



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – SECOND SESSION
THE NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS
THURSDAY, NOVEMBER 29, 2018

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Second Chairperson
4. **QUESTIONS**

The following Questions were asked –

- (a) **Question No. 197/2018** the Member for Kuresoi South Constituency (Hon. Joseph Kipkosgey Tonui) regarding registration of schools in Kuresoi South Constituency;
Question referred to the Departmental Committee on Education and Research.
- (b) **Question No. 204/2018** by the Member for Ndhiwa Constituency (Hon. Martin Peters Owino) regarding the status of Rodi Kopany - Karungu - Sori Road that serve Rangwe, Ndhiwa, Gwasi, Uriri, Nyatike and Homabay Constituencies in Homa Bay and Migori;
Question referred to the Departmental Committee on Transport, Public Works and Housing.
- (c) **Question No. 208/2018** by the Member for Samburu East Constituency (Hon. Jackson Lekumontare) regarding the death of one Il'napari Lepeta, a minor from Ndonyo Nasipa location of Samburu East Constituency as result of an unattended unexploded ordinance;
Question referred to the Departmental Committee on Administration and National Security.
- (d) **Question No. 210/2018** by the Member for Magarini Constituency (Hon. Michael Thoyah Kingi) regarding the alleged shooting of one Mr. Jumaa Bahati Shanga by a police officer from Adu Police Station;
Question referred to the Departmental Committee on Administration and National Security.
- (e) **Question No. 228/2018** by the Member for Kanduyi Constituency (Hon. Wafula Wamunyinyi) regarding irregular allocation of public land set aside for a Police

Station and Administrative Offices in Marakaru/Tuuti Ward in Kanduyi Constituency;

Question referred to the Departmental Committee on Lands.

- (f) **Question No. 239/2018** by the Member for Laisamis Constituency (Hon. Marselino Malimo Arbelle) regarding increased insecurity in Laisamis Constituency;

Question referred to the Departmental Committee on Administration and National Security.

- (g) **Question No. 240/2018** by the Member for Kinango Constituency (Hon. Benjamin Dalu Stephen Tayari) regarding rehabilitation of the Mazeras – Kinango road;

Question referred to the Departmental Committee on Transport, Public Works and Housing.

- (h) **Question No. 259/2018** by the Nominated Member (Hon. David Ole Sankok) regarding measures that the Ministry of Environment and Forestry Resources has put in place to control and eradicate the water hyacinth in Lake Victoria and other water bodies in Kenya;

Question referred to the Departmental Committee on Environment and Natural Resources.

5. MOTION-TWENTY-SECOND REPORT ON AUDITED FINANCIAL STATEMENTS FOR STATE CORPORATIONS

Motion made-

THAT, this House **adopts** the Twenty-Second Report of the Public Investments Committee on Audited Financial Statements for State Corporations, laid on the Table of the House on Tuesday, November 06, 2018.

(Chairperson, Public Investments Committee)

Debate on the Motion having been concluded on Wednesday, November 28, 2018 (Afternoon Sitting);

Question put and agreed to.

6. MOTION - REPORT ON THE EXAMINATION OF THE AUDITOR GENERAL'S REPORT ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT

Motion made and Question proposed -

THAT, this House **adopts** the Report of the Public Accounts Committee on the Examination of the Auditor General's Report on the Financial Statements for the National Government for the Financial Year ended 30th June 2015, laid on the Table of the House on Tuesday, November 14, 2018.

(Chairperson, Public Accounts Committee)

Debate interrupted on Wednesday, November 28, 2018 (Morning Sitting) resumed;

Amendment proposed –

THAT, the Motion be amended by inserting the following expression immediately after the expression “2018”-

“subject to –

- (a) deletion of the Committee recommendation contained in paragraph 395.2 of the Report, and substitution thereof with the following new recommendation-

“The Auditor-General to, within three months after adoption of this Report, undertake further audit in order to establish the circumstances in which restricted tendering was adopted in the construction of a model County office in Embu by the State Department of Environment and Natural Resources during the financial year 2014/2015”;

- (b) deletion of the Committee recommendation contained Paragraph 395.5 of the Report and substitution thereof with the following new recommendation-

“The Auditor-General to, within three months after the adoption of this Report, undertake further audit on the propriety of using restricted tendering for fencing projects at various meteorological projects by the Department of Environment and Natural Resources during the financial year 2014/2015.”

- (c) deletion of the Committee recommendation contained in paragraph 395.7 of the Report, and substitution thereof with the following new recommendation-

“The Auditor-General to, within three months after adoption of this Report, undertake further audit on the propriety of contracts to various suppliers to supply seedlings to various destinations by the State Department of Environment and Natural Resources during the financial year 2014/2015.”

(Hon. Junet Mohammed)

Debate on the amendment having been concluded on Wednesday, November 28, 2018 (Morning Sitting);

Question of the amendment put and agreed to;

Further amendment proposed –

THAT, the Motion be amended by inserting the following immediately after the words “November 14, 2018”-

“subject to:

- (i) deletion of Recommendation No. (ii) appearing on page 18 under Paragraph 4 (Pending Bills) and substituting therefor the following:

“(ii). The Accounting Officer, Dr. Kamau Thugge, puts in place measures to forestall the accumulation of pending bills at the National Treasury contrary to the provisions of Section 12(2) (b) of the Public Finance Management Act, 2012 which mandates the National Treasury to ensure proper management and control of, and accounting for the finances of the national government and its entities in order to promote the efficient and effective use of budgetary resources at the national level.”

- (ii) deletion of the Committee Recommendation under Paragraph 5 (Outstanding Imprests) appearing on page 19 of the Report and substituting therefor the following:

“The Accounting Officer, Dr. Kamau Thugge, puts in place measures to manage imprests and ensure outstanding imprests are surrendered on time in line with the provisions of the Public Finance Management Act, 2012 and Regulation 93 of the Public Finance Management (National Government) Regulations, 2015.”

(Hon. Kimani Ichung’wah)

Question of the amendment proposed;

Debate on the amendment arising;

Question of the amendment put and agreed to;

Further amendment proposed -

THAT, the Motion be amended by inserting the following immediately after the words “November 14, 2018”-

“subject to deletion of the Recommendation appearing under paragraph 243 item no. 2 on page 277 of the Report, and substituting therefor the following -

The Accounting Officer during the year under review be reprimanded for introducing a new criterion during evaluation and comparison of tenders and proceeding to cancel the tender for lowest bid contrary to section 66(2) of the Public Procurement and Disposal Act, 2005 and section 74(4) (a) of the Public Finance Management Act, 2012.”

(Hon. Owen Baya)

Question of the amendment proposed;

Debate on the amendment arising;

Question of the amendment put and negatived;

Further amendment proposed -

THAT, the Motion be amended by inserting the following immediately after the words “November 14, 2018”-

“subject to:

(i) deletion of recommendation no. 1 under Committee Recommendations on under paragraph 375.1 (Retention of Refunds - Kshs. 881,398,162.91) on page 466 of the Report, and substituting therefor the following –

“1. The Auditor General to, within three months after the adoption of this Report, undertake an audit into the payments of Kshs.292,060,779.51 and Kshs.100,372,341.65 for FY 2013/14 and FY 2014/15 respectively, totaling Kshs.392,433,121.16 made by the then Accounting Officer, Eng. John K. Mosonik, without original receipts. The Auditor General should also undertake a further audit into refunds totaling Kshs.55,450,449.02 in FY 2014/15 paid by the then Accounting Officer to contractors without proof of completion of works contrary to the Public Finance Management Act, 2012.”

(ii) deletion of recommendation no. 1 under Committee Recommendations under paragraph 375.2 (Unresolved Issues for Deposits Account for 2012/13 and Earlier Years) on page 467 of the Report, and substituting therefor the following –

“1. The Auditor General to, within three months after the adoption of this Report, undertake a further audit regarding a Statement of Assets and Liabilities under Deposits for the former Ministry of Roads submitted by the then accounting officer, Eng. John K. Mosonik, that was still reflecting the Debit and Credit Balances relating to the FY 2012/2013 and earlier years which, besides being un-cleared for a long time, had remained unanalyzed and unsupported as at 30th June, 2016.”

(Hon. Daniel Maanzo)

Question of the amendment proposed;

Debate on the amendment arising;

Question of the amendment put and agreed to;

Debate on the Motion as amended resumed;

[Change of Chair from Second to Fourth Chairperson]

Debate concluded;

Mover to reply.

And the time being three minutes past One O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

7. HOUSE ROSE - at three minutes past One O'clock

M E M O R A N D U M

The Speaker will take the Chair today,
Thursday, November 29, 2018 at 2.30 p.m.