



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 08, 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 following Communication was issued:-

UNLOCKING FUNDS TRANSFER TO COUNTY GOVERNMENTS FOR FY 2020/2021 AND IN THE FUTURE

Honourable Members,I wish to inform the House that we are in receipt of a letter from the Cabinet Secretary for the National Treasury and Planning seeking approval of the House for the release of fifty percent (50%) of the **equitable share** of the National Revenue that was allocated to the County Governments in the Division of Revenue Act, 2020 to the Forty Seven (47) County Governments. In the letter, the Cabinet Secretary notes that the request is based on a legal opinion from the Hon. Attorney-General which advised that a proposal by the National Treasury to release fifty percent (50%) of the equitable share of revenue allocated to County Governments in the Division of Revenue Act, 2020 pending the passage of the Annual County Allocation of Revenue Act may only be done with the express authority of the National Assembly as the same is a withdrawal of funds from the Consolidated Fund. The advise of the Hon. Attorney General draws largely from the Advisory Opinion of the Supreme Court in Reference No. 3 of 2019 which guided both Houses of Parliament on the appropriate course of action in the event of an impasse over the passage of a Division of Revenue Bill, as was the case during the last Session of this 12th Parliament.

Hon. Members, It is notable that, the Advisory opinion of the Supreme Court was specific to the Division of Revenue Bill, 2019, in which case the Court allowed the National Assembly to authorize the disbursement of monies to the Counties in specific circumstances being whenever there is an impasse over the passage of a Division of Revenue Bill. Consequently, as indeed observed by the Hon. Attorney-General, the binding Advisory Opinion of the Supreme Court in Reference No. 3 of 2019 may not be applied to a scenario other than that which was contemplated by the Court at the time.

Hon. Members, In view of this and the request by the Cabinet Secretary, the question that therefore arises is- ***what decisive steps can the National Assembly take to address the situation noting that the delay in the passage of the County Allocation of Revenue Bill, 2020 due to the stalemate on the Third Formula on Allocation of Revenue to Counties is likely to stifle the operations of the County Governments?***

Hon. Members, In answering this question, one must examine the law, in particular, the Constitution, the Public Finance Management Act, 2012, the Public Finance Management (National Government) Regulations, 2015 and the Supreme Court Advisory Reference No. 3 of 2019. Article 206(2) of the Constitution requires the express authorization of withdrawals from the Consolidated Fund either by the Constitution or an Act of Parliament. It provides that, and I quote, —

206(2). *“Money may be withdrawn from the Consolidated Fund **only (I put emphasis on the word “ONLY”)**—*

(a) in accordance with an appropriation by an Act of Parliament;

(b) in accordance with Article 222 or 223; or

(c) as a charge against the Fund as authorised by this Constitution or an Act of Parliament.”

Hon. Members, for clarity, on its part, Article 222 of the Constitution authorizes the withdrawal of funds from the Consolidated Fund for the operations of the National Government in the event that an Appropriation Bill has not been assented to or is not likely to be assented to before the commencement of a financial year. This is the process that is referred to as “Vote-on-Account” in Parliamentary parlance. It is a direct authorization and does not require the passage of any additional legislation to effect the withdrawal. Article 222 of the Constitution is the basis for Standing Order 242 of the National Assembly Standing Orders which outlines the procedure for a “Vote-on-Account”. The Constitution however does not expressly provide a similar mechanism to intervene for the counties when faced by a similar predicament. **The Speaker of the Senate and I have been deliberating on this matter and we have reached a common considered view that, replicating the “Vote-on-Account” procedure for the county governments**

would therefore require appropriate legislative grounding in the Constitution or an Act of Parliament.

Hon. Members, As you are aware, Parliament passed the Public Finance Management Act, 2012 to operationalize Chapter Twelve of the Constitution by providing for the effective management of public finances by the national and county governments; the oversight responsibility of Parliament and county assemblies; and the different responsibilities of government entities and other bodies. Section 17(4) of the Act embodies the provisions of Article 206 of the Constitution by requiring that where a withdrawal from the Consolidated Fund is authorized under the Constitution or an Act of Parliament for the appropriation of money, the National Treasury must make a requisition for the withdrawal and submit it to the Controller of Budget for approval.

Further, **Hon. Members,** section 205(1) of the Act empowers the Cabinet Secretary for the National Treasury to make regulations, not inconsistent with the Act on any matter that is necessary or convenient to be prescribed under the Act or for the carrying out or giving effect to the Act. In exercise of these powers, the Cabinet Secretary made the *Public Finance Management (National Government) Regulations, 2015*.

Hon. Members, I am constrained to note that the rest of the provisions of section 205 of the Public Finance Management Act, 2012 require the express approval of any Regulations made under the Act by both Houses before their coming into force. Notably, subsections (4), (5) and (6) of the section provide, and I quote—

(4) Regulations under subsection (1) shall not take effect unless approved by a resolution passed by Parliament.

(5) Regulations approved under subsection (4) shall take effect on the day after the date on which both Houses approved them or, if a later date is specified in the regulations, on that later date.

(6) If a House of Parliament does not make a resolution either approving or rejecting any regulations within fifteen sitting days after submission to it for approval, the House shall be deemed to have approved those regulations.

From the available records of the House, the Hansard of the afternoon Sitting of Tuesday 31st March, 2015 notes that the Regulations were *Tabled* before the House by the then Leader of the Majority Party and subsequently committed to the Committee on Delegated Legislation for scrutiny. I did direct the Committee to consider the Regulations jointly with the Budget and Appropriations Committee and the then Committee on Finance, Planning and Trade and make appropriate recommendations to the House. Thereafter, it appears that, by attrition of time, the Regulations stood approved by dint of the provisions of subsection (6) of Section 205 of the Public Finance Management Act, 2012.

Hon. Members, Regulation 134 of the said Regulations provides for the transfer of the equitable share of national revenue to the counties before the approval of

a County Allocation of Revenue Bill. In particular, it provides that, and I quote,—

“if the County Allocation of Revenue Bill submitted to Parliament for a financial year has not been approved by Parliament or is not likely to be approved by Parliament, by the beginning of the financial year, the Controller of Budget may authorize withdrawals of up to fifty (50%) percent from the Consolidated Fund based on the last County Allocation of Revenue Act approved by Parliament for the purposes of meeting expenditure of the county governments for the financial year.”

At face value, it may be argued that this Regulation effectively allows the Controller of Budget to disburse fifty percent (50%) of the equitable share allocated to the counties in the previous years' Division of Revenue Bill to the counties pending the approval of a County Allocation of Revenue Bill. Conversely, it may also be argued that the Regulations are not the “Act of Parliament” necessary to authorize withdrawal of funds from the Consolidated Fund as contemplated by Article 206(2) of the Constitution. In light of the request made by the Cabinet Secretary for the National Treasury and the advice given by the Hon. Attorney General, the second argument seems to carry more weight. **If the Regulations were indeed an adequate mechanism, the Cabinet Secretary and the Attorney General would not need recourse to Parliament, and the National Treasury's request for approval would not have been with the House today.**

Hon. Members, Indeed, at around the same time that the Regulations were *Tabled* before the House in 2015, during the 11th Parliament, a Bill from the National Government which was prepared by the then Hon. Attorney General at the request of the National Treasury was introduced in this House by the then Leader of the Majority Party, seeking to insert a new section 42A into the Public Finance Management Act, 2012.

Clause 14 of the then Public Finance Management (Amendment) Bill, 2015 (National Assembly Bills No. 4 of 2015), effectively sought to authorize a “Vote-on-Account” for County Governments in the event that a County Allocation of Revenue Bill is yet to be passed or assented to before the commencement of a financial year. These proposed amendments clearly affirm the need for the express authorization of withdrawals from the Consolidated Fund either by the Constitution or an Act of Parliament. Though the Bill lapsed with the 11th Parliament, it is noteworthy that the Budget and Appropriations Committee had recommended the deletion of the proposal as **contained in that particular Bill** on account of its obscure nature and its failure to properly provide for the operative basis for the proposed disbursements to counties.

Hon. Members, At this stage permit me to note that my Office is also in receipt of a Notice of Motion from the Leader of the Minority Party, the Hon. John Mbadi, EGH, MP, seeking a resolution of the House for the disbursement of funds to the county

governments amounting to fifty percent (50%) of the monies allocated to the counties by the County Allocation of Revenue Bill, 2019. The Motion draws on the provisions of Regulation 134 of the Public Finance Management (National Government) Regulations, 2015 and effectively seeks to invoke the “Vote-on-Account” process for county governments. The concern which the Leader of the Minority Party seeks to resolve is extremely valid, but as I have noted in this Communication, a “Vote-on-Account” in respect of funds for County Governments is not tenable at the moment

Hon. Members, In guiding Parliament on how to cushion County Governments while resolving any impasse over the passage of a Division of Revenue Bill, the Supreme Court also urged the Speakers of the Houses of Parliament to entrench its decision in law by initiating appropriate legislative action.

Fortunately, well before the determination of the Supreme Court in the Advisory Opinion Reference No. 3 of 2019 was issued, the Budget and Appropriations Committee of the National Assembly introduced the **Public Finance Management (Amendment) Bill, 2019 (National Assembly Bill No. 63 of 2019)** to put into place interim measures to allow county governments to access their minimum share of revenue to enable them offer services to the public pending enactment of a Division of Revenue Bill. The Bill was considered and passed by the National Assembly on **18th September 2019** and forwarded to the Senate for consideration. This Bill however only sought to deal with a scenario where there is an impasse in the passage of the Division of Revenue Bill. Presently, of the two Annual Revenue Bills, only the County Allocation of Revenue Bill is pending.

Hon. Members, In view of the strict requirements of the law and in order to put in place a credible mechanism to address the concerns of the county governments on the disbursement of funds pending the passage of the County Allocation of Revenue Bill both now and in the future, two options now present themselves to the House. On one hand, the Budget and Appropriations Committee may introduce a Bill proposing amendments to the Public Finance Management Act, 2012 to anchor in law the “Vote-on-Account” option for disbursement of funds to County Governments, in case of future delays in the passage of the County Allocation of Revenue Bill. Alternatively, having already deliberated on and passed an amendment to the Public Finance Management Act to cater for any delay in the passage of a Division of Revenue Bill, the House may opt to await the consideration, amendment and passage of the Public Finance Management (Amendment) Bill, 2019 (National Assembly Bill No. 63 of 2019) by the Senate and expedite its conclusion and presentation for Assent.

Hon. Members, noting that the proposed amendments to the Public Finance Management Act, 2012 shall require consideration and passage by the two Houses, the second option offers a more convenient avenue of averting a financial crisis at the counties within a shorter timeframe. To this end, I have requested the Leader of the Majority Party and the Leader of the Minority Party to urgently engage the Senate Majority and Minority Leadership with a view of fast-tracking the consideration and passage by the Senate of the Public Finance Management (Amendment) Bill, (National Assembly Bill No. 63 of 2019) **with appropriate amendments** providing in law, the requisite withdrawals from the

Consolidated Fund in the event of any delays in the passage of the annual County Allocation of Revenue Act. This will ensure that Counties continue to function whether or not there is a stalemate or delays in the passage of either of the two Annual Revenue Bills both **now and in the future.**

Hon. Members, I remain confident that the Senate will rise to the occasion and dispense with the Bill with its usual diligence on matters integral to the protection of devolution. On the part of the National Assembly, the House Business Committee and the Budget and Appropriations Committee are already seized of the matter. As the Chairperson of the House Business Committee, I do undertake that the Committee will prioritize the consideration of the Senate's Amendments to the Bill in accordance with Standing Orders 145 to 148, once the Schedule of the Senate's Amendments is received in this House. In the unlikely event that there is inordinate delay in the consideration and passage of the Bill by the Senate, the Budget and Appropriations Committee further stands directed to urgently cause the publication and introduction of a Bill proposing amendments to the Public Finance Management Act, 2012 to cater for interim disbursements to County Governments pending the enactment of a County Allocation of Revenue Bill.

Hon. Members, in conclusion, I wish to thank the Leader of the Minority Party for his laudable effort in seeking to address an issue that certainly threatens to cripple the effective functioning of our devolved system of government. Though I note that his Motion may indeed be admissible in the event that the Public Finance Management (Amendment) Bill, 2019 (National Assembly Bill No.63 of 2019) **is passed with appropriate amendments and assented to**, it is my considered view that the "Money-Bill nature" of such a Special Motion would call for it to be moved by the Budget and Appropriations Committee. Indeed, this is the current arrangement with regard to the Special Motion for a Vote-on-Account moved under Article 222 of the Constitution and Standing Order No. 242.

In summary, **Hon. Members,** my considered guidance is therefore as follows—

- 1. THAT** after consultations, the Speaker of the Senate and I have reached a common considered view that, replicating a "Vote-on-Account" procedure to allow disbursement of funds to County Governments pending the passage and assent of a County Allocation of Revenue Bill requires legislative grounding in the Constitution or an Act of Parliament;
- 2. THAT,** in absence of a proper legislative grounding under the Constitution or an Act of Parliament, the intended Notice of Motion by the Leader of the Minority Party, the Hon. John Mbadi, EGH, MP, noble as it is, is premature at the moment;
- 3. THAT,** the Leader of the Majority Party and the Leader of the Minority are hereby requested to urgently engage the Senate Majority Leader and the Senate Minority Leader to fast-track the consideration and passage by the Senate of the Public Finance Management (Amendment) Bill, 2019 (National Assembly Bill No.63 of 2019) **with appropriate amendments** to entrench the procedure

for the withdrawals from the Consolidated Fund in law in the event of any delays in the passage of the annual County Allocation of Revenue Act;

4. **THAT** the House Business Committee and the Budget and Appropriations Committee shall prioritize the consideration of the Senate's Amendments, (if any) to the Public Finance Management (Amendment) Bill, 2019 (National Assembly Bill No.63 of 2019) over any other business, once the Schedule of Senate's Amendments is conveyed to this House by the Senate; and,
5. **THAT**, in the unlikely event that there is inordinate delay in the consideration, amendment and passage of the Public Finance Management (Amendment) Bill, 2019 (National Assembly Bill No.63 of 2019) by the Senate, the Budget and Appropriations Committee shall urgently cause the publication and introduction of a Bill proposing amendments to the Public Finance Management Act, 2012 to cater for interim disbursements to County Governments pending the enactment of a County Allocation of Revenue Bill.

The House is accordingly guided. I thank you!

5. **MESSAGES**

The following Message was conveyed:-

MESSAGE FROM THE PRESIDENT ON THE NOMINEES FOR APPOINTMENT TO THE POSITIONS OF REGISTRAR AND ASSISTANT REGISTRARS OF POLITICAL PARTIES

Honourable Members, Pursuant to the provisions of Standing Order 42(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from His Excellency the President seeking the National Assembly's approval for the appointment of Ms. Ann Nderitu as the Registrar of Political Parties, and Mr. Ali Abdullahi Surraw, Ms. Florence Tabu Biryra and Mr. Makorre Wilson Mohochi as Assistant Registrars of Political Parties.

Honourable Members, section 34A and paragraph 5 of the Sixth Schedule to the Political Parties Act, 2011 require that, within fourteen (14) days following receipt of names of persons forwarded by the Public Service Commission, the President shall nominate one person for appointment to the Office of Registrar of Political Parties and three persons for appointment as Assistant Registrars of Political Parties and forward the names of the nominees to the National Assembly for approval.

Further, paragraph 6 of the Sixth Schedule to the Political Parties Act, 2011 provides that –

(6) The National Assembly shall, within twenty-one (21) days of receipt of the names, consider the suitability or otherwise of the nominees and approve or reject the nominations.

Honourable Members, Pursuant to the provisions of Standing Order 45, I hereby refer this Message, together with the Curriculum Vitae of the Nominees

to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings. The Committee is advised to expeditiously proceed to notify the nominees and the public, commence the approval hearings in good time, and table its Report on or before Thursday, 24th September, 2020 to enable the House consider the matter within the statutory timelines. I thank you!

6. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) Legal Notice No. 139 relating to the Tax Procedures (Unassembled Motor Vehicles and Trailers) (Amendment) Regulations, 2020 and the Explanatory Memoranda.
- (ii) Legal Notice No. 151 relating to the Stamp Duty (Valuation of Immovable Property) Regulations, 2020 and the Explanatory memoranda.
- (iii) Special Audit Report of the Auditor-General on accounts of the National Land Commission (Payments on behalf of other Government Entities) for the period 2014/2015-2016/2017.
- (iv) Quarterly Economic and Budgetary Review Report for the Financial Year 2019/2020 (period ending 30th June, 2020) from the National Treasury and Planning.
- (v) Report of the Auditor-General for the National Government for the Financial year 2017/2018.
- (vi) Summary of the Report of the Auditor-General for the National Government for the Financial year 2017/2018.
- (vii) June 2020 Report on Investing in Kenya's People: valuing the benefits of the US-Kenya Relationship by the Researchers at the College of William and Mary in the United States of America.
- (viii) Annual Report and Financial Statements of the Kenya Dairy Board for the year ended 30th June, 2018.

- (ix) The Report of the Auditor-General and the Financial Statements of the Kenya Reinsurance Corporation Limited for the year ended 31st December, 2019 and the certificate therein.
- (x) The Report of the Auditor-General and the Financial Statements of the Capital Markets Authority for the year ended 30th June, 2019 and the certificate therein.

(The Leader of the Majority Party)

- (xi) Report of the Departmental Committee on Lands on its consideration of the Land Registration (Amendment) Bill (National Assembly Bill No. 7 of 2020)

(Hon. Rachel Nyamai- Chairperson, Departmental Committee on Lands)

7. **NOTICE OF MOTION**

The following Notice of Motion was issued-

THAT, aware that the Constitution and the Kenya Citizenship and Immigration Act, 2011 provide that every citizen is entitled to any document of registration or identification issued by the State to citizens including a birth certificate; further aware that, Article 53(2) of the Constitution of Kenya provides that a child's best interests are of paramount importance in every matter concerning the child; cognizant of the fact that, issuance of birth certificates during civil registration associated with children is a challenge across the country due to among other issues, missing information for the parents and children as a result missing and improper documentations, damaged manual documents, and lack of registration of children born outside hospital environments; deeply concerned over the delays and long queues at civil registration centres and the challenges affecting registration of children by the Ministry of Education using the National Education Management Information System (NEMIS) in the Country; this House urges the Government to establish database centres in all Civil Registration Centres for purposes of storing all the necessary information required for issuance of birth certificates to all children and puts in place administrative mechanisms to ensure that every child is automatically issued with a birth certificate before the child attains the age of three years.

(Hon. Mary Wamaua Njoroge, MP- Maragua Constituency)

8. **QUESTIONS**

The following Questions were asked: -

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- (i) **Question by Private Notice No.020/2020** by the Member for Alego Usonga Constituency (Hon. Samuel Atandi) regarding the facilitation of

return of affected Kenyans back to China amid the COVID- 19 pandemic, considering that some of them are at a risk of losing their jobs, businesses and livelihoods.

(To be replied by the Cabinet Secretary, Foreign Affairs before the Departmental Committee on Defence and Foreign Relations)

- (ii) **Question by Private Notice No.021/2020** by Nominated Member (Hon. Dennittah Ghati) regarding guidelines and framework around the COVID-19 Pandemic that have been put in place to guide the eventual re-opening of schools with respect to all public and private institutions providing special education in the Country.

(To be replied by the Cabinet Secretary for Education and Research before the Departmental Committee on Education and Research)

- (iii) **Question No. 155/2020** by the Member for Isiolo South Constituency (Hon. Abdi Koropu Tepo) regarding the status of investigations into the death of the late Ms. Shakalle Hussein Diba, a young mother who was allegedly abducted, raped, stabbed to death, had her eyes gouged out and body burnt and dumped in the neighbouring Igembe North Constituency on 17th July 2020.

(To be replied by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (iv) **Question No. 158/2020** by the Member for Uriri Constituency (Hon. Mark Nyamita) regarding measures put in place by the National Environment Management Authority (NEMA) to ensure that M/s Sukari Industries Ltd, a Sugar Milling Company located in Uriri Constituency, immediately stops the illegal dumping of hazardous waste materials and other environmental pollutants.

(To be replied to by the Cabinet Secretary for Environment and Forestry before the Departmental Committee on Environment and Natural Resources)

- (v) **Question No. 163/2020** by the Member for Tetu Constituency (Hon. James Gichuhi) regarding payment of dues to persons who worked in Nyayo Tea Zones in Tetu Constituency between the years 1990 to 1996.

(To be replied to by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)

- (vi) **Question No. 168/2020** by the Member for Kathiani Constituency (Hon. Robert Mbui) regarding reinstatement of one Steve Nzuki Muinde of ID No. 9478799 (Employment P/No. 101343) who was irregularly dismissed from service by the Kenya National Examination Council.

(To be replied to by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)

The following Questions were deferred: -

- (i) **Question No. 167/2020** by the Member for Kuresoi South Constituency (Hon. Joseph Tonui) regarding stalling of the construction of Olenguruone Stadium in Nakuru County which was funded by the National Government and inaugurated in 2014.
- (ii) **Question No. 175/2020** by the Member for Ol Jorok Constituency (Hon. Michael Muchira) regarding measures the Ministry has put in place to address the human-wildlife conflict in Ol Jorok Constituency particularly involving Hippopotamuses in the areas near Lake Ol Bolossat.

9. **STATEMENTS**

(a) **Request for Statements**

Pursuant to Standing Order 44 (2)(c), the Member for Tharaka Nithi County (Hon. Beatrice Nkatha) requested for a Statement from the Chairperson, Departmental Committee on Education and Research regarding a public notice by the Teachers' Service Commission requiring 10 years of continuous service as a probation period for newly recruited teachers before appointment.

(b) **Response to Statements**

The Chairperson of the Departmental Committee on Administration and National Security (Hon. Paul Koinange) responded to the following Requests:

- (i) by the Member for Garissa Township Constituency (Hon. Aden Duale) on the status of the killing of two residents of Garissa Township; and
- (ii) by the Member for Suna West Constituency (Hon. Peter Masara) on police reforms in the country.

10. **PROCEDURAL MOTION – LIMITATION OF DEBATE**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House of February 18, 2020, the House further Orders that, during the Sittings of the House of September 8, 2020 up to and including October 15, 2020, each speech in debate on Bills, Motions (including Special Motions), Sessional Papers and Committee Reports, shall be limited as follows:- a maximum of two and half hours with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying and a maximum of five (5) minutes for any other Member speaking, except for the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Committee who shall be limited to a maximum of ten (10) minutes, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee, in that order.

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to.

11. **MOTION – ALTERATION OF THE CALENDAR**

Motion made and Question proposed –

THAT, pursuant to the provisions of Standing Order 28(4), and taking cognizance of the continued spread of COVID-19 Pandemic in the Country, this House resolves to further alter its Calendar for the Fourth Session (*Regular Sessions*), as amended on July 28, 2020 and therefore orders as follows with respect to the Sittings of the House during the period September 9 to October 15, 2020 -

- (a) that, the House will hold afternoon Sittings on Tuesdays commencing at 2.30 p.m., *Morning* and *Afternoon* Sittings on Thursdays commencing at 10.00 a.m. and at 2.30 p.m., respectively;
- (b) that, with effect from Wednesday, September 9, 2020, the sittings of the House of Wednesdays (*Morning* and *Afternoon*) stands suspended; and,
- (c) that, notwithstanding the provisions of Standing Order 40(3), on Thursday *Mornings*, business not sponsored by the Majority, the Minority Party or a Committee shall have precedence over all other business, in such order as the House Business Committee shall determine.

(The Leader of the Majority Party)

Debate arising;

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The Member for Kikuyu (Hon. Kimani Ichungwah) raised the following points of Order:-

(a) **Standing Order 141 (2) on lapsing of Bills**

That there are a number of private Members' Bills pending consideration by the House within a limited time period, given the reduced number of sittings owing to reorganization of the calendar due to the COVID-19 pandemic.

(b) **Standing Order 22 on Presidential Address as read together with Article 132 of the Constitution on the functions of the President**

These provisions provide that the President shall address a joint sitting of Parliament at least once every year. Cognizant of the fact that the COVID-19 pandemic that has threatened sustainable development as one of the National values and principles of governance, the Member expressed the desire of the House to have the President address the House to communicate efforts to realign the Government agenda and national priorities to ensure economic recovery is guaranteed.

The Honourable Speaker addressed the two points of order as follows:-

- (i) That the decision to hold additional sittings of the House is under consideration by the leadership and an appropriate Motion will be submitted to the House; and
- (ii) That the consultations to have the State of the Nation of Address are at an advanced stage between the Leadership of the two Houses.

Question put and agreed to.

12. **THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL No. 64 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Health Bill (National Assembly Bill No.64 of 2019) be now read a Second Time.

(Hon. Swarup Mishra)

Debate interrupted on *Wednesday, August 12, 2020- Afternoon sitting* resumed;

(Change of chair from the Speaker to Second Chairperson)

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Debate concluded at the expiry of the allotted time;

Mover replied;

Question deferred.

13. **MOTION – AUDITED FINANCIAL STATEMENTS FOR STATE CORPORATIONS**

Motion made and Question proposed –

THAT, this House adopts the Twenty Third Report of the Public Investment Committee on its consideration of the Auditor General's Reports on Financial Statements of State Corporations, laid on the Table of the House on Thursday, July 02, 2020.

(The Chairperson, Public Investments Committee)

Debate interrupted on *Wednesday, August 5, 2020- Afternoon sitting* resumed;

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

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

MEMORANDUM

The Speaker will take the Chair on
Thursday, September 10, 2020 at 10.00 a.m.

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