



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 26, 2019

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **PETITION**

The Speaker conveyed the following Petition –

REGARDING HISTORICAL LAND INJUSTICES IN KIMULOT AREA IN KERICHO AND BOMET COUNTIES

Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition, other than those presented by a Member. I therefore wish to report to the House that my office has received a Petition from representatives of the families of Tapsimate araap Borowo and Kipsoi araap Chemorore, both deceased, regarding alleged grave historical land injustices meted on residents of Kimulot area, presently in Kericho and Bomet Counties, by the colonial government between 1948 and 1953.

The Petitioners allege that, on August 1, 1951, the British Colonial Government awarded Kimulot Tea Company, now known as James Finlay (Kenya) Limited, a division of Swire Group, United Kingdom, a 999-year lease on the Kimulot land, without consent from nor compensation to the owners. The land comprised of various consolidated parcels of land acquired from residents and registered as LR No. 8804 measuring approximately 4,500 acres occasioning massive and forcible displacement of residents from their ancestral home without compensation. The Petitioners aver that, the Late Tapsimate araap Borowo and the Late Kipsoi araap Chemorore, who felt unfairly deprived of their rights over their ancestral land refused to relocate, thereby necessitating action to forcibly remove them. In October 1951, the Colonial Administration prosecuted the duo under Criminal Case No. 346 of 1951 (*Rex vs Tapsimate araap Borowo*) and Criminal Case No. 461 (*Rex vs*

Kipsoi araap Chemorore). Both cases were decided in favour of the Petitioners in two successive hearings, including an Appeal filed by the applicants. The Petitioners state that in early 1952 the Colonial Administration filed a third case before an allegedly 'friendlier' court in Kisumu. The Kisumu court decided the matter in favour of the Colonial Administration, effectively causing the Petitioners to lose over 4500 acres of prime land in ensuing merciless eviction that was executed from February 26, 1952, without allowing the residents time to appeal the decision.

Honourable Members, the Petitioners state that, both Mzee Tapsimate araap Borowo and Mzee Kipsoi araap Chemorore were kept behind bars to hinder any attempts on their part to interfere with the evictions. They further aver that, while some evictees accepted alternative land from the Colonial Administration, both Mzee arap Borowo and Mzee araap Chemorore declined and maintained their focus on Kimulot, the land of their ancestors. Until their death, they remained landless and so are all their descendants, who live in squalor right by the land that they would otherwise have exploited for sustenance of their livelihoods and economic gain.

Honourable Members, the Petitioners are therefore praying that the National Assembly, through the Departmental Committee on Lands, opens up fresh and transparent investigations into the matters raised in this Petition, particularly the forcible dispossession of both the Borowo and Chemorore families without compensation and the circumstances relating to the eviction, without compensation, of the Kipsigis community from their ancestral land in Kimulot in an operation commenced in February 1952, with a view to ensure that the land rights of the Petitioners are upheld as stipulated in the Constitution and the United Nations Universal Declaration of Human Rights.

Honourable Members, pursuant to the provisions of Standing Order 227, this Petition therefore stands committed to the Departmental Committee on Lands. The Committee is requested to consider the Petition and report its findings to the House and the Petitioner in accordance with Standing Order 227(2).

I thank you!

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Reports of the Auditor-General and the Financial Statements in respect of the following institutions for the year ended 30th June, 2018 and the certificates therein:-
 - a) Assets Recovery Agency;
 - b) The National Council for Children's Services;
 - c) Child Welfare Society of Kenya;
 - d) National Museums of Kenya;
 - e) National Industrial Training Authority;
 - f) Kenya Energy Sector Environment and Social Responsibility Programme Fund;
 - g) Kenya National Library Service;
 - h) Kenya Copyright Board;
 - i) Kenya Medical Research Institute;
 - j) Kenya Cultural Centre;
 - k) National Humanitarian Fund;

- l) Jaramogi Oginga Odinga University of Science & Technology;
- m) University of Nairobi Press;
- n) State Department for Trade; and
- o) Mt. Elgon Lodge Limited.

(The Leader of the Majority Party)

(ii) Reports of the Departmental Committee on Justice and Legal Affairs on: -

- a) The Instrument for Ratification (Accession) of the Agreement for the establishment of the International Anti-Corruption Academy as an International Organization;
- b) Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy; and,
- c) The Petition by Mr. Julius Kipkoech Bores to amend the Constitution of Kenya to alter the system of representation.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

(iii) Report of the Departmental Committee on Health on the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 5 of 2019).

(Hon. Gabriel Tongoyo)

(iv) Reports of the Departmental Committee on Defence and Foreign Relations on its consideration of: -

- (a) The Agreement for the Setting up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region & Explanatory Memorandum and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean and the Explanatory Memorandum; and
- (b) The Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi Broglio-Malindi Space Centre.

(Chairperson, Departmental Committee on Defence and Foreign Relations)

(v) Reports of the Departmental Committee on Communication, Information and Innovation on: -

- (a) The Delegation to the National Association of Broadcasters (NAB) Show, 2019;
- (b) The Participation at the World Summit on the Information Society (WSIS) Forum, 2019; and
- (c) The Consideration for ratification of the Beijing Treaty on Audio-Visual Performances.

(Chairperson, Departmental Committee on Communication, Information & Innovation)

6. NOTICES OF MOTION

The following Notices of Motion were given –

- (i) **THAT**, this House **adopts** the Report of the Departmental Committee on Justice and Legal Affairs on the Instrument for ratification (Accession) of the Agreement for the establishment of the International Anti-Corruption Academy as an International Organization, *laid on the Table of House on Wednesday, June 26, 2019.*
- (ii) **THAT**, this House **adopts** the Report of the Departmental Committee on Justice and Legal Affairs on the Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy, *laid on the Table of House on Wednesday, June 26, 2019.*
(Chairperson, Departmental Committee on Justice and Legal Affairs)
- (iii) **THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement for the setting up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region & Explanatory Memorandum and the Regional Agreement on the Co-ordination of operations at Sea in the Western Indian Ocean and the Explanatory Memorandum, *laid on the Table of the House on Wednesday, 26th June, 2019.*
- (iv) **THAT**, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi Broglio-Malindi Space Centre, *laid on the Table of the House on Wednesday, 26th June, 2019.*
(Chairperson, Departmental Committee on Defence and Foreign Relations)
- (v) **THAT**, aware that Article 93 of the Constitution of Kenya establishes two Houses of Parliament, each with a distinct mandate as outlined under Articles 95 and 96 of the Constitution, respectively;

WHEREAS Article 95 of the Constitution specifically mandates the National Assembly to-

- (a) represent the people of the constituencies and special interests in the National Assembly;
- (b) deliberate on and resolve issues of concern to the people.
- (c) enact legislation in accordance with Part 4 of Chapter Eight of the Constitution;
- (d) determine the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve of the Constitution, appropriate funds for expenditure by the national government and other national State organs;
- (e) exercise oversight over national revenue and its expenditure; and
- (f) review the conduct in office of the President, the Deputy President and other State officers and initiate the process of removing them from office; and,

(g) exercise oversight of State organs;

AND WHEREAS Article 109(2) of the Constitution provides that any Bill may originate in the National Assembly **and Article 109(3) of the Constitution provides that a Bill not concerning county governments is considered only in the National Assembly, and passed in accordance with Article 122 of the Constitution and the Standing Orders of the National Assembly;**

AND WHEREAS the National Assembly of the 12th Parliament has, pursuant to the powers conferred by the said Article 109(3) of the Constitution passed several laws that do not concern county governments as contemplated by the Constitution

AND WHEREAS Article 110(1) of the Constitution defines a Bill concerning county governments as:-

- (a) a Bill containing provisions affecting the functions and powers of the county governments set out in the Fourth Schedule;
- (b) a Bill relating to the election of members of a county assembly or a county executive; and
- (c) a Bill referred to in Chapter Twelve affecting the finances of county governments;

AND WHEREAS Article (4) provides that a Bill concerning county government may originate in the National Assembly or the Senate, and is passed in accordance with Articles 110 to 113, Articles 122 and 123 and the Standing Orders of the Houses.

AND WHEREAS Article 110(3) of the Constitution provides that before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any **question** as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill;

COGNIZANT THAT, the matter of whether the question as to whether a Bill concerns counties would routinely arise has been addressed by the High Court of Kenya in the matter of Nation Media Group Limited & 6 others v Attorney General & 9 others (Judicial Review Misc. Appl. No. 30 of 2014) ,where the Court held that the requirement contained in Article 110(3), comes into play **when there is a question or doubt** as to whether or not a Bill concerns counties. The absence of consultation and resolution between the two Speakers of the Houses on whether or not a Bill concerned counties is not in itself unconstitutional nor a violation of the Standing Orders.

COGNIZANT THAT, the power of the Speakers of the Houses of Parliament under Article 110(3) is limited to resolution of a question as to whether a Bill concerns county governments or not;

AWARE that in furtherance to Article 110(3) of the Constitution, the House, through Standing Order 121, has mandated the Speaker to determine, in the first instance whether a Bill concerns county governments as and whenever a question arises and to establish an appropriate framework for jointly resolving the question with the Speaker of the Senate;

FURTHER AWARE that the Speaker has and continues to actively engage the Speaker of the Senate on the establishment of an appropriate framework for jointly resolving any question as to whether a Bill concerns county government as and when the question arises;

COGNIZANT THAT in accordance to Article 109(5), a money Bill may be introduced **only** in the National Assembly in accordance with Article 114;

AND FURTHER WHEREAS Article 114 (2) of the Constitution provides that if, in the opinion of the Speaker of the National Assembly, a motion makes provision for a matter listed in the definition of a **money Bill**, the Assembly may proceed only in accordance with the recommendation of the relevant Committee of the National Assembly after taking into account the views of the Cabinet Secretary responsible for finance;

AND FURTHER WHEREAS Article 121 of the Constitution provides that the quorum of Parliament shall be fifty members, in the case of the National Assembly, or fifteen Members, in the case of the Senate;

AND FURTHER WHEREAS Article 122(1) of the Constitution provides that except as otherwise provided in the Constitution, any question proposed for decision in either House of Parliament is to be determined by a majority of the members in that House, present and voting;

CONCERNED that contrary to the express requirements of Articles 121 and 122 of the Constitution with regard to the quorum required for the convening of a session and voting on any question proposed for decision by a House of Parliament, the Senate has and continues to convene its sessions and vote on questions proposed for decision without the requisite quorum and thresholds being met and thus prejudicing the legality of National Assembly business that is subject to the bicameral process;

AND WHEREAS Article 108 of the Constitution establishes the offices of a Leader of the majority party and a leader of the minority party, being the person who is the leader in the National Assembly of the largest party or coalition of parties and the person who is the leader in the National Assembly of the second largest party or coalition of parties;

AND WHEREAS the said Article 108(4) of the Constitution exclusively accords certain order of precedence to be observed in the National Assembly, being the the Speaker of the National Assembly, the leader of the majority party; and the leader of the minority party; hence the one in the Senate is unknown to the Constitution and any law;

CONCERNED that despite the provisions of Article 108 of the Constitution, the Senate has irregularly established and caused the Parliamentary Service Commission to facilitate and continues to so irregularly facilitate the offices of the Leader of the Majority Party and the Leader of the Minority Party, offices that are unknown to the Constitution and any the laws of Kenya;

AND WHEREAS Article 132 of the Constitution generally mandates the National Assembly to receive names of persons nominated for appointment to public office by the President, vet their suitability or otherwise and to approve or reject their appointment;

CONCERNED that despite the express provisions of the Constitution, the Senate continues to participate in the approval of the appointment of person to State Offices, through a duplicate process, resulting in a procedure unknown to bicameral parliaments anywhere in the world, since in bicameralism vetting of persons for appointment to state and public offices is exclusively vested in one House;

CONCERNED THAT, despite the express provisions of Article 95(5)(b) of the Constitution, the Senate has established parallel Committees duplicating the mandate of the Committees in the National Assembly and County Assemblies and has, on diverse occasions sought to exercise oversight of state organs in a manner that does not accord with the functions of county governments outlined under Part 2 of the Fourth Schedule to the Constitution;

FURTHER CONCERNED that in complete disregard of the provisions of Articles 109 and 114 of the Constitution mandating the origination of a money Bill **only** in the National Assembly, the Senate has on various occasions introduced and considered Bills with a money bill effect;

COGNIZANT that pursuant to Article 3 of the Constitution, every person has an obligation to respect, uphold and defend the Constitution and that Article 94 of the Constitution requires Parliament to protect the Constitution;

FURTHER COGNIZANT that Article 110(3) of the Constitution requires the Speakers of the Houses of Parliament to resolve any question as to whether a Bill is a Bill concerning county governments as and when such a question arises;

FURTHER COGNIZANT that Article 229(6) of the Constitution requires the use of public funds in a lawful and effective manner;

FURTHER AWARE that the continued engagement of the Senate in matters outside its express mandate, its irregular duplication of the mandate of the National Assembly and County Assemblies and its establishment and facilitation of irregular and unconstitutional offices constitutes imprudent use of public funds;

RECOGNIZING THAT, the Speaker of the National Assembly has always implemented the provisions of Article 110(3) and Standing Order 121 with regard to resolving a question as to whether a Bill concerns county governments or not;

NOW THEREFORE THIS HOUSE-

1. **REITERATES AND REAFFIRMS** its commitment to respect uphold and defend the Constitution in terms of Article 3 of the Constitution;
2. **FURTHER REITERATES AND REAFFIRMS** the exclusive role of the Speaker of the National Assembly and the relevant Committee of the House in the consideration of any motion that makes provision for a matter listed in the definition of a money Bill under Article 114 of the Constitution;
3. **FURTHER REITERATES AND REAFFIRMS** its oversight role over national revenue and its expenditure, including the lawful and effective use of public funds by all state organs;
4. **URGES** the Speaker to continue engaging the Speaker of the Senate on establishing an appropriate framework for jointly resolving any question as to whether a Bill concerns county government as and when such a question arises;
5. **REAFFIRMS THAT**, pursuant to the provisions of Article 95(4) and (5) of the Constitution the mandate of oversight of State Organs exclusively vests in the National Assembly and the duplication of this role is unconstitutional;
6. **RESOLVES-**
 - (a) **THAT**, the House will continue upholding the provisions of Article 109(3) in the passage of Bills that do not concern county government;
 - (b) **THAT**, the House will continue upholding the provisions of Articles 109(5) & 114 of the Constitution and Standing Order 143 in considering Bills originating from the Senate;
 - (c) **THAT**, in the first instance, the Houses of Parliament always explore **alternative** mechanisms of resolving any dispute that may arise between the Houses from time to time as is the practice in comparative jurisdictions;
 - (d) **THAT** in the event of failure of the alternative dispute resolution mechanism , the National Assembly institutes legal proceedings to seek interpretation of the Constitution with respect to the foregoing concerns and also with respect to the scope of its mandate vis a vis that of the Senate including-
 - (i) whether it is lawful for the Senate to continue duplicating in entirety the National Assembly's legislative, representative and oversight mandates and it's organizational and institutional structures with the resultant pressure on public resources;
 - (ii) the enforcement of Articles 108 (*Party Leaders*), 121(*Quorum*) and 122 (*Voting in Parliament*) of the Constitution with regard to the operation of the Senate.

- (e) **THAT** the in the meantime, the House Business Committee, upon this Resolution, inquires into the foregoing concerns and presents a report to this House as soon as practicable.

(Leader of the Majority Party & Leader of the Minority Party)

6. **QUESTIONS**

The following Questions were asked –

- (i) Question by Private Notice No. 31/2019 by the Member for Ainabkoi (Hon. William Chepkut) regarding murder of one Ronald Kipkurui at Naiberi Trading Centre;
(To be replied by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)
- (ii) Question by Private Notice No. 32/2019 by the Member for Tharaka Nithi County (Hon. Beatrice Nkatha) regarding non gazettelement of regulations under the Counter Trafficking in Persons Act, No.8 of 2010;
(To be replied by the Cabinet Secretary for Public Service, Youth and Gender Affairs before the Departmental Committee on Labour and Social Welfare)
- (iii) Question No. 296/2019 by the Member for Naivasha (Hon. Jayne Kihara) regarding delay in payment of pension to former employees of Kenya Railways Corporation;
(To be replied by the Cabinet Secretary for National Treasury before the Departmental Committee on Finance and National)
- (iv) Question No. 298/2019 by the Member for Dagoretti North (Hon. Simba Arati) regarding details of whereabouts of the 1.2 million bags of contaminated sugar
(To be replied by the Cabinet Secretary for Industry, Trade and Cooperatives before the Departmental Committee on Trade, Industry and Co-operatives)
- (v) Question No. 299/2019 by the Member for Vihiga County (Hon. Beatrice Adagala) regarding pamphlets, letters and posters being circulated in Vihiga County for people to apply for domestic jobs in the Middle East;
(To be replied by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)
- (vi) Question No. 300/2019 by the Member for Gichugu Constituency (Hon. Robert Gichimu Githinji) regarding agreements signed between Kenyan Government and the Government of Uganda.
(To be replied by the Cabinet Secretary for Industry, Trade and Cooperatives before the Departmental Committee on Trade, Industry and Co-operatives)

7. **STATEMENTS**

The following Statement was issued:

The Chairperson, Departmental Committee on Defence and Foreign Relations, the Hon. Katoo Ole Metito, EGH, MGH, MP on reaffirming Kenya's Open-Door Policy with regard to all Foreign Nationals pursuant to Standing Order 43.

8. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE PRESIDENT’S RESERVATIONS TO THE INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2018)**

Motion made and Question proposed –

THAT, this House do agree with the Report of the Committee of the whole House on its’ consideration of the President’s Reservations to the Insurance (Amendment) Bill (National Assembly Bill No.21 of 2018).

(The Leader of the Majority Party)

Question put and agreed to.

9. **THE NUCLEAR REGULATORY BILL (NATIONAL ASSEMBLY BILL NO.27 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, Nuclear Regulatory Bill (National Assembly Bill No.27 of 2018) be now read a Second Time.

(The Leader of the Majority Party – 20.06.2019)

Debate on the Second Reading having been concluded on Tuesday, Jun 25, 2019;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the whole House.

10. **THE IMPEACHMENT PROCEDURE BILL (SENATE BILL NO.15 OF 2018)**

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

11. **THE PREVENTION OF TERRORISM (AMENDMENT) BILL (SENATE BILLS NO. 20 OF 2018)**

(Chairperson, Departmental Committee on Administration and National Security)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

12. **THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO.27 OF 2018)**

(Chairperson, Departmental Committee on Justice and Legal Affairs)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

13. **THE TEA BILL (SENATE BILLS NO. 36 OF 2018)**

(Chairperson, Departmental Committee on Agriculture and Livestock)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

14. **THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)**

(Chairperson, Departmental Committee on Labour and Social welfare)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

15. **THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO.46 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Appropriation Bill (National Assembly Bill No.46 of 2019) be now read a Second Time.

(Chairperson, Budget and Appropriation Committee)

Debate arising;

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Molo (Mr. Kimani Kuria) claimed to move that the Mover be called upon to Reply;

And the Chair having acceded to the claim;

Question put that the Mover be called upon to Reply, put and agreed to.

Mover Replied;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the whole House.

16. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Second Chairperson in the Chair

The Appropriation Bill (National Assembly Bill No. 46 of 2019)

Clause 3 - agreed to

Schedule - amendment proposed –

THAT, the Schedule be amended as follows –

(a) **R1071: THE NATIONAL TREASURY**
Programme 0717000 - General Administration Planning and Support Services

- (i) **THAT**, the allocation under the programme in respect of Recurrent Supply Estimates, Kshs. 66,347,501,139 be deleted and substituted thereof with the figure, **Kshs. 64,547,501,139;**
- (ii) **THAT**, the allocation under the Vote R1071 (The National Treasury) in respect of total Recurrent Supply Estimates, Kshs. 77,491,757,205 be deleted and substituted thereof with the figure, **Kshs. 75,691,757,205;** and
- (iii) **THAT**, the consequential amendments be effected in the relevant Class Sub-Totals and the Cluster Sub-Totals.

D1071: THE NATIONAL TREASURY
Programme 0717000 - General Administration Planning and Support Services

- (i) **THAT**, the allocation under the programme in respect of Development Supply Estimates, Kshs. 349,892,155 be deleted and substituted thereof with the figure, **Kshs. 2,149,892,155;**
- (ii) **THAT**, the allocation under Vote D1071 (The National Treasury) in respect of total Development Supply Estimates, Kshs. 27,566,991,724 be deleted and substituted thereof with the figure, **Kshs. 29,366,991,724;**
- (iii) **THAT**, the consequential amendments be effected in the relevant Class Sub-Totals and the Cluster Sub-Totals.

(b) **R2041: PARLIAMENTARY SERVICE COMMISSION**
Programme 0722000 - Senate Affairs

- (i) **THAT**, the allocation under the programme in respect of Recurrent Supply Estimates, Kshs. 6,715,144,400 be deleted and substituted thereof with the figure, **Kshs. 7,215,144,400;**
- (ii) **THAT**, the allocation under the Vote R2041 (The Parliamentary Service Commission) in respect of Total Recurrent Supply Estimates, Kshs. 13,132,600,000 be deleted and substituted thereof with the figure, **Kshs. 13,632,600,000;**
- (iii) **THAT**, the consequential amendments be effected in the relevant Class Sub-Totals and the Cluster Sub-Totals.

(c) **D1066: STATE DEPARTMENT FOR EARLY LEARNING AND BASIC EDUCATION**
Programme 0501000 - Primary Education

- (i) **THAT**, the allocation under the programme in respect of **Development** Supply Estimates, Kshs. 715,701,500 be deleted and substituted thereof with the figure, **Kshs. 1,515,701,500;**

- (ii) **THAT**, the allocation under the Vote D1066 (The **State Department for Early Learning**) in respect of Total **Development** Supply Estimates, Kshs. 6,201,669,353 be deleted and substituted thereof with the figure, **Kshs. 7,001,669,353**;
- (iii) **THAT**, the consequential amendments be effected in the relevant Class Sub Totals and the Cluster Sub-Totals.

(d) R1064: STATE DEPARTMENT FOR VOCATIONAL AND TECHNICAL TRAINING
Programme 0505000 - Technical and Vocational Training

- (i) **THAT**, the allocation under the programme in respect of **Recurrent** Supply Estimates, Kshs. 14,795,031,125 be deleted and substituted thereof with the figure, **Kshs. 13,995,031,125**;
- (ii) **THAT**, the allocation under the Vote R1064 (The **State Department for Vocational and Technical Training**) in respect of Total **Recurrent** Supply Estimates, Kshs. 15,000,212,992 be deleted and substituted thereof with the figure, **Kshs. 14,204,212,992**;
- (iii) **THAT**, the consequential amendments be effected in the relevant Class Sub-Total and the Cluster Sub-Totals.

(e) IN RESPECT OF GRAND - TOTAL;

THAT, the sum of the Grand Total in respect of supply estimates, Kshs. 1,474,787,296,764 be deleted and substituted thereof with the figure Kshs. **1,475,287,296,764.**

(Chairperson, Budget and Appropriations Committee)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

New Clause proposed –

THAT, the following new clause be inserted immediately after clause 3 –

Conditional
Appropriation 4. The amounts in the schedule of –

- (a) five hundred million shillings appropriated under Vote R 2041 under program 0722000 (Senate affairs), earmarked for the County Oversight Program; and
- (b) fifty million shillings appropriated under Vote R 2042 under program 0721000 (National legislation, representation and oversight), earmarked for the proposed National Oversight Program,

shall not be disbursed until the Cabinet Secretary for National Treasury makes, with the approval of Parliament, regulations to provide a framework for the disbursement of the monies.

(Chairperson, Budget and Appropriations Committee)

Question of Second Reading proposed –

Debate arising;

Question of Second Reading Put and agreed to

Motion made and Question proposed that

That, New Clause 4 be part of the Bill

Question put and agreed to

New Clause 4 - agreed to.

Clause 2 - amendment proposed –

THAT, Clause 2 be deleted and substituted thereof with the following-

“2. The Treasury may issue out of the Consolidated Fund and apply towards the supply granted for the service of the year ending on the 30th June, 2020, the sum of Kenya Shillings one trillion, four hundred and seventy-five billion, two hundred and eighty-seven million, two hundred and ninety-six thousand, seven hundred and sixty-four, and that sum shall be deemed to have been appropriated as from 1st July, 2019, for the services and purposes specified in the Schedule.”

(Chairperson, Budget and Appropriations Committee)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 2 - as amended agreed to

Clause 1 - agreed to.

Title - agreed to

Bill to be reported with amendments

17. **HOUSE RESUMED** - the Third Chairperson in the Chair

The Appropriation Bill (National Assembly Bill No. 46 of 2019)

Bill reported with amendments

Motion made and Question proposed-

THAT, the House do agree with the Committee in the said report

(Chairperson, Budget and Appropriations Committee)

Question put and agreed to.

Motion made and Question proposed-

THAT, the Appropriation Bill (National Assembly Bill No. 46 of 2019) be now read a Third Time

(The Leader of the Majority Party)

Question put and **agreed to**.

18. **MOTION – REPORT ON THE STATUS OF NATIONAL REFERRAL HOSPITALS**

THAT, this House **adopts** the Report of the Departmental Committee on Health on the Status of National Referral Hospitals, laid on the Table of the House on Thursday, May 09, 2019.

(Member, Departmental Committee on Health)

Debate arising;

And the time being Seven O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

19. **HOUSE ROSE** - at Seven O'clock

M E M O R A N D U M

The Speaker will take the Chair on Thursday, June 27, 2019 at 2.30 p.m.

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