

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th April, 2016

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Report of the Auditor-General on the Financial Statements in respect of the Agricultural Settlement Fund Trustees, the Nursing Council of Kenya and the National Housing Corporation for the year ended 30th June, 2015 and the Certificate therein.

The list of nominees to the National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board.

The Ministry of Lands, Housing and Urban Development's Reviewed National Housing Policy of November, 2015.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

STATEMENTS

Hon. Speaker: Can we get the Report from the Departmental Committee on Transport, Public Works and Housing?

Hon. Emmanuel Wangwe, you have 10 minutes.

BUSINESS PENDING BEFORE THE COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

Hon. Wangwe: Hon. Speaker, I wish to update the House on the business pending before the Departmental Committee on Transport, Public Works and Housing.

Firstly, we have a petition regarding delayed reconstruction of a bridge across Thwake River. The petition was brought to the House by Hon. Robert Mbui and referred to us on 25th February, 2016. The Report was adopted and it will be delivered to the House tomorrow.

Secondly, we have a petition regarding the deplorable state of the Kitui-Kibwezi, Class B7 Road. The petition was brought to the House by Hon. (Dr.) Rachel Nyamai and referred to us on 17th March, 2016.

Thirdly, we have a petition regarding construction of foot bridges along the Thika Super Highway. The petition was brought to the House by Hon. Francis Waititu and referred to us on 30th March, 2016.

Fourth, we have a petition regarding the relocation of K.K. Nkengechia Primary School by Hon. David Karithi. The petition was referred to us on 30th March, 2016.

The Cabinet Secretary (CS) is supposed to appear before the Committee tomorrow and respond to the three petitions.

Hon. Speaker, in addition, the Committee is seized of the following legislative proposals:-

- (i) The Elevator Safety Authority Bill, 2016 sponsored by Hon. Benjamin Washiali, which was referred to us on 7th September, 2015;
- (ii) The Quantity Surveyors Bill, 2015 sponsored by Hon. Lati Lelelit, which was referred to us on 24th August, 2015, and whose due date was 25th September, 2015;
- (iii) The Maritime Service Providers Bill, 2016 sponsored by Hon. Samuel Gichigi, which was referred to us on 24th August, 2015, and whose due date was 25th September, 2015; and,
- (iv) The Housing (Amendment) Bill, 2016 sponsored by Hon. Ababu Namwamba.

(Hon. A.B. Duale and Hon. Midiwo consulted loudly)

Hon. Speaker: Order, Hon. Members! The Leader of the Majority Party and the Deputy Leader of the Minority Party, you appear to be the ones consulting loudly. We need to hear from Hon. Wangwe.

Hon. Wangwe: Thank you, Hon. Speaker.

The four legislative proposals are under consideration and all the Members have appeared before the Committee. We are concluding the Report and we will proceed with the procedures.

Hon. Speaker, there are also two Bilateral Air Service Agreements (BASAs) pending before the Committee. The first BASA is between the Governments of the Republic of Kenya and the Government of the Socialist Republic of Vietnam, while the second one is between the Governments of the Republic of Kenya and the Government of the Republic of Liberia.

The two BASAs are pending because we are waiting for the input by the Executive to our Committee so that we can finalise the Report. The Cabinet Secretary has undertaken to proceed and forward the input to us.

Hon. Speaker, there are benchmarking visits we made as a Committee. The reports will be tabled in the House shortly. We attended the 11th Session of the International Maritime Organisation held in the United Kingdom between 28th June and 4th July, 2015. We also attended the National Association of State Contractors Licensing Agencies 53rd Annual Conference in San Diego and the 102nd Session of the International Maritime Organisation Reception to celebrate the coming into force of the Wreck Removal Convention in London, between 14th and 16th April, 2015.

The Reports are awaiting consideration and adoption by the Committee.

Thank you, Hon. Speaker.

Hon. Speaker: Order, Members! I wonder whether many of you heard about the Report that was being given by Hon. Wangwe from the Departmental Committee on Transport, Public Works and Housing.

Hon. Kubai Iringo: On a point of order, Hon. Speaker.

Hon. Speaker: I can see some intervention from Kubai Iringo.

Hon. Kubai Iringo: Thank you, Hon. Speaker. When the Hon. Member was reading the petitions, I did not hear him read the position of my Petition which I brought to this House on 12th of this month. You referred the same to the Departmental Committee regarding the situation of the road from Maili Tatu to Meru National Park which is in a deplorable condition. Can he tell us why he did not mention it?

Hon. Wangwe: Thank you, Hon. Speaker. This was the summary I was given by the Clerk of the Committee to report to the House. I undertake that I will go back, check what the Member has said and report back to the House.

Hon. Speaker: It means that the Clerk of the Committee has not given you correct information of all the pending business before your Committee. You should take that Clerk on especially now that we know there is that Petition from Hon. Iringo.

Hon. Kubai Iringo: On a point of order, Hon. Speaker.

Hon. Speaker: There is another intervention from Zuleikha Juma. What is it?

Hon. (Ms.) Juma: Thank you, Hon. Speaker. I just wanted to inquire about the report on my Petition of Kwale International Sugar Company Limited that I brought to the National Assembly last year in August. I am yet to get any response on that from the Departmental Committee on Labour and Social Welfare.

Hon. Speaker: This is not time for that. We are dealing with this Committee.

Hon. (Ms.) Juma: I just wanted to make---

Hon. Speaker: Are you a Member of the Departmental Committee on Justice and Legal Affairs?

Hon. (Ms.) Juma: No, Hon. Speaker.

Hon. Speaker: You can see the Chairman of the Departmental Committee on Justice and Legal Affairs is happily walking in.

(Laughter)

Hon. Chepkong'a, the nominated Member, Hon. Zuleikha Juma, presented a Petition regarding Kwale International Sugar Company last year. She is desirous of knowing the position although she should have indicated that she had written to show that they have sorted this out in the village way. She wrote a letter indicating that there was a way of resolving the matter.

Hon. Zuleikha, you should have gone on to explain that you had at some point reached an agreement with the company, and they were to do certain things. I do not know whether that is the correct position. I would advise that you pursue the matter with the Departmental Committee on Justice and Legal Affairs, if you wish to revive it.

Hon. (Ms.) Juma: I have some information, Hon. Speaker.

Hon. Speaker: You have some information on it?

Hon. (Ms.) Juma: Yes, Hon. Speaker.

Hon. Speaker: Hon. Chepkong'a, do you have some information on it?

Hon. Chepkong'a: I thank you, Hon. Speaker. I was walking in so that I can support her in this Petition and the upcoming matters.

Indeed, the Petition came to us and while we were still considering it, a letter came from her saying that they were in the process of using the traditional courts, which of course, are not legislated, in a bid to resolve this problem. Therefore, we were waiting to hear how far they have gone. If they have not resolved the problem, we are willing to take it up from there.

Thank you.

Hon. Speaker: Hon. Zuleikha, you better raise the matter afresh with the Committee. You could appear before the Committee so that you can revive the matter.

Let us have Hon. Washiali.

Hon. Washiali: Thank you, Hon. Speaker. I want to inquire about the Elevators Safety Authority Bill, 2015. I had made a proposal some time back to the Departmental Committee on Transport, Public Works and Housing which Hon. Wangwe was giving an appraisal on. I had been invited by the Committee last year but this is the fourth month and they have not invited me again. So, I do not know the fate of this Bill.

I was requesting if he could update us on when I am going to appear before the Committee so that we can finalise this proposed Bill and move forward.

Hon. Speaker: Hon. Wangwe, are you in a position to respond?

Hon. Wangwe: Thank you, Hon. Speaker. The Member is right. That was legislative proposal No.1 which was to do with the Elevators Safety Authority Bill, 2015, whose maturity date was 7th September, 2015. The challenge we got as a Committee was the vastness of the proposal. It is seeking to establish a whole board and it had to go through a few consultations with the Executive. If I am not wrong, the Chairman approached Hon. Washiali about two weeks ago and they have been talking to understand to what extent they want to handle it.

The Member is right to complain because it has taken too long. I will still move to the Chairman and ask that he fast tracks the discussion until they come to an agreement and table the report on the Floor.

Hon. King'ola: On a point of order, Hon. Speaker.

Hon. Speaker: Very well. Hon. Patrick Makau, what is your intervention?

Hon. King'ola: Thank you, Hon. Speaker. I rise on behalf of the Member for Kathiani. I would like to put it straight that the bridge between Kathiani and Kangundo is still impassable. The bridge was carried away by the rains. It is not possible for people from Kangundo to go to Kathiani and vice versa. I wish---

Hon. Speaker: Is it a petition that was presented?

Hon. King'ola: I am responding to the same petition by the Member for Kathiani. He is out of the country.

Hon. Speaker: Is there a petition?

Hon. King'ola: Yes, there was.

Hon. Speaker: Has it been reported on?

Hon. King'ola: Yes, it was reported. I was standing to urge the Committee to fast track the same.

Hon. Wangwe: Thank you, Hon. Speaker. If I am wrong or right, allow him to correct me, it is Petition No. 1 on the Thwake River, by Hon. Mbuu, is it the same?

Hon. King'ola: Yes.

Hon. Wangwe: Being the same, Kenya Rural Roads Authority (KeRRA) took a temporary bridge to that river. We had a lengthy discussion with Hon. Mbui who attended the Committee sittings and in attendance was the KeRRA Director-General. We agreed that we get a temporary solution as they look for a permanent solution. As much as he is right, that is the situation today.

Thank you.

Hon. Speaker: Very well. Hon. Kajuju, the Chairperson of Regional Integration Committee, are you ready?

Hon. (Ms.) Kajuju: Yes, I am ready, Hon. Speaker.

Hon. Speaker: Proceed.

BUSINESS PENDING BEFORE THE COMMITTEE
ON REGIONAL INTEGRATION

Hon. (Ms.) Kajuju: Hon. Speaker, this is the status report of the Committee on Regional integration. The documents that have been presented to the Committee are from the East African Legislative Assembly.

We have the following Bills:-

- i. The East African Community Creative and Cultural Industries Bill, 2015;
- ii. The East African Community Gender and Development Bill, 2015; and,
- iii. The East African Community Electronic Transaction Bill, 2014.

The Bills have been considered and concluded by the Committee. The reports are being processed in our office and they will be tabled as soon as possible.

On the reports, we have:-

- i. The Report of the Committee on General Purpose on the oversight Activity on the Legal Framework, Implementation of Policies on the Rights of the Child in the East African Partner States.
- ii. The Report of the Committee on Agriculture, Tourism and Natural Resources on Regional Parliamentary Policy Workshop on Climate and Gender.
- iii. The Report of the Committee on Communication, Trade and Investments on the Workshop on Investment Policy and Strategies in the East African Community Region.
- iv. The Resolution of the Assembly to congratulate the Republic of Uganda upon acquiring the Third Generation Identity Cards and encourage Partner States which are still in the process to finalise on time.
- v. The Resolution to support East African Athletes from the Republic of Kenya and congratulate them for exemplary performance in the ongoing world Athletics championship in Beijing, China.
- vi. The Resolution of the Assembly to call for urgent action to prevent trafficking in persons, protect victims of the crime of trafficking in persons and prosecution of perpetrators of trafficking of persons in the East African Community.
- vii. The Report of the Committee on Regional Affairs and Conflict Resolution on the goodwill mission to Burundi refugees in Kigoma, Tanzania and Eastern Province in Rwanda.

- viii. The Report of the Committee on Legal Rules and Privileges on tracking the implementation of resolutions and questions of the Assembly and Council commitments.
- ix. The Report of the Committee on Communication, Trade and Investment on the on-spot assessment of one-stop border posts in the East African Community.
- x. The Report of the Committee on Communication, Trade and Investment on the workshop of the East African Community Financial Sector Integration.
- xi. The Report of the Committee on General Purpose on the petition to advocate for key issues concerning the youth in the East African Community.

We are also looking at the summary of the Report of the Committee on General Purpose on the petition to the East African Legislative Assembly regarding the work and residents' permits in the East African Community for the citizens of the Partner States. We are also looking at the Report of the Committee on Accounts on the Audited Accounts of the Financial Statements of the East African Community for the financial year ended 30th June, 2014.

(Loud consultations)

Hon. Speaker: Order, Members! Surely, Hon. Kajuju must be heard in silence. I know you are not just consulting but you may be doing something else. Do it in low tones. Hon. John Mbadi, you may be trying to persuade some Members to---Let us allow Hon. Kajuju to be heard.

Hon. (Ms.) Kajuju: I understand the mood of the House. Yesterday, we had a dinner dance.

We are also looking at the following resolutions:-

- (1) The Resolution of the Assembly urging East African Community Partner States to ratify the protocol of the constitutive Act of the African Union (AU) relating to the Pan-African Parliament;
- (2) The Resolution of the Assembly urging the East African Community Partner States to ratify and deposit instruments of ratification to the Protocol to the constitutive Act of the AU relating to the Pan-African Parliament;
- (3) The Resolution of the Assembly congratulating the Fifth President of the United Republic of Tanzania, His Excellency John Pombe Magufuli, on his election victory and commending the people of the United Republic of Tanzania on the commitment to peace and democracy during the general elections in 2015;
- (4) The Resolution of the Assembly urging the East African Partner States and the Community to implement the theme: "From Peace in the Home to Peace in the World. Make Education Safe For All in Commemoration of the International Day for the Elimination of Violence Against Women - The 16 Days of Activism"; and,
- (5) The Resolution of the Assembly seeking leave to give evidence in the East African Court of Justice in respect of the content of the proceedings and the documents of the Assembly. This gives the Assembly's position on the uses of its proceedings in the East African Community in respect of the case of Margaret Zziwa versus the Secretary-General.

All the Bills, Reports and Resolutions have been looked at by the Committee and a decision has been made and it has been adopted by the Committee. All the Reports, Bills and Resolutions are being prepared for tabling before the House.

Hon. Speaker: Hon. Members, that was a report from the Chairperson of the Committee on Regional Integration. I thought that she was going to extend an invitation to all Members to attend their function on 5th May, 2016. You have a function. Hon. Kajuju, why do you not specify what it is?

Hon. (Ms.) Kajuju: Hon. Speaker, thank you for reminding me. Hon. Members, I kindly invite you on 5th May, 2016, from 7.30 a.m. to 12.30 p.m. We will have a Speaker's Roundtable which will be hosted by the Ministry of East African Affairs and Commerce. The Speaker will be in attendance and all Chairpersons of Committees are invited. I will use my discretion as the Chair of the Committee on Regional Integration to request all Members who are interested in the East African Community and the integration process, which believes in the deepening and widening of integration process, to appear and be with us as we celebrate the Speaker's Roundtable at the Hotel Intercontinental. Kindly attend so that we can be together to celebrate the integration process.

Hon. Speaker: Order, Members! Hon. Ken Okoth, I am sure you may be trying to do something good to persuade those that you think might be recalcitrant.

Hon. Members, allow me before we proceed with business to recognise the following Kenyans seated in the Speaker's Gallery:- Officials and pupils from Chemelil Sugar Primary School from Muhoroni Constituency, Kisumu County and Kiatuhu Catholic Women's Association from Gichugu Constituency. They are all welcome to observe the proceedings of the National Assembly and especially, this afternoon.

Let me also recognise, seated in the Diplomatic Boxes, former Members of Parliament, Hon. Dr. Julia Ojiambo and Hon. Phoebe Asiyo.

(Applause)

The rest are encouraged to continue observing.
Next Order!

BILLS

Third Reading

THE PRIVATE SECURITY REGULATION BILL

Hon. Speaker: Order Members, including the Member for Mbita! Hon. Members, debate on this Bill was concluded yesterday and what remains is for me to put the Question.

(Question put and agreed to)

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

First Reading

THE HYDROLOGISTS BILL

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

Hon. Speaker: Order Members! Let me explain this short procedure. The business appearing as Order No.10, as you will all recall has gone through the Second Reading and obtained the more than the two-thirds threshold required.

Next is consideration of the same Bill in the Committee of the whole House. In the Committee of the whole House, there is no requirement of the two-thirds threshold. In the Committee of the whole House, whether it is a constitutional Bill such as this, it does not require the two-thirds threshold. Therefore, it means we can go on and consider it in the Committee of the whole House and then be left with the Third Reading. The requirement is that a Bill amending the Constitution must be passed by not less than the two-thirds majority of Members in both the Second and Third Reading but, not in the Committee of the whole House.

So, we proceed to the Committee of the whole House.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL

Hon. Deputy Chairman: Order Members! We are now in the Committee of the whole House to consider the Constitution of Kenya (Amendment) (No.2) Bill, National Assembly Bill No.02 of 2015, which was moved by Hon. Peter Kaluma.

Hon. Members, as you are aware, there are no amendments in a constitutional amendment Bill.

So, I put the Question.

(Clauses 3 and 4 agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Deputy Chairman: Let us have the Mover, Hon. Kaluma.

Hon Kaluma: Hon. Deputy Chairman, I beg to move that the Committee doth report to the

House its consideration of the Constitution of Kenya (Amendment) (No. 02) Bill, National Assembly Bill No.02 of 2015 and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

THE CONSTITUTION OF KENYA (AMENDMENT) (NO.2) BILL

Hon. Speaker: Let us have the Chairperson.

Hon. (Ms.) Shebesh: Hon. Speaker, I beg to report that a Committee of the whole House has considered the Constitution of Kenya (Amendment) (No.02) Bill, National Assembly Bill No.02 of 2015 and approved the same without amendments.

Hon. Speaker: Let us have the Mover, Hon. Kaluma.

Hon. Kaluma: Hon. Speaker, I beg to move that the House doth agree with the Committee in the said report.

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

Hon. Speaker: Yes, Hon. Midiwo.

Hon. Midiwo: I second.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Members, I have to conduct business while seated most of the time because I can see there is a lot of activity. There may be need for Members to be mobile, as you need to.

Having dealt with the Bill by Hon. Kaluma in Committee of the whole House, as we have, and as I had explained earlier on, it now moves to the Third Reading. Therefore, once that Order is called out, I will have the Division Bell rung because, as the rules say, the House may not proceed to consideration of the Bill until I am satisfied that you have the requisite number of Members present in the House.

I am sure we all appreciate the Bill by Hon. Kaluma.

Next Order!

Hon. Speaker: Hon. Members, just a minute. Hon. Ken Okoth, the Member for Kibra, do you have an intervention?

Hon. Okoth: On a point of order. Thank you, Hon. Speaker. Just a quick point of order and I seek guidance from you. Based on the number of items on this Order Paper of today, would

I be in order to request that we vote early now and that Parliament extends its sitting until all the business for today is covered?

Hon Speaker, I beg to move.

Hon. Speaker: It is not done that way!

Hon. Okoth: That is why I was rising on a point of order and seeking your guidance.

Hon. Speaker: Just approach the Clerks-at-the-Table for advice.

Hon. Okoth: *Sawa sawa*. I will not *piga firimbi*.

(Laughter)

Hon. Speaker: Hon. Ken Okoth, you are not late. Approach the Clerks-at- the Table. They will give you guidance.

Hon. Okoth: With pleasure. Thank you. I appreciate your guidance, Hon. Speaker.

(Loud consultations)

THIRD READING

THE CONSTITUTION OF KENYA (AMENDMENT) NO.2) BILL

Hon. Speaker: Hon. Members, the Order has been called out. Order No.11 is the Third Reading of this Bill, The Constitution of Kenya (Amendment) Bill, Bill No.2 of 2015 by Hon. Peter Kaluma.

In order to satisfy myself that we have the requisite number, I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Order Members! I have not yet ordered for the closure of the doors. In fact, I want to add an extra five more minutes for the Quorum Bell to ring. Go and bring Members in!

(The Quorum bell was rung)

Order, Hon. Members! Please, take your seats. The ones making their way in do so quickly. Draw the Bars.

(The Bars were drawn)

Hon. Members, I understand that there are those of you who walked into the Chamber in a hurry or left your places of abode in a hurry to come and undertake this historic business. In the process, you forgot your log-in cards. Due to the importance of the business to be transacted, I have decided to allow even those who forgot their cards to vote. In order for me to proceed, may I know the number of Members who forgot their cards? Those of you who do not have your log-in cards, please, come to either side of the Speaker.

Hon. Anyanga, Hon. Sharrif and Hon. Harrison Kombe, do you have your cards? You can come here. You do not have to walk around. Hon. Ochieng, we can be through with this business in a short time. I want all Members to log out. I can see that there are Members whose cards are still reflected in our log-in machine. Hon. Tiyah Galgalo, remove your card.

Hon. Members, listen carefully: the business we are about to make a decision on is the business appearing as Order No.11, which is the Constitution of Kenya (Amendment) (No.02) Bill, National Assembly Bill No.02 of 2015, which was sponsored by Hon. Peter Kaluma. This Bill seeks to exclude the jurisdiction of courts of law from interfering with the processes before the Houses of Parliament.

Hon. Members, that is the first business. You have 30 seconds to log in so that we can ascertain if we have the requisite numbers. Do not remove your cards because we want to ascertain the number of Members in the Chamber.

Hon. Members, those whose cards are defective are up here. All of you have been counted, and in a House of 349 Members, we have managed to raise 229. One hundred and twenty Members are not here.

Hon. Member: They are outside!

Hon. Speaker: Do not tell me they are outside.

Hon. Members: Manual! Manual!

Hon. Speaker: You cannot tell me to do manual counting. The machines can identify those who have working and functional cards. Hon. Members, because of the national importance of the businesses listed here as Order Nos.11, 12, 13 and 14, I, in exercise of my discretion, order that the doors be opened for another 10 minutes. The Chief Whips should whip as many Members as possible. Hon. Wamalwa is not even here.

(The Quorum Bell was rung)

Order, Hon. Members! Please, take your seats. Serjeant-at-Arms, shut the doors and draw the Bars.

(The doors were shut and the Bars drawn)

Hon. Members, those of you who do not have your log-in cards, like Hon. Bishop Mutua, and those with malfunctioning log-in cards, please, come up here.

Hon. Members, I will not put the Question until we have confirmed that we quorate. I can see Hon. Alfred Keter.

(Several Hon. Members raised their hands)

Why are you raising your hands? Hon. Members, this is for the purposes of counting to know that we have quorum. There is no point of putting the Question when we do not know that we have the requisite numbers. Hon. Members, you now have 30 seconds to log in for purposes of being counted and not for purposes of voting.

(Loud consultations)

Order, Hon. Members! We now have a total of 242 members in the House. Therefore, I will now put the Question.

Hon. Ng'ongo: All Members are not in the Chamber.

Hon. Speaker: Hon. John Mbadi, forget about them. They could be in all manner of places, representing people or doing other things.

Hon. Members, for the benefit of all of us and for those that came after the second chance, I will put the Question. As I explained, this is the Constitution of Kenya (Amendment) Bill by Hon. Peter Kaluma, seeking to exclude the jurisdiction of the courts from interfering with matters pending before the Houses of Parliament.

Having understood the Question, you now have 60 seconds to vote but log out first.

(Hon. Members logged out)

Hon. Members, you have 60 seconds to log in. Do not vote, just log in. Abstentions may be registered at the Table.

DIVISION

(Question put and the House divided)

(Question carried by 242 votes to 5)

AYES: Messrs Katoo, Kosgey, K.K. Kinyanjui, Lempurkel, ole Kenta, Gethenji, Baiya, J.O. Omondi, Oyoo, A.O. Ahmed, A.B. Duale, Oyugi, Mwiru, Alfred Keter, Masadia, Sambu, Dido, Lentoimaga, Mwadime, Simba, Odera, Bady, Shill, Washiali, Mulu, Mbai, Kangara, Otsiula, Kinoti, Njagagua, Gimose, Nakuleu, Omulele, Serem, Kubai Iringo, Anyango, Mtengo, Maanzo, Nanok, Sitati, Bowen, Kiaraho, Ochieng', Were, Waweru, Mohamed Diriye, Lagat, Wangwe, J.K. Chege, Ngare, F.K. Wanyonyi, Kilonzo, Waititu, Njenga, Outa, Odanga, Ogalo, G.M. Omondi, Theuri, Steven Kariuki, Ogolla, Rai, Kombe, Mwanyoha, Dukicha, Osman, Saney, Sane, Mustafa, Kiptanui, Rop, Macharia, Gakuya, Mukwe, Ekomwa, J.K. Bett, Kamau, Olum, Kipyegon, Kihagi, Kobado, Nakara, J.N. Chege, J.M. Nyaga, S.A. Ali, Naicca, Sakaja, Mlolwa, Kahangara, Limo, M'uthari, Magwanga, Ndiege, Melly, Kemei, Kabando wa Kabando, Kajwang', Abongotum, Mbiuki, Murungi, Midiwo, Okoth, Keynan, Barchilei, Moi, Bitok, Korere, Muluvi, Lumunokol, Maweu, Ng'ongo, Onyura, Kisoi, M.D. Duale, Cheboi, Aburi, Musyimi, Chea, Mwamkale, Barua, Aluoch, Ngunjiri, Njuki, Musimba, King'ola, ole Ntutu, Wangamati, Bii, Koinange, Mwangi, Shehe, Rotino, Akujah, Letimalo, Otaalo, Bedzimba, Makenga, Tonui, Bunyasi, Mwaita, Chepkong'a, Gichigi, Ndiritu, Arama, S.S. Ahmed, Tiren, Onyango, Anami, Karani, Mule, Ramadhani, Wetang'ula, Ngahu, Wamunyinyi, Ndirangu, Korir, Cheptumo, Kisang, Chanzu, Cheruiyot, Ababu, C.M. Nyamai, Kaluma, Mutambu, Mwadeghu, P.E.O. Anyanga, Owuor, Shimbwa, Linturi, Mati, Nassir, J.K. Ng'ang'a, Kinyua, Ms. Tuya, Ms. Katana, Ms. A.W. Ng'ang'a, Ms. Wahome, Ms. Abdalla, Ms. Gathecha, Ms. B.N. Nyaga, Ms. Ngetich, Ms. Mbarire, Ms. Ombaka, Ms. Ghati, Ms. Kedogo, Ms. Gathogo, Ms. Mathenge, Ms. Ngeny, Ms. F.I. Ali, Ms. F.M. Mutua, Ms. Kajuju, Ms. Nyasuna, Ms. Kipchoim, Ms. Duri, Ms. Chepkwony, Prof. Sambili, Dr. Simiyu, Eng. Rege, Dr. Murgor, Prof. Nyikal, Ms. Teiya, Ms. Mbalu, Ms. Emanikor, Dr. Laboso, Ms. Fathia,

Ms. Keraa, Ms. Otucho, Ms. Seneta, Ms. Munene, Ms. Odhiambo-Mabona, Ms. Khamisi, Dr. Shaban, Ms. Ibren, Eng. Gumbo, Dr. Nyongesa, Ms. Tobiko, Ms. Kanyua, Ms. R.K. Nyamai, Ms. Shebesh, Ms. Amolo, Ms. Muia, Ms. Changorok, Ms. R.N. Wanyonyi, Dr. Pukose, Ms. Mitaru, Ms. Mumo, Ms. S.W. Chege, Ms. Shakila Mohamed, Ms. Gure, Ms. Sunjeev, Ms. Chebet, Ms. T.G. Ali, Dr. Munyaka, Ms. Muhia, Dr. Ottichilo, Ms. W.K. Njuguna, Ms. Chidzuga, Ms. Kering, Ms. Juma, Dr. Oginga, Bishop R. Mutua, Ms. Machira.

NOES: Messrs Elmi, Abass, Koyi, Mirenga, Gaichuhie.

ABSTENTION: Nil.

Hon. Speaker: Order, Members! This is the result of the Division. The “Ayes” have 226 electronic votes and 16 manual votes totaling 242 votes. The “Nays” have 5 electronic votes. There are no abstentions. The “Ayes” have it.

The Bill is to be read a Third Time.

(Applause)

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

Next Order!

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) (NO. 4) BILL

(Hon. A.B. Duale on 22.3.2016)

(Resumption of Debate interrupted on 21.4.2016)

Hon. Speaker: Hon. Members, since I had already confirmed that we have quorum, there is no need for the Division Bell to be rung.

Hon. Ng’ongo: *(Inaudible)*

Hon. Speaker: Hon. John Mbadi, you are not chairing a party meeting. I know you are very passionate about the business that we are about to undertake.

Hon. Members, this is the Constitution of Kenya (Amendment) (No.4) Bill (National Assembly Bill No. 38 of 2015) by the Leader of the Majority Party. It is to be read a Second Time.

The Members without cards can come over. Hon. Members, it is my hope that having dispensed with the first Bill, you immediately logged out. Hon. Ababu Namwamba, if you spend time there, you may not be counted. I am sure you want your vote to be counted.

Hon. Members, in order to move fast, I assume that everybody has logged out. Is that correct?

Hon. Members: Yes.

Hon. Speaker: Hon. Members, you may log in within 60 seconds.

Hon. Members: Explain.

Hon. Speaker: Hon. Members, this is a constitutional amendment Bill seeking to amend the Constitution to provide for the not-more-than two-thirds gender principle, which obtains in Article 81(b) of the Constitution.

(Loud consultations)

Hon. Members, you know about this Bill. I hope you have all logged in. You may now vote. You have 60 seconds to vote. Order, Members! Order, Members! Order, Hon. Wamunyinyi Athanas, the Member for Kanduyi!

(Question put and the House divided)

(Question negatived by 28 votes to 195)

AYES: Messers Simba, Bady, Shill, Washiali, Mwamkale, Katoo, Kinoti, Njagagua, Omulele, Dr. Simiyu, Anyango, Gimose, Nakuleu, Maanzo, K.K. Kinyanjui, Lempurkel, Karithi, Kiaraho, Ochieng, Were, Waweru, ole Kenta, Wangwe, J.K. Chege, Ngare, F.K. Wanyonyi, Kilonzo, Waititu Francis, Njenga, Outa, Odanga, Ogalo, G.M. Omondi, Theuri, Ogolla, Chea, Kombe, Dukicha, Osman, Gethenji, Baiya, J.O. Omondi, Kiptanui, Rop, Macharia, Oyoo, Eng. Rege, Kimaru, Ekomwa, Prof. Nyikal, Kamau, Olum, Kipyegon, Kihagi, Nakara, J.M. Nyaga, Naicca, Sakaja, Mlolwa, Limo, M'uthari, Magwanga, Ndiege, A.O. Ahmed, Kemei, Kabando wa Kabando, Mohamed Diriye, Abongotum, A.B. Duale, Murungi, Mirenga, Okoth, Keynan, Barchilei, Oyugi, Bitok, Mulu, Muluvi, Mwiru, Ng'ongo, Onyura, Kisoi, M.D. Duale, Cheboi, Alfred Keter, Mtengo, Musyimi, Gaichuhie, Eng. Gumbo, Barua, Masadia, Sambu, Dr. Nyongesa, Musimba, King'ola, ole Ntutu, Wangamati, Elmi, Koinange, Mwangi, Rotino, Letimalo, Otaalo, Makenga, Dr. Pukose, Tonui, Bunyasi, Chepkong'a, Ndiritu, Arama, S. S. Ahmed, Onyango, Anami, Karani, Mule, Kariuki Stephen, Wetangula, Munyaka, Ndirangu, Dr. Ottichilo, Cheptumo, Kisang, Chanzu, Cheruiyot, Mati, Mwadeghu, Kaluma, Mutambu, Ababu, Nassir, P. E. O. Anyanga, Dr. Oginga, Bishop R. Mutua, Owuor, Shimbwa.

Ms. Abdalla, Ms. Gathecha, Ms. Kanyua, Ms. Ngetich, Ms. Mbarire, Ms. B.N. Nyaga, Ms. Kedogo, Ms. Ombaka, Ms. Ghati, Ms. Gathogo, Ms. Mathenge, Ms. Ngeny, Ms. F.I. Ali, Ms. F.M. Mutua, Ms. Kajuju, Ms. Nyasuna, Ms. Kipchoim, Ms. Duri, Ms. Chepkwony, Prof. Sambili, Ms. Teiya, Ms. Mbalu, Ms. Tuya, Ms. Emanikor, Dr. Laboso, Ms. Korere, Ms. Fathia, Ms. Katana, Ms. Keraa, Ms. Otucho, Ms. Seneta, Ms. Munene, Ms. Odhiambo-Mabona, Ms. Khamisi, Ms. Ibren, Ms. Tobiko, Ms. A.W. Ng'ang'a, Ms. Kanyua, Ms. R.K. Nyamai, Ms. Shebesh, Ms. Amolo, Ms. Muia, Ms. Changorok, Ms. R.N. Wanyonyi, Ms. Mitaru, Ms. Mumo, Ms. S. W. Chege, Ms. Wahome, Ms. Shakila Mohamed, Ms. Gure, Ms. Sunjeev, Ms. Chebet, Ms. T. G. Ali, Ms. Muhia, Ms. W.K. Njuguna, Ms. Chidzuga, Ms. Kering, Ms. Juma, Dr. Shaban, Ms. Machira.

NOES: Messrs; Kosgey, Dido, Kangara, Otsiula, Serem, Nanok, Sitati, Lagat, Abass, Sane, Mustafa, Mukwe, Koyi, Melly, Kajwang', Mbiuki, Moi, Lomunokol, Maweu, Aburi, Aluoch, Ngunjiri, Bii, Shehe, Mwaita, Kinyua, J. K. Ng'ang'a, C. M. Nyamai.

Hon. Members, the results of the Division are as follows:-

AYES: Electronic tally, 182, Manual tally, 13, Total tally, 195.

NOES: Electronic tally, 25, Manual tally, 3, Total tally, 28.

ABSTENTION: Messrs Midiwo and S.A. Ali.

(Applause)

Hon. Members, it is clear that there are some Members who did not vote either way or register their abstentions. If you look at Standing Order No. 62, you will not have any problem in your heads about this procedure. It will be clear. It is very straightforward.

Hon. Member: What about those who voted manually?

Hon. Speaker: I am not yet talking about those who voted manually. I know that some of you voted manually. Those of you who voted “Ayes” manually are 13. As you can see on the screen, it is 182 which add up with the manual votes to 195. You require 233 votes to pass this Motion. The “Noes” have not numbered a third.

Before I make my next announcement, I will allow a few of you to address me on this issue and see whether you will elicit my sympathy. You require it because of where you have reached.

Let us listen to the Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker. I thank my colleagues because 195 Hon. Members voted in favour of this Bill.

(Applause)

All the Members of this House are serious. I want to take you---

Hon. Ng'ongo: *(Off-record)*

Hon. A.B. Duale: Hon. Speaker, the Chairman of the Orange Democratic Movement (ODM) is distracting me!

Hon. Speaker: Hon. Members, this is a very serious business. We cannot trivialise it the way Hon. John Mbadi seems to think. Allow Hon. Duale to say what he has. That way, other persons will be allowed to speak.

Hon. John Mbadi, you are not the only one who has to speak in this House. Please. Hon. Duale, proceed.

Hon. A.B. Duale: Hon. Speaker, I want to refer you to Standing Order No. 62(2). It reads as follows:-

“Notwithstanding paragraph (1), whenever a Bill or a special Motion the passage of which requires a special majority in the Assembly fails to obtain the required majority and the vote results in a majority of the “Ayes” but the “Noes” have not numbered at least one third of all the Members of the Assembly, the Speaker may direct that a further vote be taken on the particular question, and the further vote shall be taken within five sitting days from the day the first vote was taken.”

Hon. Speaker, based on this Standing Order, the “Noes” have not attained the required one-third of the Members of the Assembly. What we are doing is historic in the sense that the 9th and the 10th Parliaments, under the leadership of the late Mutula Kilonzo – may his soul rest in peace – could not achieve this number. It looks like it is the 11th Parliament that will go into history as having implemented the Constitution in full.

This House has passed more than 30 pieces of legislations. This is one of those pieces of legislations that will complete the full realisation of the constitutional implementation by 27th August 2017. I do not see any reason as to why this Bill should be different from the others. It is what the people of Kenya asked in 2010 when they voted for the Constitution in large numbers.

On behalf of the people of Kenya, the women of Kenya, including my mum who is 89 years old, my great wife, my sisters and my constituents, I urge you to consider and rule in favour of Standing Order No. 62(2).

Hon. Speaker: Hon. David Ochieng.

Hon. Ochieng: Thank you so much, Hon. Speaker. I support what Hon. Duale has said. This is not the first time we will be applying Standing Order No. 62. In the last Session, when I had a Bill to change the election date from August to December, we did it twice. At that time, you graciously used your discretion under the same Standing Order.

This is a very important matter. We have agreed we will be trying to pass all the Bills that will lead to the implementation of the Constitution in this Session.

Yesterday, we got into the Second Reading of the Judiciary Fund Bill. It will be good we deal with these matters now. The numbers will be the same because it is these Members of Parliament who will vote. I plead with you to allow us to vote on this Bill again, most probably tomorrow afternoon. I request that our whips do their job. This is not a matter for women alone or anybody else, but the whole House.

(Applause)

The sooner we take charge of our matters, the better. I plead with you to allow us to call on this Bill again even tomorrow afternoon, so that we go to recess when we are done with it.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Cecily Mbarire, the Chairlady of the Kenya Women Parliamentary Association (KEWOPA).

Hon. (Ms.) Mbarire: Thank you, Hon. Speaker. I also rise to support Hon. Duale and Hon. Ochieng in requesting you to invoke Standing Order No. 62(2).

I also want you to give guidance to this House as regards the voting rights of Members. This is because under Standing Order No. 70(3), it says that Members shall cast their vote by pressing “yes,” “no” or “abstain” buttons during electronic voting.

Under Standing Order No. 70(5), it also says that any Member who is for some reason unable to vote, can be allowed to record their decision in favour of or against the Question verbally, through your direction. From the look of the vote that we have just cast, there are Members who did not vote. What does it mean when some Members do not say “yes,” “no” or abstain?

Your direction is important.

Hon. Speaker: Hon. Members, I will respond to the last question by Hon. Mbarire. If you go beyond what you have quoted, you will see Standing Order No. 76(2), which says that it is disorderly conduct for a Member to fail to vote one way or the other or record their abstention. So, that is what it means. It is disorderly conduct.

From where I am, I wish it was possible to pinpoint who did not vote. That is the kind of person we will, perhaps, deal with. As you know, the manner of dealing with them may only result in diminishing the numbers necessary to pass the Motion.

(Applause)

You have to balance the consequences of interpreting Standing Order No. 76(2) to mean that one is in violation of Standing Order No. 107, in light of the fact that it may be necessary that we reconsider.

Let us hear Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Speaker, for giving this opportunity. I thank all the Members who have voted. Even though we have not got the requisite numbers, for me it is a great milestone. When I was coming here, I was worried. I thought we would only get 50. For those of us who were here in the last Parliament, I want to congratulate Members. They have done a wonderful job.

I want to agree with the Speaker that this is a case where we should not be punishing Members who have not voted. Let us take time to talk to each other. Even up to yesterday, I was still talking to Members who for one or two reasons were supporting us before, but were upset because of one or two reasons. Let us take time to talk to each other and persuade each other so that if we are given a second chance to vote by the Speaker, including having a good finishing for our brothers who are not able to see how we can throw a good jig, that is also possible.

I want to encourage our brothers and sisters that we are not bribing you. We are begging you for the sake of our sisters, aunties and grandmothers. For the sake of this one, we have cut the line and not put grandmothers. We put an age limit, even for mistresses for those who are shouting mistresses. For purposes of this, I have no qualms even if it is Mr. Mabona who wants to bring a co-wife to join me here. I will be very willing for the purpose of this.

(Laughter)

Mr. Mabona can bring another woman in the House. I, therefore, agree that you give us a chance either tomorrow or next week for us to take another vote.

Once again, I thank all the Members. This is really good.

Hon. Sakaja: Thank you very much, Hon. Speaker. First of all, I want to thank all the Members who have voted in the affirmative and to encourage those who have not.

From the point of order raised by Hon. Cecily Mbarire, the Hon. Member for Runyenjes, she has asked for your guidance. It is very clear within our Standing Orders that you either vote “yes”, “no” or abstain.

I am persuaded that if the vote has not been done in that manner, this vote is probably defective. This is a vote of great magnitude in this House and because you cannot ascertain how Members have voted---

As part of the leadership of this House, as the leader of the party within the ruling coalition, and the leaders in the Opposition know, it has taken us so much to get these numbers today. We are not sure that we will get these numbers tomorrow or next week. There are Members who voted “no”, but I am confident that their minds have been changed by the fact that they have seen 195 Members voting in the affirmative.

We should realise as men in this House that a candle does not lose its light by lighting another candle. We have nothing to lose. Since this vote is defective because there are those present who have neither voted “yes”, “no” nor abstained, we can have - not a re-vote - but the

actual vote again at this point. If that vote does not achieve its intended purpose, then you can use the Standing Orders to bring in the vote within five days. Let us not squander this opportunity at this monumental part of country to make history. It is legal because that vote is defective.

There are 28 Members who can make history in this House. The vote is defective. Even if they do not make it, the option for a re-vote according to the Standing Orders is still open. It is possible and procedural. Not voting is what is not procedural. Even Hon. Jakoyo is going to vote “yes”. I know he voted “yes”.

Hon. Speaker: Let me hear some party honcho, John Mbadi.

Hon. Ng’ongo: Thank you, Hon. Speaker. First of all, let me apologise if you noticed that I was becoming a bit agitated. Actually, I was frustrated because when I took a vote on the first Bill by Kaluma, I did it against my conscience so that I do not pollute the environment for the second Bill. To me, it is a pity that such an important task is given to us as a House by the people of Kenya to execute on their behalf, and we have failed miserably.

I know hon. Millie has congratulated us for trying, but we are over 349 Members of Parliament. If we wanted to pass this Bill, we should have done it this afternoon. The lobbying has been going on for over one year. I am not sure that even if you apply Standing Order 62, we are going to get the numbers. If we cannot do it this evening, then we should leave it to the people of Kenya because this House has failed to actualise the two-thirds principle. We need to be ruthlessly honest with each other. This idea of pretending that we support this Bill and we are not, we should just say as a House that we have failed so that the people of Kenya can decide what to do. There is recourse.

I remember the court had pronounced itself in terms of the implementation of that particular provision in law. Right now, we should give it to the people of Kenya so that they can decide to go to court and ask for specific performance, failure to which we should go home and have another Parliament to come in and actualise this.

(Loud consultations)

Hon. Speaker: Order, Members!

Hon. Ng’ongo: It is pretence! Even if you defer this thing for five days, we will not get the numbers. The Members are not honest. That is my position.

Hon. (Eng.) Gumbo: On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Gumbo?

(Loud consultations)

Hon. (Eng.) Gumbo: Hon. Speaker, there is so much noise. I thank you for giving me the opportunity to raise my point of order. Before I raise my point of order, I---

(Hon. Gumbo paused)

Hon. Members: *Ongea!*

(Hon. Speaker consulted the Clerk-at-the-Table)

Hon. (Eng.) Gumbo: I want to address the Speaker directly, please.

Hon. Speaker: Yes, Hon. Gumbo.

Hon. (Eng.) Gumbo: In the morning, I had risen on a point of order to raise my objection to the kind of coercion and arm-twisting that this House was being subjected to. But I had confirmed that time, and I confirm now, that on behalf of the people of Rarieda, I was going to vote for this Bill and I have voted for it.

The House as constituted now, you are aware that the Member for Ugunja is on suspension and cannot exercise the right to vote. As an Engineer, because he cannot exercise the right to vote, then the maximum number that can be in this House is 348. If you divide by two-thirds, that is 232. I wanted your opinion on this matter.

Would we, therefore, still be insisting that two-thirds is 233 or 232? If we insist it is 233, would I be in order, knowing that you are very kind man, to request you to use Standing Order No.1 considering the gravity of this Bill and the importance to the nation to allow Hon. Wandayi to come in so that he can take part in debating this historic Bill?

Thank you.

Hon. Speaker: Hon. Members, we should not be addressing ourselves on this. I want to make it absolutely clear that it is not possible, at this point, for me to declare that the vote was invalid. I cannot do that having declared the results. Do not bother addressing me on that one because it is moot. It is spent. Let us address the issue raised by Hon. Duale on Standing Order No.62(2). Let us have Hon. Nyokabi.

Hon. (Ms.) Kanyua: Thank you, Hon. Speaker. There is a special request by Hon. Cheboi that, maybe I should be allowed two votes seeing that I am carrying myself and somebody else.

(Laughter)

Hon. Speaker, with regard to Standing Order No.62(2), we want to thank the 195 Members who voted for the Bill today. The difference between 233 and 195 is only 38 Members. We did a lot of lobbying. We spoke to each other. We came very close to passing the two-thirds gender law. If you allow us another five days or another few days, we are sure that we are going to have the 38 Members that we did not have today. We can already see that the Members who did not vote “yes” today were only 28. A further time allocation, under Standing Order No.62, will allow us to close that gap. If you allow the vote to come back next week, probably on Wednesday as opposed to now, we can confirm to this House that the 195 Members who voted for the Bill will do so again. We will reach out to the 38 Members and the Members who were not available today. Our principals will get on this matter and help us to convince Members. We are sure that the few brothers who did not vote for the Bill today will vote next week.

A few female Members were not present in the House today. They will be present if we implement Standing Order No.62 (2). These matters have been on the chancellor’s foot. We have a new Constitution which we interpret every day. Hon. Speaker, every other time, you have to make a rule or extend the spirit of the Constitution. In the spirit of that Constitution, allow Standing Order No.62(2) to apply so that we can come back and vote. For the female Members, we clearly need another dinner dance. Those who might have missed the dinner dance yesterday

should not worry. Over the weekend, there will be another one so that the Bill can pass next week.

Hon. Speaker: Hon. Members, I just want to make it clear for the benefit of Hon. (Eng.) Gumbo. Article 256 (1)(d) of the Constitution says:-

“A Bill to amend this Constitution shall have been passed by Parliament when each House of Parliament has passed the Bill, in both its second and third Readings, by not less than two-thirds of all the Members of that House.”

This includes those who may be in hospital, in jail - if they have not exceeded six months - and those who may be doing other things, like Hon. Wandayi.

(Laughter)

The Article does not refer to the Members present, but all the Members of each House. Even the ones who are in hospital are counted for this purpose. It will be very unfortunate not to count those who are in hospital or prison or serving some certain forms of sentences.

As you are aware, this House has passed a number of resolutions, including a resolution this morning that exempted Private Members' business on Wednesday morning so as to consider Bills that have constitutional timelines. This is one such Bill. Unfortunately Members, next week you have exempted Private Members' business from taking precedence on Wednesday. Given the gravity of this Bill, I will use my discretion in counting the sitting days that the Leader of the Majority Party read out in accordance with Standing Order No.62(2). I will exclude the morning sittings of tomorrow, Wednesday and Thursday next week. The sitting days to count for purposes of Standing Order No.62 (2) will be Thursday afternoon - which is tomorrow 28th April, 2016, Tuesday afternoon next week, Wednesday morning next week, Wednesday afternoon next week and Thursday afternoon next week. I am counting the normal sitting days that we have put in our Standing Orders so that we exclude those other sittings that have been given for purposes of enabling the House to complete the businesses that have constitutional timelines.

Therefore, the fifth day for purposes of consideration of this Bill is Thursday, 5th May, 2016, during the sitting that will commence at 2.30 p.m. Hon. Members, I urge every one of us or those who will not be prevented from attending by any cause, including jail or hospitalization to, please, attend the sitting of the House on Thursday, 5th May, 2016 at 2.30 p.m., so that we can transact this business. On that day, we will use our mechanisms to know who votes. Please, vote one way or the other. Standing Order No.76(2) says that is disorderly conduct for you to be present and fail to vote one way or the other or to register an abstention. Be bold enough to express yourself in one way or the other. That is the way you make decisions. I am the only one who is lucky that the Constitution that Kenyans promulgated says in Article 122(2)(a) that the Speaker has no vote. I am lucky in that sense. For the rest of you, you must express yourselves. Let us know what your vote is. Is it an “Aye” or a “Nay”? If you are not voting “Aye” or “Nay”, register an abstention. Be courageous enough.

For now, this business is adjourned. We also postpone the proposed business listed as Order Nos.13 and 14 on the Order Paper. Please draw the Bars. Open the doors.

Next Order!

*[Second Reading of the Constitution of Kenya
(Amendment) (No.4) Bill adjourned]*

MOTION

APPROVAL OF THE FIRST SUPPLEMENTARY
ESTIMATES FOR THE FINANCIAL YEAR 2015/2016

THAT, this House adopts the Report of the Liaison Committee on the First Supplementary Estimates for the Financial Year 2015/2016, laid on the Table of the House on Tuesday, April 19, 2016 and in accordance with the provisions of Article 223 of the Constitution, approves the issuance of a sum of Kshs25,968,239,099 from the Consolidated Fund to meet the expenditure during the year ending 30th June, 2016 in respect of the various Votes, as indicated in the Schedule.

APPROVAL OF THE FIRST SUPPLEMENTARY ESTIMATES FOR 2015/2016

SCHEDULE

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1011	The Presidency		Total	1,460.6	(806.0)	654.6
		0702000	P.2 Cabinet Affairs	276.3	(586.1)	(309.8)
		0703000	P.3 Government Advisory Services	(74.5)	-	(74.5)
		0704000	P.4 State House Affairs	648.6	(129.0)	519.6
		0734000	P.6 Deputy President Services	610.2	(90.9)	519.3
1021	State Department for Interior		Total	5,197.7	1,261.6	6,459.2
		0601000	P.1 Policing Services	694.6	763.0	1,457.6
		0602000	P.2 Planning, Policy Coordination and Support Service	3,979.2	148.6	4,127.8
		0603000	P.3 Government Printing Services	(69.2)	-	(69.2)
		0605000	P.4 Population Management Services	593.0	350.0	943.0
1022	State Department for Coordination of National Government		Total	616.3	(400.0)	216.3
		0604000	P.1 Correctional services	619.0	(388.0)	231.0
		0623000	P.2 General Administration, Planning and Support Services	(2.2)	(12.0)	(14.2)
		0624000	P.3 Betting Control, Licensing and Regulation Services	(0.5)	-	(0.5)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1031	State		Total	(350.2)	(7,108.0)	(7,458.2)
	Department for Planning	0706000	P.1 Economic Policy and National Planning	58.3	206.4	264.7
		0707000	P.2 National Statistical Information Services	(29.4)	2.9	(26.5)
		0708000	P.3 Monitoring and Evaluation Services	(0.4)	(0.0)	(0.4)
		0709000	P.4 General Administration Planning and Support Services	(53.3)	(10.0)	(63.3)
		0710000	P.5 Public Service Transformation	(9.5)	2.5	(7.0)
		0711000	P.6 Gender & Youth Empowerment	(316.0)	(7,309.8)	(7,625.8)
1032	State		Total	470.7	(35.7)	435.0
	Department for Devolution	0732000	P.3 General Administration, Planning and Support Services	21.8	-	21.8
		0712000	P.7 Devolution Services	91.6	253.5	345.2
		0713000	P.8 Special Initiatives	348.3	337.2	685.6
		0733000	P.9 Accelerated ASAL Development	8.9	(626.5)	(617.6)
1041	Ministry of Defence		Total	(58.8)	34.8	(24.0)
		0801000	P.1 Defence	554.8	34.8	589.6
		0802000	P.2 Civil Aid	-	-	-
		0803000	P.3 General Administration, Planning and Support Services	(613.6)	-	(613.6)
1051	Ministry of Foreign Affairs and International Trade		Total	2,156.7	(198.0)	1,958.7
		0715000	P.2 Foreign Relation and Diplomacy	670.0	(36.0)	634.0
		0714000	P.1 General Administration Planning and Support Services	663.6	(264.0)	399.6
		0716000	P.3 International Trade and Investments Promotion	823.1	102.0	925.1
1061	State		Total	(311.1)	(14,007.5)	(14,318.6)
	Department for Education	0501000	P.1 Primary Education	(284.5)	(12,898.4)	(13,182.9)
		0502000	P.2 Secondary Education	(1.3)	(479.5)	(480.8)
		0503000	P.3 Quality Assurance and Standards	(100.9)	(250.6)	(351.5)

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Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
		0508000	P.8 General Administration, Planning and Support Services	75.6	(379.0)	(303.4)
1062	State Department of Science and Technology		Total	1,024.6	(940.8)	83.9
		0504000	P.4 University Education	1,366.2	(889.4)	476.8
		0505000	P.5 Technical Vocational Education and Training	(192.3)	(1,375.8)	(1,568.1)
		0506000	P.6 Research, Science, Technology and Innovation	(208.0)	(138.0)	(345.9)
		0507000	P.7 Youth Training and Development	179.0	204.4	383.4
		0508000	P.8 General Administration, Planning and Support Services	(120.3)	1,258.0	1,137.7
1071	The National Treasury		Total	(9,508.4)	13,871.9	4,363.5
		0717000	P.1 General Administration Planning and Support Services	(9,682.5)	1,503.4	(8,179.1)
		0718000	P.2 Public Financial Management	47.4	12,622.1	12,669.5
		0719000	P.3 Economic and Financial Policy Formulation and Management	106.7	(253.6)	(146.9)
		0720000	P.4 Market Competition	20.0	-	20.0
1081	1081 Ministry of Health		Total	409.2	(1,025.2)	(616.0)
		0401000	P.1 Preventive & Promotive Health Services	262.5	193.7	456.2
		0402000	P.2 Curative Health Services	(75.9)	495.4	419.5
		0403000	P.3 Health Research and Development	0.8	-	0.8
		0404000	P.4 General Administration, Planning & Support Services	219.3	(1,427.0)	(1,207.7)
		0405000	P.5 Maternal and Child Health	2.5	(287.2)	(284.7)
1091	State Department for Infrastructure		Total	11,673.4	(1,776.9)	9,896.5
		0202000	P.2 Road Transport	11,673.4	(1,776.9)	9,896.5
1092	State Department for Transport		Total	(0.3)	6,096.0	6,095.7
		0201000	P.1 General Administration, Planning and Support Services	(11.3)	(45.0)	(56.3)

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Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
		0203000	P.3 Rail Transport	-	(57.7)	(57.7)
		0204000	P.4 Marine Transport	10.4	1,630.0	1,640.4
		0205000	P.5 Air Transport	(6.8)	4,568.7	4,561.9
		0206000	P.6 Government Clearing Services	7.8	-	7.8
		0216000	P.7 Road Safety	(0.4)	-	(0.4)
1101	Ministry of Environment, Natural Resources and Regional Development Authorities		Total	646.3	1,448.2	2,094.5
		1010000	P.1 General Administration, Planning and Support Services	(65.4)	(12.8)	(78.3)
		1011000	P.2 Environment and Natural Resources Management and Protection	156.9	(1,200.1)	(1,043.2)
		1012000	P.3 Meteorological Services	17.9	(270.0)	(252.1)
		1005000	P.5 Integrated Regional Development	536.9	2,931.1	3,468.0
1102	Ministry for Water and Irrigation		Total	(196.4)	12,952.3	12,756.0
		1001000	P.1 General Administration, Planning and Support Services	(21.0)	(35.0)	(56.0)
		1004000	P.4 Water Resources Management	(29.7)	1,834.6	1,804.8
		1005000	P.5 Integrated Regional Development	(594.2)	(3,399.1)	(3,993.3)
		0110000	P.4 Irrigation and Drainage Infrastructure	448.6	14,551.9	15,000.4
1111	Ministry of Lands, Housing and Urban Development		Total	(158.7)	(3,539.5)	(3,698.2)
		0101000	P.1 Land Policy and Planning	(108.5)	365.6	257.1
		0102000	P.2 Housing Development and Human Settlement	(8.5)	(157.6)	(166.1)
		0103000	P.3 Government Buildings	(7.5)	(510.0)	(517.5)
		0104000	P.4 Coastline Infrastructure and Pedestrian Access	(2.3)	(57.0)	(59.3)
		0105000	P.5 Urban and Metropolitan Development	(9.8)	(2,949.5)	(2,959.2)
		0106000	P.6 General Administration Planning and Support Services	(22.0)	(231.0)	(253.0)
1121	Ministry of Information,		Total	(46.1)	5,579.0	5,532.9
		0207000	P.1 General Administration	(34.2)	494.7	460.5

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Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	Communication and Technology		Planning and Support Services			
		0208000	P.2 Information And Communication Services	3.0	(335.0)	(332.0)
		0209000	P.3 Mass Media Skills Development	(15.0)	(13.5)	(28.5)
		0210000	P.4 ICT Infrastructure Development	-	5,432.8	5,432.8
1131	Ministry of Sports Culture and Arts		Total	1,502.1	(1,380.9)	121.2
		0901000	P.1 Sports	920.0	(1,487.9)	(567.9)
		0902000	P.2 Culture	235.9	107.0	342.9
		0903000	P.3 The Arts	(51.3)	-	(51.3)
		0904000	P.4 Library Services	48.0	-	48.0
		0905000	P.5 General Administration, Planning and Support Services	349.5	-	349.5
1141	Ministry of Labour Social Security and Services		Total	(243.3)	(542.0)	(785.3)
		0906000	P.1 Promotion of the Best Labour Practice	71.8	(169.0)	(97.2)
		0907000	P.2 Manpower Development, Employment and Productivity Management	(95.9)	(70.0)	(165.9)
		0908000	P.3 Social Development and Children Services	(9.5)	(59.5)	(69.0)
		0909000	P.4 National Social Safety Net	(235.7)	(243.5)	(479.2)
		0910000	P.5 General Administration Planning and Support Services	26.0	-	26.0
1151	Ministry of Energy and Petroleum		Total	41.1	18,596.4	18,637.4
		0211000	P.1 General Administration Planning and Support Services	42.6	(90.0)	(47.4)
		0212000	P.2 Power Generation	-	(4,114.9)	(4,114.9)
		0213000	P.3 Power Transmission and Distribution	(2.5)	23,365.9	23,363.4
		0214000	P.4 Alternative Energy Technologies	1.0	(106.3)	(105.3)
		0215000	P.5 Exploration and Distribution of Oil and Gas	-	(458.3)	(458.3)

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Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1161	State		Total	(2,190.4)	(14,852.8)	(17,043.2)
	Department for Agriculture	0107000	P.1 General Administration Planning and Support Services	12.8	(182.2)	(169.4)
		0108000	P.2 Crop Development and Management	(1,357.1)	(945.0)	(2,302.1)
		0109000	P.3 Agribusiness and Information Management	(7.5)	1,982.3	1,974.9
		0110000	P.4: Irrigation and Drainage Infrastructure	(838.8)	(15,707.9)	(16,546.6)
1162	State Department for Livestock		Total	116.8	(647.4)	(530.6)
		0112000	P.6 Livestock Resources Management and Development	116.8	(647.4)	(530.6)
1163	State Department for Fisheries		Total	(37.7)	(306.6)	(344.3)
		0111000	P.5 Fisheries Development and Management	(37.7)	(306.6)	(344.3)
1171	Ministry of Industrialization and Enterprise Development		Total	402.0	(480.0)	(78.0)
		0301000	P.1 General Administration Planning and Support Services	(24.4)	220.0	195.6
		0302000	P.2 Industrial Development and Investments	(35.1)	(275.0)	(310.1)
		0303000	P.3 Standards and Business Incubation	(16.8)	(425.0)	(441.8)
		0304000	P.4 Cooperative Development and Management	478.3	-	478.3
1181	State Department for Commerce and Tourism		Total	(108.0)	(3,409.0)	(3,517.0)
		0306000	P.2 Tourism Development and Promotion	(69.8)	(3,335.3)	(3,405.1)
		0307000	P.3 Trade Development and Promotion	(46.0)	(23.7)	(69.7)
		0308000	P.4 General Administration, Planning and Support Services	7.7	(50.0)	(42.3)
1182	State Department for East African Affairs		Total	(44.3)	(50.0)	(94.3)
		0305000	P.1 East African Affairs and Regional Integration	(44.3)	(50.0)	(94.3)
1191	Ministry of		Total	9.0	(882.3)	(873.3)

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Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	Mining	1007000	P.1 General Administration Planning and Support Services	20.6	(23.5)	(2.9)
		1008000	P.2 Resources Surveys and Remote Sensing	(15.3)	(585.2)	(600.5)
		1009000	P.3 Mineral Resources Management	3.7	(273.6)	(269.9)
1251	Office of the Attorney General and Department of Justice		Total	(249.9)	(97.0)	(346.9)
		0606000	P.1 Legal Services	(167.2)	(9.0)	(176.2)
		0607000	P.2 Governance, Legal Training and Constitutional Affairs	(224.4)	(65.0)	(289.4)
		0609000	P.4 General Administration, Planning and Support Services	141.8	(23.0)	118.8
1261	The Judiciary		Total	(939.9)	(861.8)	(1,801.7)
		0610000	P.1 Dispensation of Justice	(939.9)	(861.8)	(1,801.7)
1271	Ethics and Anti-Corruption Commission		Total	645.3	(300.0)	345.3
		0611000	P.1 Ethics and Anti-Corruption	645.3	(300.0)	345.3
1281	National Intelligence Service		Total	1,015.0	-	1,015.0
		0804000	P.1 National Security Intelligence	1,015.0	-	1,015.0
1291	Office of the Director of Public Prosecutions		Total	420.4	(181.0)	239.4
		0612000	P.1 Public Prosecution Services	420.4	(181.0)	239.4
1301	Commission for the Implementation of the Constitution		Total	-	-	-
		0613000	P.1 Implementation of the Constitution	-	-	-
1311	Office of the Registrar of Political Parties		Total	27.7	-	27.7
		0614000	P.1 Registration, Regulation and Funding of Political Parties	27.7	-	27.7
1321	Witness Protection Agency		Total	5.0	-	5.0
		0615000	P.1 Witness Protection	5.0	-	5.0
2011	Kenya National		Total	-	-	-
		0616000	P.1 Protection and	-	-	-

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Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	Human Rights Commission		Promotion of Human Rights			
2021	National Land Commission		Total	120.2	(150.0)	(29.8)
			P.13 Land Administration and Management	120.2	(150.0)	(29.8)
2031	Independent Electoral and Boundaries Commission		Total	690.8	(71.0)	619.8
		0617000	P.1 Management of Electoral Processes	690.8	(71.0)	619.8
2041	Parliamentary Service Commission		Total	436.0	(1,100.0)	(664.0)
		0721000	P.1 National Legislation, Representation and Oversight	-	-	-
		0722000	P.2 Senate Affairs	397.0	(200.0)	197.0
		0723000	P.3 General Administration, Planning and Support Services	39.0	(900.0)	(861.0)
2042	The National Assembly		Total	300.0	-	300.0
		0721000	P.1 National Legislation, Representation and Oversight	300.0	-	300.0
2051	Judicial Service Commission		Total	-	-	-
		0619000	P.1 General Administration, Planning and Support Services	-	-	-
2061	The Commission on Revenue Allocation		Total	(15.1)	-	(15.1)
		0724000	P.1 Inter-Governmental Revenue and Financial Matters	(15.1)	-	(15.1)
2071	Public Service Commission		Total	(45.5)	(115.0)	(160.5)
		0725000	P.1 General Administration, Planning and Support Services	(36.8)	(115.0)	(151.8)
		0726000	P.2 Human Resource management and Development	(7.4)	-	(7.4)
		0727000	P.3 Governance and	(1.3)	-	

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Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
			National Values			(1.3)
2081	Salaries and Remuneration Commission		Total	97.5	-	97.5
		0728000	P.1 Salaries and Remuneration Management	97.5	-	97.5
2091	Teachers Service Commission		Total	6,806.9	(133.0)	6,673.9
		0509000	P.1 Teacher Resource Management	7,960.0	-	7,960.0
		0510000	P.2 Governance and Standards	(46.0)	-	(46.0)
		0511000	P.3 General Administration, Planning and Support Services	(1,107.1)	(133.0)	(1,240.1)
2101	National Police Service Commission		Total	38.0	-	38.0
		0620000	P.1 National Police Service Human Resource Management	38.0	-	38.0
2111	Auditor General		Total	8.5	(247.0)	(238.5)
		0729000	P.1 Audit Services	8.5	(247.0)	(238.5)
2121	Controller of Budget		Total	(51.7)	-	(51.7)
		0730000	P.1 Control and Management of Public finances	(51.7)	-	(51.7)
2131	The Commission on Administrative Justice		Total	-	-	-
		0731000	P.1 Promotion of Administrative Justice	-	-	-
2141	National Gender and Equality Commission		Total	(4.3)	18.2	13.9
		0621000	P.1 Promotion of Gender Equality and Freedom from Discrimination	(4.3)	18.2	13.9
2151	Independent Police Oversight Authority		Total	(23.6)	-	(23.6)
		0622000	P.1 Policing Oversight Services	(23.6)	-	(23.6)
Total Ministerial Expenditure				21,754.1	4,214.2	25,968.2

(Hon. (Dr.) Laboso on 20.4.2016)

(Resumption of debate interrupted on 20.4.2016)

Hon. Speaker: Hon. Members, this is a Motion for the approval of the First Supplementary Estimates.

(Several Hon. Members withdrew from the Chamber)

Order Members! Members making their way out, please, allow us to transact business.

(Loud consultations)

Hon. Members, this is a Motion for the approval of the First Supplementary Estimates. Hon. Joseph M'ruaki. Are you contributing to the debate on the Supplementary Estimates? Your name is on top. Is it for the First Supplementary Estimates or for other things?

(Loud consultations)

Hon. M'uthari: Thank you, Hon. Speaker. I stand to support the First Supplementary Estimates because it is going to assist the Government to carry out important tasks in this Republic. By passing it, it will manage, in my opinion, the issues that are affecting the country, for example, the question of security and policing services. It is my considered opinion that by passing this Bill, some of the requests we have made to improve security in our places, will be met. In Igembe North, I have requested that the National Police Reservists be supported through this Supplementary Budget. That way, we will have improved security services and also support the coordination of Government business, especially in the area of security. We have also some water projects lined up. This will also help people access those facilities.

I am also aware of some other projects which are lined up in the infrastructural sector---

(Loud consultations)

Hon. Speaker, it is so difficult to speak. There are loud consultations.

Hon. Speaker: You are not being heard?

Hon. Muthari: Yes.

Hon. Speaker: Maybe, the Mover of the Motion and the Leader of the Majority Party---

Hon. M'uthari: Thank you, Hon. Speaker. This Motion is important because it will enhance Government efforts in undertaking the responsibilities entrusted to it, especially in the areas of security, infrastructure and water services.

I support the Motion.

Hon. Speaker: Hon. Members, there is a proposed amendment by Hon. Omulele. The best thing is to dispose of it right away.

Hon. Omulele.

Hon. Omulele: Thank you, Hon. Speaker for giving me this opportunity to move an amendment to the proposed First Supplementary Estimates that has been presented to this House.

Hon. Speaker, I beg to move:-

THAT, the Motion be amended by inserting the following words immediately after the words “as indicated in the Schedule”–

“subject to:-

(i) the insertion of a new sub-paragraph (xxv) under Paragraph 30 as follows:-

(xxv) Increase the recurrent allocation to the Parliamentary Service Commission under the programme of General Administration, Planning and Support Services by Kshs332 Million;

(ii) the insertion of a new sub-paragraph (x) under Paragraph 31 as follows:-

(x) Reduce the current allocation under the Senate Affairs programme meant for Monitoring and Evaluation by Kshs332 Million; and,

iii) Making consequential adjustments to the Schedule and the totals to reflect the changes, accordingly.

It is very important for me to lay the foundation that informs this proposed amendment to the First Supplementary Estimates. This amendment is informed by nothing less than our own Constitution in Articles 93, 94, 95 and 96.

In Article 93 of the Constitution, this Parliament is established to be composed of the National Assembly and the Senate. In Article 94 of the Constitution, the roles of Parliament are set out.

It is very important for us to look at the role of the National Assembly as set out in Article 95 of the Constitution, particularly in Article 95(1)(4)(a) and (c). Article 95(4)(a) says:-

“(4) The National Assembly-

(a) determines the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve;

(c) exercise oversight over national revenue and its expenditure.

Article 96 of the Constitution sets out the role of the Senate. Article 96(1) says:-

“(1) The Senate represents the counties, and serves to protect the interests of the counties and their governments.”

Article 96(3) says:-

“(3) The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the county governments”.

The reason for going into the details of these Articles of the Constitution---

(Loud consultations)

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

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, can we consult in low tones. The Member on the Floor is moving an amendment. So, it would be good for the Leader of the Majority to get this amendment and see how we move ahead with it.

Hon. Omulele: Hon. Temporary Deputy Speaker, I am grateful for your protection. The reason I have gone into the detailed analysis of the Articles of the Constitution that set out the roles of the National Assembly and the Senate is because when we allocate funds, we must look at what the Constitution envisages that these Houses should do.

Article 95 sets out that the National Assembly has an oversight role over all the revenues that are set out as national revenues. The Senate is only mandated under Article 96(3) to oversee such funds that have been drawn out of the national revenues and have been allocated to the county governments. When you look at the law as it is, the National Assembly, where we sit today, has a role to oversee the whole amount that is considered to be national revenue.

When you look at the First Supplementary Estimates as presented to this House, there is an item that has been set out as an amount that has been allocated specifically for the Senate to perform its role as set out in Article 96(3) and yet, the genesis of Article 96(3) is actually founded on Article 95(4) which gives the National Assembly the role to oversee national revenues. So, my contention is this: If we are allocating money to the Senate to perform its oversight role as provided for under Article 96(3), then that money can only be allocated if a similar amount--- In fact, if we had Kshs100 considering the Constitution provides that the funds that go to the county governments would be a minimum of 15 per cent of the national revenues--

Hon. Temporary Deputy Speaker, if we were to allocate even Kshs100 to the Senate to perform its role under Article 96 (3), then we would have to provide Kshs85 to the National Assembly to perform that role as envisaged under the Constitution.

So, if we proceed to provide those funds as has been suggested under the Supplementary Estimates Budget, we shall be offending the Constitution and going against the spirit of the Constitution, against discrimination. We will be allocating funds unconstitutionally to the Senate. I have no problem with the Senate and allocation of funds for any function. However, if we are going to allocate any funds, let us allocate funds according to the Constitution.

This Constitution, therefore, informs my amendments to this Supplementary Estimates Budget so that we take those funds away today, but we can go back and negotiate and say: "If we are going to allocate funds for oversight roles as provided for in the Constitution, let us do it according to the Constitution." We want every Member who is elected to Parliament - either to the Senate or the National Assembly - to have a fund to perform that oversight role. But we cannot sit here and allocate a section of Parliament funds to do a role that all of us are doing and purport to be obeying the Constitution.

That is why I am not taking away the money entirely. I am proposing that those funds should be removed from the Senators and reallocated to the Parliamentary Service Commission (PSC) so that they can be allocated to our committees, both in the Senate and the National Assembly. It can help all of us in the two Houses to perform that oversight role through the committees as envisaged in the Constitution. That is why I am proposing that we move those funds from the votes that have been set out and place them in the hands of our PSC so that those funds can be generally used for purposes of oversight.

Hon. Temporary Deputy Speaker, you may be aware that there are a lot of deficits in this House. We have lifts that are not even working. The gym does not have equipment. Sometimes,

Members of Parliament (MPs) are not paid their mileage and allowances on time. This reallocation to PSC is the proper thing to do.

I beg to move and request my brother, Hon. Ochanda, to second.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Please give Hon. Ochanda the microphone.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. I beg to second the amendment as proposed by Hon. Omulele. My support to this is on three things.

First, the Supplementary Estimates that we have are so heavy, particularly in terms of general administration and Recurrent Expenditure. This is something that we need to behoove Parliament to find out what has happened in that, within a very short period of time, there are these kinds of massive changes, particularly on votes that have to do with the general administration.

It calls on us as Parliament to do certain things that can help reduce certain costs in the appropriations. However, one thing that has not been very clear is the role of Senate in overseeing county governments.

There is a convoluted kind of a position in the role of the Senate versus the role of county assemblies in overseeing county governments, to an extent that when we are giving the Senate resources for purposes of overseeing the county governments, we have to know the kind of a budget we have in our estimates that go to the county assemblies for purposes of having county governments oversee themselves. It has not been very clear. Matters have been going to court in terms of the actual role of the Senate, particularly in terms of calling on the governors to account. The Senate has not been able to succeed in that.

So, I am convinced in seconding this that the monies that would have gone to the Senate for purposes of overseeing the county governments needs to be spread out for purposes of the overall functions of both Houses.

So, I beg to second the amendment. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the Member for Luanda has brought in an amendment. I will read out that amendment for the clarity of the House, and I will allow some discussion on the amendment as is the procedure, Hon. Jakoyo.

Notice is given that the Member for Luanda, Hon. Christopher Omulele, intends to move the following amendment to the Motion on the adoption of the Report of the Liaison Committee on the First Supplementary Estimates for 2015/2016 —

THAT, the Motion be amended by inserting the following words immediately after the words “as indicated in the Schedule”–

“subject to:-

(i) the insertion of a new sub-paragraph (xxv) under Paragraph 30 as follows:-

(xxv) Increase the recurrent allocation to the Parliamentary Service Commission under the programme of General Administration, Planning and Support Services by Kshs332 Million;

(ii) the insertion of a new sub-paragraph (x) under Paragraph 31 as follows:-

(x) Reduce the current allocation under the Senate Affairs programme meant for Monitoring and Evaluation by Kshs332 Million; and,

iii) Making consequential adjustments to the Schedule and the totals to reflect the changes, accordingly.

Hon. Members, on that amendment that is being proposed, I will allow debate beginning with the Hon. Leader of the Majority Party. You are fine with this amendment? Let us have Hon. Jakoyo.

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

Hon. Midiwo: Hon. Temporary Deputy Speaker, I have never seen an amendment where people are being---

I rise to support my neighbour Hon. Omulele. It is very important for MPs to know that we are not supporting this amendment to oppose the Senate. What we are saying is that, if representation is going to be financed, let both Houses sit and let us finance everybody to go and do the monitoring and oversight. We can do that in the next Budget.

This is a huge change and it must be done constitutionally as explained by my friend, Hon. Omulele. We have the Budget discussions going on and we have until October to conclude. I urge my colleagues that it is the right thing to do so that if there is money to be shared out for purposes of good governance, MPs should not be left out.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. David Were.

Hon. Were: Thank you, Hon. Temporary Deputy Speaker. I also support the amendment. The role of Members of Parliament is legislation, representation and oversight.

The Constitution provides that for Parliament to play oversight role, it shall work through Committees. I have no problem with Senators being given money to play oversight role, but the way this money is crafted in the Budget is faulty. We do not oversee individually as Members, but through Committees. If we were to oversee individually where a Member is given money to go and oversee what has been done in his constituency, then it would mean that Members of the National Assembly would be given money to go and oversee the money given to their constituencies by the national Government.

I would have supported this amendment if the Senate had requested for more funds to be given to their Committees. If they feel that the amount they have in the Budget is not enough for oversight, then additional funds would be given to the Senate to be spent through Committees. We will add them the same amount of Kshs1 billion, so that the Committees can move around and oversee. For that reason, I support the amendment that the way the figure is crafted will only allow Senators to have money for their personal use. If the money goes to Committees, it will be better.

The Senate has Committees and their intention is to participate in oversight. So, we need to add them money. That is my submission. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to Hon. (Ms.) Rose Nyamunga.

Hon. (Ms.) Nyamunga: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to the amendment. I support it because it is important to use Government resources in a prudent manner. It will not be right to give money to the Senate for

the sake of it. There must be structures. Even when the 47 County Women Representatives were looking for resources to do some work on the ground, they had to go through due diligence and put everything in place.

I support the amendment. However, I would like to make it very clear that I was not able to vote today, unfortunately. I tried my best. I was seeing my doctor and it took me a long time. I had to walk all the way from Museum Hill to be here on time, only to reach here and find the Bar was already drawn. But good enough, we thank the House and the Speaker for giving us an opportunity to repeat the vote next Thursday.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Ababu.

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker. It has always been my prayer that the Senate be given sufficient capacity to play a more robust oversight role. This is because of the challenges we are facing with accountability in county government structures across the country. I will, therefore, maintain that we must come up with a framework that can enable the Senate, as an institution and Senators as representatives of the people, to play their oversight role more effectively.

I wish this House was making a commitment to facilitate the Senate in terms of resources and invest in taking a fresh look at the regulations. This will make them more effective and in line with the constitutional spirit of oversight and end any lingering sibling rivalry between the two Chambers of Parliament. I believe that a candle lighting another candle does not, in any way, lessen its light. A strong Senate can only be good for devolution. Capacitated and well resourced Senators can only be good for greater accountability in the counties.

I am having serious difficulty with this amendment. My learned colleague, Hon. Member for Luanda, is a man I hold in great regard. We were together at Parklands Law School many years ago. He is proposing that we move this money initially meant for oversight duties for Senators to the Vote of General Administration, Planning and Support Services of the PSC. My conscience is struggling to understand the use for the money under that Vote. Are we just moving money because we must take it away from the Senate? Or are we moving this money because we have applied some thought to confirm what exactly this money is going to do under that Vote? I have not heard any budgetary explanation as to how the money will be utilised by the PSC.

If, indeed, the challenge is the absence of regulations and rules or Senators should not oversee in an individual capacity, but rather in an institutional capacity, why can we not then move this money to Committees of the Senate? If this money cannot be given to Senators to be used as initially imagined or intended, then the money will be available for Committees of the Senate to undertake their oversight mandate more effectively. Providing this money to a General Administration, Planning and Support Services Vote without providing any details as to how it will be used is a matter I find difficult to support.

Therefore, I oppose this amendment. I move that if it is a question of regulations, this Vote can still be approved as proposed. This means that we provide resources to the Senators for oversight while we expedite the improvement of the regulations, so that this money remains available to the Senate for oversight.

Honourable colleagues, let us not downplay the critical role the Senate has in oversight and in helping us to make sure that resources we are sending to counties are effectively used. I find it difficult to support this amendment and I oppose it.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I think we are in agreement that this is an amendment and so we do not need too much debate on it. Depending on how the vote goes on this amendment, you can still talk to it in the Bill. We have heard enough on it.

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

Hon. Members, we have another amendment by the Leader of the Majority Party. We will dispose of it before we continue.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I beg to move that the Motion be amended by inserting the following words immediately after the words “as indicated in the Schedule subject” subject to:

- (a) deleting recommendation paragraph 30(xii) on Page 8 (Relating to the capital allocation for the Ministry on Industrialization and Enterprise Development);
- (b) deleting the recommendation on Paragraph 31(v) on Page 10 (Relating to the Recurrent Expenditure allocation for the Salaries and Remuneration Commission); and,
- (c) effecting the consequential adjustment to Vote 1171 of the Ministry of Industrialization and Enterprise Development and Vote 2081 of Salaries and Remuneration Commission to reflect a reduction in the capital allocation in Vote 1171 by Kshs150 million and an increase in the Recurrent Expenditure allocation in Vote 2081 by Kshs150 million.

Basically, it was in the Supplementary Estimates that the Salaries and Remuneration Commission (SRC) was allocated Kshs150 million to carry out various job evaluations. After consultation, the Departmental Committee on Finance, Planning and Trade removed that money and took it to the Ministry of Industrialization and Enterprise Development. However, following further consultations with the PSC and the leadership, and for many other reasons, we decided that the money should be taken back to the SRC.

I ask Hon. Jakoyo Midiwo, who is aware of the leadership’s consultation with the Speaker, who is the Chairman of the PSC, to second.

Hon. Midiwo: Hon. Temporary Deputy Speaker, I rise to second. Given that this money was requested by the SRC from the beginning, and we also need to be talking to the SRC to work in harmony with other Government agencies and now that there are noises everywhere, we decided to support them. Hopefully, they will be talking to not only Parliament, but to every Kenyan. The picture being painted of the SRC is that they do not want to listen. They have come down and we also need to climb down for the smooth running of our Commission. So, Parliament is not opposing the constitutional commissions without any proper reason. We did not remove that money because they did not need it.

I beg to support and urge this House to live and let live and support.

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I will allow one or two Members, starting with Hon. Ochieng.

Hon. Ochieng: Hon. Temporary Deputy Speaker, I wanted to talk on the whole Bill, but now that you have given me the Floor, I support this amendment. I am happy that our leadership now appreciates the fact that SRC needs to have resources to do its job. I hope we also learnt that most of the time when you talk, you move forward. When you clench your fist, you do not move anywhere. I hope by Parliament unclenching its fists, the SRC will see the fact that Kenyans want them to do their jobs in the right way and not through the public gallery. Before I let go, I wanted to say that leadership in this country should not be seen to be only possible if someone has money. The idea that everybody is looking for money to do their job is wrong. The CDF money that I have heard people talking about does not go to anybody's pocket. Members of Parliament do not get any allowance from the CDF. I have heard people say that Members of Parliament have the CDF or something else. Members of Parliament can never pick even Kshs500 as allowance from the CDF. You can now see that most Senators want to become governors because they are looking for money. Let us provide leadership in this country. Let us say that it is possible to do so with the little that we have. We do not need money to talk. We just need to do our job as given to us without having to always think that it is only through money that we can move forward.

With those remarks, I support.

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

(Question of the Motion as amended proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, we are now debating the amended version of the Motion. We are going to debate the Approval of the First Supplementary Estimates for the Financial Year 2015/2016 with the amendment brought by the Leader of the Majority Party and the Member for Luanda. If your card is in, I expect that you want to speak on the Motion as amended.

Hon. Makali Mulu.

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this important Motion.

I would like to support the Motion as amended. However, it would have been better if the Committee Chair was present as we debated the amendments just to hear her input. However, because that has not happened, we will proceed with the Report as amended.

I have taken time to read through this Report. I must start by congratulating the Liaison Committee for the good work they have done in considering the Supplementary Estimates. Even as I do that, I know I have a challenge with time limitations. Therefore, I will focus more on policy issues. This House has been approving Supplementary Estimates. If you read through this Report, you will realise that there are things which the Executive does not take into account as they present these Supplementary Estimates to us.

The law is clear that as you submit Supplementary Estimates, you need to indicate clearly whether the money being proposed has been used within the last two months or it is money which is proposed to be used in the future. We have been raising this issue, but it has never been taken seriously. As a House, we do not get the benefit of knowing whether the money that we are

approving has already been spent or is meant to be spent. That is important if we have to be serious about the budget-making process.

The law is also very clear that where possible, we should avoid going above 10 per cent on any Budget item. The reason is that anytime you start going beyond 10 per cent, you start casting doubts in the budget-making process, planning and other budgeting processes. If you budget properly and you get your fundamentals right, it is expected that within a year, there will be no need to change your Budget by over 10 per cent. The law states that in a situation where you go beyond 10 per cent, you need to explain. When you look at the Supplementary Estimates, we have gone beyond 10 per cent in so many areas in terms of adjustment. If you are serious in Budget matters, then we need to have many times items going beyond 10 per cent. As we move forward, this House must be firm in terms of laws where these items are increasing year by year.

In the Supplementary Estimates, we have new programmes. It does not make any sense for new programmes to be introduced in the Supplementary Budget. You can easily introduce a new programme in the normal budgeting process. As we debate this today, we have about two months to the close of the year. I wonder why we are introducing new programmes at this time in the budgeting process when we do not have time to plan and implement. By the time we approve this Supplementary Budget, there will be no time for implementation of a new programme. In my view, we should not have new programmes in the Supplementary Budget. Ministries should plan for new programmes in the current Budget. We are already making the Budget for the 2016/2017 Financial Year and very soon, we will get the itemised Budget. They can include these new programmes in the Budget, so that we do not legislate in vain.

For us to be effective in discussing Supplementary Budgets, we need to understand Budget performance. Last year in June, we approved a Budget and it would have made sense that when we are amending it, the House is given the performance of those particular outputs. When you say that you are amending this, then we can see you want to achieve 100 per cent. Maybe you have achieved 90 per cent and the remaining 10 per cent is achievable. Therefore, we can give you more resources. It would also make sense when you have only achieved 10 per cent and you tell the House to reduce the targets so that you can be realistic in terms of planning. That information is missing. The Executive is not helping this House in terms of information for us to budget effectively.

We also have the overambitious micro-economic framework. Every time we are budgeting, a lot of assumptions are made in terms of our micro-economic environment, inflation rate, economic growth, employment rates and balance of payments. When you do an overambitious micro-economic framework, then your Budget is not founded on a firm foundation. That is why you will always adjust your Budget. The National Treasury has challenges in that area and most time they present their figures here, they are exaggerated. There could be a reason for that, but as long as you do not get it right, you will keep on adjusting. I will not be surprised if we get Supplementary Estimates II in a month's time. This is a clear indicator that there are things that are being overlooked in the micro-economic framework.

We also have the issue of public debt. Looking at the Supplementary Estimates, we have gone beyond the target in interest payment. In my view, this is a clear indicator that something is not right. If you read the Report of the Controller of Budget, you realise that we spend about Kshs200 billion to pay interest for public debt yet we keep on saying that we are within the internationally allowed public debt indicator. We need to be careful. We should avoid

intergenerational balance. We are going to overburden our future generations to a level that by the time a kid is born in this country, it will be indebted to a level you cannot manage. As parents who expect to have grandchildren and great grandchildren, we will be playing with them if we do not control the public debt. This country is going to be indebted to a level that we will have to plead for debt write offs which are not common these days.

On the Equalisation Fund, issues keep coming up. We are now in the fourth year and we keep allocating money which is not used. Why would we put money in the Budget, which is not spent? I would have expected a situation where the Supplementary Estimates removes money allocated to the Equalisation Fund from the Budget, so that at the end of the year, we only achieve a zero implementation rate. That does not help us.

I keep talking about transferring programmes from one Ministry to another. We are now in April and you want a programme which had been planned to be implemented by the Office of the President (OP) transferred to the Ministry of Water and Irrigation. By the time you do the paper work to move the money and start preparing for implementation, the year will be gone. At the end of the year, we will register absorption rates of about 50 per cent instead of 100 per cent because basic principles in budgeting were not adhered to.

If I had more time, I would have gone through all the items. As we move forward, Members of Parliament should take the budget-making process more seriously than we are doing now so that we can help this country to achieve some of her dreams. Unless these dreams are supported by effective budgeting process, they will remain dreams.

With those few remarks, Thank you for giving me the opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Katoo ole Metito.

Hon. Katoo: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute in support of this Motion as amended. I would like to give a few highlights on the Supplementary Budget. As my colleagues have said, it rearranges some sectors of the entire Vote especially the ones purported to have shortfalls. The Kenya Revenue Authority (KRA) has missed its targets in this quarter. They reported that they missed about Kshs100 million. That is not a small shortfall. Sometimes KRA is overambitious in its targets and if not, the systems of revenue collection need to be relooked into to identify the loopholes. Some of the loopholes are at the county levels because counties collect revenue, but it goes unaccounted for. The KRA should tighten its belts in terms of accounting for revenue collected in the counties.

Looking at the Supplementary Estimates, it is reported that the national Government CDF has arrears for the 2014/2015 Financial Year amounting to Kshs4.9 billion. These arrears should have been factored in the Supplementary Budget rather than postponing them to the next financial year. By the end of this year, they will have shot up. These are some of the shortcomings that we are experiencing as a result of not having a fully functional Budget and Appropriations Committee. We all know that this Supplementary Budget was prepared by the Liaison Committee. If we had a fully operational Budget and Appropriations Committee, the Kshs4.9 billion that has been in arrears for the last two financial years would have been included in this Supplementary Budget rather than burdening the Exchequer in the next financial year by budgeting for huge sums of money. These arrears belong to the CDF. You will first of all put Kshs4.9 billion as a first charge. That is not little money. Let us leave it the way it is, but that is a concern and an observation.

Hon. Temporary Deputy Speaker, another re-allocation, which I support is that of the Kshs200 million that has been taken from the Ministry of Agriculture, Livestock and Fisheries and moved to the Kenya Meat Commission (KMC). I am aware that the Cabinet Secretary for Agriculture, Livestock and Fisheries was scheduled to visit that facility today. He will observe that this is a very important facility. Livestock products account for 12 per cent of our Gross Domestic Product (GDP). Therefore, if we improve the facilities that cater for livestock keepers and their products, especially the KMC, and invest in disease control mechanisms, the contribution of 12 per cent to the GDP can go up. However, the Liaison Committee has given Kshs200 million as a re-allocation in this Supplementary Budget. The money is also meant to buy milk coolers for some stations. Therefore, what goes to the KMC will not be Kshs200 million, but a little amount. In the coming financial year, KMC needs to be funded fully for it to bring this country value for money as it used to before.

Another re-allocation in this Supplementary Budget is of Kshs1.71 billion in the Ministry of Energy and Petroleum, which has been taken to the Kenya Power Company (KPC). We had the Speaker's *Kamukunji* yesterday where the top leadership of the Ministry of Energy and Petroleum, led by the Cabinet Secretary and the Principal Secretary explained the measures that the Ministry has taken to actualise the Last Mile Electricity Programme. Since they have been given Kshs1.71 billion as a re-allocation or an addition, they need to do more. We have a shortage of transformers, especially three phase transformers in the country. You cannot connect electricity where there are no transformers.

Therefore, the Ministry of Energy and Petroleum, through KPC, needs to look into this issue. They should use the additional money that they have been given through this Supplementary Budget to buy enough transformers, especially three phase transformers. The CDF of Kajiado South Constituency has paid the KPC for five transformers for community boreholes which were sunk in the last financial year, but the transformers are yet to be delivered. The excuse they have given is that they have a shortage of transformers in the country. I hope they will use part of the money that has been re-allocated to them for purchasing these transformers.

There is a re-allocation of Kshs150 million to the Ministry of Education, Science and Technology. I know that the able Chairperson of the Departmental Committee on Education, Research and Technology, the Member for Murang'a County, is seated behind me. I am sure she is waiting in queue to contribute to this Motion. We will talk more about it. This has been taken to computer supply because the Jubilee Administration flagship project is the provision of laptop computers to Class One pupils. Let me confess that some schools in my constituency have been chosen to participate in the pilot project. The Class One pupils have tablets which work very well. It is very exciting to see a small kid in Class One with a tablet. I attended several *barazas* in the community. The kids showed us how the tablets work. Each pupil carries 128 books and so, instead of carrying heavy bags every morning, they can carry tablets. They carry all the books that are required in that class. So, the laptops project is very important. It is a milestone towards achieving technology targets in this country.

Some of us thought that the promise made by His Excellency President Uhuru Kenyatta would not be of any good, but it is. The Ministry of Education, Science and Technology needs to employ teachers to make the laptop project fully functional.

Infrastructure development in this Ministry has been left to the CDF only. For example, the construction of classrooms, administration blocks and teachers' quarters is being done by the

CDF. The CDF should not be left to do this alone. The Ministry needs to factor in some funds for infrastructure development.

My last point is on the Kshs200 million that has been re-allocated to the Ministry of Foreign Affairs and International Trade for purchase of buildings. Please, add me one minute, so that I can make that last point. I sit in the Departmental Committee on Defence and Foreign Relations. There is need for us to buy more embassy offices. I would have given a long list, but I do not have enough time.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Please, add him one minute.

Hon. Katoo: Thank you, Hon. Temporary Deputy Speaker. Most of our embassies and consulates abroad are in pathetic conditions. Therefore, we were looking at the issue of renting facilities. Our embassies abroad represent the face of Kenya as well as the Head of State of this country. Therefore, there is need to invest a lot in buying facilities. Countries with very small economies have better embassy facilities. Therefore, the money we use in renting these facilities should be used to purchase buildings, so that we can own those assets.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you. I now give the Floor to Hon. Sabina Chege.

Hon. (Ms.) S.W. Chege: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion.

I support this Motion. I was given an opportunity to be part of the team that made it. This House should consider changing the Standing Orders to enable Departmental Committee Chairpersons to sit in the Budget and Appropriations Committee. We got an opportunity to defend our positions and interrogate what other Ministries are doing. I noted that a lot of money was reduced from the prior Budget. The question that arose is whether the big amounts of money that we budget for are necessary. It is important for the leadership in the Government, starting with Cabinet Secretaries, to look at the Budget and guide the Government properly. We do not need to have a very bloated Budget. We should also reduce the amounts of money that are not absorbed by the spending entities.

I am very proud of the Supplementary Budget. We managed to cater for Kshs1.5 billion for the retired teachers. This House adopted a Report from the Departmental Committee on Education, Research and Technology in concurrence that the retired teachers should be considered. I want to sincerely thank the Jubilee Government for remembering the retired teachers who have been suffering since 1997. We have Kshs1.5 billion in the Supplementary Budget for the retired teachers and we will allocate more money to them in the next financial year. A lot of them are old and others have passed on. This money might only benefit their families. The Jubilee Government has done a great job to remember them. I am a bit concerned with the amendments that are coming in especially their hour and timing. Although I support what Hon. Duale did, it is very suspicious. He came to the Budget and Appropriations Committee with his amendment. So, the Committee Chair did not have to sit here because we agreed earlier about his amendments. What was brought on the Floor was late. It was not fair for us to take that money from the Senate especially when Senators had requested for it for oversight. Yes, there might be no regulation. Most likely they did not even table the regulations before the House, but we could have reallocated the money to the Senate Committees because they have an oversight role to play.

We require governors to be accountable and we should facilitate Senators to do their job. It is unfortunate that very few of us were here to pass it. We had very weak “Ayes” and weaker “Noes”. When such an amendment that touches on the Senate is being done, it is important that we first consult and agree, as a House, before we pass it. This is also part of the relationship that we have with the Senators.

As one Member said, the Supplementary Budget is not really necessary if we plan well. I hope Cabinet Secretaries, Principal Secretaries and other Government officials plan well, so that when they come to the Committees of the House, we can look at the Budget items properly and when we present the Budget to the nation, we do not need to amend it later or say that the taxman cannot afford it. We cannot afford to increase more burdens to Kenyans. Children who are being born in this country cannot afford to come into a country which has many debts. We have enough resources in this country and we can plan and have a proper Budget. We do not even require the Supplementary Budget or we can consider it only when it is necessary.

As I support, I encourage Members, especially the ones at the Committee level, to interrogate the Supplementary Budget, so that we can do justice to the budget process.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to Hon. Yusuf Chanzu.

Hon. Chanzu: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to support the First Supplementary Estimates for 2015/2016. This is a process that is necessary because of the nature of what the Government deals with, both at the national and county levels in terms of items they could not see in advance. It touches on issues to do with value for money. We do not get feedback. One of the biggest problems we have in the Government, unlike private companies, is that we do not get feedback on the actual output or what the money has done. That is where the problem is. We are very keen to talk about very huge figures being appropriated for this and that.

I find a problem when it comes to getting information on how the money has been used. It is like the people who receive the money to spend do not know how difficult it is to collect it. The KRA has a daunting task of reaching the targets. They go through a lot to realise their targets. We need prudence in spending. We need to get information on how the money has been utilised.

I have seen that we are getting money for university education. It is very important. As a Committee, we are discussing about the Higher Education Loans Board (HELB) money with public and private universities. It is a sector that seems to be growing very fast. We need a lot of money for us to take care of the youngsters that we take to university.

The other day, a colleague here was comparing the days of the “boom” and now. The idea of giving students money to go and look for their own accommodation and food is very difficult. I agree with the issue of funding university education. However, I think we have to do much more. Between now and June, we do not have enough time to assess how the additional money that we are appropriating will run activities up to the Budget time in June. We need to expose the youth to various skills. As a Government, we are unable to create white collar jobs. So, the only thing we can rely on is skills for self employment.

Another aspect is the issue of preventive health services. The other day, there was an advert or an announcement from some forum that malaria is becoming resistant to a lot of drugs. These are the areas where this money should be spent, so that we can protect Kenyans from getting such diseases which appear to be chronic. This is an important area.

Management and protection of the environment and natural resources is also important. However, the issues involved here will be long-term. I believe this money will be spent on the projections they had made. The issue of youth and training is related to sports and culture. I am very happy that of late, the country has been doing very well not only in athletics, but also in rugby and other sports. The other day, I saw the President making an announcement at State House that the team which won in Singapore in rugby was going to be given Kshs10 million. The only thing I could not understand is how that money would be apportioned because it is a big team. He made an announcement and said that everybody involved would get the money. The President has to do that in order to motivate Kenyans to participate in sports. I just hope that those who are involved will sit down and work out some formula of utilising that money properly rather than just giving it out and it ends up as handouts. Otherwise, it is a good idea. Our heritage is also very important.

We have a problem of lack of proper coordination among independent offices such as the Ethics and Anti-Corruption Commission (EACC), the Office of the Controller of Budget and the Office of the Auditor-General. In the overall Budget, the EACC said that they needed more money. I am only hoping that this will go towards making sure that they investigate what is going on in Government institutions.

The other important point is the electoral process. There has been a lot of talk. As much as I do not believe in the business of mass action, we created the offices of commissioners of the Independent Electoral and Boundaries Commission (IEBC) through the Constitution. I thought there would be a better way of having the Commission checked and funded. The IEBC was complaining that they did not have enough money to carry out their mandate then we come up with another issue before sorting out the issue of financing. I believe the IEBC needs to be funded adequately, so that they can conduct proper voter registration before the next elections.

Many young people have not registered as voters because they do not have IDs owing to complications in the issuance of IDs. When they go to the relevant offices, some of them are asked for money which they do not have and it becomes a very big problem. So, voter registration and registration of persons should be taken hand in hand because they are both important requirements. IDs are very important because that is the only way you can identify whether someone is a Kenyan or not. I am seeing a situation where because of the *Al Shabaab*, it might become necessary in future that people have to show their IDs when they move from place to place. So, funding of both registration of persons and the electoral process is a very important element in the Supplementary Estimates. It is something that should be enhanced in future.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Ferdinand Wanyonyi.

Hon. F. K. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker for this opportunity. I made notes, but I left them at home. So, I will just try to recall what I wanted to say in this House.

I support the Supplementary Estimates, but with a heavy heart. In the last three financial years, we have had a lot of requests for Supplementary Budgets towards the tail-end of the financial year. I do not know whether the problem is with the National Treasury or whether the officers concerned are not using past experiences to come up with the right figures. I am lost because in the middle of nowhere, you find a Supplementary Budget. This may be the third Supplementary Budget this financial year. It comes towards the tail-end of the financial year when we are considering the Budget for the next financial year. It is either officers at the

National Treasury are not doing their job properly or there is a bit of overspending, so that they find themselves with much more than what they had actually planned to do. So, with a heavy heart I will try to reconcile whatever they are asking for. All in all, I am a bit hesitant in adding more money. In the whole year, you have the budget process and you should know your needs, but in the middle of nowhere, you find a Supplementary Budget.

Be that as it may, the proposal to allocate Kshs200 million to the KMC under the Ministry of Agriculture, Livestock and Fisheries to buy coolers is little. It is important that we give them that money. The State Department of Livestock needed much more than Kshs200 million. They have been given Kshs200 million, which is not going to be enough to do that job. The KMC needs much more money to do their work. Modernisation of their equipment needs much more than Kshs200 million. They needed at least Kshs600 million to modernize their equipment.

When they made a presentation to the Departmental Committee on Agriculture, Fisheries and Cooperatives, we realised that they are going to use some of this money to buy stock and modernise machines. Their slaughter houses are very old. They were asking for Kshs600 million. If they had been given half of that amount, they would do a good job. Part of the marketing programme, which we have insisted they should do, is for export. They have a lot of outlets in Hong Kong, the Middle East and Dubai. Dubai prefers meat from this country. The Kshs200 million is very little and not enough to buy coolers. Currently, you find a dairy farmer from Kiambu bringing milk all the way to Nairobi. Milk is supposed to be kept in coolers, at least, 30 minutes after milking. Beyond that, they use some chemicals to preserve it, which is hazardous. That is why I am saying this money is not enough. Anyway, let us give them the Kshs200 million and see what they can do with it.

I also want to say something about agriculture. Again, the money that the Ministry of Agriculture, Livestock and Fisheries wanted, particularly the Irrigation Department, is not enough. Whatever they asked for has been reduced. I am hoping the reduction from some State Corporations will go towards agriculture. Agriculture is the mainstay of the economy of this country, both in terms of export and the creation of employment. The rural employment in agriculture is very high. We have given the Ministry very little money. We are talking about Kshs42 million which is not enough.

The money given to universities is alright. It should help the students. Some of it will go to HELB. Most of the students pay about Kshs74,000 per semester. The CDF has come in to assist. This money is sufficient. It will go to salaries, but part of it, I am made to understand, will go to HELB. That is fine.

I hope I will have time to sit in the Budget and Appropriations Committee to rein in some of these people. Financing of irrigation and drainage infrastructure is a very good programme. For example, projects like the Galana Irrigation Project at the Coast. The Department of Irrigation wanted Kshs400 million. Part of that is for eradication of diseases. However, that is not enough. Tsetse flies are a menace which is driving tourists away at the Coast. The Coast region is very popular with tourism. We must eradicate tsetse flies completely. We have tried, but we have not done enough. I hope and pray that this money will go towards eradication of tsetse flies in the Coast, particularly at the Galana Kulalu Food Security Irrigation Project. We should do that because the area is good for livestock and irrigation. You can imagine two or three tourists dying from sleeping sickness. It will send a wrong signal to the rest of the world. This is something that we should talk about.

I am so passionate about eradication of tsetse flies because Galana-Kulalu Irrigation Project is very successful. I have gone there and the biggest shortcoming is the inadequate money that is set aside for the eradication of tsetse flies which have infested the area.

From the proposed reductions, I would suggest that we allocate more money to the NIB since we are still doing reallocation of funds. I am told that there is a problem with the management. I hope the Ministry and the Cabinet Secretary of Water and Irrigation will solve that problem as soon as possible. That programme is important and has to continue. It is a major flagship project of our good brothers in the Jubilee Government.

We need money for irrigation projects not only at the Coast, but for irrigation projects across the country. We need to add money to agriculture if we are serious about agriculture and food production in this country. Lastly, I will echo what the previous speaker has talked about. I do not see any money going to the IEBC despite the fact that they need money to conduct credible elections next year. That is not mentioned anywhere and I wonder why.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you Hon. Member. I now give the Floor to Hon. David Kangongo, the Member for Marakwet East Constituency.

Hon. Bowen: Thank you, Hon. Temporary Deputy Speaker. I support the approval of this Supplementary Budget.

At the last quarter of the financial year, it is proper that we approve this Supplementary Budget to fund Government operations, including payment of public servants for the remaining months of the year. I did not have time to join the Liaison Committee which came up with this Supplementary Budget. I congratulate the Members because they have come up with very good Supplementary Estimates, given that we do not have the substantive Budget and Appropriations Committee of the House.

There are areas of this Supplementary Budget that I want to speak about. This House has been appropriating money to the security docket for a very long time. Security allocations in our Budgets have been substantial yet our officers do not feel the impact of those allocations. We still find police officers living in mud-walled houses and uni-huts. We still find prison officers living in polythene housing and shanties.

In terms of security, we are seeing the Government giving a lot of money to the security sector. The issue of cattle rustling and conflict among communities in Kenya is still widespread because we are not addressing the real problem in these communities. The pastoral communities do not require police officers in their areas. They only require good schools, water points for their animals and infrastructure. If we open up these areas, the issue of cattle rustling and insecurity will end.

Yesterday, we saw drama in the Ministry of Water and Irrigation, especially the Department of Irrigation. The Galana Irrigation Project is almost becoming a white elephant. Huge chunks of money were allocated to this project five years ago and we are not seeing benefits coming out of it as in the initial feasibility study and proposal of the project.

We are seeing many problems in the National Irrigation Board (NIB). I want to speak from a point of information. In my constituency, there is a project which for the last seven years has spent almost Kshs150 million and we are seeing nothing. This is a project of only four kilometers of pipe works. This is a national cash cow where individuals just milk taxpayers' money.

Yesterday, Members of Parliament from Turkana County brought a petition to this House concerning the NIB. In Marakwet East and West Pokot, we have the same problems. I would suggest that the Cabinet Secretary who overturned the decision of the NIB to send away the General Manager did not act in a proper manner. It is improper.

Hon. A.B. Duale: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, the Leader of the Majority Party has a point of order.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, we are not discussing the NIB, we are discussing the Supplementary Estimates. Let us stick to the Supplementary Estimates. I am saying this with a lot of respect to my colleague. I know the issues he is raising are very important, but they can be raised at an appropriate time.

Hon. Bowen: Thank you, Hon. Temporary Deputy Speaker. Why should we give NIB money when we are appropriating? I am speaking because my constituents are suffering. There is a four-kilometre project which has not been done. On revenue collection, the Leader of the Majority Party is here to tell us whether the Government is broke or not because there are huge pending bills in the Government.

The KRA reported that they have missed their target by almost Kshs60 billion. That is the area we need to see. There are serious loopholes in revenue collection. There was an amendment by Hon. Omulele on the money allocated to the Senate. I want to be very specific that this money should not be given to individuals. Let it go to the Committees of Parliament.

I am happy some money has been given to the IEBC for voter registration. Before we deal with voter registration, the Department of Civil Registration should issue IDs to Kenyans, so that they can register as voters. Going forward, and I am happy the Leader of the Majority Party is here, we should pass a Budget that is issue-oriented and not one where some people set money aside for their own benefit.

I support the Supplementary Budget.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, I will now call upon Hon. Duale, on behalf of the Chairperson of the Liaison Committee, to reply.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. Through you, I want to donate two minutes each to Hon. Savula, Hon. Lentoimaga and Hon. Kiptanui.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let us start with Hon. Savula. Give him the microphone. You have two minutes.

Hon. Angatia: Thank you, Hon. Temporary Deputy Speaker and the Leader of the Majority Party for the opportunity. I would like to support the Supplementary Budget that is currently under debate.

The Committee has done a good job. However, going forward, I suggest or recommend that we increase the allocation to the Office of the Auditor-General, so that it can put in place human resource and structures to audit public expenditure. If you give the Office of the Auditor-General Kshs5.8 million only for auditing services, you create room for public officers to loot money because there are no clear monitoring systems. Going forward, if we put in more money into the Office of the Auditor-General, we shall strengthen that institution, so that we can fight corruption both at the national Government and county government levels.

Lastly, I also request that KRA be involved in the collection of county revenue because collection clerks and governors just collude. There are no systems in place for one to account for the proper collection of money that is levied at the county level. If we involved KRA in the

collection of the levies and the money goes back to the county for expenditure, we will have a system whereby we know how much a county has collected and how much is going to be spent for prudent expenditure.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let us have Hon. Lentoimaga.

Hon. Lentoimaga: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Supplementary Budget. It is important because it addresses the unforeseen expenditures or costs that have not been met before. This is very important.

The Budget has set aside money with regard to the issue of policing. It is important that that money is dispensed very quickly, so that it can go a long way to support policing, especially in vehicle support now that the Government has bought a lot of new vehicles all over the country. These vehicles need fuel and the officers need allowances for them to enforce the law. They also need equipment.

It is important for the Government to use this Supplementary Budget to address the issue of secondary schools. Education is a function of the national Government. Most Members, including myself, have constructed secondary and primary schools. These schools need a lot of support during the last quarter of the financial year.

Most pastoralists are unable to acquire IDs. We need mobile registration centres. Registration officers do not even have vehicles, fuel or even allowances. This Supplementary Budget should facilitate young people who have attained the age of 18 to get IDs.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let us have Hon. Kiptanui.

Hon. Kiptanui: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. I support the Supplementary Budget. In the Supplementary Estimates, there is a provision for additional money for Technical Training Institutes (TTIs) across the country. This will go a long way in finalising construction of TTIs that are on-going in our constituencies and give us an opportunity to construct more in the next financial year.

Hon. Temporary Deputy Speaker, on agriculture, the Government has allocated Kshs2 billion for subsidy of fertilizer and seeds. This, indeed, will go a long way in ensuring that the bread basket of this country has affordable inputs for agriculture. Going forward, as a country, we need to provide more money through this programme, so that our farmers are supported in farming.

Finally, there is an issue of concern that KRA should collect more revenue for this country. If you look at its history in the last few years, it has not met its targets. This is an issue the National Treasury and the Departmental Committee on Finance, Planning and Trade should address. The KRA is either becoming incompetent or they are not making full disclosure of the revenues they are collecting.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Duale.

Hon. A. B. Duale: Hon. Temporary Deputy Speaker, on behalf of the Chair of the Liaison Committee, I wish to reiterate that while preparing these Supplementary Estimates, the National Treasury received requests for additional expenditure amounting to over Kshs130.2 billion. Due to financial constraints, these requests were rationalised and harmonised and only key ones were considered for funding in terms of major allocations. These included salary related expenditure of Kshs9.4 billion, recruitment of 10,000 police constables at Kshs2.2 billion and other security interventions at Kshs7 billion. These includes our forces in Somalia, multi-agency war against corruption, the different arms including the EACC, Director of Public

Prosecutions (DPP), Controller of Budget, Financial Reporting Centre and the purchase of land for squatters at the Coast at Kshs1.3 billion. Of course, Kshs1.5 billion was put in.

The Committees have finalised interrogating all these Supplementary Estimates. There is nothing unusual when KRA fails to meet its targets. In fact, KRA has been doing well until this quarter. Of course, if you look at its collection of tax in their latest statistics, VAT has grown by about 24 per cent, Customs collection has grown by about 34 per cent and Pay as You Earn (PAYE) has grown by about 20 per cent because there is a freeze on public service recruitment.

This is the second Supplementary Estimates. If my memory serves me well, we usually receive two Supplementary Estimates. I thank all the Members. There were two amendments which were supported by the House. I want to tell our colleagues in the Senate that as the Estimates come tomorrow, we will consider their request. I am sure in the remaining two months, we will make the relevant regulations.

Hon. Temporary Deputy Speaker, through you, I want to protest because the Budget Office technical staff should have been here. That is their work. When we are dealing with other Bills, the Legal Department teams are here. Members were asking me questions and I kept asking Hon. Bowen to check if there was anybody from the Budget Office. The Budget Office should have been here. I also want to protest that the National Treasury technical team should also have been here. I want to go on record that those two groups should have been here. You can direct the Budget Office. I will write to the Cabinet Secretary for the National Treasury to ask why his team is not here because these are Government issues and we need to do more consultations.

I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, the Leader of the Majority Party. Your concerns have been captured in the HANSARD. I am sure in your meeting with the House Business Committee, you can raise it more substantially, so that every time we are debating a Bill of any Ministry or any Committee, the technical people are available.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, the time being 6.30 p.m., this House stands adjourned until tomorrow, Thursday, 28th April 2016 at 9.30 a.m.

The House rose at 6.30 p.m.