



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 6, 2020

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

4. **COMMUNICATION FROM THE CHAIR**

The Nature of the Equalisation Fund Bill, 2019 (National Assembly Bills No. 43 of 2019)

“**Honourable Members**, You will recall that during the morning sitting of Wednesday, 13th November, 2019, the Minority Party Deputy Whip, (the Hon. Chrisanthus Wamalwa, MP) sought direction of Speaker on the nature of the Equalisation Fund Bill, 2019. At the time, the House was considering the Motion for Second Reading of the Bill which is sponsored by the Member for Tiaty, the Hon. Wiliam Kasait Kamket. In his request, he sought guidance on whether, after the passage of the Bill by this House, the Bill would be forwarded to the Senate for consideration. It was the contention of the Hon. Member that, whereas the Memorandum of Objects and Reasons to the Bill states that the Bill does not concern county governments, the administration of the Equalisation Fund as proposed under the Bill affects the powers and functions of county governments. In this regard, he was of the view that, the passage of the Bill would require the participation of the Senate. When debate on the Second Reading of the Bill resumed on Wednesday, 20th November 2019, the Chair undertook to provide guidance in due course, after the Bill is considered at Third Reading.

Honourable Members, Noting that the Bill proceeded to consideration in Committee of the whole House and was read a Third Time today afternoon, I will hereby proceed to give my guidance, as follows-

1. First, the provisions of Article 204(3)(b) of the constitution empowers the National Government to utilize the Equalization Fund “either directly, or indirectly through conditional grants to counties in which marginalized communities exist”. The Equalisation Fund Bill, 2019 seeks to operationalize the said provision. Clause 3 of the Bill outlines that its provisions apply to the direct use of the Fund by the National Government to provide the various services required under Article 204 of the Constitution. The rest of the Bill establishes a framework through which the services are to be provided to the marginalised areas determined by the Commission on Revenue Allocation in their report prepared pursuant to Article 216 of the Constitution;

2. Second, the Bill further proposes the establishment of Local Committees in each ward within the marginalised areas tasked with identifying projects for funding in consultation with local communities. The Bill also establishes a Board to oversee the administration of the Fund.
3. Article 110(1) of the Constitution Honourable Members defines a Bill concerning county governments as, and I quote,—
 - (a) a Bill containing provisions affecting the functions and powers of 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.
4. The provisions of the Equalisation Fund Bill, 2019 seek to operationalize Article 204 of the Constitution by outlining the mode of administering the Fund when used directly by the National Government. I note that it touches on the following functions and powers which are concurrently exercised by both levels of government—
 - (a) Provision of Water, which is function exercised by both levels of government pursuant to Paragraph 22 (c) of Part 1 and Paragraph 11(b) of Part 2 of the Fourth Schedule to the Constitution, respectively;
 - (b) Provision of Roads, which is also a function exercised by both levels of government pursuant to Paragraph 18 (b) and (c) of Part 1 and Paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution, respectively;
 - (c) Provision of and regulation of Health facilities, which is a function exercised by both levels of government pursuant to Paragraph 23 of Part 1 and Paragraph 2 (a) of Part 2 of the Fourth Schedule to the Constitution, respectively; and,
 - (d) Provision of and planning for Electricity, which is also a function exercised by both levels of government pursuant to Paragraph 31 of Part 1 and Paragraph 8(e) of Part 2 of the Fourth Schedule to the Constitution, respectively.
5. Article 110(3) requires the Speaker of the Senate and I to jointly resolve any question as to whether a Bill concerns county governments, and if it does, whether it is a special or an ordinary Bill. Standing Order 121(3) provides that the Speakers may agree on an appropriate framework to actualize that provision.

Having said that Honourable Members, with respect to the question before the Speaker, there is no doubt that the administration of the Equalization Fund affects the functions and powers of county governments in terms of Article 110(1) (a) of the Constitution. In this regard, the Equalisation Fund Bill, (National Assembly Bill No. 43 of 2019) sponsored by the Member for Tiaty and which was passed by the House today afternoon, clearly concerns county governments and the participation of the Senate in its passage is therefore mandatory.

Honourable Members, that the Speaker's considered opinion which he undertakes to also share with the Speaker of the Senate in furtherance to the provisions of Standing Order 121(3), when forwarding the Bill to the Senate, now that it has been passed and read a Third Time today afternoon. The House is accordingly guided. I thank you!"

5. PAPERS LAID

The following Paper was laid on the Table of the House –

- 1) Legal Notice No. 55 of 2020 relating to the Banking (Credit Reference Bureau) Regulations and its explanatory memorandum from the National Treasury;
- 2) The Annual Performance Report for the Financial Year 2018/2019 from the Ministry of Defence; and
- 3) The Statutory Six Months Preference and Reservation Report pursuant to section 157 (12) and (13) from the Public Procurement Regulatory Authority;
(The Leader of the Majority Party)

6. STATEMENTS

a) Requests for Statements

Pursuant to Standing Order 44 (2), the following Requested for Statements were sought –

- (i) The Member for Kajiado Central Constituency (Hon. Elijah Memusi) requested for a Statement from the Chairperson, Departmental Committee on Administration and National Security regarding measures put in place to regulate movement and crossing of people and livestock along the porous Kenya-Tanzania border points, particularly areas around Namanga Town during COVID-19 pandemic;
- (ii) The Member for Teso South Constituency (Hon. Geoffrey Omuse) requested for a Statement from the Chairperson, Departmental Committee on Education and Research regarding the Government's preparedness on the e-learning to mitigate disruption arising from COVID-19;
- (iii) The Member for Mwingi West Constituency (Hon. Charles Ngusya) requested for a Statement from the Chairperson, Departmental Committee on Transport, Public Works and Housing regarding the status of construction of the Kibwezi, Kitui, Migwani, Mbondoni Road commissioned by the President in 2017;
- (iv) The Member for Gichigu Constituency (Hon. Robert Gichimu) requested for a Statement from the Chairperson, Departmental Committee on Administration and National Security on the measures the Government had put in place to cater for the welfare of the grass-root administrative officers such as Chiefs, Assistant Chiefs, Village Elders, Block Leaders and *Nyumba Kumi* leaders under the National Government Administrative Office (NGAO) across the country during the COVID-19 pandemic;
- (v) The Member for Mwatate (Hon. Andrew Mwadime) requested for a Statement from the Chairperson, Departmental Committee on Labour and Social Welfare regarding unfair sending on compulsory leave of one Mr. Kevin Lewis Safari of National Identification No. 11035015 and employee No. 00005634 by the Commissioner-General, Kenya Revenue Authority;
- (vi) The Member for Kiambu Town Constituency (Hon. Jude Njomo, MP) requested for a Statement from the Chairperson, Departmental Committee on Finance

and National Planning regarding classification of Personal Protective equipment (PPEs) under Tariff Code 6307.90 hence subjecting them to a 14% VAT and 25% import duty, contrary to the purpose of the Tax Laws (Amendment) Act, 2020;

- (vii) The Member for Suna West Constituency (Hon. Francis Masara) requested for a Statement from the Chairperson, Departmental Committee on Health regarding the measures put in place by the Ministry of Health to cushion residents living in borders counties such as Migori County from the risk of the spread of the COVID-19 pandemic due to movement of people across the borders;
- (viii) The Member for Garissa Township Constituency (Hon. Aden Duale) sought a Statement from the Chairperson, Departmental Committee on Energy regarding the measures taken by the Ministry of Energy to address the flooding in Garissa County occasioned by heavy rains and continuous release of water from the Seven-Forks Hydro-Power Scheme reservoirs by the Kenya Electricity Generating Company (KENGEN) PLC;

(Statement to be responded to through a Written Reply)

- (ix) The Member for Mukurwe-ini Constituency (Hon. Anthony Kiai) requested for a Statement from the Chairperson, Departmental Committee on Energy regarding persistent electricity supply outages in Mukurwe-ini Constituency for the past two months and disconnection of power supply to customers by the Kenya Power and lighting Company without prior explanation and in breach of contractual obligations to its customers; and
- (x) The Member for Homa Bay County (Hon. Gladys Wanga) requested for a Statement from the Chairperson, Departmental Committee on Environment and Natural Resources on measures the Government had put in place to sustain water and sanitation services provision in the country during the COVID -19 pandemic.

b) Responses to Requests for Statements:-

- i. The Chairperson, Departmental Committee on Education and Research (Hon. Julius Melly) responded to Requests for Statement as follows: -
 - a) Request for a Statement by the Member for Ndhwa Constituency (Hon. Martin Peters Owino) regarding preparations and precautionary measures taken by the Ministry of Education with regard to the end year examinations for Class Eight and Form Four students (KCPE and KSCE) in the country during COVID 19 pandemic period;
 - b) Request for a Statement by the Member for Murang'a County (Hon. Sabina Chege) regarding digital e-learning and status of end of term and semester examinations for learners in schools, colleges, universities and other institutions in the country; and
 - c) Request for a Statement by the Majority Party Whip (Hon. Benjamin Washiali) regarding introduction of virtual learning in schools by the Government, measures put in place to ensure equal access by all learners to digital learning and whether the national examinations scheduled to be done in October/November 2020 could be rescheduled due to inadequate preparation of learners as a result of interruption of learning by COVID-19.

(Responses laid on the Table of the House)

Taking into consideration dissatisfaction with the responses from the Cabinet Secretary expressed by the Members who had sought the Statements and the comments by other Members, the Speaker thereupon directed the Chairperson to invite the Cabinet Secretary for Education for a meeting with the Committee on Thursday, May 5, 2020 in the Chamber to address the concerns raised by Members.

- ii. The Chairperson, Departmental Committee on Lands (Hon. (Dr.) Rachael Nyamai) responded to a Request for Statement by the Member for Thika Town (Hon. (Eng.) Jungle Patrick Wainaina) regarding the status of the application for renewal of land lease for Del Monte Kenya Limited.

(Statement laid on the Table of the House)

- iii. The Chairperson, Departmental Committee on Health (Hon. Sabina Chege) made the following Statements:-

- (a) Statement in response to a Request for Statement by the Member for Kiminini (Hon. (Dr.) Chrisanthus Wamalwa) regarding alleged demotion of Dr. Lutomia, a top Scientist at the Kenya Medical Research Institute (KEMRI) by the Cabinet Secretary for Health. The Chair informed the House that the Ministry had formally written to the Clerk of the National Assembly notifying that KEMRI had sought additional three weeks to provide a comprehensive response on the matter;
- (b) Statement in response to a Request for a Statement by the Member for Teso North (Hon. Oku Kaunya) regarding measures that had been undertaken by the Government in Malaba Border on the management of the spread of Coronavirus; and
- (c) Statement regarding the status update from the Ministry of Health on the fight against COVID-19, with regard to the following areas:-
 - (i) funding streams received by the Ministry of Health and a breakdown on how each funding stream had been utilized as at April 30, 2020;
 - (ii) county-based report on the medical equipment and items distributed to the counties by the National Government in the fight against COVID-19;
 - (iii) report on funds that had been disbursed by the National Government to counties specifically on the fight against COVID-19 in the last two months, including donor support that had been channeled directly to the counties by development partners; and
 - (iv) report on the distribution of ROCHE and ABOTT testing kits in the counties and the number of counties that had started testing for COVID-19.

(Statements laid on the Table of the House)

c) General Statements:-

- (i) The Vice-Chairperson, Departmental Committee on Agriculture and Livestock (Hon. Emmanuel Wangwe) made a Statement regarding winnowing and harmonization of amendments proposed to the Tea Bill (Senate Bill No. 36 of 2018). The Vice-Chairperson informed the House that the Committee required more time to

consider the various proposed amendments, some of which had been submitted to the Committee that day. He sought the indulgence of the Speaker to stand down the consideration of the Bill by the Committee of the Whole House to a later day so as to allow the Committee adequate time to harmonize the proposed amendments before being considered by the Committee of the Whole House.

And the Speaker having acceded to the request, thereupon directed that the Tea Bill (Senate Bill No. 36 of 2018) be stood down until a later time to be decided by the House Business Committee.

(ii) The Chairperson, Budget and Appropriations Committee (Hon. Kimani Ichung'wah) made a Statement regarding preparations for public hearings for budget estimates for the Financial Year 2020/2021 in eleven (11) counties across the country. He informed the House that due to the outbreak of the COVID-19 pandemic and the precautionary guidelines issued to contain its spread, the Committee would not visit the selected eleven counties to conduct actual public hearings. Instead, the Committee would receive written submissions/memoranda from the said counties and proposals from Members of Parliament from the earmarked counties. He also urged Departmental Committees to critically examine the estimates with a view to overhauling or re-organizing the budget for FY 2020/2021 to reflect the current circumstances and economic recovery in the medium term. The Chairperson invited Chairpersons of Departmental Committees to a meeting in the National Assembly Chamber on Thursday, May 14, 2020 from 10.30 am to deliberate on the estimates of their respective line-Ministries.

7. PROCEDURAL MOTION - EXTENSION OF SITTING TIME

Motion made and Question proposed;

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House orders that should the time appointed for adjournment of the House be reached before conclusion of business appearing under **Order No. 14** on today's Order Paper, the sitting of the House shall stand extended until the conclusion of the said business.

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

8. PROCEDURAL MOTION - CONSIDERATION OF CERTAIN BUSINESS RECEIVED DURING THE MAY/JUNE 2020 RECESS

Motion made and Question proposed;

THAT, notwithstanding the provisions of Standing Orders 41 and 42 relating to *conveying of Messages from the Senate and from the President or the National Executive* and Standing Orders 120, 122 and 126 relating to *Publication, Procedure upon Publication and First Reading of Bills*, this House orders that, during the period of the Long Recess of the First Part of the Session (May/June 2020)-

- (a) upon receipt of any Message from the Senate, or upon receipt of any name of a person nominated for appointment to a state or public office from the President or any other office in the National Executive, the Speaker shall forthwith refer such Message to the relevant Committee for consideration, without having to recall the House;
- (b) should a Bill be published during the period, or a published Bill becomes due for First Reading during the period, the Speaker shall, upon lapse of seven days following the publication of the Bill, forthwith refer such Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (*Committal of Bills to Committees and public participation*) and, upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;
- (c) should the Speaker receive a Message relating to the Senate's Amendments to a Bill originating in the National Assembly, the Speaker shall forthwith refer the Schedule of the Senate Amendments to the relevant Committee for consideration pursuant to the provisions of Standing Order 145 (*Senate amendments to Bills originating in the National Assembly*), and, upon resumption of the House, report such fact to the House; and,
- (d) should the Speaker receive a Message from the Senate in respect of any Special Bill concerning County Governments, or a Division of Revenue (Amendment) Bill, the Speaker shall forthwith refer such Bill and the accompanying Message to the relevant Committee for consideration pursuant to the provisions of Standing Order 143(3) (*Consideration of Bills originating in the Senate*), and, upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine.

(The Leader of the Majority party)

There being no debate arising;

Question put and agreed to.

9. MOTION - AMENDMENTS TO THE STANDING ORDERS TO FACILITATE VIRTUAL SITTINGS OF THE HOUSE

Motion made and Question proposed;

THAT, this House **adopts** the Fourth Report of the Procedure & House Rules Committee on *Amendments to the Standing Orders to Facilitate Virtual Sittings of the House and its Committees, laid on the Table of the House on Wednesday, May 6, 2020*, and pursuant to provisions of Article 124(1) of the Constitution and Standing Order 265-

- (i) resolves to amend its Standing Orders as contained in the Schedule to the Report; and,
- (ii) orders that the amendments to the Standing Orders as contained in the Schedule to the Report shall come into effect on Monday, 18th May, 2020.

(The Vice-Chairperson, Procedure and House Rules Committee)

Debate arising;

Rising in his place on a point of order pursuant to Standing Order 95, the Member for Kipipiri Constituency (Hon. Amos Kimunya) claimed to move “that the mover be now called upon to Reply”;

And the Speaker having acceded to the claim;

Thereupon question put and agreed to;

Mover replied;

Question put and agreed to.

10. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE EQUALISATION FUND BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2019)

Bill having been reported with amendments;

Motion having been made and Question proposed –

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

(The Hon. Kassait Kamket)

Amendment having been proposed –

THAT, the Motion for agreement with the Report of the Committee of the Whole House be amended by inserting the words “subject to re-committal of Clause 7 of the Bill.”

(The Hon. Kassait Kamket)

Question of the amendment having been proposed;

There being no debate arising;

Question put and agreed to;

Thereupon, the House dissolved into Committee.

11. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker in the Chair

(i) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020)

Clause 2 - agreed to.

Clause 3 - (Withdrawn by the mover of the Bill)
Speaker's Communication – 06.05.2020 Morning Sitting)

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported without amendments.

(ii) The Equalization Fund Bill (National Assembly Bill No. 43 of 2019)

(Recommittal of Clause 7)

Clause 7 - amendment proposed

THAT, the Bill be amended in clause 7 –

(a) by deleting subsection (1) and substituting therefore the following new sub-section-

(1) The Board shall comprise of-

(a) a chairperson, who shall be appointed by the President with the approval of the National Assembly

(b) the Principal Secretary in the Ministry for the time being responsible for matters relating to water or a person designated in writing by the Principal Secretary;

(c) the Principal Secretary for the time being responsible for matters relating to roads or a person designated in writing by the Principal Secretary;

(d) the Principal Secretary for the time being responsible for matters relating to health or a person designated in writing by the Principal Secretary;

(e) the Principal Secretary for the time being responsible for matters relating to the national Treasury or a person designated in writing by the Principal Secretary;

(f) the Principal Secretary in the Ministry for the time being responsible for Arid and Semi-Arid Lands or a person designated in writing by the Principal Secretary;

(g) four persons appointed by the Cabinet Secretary; and

(h) the Chief Executive Officer, who shall be an ex-officio member and secretary to the Board.

(b) by inserting the following new subsection immediately after sub-section (1)-

(1a) Where there is a tie in the voting of the Board the chairperson shall have a casting vote.

(c) in sub-clause (4) by deleting the word “ten” appearing immediately after the word “exceeding” and substituting therefor the words “one hundred” under paragraph (d).

(Chairperson, Departmental Committee on Finance and National Planning)

Question of the amendment proposed;
 Debate arising;
 Question put and agreed to;

Further amendment proposed –

THAT, Clause 7(1) of the Bill be amended—

- (a) in paragraph (b) by inserting the words “or a representative designated in writing” immediately after the word “water”;
- (b) in paragraph (c) by inserting the words “or a representative designated in writing” immediately after the word “roads”;
- (c) in paragraph (d) by inserting the words “or a representative designated in writing” immediately after the word “health”;
- (d) in paragraph (e) by inserting the words “or a representative designated in writing” immediately after the word “Treasury”;

(Hon. Kassait Kamket)

Proposed amendment withdrawn.

Clause 7 – as amended agreed to.

Bill to be reported with amendments.

12. HOUSE RESUMED - the Fourth Chairperson in the Chair.

(i) The Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020)

Bill reported without amendments;

Motion made and Question proposed –

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

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020) be now read a Third Time;

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Bill read a Third Time and passed.

(ii) The Equalization Fund Bill (National Assembly Bill No. 43 of 2019)

Bill reported with amendments;

Motion made and Question proposed –

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

(Hon. Kassait Kamket)

There being no debate arising;

Question put and agreed to;

Motion made and Question proposed –

THAT, the Equalization Fund Bill (National Assembly Bill No. 43 of 2019) be now read a Third Time;

(Hon. Kassait Kamket)

There being no debate arising;

Question put and agreed to;

Bill read a Third Time and passed.

13. MOTION – OTHER MEASURES TO ADDRESS THE EFFECTS OF THE COVID-19 PANDEMIC

Motion having been made and question proposed;

THAT, AWARE THAT, the World Health Organization (WHO) declared the Corona Virus Disease 2019 (COVID-19) a global health pandemic and that the pandemic has led to an unprecedented global health crisis;

COGNIZANT THAT the Government, non-governmental institutions, well-wishers and health authorities globally have joined hands and put in place a number of measures to contain the pandemic, mainly through travel and behavioral restrictions, provision of necessary protective facilities, equipping existing health facilities, availing resources; and providing necessary assistance and information;

APPRECIATING the policy measures and interventions being undertaken by the Government, through the multi-agency National Emergency Response Committee on Corona Virus (NERC) led by the Ministry of Health, to contain the spread of the pandemic and cushion Kenyans against its social and economic effects;

FURTHER COGNIZANT of the legislative measures proposed by the Executive, including the establishment of the COVID-19 Fund, the reduction of the Value Added Tax, amongst others;

FURTHER APPRECIATING the role of National Assembly in taking necessary legislative interventions and offering the necessary political and legislative support, whenever required;

CONCERNED THAT, COVID-19 Pandemic has disrupted the Country's economy and that economic development outcomes are expected to be seriously affected by the interruption caused by the virus both globally and locally;

DEEPLY CONCERNED THAT, the Government faces significant fiscal challenges as the national economy faces contraction because of the effects of COVID-19 Pandemic, a situation made worse by the depreciation of the shilling, and the Government may in the current financial year not be able to meet its loan obligations;

NOW THEREFORE, THIS HOUSE RESOLVES–

- a) to laud and appreciate the Government of the Republic of Kenya for the action and policy measures undertaken so far in combating the spread of the virus, and addressing the economic effects of the virus in the country to cushion ordinary Kenyans from its effects;
- b) to commend and appreciate all **healthcare workers and service providers** in the country for their selfless efforts, commitment to service, care and compassion towards persons who have been infected and/or affected by the virus;
- c) to urgently put in place modalities of facilitating the continuity of the business of the House remotely using modern technology whilst upholding the constitutional requirements on Public access and participation, Quorum, and Voting in Parliament; and,
- d) *that, the Government considers waiving charges payable by persons who are under mandatory quarantine, excluding those isolated due to violation of social distancing and curfew requirements;*
- e) *that, the Government of Kenya should urgently engage multilateral and bilateral lenders with a view to renegotiate loan obligations, with emphasis on waivers of interest and extensions on the repayment period, as well asking for total waivers on some of the loans so as to free up money to enable the Government to contain the spread of the pandemic, cushion Kenyans against its social and economic effects, and address economic impact of the pandemic;*
- f) that, to supplement the Covid-19 Fund and other measures put in place, the Budget & Appropriation Committee reviews the proposed Annual Estimates for the FY 2020/2021 with a view to allocating funds towards cushioning the country further from the short-term and long-term effects of Covid-19, particularly allocating and ring-fencing funds for –
 - (i) the provision of personal protective equipment (PPE), testing and medical equipment, including adequate ventilators;
 - (ii) *the establishment of suitable health facilities for the treatment and management of infectious and viral diseases such the Covid-19; and,*
 - (iii) *the establishment of suitable health facilities for the treatment and management of infectious and viral diseases such as COVID-19.*

(The Leader of the Majority Party)

Debate interrupted on Wednesday, May 06, 2020 (Morning Sitting) resumed;

Debate concluded at the expiry of the allotted time;

Mover replied;

Question put and agreed to.

14. **MOTION – ESTABLISHMENT OF AN AD-HOC COMMITTEE ON COVID-19 PREVENTION, RESPONSE AND MANAGEMENT**

Motion made and question proposed;

THAT, aware that the Coronavirus Pandemic (COVID-19) was declared by the World Health Organization (WHO) to be a Public Health Emergency of International concern;

DEEPLY CONCERNED on the serious threat posed to the health and social-economic lives of Kenyans by the continued the spread of the Pandemic;

APPRECIATING that both the National and County Governments have put in place some targeted interventions to respond and manage the COVID-19 pandemic through among others, enhanced medical and public health actions, mitigating social-economic shocks arising from the impact of the pandemic, creation of a National Emergency Response Fund to foster the national response to the pandemic, and formation of a National Emergency Response Committee on Coronavirus which is tasked with among other things, to coordinate Kenya's preparedness, prevention and response to the threat of COVID-19, and develop mitigation strategies with regard to the disease;

COGNIZANT THAT some of the policy measures and targeted interventions put in place by the Government are yet to be anchored in legislation and/or approved by Parliament;

NOW THEREFORE; this House resolves as follows –

- (i) to acknowledge and appreciate individuals and corporate entities, development partners and multinational institutions for local and international technical, financial and human assistance efforts and support in response to the pandemic;
- (ii) to establish an *ad-hoc* Committee to be known as the **Select Committee on the COVID-19 Prevention, Response and Management**, whose mandate will be as follows-
 - a) develop necessary legislative measures on COVID-19 prevention, response and management through which the Government would **anchor** the mechanisms to prevent, combat and respond to the pandemic, and to any other pandemics in the future, including but not limited to, ensuring enhanced medical and public health actions and facilities, strategies for cushioning the country from the effects of such pandemic on the social support system, economic stimulus for the Micro, Small and Medium

Enterprises, and national public order measures for the maintenance of specific and competent functions during and after such pandemic;

- b) coordinate closely with the *National Emergency Response Committee on COVID-19* which is tasked with among other things, coordinating the country's preparedness, prevention and response in the actions and measures taken to ensure that the *Committee* delivers on its mandate more effectively; and
- c) consider funding needs and requirements on *COVID-19* prevention, combat, response and management; and,
- d) report and make recommendations on the item under paragraphs (a), and (c) and any other related matters within thirty (30) days, and make weekly progress reports on item (b) to the House, until the end of the pandemic.

(iii) that the Membership of the Committee be as follows-

1. The Hon. M. D. Ngunjiri Wambugu, M.P.
2. The Hon. (Dr.) Amos Kimunya, EGH, M.P.
3. The Hon. (Dr.) Makali Mulu, M.P.
4. The Hon. Yusuf Hassan, M.P.
5. The Hon. Alice Wahome, M.P.
6. The Hon. Florence Mutua, M.P.
7. The Hon. Peris Tobiko, M.P.
8. The Hon. Peter Kaluma, M.P.
9. The Hon. Mishi Khamisi, M.P.
10. The Hon. Beatrice Nyaga, M.P.
11. The Hon. Janet Ongera, M.P.
12. The Hon. (Dr.) Otiende Amollo, M.P.
13. The Hon. Gathoni Wamuchomba, M.P.
14. The Hon. Godfrey Osotsi, M.P.
15. The Hon. Didmus Barasa, M.P.
16. The Hon. Joshua Kandie, M.P.
17. The Hon. (Dr.) Daniel Kamuren Tuitoek, M.P.
18. The Hon. Patrick Munene, M.P.
19. The Hon. Anthony Oluoch, M.P.
20. The Hon. John Kiarie, M.P.
21. The Hon. Abdi Omar Shurie, M.P.
22. The Hon. Major (Rtd) Bashir Abdullaih, M.P.
23. The Hon. Teddy Mwambire, M.P.

(The Hon. Ngunjiri Wambugu, M.P.)

Debate arising;

Rising in her place on a Point of Order, the Chairperson of the Departmental Committee on Health (Hon. Sabina Chege) sought guidance from the Speaker on the admissibility of the Motion on the proposed Ad-hoc Committee in its current form,.

The Fourth Chairperson guided that the Motion was properly before the House having been duly approved by the Speaker and allocated time by the House Business Committee.

Debate interrupted resumed;

15. QUORUM OF THE HOUSE

Rising in his place on a Point of Order pursuant to Standing Order 35(1), the Member for Suna West (Hon. Junet Sheikh) objected that there was no quorum present in the House;

And the Chair having ascertained the claim, ordered that the division bell be rung;

Division bell rung for ten minutes pursuant to Standing Order 35(2);

And there being **no** Quorum after expiry of ten minutes;

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

16. HOUSE ROSE - at eleven minutes to Eight O'clock.

MEMORANDUM

The Speaker will take the Chair on Tuesday, June 02, 2020 at 2.30 p.m.

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