

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 26<sup>th</sup> June, 2013

The House met at 2.30 p.m.

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

### PRAYERS

### STATEMENTS

#### PROGRESS OF PROMISES MADE BY JUBILEE GOVERNMENT

**Hon. A.B. Duale:** Hon. Speaker, Sir, pursuant to Standing Order No.44(2)(b), on 11<sup>th</sup> June, 2013 the Member for Rarieda, Hon. Nicholas Gumbo sought a Statement on the progress of the programmes and promises made by the Jubilee Government, based on their manifesto during its first 100 days in office. The hon. Member wanted the Statement to address the following issues:

- (i) provision of security services to all Kenyans;
- (ii) ensuring of food security for all Kenyans;
- (iii) provision of free laptop computers to all school-going children;
- (iv) the rollout of the free maternity service in all public hospitals in Kenya.

In addition, the hon. Member requested for the statistics of all the 47 counties on the total number of qualified nurses, clinical officers, doctors and surgeons per county. I confirm that I have all the information sought by the hon. Member which I will table in due course. The Statement is very comprehensive but I will try to deliver it fast.

Hon. Speaker, Sir, on provision of security to all Kenyans, I would like to report that there has been an improvement on the state of security in our country over the last 60 days. Comparatively, the crime rate in the country has gone down by 14 per cent in the last five months. However, the country continues to face major security threats from organised criminal groups, including *Al Shabaab*, Mombasa Republican Council (MRC) and *Mungiki*. Inter-community conflicts, cattle rustling and increased poaching have also caused a major security challenge to the country. However, the Government has made some efforts towards provision of security to all Kenyans in the last 60 days of the Government of President Uhuru Kenyatta as follows:

1. His Excellency the President has held high-level security meetings with the security agencies to emphasise on the need for a cordial working relationship amongst them.

2. The Government unveiled its national Budget for 2013/2014 Financial Year on 13<sup>th</sup> June, in which it has set aside Kshs67 billion for security. A sum of Kshs4 billion of this amount will go towards procurement of security equipment, while Kshs4.5 billion

will be used to enhance operations. An amount of Kshs1.5 billion will be used for research into ways of improving crime prevention methods.

3. Peace and security has been restored in Tana Delta, Bungoma, Busia, Samburu and West Pokot districts.

4. The transfer of security personnel who overstayed in security-prone areas has been effected.

5. Deployment of additional security personnel to contain emerging security incidents in Mandera, Tana Delta, Bungoma, Busia and Baringo districts has already been done.

6. The Government has supplied the National Police Service (NPS) with 176 motor vehicles, 70 of which were allocated to Officers Commanding Police Divisions (OCPDs), nine to the General Service Unit (GSU), 47 to officers in-charge of counties and 25 to police stations.

7. The process of assigning the remaining 25 vehicles is ongoing.

8. The Government has firmly addressed the insecurity caused by MRC and other organised gangs such as *Mungiki*.

9. The Government has established an intelligence and security response team composed of the Kenya Police, the Administration Police, the Kenya Wildlife Service (KWS) and the Kenya Forest Service (KFS) to deal with increased insecurity in the parks and within the communities along the parks.

10. Through an inter-agency technical working committee, the Government has come up with co-ordinated border control management strategy to enhance security and trade facilitation along our borders.

11. The Government has prioritised repatriation of Somali refugees from Kenya to Somalia through the establishment of a joint coordination commission and drafted a tripartite commission among the United Nations High Commissioner for Refugees (UNHCR), the Government of Kenya and the Government of Somalia, to coordinate the implementation of the refugee repatriation programme.

12. The Government has been engaging political leaders in establishing peace, security and reconciliation activities between warring communities in our country.

Hon. Speaker, Sir, the second one was on ensuring food security to all Kenyans. The Jubilee Government has introduced affordable State loans to subsidize fertilizer and farm inputs. In the last 60 days, 42,000 metric tonnes of subsidized fertilizer has been procured and distributed through the National Cereals and Produce Board (NCPB) at a cost of Kshs2.7 billion of which 37,000 metric tonnes was DAP and 4,500 metric tonnes was CAN. Secondly, through the Agricultural Input Access Programme, 6,000 farmers received free fertilizers and seeds worth Kshs60,000. The cost of this subsidy to each farmer is Kshs10,000. It is the first time in the history of this country that farmers in this country are getting free fertilizer under the leadership of this Government.

**Hon. Member:** Are you reading your own Statement or from the Government?

**Hon. A.B. Duale:** Hon. Speaker, Sir, this is Government's Statement. The Ministry of Agriculture has delivered a total of 378 metric tonnes of beans, green grams, cowpeas, Irish potatoes and sorghum worth Kshs51.1 million to sub-counties affected most by the Maize Lethal Necrosis (MLN) Disease. The seeds were sold to farmers at a highly subsidized price of 50 per cent through the NCPB to the affected counties.

To increase rice production, the Ministry of Agriculture has distributed 60 metric tonnes of certified seed rice enough to establish 1,200 hectares that will produce an estimated 3,600 metric tonnes of rice. The Government has established a vibrant national irrigation scheme to open up more arable land in order to increase food security for our country; 1.75 million acres of land in the Tana Delta, Malindi County and at Galana has been identified. Expression of interest on feasibility study has been advertised and the process is ongoing. The aim of this project is to expand and put under production through irrigation an area of 2.5 million acres of idle potential land. The Government has budgeted Kshs13.1 billion for the Financial Year 2013/2014 for irrigation schemes.

The Government has also tripled the budgetary allocation to scientific research and information to create a framework for technology transfer that will enhance agricultural productivity. The department has increased its research liaison and technology transfer funds from Kshs156 million to Kshs175 million in the Budget of 2013/2014 in order to enhance food and nutrition security and the well being of our farm families.

Hon. Speaker, Sir, on the provision of free laptops for all school-going children which was a pillar in the Jubilee Manifesto, the Government through the Ministry of Education, Science and Technology has so far made the following progress: One, a comprehensive Information and Communication Technology (ICT) integration in primary education concept and implementation strategy has been developed in collaboration with relevant Ministries and other agencies such as the Ministry of Energy and Petroleum, the National Treasury, Office of the President, Ministry of ICT, e-government, ICT Board, the Teachers Service Commission (TSC) and Vision 2030 Secretariat, among others. A steering technical committee has been established through the consultative meetings with stakeholders to deal with the following components which are critical to the successful role of the laptop programme:

- (i) Development of infrastructure and electricity for power provision.
- (ii) Identification of the devices and preparation of the specifications.
- (iii) The digital content and capacity building; and, finally,
- (iv) The procurement process.

The concept proposal has been presented to the Education, Research and Technology Parliamentary Committee for adoption on three occasions the last being 19<sup>th</sup> June, 2013. The outcome of the deliberations from these meetings has been very positive, which adopted the framework proposed by the Ministry. The Ministry has put in place a device testing framework through its national ICT innovation and integration center which plays the following roles:

(i) To develop the technical specifications for these devices to be procured for schools.

(ii) Testing and validating all the devices and solutions in line with ICT integration philosophy at the Ministry.

A Cabinet memo has been prepared for the approval by the Cabinet to give the Ministry the go ahead to proceed with the implementation plan. Appropriate digital content has been developed by the Kenya Institute of Curriculum Development for use in the programme as follows: Development of the content for Standard One and Two in five subjects to be completed by June 2013. Secondly, digital content for Standard Three to

Eight on mathematics and science subjects has already been completed. Digital content from the private sector is available in terms of digital books and story books for the pupils across all levels. The Ministry and the TSC in collaboration with other stakeholders are working on training modules and identification of teachers to be trained as master trainers. The Commission is also developing training guidelines and standards to guide the ICT integration training programmes for each teacher.

On the rolling out of free maternity services at all public hospitals in Kenya, the Government, under the leadership of His Excellency the President, has implemented free maternal deliveries in public hospitals and was effected from 1<sup>st</sup> June, 2013. The number of clients taking this service has increased especially among the antenatal mothers who are admitted and not in active labour. Already the data gathered from the inter-county hospitals - those are the former provincial and high volume hospitals - show an increase in the service utilization of 12 per cent in the first week of implementation. This includes 9.3 per cent increase in the normal deliveries and 21 per cent in the caesarian deliveries. Health centers in Nairobi reported similar trends in the increase of service utilization. This free maternity initiative of the Jubilee Government is being implemented in 293 hospitals and in all the 372 health centers across the country. The Government is expecting that upon implementation of the initiative, the health facilities will experience a 15 per cent in service utilization. This will rise to 20 per cent and 30 per cent in the second and third years and will start stabilizing. This is expected to bring the proportion of mothers delivering under a skilled attendant to about 80 per cent in the third year.

The Budget Estimates for the first 100 days under this programme was Kshs1 billion which has been provided for in the revised Estimates of the Budget for 2013/2014. Another Kshs4 billion has been provided for in the Budget of 2013/2014 for reimbursement to facilities for free deliveries and the removal of the 10/20 policy.

In addition, Kshs.3.6 billion has been provided for in 2013/2014 Financial year to recruit additional health workers and another Kshs. 1 billion for equipment for all the health centers under this programme. I wish to table the 47 counties showing the number of qualified medical personnel as sought by the Member. In addition, I have attached a report showing medical staff establishment and gaps by county for Members to look at. Finally, on tackling the youth and employment, the Jubilee Government under the able leadership of His Excellency the President, Hon. Uhuru Kenyatta, and through the Ministry of Labour, Social Security and Services, has done a consultative and participatory process in developing the National Employment Policy and Strategy for Kenya, which was forwarded to Parliament on 6<sup>th</sup> June, 2013.

The policy recognizes that the country is facing youth bulge, putting pressure on the labour market. The policy proposes to address the issue of youth unemployment by developing employment programmes for youth with different skills levels. Other policy interventions include the development of the national internship policy to promote acquisition of practical skills and work experience to the relevant labour market. The Government will also create awareness to change the perception by the society and youth regarding the informal sports, agriculture and creative industries to promote job creation for the young people. Finally, the Government will restructure the youth fund in line with the Constituencies Development Fund (CDF) model and already Kshs.6 billion has been allocated this financial year.

With those remarks, I table this Statement and the documents attached.

*(Hon. A.B. Duale laid the documents on the Table).*

**Hon. Speaker:** The Statement was sought by Hon. Nicholas Gumbo, so you have the first shot.

**Hon. (Eng.) Gumbo:** Thank you, hon. Speaker, Sir. I thank the Leader of the Majority Party. I have not, of course, seen the Statement because some of the statistics I asked for I will probably be able to respond to them once I see them. But nevertheless, from what he has said on the Floor of the House, I want to say the Leader of Majority Party knows that the Statement is more about optimism than reality. He knows, of course, that since I asked for the issues to be elaborated, a lot more has happened in the country. We have the Chinedu affair, the ongoing industrial action by teachers and medical staff. I think what it goes to show is that many times promises especially campaign promises tend to be like babies. They are very easy to make but very difficult to deliver and even to keep. But, having said that, when the Leader of the Majority Party says that security has improved in the country, I have to ask honestly where he lives. I know for a fact that he spent the whole of his weekend talking about security matters and as we speak, Mandera and Wajir are in a virtue state of warfare.

If I ask the Leader of the Majority Party today to name how many counties in Kenya have known peace, absolute peace and tranquility in the last 60 days, he would have it more difficult than naming counties that have had strife. Kiambu has had a lot of problems, there were murders there about a month or two ago and we even see inhuman acts going on in Kiambu, so like the rest of the country Kiambu has had problems.

*(Laughter)*

What I asked for are actually very weighty national matters. Perhaps, a session like this is not all we need to interrogate it; probably we need a whole day's conference to interrogate them. I will just go to two issues only, namely security and free maternity services. I want the Leader of Majority Party to clarify that part of the reason we have a lot of security problems in the country is because of the endless wrangles between the Chairman of the National Police Service Commission and the Inspector General of Police. I want the Leader of Majority Party to clarify what action the Government is taking to streamline the security sector. Clearly, in the Police Service, there are two centers of power and this is an impediment to implementation of security measures.

On the free maternity service, I want to draw the attention of the Leader of Majority Party to Article 27(4) of our Constitution, which says the state shall not discriminate directly or indirectly (and the operative word is "indirectly") against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, color and so on. The reason I bring up this matter is because in our country today, there are counties--- For example, I saw a documentary on Samburu county where a single midwife is all there is to provide health care services, and some hospitals are as far as 30 kilometres apart.

**Hon. Speaker:** Hon. Member, remember it is an opportunity to seek clarifications.

**Hon. (Eng.) Gumbo:** I am just building up my case.

**Hon. Speaker:** I have allowed you because the Statement was very long.

**Hon. (Eng.) Gumbo:** It is coming; it is what I am going to if you just indulge me. That is why I asked for your indulgence.

What I am trying to say is that for free maternity services to take root in our country, healthcare provision should be without discrimination, whether direct or indirect, all over the country. Therefore, the clarification I am asking from the Leader of the Majority Party, knowing that in some parts of the country, for example in some counties there are virtually no doctors, gynecologists and nurses is, what affirmative action is the Government instituting to ensure the required equity necessary to attain equal provision of health services in all our health facilities is attained?

I thank you, hon. Speaker, Sir.

**Hon. Speaker:** Further clarification, Hon. Odhiambo.

**Hon. Okoth:** Thank you, hon. Speaker, Sir. I want to thank the Leader of Majority Party for his Statement on these issues. I seek a clarification on a very interesting and juicy--- He mentioned about the youth fund to be run along the CDF lines. Can we be clear whether that means we, the Members of Parliament, or the Members of this great Upper House, as we like to call it, will be running these funds in the right ways to serve our youth, and the youth of Kibra for the first time will have somebody they can reach so as to access their funds?

Thank you very much.

**Hon. Mwaura:** On a point of order, hon. Speaker. I rise to seek a further clarification whether it is in order under Article 173 and all the other articles concerning committees of the House not to be in any committee about four months down the line? We cannot even interrogate the Statement by the Leader of the Majority because we are not in any committee. For example, I am in the Committee on Equal Opportunity which has never met because it is not fully constituted. All of us deserve to be in committees. Is it in order?

**Hon. Speaker:** Hon. Mwaura, you are out of order. You may be used to running around the streets demonstrating, but this is not the place. Since being nominated, you became an honourable Member of the House. So, you must forget about those other things that you may be nostalgic about. You know where to raise that matter. Raise it with your party leadership. Now, you rise in your place claiming to seek clarification from the Leader of the Majority.

*(Hon. Mwaura consulted with another Member)*

Do not make noise there, Hon. Mwaura. It is never done that way here. This is not the streets.

**Hon. (Dr.) Simiyu:** Hon. Speaker, I would like the Leader of Majority Party to further clarify the fact that there is free maternal health services. When a mother to be goes to deliver, you expect her to give birth to a healthy baby.

*(Loud consultations)*

**Hon. Speaker:** Order Members! We must allow Hon. Eseli to seek his clarification.

**Hon. (Dr.) Simiyu:** Hon. Speaker, what measures has the Government put in place to ensure that the offsprings, the newborns under the free maternal delivery services are also taken care of? There is no point of having free maternal delivery services when the newborn has not been taken care of. What has been put in place to ensure that these newborns survive because infant survival has been a problem in the country?

**Hon. (Ms.) Ghati:** Hon. Speaker, I wish to seek clarification from the Leader of the Majority in terms of the free maternity incentive. That is based on the fact that most of the women who deliver at most of our hospitals are HIV/AIDS positive. What measures have been put in place to ensure that the HIV/AIDS positive women also get proper services? This should also be connected to free family planning. What measures have also been put in place to ensure that these women access free family planning services?

Secondly, the Leader of Majority Party has mentioned the youth fund. One of the things that we, the women Members sitting in this House, have always been agitating for has been the issue of the women fund. When he talks about the youth fund, we feel left out because we know where we have come from and the role that women are playing in this country. So, I would like him to mention something about the women fund alongside the youth fund that the Government is going to restructure.

**Hon. A.B. Duale:** Hon. Speaker, I will start with Hon. Gumbo, my good friend. He raised the issue of the counties which have had security issues in the first 60 days of this Government's leadership. These are the Tana Delta, Bungoma, Busia, Samburu, West Pokot, Turkana, Mandera and parts of Wajir. Those are hardly eight counties of the 47 counties. So, 80 per cent of Kenya is safe under the leadership of the Jubilee Government. That was on the number of the counties. On the issue of Article 27(4) under the Bill of Rights, there is no discrimination. The 372 health centres are across the country. It is now a constitutional provision that the devolved county governments and the national Government should put more health facilities in the respective areas. The Members of Parliament under the CDF have put up many health facilities.

We have 372 health centres and I am sure my colleagues in the last Parliament will agree with me that more health centres were built by the CDF, which the Government did not fund. In 60 days, free maternity services have increased deliveries in public health facilities to 12 per cent. We expect that to go to 20 to 30 per cent. So, affirmative action is there.

The Member for Kibra raised the issue of the youth fund. The youth fund, the CDF, the women fund---

**Hon. (Eng) Gumbo:** On a point of order, hon. Speaker. Is the Leader of Majority Party in order to attempt to mislead the House when he says that only about eight counties have had security problems when we know that even in Nairobi car-jacking is the order of the day? There were worse skirmishes in Narok about two months ago. Even in my own Siaya County and Bungoma County, there have been problems. Is he in order?

Most importantly, I had asked him to clarify. Is he in order not to clarify my particular request for clarification that it is becoming manifestly clear that the reason the security structure in Kenya is collapsing is because of the endless wrangles between the chairman of the National Police Service Commission and the Inspector-General? He has not clarified that.

**Hon. A.B. Duale:** Hon. Speaker, patience pays. If by the end of my reply I will not have touched on the wrangles between the Chairman of the NPSC and the Inspector-General, then the Member can say that I ignored his request. I will come to it. If he gives me a few minutes and he is patient, I will answer that question very effectively.

The Member for Kibra, a very important constituency in the Republic of Kenya, asked about the youth fund and whether the Government can align that to the CDF. The Jubilee Government has put the CDF, the youth fund and the women fund under one Ministry called the Ministry of Planning and Devolution. In my opinion, that is where we should head. In the Appropriation Bill that will come to the House later, you will see that part of the money that was to go to the establishment of health facilities for our staff has been taken to the CDF. So, more money is going to the CDF and it depends on how we are going to run it. The challenge is how we are going to run that.

With regard to Hon. Mwaura, the Standing Order No.106 applies. There were a lot of irrelevancies and it is not part of this. I think that is a challenge to the leadership of CORD that must hear the cry of Hon. Mwaura. It has nothing to do with us. Hon. Eseli raised a fundamental issue. It is not part of the Statement, but I will raise it with the Government. Again, parents have a responsibility over their children. We have free delivery services, free primary and secondary school education, but this is an issue that the Government must address. I will forward it.

Hon. Ghati talked about HIV/AIDS and maternal health.

**Hon. (Dr.) Simiyu:** On a point of order, hon. Speaker, Sir. With great respect to the Leader of Majority Party who has proven that he was weaned on KANU juice, I asked a very straightforward question.

*(Laughter)*

What has been put in place for the new borns at the hospital because when all these new borns are delivered some of them have problems? That cannot be the parent's responsibility. It is a health responsibility. That is what I am asking about. It is not about the responsibility of the parents. It is when the infant is still at the hospital. If you did not get what I said earlier, I said that the Leader of Majority Party whom I respect very much has proven over time with his utterances that he was weaned on KANU juice.

*(Laughter)*

**Hon. Speaker:** But obviously the clinical matters that Hon. Eseli wants to canvass would be actually best canvassed before the Departmental Committee on Health. Hon. Eseli, the Statement sought was on what has been done. Now, about these complications, obviously every delivery has its own complications. There will always be some complications here and there. I am sure this House is unlikely to become the best



venue for discussing some of these issues. However, I am sure you have a very serious point, Hon. Eseli. I am sure that, that is a matter that maybe as a House and the relevant Departmental Committee should actually address so that if possible the House can help come up with a policy to address a matter as serious as the one you are raising, but the Leader of the Majority Party is at liberty to respond.

**Hon. A.B. Duale:** Hon. Speaker, Dr. Eseli is a renowned medical doctor but I am sure I am also renowned in my own field and I have the capacity.

*(Laughter)*

I may not be a medical doctor but I am an expert in my own field that I studied at university. However, hon. Speaker, I think you are right. Hon. Eseli, as a medical doctor, raised an issue that the Jubilee Government should sleep over. They have given free deliveries and then what is next? I am sure the infrastructure is already there in hospitals but children delivered with some difficulties will always be at our health facilities.

Hon. Dennitah raised a very fundamental issue on free deliveries – what about mother to child HIV transmission? I am sure in all our health facilities that issue has already been taken care of. However, I am sure more funds should be given to make sure that even that specific element within the deliveries must be taken care of.

On the Women Enterprise Development Fund (WEDF), I want to tell my good friend, Hon. Dennitah, Member for Migori County that the Jubilee Government is a Government that respects women. I am sure the WEDF will be structured and the leadership of this House will play a very fundamental role in the disbursement of that fund. It is about leadership.

Hon. Speaker, finally, I will come back to that critical issue between the Chairman of the Police Service Commission, one Johnston Kavuludi and the Inspector-General (IG) and the conflict between them. That conflict is very real, it is not perception. I am sure the Government is bringing an amendment that we will look at and it is not a choice that we have two centres of power. We need to go the way of the Judicial Service Commission (JSC) where we have the Chief Justice as the Chair of the JSC and the Parliamentary Service Commission (PSC) where the Speaker is the Chair. We need to give in if the House and the country decide that we have one centre of command and one centre of power. When those amendments come, I am sure the issues raised by Hon. Gumbo will be discussed. However, that is real and it is having an impact on the security situation of our country.

Hon. Speaker, I think I am done with that. Once you have more requests, then I can have a second round to answer them. Then there is the issue of Chinedu. When the time comes, we will discuss Chinedu in a very comprehensive way.

**Hon. Speaker:** Well, hon. Members you know this is not business. I can see several of you want to stand. I have always said this is not business because Members have not even had the opportunity to look at the report and interrogate it. If it was a report of a committee, I am sure this House would be seized of a very serious matter. Now, you are asking questions as if the Leader of Majority Party is the Cabinet Secretary responsible for Health and the Cabinet Secretary responsible for Interior and Coordination of national Government. Hon. Chris Wamalwa.

**Hon. Wakhungu:** Thank you, hon. Speaker, Sir, I rise to seek clarification from the Leader of Majority Party on the Statement that he has just issued and this is on security. Indeed, he mentioned that cases of insecurity have gone down in this country for the last 60 days. I want clarification in terms of the sampling framework because initially we had cases of Busia and Bungoma which have gone down and of late we have cases of Trans Nzoia, Wajir, Mandera and parts of Kisii. It is contrary. So, what sampling framework did you use to come up with that conclusion?

Two, in your Statement you mentioned that the Government provides free fertilizer. What I am aware of is subsidised fertilizer. So, with due respect, Leader of Majority Party, even if you are a messenger at times we need clarification so that the statements you give must have the precision.

**Hon. Speaker:** Hon. Boniface Gatobu Kinoti.

**Hon. Kinoti:** Thank you very much, hon. Speaker. I wish to thank the Leader of Majority Party for the Statement on requests. In the first place, the Jubilee Government gave a guideline that 30 per cent of Government tenders will go to the youth. I wish to request the Leader of Majority Party to tell us the progress in as far as legalizing that is concerned because we need an Act of Parliament to make that legal, so that it does not come to be just like a campaign tool.

Hon. Speaker, secondly---

**Hon. Speaker:** Sorry. Just one minute, I disallow that because it is not a follow up on the Statement issued. You can go to the second point.

**Hon. Kinoti:** Secondly, hon. Speaker, Sir, I wish to request for a clarification from the Leader of Majority Party on the other Kshs19 billion. I sit in the Departmental Committee on Labour and Social Welfare and the budget given to the youth was Kshs25 billion. The Leader of Majority Party gave an account of Kshs6 billion that would come through the Constituencies Development Fund (CDF). What about the other Kshs19 billion that was meant for the youth?

Thank you very much, hon. Speaker.

**Hon. Speaker:** Hon. Joyce Wanjalah Lay.

**Hon. (Ms.) Lay:** Thank you, hon. Speaker. I stand to seek clarification from the Leader of Majority Party. It is a bit related to the Youth Enterprise Development Fund (YEF) and I know the President said that he will be on the forefront to fight drug and alcohol abuse. If you are giving money to the youth without dealing with that problem I think it is not proper. It is an ailment in the whole country. Is there any money that has been set aside especially for rehabilitation centres in every county either to build or to refurbish the ones that we have? Thank you.

**Hon. Speaker:** Hon. Robert Pukose.

**Hon. (Dr.) Pukose:** Thank you, hon. Speaker, Sir. I want to thank the Leader of Majority Party for the answers he has given but I want to seek clarification. He talked about 46 vehicles being given to the police county commanders. You know when you give them I do not know whether these vehicles are able to be utilised by the forces which need them or they will be used by the police commanders for their comfort.

The second issue is that when you talk about only eight counties being relatively affected by insecurity, from the media you heard that in Trans Nzoia seven people were killed over the weekend. Have you taken that into consideration? Also, are you doing

something about the poor road network in some of those areas so that our forces can reach the criminals causing insecurity?

Thank you.

**Hon. Speaker:** Obviously, I would have encouraged Hon. Pukose to appear before the Committee on Transport, Public Works and Housing to address that issue of roads. In the context of this Statement, unless you want to become a talking shop, the issue of those roads will be best addressed in that Departmental Committee on Transport, Public Works and Housing; they will be able to tell you when they scrutinized the budgetary proposals whether there was anything. If the Leader of Majority Party was in that Committee he can tell us if something is being done on those roads. Surely, we do not want to appear like--- I am sure, Hon. Pukose, you will appreciate that, but the point you raised earlier on was relevant to the Statement.

**Hon. A.T. Anyanga:** Thank you hon. Speaker, Sir. I rise to seek clarification from the Leader of Majority Party on the issue of security, and specifically the measures the Government is taking to address this matter, its root cause, and dealing with senior security officers, who over a time have been transferred whenever insecurity has erupted in the areas they are in charge of. We know that they keep on moving around the country, but we know we are dealing with the same officers who are incapable of addressing the insecurity problem in the areas they have been in charge. The Government is not really solving the problem; it transfers the same problem to other parts of the country.

Hon. Speaker, Sir, I would also like to ask the Leader of Majority Party to explain to this House why one particular arm of Government has become a target of attack by strangers who camp outside this Parliament when we know that we have the Judiciary, the Executive, State House and Harambee House, where any of the kind of demonstrations we have seen at Parliament cannot be allowed. What security measures is the Government taking to ensure that the dignity and the respect of this august House is observed in the light of the constitutional provisions of free expression, the right to picket and assemble, which we respect. But that has to be done with the respect of hon. Members of this House being taken into consideration.

Thank you, hon. Speaker.

**Hon. Angatia:** Thank you hon. Speaker, Sir. I rise on a point of clarification. We, hon. Members, are not taking the business of this House seriously, in view of the envisaged separation of powers between the Executive, Legislature and the Judiciary. The issues we are asking the Leader of Majority Party, who is not a member of the Executive, he is not in a position to answer them immediately.

*(Loud consultations)*

**Hon. Speaker:** Order! Hon. Members, allow him to say his bit. You will also get time to say yours.

**Hon. Angatia:** Hon. Speaker, Sir, let us go by facts and figures. He is only the linkage between the Executive and the House. He does not sit in the Cabinet. We are not protecting him. In Parliament you are supposed to operate through Committees.

Thank you, hon. Speaker.

**Hon. Speaker:** Leader of Majority Party, you can now respond.

**Hon. A.B. Duale:** Thank you, hon. Speaker, Sir. In order to calm down my colleagues, I am ready at any time to engage the Executive on behalf of the Legislature. That is why I am called the Leader of Majority Party, if the majority is in power, and in this case the majority is in power.

I want to assure Hon. Koyi that for you to become a messenger, you need to be a very important person. So, please aspire to be one. I am a very important person and that is why I became a messenger. So, you need to grow and become a messenger one day. A messenger in the 11<sup>th</sup> Parliament is serious business; I am sure many people are wishing to be messengers.

On the issue of the framework, yes, insecurity is a progressive issue. It is something that happens even as we are sitting here. It can happen today in Mombasa, and tomorrow in Kitui; it will happen in Garissa and Mandera. It has different faces. I want to assure you that the able leadership of northern Kenya has brought to an end for now the insecurity situation in Mandera.

I urge Hon. Koyi to take a leadership role, stand with the Government and bring the problem of insecurity in Bungoma and Trans-Nzoia to rest. Take a leaf from the leadership of northern Kenya, including myself. We sat for a whole weekend and made sure the blood of the Kenyan citizenry did not continue spilling. You have a responsibility in Trans-Nzoia as the Member of Parliament from that county.

Hon. Speaker, Sir, on the issue of subsidy, I want him to get the report asked for by Hon. Gumbo. The Jubilee Government is giving free fertilizers under the programme called "Agricultural Accelerated Input Access Programme". Under this programme, 6,000 farmers got free fertilizer.

**Hon. Members:** Where?

**Hon. A.B. Duale:** If you relax and give me a chance, I will tell you where. So, can I have your ears?

**Hon. Members:** Yes.

**Hon. A.B. Duale:** If your constituency or area falls under the programme of Agricultural Accelerated Input Access Programme--- As a Member of Parliament, you must be aware of programmes, whether undertaken by the Government or international organizations in your locality. If you are not aware of it, please, go back home and see whether this programme is there.

Hon. Speaker, Sir, you overruled Hon. Kinoti on the first one, but for his benefit the procurement amendment law is coming to this House, and 30 per cent which the President of the Jubilee Government promised will be discussed. The law will be amended. I am sure that will be supported by all hon. Members.

On the Kshs25 billion which is under a certain Vote, I will ask my hon. colleague to look at the Vote items. There is a Ministry in charge of sports and the youth all of which are huge; they are under many programmes and that is why we have Kshs25 billion. The Kshs6 billion is specifically for the youth fund.

Hon. Speaker, Sir, the hon. Member for Taita Taveta County sought a Statement on drugs and their effect on the youth. The war on drugs has only been felt under this leadership. People of Chinedu's character have left this country. Mr. Chinedu has lived here for 17 years and in all those years there was a Government, but it is only the Government of Jubilee, under the leadership of Uhuru Kenyatta, which decided to tell

him: “Your days are numbered.” I am sure we are fighting drugs and illicit brews; we have seen it and we tell you that, that should be supplemented by the rehabilitation in centers.

Yes, 47 County Commanders have vehicles just as the hon. Member will have a vehicle. They are in charge of counties and they need mobility. We do not want our County Commanders to use *boda boda*. We want them to move across the county fast and efficiently.

I agree with the hon. Member for Butere that the Government should not have the culture of transferring officers. If you do not perform in the public service you should go home. With regard to why people are picketing and demonstrating, all over the world--- This is the House of representatives. This is the best place to picket and demonstrate.

**Hon. Member:** For once you are right.

**Hon. A.B. Duale:** Well, you have agreed with me many times, but not in the House, outside the House.

*(Laughter)*

Hon. Speaker, Sir, yes, outside the House we agree and in such situations.

**Hon. Members:** *Toboa! Toboa!*

**Hon. A.B. Duale:** Hon. Speaker, Sir, the Member for Butere raised a fundamental thing. Everywhere in the developed democracies picketing and demonstrations are best at the House of representatives like this House and not at other institutions. How you do it and under what framework is what we should ask ourselves. I am sure that under the able leadership of the Speaker, who is the Chairman of the House Business Committee and the Parliamentary Service Commission, the officers who are mandated to deal with the security of this institution have been notified.

We will allow people to come and demonstrate, but in an orderly way. They should do so not using pigs, blood or stones. They should demonstrate peacefully and in a way that allows the message to reach the elected leaders in this House.

Hon. Speaker, Sir, I am done and urge Hon. Koyi to be a good messenger in the future.

**Hon. Speaker:** Well, we must move on. The next set of persons to seek Statements are led by Hon. Murugi Mathenge.

## REQUESTS FOR STATEMENTS

### DEVELOPMENT OF INTEGRATED SOLID WASTE MANAGEMENT PLAN

**Hon. (Ms.) Mathenge:** Hon. Speaker, Sir, pursuant to Standing Order No.44(2)(c) I wish to request a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding the development of the integrated solid waste management plan for the country.

The composition and amount of solid waste being generated in the country has been on the increase as a result of the changing urban lifestyles, resource consumption,

patterns and other socio-economic and cultural issues. Thus, the approaches in handling this waste need to be introduced to cope with the increase.

Hon. Speaker, Sir, in the Statement the Chairperson should address the following:

1. The progress of developing an integrated solid waste management policy;
2. The measures the Government has taken to address the issue of removing dumpsites that are mushrooming around the country, especially so in the urban centres;
3. The role of National Environment Management Authority (NEMA) and the county governments in controlling illegal dumping.

Thank you, hon. Speaker, Sir.

**Hon. Speaker:** Is the Chairperson of the Departmental Committee on Environment and Natural Resources present? What about a Member thereof? Yes, hon. Njomo.

**Hon. Njomo:** Hon. Speaker, Sir, I would like to thank the hon. Member for requesting that Statement. I promise that the Committee will work on that. Right now, we have quite some workload. I ask her to give us two months before we bring the Statement.

**Hon. Members:** Two months?

**Hon. Speaker:** Hon. Murugi, the hon. Member is requesting that you give them two months because they have a lot on their hands.

**Hon. (Ms.) Mathenge:** Hon. Speaker, Sir, I do not think he is serious. I think two weeks will be good enough.

**Hon. Njomo:** Hon. Speaker, Sir, you realize that this will require a lot of research. Already the Committee is working on tasks that are supposed to be completed, and some have deadlines. If you want us to give a well researched and conclusive Statement, then two months is not a long time.

**Hon. Speaker:** Hon. Members, remember that I have already directed that there will not be Statements like the one read by the Leader of the Majority Party. It will be a report of the Committee. I think the issue that hon. Mathenge has raised is the role of county governments; this is the area of waste disposal. Waste is not just the usual things that we see such as paper and so on. Waste includes e-waste.

We do not want the Committee to come here and give us a report which hon. Members cannot interrogate fully. We need something that is not only well researched--- The Committee will need to go out there and have sessions with county governments and institutions like National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) and NEMA. I believe that one-and-a-half months are enough.

**Hon. Njomo:** Much obliged, hon. Speaker, Sir.

**Hon. Speaker:** It will not be a Statement; it will be a report. Yes, Hon. Wakhungu.

#### RELEASE OF POLITICAL PARTIES FUND

**Hon. Wakhungu:** Thank you, hon. Speaker, Sir. Pursuant to Standing Order No.44(2)(c) I wish to request for a report from the Chairperson of the Justice and Legal Affairs Committee regarding the sharing and release of the Political Parties Fund in line with the Political Parties Act. Aware that the Political Parties Fund is shared

proportionately based on the IEBC March, 2013 General Election results, when is the IEBC going to release the official results based on coalitions/political parties for purposes of computation and subsequent disbursement of money to the respective political parties?

Hon. Speaker, Sir, some political parties are now dysfunctional because they spent all their funds on party nominations and other relevant activities. They are anxiously waiting for the Political Parties Fund to facilitate their political programmes.

**Hon. Speaker:** The Chairman of the Departmental Committee on Justice and Legal Affairs, Hon. Chepkong'a. Today you are sitting at an unusual corner.

**Hon. Chepkong'a:** Hon. Speaker, Sir, I am sitting at a very strategic place, from where I can see Hon. Chris Wakhungu properly. As alluded to by the hon. Member he, of course, knows what the law states. Some parties will be moribund because they do not have any Member in this House. That notwithstanding, I think three weeks will be good enough time to respond. We are also seized of this matter.

**Hon. Wakhungu:** Thank you, hon. Speaker. Indeed, Hon. Chepkong'a is a serious man. We want a detailed report, in terms of the sharing framework, based on the percentage as prescribed in law. So, I am okay with three weeks.

Thank you.

**Hon. Speaker:** Hon. Members, it is also good to appreciate that his Committee has been working round the clock.

Yes, Hon. Johnson Sakaja.

#### MEETING BETWEEN CHIEF JUSTICE AND PRESIDENT OBAMA IN SENEGAL

**Hon. Sakaja:** Thank you, hon. Speaker. I would like to request for a Statement from the Leader of Majority Party with respect to a visit by the Chief Justice (CJ) and other State officers to Senegal to meet the President of the United States of America (USA), Mr. Barack Obama, cognisant of the fact that Article 160(1) of the Constitution of Kenya states that in the exercise of judicial authority, the Judiciary shall be subject to only the Constitution and the law, and that it shall not be subject to the control or direction of any other person or authority; and also cognisant of the fact that Kenya is a sovereign Republic, as stated in Article 4(1) of the Constitution. In the Statement, I would like him to clarify the following issues:

(i) Whether the CJ will be meeting President Obama in his private or official capacity;

(ii) Who is funding the visit;

(iii) What the agenda of the visit is;

(iv) Which other State and/or public officers, if any, have also been invited to meet President Obama in either Senegal or Tanzania or wherever; and,

(v) Given the fact that President Obama has chosen to ignore visiting Kenya due to an ongoing judicial process at the International Criminal Court (ICC) – a position his Government has stated clearly – what bearing the meeting has on the perceived independence and impartiality of the Judiciary on the same matter.

Hon. Speaker, Sir, my request under (v) above is based on the fact that there is an ongoing judicial process at the ICC and President Obama has invited the head of our local Judiciary.

Thank you.

**Hon. Speaker:** Leader of the Majority Party, could you give an undertaking?

*(Loud consultations)*

**Hon. A.B. Duale:** Hon. Speaker, Hon. Odhiambo-Mabona is forgetting that she is in a House of the 11<sup>th</sup> Parliament, and not in her constituency.

Hon. Speaker, Sir, that is a request I will respond to as per the provisions of the Constitution. Due to the agency of the matter raised, I will give the Statement on Tuesday, next week.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, what is happening over there? The request for a Statement has been made by Hon. Sakaja. Surely, he does not require the assistance of Hon. Jimmy Nuru Ondieki Angwenyi.

**Hon. Angwenyi:** Hon. Speaker, there is information he has forgotten to seek---

*(Laughter)*

**Hon. Speaker:** Hon. Angwenyi, you are out of order!

**Hon. A.B. Duale:** On a point of order, hon. Speaker. I got the information. I will consult his grandmother to ask him why he is not visiting the mother of Alego. We will bring that information as part of the answer.

**Hon. Speaker:** Yes, Leader of Minority Party, Hon. Francis Mwanzia Nyenze.

**Hon. Nyenze:** Thank you, hon. Speaker. I rise to seek clarification on what is happening. Why would the invitation by the visiting President of the USA to meet an important Kenyan, like the CJ, raise eyebrows, yet it is a normal visit? Does it mean that every time the President of the USA visits Africa---

**Hon. Speaker:** The Leader of Minority Party, you cannot seek a clarification. Let the Statement be brought. I am sure that you will have an opportunity to discuss it.

Hon. Members, you will recall that yesterday because of the nature of the business that was being transacted, Hon. George Opondo Kaluma, who intended to move a Motion for Adjournment to debate a matter of urgent national importance, was not able to do so.

**Hon. Sakaja:** On a point of order, hon. Deputy Speaker. I have not yet responded to the timeline given by the Leader of Majority Party. I would like to express my dissatisfaction because we need the answer before the CJ leaves for Senegal. The information should be readily available at the Office of the Chief Justice. So, we require it by tomorrow, if possible.

**Hon. Speaker:** Leader of Majority Party, would you like to respond to that one?

**Hon. A.B. Duale:** Hon. Speaker, for tomorrow, I have the Statement on Mr. Chinedu. I will issue the Statement on the CJ's visit to Senegal and Dar es Salam on



Tuesday. I thought the Leader of Minority Party was representing the CORD leadership, and not the American leadership.

*(Laughter)*

**Hon. Speaker:** Yes, Hon. Wambugu.

**Hon. Wambugu:** Hon. Speaker, I rise on a point of order, arising from the Statement I requested sometime last week. The Leader of the Majority Party yesterday advised the House that he would deliver the Statement this afternoon. The Statement is on the state of the Kenyans who were detained in Lagos, Nigeria, especially the crew members.

**Hon. Speaker:** Leader of the Majority Party, what is your comment?

**Hon. A.B. Duale:** Hon. Speaker, I promised to do it today but, due to very vital information that we received on the matter today, I inform my colleague and the House that I will do so tomorrow at 2.30 p.m.

**Hon. Speaker:** Yes, Hon. Wambugu.

**Hon. Wambugu:** Thank you, hon. Speaker. As you are aware, this is a very serious and urgent matter. May I request that this be the last chance we are giving to the Leader of Majority Party to give us the Statement since we do not know how the Kenyans who are detained in that place are? We would like to know how they are. It is very urgent.

**Hon. Speaker:** Very well.

**Hon. A.B. Duale:** Hon. Speaker, the Kenyans being held in Nigeria are safe. They are under the care of the Kenyan High Commissioner, but I will give a comprehensive Statement, as sought by Hon. Wambugu tomorrow. When I say tomorrow, since I am part of the leadership of Jubilee, I mean tomorrow. So, do not doubt me.

**Hon. Speaker:** Yes, Hon. Maitha Gideon Munga'ro.

**Hon. Mung'aro:** Hon. Speaker, I stand to seek your guidance on the matter of the CJ. It is a matter concerning the Judiciary, which is an independent arm of the Government. Is it supposed to be handled by the Leader of Majority Party or by the Departmental Committee on Justice and Legal Affairs?

**Hon. Speaker:** Let the Statement be brought. Once it has been read out, I will make a decision, depending on the content. Obviously, there are certain matters which may not be discussed here. You know that, as per the Standing Orders of this House; you may not discuss the conduct of the Chief Justice or that of any Judge, just as you may not discuss the conduct of your brethren and sisters who are based at the Kenyatta International Conference Centre (KICC). You may not do so without moving a substantive Motion.

*(Several hon. Members stood up in their places)*

Hon. Members, resume your seats. There is nothing that is out of order. We are now on the matter raised by Hon. George Opondo Kaluma.

Hon. Kaluma, maybe, you should revive your matter, so that we see if you have the requisite support.

### NOTICES OF MOTIONS

#### MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO 33

##### TEACHERS' STRIKE

**Hon. Kaluma:** Hon. Speaker, Sir, thank you for the indulgence. I gave your good office notice on 24<sup>th</sup> June, 2013 that I move that the House adjourns to discuss the issue of the ongoing strike by teachers across the country. I am grateful that you approved that notice and I would rise to move this important Motion.

I now rise under Standing Order No.33 to move that the House adjourns to discuss the issue of the ongoing teachers' strike, which is a definite matter of crucial national importance.

*(Hon. Wandayi stood up in his place)*

**Hon. Speaker:** I can see that Hon. Wandayi is excited and he is standing to support. Is he the only one?

*(Several hon. Members stood up in their places)*

Very well! You may resume your seats. I have considered the request and, indeed, I indicated yesterday that the matter is definite, urgent and of national importance. Therefore, today, the House will adjourn to discuss that matter when we conclude the business on Order No.13. we could have gone up to Order No.14 where we were just going to put the Question but the Motion, as indicated in the Order Paper for now, is not the correct one. I understand the Motion was amended and, therefore, we cannot put the Question as it is now. We would have to get the amended Motion and so that will be done tomorrow afternoon. Hon. Kinoti, the Mover, should not think that he has been shortchanged. Therefore, the House will adjourn as soon as it finishes the business on the Order Paper listed as Order No.13; that is Committee of the whole House on the Appropriation Bill.

##### FAILURE OF SENATE TO PREPARE COUNTY ALLOCATION OF REVENUE BILL

**Hon. Sakaja:** Hon. Speaker, Sir, I also have a Motion for Adjournment of the House which I had passed through you. It has been approved and it is also a matter of national importance pursuant to Standing Order No.33(1).

Pursuant to Standing Order No.33(1), I would like to seek leave to move adjournment of the House to discuss an urgent matter of national importance. We are just about to discuss the Appropriation Bill for the national Government while appropriation

for counties cannot be done due to legislation that has not been prepared by the Senate. It is close to four months after the elections and following the setting up of county governments, they have not received the allocation of the share of revenue due to the county level of government as prescribed in the Division of Revenue Act. The reason why counties have not received the money to operate is because the Senate has not produced the County Allocation of Revenue Bill which permits the Controller of Budget to fund the counties.

The counties also cannot prepare their budgets which need to be prepared by the end of this month because in preparation of the budgets, as the Constitution states they need to put estimates of revenue and estimates of expenditure and they cannot estimate how much they are going to get. This House has been accused of stifling devolution whereas the single reason why counties cannot move is because no single county has received or can receive money without that Bill which we would like to know where it is. The Senate has not prepared the County Allocation of Revenue Bill. I, therefore, seek leave of this House pursuant to this Standing Order No.33(1) to discuss this matter with a view of getting a way forward because this House believes in devolution and we need to get the counties moving. We need to ensure that county governments are enabled to provide services to the people of this country and, therefore, I seek leave to adjourn the House.

*(Several hon. Members stood up in their places)*

**Hon. Speaker:** Very well! Hon. Members, it is important that we hear what the hon. Member has raised but given our Standing Orders and procedures for the House, in as much as I am convinced that the matter raised by Hon. Sakaja is definite, urgent and of great national importance, unfortunately, in terms of precedence, Hon. Kaluma's business will come first and, therefore, Hon. Sakaja's business will be allocated the first shot tomorrow when we finish the first business on the Order Paper. That matter will be discussed tomorrow because we cannot discuss the one raised by Hon. Kaluma which, indeed, as you have all shown is also equally important and urgent matter of national importance. Therefore, your matter will be allocated time tomorrow.

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Finance Bill (National Assembly Bill No.2 of 2013) from 14 to 8 days.

**Hon. Langat:** Hon. Speaker, Sir, after consultations, we have agreed to withdraw Motion No.8 to allow the Bill to take its own natural time. So, I am withdrawing the Procedural Motion under Order No.8. Subsequent to that, Motion No.9 is also withdrawn because it was dependent on Motion No.8.

Thank you.

**Hon. Speaker:** Very well. Hon. Langat, the Chairman of the Departmental Committee on Finance, Planning and Trade had indicated earlier that they had consultations. Therefore, he is granted leave to withdraw business on Motions Nos.8 and 9.

*(Motion withdrawn)*

## BILL

THE FINANCE BILL

*First Reading*

*(Bill withdrawn)*

## PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD

**Hon. Musyimi:** Hon. Speaker, Sir, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Appropriation Bill (National Assembly Bill No. 11 of 2013) from 7 to 1 day.

The reasons for this Motion are fairly straightforward; they are both constitutional and also existential and very practical. Our Constitution and practice anticipate that by 30<sup>th</sup> June every year, the Appropriation Act will have been enacted by this House to make it possible for the National Treasury to access funds. As we all know, today is 25<sup>th</sup> June; we have another four or five days to go before the end of the year and we do not have the luxury of time.

So, I beg to move that we reduce the period so that we can put this matter behind and so that the Government can move and begin---

*(Hon. Mwaura distributed water to hon. Members)*

**Hon. Speaker:** Order, hon. Members! Let us have some order even though Hon. Mwaura wants to offer catering services in the House. Do it with some decorum.

*(Laughter)*

I doubt that you are going to satisfy every hon. Member's need for water, Hon. Mwaura.

**Hon. Musyimi:** Hon. Speaker, Sir, I beg to move that we shorten the period to one day and request Hon. Gichigi to second the Motion.

**Hon. Gichigi:** Thank you, hon. Speaker. I rise to second the Motion. Article 221 of the Constitution makes its mandatory for the Appropriation Bill to be moved and

approved by Parliament before the Government can access the money in the Consolidated Fund. As my able Chairman has stated, we do not have seven days as provided by the Constitution to do that before 1<sup>st</sup> July. If we do not do that, again, the Treasury will have to come here seeking approval of expenditure and we will have to go through several other Motions. So, we cannot blame the Treasury or this House. The election was not conducted as anticipated in the Constitution. Originally, the Constitution anticipated the elections to be conducted in August last year. That was altered and that is why there has been chaos in timelines.

Therefore, I urge this House to support the Motion.

*(Question proposed)*

**Hon. Anyango:** Hon. Speaker, we are all aware of the history of the appropriation process this year and part of it was in our interest. I support and hope that you put the Question.

**Hon. Speaker:** The mood seems that we put the Question. Is that so?

**Hon. Members:** Yes.

*(Question put and agreed to)*

## BILL

### *First Reading*

#### THE APPROPRIATION BILL

*(Order for First Reading read – Read the First Time – Ordered to be read the Second Time today by leave of the House)*

### *Second Reading*

#### THE APPROPRIATION BILL

**Hon. Musyimi:** Hon. Speaker, in respect of the Appropriation Bill, National Assembly Bill No.11 of 2013, Second Reading, this House is aware that the Budget cycle for the coming financial year started in August last year. It ends with exempting the Bill that we are proposing today, assuming that we shall pass it and I believe we will. When we took our positions as---

*(Loud consultations)*

**Hon. Speaker:** Order Members! Those two elderly Members there!

**Hon. Musyimi:** Hon. Speaker, the Members will be aware that we took our positions in this Committee as indeed, in all the other Committees, in May. In the case of the Budget and Appropriations Committee, we found that work had already started in

August last year and the pace had gone some distance. Since we were constituted in mid May, we have held public hearings. We have considered the reports of the Departmental Committees in respect of the Estimates. We have also received and considered reports from the Judiciary, the Parliamentary Service Commission and the Office of the Auditor-General.

During that time, we brought the Budget Estimates for this year to this House for debate. We have also dealt with the Supplementary Estimates and the Bill that we dispatched only last night. We were also able to sort out the issue of the Division of Revenue Bill, which now is law.

I would like to take this opportunity to thank the Committee that I am honoured to chair for putting their best foot forward over the last five weeks or so and working very sacrificially, efficiently and effectively. I also wish to thank this House because it has considered our proposals favourably. I thank the Treasury, which has been exceedingly cooperative. I thank the Cabinet Secretary in charge of the National Treasury, Mr. Henry Rotich and his team who have been available to meet us and answer questions at sometimes very inconvenient hours. I also thank the Chief Whip, Hon. Katoo and Hon. A.B. Duale, the Leader of Majority Party and of course, the Minority Whip for the support that we have received on all these matters from both the Jubilee and the CORD coalitions. I cannot forget to thank the Budget Office, headed by Mrs. Phyllis Makau. Her team and herself have also worked tirelessly and indefatigably over this period.

Allow me to observe that upon the approval of the Budget Estimates by this House, the Budget and Appropriations Committee is charged with the responsibility of introducing the Appropriation Bill in the House pursuant to Section 7(h) of the Public Finance Management Act, 2012, and Standing Order No.240(16). We have the Budget and Appropriations Committee Report on the Estimates of Revenue and Expenditure for the Financial Year 2013/2014 as approved by this House on Tuesday, 11<sup>th</sup> June, 2013.

As I observed, we have reviewed the Appropriation Bill and have been greatly assisted, needless to say, by the Cabinet Secretary, National Treasury to clarify some issues inherent in the said Bill. The Appropriation Bill, 2013, has taken into consideration most of the recommendations of this House in the Estimates of Revenue and Expenditure for the Financial Year 2013/2014. Critical inputs by this honourable House include the savings amounting to Kshs18.4 billion and reallocations of these funds to needy sectors of our economy. Areas where savings were made included Kshs9.6 billion from the National Treasury, Kshs653 million from transfers and Kshs1.5 billion through austerity measures among others.

Hon. Speaker, Sir, the House reallocated these funds to other deserving areas including Kshs750 million to the Ministry of East African Affairs, Commerce and Tourism and a similar amount to the Ministry of Industrialisation and Enterprise Development. In the interest of clarity and because there was errant media reporting, I am sure it was not intentional, let me hasten to add that the actual allocation to the Ministry of Tourism was Kshs5.86 billion and to the Ministry of Industrialisation and Enterprise Development Kshs6 billion and the Kshs750 million that I have mentioned added to that amount to each of these Ministries.

Hon. Speaker, Sir, the country faces a teachers' strike at the moment and I am glad to note that this House will be discussing this matter later on. I am happy to say that

because of that particular issue, the Budget and Appropriations Committee was constrained to look for about Kshs4.5 billion or so, so as to facilitate the Government in meeting this need. I think all in all we were able to look for a total of about Kshs5.6 billion, Kshs2 billion of which actually was contributed by the efforts of the Departmental Committee on Education, Research and Technology for which I thank Hon. Sabina Chege, the Chair of that Committee and the entire Committee. May I just add that this, as we have already observed, is still work in progress.

Hon. Speaker, the Appropriation Bill, 2013, proposes to allow the Treasury to spend Kshs1,057,273,968,641. This is the total Ministerial expenditure. It comprises of Kshs815,609,952,297 which is the net figure and the Kshs241,664,016,344 which is Appropriations-in-Aid (A-in-A). Of this total amount, that which will go to Recurrent Expenditure is Kshs610,585,267,013. That which will go to Development Expenditure will be Kshs446, 688,701,628. If you check these numbers, the percentage that will go into Development Expenditure will be Kshs42.3 per cent and that which will go into Recurrent Expenditure will be Kshs57.7 per cent.

Hon. Speaker, I hasten to add that this is above the minimum threshold required by law. The law requires that the joint county and national threshold offers a minimum of 30 per cent to Development Expenditure. We are putting on the table for the national Budget Kshs42.3 per cent. Of course, we await and that matter will be discussed, hopefully I think tomorrow as you yourself have wisely ruled on the issue of the allocations that will go to the counties. We would only know then how much of the money will go into Recurrent Expenditure and how much of the money will go to Development Expenditure but the joint votes by county and national governments by law should not be less than 30 per cent of monies that have been made available that goes to Development Expenditure. I repeat, on the case of the national Government, what we are putting on the table is Kshs42.3 per cent.

Hon. Speaker, may I say that the Budget and Appropriations Committee is making every effort to make sure that there is optimal revenue collection put in place and that the Government spends public funds in a prudent manner. The policy of our Committee is very simple; let us subsidise production; let us not subsidise consumption. That is absolutely fundamental if this country is going to move forward. We cannot be a country of spenders and consumers. We must be a people who create wealth, who grow the economy, and who grow the pie and that is the commitment of the Committee that I am honoured to chair. We should make sure that this House, in its oversight role, ensures that the Government provides the necessary services to our people and that there is value addition.

Hon. Speaker, allow me to make one more point before I ask the Leader of the Majority Party to second, with your permission, this Bill. In respect of the Kshs700 million that had been put in the Estimates, you will recall that the Committee and this House were a little bit concerned about that money being set aside to put up the offices of the immediate retired President. We have raised our concern with the National Treasury and I can confirm that today we received a note that, that sum has now been reduced from Kshs700 million to Kshs250 million and that will be within Vote D101. That is a reduction of Kshs450 million arising from the concerns that we have raised.

Hon. Speaker, Sir, in respect of a certain amount of Kshs1.3 billion that has been allocated to the Ministry of Health, that is Vote D108, the Committee was of the view that this money should actually be put into the Constituencies Development Fund (CDF) kitty so that we can put up houses for our medical staff at the village level, our dispensaries and so on and so forth. I am happy to report that the National Treasury has actually concurred. That money has been moved and I have evidence to this effect. We have heard the cries of this House when it comes to the CDF. I have that evidence here that I will be tabling to confirm the amendment made to revised Budget books via an addendum.

Hon. Speaker, Sir, I thank you for giving me this opportunity and through you wish to request Hon. A.B. Duale, the Leader of the Majority Party to kindly second this Motion. I thank you.

**Hon. Speaker:** Hon. A.B. Duale.

**Hon. A.B. Duale:** Thank you, hon. Speaker, Sir. I stand to second this Appropriation Bill, 2013/2014. As hon. Members will recall, the Financial Year 2013/2014 Budget was for the national Government, the Parliamentary Service Commission and the Judiciary which was tabled in this House in accordance with Article 223 of the Constitution. Subsequently, the Division of Revenue Bill was laid before this House. The details of that document are as follows: One, Kshs1.01 trillion was for the national Government Ministerial Expenditure which comprised of Kshs568.33 billion for Recurrent Expenditure and Kshs442.75 billion for Development Expenditure. Of course, the Consolidated Fund Services was Kshs380.29 billion. The amount of Kshs24.5 billion was for the Parliamentary Service Commission of which Kshs20.5 billion was for Recurrent Expenditure and Kshs4 billion for Development Expenditure. Likewise, Kshs23.3 billion was for the Judiciary of which again Kshs16.3 billion was for Recurrent Expenditure.

Hon. Speaker, Members will also recall that arising from the work of the Departmental Committees, we recently adopted the Budget and Appropriations Committee's report which consolidated the recommendation on the Financial Year 2013/2014. Also, Members will recall that in discussing the Division of Revenue Bill, the House increased the resources for the county governments from Kshs198 billion to Kshs210 billion.

Hon. Speaker, Sir, I want to take this opportunity to thank His Excellency the President for assenting to this Bill. The report of the Budget and Appropriations Committee adopted by this House forms the basis for the consolidated Budget for the Financial Year, 2013/2014. But, hon. Members may wish to note that among others, the recruitment of additional teachers, promotion of teachers and harmonization of allowances; the implementation of these demands is estimated to cost Kshs20 billion. Again, as a country we are facing a lot of security challenges.

Hon. Speaker, Sir, among the issues on board on the consolidated Ministerial Budget, the national Government has Kshs1.06 trillion which comprises of Kshs610.59 billion for Recurrent Expenditure and Kshs446.6 billion for Development Expenditure. In addition, the national Government has set aside Kshs380.29 billion to cater for Consolidated Fund Services and Kshs210 billion for the county governments account.



This expenditure combined with the Ministries' expenditure mentioned earlier gives us a total of Kshs1.65 trillion for the Government of Kenya, this financial year.

The Government intends to finance expenditure through revenues of Kshs1.03 trillion. Again, Kshs71.32 billion on projects and programme grants; Kshs187.8 billion for project loans; domestic borrowing will cater for about Kshs124.60 billion, while there is a domestic debt rollover of Kshs126.14 billion, and finally Kshs127.22 commercial financing.

Hon. Speaker, Sir, with this level of financing, the overall Budget is fully financed. The Financial Year 2013/2014 Budget is aimed at elevating the economy to a higher and sustainable growth level which is supposed to create decent jobs, reduce poverty and ensure regional integration. This is the aim of Kshs1.65 trillion. All these are being geared with the context of affordability and sound macro framework which we must always safeguard as a country.

Hon. Speaker, Sir, some of the Government expenditures in this Budget include, Kshs99.5 billion to cater for the continued road expansion, upgrading and rehabilitation of roads throughout the country and transport management and safety. That is a serious budget expenditure that has been felt as a country in order to simulate growth.

Secondly, Kshs3.7 billion has been set aside for the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) project which is very key for regional integration. We have Kshs22 billion for the construction of a standard gauge railway line from the port of Mombasa to Kisumu. We have Kshs79.8 billion in this year's Budget for the scaling up of investment in reliable and affordable energy. We have Kshs4.5 billion for free maternal and primary health care; and we have Kshs23 billion for the Constituencies Development Fund (CDF). In this allocation, there is an inclusion of a conditional grant of Kshs1.3 billion under CDF for construction of houses for health workers in the health centres and dispensaries. That amendment is what the Chair will say and I want hon. Members to hear me clearly that in the Kshs23 billion set aside for CDF in this Financial Year, there is Kshs1.3 billion for the construction of houses for health workers in health centres and dispensaries. An amendment to the Appropriation Bill, I hope is forthcoming from a Member of the Budget and Appropriations Committee.

Hon. Speaker, Sir, there is Kshs148.6 billion for Teachers Service Commission (TSC), for the plight of teachers in our country. There is Kshs3 billion for the recruitment of 10,000 teachers and Kshs600 million for the promotion of teachers. There is Kshs127.2 billion for the Ministry of Education, Science and Technology; this includes Kshs10.3 billion for the primary education; Kshs20.9 for free day secondary school education; Kshs15.4 billion for ICT integration in primary schools; Kshs62.7 billion for university and tertiary education; Kshs18.3 billion to the Judicial Service Commission and Kshs19 billion to Parliamentary Service Commission.

Hon. Speaker, Sir, I wish to urge hon. Members, with these allocations, we should now scale up our oversight role. With this Kshs1.6 billion, our role as a legislative assembly and our oversight role are needed more than ever.

With these few remarks, I beg to second the Motion on the Appropriation Bill in accordance with Article 223 of the Constitution that, the withdrawal of the sum not exceeding Kshs815,609,952,287 be granted from the Consolidated Fund to meet the expenditure necessary to carry out services of the Government of Kenya during the

Financial Year ending 30<sup>th</sup> June, 2014. This 50 per cent represents Kshs557,416,482,666 of net Recurrent Expenditure and Kshs252,193,468,637 of the net Development Expenditure.

Hon. Speaker, Sir, this will help in safeguarding a stable macro-economic environment. The funds allocated to Ministries, departments, agencies and even to our counties must be utilized efficiently to achieve the intended purpose as a country and the benefits will go to the people of Kenya.

I take this opportunity to second and urge my colleagues to support.

Thank you.

*(Question proposed)*

**Hon. Ganya:** Thank you, hon. Speaker, Sir. I want to support the Appropriation Bill No.11 of 2013. As I do so, I really want to commend our Budget and Appropriations Committee which has worked under very stringent and difficult times to produce a very positive and well focused Budget.

I want to comment on their guiding principle whereby as a nation we should not subsidize consumption, but we can subsidize production so that this country can develop, using the guiding and development principles from the nations which have done very well, including the Asian Tigers. We need to invest more in development than we have ever done before as a nation. In the past, almost 80 per cent of our funds have been going to Recurrent Expenditure and overheads. This time round we are putting almost 43 per cent of our money in developing this nation.

I am also very glad that they have listened to the plight of our teachers. It may not be enough and it will never be enough, but putting over almost Kshs513 billion towards the price of our teachers be it in promotion or hiring about 10,000 teachers is something that we should commend this Committee for. On the Kshs198 billion that was suggested, as a House we managed to increase it to Kshs210 billion. We have gone beyond the minimum constitutional requirement. I am sure that in progressive years we will do even better as our economy improves.

As a nation, it is very inspiring to see that we have raised the funds for county governments from the minimum required by the Constitution to at least Kshs210 billion. It is critical to ensure that these funds we are committing for development are put to good use. Having invested so much money in our counties and our national Government we should play our oversight role and ensure that we reduce corruption to the bare minimum if not zero. I demand zero.

While I appreciate this Budget I am still not convinced that our Standard One pupils really need laptops. If we redirected this money to construct labs for all our primary schools or even secondary schools then it will be of very good use. The Standard One kids in North Horr Constituency can hardly speak Kiswahili. I wonder how they will be able to use the software in those laptops. I know it was a good pledge to our children, but I think it will be of more use and value to this nation if we use that money to construct computer labs in all our primary schools. The Jubilee Government, I am sure, can explain to Kenyans the prudence of doing that short of what they promised during the campaign period.

I hope that this House will be strategic in enforcing tangible and productive development for this nation. We are targeting production. We are targeting basic amenities or services. For instance we are investing a lot of money in putting up houses for our nurses and other health care workers in rural areas. This is a very good thing. In some of our constituencies, including mine we do not have a single hospital or a single medical doctor. If I have enough nurses and health care workers who are well catered for and well accommodated I am sure they will deliver good services. A number of them would be hired to man the dispensaries and health centres that we have already established.

In the 10<sup>th</sup> Parliament I was able to put all the money that we were given as conditional grant, that is, Kshs17.5 million to put up a big theatre. We never had a single hospital in my area. I was pumping funds in the health centre. I managed to establish the theatre and because of that a medical doctor will be posted very soon to man the only modern health centre in my constituency. The thinking of this Committee in terms of focusing on those basic services especially in the rural areas is something that we need to commend them for. We need to urge them to do more even in future.

With those remarks, I beg to support.

**Hon. Gikaria:** Thank you, hon. Speaker, Sir. I rise to support the Appropriation Bill, 2013. I want to take this opportunity to thank the Budget and Appropriations Committee for their tireless effort to come up with this Bill in a short time and actually give Kenyans what they voted for. Kenyans have been looking forward for development. We voted to bring money to the counties.

The increment that we gave to the counties will go a long way to improve the livelihoods of the citizens at the county level. We have gone way beyond the constitutional threshold of 30 per cent in terms of development funding that has been given to this country. I want to thank the Committee for that. It has been said that we spend a lot of money on Recurrent Expenditure because people have not been checking our budgets properly.

I agree with the Chairman of the Committee that we need to subsidize production and not consumption. That is the direction we should take this country given the Vision 2030 where we are looking forward to becoming an industrialized country.

We have always mentioned issues to do with the youth. Besides the Kshs6 billion that is being given to the youth and women so that they get money to do small businesses, there is another staggering Kshs19 billion which will go towards youth affairs in various Ministries. This is where we will get things right.

Concerning infrastructure, we have been passing Motions here on how to improve infrastructure and security. Good roads and other related things will go a long way to improve security in this country. The money allocated towards improvement of our infrastructure goes to explain that the Jubilee Government is committed to the pledges that it made to the citizenry. It made so many pledges. Of course there is the issue of laptops which has been challenged one way or the other. I think as a Government that is the direction that we need to take so that we introduce our young people to computer literacy. Through the Ministry of Education and other development budgets we will construct enough classrooms in our regions so that we address the issue of infrastructure in the education sector.

Hon. Speaker, Sir, this Budget will go a long way--- We want to ask the county governments to get ways and means of collecting their own revenue. We know many of our counties are very rich. They need to concentrate on how they can increase the money they have been allocated from the central Government. If they do so, we will be able to attain the agenda that the Government has set.

Hon. Speaker, Sir, I support.

**Hon. Speaker:** Hon. Zainabu Kalekye Chidzuga.

**Hon. Member:** She is not here, hon. Speaker.

**Hon. Speaker:** So, she placed a request and disappeared?

The next one in the order of requests is Hon. Isaac Mwaura.

**Hon. Mwaura:** Thank you, hon. Speaker. I rise to support the Motion but I will, first, note several things.

As a citizen of this country, I am concerned that within a period of four years, our national Budget has grown from slightly over Kshs900 billion to Kshs1.6 trillion today. I am concerned because, with the discovery of strategic natural resources, namely, oil, coal and natural gas and other minerals, we are likely to escalate expenditure. I find this Budget quite unsustainable. We owe it to the future generations of this country to spend and live within our means. Most of the countries that are so-called developed are actually facing a lot of challenges because of borrowing a lot from the future. While a development expenditure of 43 per cent is commendable, in my opinion, it should be the other way round. This country should be spending about 60 per cent of her Budget on development.

Looking at the budget-making process, there is a tendency within the Executive and other arms of Government to have an incremental mode of expenditure, where Accounting Officers ask for more money year in, year out. I think that is why the Constitution created the Office of the Controller of Budget. I thought that with the re-allocation of duties and sharing, under the Fourth Schedule of the Constitution of the Republic of Kenya, we would see a big reduction of expenditure in the national Government and a reallocation of resources to the devolved governments. As a Kenyan, I am also concerned about the debt portfolio of this great country. The Constitution provides a threshold of 50 per cent of national revenue. If you look at our debt register, you will see that we are already at 49.6 per cent, meaning that we have a borrowing window of only 0.4 per cent remaining, if we are to adhere to the provisions of the Constitution and the enabling legislations, such as the Public Finance Management Act. This means there will be a challenge, in terms of financing, for example, the very ambitious infrastructural development programmes at both the national and county levels.

Hon. Speaker, therefore, this country needs to look at ways of ensuring that we have enough money to enable us address our priority problems. There is also a critical need for ensuring that we bring a Bill to this House to guide the budget-making process, so that we do not just have an ever growing Budget for people to be seen to be working because they are spending more money, but rather have our Budgets based on the needs of the people on the ground. The Kenya Revenue Authority should also increase its efforts in tax collection. Sometimes it is not just a matter of what the Cabinet Secretary for Finance is telling this House about how he intends to raise revenue. There is no optimization of existing revenue raising measures due to corruption and collusion

between KRA officials and some taxpayers. Therefore, there is need to ensure that this threshold is raised, so that we can have more allocations.

As a country, we need to stimulate the development of private enterprises. I know that this proposal may be contested by those who are against new liberalism but as long as this country continues to rely on the Government to provide the biggest market for any product, it will always serve as a recipe for corruption since players in the private sector know that the person whom they can always trade with and have the highest returns is the Government. In order to ensure that we empower our young people, there is need to look at the monies that go into innovation, even in terms of percentage of national revenue, so that we can stimulate the talents of our young people and develop new enterprises in order to provide for new income streams for the gross national product. It would also be in order to ensure that we formalise the *Jua Kali* sector. A recent survey shows that only 46,000 Kenyans earn over Kshs100,000 in the Public Service. We know very well that the majority of our people are in the informal economy. If we ensure that we formalise such sectors of the economy, we can tap into them not only the talents of the youth but also the income streams that come with them.

Hon. Speaker, on a more specific matter, I would want to laud this Budget because it has appropriated an accumulated figure of Kshs1.3 billion towards persons with disabilities. That is, indeed, welcome because monies that are meant for social safety nets have been increased. In particular, quite laudable is the provision of Kshs100 million for provision of sunscreens for persons with albinism, so that they can continue being more productive members of this country.

With those remarks, I beg to support.

**Hon. Speaker:** Yes, Hon. ole Metito.

**Hon. Katoo:** Thank you, hon. Speaker. I rise to support this debate.

I will start by saying that the Budget for the 2013/2014 Financial Year is hinged on a progressive approach to invigorate inclusive growth and move the country to the next level of prosperity. This will be achieved if we implement some of the measures that I highlighted in my contribution to debate on the Budget. I would like to specifically go to the Development Expenditure, starting with Vote D02. This is about security. If we are to move this country to the next level, one particular area we must be keen on is security. I am happy to see that a total of Kshs7.6 billion has been allocated to the National Police Service for purchase or leasing of about 1,200 motor vehicles to increase mobility of police officers even at the grassroots level. It is challenging that police officers are expected to respond to security issues when they do not have vehicles. So, they are not mobile. In case they have vehicles, they do not have enough fuel. It was really disturbing to see that every OCPD in this country is only allocated 28 litres of diesel per day and that will not really make the police perform their functions effectively. So, this is an increment and I hope it is going to help in fighting crime.

Hon. Speaker, Sir, it is good to note that there is a provision for police housing because their welfare also needs to be looked into. It is also important to note that modern equipment for fighting crime has been budgeted for and it is very encouraging. However, I want to observe that there is need to provide our police officers with insurance covers because as it is now, they are not insured. When police officers are injured in the line of duty, it is through the police welfare SACCOs that they contribute for their colleagues to

receive medical services. So an insurance cover is important and urgent or we go the military way where we have the Forces Memorial Hospital. It is also important that we do one hospital for the police officers who get injured in the line of duty. That will substitute the insurance cover.

On Vote D107, I know my colleagues who have spoken have touched on that because it is important. This is about procurement issues. There has been a call and I know that this Jubilee administration is going to implement that; that about 30 per cent of procurement services are going to be for the youth and the disabled. I think that needs to be implemented because in the previous regime, there was a presidential directive that procurement services in all Ministries and Government departments, 10 per cent should go to the youth but I do not think that was implemented to the letter. I think this time with Kshs33.4 billion set aside on D107 that includes the issue of procurement services, it is important that the youth are considered based on that proposal. If I refer to the Budget Statement, it was said that public procurement process plays a leading role in driving growth, creating quality jobs and reducing poverty in our economy. The Jubilee administration is very focused in reforming public procurement to reduce the all turnaround time to complete the procurement process because at times it takes too long to do procurement business. When it takes too long, we lose many investors. It is also cumbersome and it requires to be made transparent and supporting to our economic transformation agenda. That is what the Jubilee Manifesto says. So, I believe that with the passage of this Budget, it is going to be done and we will encourage the Government to implement it and maybe take the model of our Constituencies Development Fund (CDF) to ensure that the youth get the 30 per cent of the procurement services in all Government expenditures.

Something which has been said by my colleagues is D018; a budget of about Kshs7 billion to the health sector. I am particularly impressed by the fact that about Kshs3.1 billion and Kshs522 million has been set aside for the recruitment of 40 community nurses and 10 community health workers per constituency to provide quality healthcare services to Kenyans. This is more like the Economic Stimulus Programme that was done when His Excellency President Kenyatta was the Minister for Finance. That was done then and if this is repeated and the constituency model is used to recruit these 30 community nurses and 10 community health workers per constituency, it will go a long way in the provision of healthcare in our constituencies and the country at large.

On the economic improvement of this country; D018, a budget of about Kshs102 million is going to the transport and infrastructure sector. I think this is very important in terms of upgrading roads and the railway. The LAPSSSET project is very critical. Some of the roads, if you tie it to the budget of East African Community (EAC), that are going to link our country to our neighbouring partners in the economic bloc should be done. It is important that roads like the Voi-Taveta Road which is about 100 kilometers is given priority. If you look at the circuit of doing business among the EAC, that road could be the only one that has not been upgraded to bitumen standard. It is just 100 kilometers and procurement services for that road have been in the books for a very long time. It is high time this new administration does the implementation in this financial year. If you take the circuit of doing business with Tanzania, there are three outlets; the Nairobi-Athi-River-Namanga Road is well done. The other one is the Voi-Taveta which is not done

and the other one is Mombasa-Emali-Loitokitok and that is very nice. You get to Tanzania through Moshi but there is another gap between Loitokitok and Taveta which is only 80 kilometers. I would urge the Government that this year as they consider the Voi-Taveta, they should also consider the Taveta-Loitokitok and that will be a complete circuit for doing business with our neighboring country, Tanzania.

Let me talk about doing business and I am happy that the other pillar in this Budget is the private sector. The Government alone cannot create prosperity and so it is important that we have partnership with the private sector. What the private sector requires is an enabling environment to expand their business. This environment is about security, good infrastructure, low cost of energy and I am happy to see something on Vote D115, a budget of about Kshs16.4 billion that is going to energy. I think we are talking of investing in reliable and affordable energy. I am sure that with the exploration of oil in Turkana and coal in Kitui County, this will bring down our cost of energy and cost of doing business.

Let me finally talk about food security. We have a lot on this and what is so important is the one million acres irrigation scheme that the Jubilee administration has promised. I think with the passage of this Budget, D116 of about Kshs26 million, the one million acre irrigation and food security project in Galana should start immediately because a hungry nation cannot do much. It is a weak nation. So I wish to take this opportunity to urge my colleagues to support this Budget and pass it. This will allow the Government to implement the pledges they made to Kenyans.

With those few remarks, I beg to support.

**Hon. Ochieng:** Thank you, hon. Speaker, Sir, for giving me the opportunity to support this very important Bill. This is the very first Appropriation Bill for the 11<sup>th</sup> Parliament. We are very ambitious, but I am happy we have got to the level where we are today. This has been a very participatory process from the budget-making stage, through the consultations that we have had within the Committees to the Budget and Appropriations Committee process of coming up with this Bill. I wish to thank the Budget and Appropriations Committee for the work well done, being flexible and responding to, not only emergent issues, but to some of the very old issues that have eluded the previous Governments in providing for Kenyans.

I am a youth and I want to make it very clear to the youth of this country that money has been allocated in this Bill today. This money will only make impact on the lives of the youth if they stop crying and do what is necessary. They must form companies and have entities that will enable them access these funds. They will not access these funds by going empty-handed and saying that they are youths and therefore, they need this money. I want to advise the youth. If you look at D116, there is a lot that the youth could do in fisheries, livestock and agriculture, but they will not do so if the only thing they talk about is their youth. Let us come out as youth and take advantage of the opportunities that have been given through the money that is provided for in this Budget.

If the youths do not do so, most of the times this money ends up in the wrong hands. That is why they keep on crying that they are not getting 30 per cent. It ends up with the older members of the society because we do not prepare early as youths. I note the huge amount of money that we have put, especially under D117 for innovation and

enterprise development. This is very key because we are talking about the country being industrialized in the next less than 15 years. For us to do so, we must start going industrial in the way we produce, our method of production and our way of thinking. Money has been put in this Bill that will help all those who mean well in terms of innovation to take advantage of this.

One thing that I wish to also emphasize here to all Government departments that have the authority and the mandate of implementing this Budget is that we must observe certain basic tenets of expenditure. We must develop immediately absorption capacity, so that where we have allocated resources, we make sure that it goes where it is needed and absorbed in a timely manner. We should avoid the idea of coming late towards the end of the financial year and saying that we did not spend this money and we need a further chance to expend it. We need to develop that capacity early enough to enable us to use the money as allocated. Secondly, we need to develop a culture of frugality, efficiency and being effective in the way we use the taxpayers' money. We require all Government departments that will be in charge of expending this money to ensure that they are prudent in doing what they are supposed to do.

You will note that the money contained in this Bill is for the national Government. When allocating any money as required, this should be done without discrimination. One of the reasons why we have been fighting for devolution in this country has been because skewed allocation of money from the central Government to the periphery. I wish to request those who will implement this Budget to ensure that any money that is supposed to go to the counties and the constituencies should be disbursed and used equitably to benefit the whole county.

I wish to take this opportunity to raise a very important issue. In the last one month, this country has been treated to a very unfortunate incident where Members of the National Assembly have been demonized. We have been called names for having passed the Division of Revenue Bill. Even the President has been demonized for having signed into law the Division of Revenue Act. The law as we have it today is very clear. Article 218 of the Constitution talks about a couple of things. What we are doing today is a continuum of a number of activities that are supposed to happen from the time we allocate resources to the counties and the national Government through the time we divide revenue between the national Government and the counties to the time where the National Assembly sits down and says that the money that is allocated to the national Government shall be used this way and the Senate sits and says that the money allocated to the county governments shall be used this way.

I wish to read Article 218 for the record because this has been a touchy issue and the country needs to be informed. It says:

“(1) At least two months before the end of each financial year, there shall be introduced in Parliament-

(a) A Division of Revenue Bill, which shall divide revenue raised by the national Government among the national and county levels of government in accordance with this Constitution; and

(b) A County Division Bill, which shall divide among the counties the revenue allocated to the county level of government on the basis determined in accordance with the resolution in force under Article 217”.



The operative word there is “Parliament” and two Bills have been talked about, namely, the Division of Revenue Bill, which must be brought before this National Assembly and the County Allocation of Revenue Bill, which then goes to the Senate. The country needs to know that the Senate has a role to play in this, but the roles are clearly determined by the Constitution that this National Assembly is seized of the Division of Revenue Bill and the Senate is supposed to look at the County Allocation of Revenue Bill. After that, the National Assembly then sits down to again go into appropriating money to Ministries and Government departments at the national level and the Senate is then required to sit down and agree how to allocate money to the counties. So, the idea that the National Assembly has scuttled devolution is a moot question. The issue has been raised in the court and we need to be very clear on this. The country must work with us. We have passed a law that gives powers, both to the National Assembly and the Senate.

I wish to rest the issue because of the Motion raised by Hon. Sakaja this afternoon. He proposes to discuss the county allocations as having not been brought before the Senate. I do not think it is our role to do that. Our role is to do what we are supposed to do, namely appropriate money to the national Government and let the Senate do its work and allocate money to the counties. This is very key and as soon as the country knows how to work with the law, the better. Going further, Article 202 is very clear that should it become necessary in future, the national Government should allocate money to the counties. We should just invoke Article 202. It states:

“(1) Revenue raised nationally shall be shared equitably among the national and county governments.

(2) County governments may be given additional allocations from the national government’s share of the revenue, either conditionally or unconditionally”.

Should there be need, then we are very sure that this House can pass a law that will then allow us to give the counties further money as required. Further, in terms of expending the money as will be approved by this House, let me clear that for the road sector, we need to ensure that the money given is used equitably. I have a road in my constituency that was first constructed in 1963. This is the Ruambwa-Ugunja Road.

**Hon. Member:** On a point of order, hon. Speaker, Sir. I think we have discussed this thing and it looks, from the mood of the House, that we need to reduce this thing from seven days to one day. Could the Mover be given a chance to respond?

**Hon. Speaker:** The request is given and by 5.30 p.m. you have to adjourn to discuss the Motion by Hon. Kaluma. What is the mood?

**Hon. Members:** Let the Mover be called upon to reply.

**Hon. Speaker:** Let me put the Question.

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

**Hon. Musyimi:** Hon. Speaker, Sir, I beg to reply. Allow me to thank my honourable colleagues for speaking very ably and poignantly on issues regarding the future of this Republic. Much of the business of this honourable House has been to do with money and so it is important that we be sufficiently engaged by this particular agenda. We are also very grateful to have a bold President with a bold manifesto and I

take this opportunity to thank His Excellency President Uhuru Kenyatta for giving us a very bold manifesto and an agenda that will help us going forward.

Let me assure this honourable House that in my duty as the Chairman of this Budget and Appropriations Committee, even as we engage Treasury very honourably we have also sought to maintain the independence and supremacy of this honourable House. For those of us who were involved in the struggle for change from the mid 1980s, that is 25 years ago, it is very humbling and satisfying to stand here today to begin to see the fruits of a product of what we struggled so long for. I take note of all that has been said. I certainly hope as I sit down that the county governments will take note that this process needs to be taken seriously. I had hoped personally that I would have seen greater involvement in the county government budget-making process. It was not possible. Let us raise the bar so that tomorrow they have something to copy from.

Hon. Speaker, Sir, I beg to move.

*(Question put and agreed to)*

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

#### IN THE COMMITTEE

*[The Temporary Deputy Chairlady  
(Hon. (Ms.) Shebesh) took the Chair]*

#### THE APPROPRIATION BILL

**Hon. Midiwo:** On a point of order, hon. Temporary Deputy Chairlady. I was trying to get the attention of the Speaker. We do have amendments that we wish to put to this Bill and, therefore, we agreed that it be deferred to tomorrow. As you know, these Orders come to us on Supplementary Order Paper and I think this House by every way has a right to be given a chance to draft these amendments so that we can deal with the issues we wish to address. I consulted the substantive Speaker.

**The Temporary Deputy Chairlady:** (Hon. (Ms.) Shebesh): Hon. Jakoyo, I am made aware that there are no amendments that have been provided to the Table so that we will be able to consider them and, of course, we cannot consider what is not on the Table. I feel that maybe the Leader of Majority Party would like to speak also on this issue.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I am sure the procedures are very clear. This Appropriation Bill went to the Budget and Appropriations Committee and they interrogated it. They have amendments and I want to indulge my good friend, Hon. Jakoyo, to approach the Chair of the Budget and Appropriations Committee and we can put in the necessary amendments so that we move.

**The Temporary Deputy Chairlady:** (Hon. (Ms.) Shebesh): Hon. Jakoyo, we do have the amendments brought by the Budget and Appropriations Committee, which is the process. We do not have any other amendments. So, I suggest we move ahead with the procedure of the Committee of the whole House because we are now at the Committee Stage and we cannot change any decision. If we do that at this stage, we will have to go back to the full House. So, I would want to consider what is in front of us, Hon. Jakoyo. I also think that I am being serious. We have given the procedure as is requested and we have to obey the rules.

**Hon. Midiwo:** On a point of order, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady:** (Hon. (Ms.) Shebesh): Hon. Jakoyo, I will give you an opportunity to raise your point of order because it is your right but I would like you to help us move along because you know the rules of procedure and the amendments I have in front of me are from the Budget and Appropriations Committee. No other amendment is in front of me and so I cannot execute anything else except those that are in front of me.

**Hon. Midiwo:** Hon. Temporary Deputy Chairlady, I beg you to give me a chance. This is not the first time this is happening. This is a House run by rules. As at 12.30 p.m. there was no Supplementary Order Paper. So, the only time any Member of this House could have put in--- Even by your own regulations, we are supposed to put our amendments by that time. There was nothing on the Order Paper. It was just Motions. In the Supplementary Order Paper, we were magnanimous enough as a House and let you shorten the time. Why can you not meet us halfway? What is procedural is that Private Members must have a chance two hours before the House by which they must submit their amendments, if any. This is the rule of this House unless somebody--- What is the rush? We have until tomorrow and I consulted the Speaker. I told him that we have amendments. As we speak, my amendments are with the Legal Department.

**The Temporary Deputy Chairlady:** (Hon. (Ms.) Shebesh): Hon. Jakoyo, I think your point is made. We passed a Procedural Motion to shorten the time of this particular Appropriation Bill and if you consulted the substantive Speaker and the process has gone on to where I am now on the Chair to move to Committee Stage, it means that that is the order of the House and we cannot put a Question because we are in the Committee Stage. So, Hon. Jakoyo, out of respect for you and the position you hold in this House, I am allowing you to put your point across but at the end of the day, a decision will be made by the Chair who is currently now on the Chair.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, this is a House of rules and even when you were speaking, the hon. my good friend, Hon. Jakoyo Midiwo, should have his seat.

Secondly, this Appropriation Bill was in Parliament from the Government Printer at 9 O'clock this morning. Members have gone through it. The Budget and Appropriations Committee – a creation of this House – has confirmed that they have even interrogated the Cabinet Secretary. The rules and procedures of this House are very clear. If a Member could not submit his amendments in time---

**Hon. Member:** On what is on the order paper.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, if he gives me a chance, because I am also an old Member of this House--- If you did not get the chance to submit

your amendments, you have the right to approach the Chair of the Budget and Appropriations Committee and we will raise his claim. It is the procedure and not the Chair. It is Hon. Jakoyo Midiwo to come from the Bar, approach Hon. Mutava Musyimi and we will get the amendment.

Hon. Temporary Deputy Chairlady, another thing is that, we as the House Business Committee---

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Leader of Majority Party, you have also been able to give your point. I think it would only be fair to allow the Chairman of the Budget and Appropriations Committee to tell us whether or not there is a possibility of the Deputy Leader of Minority Party alluding to---

So, hon. Chairman, can you tell us whether we are moving ahead with the amendments you have given us as the Budget and Appropriations Committee, or you have room to accommodate what Hon. Jakoyo is talking about.

**Hon. Musyimi:** Thank you, hon. Temporary Deputy Chairlady. The Supplementary Order Paper was with us in good time and everybody in this august House and in the entire country knows that the process for the Financial Year, 2013/2014 started in August last year. As I said in my moving note, we came into this Committee in May. The whole world knows that we have had about five to six weeks. So, the onus is upon all of us to make sure that we do not lose any opportunity to transact the business we need to transact because time is not on our side.

The Constitution is very clear that we have up to 30<sup>th</sup> June, 2013 to be done with this process.

I stand to oppose that request.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Chair, then I want to move because we also have a Motion that starts at 5.30 p.m. I, therefore, move with the procedure of the House.

**Hon. Member:** On a point of order, hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Now I will not take any more points of order because I think we are clear on the procedure.

*(Clause 2 agreed to)*

*(Several hon. Members stood in their places)*

Call the next clause. I will continue with the order of the House.

**Hon. Midiwo:** No! You cannot continue----

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Jakoyo Midiwo, you approached the Chair on this issue. I am on the process I have been mandated to carry out.

**Hon. Midiwo:** What are you doing? You cannot continue!

**Hon. Members:** Sit down!

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Call the next clause so that I put the next Question.

Hon. Members I am calling for order in the House. We cannot continue with disorder. Hon. Jakoyo Midiwo, you have followed the procedures of the House. You do know that the decision ultimately will be made by the Chair, and I continue.

**Hon. Midiwo:** On a point of order, hon. Temporary Deputy Chairlady.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Raising points of order is not going to stop us, Hon. Jakoyo.

*(Several hon. Members stood in their places)*

**Hon. Member:** Sit down! This is not a market place.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, if there is order I will be able to proceed. Hon. Jakoyo Midiwo, resume your seat, let us get order and move on. I want to give direction.

Hon. Jakoyo Midiwo, give order to your hon. Members so that we move on. Give order to your hon. Members. For us to continue the Chair has to come back and we must go back to plenary session, if that is the feeling of the House. It will not come through noise. It must come through the proper procedure so that the substantive chair can come back to the House.

Hon. Jakoyo, you know the process and you are not following it. What you are doing is not the process.

Hon. Nyenze, you have the Floor.

**Hon. Nyenze:** Excuse me. I am on a point of order.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Jakoyo Midiwo, there is no way you can be two people. I have given the Leader of Minority Party the chance.

**Hon. Nyenze:** Thank you so much, hon. Temporary Deputy Chairlady, for giving me this chance. I just want to say this---

*(Several hon. Members stood in their places)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): I beg you hon. Members, if you want to make a point, what I have on my head are two ears. You cannot force the Chair, but if you give a good reason, the Chair can listen. So, please, even if you make as much noise as you can, it will not stop us from making the decision that we are making.

**Hon. Nyenze:** Thank you, hon. Temporary Deputy Chairlady. I am on the Floor. I just want to say this: What the Deputy Minority Leader is saying is that the Order Paper came some minutes to 12.00 noon. So, it was not there in the House until 2.00 p.m. and what we are saying is that, we have amendments that would be shut out if we proceed this way. I had risen on a very good point of order.

Hon. Temporary Deputy Chairlady, I am begging you because this is a House of rules and procedures. Let us follow the rules. I do not think the rules here are being followed. Let us agree so that we do not deny teachers their money.

Thank you.

**Hon. Member:** On a point of order, hon. Temporary Deputy Chairlady.

**Hon. A.B. Duale:** Follow the rules, do not make noise.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Jakoyo Midiwo, if you have those amendments, are they available to be given to the Table now as we are considering the amendments by the Budget and Appropriations Committee?

**Hon. Midiwo:** Hon. Temporary Deputy Chairlady, I have the amendments. The Order Paper was not there until 1.00 p.m. When I saw it, it was having the Appropriation Bill. The rules of this House require that Members have until a certain time to submit the amendments. I consulted the Speaker and he said, let us agree to the Procedural Motion, do the Second Reading and then the Third Reading be deferred to tomorrow.

Hon. Temporary Deputy Speaker, let me tell you, nothing will be lost. We have until 30<sup>th</sup> June, 2013. Tomorrow is our last day and we are responsible hon. Members of Parliament. I then made my amendments and I have taken them to the Legal Department for drafting, as per the instructions. Then it is a procedure that we have always followed for the last 11 years that I have been here.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Let us give the point of order to Hon. Kamau from Kikuyu Constituency. Have you requested for the microphone? Come to the Dispatch Box so that you can be heard.

**Hon. Ichung'wah:** On a point of order, hon. Temporary Deputy Chairlady. I think Hon. Jakoyo Midiwo has got every right to demand what he is demanding. He has put it clearly that the Speaker had indicated to him that those things would come during the Third Reading. We are now in the Committee Stage. All that the Chair is asking---

*(Loud consultations)*

Please, listen. I think all that the Chair is asking is that we proceed with the Second Reading in the Committee of the whole House and then when the substantive Speaker resumes his seat you can raise the issues that you are now raising.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Kamau, let me just give you guidance as a new hon. Member. This is the last Committee stage of this Bill and once we pass it, we will not be going back to it.

I am going to take two or three interventions before we make a decision as to whether we go back to the Speaker or we continue with the Motion as it is.

Member for Kipipiri!

**Hon. Gichigi:** Hon. Temporary Deputy Chairlady, I have been listening to Hon. Jakoyo agitate his position, but he is yet to quote whichever Standing Order is relevant. He is asking the House to adjourn until tomorrow. I do not know under which procedure he is suggesting that. There was an opportunity for him to complain before we passed the Motion. As we speak he is too late and we should proceed. If there is an issue, let it be put to question and then we can vote on it without making a lot of noise here.

**Hon. Kaluma:** Thank you hon. Temporary Deputy Chairlady. Budget-making process is a serious thing and I do not think it would be right for any hon. Member to bar a proposed amendment whose content is not known. If you remember, there is a Motion for Adjournment which I placed before the House under Standing Order No.33. In line with that Standing Order the substantive Speaker indicated that we were to proceed as

from 5.30 p.m. It is already 5.30 p.m. now. It was a Motion to adjourn all debates to discuss the issue of the teachers strike. May I request---

*(Loud consultations)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Please, let us give him time to finish. Hon. Kaluma I have not got your argument. Could you, please, be clear on what you are saying?

**Hon. Kaluma:** It is because you were not listening to me, hon. Chairlady. When I stood before this House at 2.30 to move that we adjourn the business of the House so that we could discuss the issue of the teachers' strike, the substantive Speaker in line with that Standing Order – I do not believe the Leader of Majority Party has read it – indicated that we begin that debate at 5.30 p.m. We are now past that time.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Kaluma I have got the gist of your argument.

**Hon. Kaluma:** I have not finished.

*(Loud consultations)*

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I want to offer leadership. One, the substantive Speaker said, "at the expiry of Order No.13." Secondly, hon. Chairlady you said that if Hon. Jakoyo Midiwo is honest with his amendment then you are ready to allow us to work on it. This is a very mischievous amendment.

**Hon. Members:** How do you know?

**Hon. A.B. Duale:** From the look of things. I want you to use the Standing Orders, hon. Temporary Deputy Chairlady. We are not in a market place. We have rules here and the Serjeant-at-Arms. A Member has rights under the Standing Orders, but we cannot have people--- These hon. Members also have their rights.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Chief Whip!

**Hon. Kato:** Hon. Temporary Deputy Chairlady we cannot say that the amendment is mischievous because we do not know the content. The gist of this thing is the procedure. Has the right procedure been followed while bringing the amendment? Every hon. Member here has the right to bring an amendment. My opinion is this: It is only the Mover of a Motion who can bring an amendment without notice. Any other Member who wants to bring an amendment must give adequate notice. That is the procedure.

I want to kindly correct my good friend, Hon. Midiwo. When he said, "by 12.30 p.m. we did not know that there was going to be a Supplementary Order Paper", Hon. Midiwo and I sit in the House Business Committee (HBC). Yesterday we agreed in the HBC that there will be a Supplementary Order Paper. Normally, when you are told that you are time barred even if you have very good intention the procedures do not want to know the reasons for your being time barred.

This is a House of rules and procedures. Kindly let us follow the procedures. Let us say that this amendment, even if it is a very important one, is time barred. Let us, please, proceed.

**Hon. Midiwo:** Hon. Temporary Deputy Chairlady, I rise to ask that the Committee do report progress.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Thank you, hon. Jakoyo Midiwo. That is all I was asking for that you use the procedures of this House to put your point across.

The procedure is that as the Chairperson of the Committee Stage I report progress to the House and then we will make a decision on Hon. Jakoyo's issue which we cannot handle at the Committee Stage. Hon. Jakoyo has moved that we report progress.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## **PROGRESS REPORTED**

### THE APPROPRIATION BILL

**Hon. (Ms.) Shebesh:** Hon. Speaker, Sir, I beg to move that the Committee doth Report to the House its consideration of the Appropriation Bill and request to sit again tomorrow.

**Hon. Nyenze** seconded.

*(Question put and the House divided)*

*(Several Members stood up in their places)*

**Hon. Speaker:** Order! Order! Hon. Members, you may resume your seats. The Clerks-at-the-Table have counted and confirmed that you have the requisite number for a division. Therefore, I order that the Division Bell be rung.

*(The Division Bell was rung)*

Order, hon. Members! Resume your seats. I will now announce the names of the two tellers. We will have two for reasons that I will explain. We are going to do a roll call of voting. The teller for the Noes will be Hon. (Dr.) Pukose and for Ayes it will be Hon. Wandayi. Let the doors be closed and the Bar be drawn. No hon. Member shall enter or leave the House until after the roll call of vote has been taken. For the benefit of hon. Members, I will put the Question again which is that the Committee reports progress and adjourns. The Clerk should call out the names of hon. Members in alphabetical order in the presence of the tellers. Every hon. Member called will vote yes or no in the presence of the tellers. Is that clear?



**Hon. Members:** No.

**Hon. Musyimi:** Hon. Speaker, Sir, quite a number of hon. Members are new and I think we need to be told what voting “No” means and what voting “Yes” means. That is not clear.

**Hon. Members:** Yes.

**Hon. Speaker:** Hon. Members, for the avoidance of doubt, the report of the Committee was to report progress and seek leave to sit again. That sitting again could mean today or tomorrow.

**Hon. Members:** No.

**Hon. Speaker:** Those who are saying no, what do you know? That sitting again could mean today or tomorrow. I am sure most of you know the rules of the House. The House rises, unless otherwise it resolves to sit beyond the normal sitting time, at 6.30 p.m. Just look at the time. The net effect may actually be the same, but there are those who said that the Committee should not meet again. There are those who said that the Committee should meet again. Those are the yes. The Committee reports progress and request to sit again.

**Hon. Members:** Tomorrow!

**Hon. Speaker:** You just want to hear the word “tomorrow”? The Committee reports progress and seeks leave to sit again. It seeks leave from the whole House. So, there are those of you who have said yes and there are those of you who have said no. Those who are saying that that Committee sits again, it could be today or tomorrow. The answer would be the same, yes. For those who say that it should not even meet either today or tomorrow, the answer is no.

*(Loud consultations)*

Hon. Members, can I repeat the Question, so that you vote knowing what it is you are voting for? The report was reporting progress and seeking leave of the whole House to sit again. The Question I put was to hear those who were for the opinion; those who agreed with that report of the Committee; the people claiming the Division, said yes.

**Hon. Members:** No.

**Hon. Speaker:** They say no; those agreeing with the Committee? You see, there are those who agreed with the request of the Committee. The Committee was to seek leave of the House to sit again.

**Hon. Members:** Tomorrow.

**Hon. Speaker:** So, there are those who say yes and there are those who say no. For avoidance of doubt, can we say that the Committee seeks leave to sit again tomorrow, so that nobody is in doubt as to what they are saying yes or no to? Are you clear now? The Committee seeks leave to sit again. You are either for the sitting again or against the sitting again. Is that correct?

*(Loud consultations)*

Members, those of you who agree with the Committee’s request to the House to sit again will vote yes. Those against the Committee sitting again will vote no. Members, you must

listen to this: If for instance, those against the Committee sitting again today win that does not mean that the Committee cannot sit tomorrow. Obviously, it is already past six O'clock and the House has not been moved to sit beyond the normal sitting time. I am explaining the obvious.

*(Loud consultations)*

Those of you who have seen goal posts will make all manner of statements, but there are no goal posts.

**Hon. Members:** We adjourn.

**Hon. Speaker:** The House cannot adjourn when we are voting. That is the rule. Some Members are not clear? For avoidance of doubt, let me hear those of you who want to raise points of order.

**Hon. Shill:** On a point of order, Hon. Speaker, Sir. We are getting more confused because the Committee of the whole House was sitting. There were interruptions, which we argued that we wanted a ruling on, whether we should continue or not. That was the problem. From what I have learned on the Floor of the House, Hon. Midiwo was saying that he consulted you and then there was this and that. We are saying that we must follow the law. We wanted to continue and dispose of this issue. That is why we have been seeking that Division. You have put us into another catch 22 situation. Can you be very clear?

**Hon. Speaker:** The ruling is so clear. The issue about what Hon. Midiwo spoke to me is not now before us. Hon. (Ms) Ng'ang'a, you also want to seek a clarification? Hon. Alice Ng'ang'a, you also want to contribute? You do not have a card?

*(Loud consultations)*

**Hon. (Ms.) Ng'ang'a:** Hon. Speaker, first, protect me from these guys.

**Hon. Speaker:** Hon. Members, let us dispose of the business before us. I think the rest you can discuss elsewhere. You have actually denied Hon. Kaluma an opportunity to move his Motion.

**Hon. (Ms.) Ng'ang'a:** Hon. Speaker, Sir, we thought the "noes" were supposed to continue and the "yes" were supposed to adjourn until tomorrow. So, when we were saying "no", we wanted to finish with this Bill today. That was the position. For the "noes", we finish and we do away with this Bill and the "yes" adjourn until tomorrow. I wanted your intervention on that.

**Hon. A.B. Duale:** Hon. Speaker, Sir, before you came we were in the Committee of the whole House and Hon. Jakoyo raised a fundamental thing that let us deal with the Committee of the whole House tomorrow, Thursday. Some of the hon. Members disagreed with that and the Committee Chair reported that the House doth adjourn. The Standing Orders are very clear – the House doth adjourn to the next sitting and that was what was put to Question. Those who will agree for the House to adjourn will vote "yes". Those who disagree, in which group I lead to be more precise, we are going to vote "no". In my own clarification and the Budget Office is here, this is a very crucial Bill. As we

go to voting, I want it to be very clear that there are those who agree with the adjournment.

**Hon. Members:** Pay teachers.

*(Loud consultations)*

**Hon. A.B. Duale:** Hon. Speaker, if you protect me, for the record---

**Hon. Speaker:** You see, I do not want to entertain debate at this point.

**Hon. A.B. Duale:** Hon. Speaker, if you protect me, I want to make it very clear that what is before this House is the Appropriation Bill 2013/2014. It has nothing to do with teachers.

**Hon. Members:** No! No!

*(Loud consultations)*

**Hon. A.B. Duale:** Hon. Speaker, Sir, we are not in a fish market. It is the Appropriation Bill.

**Hon. Speaker:** Hon. Members, whether you are on a point of order or a point of argument, I think we must also appreciate that we are now in a Division and your views will not change until we vote one way or the other. There are those who want the report of the Committee. This is why it is important. Let me explain to you why it is important: Remember the Chair is quite aware that you were in the Committee of the whole House. You had already disposed of Clause 2 of the Appropriation Bill. That must be clear to all of you so that you know that business in Committee has already commenced. That is absolutely important for everybody to bear in mind so that the request made by the Committee was to report progress and seek leave to sit again in Committee. The matter cannot be in the House again. We have already disposed of Clause 2 of the Bill in Committee. That is important. Therefore, even if you adjourn to tomorrow or to midnight tonight, Clause 2 of the Bill cannot be revisited. That is already settled.

**Hon. Members:** No! No!

**Hon. Speaker:** It is. Those who were not in the Chamber at the time, please be accordingly advised that even if you adjourn to sit tomorrow or at 11 O'clock in the night, you will still sit in Committee. That is the proper procedure. So, can we take the vote?

**Hon. Members:** Yes.

**Hon. Speaker:** There are those for or against. Those who are going to vote "no", record yourselves and those who are going to vote "yes" will be recorded. Those who want to abstain, we will also indicate that they are abstaining. We will not debate this forever. Let me call the Clerk to call out the names of Members in alphabetical order so that you express yourselves in the vote.

*(Names of Members were called out to vote)*

**Hon. Speaker:** Hon. Members, in our Standing Orders, a roll call voting in which you indicate whether you are voting "Yes" or "No" is provided. But, I am a bit

worried, given the levels of consultations; I do not know whether the Clerks will hear properly. I could give the Clerks some time, and then we can do that very quickly. Hon. Members, to pronounce the word “Yes” or “No” cannot take even 10 seconds. Please allow other Members to say what they want to say. Most of you appear to be addressing public rallies.

### DIVISION

**Hon. Speaker:** Order, hon. Members! Resume your seats. Order! Those who are upstanding may resume your seats. Be seated! Can I have the tellers to come forward to give us the results? Hon. Members, it is embarrassing that old hon. Members are the ones who do not even want to listen. Announce the results from where you are. Hon. Members, let the tellers give us the results as you resume your seats.

*(Question negatived by 71 votes to 64)*

**AYES:** Mr. Ababu, Ms. Ali F.I., Messrs. Anami, Anyanga P.E.O, Arama, Bosire; Ms. Chae; Messrs. Duale M.D, Ganya, Geni, Ibren, Iringo, Kajwang', Kaluma; Ms. Kedogo, Ms. Keraa; Ms. Khamisi; Messrs. Kisoi, Kitungi, Kobado, Koyi; Ms. Lay; Messrs. Lempurkel, Makenga, Mati, Midiwo, Mirenga, Momanyi; Ms. Muia; Messrs. Mukwe, Mulu, Mung'aro; Ms. Musyoka; Bishop Mutua; Messrs. Mwadeghu, Mwadime, Mwamkale, Mwanyoha, Mwashetani, Mwaura, Nkaissery Maj-Gen., Nuh; Ms. Nyamunga; Messrs. Nyamweya, Nyenze; Dr. Nyikal; Messrs. Ochieng, Odanga; Ms. Odhiambo-Mabona; Dr. Oginga; Ms. Ombaka; Messrs. Omondi G.W., Omondi J.O, Ondicho, Opiyo, Otaalo, Oyugi, Ramadhani, Simba, Tonui, Wakhungu, Wandayi, Wanyonyi F.K and Wetangula.

Teller of the Ayes: Dr. Pukose.

**NOES:** Ms. Ali T.G; Messrs. Banticha, Bett J.K; Ms. Chebet; Messrs. Cheboi, Chege J.K, Chege, J.N; Ms. Chege S.W; Messrs. Chepkong`a, Cheptumo, Dido, Duale A.B, Duba, Farah; Ms. Fathia; Messrs. Gichigi, Gikaria, Ichung'wah; Ms. Kajuju; Messrs. Kamanda, Kangara, Kanini Kega, Karani, Kariuki Ndegwa, Katoo, Kenta ole, Keter Alfred, Kihagi, Kinoti; Ms. Kipchoim, Ms. Kiptui, Messrs. Kombe, Lagat, Langat, Lessonet, Macharia, Manje, Melly, Ms. Mitaru, Mr. Mohamed Abass, Ms. Muhia, Messrs. Murungi, Musyimi, Mwaita, Mwangi, Nakara, Nanok, Ndirangu; Ms. Ng'ang'a, Ms. Ngetich; Messrs. Ngunjiri, Njomo; Ms. Njuguna W.K., Mr. Ntutu ole; Ms. Nyaga B.N.; Messrs. Nyumu, Omagwa, Otsiula, Dr. Pukose, Messrs. Rai, Rop, Sakaja, Sang, Serem, Serut; Ms. Shebesh, Messrs. Shidiye, Shill, Theuri; Ms. Wanyonyi R.N and Mr. Wekesa,

Teller of Noes: Wandayi.

**ABSENCES:** Bunyasi, Kemei, Kipyegon

**Hon. Speaker:** Hon. Members, this is the direction from the Chair. I order the Appropriation Bill, 2013, to be included in the Order Paper tomorrow, 27<sup>th</sup> June, at 2.30 p.m. to commence considerations of that business after Clause 2.

Any Member desirous of having any amendments must ensure that those amendments are with the Clerk by 7.30 p.m. tonight. That is in keeping with our Standing Orders. That is the order of business tomorrow among other businesses.

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, it is now time to interrupt the business of the House. The House stands adjourned until tomorrow, Thursday, 27<sup>th</sup> June, at 2.30 p.m.

House rose at 7.25 p.m.