternoon Sitting of Tuesday, 22nd February 2022. The essence of the point of order was threefold. Being, whether the House can amend the BPS. Two, whether the House can amend the Report of the Budget and Appropriations Committee on the BPS. Three, whether the amendments proposed are subject to Article 114 of the Constitution. These are fairly straightforward matters on which I have guided before.

On whether the BPS can be amended, the answer is as I have stated above. It lies on Section 25(7) of the Public Finance Management (PFM) Act of 2012 which contemplates an approval of the BPS with or without amendments. As to whether the House can amend the Report of the Budget and Appropriations Committee, I wish to note that the Motion for adoption of the Report is a Motion like any other. It may be amended in the usual manner as provided for in the Standing Orders.

Lastly, as to whether the amendments relating to the BPS are subject to Article 114 of the Constitution, the answer is in the affirmative whenever amendments relate to matters provided for under Article 114 of the Constitution. In conclusion, therefore, the Motion will now proceed as I have directed noting the determination herein.

The House is accordingly guided. I thank you.

Okay. We can now proceed. What is it Hon. Ichung'wah?

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Deputy Speaker for that guidance to the House. It is good that you have allowed a number of amendments. I want to register my reservations without questioning your wisdom and judgement in declining some of the amendments like the one that seeks to establish the hustlers fund that was to help many businesspeople in this country to access funds. I am well guided that we can canvass the amendments when the Estimates are tabled. You have also guided on the issue of amendments to the BPS.

I also raised an issue that I have not heard you address yourself to, on how we will prosecute amendments if they are subject to Article 114 of the Constitution as you ruled. I sought guidance on whether we can appear before the Budget and Appropriations Committee on any proposal that is subject to Article 114 to canvass all amendments. Following your ruling, there are some amendments that we may need, like the one that is seeking to establish a fund for SMEs. If we are to prosecute the same during the annual Estimates debate, they will fall in the same guillotine if they are subject to Article 114. They will be subject to Article 114 of the Constitution because they propose to reallocate funds. The Leader of the Majority Party and the panel are interrupting you. Let me give you time.

(Hon. Aden Duale spoke off-record)

The Leader of the Minority in the majority.

Hon. Deputy Speaker, Hon. Aden Duale, the Leader of the majority in the Majority Party was asking which leader. So, I was telling him that I referred to the Leader of the minority within the Majority Party; Hon. Kimunya. He leads the minority within the Majority Party.

(Laughter)

I was saying, without the Speaker's informed guidance, if a proposal is brought in the Annual Estimates without the directive of the Chair, the Budget and Appropriations Committee cannot table their report without considering and interacting with Members who have proposals. That is why I sought your direction within the BPS and by extension the Annual Estimates, so that we are orderly on how we transact business. When the report is tabled and we go to the Committee of Supply to consider the Appropriations Bill, proposals for amendments should not be killed at the altar of Article 114.

I also requested the Speaker to pronounce himself on the question of a Member proposing an amendment that has a "money Bill" effect in line with Article 114. The Budget and Appropriations Committee, being the relevant committee that deals with money matters in consultation with the Cabinet Secretary responsible for Finance, will give its recommendations to the Speaker who may direct that that proposed amendment be considered by inviting the Member who has proposed the amendment. When Hon. Baya proposes the reallocation of money from one vote to another to settle landless people at the Coast, we should obligate the Budget and Appropriations Committee to sit with him and get comments from the National Treasury, so that his proposal is not killed at the altar of Article 114 of the Constitution. I noticed in your long Communication that aspect was not addressed. I beg that you relay that to the substantive Speaker or you can offer guidance, so that in future - I have said that I am okay in the time being - we will pursue the hustlers fund to its logical conclusion. I must thank you for allowing us to debate on

the merits and demerits of increasing money to our county governments. I am sure those who want to be governors in this House will support it. Those who were supporting the BBI will also support it and support more money going to the Judiciary on the establishment of the Judiciary Fund.

I thank you for your guidance and I beg that you offer guidance on the other issue.

Hon. Deputy Speaker: Well, you are comfortable in the meantime. We are at the tail end of this Parliament. You can also approach this matter through the amendments to specific Standing Orders that will govern the next Parliament after this one. Presently, the Committee on Procedure and House Rules is meeting frequently to try and tidy up our Standing Orders to make it more usable in the coming Parliament. I can see the Chair of the Budget and Appropriations Committee wants to say something. What is it, Hon. Chair?

Hon. Kanini Kega (Kieni, JP): Hon. Deputy Speaker, we cannot hear what you are saying.

Hon. Deputy Speaker: Now, I do not know if it is better there. Hon. Members, since Hon. Ichung'wah seems to be fairly comfortable and happy, we can now leave the rest to the Committee on Procedure and House Rules that is currently tidying up our Standing Orders for future purposes. If you want to propose any modification of the Standing Orders, feel free to do now. It will help future Parliaments. As it is now, we will proceed in the manner that I have communicated. We will now proceed to the main matter. What is it, Hon. Baya? I hope it is not the same thing.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Deputy Speaker. One of my proposals has gone through and it is before the Floor of the House. I want to note that two of the amendments that I proposed have fallen on the wayside. I want to move you to ensure that the same does not befall my proposals when it comes to the Annual Estimates at the appropriations level, so that the land and cashew nuts questions are not dropped, but handled well.

Thank you.

Hon. Deputy Speaker: Hon. Baya, when you will appear before the Budget and Appropriations Committee, it will be nothing to do with the Speaker. When you will be canvassing your proposed amendments, it will be between you and the Committee. Once it comes to the House, we will be happy to transact it as it will have been brought to the House.

What is it, Hon. Junet? You know, just like your colleague farther from you, you have not been visible in the House. I am happy that when you came, you hit the ground running. Proceed.

Hon. Junet Nuh (Suna East, ODM): Hon. Deputy Speaker, I am not trying to comment negatively on your Communication. With your indulgence, this is for the purpose of the records. Now that the BPS was handled by the Budget and Appropriations Committee, I thought all the amendments should have been referred to the relevant committee, so that it looks at them and brings a report to the House. Otherwise, the Statement should have been handled on the Floor of the House directly without going to the Committee. Since the Statement went to the Committee, the amendments being proposed by Hon. Ichung'wah and Hon. Baya should have gone to the Committee. That has been the tradition. When Hon. Ichung'wah was the Chairman, that is what happened. This year, I am seeing some change from the norm. This is a House of traditions, precedents and procedures.

Hon. Deputy Speaker: If you notice, anything that touches on Article 114 of the Constitution has been rejected. There is no shortcut about that. But in terms of amendments, those are always proposed in the House. Even if committees have done their work, you can still propose amendments to the House. Basically, we were dealing with amendments.

Hon. Junet Nuh (Suna East, ODM): Hon. Deputy Speaker, it depends on when the amendments came to the House. If they come after the report has been presented to the House, you can move them with the approval of the Speaker and leave of the House. But if the amendments

were filed three or four days ago when the committee was seized of the matter, the committee should be involved.

Hon. Deputy Speaker: I am trying to understand where the issue is. I will give an opportunity to the Chairperson of the Budget and Appropriations Committee.

Hon. Kanini Kega (Kieni, JP): Hon. Deputy Speaker, all these amendments were referred to our Committee and I have a report on the same. I do not understand why we are talking about the process. We should at least get to the substantive issues. The time for amendments will come. I should move the Motion, if you guide.

Hon. Deputy Speaker: I think that makes a lot of sense.

(Hon. Kimani Ichung'wah spoke off record)

You know, Hon. Ichung'wah, I heard you wanted to inform Hon. Junet. What is the procedure you are talking about?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, you know I am never petty. You have heard the Chairman of the Budget and Appropriations Committee state on record what Hon. Junet is asking. The day I presented the amendments to the Table Office, I am aware the amendments found their way to the Parliamentary Budget Office and consequently to the Budget and Appropriations Committee.

My point of order is that the Chair has confirmed that the Committee has considered the amendments and he has a report. I just need your guidance. Is this a report of the Chairman or of the House? Procedurally, any report of a Committee to the House must be tabled, so that it becomes part of the business that we transact. The Chairperson cannot stand on his feet and say that he has a report as if he is transacting his household budget. This is the Budget of the Republic of Kenya, and the National Assembly transacts business on behalf of the people. You cannot purport to have a report that has not been tabled in the House.

Hon. Deputy Speaker: Clearly, the report is there, so we proceed.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order.

Hon. Deputy Speaker: What is it, Member for Suba North?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. My main concern is that many of us have been pressing the intervention button for a long time, but your eyes seem to be catching the attention of only the United Democratic Alliance (UDA) Members in the House. At one point, I was concerned that this is becoming more like a UDA rally. We are not going to allow it. This is a parliamentary House. It is not a UDA rally. We will not allow it.

Having said that, I want to confirm as a Member of the Budget and Appropriations Committee that we have sat.

Hon. Deputy Speaker: I am not sure if you are now a member of UDA. Take your seat. We will move on. Those Members who want to get petty political mileage in the House should be ashamed of themselves. Let us proceed. You do not just wake up and say things that you cannot confirm. You are not a UDA member yourself. Let us proceed, the Leader of the Majority.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Deputy Speaker. I am the Chairman of the Budget and Appropriations Committee. For the comfort of my predecessor, we have a response. I beg to move the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement for the Financial Year 2022/2023, laid on the Table of the House on

Tuesday, 15th February 2022, and pursuant to the provisions of Section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10)—

(a) approves the Budget Policy Statement (BPS) for the Financial Year 2022/2023;

(b) makes the following financial resolutions with respect to the BPS -

(i) approves the capping of the fiscal deficit at Kshs400 billion or 3 per cent of GDP, whichever is lower;

(ii) approves the National Government's Budget ceiling for the year 2022/2023 at Kshs1,629.011 trillion, of which—

1) Executive Kshs1,559.910 billion,

of which, Office of the Auditor-General Kshs6.378 billion

2) Parliament Kshs50.220 billion

3) Judiciary Kshs18.885 billion;

(iii) resolves that the budget ceilings of the ministries, departments and agencies (MDAs) be rationalised to be within the deficit as approved herein, and further that necessary measures be put in place to collect additional revenue;

(iv) approves the county governments' equitable share at Kshs370 billion;

(v) approves the Equalisation Fund at Kshs7.068 billion;

(vi) approves the conditional grants at Kshs37 billion, to be distributed in accordance with Annex 4 of the Report of the Budget and Appropriations Committee;

(c) makes the policy resolutions contained in the First Schedule to the Order Paper (Policy Resolutions relating to the Budget Policy Statement for the Financial Year 2022/2023);

(d) orders that the resolutions form the basis for the preparation of the 2022/2023 Budget; and,

(e) resolves that the Budget Policy Statement for the Financial Year 2022/2023 forms the basis for the introduction of the Division of Revenue Bill, 2022.

I want to remind the House that I stood down the Motion last week for further consultations, and I am happy to report that we have had the consultations, which I will mention later as I continue. It is my honour, duty and privilege to present to this House the Report of the Budget and Appropriations Committee on the 2022/2023 Budget Policy Statement on behalf of the Members of the Committee. The BPS outlines the broad strategic priorities and policy objectives by the National Treasury that will guide both the national and county governments in preparation of their budgets for the 2022/2023 Financial Year and over the medium-term. Broadly, the BPS outlines indicators of recent economic performance, projected macro-fiscal outlook over the medium-term, proposes priority policy interventions and expenditure ceilings for all arms of the Government, including equitable share to devolved governments.

Hon. Deputy Speaker, the timelines, contents and procedure of preparations of the process of the Budget Policy Statement is anchored in the Constitution of Kenya 2010, the Public Finance Management Act, 2012, the PFM Act, 2015 as well as the Regulations.

Ordinarily, the PFM Act requires that the BPS be tabled by 15th February each year. However, this being an election year, the BPS was tabled much earlier, on Thursday, 2nd December 2021 to give the House sufficient time to review and process the same even as it prepares for the general elections slated for August 2022.

The theme of the 2022 BPS is "Accelerating Economic Recovery for Improved Livelihood." This is based on the challenging yet promising environment under which the 2022 BPS has been made and prepared.

The economy, while progressively recovering from the adverse effects of the COVID-19 Pandemic, it is facing other significant challenges, notably, the ongoing draught crisis as well as heightened election activities. This may have a bearing in private investment decision. In this regard, the BPS outlines the foundations of the Third Economic Stimulus Programme (ESP) and the Big Four Agenda as the key focal points of intervention.

The Committee held productive deliberations with the departmental committees and received recommendations. Discussions were also held with the Office of the Auditor-General and the Parliamentary Service Commission on their broad policy priorities, as well as budget ceilings as well as those that fall under the purview of the Budget and Appropriations Committee.

Additionally, and in line with Article 118 of the Constitution on public participation, the Committee invited the public to give their views on the 2022 BPS. This was carried out through a visual platform where memoranda were submitted. Further, the Committee held a consultative forum with the National Treasury before the report was finalised. The recommendations arising from all these deliberations including the public hearings, have been incorporated in this Report.

While the Committee was processing the 2022 BPS, it made a number of observations which are well captured in the Report. Allow me to mention but a few.

The Committee observed that although a raft of measures has been proposed in line with this theme, there are some gaps. First, some interventions in the ESP are not clearly articulated or targeted, which makes it difficult to monitor them. For instance, interventions towards the coffee subsector and sugar belt do not have critical information or specific KPIs which are responsible, and the specific locations where these interventions would be undertaken.

Secondly, some of the proposed interventions such as livestock off-take programme, school infrastructure expansion and *kazi mtaani* are not completely new interventions. However, a critical review of the impact has not been provided.

Thirdly, the BPS has remained silent over the growing levels of poverty that has been exacerbated by the pandemic and how it intends to tackle them.

The Committee further observed that the BPS has also been prepared at a time when the country is about to breach the legally binding debt ceiling of Kshs9 trillion. The Committee is concerned that given the accelerated pressure for Government spending towards election related outlays, social service delivery and realisation or completion of key strategic projects, the ceiling could soon be breached.

Furthermore, elevated levels of election fever could also have a negative bearing on the overall economic performance as investors and economic agents adopt a wait and see approach.

The Committee also noted that this is a transitional BPS which holds great significance, not only because it is the last by the current administration, but it also marks the end of the Medium-Term Plan (MTP3) as well as the sunset period for the Big Four Agenda. It is therefore, expected that in addition to providing strategic policy direction to guide the Government in preparation of the 2022/2023 Budget, the BPS would also provide a comprehensive coverage of key milestones attained, targets missed, and the proposal therein, to ensure that the delayed or missed targets are on track even as another administration comes to office.

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

*[The Temporary Deputy Speaker
(Hon. (Ms.) Jessica Mbalu) took the Chair]*

Hon. Temporary Deputy Speaker, the Committee observed that although some achievements have been indicated in the BPS, a critical analysis of the performance of key projects is also lacking. It is in the opinion of the Committee that the 2022 BPS should have a critical review, not only the achievement during the lifetime of the administration, but also the gaps including a plan on how to ensure that key projects would be finalised.

In view of the observations made by the Committee, it made a raft of recommendations as contained in the Report. However, allow me to draw attention to some of the recommendations by the Committee:

1. THAT, the National Treasury submits the report on the implementation status of the Big Four Agenda to Parliament by 31st March 2022. The report should include information on key milestones achieved, missed targets and a list of development projects to be completed in the Financial Year 2022/2023 as prioritised under the public investment management.
2. THAT, the National Treasury should in future prepare the BPS in line with the public debt ceiling.
3. THAT, the National Treasury should expedite the finalisation of the proposed Medium-Term Revenue Strategy (MTRS) and submit it to the National Assembly by 30th April 2022.
4. THAT, the National Treasury spearheads an evaluation of the emergency relief cash transfer programme to households affected by drought under the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmess, and that the evaluating report be submitted to Parliament within the next three months.
5. THAT, a framework on approvals under Article 223 of the Constitution on Supplementary Budget be developed by the National Treasury, Controller of Budget, Office of the Auditor-General and a report to be submitted to Parliament within two months.

Hon. Temporary Deputy Speaker, I have exhaustively dealt with the policy issues. I also want to briefly delve into the financial recommendations. However, as I had earlier said, we have made a lot of consultations, we have involved the stakeholders and I know in due course, there will be some amendments that will be moved later on.

Once these recommendations are approved by this House, they shall form the basis of the 2022/2023 Budget.

I humbly request the Members to objectively consider and approve the Report of the Budget and Appropriations Committee on the 2022 BPS.

As I conclude, I want to thank the Members of my Committee who have worked tirelessly, sometimes beyond midnight, to work on this document. We have done extensive consultation. We have also dealt with some of the amendments that were brought by my colleagues and at the appropriate time, I will give a response on the same.

With those remarks, I request Hon. Mark Nyamita to second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Can we have Hon. Nyamita to second.

Hon. Mark Nyamita (Uriri, ODM): Thank you, Hon. Temporary Deputy Speaker and thank you Chair for the elaborate speech on the BPS.

As I rise to support, allow me to first thank my colleagues in the Budget and Appropriations Committee for taking their time. Sometimes we went late into the night despite the fact that we are

in a season of politics and people in their constituencies are busy. The attendance was quite okay. We deliberated and interrogated all the departmental committees.

We had sessions with the National Treasury, Office of the Auditor-General and the Parliamentary Service Commission. As we discuss the Budget Policy Statement, I urge my colleagues to be very objective because it will transition. We are aware that inevitably beyond August, we will have a new Government which might come with a different manifesto that is not in line with this BPS. We tried to make it as broad as possible, so that whichever side of the divide wins the election, they fit within it.

One of the critical things that we noted is the flagship projects within this Government. Before we list them as part of the policy recommendation, for example, the Digital Learning Programme (DLP), we asked them to do a total evaluation. The Government needs to speak with each other. We realised that the Ministry of Education, Ministry of Information and Communications Technology (ICT) and the Ministry of Energy were not speaking from the same wavelength. For example, the Cabinet Secretary for ICT requested that we buy additional tablets. The Ministry of Education does not have enough trainers. Some schools have faulty transformers. The ministries were allocated resources, but they do not speak to each other. We asked them to present a report to the House, so that before we go into the Budget Estimates, the different State Departments could speak to each other.

From the reports that we got from the departmental committees, there was clearly intense public participation. They spoke to virtually all the elements as it has been alluded to by the Chair. We also recommended to the National Treasury that when they are making the BPS in future, they need to restrict themselves, so that the figures are restricted within the budget ceiling. When they bring the actual Budget Estimates, we hope they will abide by that.

With those few remarks, Hon. Temporary Deputy Speaker, I beg to second the Motion. Thank you.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, we have proposed amendments to the Motion on the Report on the Budget Policy Statement for the Financial Year 2022/2023. I order that we move to them. We will start with the amendment by the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): I ask the Members to pay attention because this amendment has not been circulated. The papers are being circulated in the meantime.

Hon. Temporary Deputy Speaker, I beg to move:

THAT, the Motion be amended by-

(a) deletion of paragraph (b)(i) and (ii) and substitution thereof with the following-

(i) approves the national Government's budget ceiling for the Year 2022/2023 at Ksh2,075.011 billion-

of which:

- | | |
|---|-----------------------|
| 1. Executive | Kshs2,005.910 billion |
| of which: Office of the Auditor-General | Kshs6.378 billion |
| 2. Parliament | Kshs50.217 billion |
| 3. Judiciary | Kshs18.885 billion |

(b) insertion of the following words immediately after paragraph (c)-

“Subject to deletion of “Paragraph 78” appearing on Page 25 of the Report and substituting thereof with the following new paragraph –

78. The Committee is concerned that the BPS had proposed an overall deficit of Kshs846 billion which has a potential to breach the approved debt ceiling of Kshs9 trillion. The Committee, therefore, urges the National Treasury to amend the debt ceiling to enable them implement the budget as proposed, rationalise expenditure or implement revenue enhancing measures.

(c) THAT, the consequential amendments be effected in the Report thereof.

Hon. Kimani Ichung’wah (Kikuyu, JP): On a point of order, Hon. Temporary Deputy Speaker.

Hon. Amos Kimunya (Kipipiri, JP): The amendment has not been proposed. Shut up! Sit down!

Hon. Kimani Ichung’wah (Kikuyu, JP): Are you telling me to shut up? You are stupid.

(Applause)

(Loud consultations)

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Order!

Hon. Amos Kimunya (Kipipiri, JP): Be ashamed.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Members! Hon. Ichung’wah, Member for Kikuyu, Order! Can we have order in the House?

I want to give direction on this issue. Order, Hon. Millie Odhiambo! Hon. Ichung’wah, there is nothing which is out of order.

(Several Hon. Members stood in their places)

(Hon. Kimani Ichung’wah spoke off record)

There are Members who are raising points of order. However, let us move the proposed amendment first, second it and then we propose it. Then, we can hear the points of order. Order Members! The Members who are upstanding, please... You will raise your points of order. Hon. Ichung’wah, you were raising a point of order. However, I am giving a ruling. Let Hon. Kimunya finish moving his proposed amendment.

Hon. Members: No.

An Hon. Member: The Leader of the Majority Party is not stupid.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I did not hear him being called stupid. Let me find out whether it is on record. Otherwise, I did not hear that. The Clerks-at-the-Table, find out whether it is on record.

(Loud consultations)

We cannot assume... You are shouting. The Speaker will not hear. You are shouting.

(Hon. Members sang)

Order, Hon. Members! Order, Hon. Members! Order! Hon. Members, we must follow the procedure of the House. If you keep on shouting, the Speaker may not even hear your statement. Of course, I also hear from where I sit. I have heard that a Member has called the other “stupid”, but I need to be informed. The Speaker must be informed officially. Can I have the Member for Limuru. Let me get the Member for Limuru.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Speaker, I was seated here when Hon. Kimunya was moving those amendments. Even before he finished, there was interruption from Hon. Ichung’wah.

(Loud consultations)

Order! Let me finish.

Hon. Kanini Kega (Kieni, JP): *(Spoke off-record)*

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Kanini Kega, are you able to substantiate the same? Order! Member for Limuru, let me get Kanini Kega.

Hon. Kanini Kega (Kieni, JP): Hon. Temporary Deputy Speaker, I want to categorically say that Hon. Sankok has a gun. I saw it when he bent.

(Loud consultations)

Yes. Why did he run away? It is a fact. I can confirm that and maybe the Serjeant-At-Arms can also confirm. I saw it myself. I know how a gun looks like. I know what guns are. Why did they allow him to go out?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Kanini Kega, the Serjeant-At-Arms has heard me. That is a very important point of order. It is a serious issue, but I have already ordered the Serjeant-At-Arms to confirm the same since he is also in the precincts of the House. With that, let us have the Member for Limuru.

Hon. Peter Mwathi (Limuru, JP): Hon. Temporary Deputy Speaker, as I was saying before, I was seated here as Hon. Kimunya was moving his amendment. He had not finished when there was interruption from Hon. Ichung’wah and he asked Hon. Ichung’wah to let him finish. All of us heard Hon. Ichung’wah shouting “stupid” and calling a Member stupid in a session that you are presiding over. This is a House of decorum.

Hon. Temporary Deputy Speaker, the only thing you can do to maintain the dignity of this House is to ask him to withdraw and apologise.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Member for Limuru, you said all of you heard. That is the Member for Limuru who sat next to Hon. Kimunya. I want to give a chance to Hon. Ichung’wah.

Hon. Kimani Ichung’wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. T.J., just relax. Hon. Sankok is back and he should be able...

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Order! Hon. Ichung'wah, please, resume your seat as I get the feedback from the Serjeant-At-Arms. Serjeant-At-Arms, please, can you clarify that Hon. Sankok does not have a gun in the House? Serjeant-At-Arms, can you, please, clarify? Serjeant-At-Arms, can you make sure that we get the information?

*(The Temporary Deputy Speaker
consulted the Serjeant-At-Arms)*

Hon. Members, I have confirmed from the Serjeant-At-Arms that they did not find Hon. Sankok having a gun in the House. Hon. Members, you are safe. The Serjeant-At-Arms has confirmed from outside and within the precincts that he did not have a gun. With that confirmation from within and outside the Chamber, I now give Hon. Ichung'wah a chance to substantiate or retract.

(Loud consultations)

(Hon. David Sankok rose in his place)

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, Hon. Sankok can have his seat.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, you are out of order. Can you resume your seat?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, if you allow me, the issue raised by Hon. Kanini Kega is very serious. I do not want to get to whether or not it was a gun, calipers or a crutch, the issue that should be addressed is whether there are sensors at the door as we walk into this Chamber. Do they work? There are Sergeant-at-Arms, do they check whether people are armed? I wish to rest that matter because it is more serious than shouting at each other. Guns, calipers and even Hon. Sankok's crutches could also be arms.

Let me go to the substantive matter that has been raised by Hon. Mwathi.

(Hon. (Ms.) Rozaah Buyu consulted loudly)

If you protect me from the heckling from Hon. Rozaah Buyu, I will address the issue that has been raised by my neighbour, Hon. Mwathi. I sought to intervene by pressing my intervention button. From where I sit, I sought to stand on a point of order. I caught your eye and as you put on your mask...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): How did you catch my eye?

Hon. Kimani Ichung'wah (Kikuyu, JP): You turned and looked at me then you took your mask off. You know you are wearing spectacles and I can tell when you are facing this way or when you are facing that side. So, when you caught my eye, Hon. Kimunya in his place paused, and I repeated, on a point of order, Hon. Temporary Deputy Speaker. Hon. Kimunya turned to me and told me, 'Shut up, do not be stupid, wait'.

Hon. Members: No! No! He was on record. Can I finish?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Members.

Hon. Kimani Ichung'wah (Kikuyu, JP): You have accused me. I am in the dock to tender my defence and I shall be heard. The moment Hon. Kimunya told me to shut up and not to be stupid I told him, "I have not asked you to stand, I have sought permission from the Speaker, not you and you cannot tell me that I am stupid. I am not your son". That is what I told him. I want to repeat it on record, I am not Kimunya's son, neither am I subservient...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, the first thing you must know is that you never caught my eye. In fact, you shouted a point of order, and as a matter of procedure, we were to allow Hon. Kimunya to move his proposed amendment, let it be seconded and then we can hear your point of order.

I want to hear from one Member. Hon. Millie Odhiambo, first, let us hear from the Leader of the Minority Party on a point of order.

Hon. John Mbadia (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. Allow me to say that the dignity of the House is very important for the democracy of this country. If what Hon. Ichung'wah is saying is true of what he heard from the Leader of the Majority Party, the best thing to do was to raise it as a point of order. You cannot exchange. Even the words he is saying that he uttered to the Leader of the Majority Party are unacceptable. The House has its rules; the Standing Orders. If he has not been heard, then it has not been heard. If it has been heard like we heard the Member for Kikuyu, then we raise it like Hon. Mwathi has done. The Member for Kikuyu should do the right thing of withdrawing and apologising, and then we proceed. If you do not do that, then the dignity of this House will be compromised.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us get one more. Hon. Kajwang'

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Speaker, as I see it, this is a House of records. Everything that he said on record is on record, but it is a very serious thing for the type of language and the type of expletives that we have heard today. The easiest thing in my mind is to consult the *Hansard* and find out who said this and who said to who. Once we have done that, we will have to name someone. We want to go through the whole procedure of naming someone, whether he is the Member for Kikuyu or whether he is the Leader of the Majority Party or whoever he is, they must face the full wrath of this House, so that we can maintain the dignity of the House. We do not want jokes. Consult the *Hansard*.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): As we get a direction, can I have Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I am the Member for Garissa. As the august House, I am sure we are on live television and the Motion before us is so important. It is about the BPS. For some of us, when Hon. Kimunya moves and seconds the amendment, we will ask you to rule on serious constitutional issues. I think it is better to move, allow Hon. Kimunya to move and have it seconded, then allow some of us... I think as Hon. T.J. said, if you want to name somebody, the procedure is in the Standing Order, we can even do it tomorrow. Guide us so that the amendment is carried, we bring some decorum and we listen to each other. The BPS is the fiscal framework of the budget. So, let us accommodate each other. If you came here to shout, you are in the wrong place.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The last one on this is Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, I rise to seek your indulgence because we need to operate as a House with decorum. What Hon. Ichung'wah is raising

is that the Leader of the Majority Party used some unparliamentary words on him. They are not on record. However, his words are. He is on record.

(Loud consultations)

The words of Hon. Ichung'wah are on record. So, we cannot transact business in an environment that is unruly. Now that he has refused to withdraw, I am requesting you, under Standing Order No.107, to ask him to withdraw from the precincts of Parliament. He must leave this House. That is the only way we are going to transact business here. He must leave forthwith and escorted by three Serjeants-at-Arms, if we are to conduct business going forward. We want to discuss a very serious matter, the BPS. It is a very serious business. We cannot conduct it in an environment that is unruly like what Hon. Ichung'wah has done today. He must withdraw from the House. Ichung'wah must go! Ichung'wah must go! Ichung'wah must go! Ichung'wah must go!

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Members! Hon. Ichung'wah, I direct that you withdraw your unparliamentary language or...

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I was consulting with the Leader of the Majority Party. So, I did not hear what you directed. I seek to hear what you said.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Having been informed by Members, especially the Member for Limuru, about your unparliamentary language – which I also heard from where I am – can you please just withdraw your remarks?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, you know I am a man who adheres to procedures and directives. I have listed what T.J has said, and what the Leader of the Minority Party has said – who happens to be the leader of the majority party within the Minority. Why I was consulting with Hon. Kimunya, if you allow me...

(Loud consultations)

Hon. Temporary Deputy Speaker, protect me from the likes of Rozaah Buyu, who is shouting.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members! Order, Members! Hon. Ichung'wah, please withdraw and apologise, then we will be able to move on.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I am ready to adhere to what you are asking, but I need clarity on certain things. One, you had not given me the microphone. Therefore, nothing that was said from where I sit is on the *Hansard* record. Therefore, even as you ask me to withdraw, what was uttered from around here...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, order!

Hon. Kimani Ichung'wah (Kikuyu, JP): I did not use a microphone. Hon. Kimunya had a microphone. We can confirm from the *Hansard* who said what because we cannot...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, I personally heard you. You were even shouting "Point of order!" I was giving you the direction that you wait we finish, since there was nothing out of order. Hon. Kimunya was moving his proposed amendment. As a matter of procedure, you could not have risen on a point of order on his proposed amendment. So, Hon. Ichung'wah, in order for us to move on because I heard you, please withdraw your remarks and apologise.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, why I was seeking your guidance is because this...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, you are wasting more time.

(Loud consultations)

Order, Members! Order, Members! Hon. Ichung'wah, you also have a proposed amendment.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, they are shouting, I cannot hear what you are saying.

(Hon. David ole Sankok consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, in fact, I am going to rule you out of order. Hon. Ichung'wah, please carry on.

Order, Members! Can Hon. Ichung'wah have the Floor?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, even as you seek to direct that I withdraw, you are obligated, as the person in the Chair, to make sure that your decisions are guided by what is on record, not by the shouting of Members. I want to request, even as you seek... I can withdraw because you have directed so. If you direct and I do not withdraw, you have the right to take any other action. However, as you seek to do that, your decisions cannot be guided by shouting of Members. It must be guided by what is on the *Hansard* record.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, you are protected. Please, do the necessary. The Chair cannot be guided and will never be guided by nonsense.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I was telling you... If Members, can listen to me because...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): They are listening to you, Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, when I was conferring with Hon. Kimunya, as you gave your directive, because his microphone was on...

Hon. Members: We heard you!

Hon. Kimani Ichung'wah (Kikuyu, JP): Get the *Hansard*. If you get the *Hansard* and you find it there, I will apologise. Get the *Hansard*, I will apologise.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, I have given you enough time for you to withdraw and apologise. I saw you consulting Hon. Kimunya. Please, proceed. Give Hon. Kimani Ichung'wah the microphone.

(Loud consultations)

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I am not guilty of anything in the absence of the *Hansard*, but and for the sake of this Assembly moving on, I

withdraw what is purported to have been said. I withdraw and apologise what is purported to have been said – which is not on *Hansard*. I do so for the sake of this Assembly to proceed with business.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members. Hon. Ichung’wah, you are on record having withdrawn and apologised to Hon. Kimunya. With that, I see you are aware of the Standing Orders. Hon. Members, let us have the Leader of the Majority Party finish moving his amendment.

What is it, Hon. Junet?

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, the procedure for apologising and withdrawing is very well stipulated in the Standing Orders. When a Member is on the wrong side, he just needs to stand up and say, “I withdraw and apologise.” He is not supposed to issue a statement like what Hon. Ichung’wah has done. Ichung’wah has issued a statement. This man must withdraw from the Chamber.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Junet, you are also talking. Hon. Members, it is on record that Hon. Ichung’wah has withdrawn and apologised to Hon. Kimunya. If he had not done so, we would have followed our Standing Orders and did the necessary. Hon. Members, give him time. Let us have Hon. Kimunya finish moving his proposed amendments. Members, he must be heard. Let us listen to the proposed amendment being moved by Hon. Kimunya.

(Loud consultations)

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I hope Members will remember what I moved. The interruption was meant to do exactly what it has done – to kind of throw things off.

The reason for this amendment, as Members will be aware, is that the Budget and Appropriations Committee had looked at the debt ceiling and the projections. It had recommended that the BPS should be reduced in figures so that they do not exceed the debt ceiling. We are dealing with the broader BPS, not the Financial Estimates. Those two have a totally different treatment when it comes to impact on the debt ceiling.

(Loud consultations)

Let me be protected from the loud consultations. We are dealing with a very serious matter.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Kimunya, you are protected.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, this is a transitional Budget process. It is different from normal Budgets. There will be a new administration coming in after the next general elections. At that point, the new Government will need to have a leeway to adjust the Budget to accord it with their priorities. Hence, if we were to limit the incoming administration through curtailing of the BPS, it would mean having reduced leg room for it to implement their Budget by Kshs400 billion. So, the issue of the BPS and its impact has been canvassed. There are people who have been going round and saying that if we approve the BPS as

it is, we will indirectly be approving an increase in the debt ceiling through the backdoor. That can never be the situation because the two are totally different.

It is important to know that once we approve this BPS, it is binding not just to the current Government, but also to the future Government until the next BPS is approved. There is no room for a supplementary BPS. When we come to the Estimates, we will be able to look at them and see the extent to which they can go beyond the debt ceiling. At that point, Parliament will be able to pronounce itself since Financial Estimates can be amended through a Supplementary Budget. There is no supplementary BPS. The issue here is for us to give the National Treasury what they have proposed, remembering that even last year, this same House approved the Medium Term Expenditure Framework (MTEF) for Financial Years 2020/2021, 2021/2022, 2022/2023 and 2023/2024. These figures were there. So, we cannot curtail the MTEF at this point.

We have also taken into account the fact that this matter is highlighted within the Report. I do not want to belabour that point. I know there are people who may not appreciate what we are doing. I am talking from a point of knowledge. I understand this matter relatively well. Hence, I would ask this House to allow that we let this amendment go through so that we can debate the BPS as it was.

I beg to move and ask Hon. John Mbadi, CPA, to second.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to be very clear. First, it must be observed that I am a Member of the Budget and Appropriations Committee. I first want to apologise that because of other commitments, when the Committee was considering this matter, I was not able to be in the Committee meetings. However, I want to second these amendments and urge Members that we need to understand the difference between the BPS and the Budget Estimates. The BPS is purely a statement of intent by the Government to carry out certain policy issues, programmes and projections. It is an indication of how much is likely to go to the counties and how much would remain at the national Government level.

As to the actuals of financing and the details of borrowings and the details of revenue collection and projections, that will be dealt with at the level when we are dealing with Budget Estimates. You cannot, at this point, say that because you have an intention of spending so much, you are already violating the law. No! It is far from it. The violation will only come when Parliament approves expenditure in excess of what can be financed. That becomes a violation.

We are splitting hairs about nothing. Actually, what I see is grandstanding. I see people trying to play politics by saying that we cannot go beyond Kshs9 trillion. The truth is that we are at the BPS. This is a BPS level; we are not at the level where we are dealing with actual figures and amounts where we would be saying we have approved.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members. Can you consult in low tones?

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Speaker, from experience, because I know some Members will come here and start playing politics with this thing, I just want to speak to the people of Kenya. We are at the BPS level. By the way, you cannot just come and say that we are cutting the Budget by Kshs400 billion. You must clearly spell out which Budget lines and Programmes you are reducing. The entire Development Budget in our Estimates is about Kshs370 billion. So, if you say that you are reducing the Budget by Kshs400

billion, you must say which lines you are going to cut. Let us not play populist politics. Let us accept that this is the BPS. When we come to the Budget Estimates, we will deal with actual figures.

My last comment is that I do not know why Kenyans have put so much premium on the Budget ceiling. The Budget ceiling is nothing. Parliament should be looking at how much we are borrowing every year. The Budget ceiling is an indication. You can even put it at Kshs50 trillion, but you do not have to hit the Kshs50 trillion mark. You can only hit Kshs50 trillion if you have, as a House, decided to borrow so much if you think you have the ability to pay. What has been hitting us, and what has failed this country, is where we borrow money and we do not use that money for productive purposes. That is where the problem is. Let us not play politics with the Budget ceiling that everybody is talking about – even those who have never known what it means. I see people talk about the Budget ceiling, claiming that we have increased it. What is the problem with the Budget ceiling? If you ask me, I would even put it at Kshs15 trillion or Kshs20 trillion, and then deal with actual figures every financial year so that we do not over-borrow.

That is my comment. I want to second and urge that Members approve this very quickly. We want to move fast and finish with the BPS, then we go to other more important assignments for this nation.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members.

*(Question of the first part of the amendment,
that the words to be left out be left out, proposed)*

Hon. Members, those who want to be on intervention can remove their cards. I am not able to know who is on intervention. Let us first have the Chairperson of the Budget and Appropriations Committee.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Temporary Deputy Speaker. The matter came before the Budget and Appropriations Committee according to Article 114 of the Constitution. The matter was considered and I can confirm to this House that we canvassed the issue, interacted with Treasury and passed the amendments from the Leader of the Majority Party. That is the confirmation that I am giving.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Members, please remove your cards from intervention. I will start with Hon. Ichung'wah. Hon. Sankok, please remove your card from intervention.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Temporary Deputy Speaker. The Clerk can guide you from a different angle so that he does not block your view. I am rising on a point of order...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, you have the Floor.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I was seeking your attention away from the Clerk because I need your guidance. I had a point of order even before other issues came up. I am seeking your intervention because if you read the import of this

particular amendment by the Member for Kipipiri, Hon. Kimunya, it is amending the Committee Report in a substantive way on page 25. Remember, when the Chair of the Budget and Appropriations Committee indicated that he had a Report of the amendments that had been brought before the Committee, I raised a procedural issue that if there is a Report on the amendments that had been proposed, there should be a Report from the Budget and Appropriations Committee so that we can benefit from the engagements of the Committee. In the Order paper that has been circulated, this amendment is not there, unlike mine, Hon. Baya's, Hon. Sossion's and Hon. Duale's amendments that are in the order Paper. This amendment by Hon. Kimunya was not there.

Part 1 of this amendment seeks to amend what is being approved as the national Government ceiling to Kshs2 trillion and Ksh75 billion. That is what goes to the Executive, the Judiciary, the Auditor-General and Parliament. If you look at the figures in the Report, it is the Executive's ceiling that is going up by almost Ksh400 billion to Kshs2 trillion. If you read my amendment as it is on the Order Paper, I was seeking to amend the...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, we will come to your amendment.

Hon. Kimani Ichung'wah (Kikuyu, JP): Why can you not allow me to finish what I am saying so that you are able to make an informed decision? I am seeking your guidance. It could be that the import of this amendment...

Hon. Temporary Deputy Speaker, I beg that you lend me your ears. Listen to me and make a determination. I am not directing you on what to do.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, what I am saying is that we will come to your amendment.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, you know I am serving my second term. I have been the Chairperson of the Budget and Appropriations Committee. I know the import of this particular amendment, and that is what I am seeking so that you can guide the House. The import of this particular amendment is that what you are promising me will be possible to do, will not be possible. I was amending the figures as they are in the Report of the Committee. If I cannot amend...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, carry on.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I was saying that if, for instance, Hon. Kimunya's amendment were to pass it would substantially change what is in the Committee's Report. Therefore, any amendment that is anchored on the Committee's Report will naturally die. The guidance I am seeking... Allow me to finish because I have not come to what I want you to make a determination on. It is only fair if you give me time. I am speaking as a representative of the people of Kikuyu and people of Kenya. Budget matters are dear to me.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Go straight to the point, Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, the two issues I want you to determine are as follows: One, if Hon. Kimunya's amendment is carried, where do the amendments that Hon. Duale and I have proposed sit? Two is on a procedural matter. If you propose an amendment on money Bill matters, they procedurally go through the Budget and Appropriations Committee. The Chair has confirmed that that matter has gone through the Budget and Appropriations Committee, and we have no Report from the Committee.

(Hon. Amos Kimunya spoke off-record)

Protect me from the shouting of the Leader of the Majority Party. He is at it again, then he will force me to apologise. Is it fair? The Leader of the Majority Party is shouting at me.

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Order, Members! Let us make progress.

Hon. Ichung'wah, you have one minute to wind up.

Hon. Kimani Ichung'wah (Kikuyu, JP): Yes, Hon. Temporary Deputy Speaker. In one Minute; that is why I was asking for your protection. I am trying to get to you and the Leader of the Majority Party is shouting at me and...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Please, can you concentrate on your submission.

Hon. Kimani Ichung'wah (Kikuyu, JP): Yes, Hon. Temporary Deputy Speaker. Ideally, every Member of this House is given a fair and equal opportunity to propose amendments to any Report or any Bill that is before this House. If this amendment is there and Members have not been given the opportunity to propose amendments on the basis of the new figures, then in my considered view, what we are doing is unprocedural. It is fair that if such an amendment is passed, Members are given the opportunity to propose new amendments...

The Temporary Deputy Chairlady (Hon. (Ms.) Jessica Mbalu): Very well. I am fair, Hon. Ichung'wah. You raised the issue of the Committee. I can confirm that even before the Speaker made his ruling approving and disapproving some amendments, including yours, the Report of the Budget and Appropriations Committee on the proposed amendments was signed by the Committee... The Speaker made a statement. Let me hear Hon. Duale then I put the Question.

(Loud consultations)

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I want you, as the substantive Chair of this session to listen to me. I want to go on the *Hansard*. Members of the Budget and Appropriations Committee and the House should listen to me. You need to protect me. The Budget and Appropriations Committee tabled a Report in this House last week. The amendment before this House by the Leader of the Majority Party, more specifically paragraph (b), is basically unlawful and unconstitutional, and my reason is this: How does the National Assembly ask the National Treasury to amend the debt ceiling, which is a statutory function? I am sure that the Speaker and the Parliamentary Budget Office (PBO) are watching me. This amendment by Hon. Kimunya seeks to increase the debt ceiling by about Kshs200 billion. The people of Kenya are listening to me. This House should not increase the debt ceiling through the back door. This is unconstitutional and it should not be allowed. This House and the Senate must pass regulations. Approval of the debt ceiling is not the function of this House alone; it is a function of both Houses. I want you to critically look at paragraph (b) of the amendment. You will be remembered. It seeks to approve a debt ceiling outside the Public Financial Management Act. I want to go on record that this is unacceptable, and you need to stop it until you or the substantive Speaker gives a ruling.

Finally, I want to speak to the Leader of the Minority Party. As the Member for Garissa Township, I am entitled to speak and you cannot gag me. Let me go on record. What I am raising is a matter of constitutionality. I took an oath to protect the Constitution and other laws passed by this House. I want you to rule on paragraph (b) of the amendment before you put the Question.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Consult with the technical team of the PBO sitting on your right. This amendment is unconstitutional and this House should not pass it. We cannot increase the debt ceiling.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members. I am sure most of you were in the House when the Speaker made a ruling.

(Hon. Aden Duale spoke off record)

Were you making a contribution or you were on a point of order? Take a minute then we hear Hon. Junet.

Hon. Aden Duale (Garissa Township, JP): If people do not want us to raise issues for which we took an oath, then stop us at the door of the Chamber. I have asked for your guidance. This House wants to increase the debt ceiling outside the law and the Constitution.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Before we hear Hon. Junet, let us listen to the Leader of the Minority Party.

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Speaker, how I wish Hon. Duale would listen to me as well. I listened to him carefully. I rise on a point of order. Hon. Duale should not be an alarmist. He has been a Leader of the Majority Party in this House. We have never amended the debt ceiling through the BPS. You can never amend the debt ceiling of the Republic of Kenya through the BPS. I know Hon. Duale is playing politics, but that is not how to do politics. Please be factual.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, what we are debating is the BPS. We are not debating Estimates. We are discussing a statement of intent by the Treasury on how it wants to prepare the Budget. What Hon. Duale is doing is called political posturing. He is addressing the gallery; he is not addressing the substantial issues that we are discussing in this House. We need to understand that the BPS has got nothing to do with the debt ceiling. The procedure of increasing the debt ceiling is known. As he said, it is a statutory undertaking. I do not know whether Hon. Duale lost his knowledge of how the House operates after stopping being the Leader of the Majority Party. What we are discussing is the BPS.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members. The House will now take a vote on the matter. The Speaker does not have a vote.

(Loud consultations)

Order, Members, can you resume your seats? I will not be ordered nor guided by any Member. Hon. Duale stood on a point of order and we are giving direction. The Hon. Members who are standing, can you all resume your seats?

(Hon. (Ms.) Odhiambo-Mabona spoke off record)

Order, Members! Order, Members! Please, Hon. Millie Odhiambo, can you resume your seat? Members, resume your seats. No one is harassing the Speaker. Please, Members, can you go to your specific seats? The Speaker will make a determination. Two Members rose on a point of order.

(Loud consultations)

Order, Members! Order! I want to solve the issue that was raised by Hon. Duale before I put the Question. For the Members who were in the House when the Speaker was making his ruling, he approved some amendments and disapproved others. It is on record that the Committee's Report has been approved by the Speaker. For that matter, the "Ayes" will take vote on the Question. I, therefore, proceed to put the Question.

*(Question of the first part of the amendment, that the words
to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment, that the words
to be inserted in place thereof be inserted, proposed)*

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

(Applause)

Hon. Members: Division! Division!

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Clerks, I need to confirm if we have the requisite numbers for a Division. Clerks, please confirm.

(Loud consultations)

To the Members seeking a Division, the Lead Clerk-at-the-Table has confirmed that you do not have the requisite number for Division.

(Applause)

Hon. Members, can we have Hon. Ichung'wah moving his proposed amendment?

Order, Members! Let us have some decorum. Order! Order, Members!

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, my view is blocked. Could you ask the Members standing between you and me to allow me to have a direct view of you?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I can see you. You can see that I have extra “eyes.”

Hon. Kimani Ichung’wah (Kikuyu, JP): As I move my amendments, it must be on record that the numbers required for a Division have been attained.

(Loud consultations)

The number for a Division is now available. You cannot act against the House procedures. You are destroying this House. Allow the Division, even if we are 21 Members. Allow Kenyans to see who it is that voted for an illegal expansion of the debt ceiling. You cannot force me...

Hon. Temporary Deputy Speaker, you have to listen to us.

(Several Members stood on the gangways)

The Members who are upstanding are more than the number required for a Division. You cannot, therefore, be asking me to move to the next amendments yet we have called for a Division. Allow for a Division and then we proceed.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung’wah, are you ready to move your amendment? You have the Floor.

Hon. Kimani Ichung’wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, how do I move my amendments if Members cannot even be allowed to vote? We are being denied the opportunity to debate. This is a House of debate. You cannot extend dictatorship from State House to this House.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung’wah, please move your proposed amendments. I see that you do not want to move your proposed amendments.

Hon. Ichung’wah, please move your proposed amendment. You have the Floor of the House. Otherwise, I will assume that you are not ready to do so, and move to the next amendment.

Hon. Junet Nuh (Suna East, ODM): He is not ready to move it.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Junet, please, you cannot guide me. Hon. Ichung’wah, please move your proposed amendment. Otherwise, I will drop it. At least, I have given you a lot of time. I have listened to you. I am very fair.

Hon. Kimani Ichung’wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I need your protection and assurance that if I move the amendment, it will be subjected to debate and voting. The earlier amendment was not voted on.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung’wah, we have enough Members to debate the amendment.

Hon. Kimani Ichung’wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, you are destroying the House.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are out of order! Move your proposed amendment. Hon. Ichung’wah, do I assume that you are not ready to move your proposed amendment? Give him the microphone.

Hon. Ichung’wah Kimani?

Hon. Kimani Ichung’wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I can hear you.

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You have a proposed amendment. Please, move it. Members are here to listen to you. Hon. Millie, you must listen to Hon. Ichung'wah. Please, move your proposed amendment. As he moves it, he should not be interrupted.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I sought your guidance.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, we are past that.

Hon. Members: No!

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I sought your guidance.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I do not know whether you were in the House. Please, move your proposed amendment and then it will be seconded. I will then propose it and open to the House for debate as it will have become an asset of the House.

Hon. Ichung'wah, you have the Floor.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, as I said, I am ready to move the amendment. However, it is pointless to move amendments that will not be debated. It is more pointless for you to call a vote...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, Hon. Ichung'wah...

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, allow me to finish what I want to say.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Now that you are not ready to move your proposed amendment...

Hon. Kimani Ichung'wah (Kikuyu, JP): I am ready to do so, but you are interrupting me.

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Please, move your amendment.

Hon. Kimani Ichung'wah (Kikuyu, JP): Protect me from Hon. Millie Odhiambo.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected. Please, move your amendment. Otherwise, I will go to the next Member.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I was threatened before I came to this House. You will not threaten me again.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, you are not ready to move your amendment. It is dropped. Let me go to the next Member.

(Proposed amendment by Hon. Kimani Ichung'wah dropped)

Members, you must follow the procedures of the House.

Next is Hon. Owen Baya. Please, move your proposed amendment.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I am ready to move my amendments. However, I want to get assurance that it will be debated.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Baya Owen, please, move your proposed amendment.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I am ready to do so.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Thank you.

(Hon. Junet Nuh stood in his place)

Hon. Junet, please, can you resume your seat? Give Hon. Owen time to move his proposed amendment. You are protected, Hon. Baya. Please do so.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

Hon. Owen Baya (Kilifi North, ODM): Please, protect me from Junet.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Millie Odhiambo, nothing is out of order. Hon. Baya, please, move your amendment.

Hon. Owen Baya (Kilifi North, ODM): Protect me.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected. Please, move the amendment.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I beg to move: THAT, the Motion be amended by:

(i) insertion of the following words immediately after paragraph (c) –

“Subject to insertion of the following new recommendations immediately after recommendation “xx” appearing on page 25 of the Report –

(xxi) That, adequate resources be provided under the State Department for Crops Development and Agricultural Research to provide for subsidies on fertiliser so as to reduce the price of purchasing fertiliser from the current Kshs6,000 to Kshs2,500. This should be financed by reallocations within the State Department’s Budget.

I would like to deal with that amendment first and then go to the others.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Baya, you were in the House earlier on. You should only move one amendment. You were here when Hon. Speaker made a ruling on this matter.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I have two amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Were they approved by Hon. Speaker?

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I have two amendments which are in the Order Paper.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Move the amendment that was approved by Hon. Speaker first.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I am saying that the cost of food production in this country is very high. This has been caused by expensive farm inputs. We need to cushion farmers by ensuring that we reduce the cost of fertilisers in this country.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Baya, move your first amendment as per the Order Paper.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I am doing so. I am moving the first amendment that was approved. Why are you interfering? What happened to you today? Where is your objectivity?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Baya, I am guiding you on procedure. Move your proposed amendment as per the Order Paper.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I have done so.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Read it out.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I have done so.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You have moved part (i) of the amendment.

Hon. Owen Baya (Kilifi North, ODM): What is up, Hon. Temporary Deputy Speaker?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Is that part (i) of your amendment?

Hon. Owen Baya (Kilifi North, ODM): Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well.

Hon. Owen Baya (Kilifi North, ODM): Can I make my contribution?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Yes, you can. You know the procedure. You have already moved the amendment. Contribute on it.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, that is what I was doing. You took me back.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I did so because you said you had three amendments. Some had been dropped. Please, move that part only.

Hon. Owen Baya (Kilifi North, ODM): Hon. Temporary Deputy Speaker, I have done so.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Debate on that amendment or you call your seconder.

Hon. Owen Baya (Kilifi North, ODM): Can I call somebody to second the amendment?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): If you are okay with that, you can call him.

Hon. Owen Baya (Kilifi North, ODM): I would like to call Hon. Ichung'wah to second.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I rise to second the proposed amendment by the Member for Kilifi North, Hon. Baya. I must also take this opportunity to record my disappointment and displeasure with the turn of events because this is a House of debate. We come here to debate and make decisions on the basis of a vote.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Duale, please resume your seat so that Hon. Ichung'wah can have his time to second.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, if you can also desist from interruptions, it will help.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, you are protected. Please, second.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, the time you were asking me to second Hon. Baya's amendment, the House was very noisy. I was saying that even as I second this amendment, because it is a very good amendment, you remember that a year-and-a-half or two year ago, the prices of fertilisers were about Kshs2,500 per 50-kilogramme bag. The prices of fertilisers and other farm inputs determine the cost of food in the country. Fertiliser prices today range between Ksh6,000 and Ksh6,500 – something that is very unfortunate for this country. Farmers are being forced to buy farm inputs at expensive prices and that cost has trickled down to the consumer in terms of increase in the prices of food items.

Hon. Temporary Deputy Speaker, protect me from the shouting by Hon. Millie.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected. Please, carry on.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, the prices that you see Kenyans complaining about are as a result of policies that we pass in the BPS. Why I took exception to your decision to disallow Division is because we wanted an opportunity for Kenyans to see who supports increment of prices in food items and who opposes. We must be protected.

Hon. Temporary Deputy Speaker, being the presiding Chair of this session, you must be at the forefront in protecting this House.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, please, be relevant.

There is a point of order by Hon. Millie. What is out of order?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. It is very wrong when we keep on saying the wrong things on the Floor of this House and let them go on record. When you called on Members to vote and the "Nays" did not have it, a minimum of 30 Members were supposed to be on their feet, according to the Standing Orders if they desired a Division. They were not even 20 people. They have since been calling other Members to rush to the House because...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Millie! There is nothing out of order in whipping Members to come to the Chamber. Please, let him finish seconding. The amendment will become an asset of the House once I propose the Question. So, there is nothing out of order. Hon. Ichung'wah, complete your seconding.

Hon. Kimani Ichung'wah (Kikuyu, JP): I hope I will recover the two minutes that Hon. Millie has taken. I was saying that the cost of food items is largely dictated by the inputs that go into production. I see another point of order from Hon. Junet.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I want to propose first, because there is no procedural issue. Can Hon. Ichung'wah be protected? Hon. Duale, may I see Hon. Ichung'wah? Hon. Ichung'wah, please conclude.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, there are too many interruptions from the other side. You may understand why all those interruptions are coming. I was saying the cost of food items is dictated by the policies that we pass in this House. Part of the policies that we are passing today, including the amendment that has just been passed illegally, are to expand our debt ceiling illegally. The more we borrow, the more expensive life becomes for Kenyans. This is because even the cost of borrowing for the farmers that Hon. Owen Baya seeks to protect will become very expensive. It will be very expensive for farmers to access credit because of the illegal extension of the debt ceiling that we are undertaking today. I want to be on record to agreeing with what Hon. Duale has said. By the passage of this particular amendment, we will have expanded the debt ceiling illegally.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Order, Hon. Members!

Hon. Kimani Ichung'wah (Kikuyu, JP): I thought you said you are protecting me.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected.

Hon. Members, please, let him finish and then I will give you time to debate on it.

Hon. Ichung'wah, carry on.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I was speaking about the illegal expansion of the debt ceiling. If you read the Committee's Report on page...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Junet, you will be the first one to speak on this amendment once it becomes an asset of the House. We are a House of debate. He is seconding.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, if you read the Budget and Appropriations Committee's recommendations, well guided by the Parliamentary Budget Office, you will appreciate that the Committee has put a cap on the Budget deficit at Kshs400 billion or 3 per cent of the Gross Domestic Product, because Kshs400 billion is the fiscal space that this country enjoys within the Kshs9 trillion debt ceiling that is in place. The passage of Kshs846 billion will expand the debt ceiling illegally since no draft regulations have been brought to this House for that purpose.

Hon. Owen Baya's amendment seeks to apportion money to the Ministry of Agriculture, Livestock, Fisheries and Cooperatives to ensure...

Can you protect me, Hon. Temporary Deputy Speaker?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected. You have one minute.

Hon. Kimani Ichung'wah (Kikuyu, JP): I listened to His Excellency the President yesterday speaking in Sagana in my vernacular language. He asserted that agriculture had become better in the last one-and-a-half years. If there was a better lie that had ever been directed at the people of Kenya, it was that lie.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Junet, I can see you are on a point of order. I am sure it is relevant.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, I must first start by taking exception to the amount of time you have given Hon. Ichung'wah to lecture us like small children. We are not Hon. Ichung'wah's students. More fundamentally, he has just said here that we are increasing the debt ceiling...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Junet, you will have time to debate this amendment.

Hon. Ichung'wah, finish so that I can propose the Question.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, protect me. It is good to know that there are time limits set at the Clerks' Table. I am within my time.

Hon. Junet says that he is not my student, but he has no capacity to even learn some of the things that I am talking about.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ichung'wah, please, be relevant.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Deputy Speaker, I was talking about the lies in Sagana yesterday. Agriculture in Kenya has become more expensive because of the cost of fertiliser. We must pass laws in this House that make agriculture cheaper and more accessible to our people, including our young people.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, you must learn. I can see your time is up. I will propose the Question and open the Floor for Members to debate.

(Question, that the words to be inserted be inserted, proposed)

I give the first opportunity to Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, I stand to oppose the amendment.

The proposed amendment has no relevance completely with the BPS. If you listened to the secondment of Hon. Ichung'wah, he was just doing political posturing. He has not even told us the import of the amendment. The prices of fertilisers are a global phenomenon, and in this country we know the person who has ruined importation of fertilisers. It is none other than the Deputy President, William Ruto, when he was the Minister for Agriculture. He is the one who messed up the agricultural sector of this country. Let us not dig graves here this afternoon. We know the mess the agricultural sector is facing in this country was done by none other the former Minister for Agriculture, Hon. William Ruto.

(Loud consultations)

Now, *Tanga Tanga* are trying to posture in this House today and claiming that they want to reduce the price of fuel, fertiliser and food when they are the ones who created the problems Kenyans are facing. Hon. Ichung'wah has been the Chair of the Budget and Appropriations Committee for the last seven years, why did he not bring an amendment to make the life of the people of this country better? Let us not spread lies on the Floor of the House. Let us not use the Floor of the House to do political posturing. We can do that in rallies, burials and elsewhere.

This amendment is meant for politics only. It has nothing to do with Kenyans. We are going to reject it and come up with a proper policy to ensure that the price of fertiliser, fuel and food are reduced. We will do it in a Supplementary Budget and the main Budget. When we form Government, we will make things better.

Thank you so much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me have the Member for Tharaka.

Hon. George Gitonga (Tharaka, DP): Thank you very much, Hon. Temporary Deputy Speaker. This is absolutely in order. I support that we actually agree to the proposed further amendment so that we are able to accommodate Kenyans who are below any line that we can imagine of. As we speak, fertiliser is going for about Kshs6,000. About two years ago, it was Kshs2,500. The question that begs to be answered is: Why are we in the situation we are in today? It goes without saying that it is because of the debts that we continue to incur in this country. We are over-borrowing and we are overspending too. For example, we are now budgeting for money that we do not have. We are anchoring on the fact that we are going to borrow! This is problematic. Therefore, from today, this House must act with sanity. We should only act within the monies that we have. We must not depend on borrowing, which is burdening our citizens. It has increased everything, including food, farm inputs and whatever else we are thinking of. This is very timely and I do support that we actually accept the proposed further amendment.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Is it the feeling of the House that I put the Question? The Leader of the Majority Party, do you want to contribute to this?

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, it is becoming very clear that there is an amendment that has been brought by the Member for Kilifi. What Members

are discussing is totally different from what has been brought. I would like to propose that you put the Question so that the House makes a decision.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Kimunya, which Standing Order are you applying?

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, Standing Order No. 95.

(Question, that the Question be put, put and negated)

(Several Hon. Members stood in their place)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Members, I have confirmed that the Members who are upstanding are not enough to call for a Division.

The Leader of the Majority Party, I can see that you are on an intervention but I will give him after I put the Question.

*(Question, that the words to be inserted be inserted,
put and negated)*

MOTION

EXTENSION OF SITTING TIME

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

THAT, this House resolves to extend the sitting time until the business appearing under Order No. 11 is concluded.

As you can see, we dedicated this day for the Budget Policy Statement. Unfortunately there are some who have come here to disrupt the business of the House. We want to give them an opportunity to look for extra people to come and help them, but in the meantime we continue with the business of this House until we conclude Order No. 11.

I beg to move and ask Hon. Angwenyi to second.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Hon. Temporary Deputy Speaker, I second so that even if they want to filibuster, they can go on. We must, however, complete the business that brought us here.

(Applause)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Duale, I will give you your chance. Let me propose the Motion. We cannot say the Motion is out of order. It must be an asset of the House.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

(Resumption of Debate)

Hon. Sankok, the ruling is that the ayes have it. Let me hear from Hon. Duale before Hon. Sossion. Hon. Duale is a ranking Member.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I do not want to be interrupted. I want to have my peace as a Member of Garissa Township.

(Loud consultations)

Hon. Temporary Deputy Speaker. I am ...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Please, Hon. Members, allow the Member for Garissa Township, a ranking Member, to be heard.

Hon. Duale, please, carry on.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I stand here not by choice or by default. I have been elected to this august House three times, in three different parties but this afternoon I want to say that I am perturbed and shocked. I raised serious constitutional issues on Article 211 of the Constitution and Section 50(2) of the Public Finance Management Act. I asked the Speaker to give direction. This will go in history that you can extend the time of business if you want to. As a former Leader of the Majority Party, I know we used to pass Government agenda but we never used to violate the Constitution and the law. You can extend time and sit until midnight, but let me talk to the people of Kenya. This is what the late Charles Njonjo did in the early Parliaments of the Republic of Kenya and this is what many other leaders did. I ask Members seated here, when they have free time, to go to the *Hansard* office and listen to what Jaramogi, Tom Mboya and what other leaders used to say.

As I exit, we can shout or do anything. I am a big supporter of this Budget because the people of Garissa Township need NG-CDF. I am a big supporter because Parliament needs resources. However, I cannot sit here, Hon. Temporary Deputy Speaker, and allow this House, under your leadership, to violate the Constitution. It is very shameful! As I leave, I want these Members...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): As I finish, I want these Members to read a book.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members! Please. I must also...

Hon. Aden Duale (Garissa Township, JP): I want them to read a book that was written in 1896 by an Italian. Its title is: *The Laws of Human Stupidity*. And there are too many of them here.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Duale before you leave, I know Members have gone to school and have read. Hon. Duale, on the issue of constitutionality, you have been the Leader of the Majority Party in this House before and you know the procedures. On procedure, I order that... Order, Hon. Duale. You have been the Leader

of the Majority Party in this House and so on the issue of constitutionality, I have ordered that a Communication will be done by the Speaker to reply to that issue. The Motion on the Budget Policy Statement has been approved. It passed through the Committee and was approved by the Speaker. On that one, I order a Communication will be done to make sure that Hon. Duale is comfortable.

Yes, Hon. Millie Odhiambo, then Hon. Makali Mulu.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker,

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Junet, you are not Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Junet, excuse me a little bit. Thank you, Hon. Temporary Deputy Speaker,

I just want to thank you for indulging me. The reason I keep insisting on raising points of order is that we know there are people who have made it their business to keep going to court. We must have our record correct. I want to indicate that whenever Hon. Duale and Hon. Ichung'wah have raised constitutional issues in relation to the amendment brought by the Leader of the Majority Party... If you listen to the ruling that was given earlier by the Deputy Speaker, he said that some of the amendments are not subject to Article 114 of the Constitution because he made this Budget Policy Statement a mere suggestion. In effect, that is what he said, which I did not agree with but respectfully obliged. But, he said the BPS is a mere suggestion and because of that he allowed them to bring amendments. So, you cannot have your cake and eat it. If you look at the amendment proposed by Hon. Kimunya, it says that, 'Parliament urges'. It is not saying, 'Direct'. I know Hon. Duale has many 'urges' here. We cannot describe all of them, but he has not responded to all the 'urges', Hon. Temporary Deputy Speaker. So, we cannot therefore say that an 'urge' is a compulsion.

Finally, he has asked us to read about human stupidity. I want to urge him to read a book written by myself about human wisdom. He will become wiser. He should stop reading books about stupidity.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, as I said, if the former Leader of the Majority Party wants some clarification to be done, those who are in the House... The Deputy Speaker, Hon. Cheboi, made a ruling on these proposed amendments. Some were disapproved while others were approved. So, the issues of unconstitutionality were tackled and I am sure if the former Leader of the Majority Party, Hon. Duale, wants further clarification, a Communication will be done.

Hon. Makali Mulu, expert, as a Member of the Budget and Appropriations Committee.

Hon. Makali Mulu (Kitui Central, WDM-K): Let me get this one right. Hon. Temporary Deputy Speaker, you know today those of us who are not gifted in shouting are really sad. We have been in the House since 2.30 p.m. We have been shouting, but since we are not gifted in that, you could not hear us. I want my friend Hon. Ichung'wah Kimani... We were together and I told him that he has to be very strategic the way he moves these things. The reason these amendments were approved is that they do not touch the actual meat of revenue collection and taxes. They were only talking about the vertical division between one level of Government and the other one. There have been a lot of misleading statements as I listened here today.

When somebody says that we are changing the debt ceiling through the Budget Policy Statement, that cannot be true. Hon. Kimunya was moving the amendment so that it takes care of that. We did not realise, as the Budget and Appropriations Committee, that some of us had crossed their lines. What we are saying is: if you read those amendments by Hon. Kimunya, so that we put

the record straight, the National Treasury or the Executive can do their business but should not go beyond the Ksh9 trillion, which was fixed by this House. What am I saying? I am saying the Executive has a freehand to do three things if they wish to do so: they can enhance revenue collection so that they remove the ceiling of Ksh9 trillion; they can drop some of the programmes or projects so that they remain within the Ksh9 trillion ceiling; or they can even engage cost-saving mechanisms or expenditure reduction so that they are within that. That was the object of this amendment, that is, to allow the Executive room to do what they want to do so long as they do not go beyond what this House has done in fixing the ceiling. I wish people could see these amendments from that side. Once you see the amendments from that side, I can tell you for sure that whatever Estimates will come to this House will be checked.

The first thing the House should be checking is whether we have gone beyond the Ksh9 trillion ceiling. If they will have gone beyond that, there will be no discussion of the Estimates. Is there any harm if they collected more money and met their Budget? There is no harm. Is there any harm if they dropped projects and programmes? There is no harm. Those are the programmes and projects of the Executive. As a House, we are saying we should stick to our line and allow the Executive to stick to their's. Because some of us have no power to shout a lot, we have been seeking your attention by crying to get this chance to put the record straight. We could not get it. Now we have put the record straight. Let us debate on those bases.

Members, what you are forgetting is that this Budget is not for this year. It is a Budget for the next year. It is obvious the implementer of this Budget is not yet known. From where we stand, we believe it will be Kalonzo Musyoka. So, the thing is, when that time comes, we will be reorganising this Budget so that it fits the manifesto of One Kenya Alliance (OKA).

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member, stick to relevance. I thought you have shouted. If it is shouting, you have tried. If, indeed, that is what you call shouting. Hon. Members, I am sure you are hearing. Hon. Ichung'wah is in the House. I hope Hon. Duale is in. The reason I gave Hon. Makali a chance is because I really wanted Hon. Duale and Hon. Ichung'wah and the other Members to be guided for us to move.

The next amendment is by Hon. Sossion.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker. I beg to move:

THAT, the Motion be amended by inserting following words immediately after paragraph (c) -

- (i) "Subject to insertion of the following new recommendation "xxi" immediately after recommendation "xx" appearing on page 25 of the Report-
xxi. That, the Government fully finances the Teachers Professional Development Program, under Section 35 of the Teachers Service Commission Act, 2009. These expenses will be met through the reallocation of the resources allocated under the Teachers Service Commission. Furthermore, all other training programs initiated by the Teachers Service Commission should be financed by the commission in line with international Human Resource practice."
- (ii) That, the consequential amendments be effected in the Report thereof.

I would like to thank the Budget and Appropriations Committee for having considered the fact that the Teachers Professional Development Programme be borne by the Government. It has already been captured under Vote 2091 with an allocation of Ksh2 billion within the matrix. This, of course, is a bold step by Kenya to support teachers in their programmes.

(Several Members stood in their places)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, you cannot do that. Please, remove your cards. Hon. Sossion, just a moment. Hon. Members, please, remove your cards from intervention unless you are on a point of order. It is so that I am able to know the Members who are raising points of order. I can see Hon. Alice is standing. I do not know whether she is raising a point of order. Remove your cards. As a matter of procedure, we will be able to know. You will catch my eye from intervention. You can only go to the intervention button if you are on a point of order. Let us be guided.

Hon. Wilson Sossion (Nominated, ODM): I was saying I thank the Budget and Appropriations Committee for allocating Ksh2 billion. That will cover the continuous capacity building of teachers. As a country, we will be conforming to international and the United Nations Educational, Scientific and Cultural Organisation's (UNESCO) standards of funding teacher capacity building programmes.

For this to work well and gain legitimacy in the budget process, my amendment is meant to strengthen the policy recommendations as prepared by the Committee: That the Government fully finances the Teacher Professional Development Programme under Section 35 of the Teachers Service Commission Act of 2012. These expenses will be met through reallocation of resources given under the Teachers Service Commission. Furthermore, all other training programmes initiated by the TSC should be financed by the Commission in line with international human resource standards.

This is a simple and straightforward amendment that is not going to change anything. It is going to strengthen what is already carried in the BPS. It will make it very clear, the responsibility of Government in this undertaking. I do not wish to speak a lot on this matter. It is very clear. I wish to call upon my other nominee, 001, to second the amendment.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. I assume 001 is Hon. David ole Sankok. Who is 001?

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order. You are not 001. Hon. Sossion, please, who is 001? For record purposes, there is no Member by the name 001.

Hon. Wilson Sossion (Nominated, ODM): It is Hon. Junet Mohamed.

(Laughter)

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, I have been told that this matter has been sorted in the Supplementary Budget. Because of Sossion who left us in a very bad way, I second.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Junet, you cannot do that. It is not your amendment. Hon. Sossion, be on record on the Secunder of your proposed amendment. I was consulting. Please, let me hear that you said Hon. Junet is to second. Did you say that, or it is Member 001?

Hon. Wilson Sossion (Nominated, ODM): Hon. Temporary Deputy Speaker, Hon. Junet has accepted to second. As my Whip, I have no problem with that.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Okay. Very well. Now, Hon. Junet becomes 001. Hon. Junet for seconding? Hon. Junet, for seconding. You officially become 001.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, I do not know why you do not want me to second this Motion. I am contesting, Member for Kibwezi. What I am saying is that this matter has been sorted in the Supplementary Budget. Because Sossion left ODM in a very bad way, let me just second for him. He is a very bad man.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I can assure you that you are not contesting because he is your man. You have officially seconded.

(Question, that the words to be inserted be inserted, proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I will now give the chance to the Chairperson of the Budget and Appropriations Committee.

Hon. Kanini Kega (Kieni, JP): Hon. Temporary Deputy Speaker, I stand to oppose this amendment.

There are quite a number of issues. As Hon. Junet has alluded, that will be covered in the Supplementary Budget. The Supplementary Budget will be with us next week. So, with that, we will handle this issue in the Supplementary Budget. That is the reason I oppose.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I give this chance to the Leader of the Minority Party and then the Leader of the Majority Party.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I agree that the intention of Hon. Sossion is good. This House has been pushing hard for this programme to be funded by the Government. That is why the Budget and Appropriations Committee in collaboration with the Departmental Committee on Education and Research of this House, has already allocated funds for it in the Supplementary Budget. This House just needs to approve the budget and teachers will not pay anymore. By the way, in the Budget Estimates, we will put more funds. So, we do not need to amend the BPS unless we want to do it as a ritual as Millie would put it. Let me be clear that this is a matter that this House has already taken note of. We have already implemented the programme to make sure that there is money for our teachers so that they are not forced to dig deep into their pockets. So, instead of us defeating Hon. Sossion's amendment, I will request him to withdraw it then we proceed with any other amendment, if there is.

Thank you. I request Hon. Sossion to withdraw.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I had been called to second but unfortunately, Hon. Junet became 001 for the first time. I am sure he does not qualify for that title. Continuous teachers' capacity building is long overdue. So, I support the amendment. Today, Kenyans have known who is for them and who is against them. They will make their right decisions in August 9th this year. We are exceeding the debt ceiling

because we have two governments. One government led by Raila Odinga called “Government *Bonoko*” and another led by his Excellency the President of this Republic. All of them need to be paid salaries. The reason we are exceeding the debt ceiling and bulldozing issues in this House is because we need money for the two governments.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Sankok! Let us have Hon. Jude Njomo.

Hon. Jude Njomo (Kiambu, JP): Hon. Temporary Deputy Speaker, I am a pedigree son of two teachers and I will support anything that goes to support teachers. However, this amendment by Hon. Sossion has come at a wrong time. The Budget and Appropriations Committee is seized of the matter and the programme is already running. Just like Hon. Mbadi has advised Hon. Sossion, I think he should honourably withdraw his amendment. The matter is before the Budget and Appropriations Committee and it is being processed. The move is untimely. Otherwise, it will look like a populist move that will not necessarily offer much help to the teachers.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Alice Ng’ang’a.

Hon. (Ms.) Alice Wahome (Kandara, JP): Thank you, Hon. Temporary Deputy Speaker for allowing me to speak. I have been putting up my hand. I am aware that we are not supposed to raise our hands in the Chamber. However, Members in this corner have not caught your eye.

I rise to support Hon. Sossion’s amendment. I am saying the amendment is timely. You cannot trust that the Budget and Appropriations Committee will move the same amendment, or will not drop it. Hon. Sossion’s amendment is timely. There have been a lot of complaints and hue and cry from teachers. They require professional education development. There are also other matters regarding their salaries and emoluments that the Government has not been able to sort out for quite a while. Therefore, to be asked to pay for their professional development is obviously unfair and a burden that they cannot meet.

I want to go on record that for heaven’s sake, the manner in which debate is being conducted in this House from the Speaker’s desk speaks to lack of neutrality. It has to be said. I say that because the Speaker declined to allow Division.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Alice Wahome, you cannot say that. You are completely out of order. The Speaker is non-partisan. I confirm that the numbers were confirmed by the Clerks-at-the-Table. That is why they are in the House. You did not have the numbers for Division. You must withdraw that statement.

Hon. Alice Wahome (Kandara, JP) Hon. Temporary Deputy Speaker, I want to respond to the question of the BPS.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Alice Wahome, it is important that you withdraw the statement you made. We confirmed that you did not have the numbers. You must withdraw that statement and apologise.

Hon. Alice Wahome (Kandara, JP): Hon. Temporary Deputy Speaker, I am sorry. You did not even announce the numbers. I will not withdraw or apologise. Allow me to continue.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Allow me to confirm to you so that you may sleep well when you get home. The Members that were counted were not enough to call for Division. You must withdraw that statement then you can continue to debate.

Hon. Alice Wahome (Kandara, JP): Hon. Temporary Deputy Speaker, I think in the second instance we did not have the numbers.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Alice Wahome, you cannot say that the Serjeant-at-Arms or the Clerks in the House would lie. They have no interest. Their work is to do the right thing.

Hon. Alice Wahome (Kandara, JP): Hon. Temporary Deputy Speaker, let me express myself.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Alice Wahome, now you are out of order. Let me hear the point of order by Hon. Kaki, the Member for Kitui.

Hon. (Ms.) Rachel Nyamai (Kitui South, JP): Hon. Temporary Deputy Speaker, I think Hon. Alice should withdraw the statement she has made because it is not truthful and it casts aspersions on the person of yourself. The numbers were counted and clearly they were not enough. She cannot accuse you. She should not intimidate you. This radicalisation of ‘*Tangatanga*’ members must stop.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): No, she is not intimidating me. Your point is made. Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, the matter that Hon. Alice raises is one we have dealt with as a House. You pronounced that the Ayes had it and the Noes did not have the numbers to call for Division.

Hon. Temporary Deputy Speaker, we cannot pontificate on issues that are gone. She is very bitter that she lost the vote. She is turning up to support, Hon. Sossion so that Ksh2 billion can be allocated to teachers and at the same time opposing the debt ceiling. She does not want the debt to be increased and she is allocating money in the House. They have no numbers; she only has M-Pesa numbers. She is the running mate of the Deputy President hence should play at a higher league. *Awachane na hii siasa ndogo ndogo hapa ya Wabunge.*

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Alice Wahome, you must withdraw the statement that you made before we move on.

Hon. Alice Wahome (Kandara, JP): May I first respond to Hon. Junet?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Before you move on, Hon. Alice, you must withdraw the statement. When I sit here as the Speaker, I have no vote.

We have, however, counted the Members. If you may go home and sleep well, being a lady you should not lie. You must withdraw. It is important for the Members to know that Members were counted and confirmed by the Serjeant-At-Arms and the Clerks; that is why we have them in the House.

Hon. Alice Wahome (Kandara, JP): Hon. Temporary Deputy Speaker, you saw us demonstrating on the Floor of the House. Were we demonstrating because we were happy? No, it is because we were raising crucial issues. The second time we did not have the numbers. The first time we had numbers and if I am going to be forced to withdraw, I am sorry. I believe we had the numbers. I will not withdraw. The Budget Policy Statement guides this House.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Alice Wahome, with that, please, withdraw from the House.

(Hon. (Ms.) Alice Wahome withdrew from the Chamber)

Hon. Members, maybe I should give you guidance. This is a House of records. Let us not do our politics in the House. I know we are busy in the constituencies and it is time for different parties, but we must do the right thing.

Hon. Sossion, do you want to say something?

Hon. Wilson Sossion (Nominated, ODM): Hon. Temporary Deputy Speaker, what is obtaining in this House is not right. It is not right when we subject matters to unnecessary and uncalled for political confrontations.

(An Hon. Member spoke off record)

If I was in ODM, it is my right. Some Members here cannot bully me. You do not know what I did to be an ODM Member and on this particular matter...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sossion, are you withdrawing or we continue? I need to hear from him.

Hon. Wilson Sossion (Nominated, ODM): On this particular matter, considering the mood of the House and the political hairs being split, and having consulted my Chair of the Committee, and having seen that already Ksh2 billion has been allocated for the same...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sossion is on the Floor. Please, carry on.

Hon. Wilson Sossion (Nominated, ODM): Hon. Temporary Deputy Speaker, I need your protection from some heckling.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected; assume them.

Hon. Wilson Sossion (Nominated, ODM): This is my own amendment.

(Loud consultations)

Put it to vote, then. This cajoling is not right.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. You have the right.

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

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is nothing that is out of order, Hon. Member.

(Hon. John Mbadi spoke off record)

Leader of the Minority Party, we want to put the Question.

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

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Members! We have a proposed amendment by Hon. Duale, Member for Garissa Township. He is not in the House. His proposed amendment is dropped.

(Proposed amendment by Hon. Aden Duale dropped)

(Applause)

(Question of the Motion as amended proposed)

Hon. Members, I now open debate on Order No. 11, which is Motion on the Report on the Budget Policy Statement (BPS) for the Financial Year 2022/2023 as amended.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Gedi, you have not spoken today.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Temporary Deputy Speaker. I rise on Standing Order No. 95. Looking at the mood of the House and the indications that after the meeting in Sagana everybody has vanished, please, call the Mover to reply.

(Applause)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Before I put the Question, let us have Hon. Kositany.

Hon. Caleb Kositany (Soy, JP): Thank you, Hon. Temporary Deputy Speaker. I represent Soy Constituency in this House.

An Hon. Member: We know that.

Hon. Caleb Kositany (Soy, JP): I represent a large number of farmers. I stand here to plead with my fellow Members of Parliament. Fertiliser prices are very dear to the farmer and common *mwananchi*. Food prices are very key to Kenyans—the hustler nation. It is important that we do not politicise every item that comes to this House just because one wants to please some few masters. I plead with Members of this House to treat matters of fertiliser prices very seriously. It contributes to the stability of food in this country and many other aspects in terms of economic growth. For those who are saying they were at Sagana 3, whether there is Sagana 4, Sagana 5 or Sagana 6, William Ruto will be the next president of this country. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Mbui, Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM-K): Hon. Temporary Deputy Speaker, I was rising on a point of order. When Hon. Fatuma Gedi stood on a point of order, she asked that the Mover be called upon to reply. Therefore, in the orderly conduct of the House, I would have expected that that Question is put for the House to make a decision, but then I saw the honourable Member for Soy now starting to debate.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): We are allowed to make some consultations with the Leader of the Majority Party. You can also see Hon. Junet wants to speak.

Hon. Junet Nuh (Suna East, ODM): Hon. Temporary Deputy Speaker, today the issue we are discussing in the House is very important. There is a BPS that is going to give the policies and guidelines for the formation of the budget for the Financial Year 2022/2023. As Azimio la Umoja people, we want to have a Budget that is people-friendly. This Budget is going to be implemented

by the next government whose president is Raila Amolo Odinga. There is no doubt on that. So we are going to make sure that everything that is important for the people of Kenya is captured through this BPS and the Estimates. When he forms the Government, he is going to look at the Budget now holistically and see where his Ksh6,000 per family for the vulnerable people will come from. The Baba Care, the issues of electricity subsidies, the issue of fertiliser and the issue of lowering the cost of living for the people of Kenya will be there. This country will be a Canaan. The Canaan we have been talking about is nigh. We have only five months of going to Canaan, God willing. So let us not spread lies or cheat Kenyans that we can fix fertiliser prices. We know where the problem of fertiliser prices started. It is in the Ministry of Agriculture when the Deputy President, William Ruto, was in charge. What did he do? After he left, he brought his cousin, Franklin Bett, who was also Minister there. After he left, he brought Kosgey as the Minister for Agriculture. That is where we lost all the maize in Eldoret. Let us not lie to Kenyans. Kenyans are very intelligent people. They know where their livelihood was lost.

I am very happy the way the Sagana Declaration happened yesterday. It lay down the processes and procedure for the arrival at Canaan. The President was urging everyone to board the boat that is taking people to Canaan. This is a House of decorum. We cannot allow Members like Hon. Sankok who do not know what is happening in this country to derail this country. This country is destined for great things. I know whatever plans *Baba* has for this country as he collaborates with His Excellency President Uhuru Muigai Kenyatta. I know *Tangatanga* have no vision for this country. Now they are trying the role of opposition. That is not the way to do it. We have been in the opposition. We know how to do it. Let us teach them. Let us give them tutorials on how to do opposition.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, I wish you knew how important this BPS is. I gave two Members a chance at my discretion. Hon. Members, Hon. Gedi, rightfully stood on 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. David ole Sankok stood in his place)

Hon. Sankok, you are the only Member standing to call for a Division. We do not have the numbers for a Division. I, therefore, call upon the Mover to reply.

Hon. Kanini Kega (Kieni, JP): Thank you so much, Hon. Temporary Deputy Speaker. At the outset I want to thank the Members of the Budget and Appropriations Committee who did a lot of work in terms of consultations. I want to thank them for the support they have given us. I also want to thank the entire team here for the various amendments, especially the one that came from the Leader of the Majority Party and the support that we have received from the various Members.

I also want to set the record straight. The passage of this BPS does not occasion bursting of the ceiling. We still have the Division of Revenue Bill and the Budget Estimates that will be coming. Since we are a House that follows the rules, we will make sure that we adhere to the rules and regulations of this country.

With those many remarks, I want to again, from the bottom of my heart, thank the entire Azimio brigade for standing for the truth. As Hon. Fatuma Ali alluded to, the earthquake,

combined with the tsunami that happened yesterday in Sagana has sent a lot of shivers to some quarters. That is just the beginning. I beg to reply.

Hon. David ole Sankok (Nominated, JP): We do not have quorum.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I now order the Clerks to establish whether we have quorum. The Leader of the Minority Party, what do you have to say?

Hon. John Mbadi (Suba South, ODM): Hon. Temporary Deputy Speaker, our Standing Orders are very clear, that one should not raise points of order that are frivolous and cannot be substantiated. Hon. Sankok has wasted the time of this House, yet he can even use his eyes to see that we have more than 50 Members here.

Hon. Temporary Deputy Speaker, the moment that we determine that the number is over 50, we should apply Standing Order No.107 on disorderly conduct on Hon. Sankok and have him go out of Parliament for not less than five days.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, I do not know if Hon. Sankok counted but he has a right to claim that there is no quorum. I confirm that we have the requisite numbers for me to put the Question. I have confirmed that we are 56.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement for the Financial Year 2022/2023, laid on the Table of the House on Tuesday, 15th February 2022, and pursuant to the provisions of Section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10)—

(a) approves the Budget Policy Statement (BPS) for the Financial Year 2022/2023;

(b) makes the following financial resolutions with respect to the BPS -

(i) approves the National Government's Budget ceiling for the year 2022/2023 at Kshs1,629.011 trillion, of which—

1) Executive Kshs1,559.910 billion,

of which, Office of the Auditor-General Kshs6.378 billion

2) Parliament Kshs50.220 billion

3) Judiciary Kshs18.885 billion;

(ii) resolves that the budget ceilings of the ministries, departments and agencies (MDAs) be rationalised to be within the deficit as approved herein, and further that necessary measures be put in place to collect additional revenue;

(iii) approves the county governments' equitable share at Kshs370 billion;

(iv) approves the Equalisation Fund at Kshs7.068 billion;

(v) approves the conditional grants at Kshs37 billion, to be distributed in accordance with Annex 4 of the Report of the Budget and Appropriations Committee;

(c) makes the policy resolutions contained in the First Schedule to the Order Paper (Policy Resolutions relating to the Budget Policy Statement for the Financial Year 2022/2023);

“Subject to deletion of “Paragraph 78” appearing on Page 25 of the Report and substituting thereof with the following new paragraph –

78. The Committee is concerned that the BPS had proposed an overall deficit of Kshs846 billion which has a potential to breach the approved debt ceiling of Kshs9 trillion.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The Committee, therefore, urges the National Treasury to amend the debt ceiling to enable them implement the budget as proposed, rationalise expenditure or implement revenue enhancing measures.

That, the consequential amendments be effected in the Report thereof.

(d) orders that the resolutions form the basis for the preparation of the 2022/2023 Budget; and,

(e) resolves that the Budget Policy Statement for the Financial Year 2022/2023 forms the basis for the introduction of the Division of Revenue Bill, 2022.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 7.06 p.m., this House stands adjourned until Tuesday, 1st March 2022, at 2.30 p.m.

I thank you all.

The House rose at 7.06 p.m.