

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD**

Wednesday, 10<sup>th</sup> February 2021

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

**PRAYERS****QUORUM**

**Hon. Deputy Speaker:** Order, Members! We obviously do not have the required quorum and I, therefore, order the Quorum Bell to be rung for 10 minutes.

*(The Quorum Bell was rung)*

**Hon. Deputy Speaker:** Order Members! As you are aware, the Bell has been ringing for the past 10 minutes, but we still seem not to have the requisite Quorum. Therefore, I invoke Standing Order No.34 and order that the Bell be rung for a further five minutes.

*(The Quorum Bell was rung)*

Hon. Wamunyinyi and the Leader of the Minority Party, please, do not leave. We are only waiting for two more Members. We now have the required quorum and, therefore, we will proceed to transact business.

**PAPERS LAID**

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

Report of the Auditor-General and Financial Statements in respect of the Capital Markets Authority for the year ended 30<sup>th</sup> June, 2020 and the certificate therein.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2019 and the certificates therein: -

- a. Rural Enterprise Fund;
- b. Prison Farms Revolving Fund;
- c. National Exchequer Account;
- d. African Union and other International Organization Subscription Fund;
- e. Veterinary Services Development Fund;
- f. Kenya Energy-Sector Environment and Social Responsibility Programme Fund;

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- g. Independent Electoral and Boundaries Commission Staff Mortgage and Car Loan Scheme;
  - h. State Department for Devolution; and,
  - i. State Department for Tourism.
- Hon. Deputy Speaker:** Next Order!

### REQUEST FOR STATEMENT

**Hon. Deputy Speaker:** Under this Order, we will start with the Statement by the Member for Chepalungu.

#### EFFORTS TO TRAP A MARAUDING LEOPARD IN CHEPALUNGU CONSTITUENCY

**Hon. Gideon Koske** (Chepalungu, CCM): Hon. Deputy Speaker, pursuant to Standing Order No. 44(2) (c), I seek to request a statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding failure by the Kenya Wildlife Service (KWS) to address an ongoing leopard menace in Chepalungu Constituency.

Hon. Deputy Speaker, I wish to bring to the attention of the House the presence of a leopard having four cubs that is causing havoc in Simbeiywet Village, Bing'wa Location, and Siongiroi Ward of Chepalungu Constituency which I represent. The leopard which was first spotted five months ago has so far killed 10 goats, five donkeys and several dogs while hiding in a nearby sugar-cane farm that is owned by Prof. Simeon Maritim.

Hon. Deputy Speaker, I have personally been restraining the villagers against confronting the leopard in spite of the mounting losses. However, their patience is gradually wearing out in view of the fact that the continuous danger posed by the leopard that is living in their midst is causing unbearable tension and anxiety. School-going children that are heading to school early in the morning or coming late after preps are doing so in great fear, and the same anxiety has also affected the work in farms because of fear of imminent leopard attack.

Hon. Deputy Speaker, Chepalungu Constituency hosts Chepalungu Forest and also neighbours the Maasai Mara Game Reserve and, as a result, human-wildlife conflicts are the order of the day. Despite efforts by myself and other leaders to sensitise our people not to kill wild animals whenever they stray into their farms, the KWS has proven to be unreliable and an impediment in this campaign.

Hon. Deputy Speaker, I have on numerous occasions approached KWS to trap the leopard and take it back to the forest, but my pleas and advice have fallen on deaf ears. The KWS has never made any effort to trap the animal, nor has it contacted the people who have lost livestock to the leopard with a view to compensating them.

Hon. Deputy Speaker, it is on account of those concerns that I seek for a statement from the Chairperson of the Departmental Committee on Environment and Natural Resources on the following:

- 1) Within which specific timelines shall the KWS capture and relocate the leopard and its cubs from the aforementioned residential area in order to forestall the possibility of residents taking the matter into their own hands?
- 2) What form of compensation will KWS provide for residents who have lost livestock to the marauding leopard and within which timelines shall the compensation be undertaken?

- 3) What short and long-term measures does the Government have in addressing perpetual human-wildlife conflicts occasioned by wild animals when they stray into human habitat?

Hon. Deputy Speaker, this matter needs urgent attention because school and farming activities in the area have stopped for a while because of the wild leopard.

**Hon. Deputy Speaker:** I agree with you that it is a serious and dire situation. Let me give a chance to a few more Members. I will probably give four Members a chance. I will be looking out for Members whom I know are very close to the situation that the Hon. Member for Chepalungu is in. Let me start with the Leader of the Minority Party, and then we will have Members coming from areas close to Tsavo National Parks, Meru National Park and Maasai Mara National Reserve, respectively. Thereafter, I will see if we can have a few extra Members and then we finish.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. I want to thank you for allowing me to make some quick remarks on this statement that has been sought by my good friend with whom I attended the same college but at different times - the Member for Chepalungu. KWS needs to be serious about human-wildlife conflict. The people of Kenya love wildlife, but that love should not be taken for granted. I come from a constituency which hosts the Ruma National Park. The problem that faces Chepalungu with leopards is similar to the problem the Ruma National Park is exposing my constituents to. Wildlife destroys crops and sometimes attack people. When the KWS officials come to your home after an attack, you cannot get a simple apology from them. Those of us who border Lake Victoria have a big problem with hippos. The hippos come out of the lake at night and get into our farms and destroy crops. When the citizens attack the hippos, KWS react with a lot of anger and yet, the hippos come out and attack human beings. As much as wildlife is important to the economy of this country, the question we should ask as a country is this: Between the life of wildlife and life of human beings, which one should be given priority? So, the Committee needs to expand its investigation into this matter to address the whole question of human-wildlife conflict in Chepalungu and other parts of the country so that we can have a policy in place that will deal with this problem.

Thank you.

**Hon. Deputy Speaker:** Please, the rest of the Members who will be speaking on this matter should be brief. It is not ordinary to give you an opportunity to comment on a statement. Let us have Hon. Mwadime. Be brief so that the rest of the Members can have a say.

**Hon. Andrew Mwadime** (Mwatate, ODM): Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I do not know why you are not audible. Your microphone is not good. In the meantime, you can move to the Dispatch Box microphone.

*(Hon. Andrew Mwadime walked to the Dispatch Box)*

**Hon. Andrew Mwadime** (Mwatate, ODM): Thank you, Hon. Deputy Speaker. On the human-wildlife conflict problem that has been raised here, our priorities are not right. When we enacted the Wildlife Conservation and Management Bill, 2013, we said that the Budget and Appropriations Committee should always allocate money to KWS so that it can fence all their wildlife sanctuaries. In my area, there is a fence from Mgeno to Buguta up to Kasighau. We have been talking about this fence since 2014, but up to this moment, nothing has been done. There is a lot of damage because we have hyenas, leopards and lions. While we said they should fence the

wildlife sanctuaries, interestingly, they misused Government money. There is a place where there is a hill around a sisal estate. In between the two ---

**Hon. Deputy Speaker:** I have a problem with you going to specifics. If you want to go to specifics, you will need to seek your own statement. I will be happy with a situation where you talk about the generalities of human-wildlife conflict.

**Hon. Andrew Mwadime** (Mwatate, ODM): Thank you, Hon. Deputy Speaker. I stand guided. I support the concern raised by my colleague.

**Hon. Deputy Speaker:** Thank you, Hon. Mwadime. Hon. Sankok, you have the Floor.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity. Human-wildlife conflict is not new to us who come from Narok. Chepalungu borders Narok. I know the specific location. Some of us have kids in that school. Hon. Mbadi will agree with me that this is a well thought out idea from an educated Member of this House. It is risky when a leopard gives birth because it must feed its “kids”. In the process of feeding its “kids”, the easier targets are human beings---

**Hon. Deputy Speaker:** Let us be clear, Hon. Sankok. It is not kids but cubs. If they are kids, it is something else.

**Hon. David ole Sankok** (Nominated, JP): Hon. Deputy Speaker, are you insinuating that I am not learned? Anyway---

*(Laughter)*

**Hon. Deputy Speaker:** No! I have no intention to insinuate anything. It is for purposes of record. When answering to that statement, the concerned people may start working on the basis that some kids are involved.

**Hon. David ole Sankok** (Nominated, JP): I was saying, when a leopard gets cubs, it must feed them and itself because it loses a lot of energy. The female hon. Members know that after maternity, one needs some time to be fed. So, in the process of feeding, the leopard will go for the easier targets, which will be me and you because we cannot smell leopards. Our eyesight is not strong enough and we cannot run faster than them. The people of Chepalungu are at risk. In Narok, we have lost many people to leopards and other carnivorous animals. The KWS should move with speed and save the people of Chepalungu. In case we lose human life, that blood will be upon the Head of KWS.

Thank you.

**Hon. Deputy Speaker:** Hon. Dawood. That will be the last contribution on this one. The rest of the Members can go to the Committee when the statement is being responded to. I can see there is a lot of interest.

**Hon. Rahim Dawood** (North Imenti, JP): Thank you, Hon. Deputy Speaker. I want to add my voice to the statement sought by the Member for Chepalungu. In my constituency, we have the Rhino Ark doing a fence. Two days ago, a big elephant was killed because it was terrorising our people. I agree with the Leader of Minority Party that, as a House, we need to put aside more funds for compensation for wildlife attack. From the Financial Year 2013/2014 to date, our people have not been compensated. As a House, we need to set aside more funds, as Hon. Mwadime has said, so that we can pay our people for the destruction of their crops. The KWS should do more. What they are doing is not enough. They need to protect our people. Otherwise, people will take the law into their own hands and the wildlife will go where they want to go.

Thank you.

**Hon. Deputy Speaker:** Thank you. Reading the mood of the House, I will allow only two more Members. I will look for Members from crocodile infested areas and then minority Members. Let us start with the Member for Tharaka. Say one word and then I will go to the other direction. I will look out for anyone who has issues with the lake.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Deputy Speaker. I support the request for statement by the Member for Chepalungu. For the first time, I will be the devil's advocate. The KWS has done something along the Meru National Park where it borders Tharaka and the rest of the constituencies neighbouring that park. Fencing is on-going despite the fact that it is slow. The animals are still marauding in the area and we are suffering big losses and damages. Most importantly is the question of snakes in the dry areas. Whether we like it or not, snakes are wild animals. They are wild animals causing a lot of harm to human beings through snake-bites. When we try to seek compensation, we are told there is no sufficient money to compensate those who have suffered snake bites. However, time has come for money to be allocated to KWS so that the people who suffer snake bites are compensated.

**Hon. Deputy Speaker:** I am told the crocodiles are more inclined to South Nyanza. I have already talked about the hippos. Let us have the Member for Kisumu Town West, Hon. Aluoch. I have been informed, and that would probably be confirmed by Hon. Olago that, in South Nyanza, the Lake is a bit too deep for crocodiles and so, they are better off in the northern part. Proceed, Hon. Olago.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Deputy Speaker, every time this House debates on the issue of human wildlife conflict, we seem to forget that crocodiles and hippos are wildlife under the Act. In my constituency, and I think all other constituencies around Lake Victoria, wildlife conflict between hippos, crocodiles and fishermen is very rampant that lives have been lost and people have been maimed. I once called a big meeting between fishermen to discuss how they can co-exist. What I realised is that KWS seems to treat wildlife as more precious than human life. We better understand that within the Wildlife Act, 2013, if the life of a human being is in danger, then that human being has an obligation to protect that life by killing the wildlife. Wildlife is not more sacrosanct than human life.

In the upper part of my constituency, Nakingwi for example, there are baboons that are very wise and clever. Every time people want to chase them out of farms, the alpha male will stay behind and start pointing at women and shake its head in a manner to suggest that women are very stupid. That is an alpha male baboon.

In Kisumu West for example, right from Musoma, Nyachuodho and the other beaches, human lives have been lost. Time has come for us to make it very clear to KWS - as Hon. Mbadia has said - that if they are not able to offer the slightest apology to the people who are concerned, then, at least, they should be moving fast enough to compensate the people. Otherwise, the fishermen in Kisumu West are going to take the law into their hands and kill those hippos and crocodiles.

**Hon. Deputy Speaker:** I am not going to give any Member an opportunity anymore. The rest of the membership can go to the respective Committee when it will be responded to. That one is referred to the Departmental Committee on Environment and Natural Resources. I wish to see an indication of whether the Chair is here, his Vice or any other Member from that particular Committee. If not, I will ask the Leader of the Majority Party to probably, communicate to the Chair and tell him it could be good if they responded to this one in two weeks' time. It is actually a life issue that is still creating some tension in that particular area. Let us go to the next one, which is a Statement by Hon. Wamunyinyi. He made a request and I acceded to because it is important.

## STATEMENT

### STATUS OF RECEIPTS AND DISBURSEMENT OF FUNDS TO CONSTITUENCIES

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Deputy Speaker, the National Government Constituencies Development Fund (NG-CDF) Board has received a total of Kshs20 billion for the Financial Year 2020/2021 against an allocation of Kshs41 billion for this Financial Year. That is to say about 50 percent of this year's allocation has been disbursed. I have details of how those disbursements have been received from the Treasury, including the dates. The last was on 4<sup>th</sup> February 2021. About Kshs2 billion has not been released to the constituencies. The funds have been disbursed to various constituencies against the Financial Year 2020/2021 batched allocations and pending disbursements for the previous financial years. It is important for Members to pay attention to this one. Funds have been disbursed to this year's allocation but depending on the previous financial years, constituencies that have not received funds have also been given the funds. I have a list of constituencies which have received arrears for the last financial year. It is popularly known as arrears. Of the Kshs20 billion, Kshs18 billion has been disbursed. Kshs2 billion was received on 4<sup>th</sup> and is yet to be disbursed.

I also have details of how much has been disbursed for Financial Year 2020/2021 to all constituencies. Only Kshs2.364 billion has been disbursed towards this financial year - that is about Kshs9 million per constituency.

Hon. Deputy Speaker, please, pay attention to my explanation. Out of Kshs20 billion, we still have Kshs2 billion in the account. From Kshs18 billion, around Kshs3.2 million went to this financial year. The rest went to previous pending disbursements to our constituencies. I have a list of constituencies that have benefited from this. This is not entirely my problem. It was inherited because we are dealing with arrears from the other years. For this year, I have fought to get the funds. However, because the arrears were in constituencies, they had to be paid. We just need to be reasonable about this so that we move together.

For this financial year, an amount of Kshs3.164 billion has been disbursed to the constituencies against allocations as follows:

The Board disbursed Kshs2 million to the constituencies that were in the process of receiving second half allocation for financial years 2019/2020 and 2018/2019 to cater for administrative expenses amounting to Kshs20 million. This is self-explanatory because those constituencies did not receive those funds at the time.

Constituencies whose project proposals had been deliberated on, approved by the Board and had received funding for previous financial year, received up to Kshs9 million, which amounts to about Kshs2 million. Further, the Board disbursed Kshs8 million to constituencies whose project proposals had been received but had not been deliberated on by the Board. Those that had been deliberated on but deferred were to cater for bursaries, emergencies and administrative expenses amounting to Kshs318 million. Constituencies that had submitted their project proposals and those that had not requested for previous funding received Kshs5 million to cater for emergencies and administrative expenses amounting to Kshs89 million

On disbursement statuses as of the 2020/2021 Financial Year, 213 constituencies have received partial project funding totalling to Kshs1billion - Kshs937 million. A total of 77 constituencies have received partial statutory allocations amounting to Kshs427 million. An

amount of Kshs800 million has been disbursed to the secretariat for its administrative and operational purposes. The previous Financial Year 2019/2020 disbursement status was as follows.

Hon. Deputy Speaker, that is where the problem is coming from. In the previous year, only Kshs21 billion was disbursed and so, it ate into this year's funds. I will tell you how we are going to address that issue. At that time, 133 constituencies received between 50 to 99 per cent which amounted to about Kshs15 billion. Now, Kshs4,170,703 had been disbursed to the constituencies with respect to the 2018/2019 Financial Year. There are also 2003/2004 arrears which had not been paid.

Hon. Deputy Speaker, regarding these arrears which have been accruing over the years, the Cabinet Secretary (CS), during an audience with the Committee, informed Members that due to the low performance of the revenue for the Financial Year 2019/2020, and due to the effects of COVID-19, the National Treasury was unable to release Kshs13.7 billion in respect of Financial Year 2019/2020. This figure adds to the arrears of Kshs4.98 billion which had accumulated from the previous years as I mentioned earlier, bringing the total figures of arrears to Kshs18,691,550,000. The Committee resolved that these arrears be factored in the coming Supplementary Budget. This was in concurrence with the Cabinet Secretary. He agreed and that is where the problem is going to be addressed. This is to say that in the coming supplementary budgets, there have to be funds factored to deal with those arrears. Otherwise, we are not going to resolve the problem.

In addition, a sub-committee was formed to pursue the matter with the National Treasury to make sure that this is realised. Pending arrears from previous financial years, as I have explained, will need to be addressed through that supplementary budget which should be brought before the House sometime in the near future. I have been in touch with the Chair of the Budget and Appropriations Committee (BAC) and the Cabinet Secretary. It has generally been agreed that this should be done so that we resolve the matter. I have a list of constituencies that benefited, that is, those that had arrears. If you wish to know, it is a long list and I cannot read the whole of it. I could take about an hour to go through it. I think with your permission, Hon. Deputy Speaker, I will only table it.

Members have been asking: "Where is our money?" We received funds as I have explained. However, the funds went to cover the arrears. Now, we have to address that question of arrears so that we resolve the issue once and for all.

We have about 50 per cent which is yet to be released for this financial year. The Cabinet Secretary assured us last week that he had released Kshs2 billion which is still in the account. This week he is expected to release Kshs2 billion. Next month he is going to release Kshs2 billion per week until we clear this financial year's allocation.

Hon. Deputy Speaker, I am hoping that the Cabinet Secretary does not lie. It is unparliamentarily to say that he is lying.

**Hon. Deputy Speaker** (Hon. Moses Cheboi): Okay.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Deputy Speaker I wish to appeal to Members to understand. I think Hon. Maoka Maore, who was the Chair during the term these arrears accumulated... It is me who fought to get this Kshs20 billion, but it has all gone to pay the arrears that accrued during his tenure as the Chairman of the Committee. So, he understands.

*(Loud consultations)*

**Hon. Deputy Speaker** (Hon. Moses Cheboi): Of course, now that you have mentioned Hon. Maore, he will be given an opportunity...

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): I would like him to support this initiative, Hon. Deputy Speaker.

**Hon. Deputy Speaker** (Hon. Moses Cheboi): Hon. Members let us...

**Hon. Maoka Maore** (Igembe North, JP): Hon. Deputy Speaker, the problem we are facing is for the Financial Year 2020 to 2021. There are three months to the end of the financial year, that is, March, April and May. Therefore, if it is only Kshs9 million we have received out of Kshs137 million, I do not know why the Chairman should be polite... He is confusing data when he says that Kshs18 billion is meant for the year 2020/2021. I do not know what he is saying. I cannot agree with him.

Secondly, regarding the Kshs4.9 billion, as a Committee, they are going to escort a scandal if they attempt to regularise it in any way. This is money for 2012/2013 and 2014/2015, which he cannot state the projects the money is meant for.

Therefore, Hon. Deputy Speaker, my Committee resisted allowing even one shilling going to cover the arrears for three years. The only arrears we will support are for 2019/2020. Anything else, even a shilling, the Committee should resist on record. Otherwise, I have never been near those kinds of funny things.

*(Laughter)*

**Hon. Deputy Speaker**: Well, I hope, of course, the Chair is noting. These are very useful issues. So, I am going to give a chance to Hon. Baya Yaa, the Member for Kilifi North. Not too many Members are going to speak to it. By the way, we should thank the Leader of Majority Party and the Leader of Minority Party. They really worked very hard in pushing for some of the monies.

**Hon. Rahim Dawood** (North Imenti, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker**: There is no point of order there. What is out of order? Nothing!

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Deputy Speaker, this is one of those moments in this Parliament when we are being dragged behind by a Committee. From the face value, one might say the Committee is doing a good job. But what Maoka Maore has said...

**Hon. Rahim Dawood** (North Imenti, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker**: What is it Hon. Rahim? You are insisting.

**Hon. Rahim Dawood** (North Imenti, JP): Hon. Deputy Speaker, he is not putting on his mask! Even *Mheshimiwa* Wamunyinyi, when he was reading his whole statement, he never put on his mask. Therefore, Hon. Deputy Speaker, I think you need to enforce it.

**Hon. Deputy Speaker**: Moreover, the most common one in not putting on his mask is of course the doctor, Hon. Wamalwa. It happens all the time. Now, Hon. Members, we are going to enforce this because, sometimes, these are things that are extremely dangerous to colleagues. Therefore, let us use our masks because we have them. So, let us proceed. Hon. Yaa, now that you have your...

**Hon. Owen Baya** (Kilifi North, ODM): Hon. Deputy Speaker, on this issue of arrears, we want to know some things. Is it that the Members of Parliament did not submit their projects thus failure to remit money to the constituencies? We have only received 5 per cent of the whole budget for the financial year. Remember, we are already in February 2021. Some constituencies are suffering. In my constituency, which is one of the largest in the country, I cannot give bursaries to

the people there because somebody else is dragging me behind. I think, as a House, we need to meet the Cabinet Secretary who is pulling us down.

The Constituency Development Fund (CDF) Fund is the only fund that is working. If you go to the counties and constituencies, you will see projects that are working, which have been funded by the CDF. This is the only Fund from which the people of Kenya benefit directly. If we are going to be dragged behind such that we become like counties which receive monies almost peanuts... You know we are going to drag this country down. My people are looking forward to CDF for development and not any other fund. Therefore, if CDF is going to be messed up with the way we are seeing, then I want to ask my friend the Chair... Members, please, push this Cabinet Secretary so that we have money for the constituencies.

**Hon. Deputy Speaker:** Okay. I notice, Hon. Members, that we are actually running behind our schedule and we have a series of Procedural Motions to deal with. I had given Hon. Atandi the Floor.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Deputy Speaker. I have taken offence with the Report, which has been presented by the Chair of the Committee on Constituencies Development. This is because what the Chair has done is to come and convince us that things are working and yet, we know very well that we only have four months to the end of the financial year and we have not even received 10 per cent of the allocations. Therefore, what we are saying is that, as a House, we should just wait for the arrears to be paid. Remember, we are supposed to implement the budget as passed in this House.

Hon. Deputy Speaker, we are not going to take any further excuse. The leadership of this House must tell us where our money is. The term of this Parliament is coming to an end and this is the only financial year we are left with to implement projects and go for elections. Therefore, we must compel the leadership of this House to ask the National Treasury to give us our resources for this financial year without any excuse. The excuse about the arrears is the problem of those constituencies that did not finish their projects. We want this House to tell us when we are going to receive half of our resources to do our projects. That is the message we need to have. We have not elected a chairman of a committee to come and defend the Executive in this House. Do not do that. Tell us where our money is.

**Hon. Deputy Speaker:** That is enough Hon. Atandi. We will now have Hon. (Dr.) Dahir.

**Hon. Mohamed Duale** (Dadaab, KANU): Thank you, Hon. Deputy Speaker. As Hon. Members, we have serious challenges with the flow of funds from the National Government Constituencies Development Fund (NG-CDF), mileage, subsistence and constituency office support. Today we are at the eighth month of the financial year and as has been read, the amount of money released is a trickle. The NG-CDF is the most visible in constituencies in as far as bursaries, educational infrastructure and security matters are concerned. We appeal to the Executive to have all funds meant for Parliament starting with the NG-CDF to have clear timelines so that we do not get delays in releasing funds which have affected all programmes.

I thank you, Hon. Deputy Speaker

**Hon. Deputy Speaker:** Thank you. Next Order.

Hon. Chairman, do you want to say something? Have you noted all that? Please be brief.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Deputy Speaker, I agree with Members' concerns. The National Treasury must release the remaining funds. Also, for us to get the arrears, we need to first pass the Supplementary Budget. We are going to push for this. There is no doubt how much work the NG-CDF is doing. Last weekend I was in Kilifi North Constituency

on an inspection tour and we found a lot of good work going on there. So, I assure Members that we will continue to push until the funds are released.

**Hon. Deputy Speaker:** All right, let us save on time, Hon. Members.  
Next Order.

## PROCEDURAL MOTIONS

### LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES OR COMMITTEES

**Hon. Deputy Speaker:** Hon. Members, there are about close to 10 Procedural Motions and so we will be moving pretty first. Let us maintain our numbers so that we can deal with them in one way or the other.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Deputy Speaker. As I move this Motion, I appeal to the Members that if we do not have these Motions in place, we will not regulate how business is carried on in the House and so we will not meet. It is very important that we, at least, set the basis. I will request Members that we keep in the House so that we regulate the way we will carry on business for the rest of the year.

Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on Bills sponsored by a Committee, the Hon. Leader of the Majority Party or the Hon. Leader of the Minority Party be limited as follows: A maximum of 45 minutes for the Mover, in moving and 15 minutes in replying, a maximum of 30 minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of 10 minutes for any other Member speaking, except the Hon. Leader of the Majority Party and the Hon. Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Hon. Leader of the Majority Party, the Hon. Leader of the Minority Party and the Chairperson of the relevant Departmental Committee in that order.

Hon. Deputy Speaker, this will regulate the timing that will be given to the individual Members to contribute to any of the Bills that are sponsored by the parties and committees. This is in tandem with what we have been doing.

I move and ask the Hon. Leader of the Minority Party to second.

**Hon. Deputy Speaker:** Let us have Hon. Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Hon. Deputy Speaker, this is a Procedural Motion and I second.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Next Order.

## LIMITATION OF DEBATE ON INDIVIDUAL MEMBERS' BILLS

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on Bills not sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows:- A maximum of three hours and thirty minutes, with not more than 30 minutes for the Mover, in moving and 10 minutes in replying, a maximum of 30 minutes for the Chairperson of the relevant Committee and a maximum of 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of 15 minutes each and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Members, this relates to your Private Members' Bills. As you may have noted, you will have a maximum of three hours and thirty minutes to prosecute your Bill and convince the membership to support or not. The order in which Members will have 10 minutes speaking is procedural and is in line with what we have done in the past.

I beg to move and ask the Leader of the Minority Party to second.

**Hon. Deputy Speaker:** Let us have the Leader of the Minority Party.

**Hon. John Mbadi** (Suba South, ODM): Hon. Deputy Speaker, again the reasoning is the same and I second.

**Hon. Deputy Speaker:** Thank you very much. We are moving fairly well.

*(Question proposed)*

*(Question put and agreed to)*

## LIMITATION OF DEBATE ON MOTIONS

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on any Motion, including a Special Motion be limited in the following manner:-A maximum of three hours with not more than 20 minutes for the Mover and 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each, and that 10 minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Again, Members will note that Motions will not have three-and-a-half hours but three hours, with 10 minutes for each Member speaking. I beg to move and ask the Leader of the Minority Party to second.

**Hon. John Mbadi** (Suba South, ODM): I second.

*(Question proposed)*

**Hon. Deputy Speaker:** Sorry Members, we will have to come back to this one. I have just proposed the Question and not put the Question. So, ignore the part of my putting the Question because the first bit is to propose the Question, unless you want me to do it again and put the Question.

**Hon. Members:** Put the Question.

**Hon. Deputy Speaker:** Yes, Hon. Members, I will now put the Question and sorry for that.

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON COMMITTEE REPORTS

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in a debate on Committee Reports, Members mark because this is a new one (except for Reports of Audit Committees), including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:-A maximum of two-and-a-half hours, with not more than 20 minutes for the Mover in moving and 5 minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that 10 minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Hon. Members, there is a clear distinction between Reports from all other Committees and those from Audit Committees which will be coming in the next Order. This is because of the different timings given. This is for the ordinary Reports coming from Committees and is in tandem with exactly what we have been doing.

I beg to move and ask the Leader of the Minority Party to second.

**Hon. John Mbadia** (Suba South, ODM): Hon. Deputy Speaker, I think the Leader of the Majority Party has offered the explanation. I second the Motion.

*(Question proposed)*

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON REPORTS OF AUDIT COMMITTEES

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in debate on Reports of Audit Committees (PIC, PAC and SFAC) be

limited as follows:-A maximum of 60 minutes for the Mover in moving and 30 minutes in replying, and a maximum of 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Hon. Members, you will note the essence of Parliament is to play oversight role. Therefore, we must give maximum time to our Audit Committees to bring to the Floor of the House all the issues the House needs to be apprised on.

There is no limitation in terms of the time it will take for the Audit Report to be discussed. As we allow this, I want you to note this is a new provision specifically applying to Public Investments Committee (PIC), Public Accounts Committee (PAC) and Special Funds Accounts Committee (SFAC).

In terms of the time, the Mover will have a whole one hour to move the full Report. This is so that Kenyans can know what the auditors came up with. Then, we will have 10 minutes for each Member debating. We hope that as many Members as possible participate. So, there is no limitation in terms of the time until the Mover is called upon to reply in the normal way. This is a new one and I hope Members will thank the House Business Committee for this provision.

I beg to move and ask the Leader of the Minority Party to second.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. Allow me to just say a word. I need less than a minute to say something about this Procedural Motion. You will notice the difference is that we are allowing the Chairs of the Audit Committees to take 60 minutes in moving Motions as opposed to reports of other committees, which are being constrained to 20 minutes. The difference is that Audit Committees are required to prepare comprehensive reports for every financial year covering all ministries, departments and State agencies. The PAC is expected to do so. The PIC does for the parastatals. That requires more time.

As I conclude, with all due respect to this House, the interest in Audit Committee reports is going down. Previously, whenever there was a report on the Floor of this House from an Audit Committee, there used to be robust debate and Members took their time to read such reports and contribute. I just want to urge that this year, being the most important year in our calendar, as the 12<sup>th</sup> Parliament, there will be a difference when it comes to debating Audit Committee reports.

Hon. Deputy Speaker, with those many remarks, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON SESSIONAL PAPERS

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97 (4), this House orders that each speech in a debate on any Sessional Paper shall be limited as follows:- A maximum of two-and-a-half hours with not more than 20 minutes for the Mover in moving and five minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Sessional Paper is not moved by the Chairperson of the relevant

Committee), and that 10 minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Hon. Members, again, this is for all the Sessional Papers that will be laid here. We expect most of the work will have been done at the committee hence we are giving more time to the committee. You will notice that even for the Leader of the Majority Party and the Leader of the Minority Party, we have decided to give ourselves same time as any other Member so that we all have five minutes each and we should be able to prosecute any comments we have within the same five minutes.

With those remarks, I beg to move and ask the Leader of the Minority Party to second.

**Hon. John Mbadi** (Suba South, ODM): I second.

*(Question proposed)*

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON ADDRESS BY THE PRESIDENT

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97 (4) and in furtherance to the provisions of Standing Order 24 (6), this House orders that debate on Motion on Address by the President be limited to not more than 30 minutes for the Mover in moving, 20 minutes for the Leader of the Minority Party, and 10 minutes each to the Chairperson of the Departmental Committee on Justice and Legal Affairs to speak on the Report submitted under Article 132 (1) (c) (i) of the Constitution relating to the realisation of the national values; the Chairperson of the Departmental Committee on Defence and Foreign Relations to speak on the Report submitted under Article 132 (1) (c) (iii) of the Constitution relating to the progress made in fulfilling the international obligations of the Republic; and the Chairperson of the Departmental Committee on Administration and National Security to speak on the Report submitted under Article 240 (7) of the Constitution relating to the state of the security of the country; and five minutes for any other Member speaking, and that 10 minutes before the expiry of the time the Mover shall be called upon to reply.

Hon. Deputy Speaker, again, for the benefit of Members, there are some specific reports that are required by our Constitution to be tabled following a State of the Nation Address by the President. Hence the chairpersons of the relevant committees will have priority and will also have more time than other Members in terms of the time allocated for them to comment on those issues and guide the House as we make our comments within our five minutes limitation. This is in tandem with the practice.

With those remarks, I beg to move and ask the Leader of the Minority Party to second.

**Hon. John Mbadi** (Suba South, ODM): I second, Hon. Deputy Speaker.

*(Question proposed)*

*(Question put and agreed to)*

LIMITATION OF DEBATE ON REPORTS OF CONSTITUTIONAL COMMISSIONS  
AND INDEPENDENT OFFICES

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that each speech in debate on Reports of Constitutional Commissions and Independent Offices be limited as follows:-A maximum of four hours with not more than 30 minutes for the Mover in moving and 10 minutes in replying, a maximum of 30 minutes for the Chairperson of the relevant Committee, and a maximum of 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each; and that priority be accorded to the Chairperson of the relevant Committee, the Leader of the Majority Party and the Leader of the Minority Party, in that order.

This is in tandem with the current practice. I beg to move and ask the Leader of the Minority Party to second.

**Hon. Deputy Speaker:** Would you want to say something slightly more? It looks like a new one.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker. Actually, there is nothing new on this because we have been receiving Reports of Constitutional Commissions and Independent Offices, only that we are clarifying and putting time limits.

However, that is not what I was smiling at. I know you could not see my smile because of the mask. Hon. Owen Baya has been showing me some news alert in the media that pro-Tanga Tanga MPs and pro-handshake MPs are facing off in Parliament and your photo is appearing there. I wonder what this face off is and this is a Procedural Motion.

I second.

**Hon. Deputy Speaker:** Is it not true because they are facing each other since the seats are facing each other? You know, I am facing you.

Let me first propose the Question.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Gikaria you had an issue? Let us hear what you have to say briefly.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker, it is not much. I am not saying that the Leader of the Majority Party should not always be asking the Leader of Minority Party to assist in seconding but we are also here and we can also second so that our presence can be felt in Parliament this morning. I am not saying that the Leader of Minority Party is not competent, he is a very competent legislator.

**Hon. Deputy Speaker:** Which specific one did you want to second, Hon. Gikaria?

**Hon. David Gikaria** (Nakuru Town East, JP): Any that the Leader of the Majority Party will ask me to second.

**Hon. Deputy Speaker:** Hon. Duale, I see you have a point.

**Hon. Aden Duale** (Garissa Township, JP): I want to contribute, but I want to tell Hon. Gikaria that just like the President has a right to give his speech, the Leader of the Majority has a right to decide who seconds. So, you wait for your turn. You need to talk to the Leader of the

Majority Party. Procedurally, we used to give to Chairs of Committees, maybe that is where he is coming from.

I want to contribute. This is a very important Motion on constitutional commissions and independent offices. I played a role in the formation of constitutional commissions and independent offices, with Hon. Kimunya and Hon. Mbadi in the 10<sup>th</sup> Parliament.

They were formed for specific reasons. They were not formed to be an appendix of the Legislature or the Judiciary, neither were they formed to be an appendix of the Executive. They must be independent and we must debate their reports, more specifically that of the Controller of Budget. Of course, we deal with the Auditor-General through PAC. We have the Independent Policing Oversight Authority (IPOA), the gender commission and the Judicial Service Commission (JSC). I am happy to note that the Judiciary always brings the State of the Judiciary Report to Parliament. The Committee on Justice and Legal Affairs must bring that report so that we debate it. When it comes to the Office of the Director of Public Prosecutions (DPP) and Ethics and Anti-Corruption Commission (EACC) we must set specific times to discuss their reports.

I have no problem with the issue of car grants. The way I get a car grant is the same way Members of County Assemblies (MCAs) can get their car grant, but the speed with which the Salaries and Remuneration Commission (SRC) is moving with that issue, and the speed with which it moves on matters that touch on the Legislature, tells a lot. We had raised a matter on our house allowance with Madam Mengich and she went to court. The SRC and other offices are sending a signal that they are not independent. How do you deal with that matter? We deal with it through a report that would be tabled in this House. We had issues on the staff who are employed and the development that takes place in counties.

The Controller of Budget, particularly Ms. Agnes Odhiambo did a very good job as the first Controller of Budget. The current Controller of Budget is not doing a serious oversight. I will bring questions on that.

This is a very good Motion going forward. You have given us time limits and chairs of committees must bring reports. We must get reports from IPOA, JSC and even from the Parliamentary Service Commissions (PSC). That is why they were created. That is why they are called commissions and independent offices and they are discussed in the Constitution between Article 248 and Article 251. The House Business Committee under the leadership of our able Speaker must set aside a week to discuss all reports of all these commissions. For instance, we need to look at EACC and see how many people have been prosecuted, how many have been charged and how many files have been returned. We then move to the DPP. The offices are answerable to Parliament in terms of budget and legislation.

**Hon. Deputy Speaker:** Okay. I think we need a break. Hon. Chepkut. That is probably the last one.

**Hon. William Chepkut** (Ainabkoi, Independent): Hon. Deputy Speaker, I rise to support this Motion. During our First Session, His Excellency the President said that as legislators, our role is to protect, defend and uphold the supremacy of our constitutional institutions and constitutional independent bodies. One is the IPOA, just to mention a few. We have confidence in our Leader of the Majority Party. If he moves a Motion, let Hon. John Mbadi, Leader of the Minority Party, second. That is in order. I am in agreement with that. So, let us proceed. Put the Question now.

*(Laughter)*

**Hon. Deputy Speaker:** We surely needed that break to recover from what we are doing.

*(Hon. William Chepkut stood in his place)*

Order! Hon. William Chepkut.

*(Question put and agreed to)*

LIMITATION OF DEBATE ON THE ANNUAL ESTIMATES AND COMMITTEE OF SUPPLY

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order No. 97 (4), this House orders that each speech in a debate on the Report of the Budget and Appropriations Committee on Budget Estimates, contemplated under Standing Orders No. 239 and No. 240, be limited as follows:

- (i) General Supply Debate: - a maximum of three sitting days with 30 minutes for the Mover in moving and 15 minutes in replying; a maximum of 15 minutes for each of the Chairpersons of the Departmental Committees and a maximum of 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party who shall be limited to a maximum of 15 minutes each; and that priority in speaking be accorded to the Leader of Majority Party, the Leader of the Minority Party and the respective Chairpersons of Departmental Committees in the order that they appear in the Second Schedule of the Standing Orders; and,
- (ii) Committee of Supply: - A maximum of six sitting days for the consideration of the proposed allocations to the respective votes and programmes in the order specified in the schedule submitted by the Budget and Appropriations Committee.

Hon. Members, you will note that our main job, as Parliament, is appropriation of funds in terms of where they will be applied. Hence, we are allocating nine days, three at the general supply debate and then within the Committee of Supply where the individual committees will present their budgets. There is a maximum of six days.

Traditionally, people used to agitate for more time to be given and on the sixth day, you would have a guillotine for anything not debated. In the last three years or so, we have seen that after one day, there is no interest. Members are not sure whether money has been allocated to the various departments to service our people. Even when we then go to interrogate it further, we do not interrogate at the allocation and so it becomes very difficult to interrogate at the implementation stage.

I would like to ask Members that this year, as we go towards setting the standards for the 13<sup>th</sup> Parliament and looking at what has happened in the last four years, we actually put more time in debating this budget cycle. This is fairly important.

I would have asked Hon. Aisha Jumwa to second, but I realised that she has left. So, allow me to move and ask Hon. Kawira Mwangaza to second.

*(Hon. Aden Duale spoke off record)*

It is not Hon. Kawira Mwangaza? No problem. I want to ask Hon. David ole Sankok to second. I thought of Hon. Kawira Mwangaza because she is in the House Business Committee.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Deputy Speaker and the Leader of the Majority Party, for giving me this opportunity to second this Procedural Motion. It is a very important Motion. I do second.

I thank you.

**Hon. Deputy Speaker:** That is all you required?

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Deputy Speaker:** The Leader of the Minority Party wants to say something.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Deputy Speaker.

I really did not wish to say much about this matter but there is something that I wanted to clarify on this whole issue of seconding and moving. It should be understood that Procedural Motions are actually a product of the House Business Committee. So, the reason why the Leader of the Majority Party moves and then the Leader of the Minority Party seconds is because it is assumed that we are the ones who understand why the Motions are necessary, that is number one. Any other Member from the House Business Committee could second for us to have a bipartisan support to Procedural Motions. It has been the tradition. It did not start in this Parliament. Even in the last Parliament, that was the tradition.

To save time, I think it is better to have the Leader of the Majority Party move and if the Leader of the Minority Party is present, he or she would second. That then gives the impression that both sides of the House have supported the Motion. The others like the Departmental Committees' reports *et cetera*, any other Member can second the Leader of the Majority Party. I just wanted to clarify that. It is not that we are trying to lord it over to you as leadership of this House. It is just neat and tidy to do it that way. I support.

I thank you.

**Hon. Deputy Speaker:** You will have to understand that Hon. David ole Sankok is a fairly new Member of this House. This has been going on for quite some time between the Leader of the Majority Party and the Leader of the Minority Party as the case would be because they represent the entire... Actually, as much as possible they will be representatives of the views of the House in a bipartisan manner.

What is it Hon. Joseph Limo?

**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Deputy Speaker, I am not standing to support my Chair, Hon. David Gikaria, but I want to agree with him that the way debate is going on in this House, especially the 12<sup>th</sup> Parliament, is totally different, if you compare it with the 11<sup>th</sup> Parliament.

The reason he is a bit agitated is that there is a tradition which has started that the moment a Motion is proposed by the Leader of the Majority Party and seconded by the Leader of the Minority Party, most Members quickly say: "Put the Question!", and therefore, deny other Members the opportunity to contribute. I urge this House to make debate interesting as it was in the 11<sup>th</sup> Parliament. Let us allow debate, so that we can discuss issues very well and not deny the minority who are quiet the opportunity to contribute.

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I encourage Members not to rush to ask that the Question be put without contributing. That is my contribution.

**Hon. Deputy Speaker:** You may applaud Hon. Limo. The truth of the matter is that some of these things are basic and straightforward. If from the word go we are talking about debate being limited to a certain timeline, there is nothing much that Members can add. If they really want to add something, I would suggest something better. If you really think there is something you need to rectify, you can as well propose to amend or reject it. They are basic. Much as I agree with Hon. Limo that Members must debate robustly, they must also be keen to know that there are some Motions that do not need long debates. Both sides are fairly correct.

I will proceed to do what I am supposed to do.

*(Question put and agreed to)*

LIMITATION OF DEBATE ON SENATE AMENDMENTS  
TO BILLS ORIGINATING IN NATIONAL ASSEMBLY

*[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

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

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order No.97(1), this House orders that each speech in the general debate contemplated under Standing Order No.146 (Consideration of Senate amendments to Bills originating in the National Assembly) be limited as follows: a maximum of one hour and thirty minutes, with not more than 15 minutes for the Mover in moving, 15 for the Chairperson of the relevant Departmental Committee, and five minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party (if the Bill is not party-sponsored), and that five minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Members, this relates to a Bill that originates in the National Assembly and affects counties. When we refer it to the Senate and they make amendments or give us a report, we do not expect a lot of debate because, either they have agreed or not agreed with the original Bill. That is why debate is being limited to a maximum of one-and-a-half hours to either agree or disagree with the Senate. If we disagree, we go for mediation. If we agree, the Bill goes for assent. It is a fairly straightforward issue.

I notice that the Deputy Whip of the Minority Party has been present in the House today. I beg to move and ask that Hon. Dr. Eseli seconds.

**Hon. (Dr.) Eseli Simiyu** (Tongaren, FORD-K): Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

**Hon. Members:** Put the Question!

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Is it the mood of the House that I put the Question?

**Hon. Members:** Yes!

*(Question put and agreed to)*

CONSIDERATION OF BUSINESS RECEIVED DURING RECESS

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Members, we only have two more Motions so if you could hold on, we are getting to the most important ones.

Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order Nos.41 and 42 relating to conveying of Messages from the Senate and from the President or the National Executive, this House orders that during the short and long recesses of the Fifth Session:

- (i) 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, and report such fact to the House on resumption; and,
- (ii) upon receipt of any 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 No.145 (Senate amendments to Bills originating in the National Assembly), and report such fact to the House on resumption.

Hon. Temporary Deputy Speaker, the Members know that traditionally, every time we go for recess, I move this Motion to cover how business will be transacted in terms of Messages that are received when we are on recess.

Hon. Temporary Deputy Speaker, because this is a routine thing, the House Business Committee (HBC) decided that we should have one approval for the entire Session rather than keep on going through this Motion every time we are going on long or short recess. This is just fast forwarding what we do at the end. We are doing it upfront. It is fairly straightforward. We do it every time.

Hence, I wish to move the Motion and ask Hon. Owen Baya to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Baya, you have the Floor.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I would like to second the Motion. This is a fairly regular procedure in this House. Every time the House is on recess, we order that when Hon. Speaker receives communication from the President and Senate, he can communicate it.

Hon. Temporary Deputy Speaker, I second the Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. The Motion has been moved and seconded procedurally, Hon. Members. I will propose the Question.

*(Question proposed)*

**Hon. David ole Sankok** (Nominated, JP): Put the Question.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Can I put the Question?

**Hon. Members:** Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well. You must listen to the House. Hon. 001 is very good at shouting at me to put the Question, but he is not the only Member here. So, I must get the consent of the House. All the other Members are keen.

*(Question put and agreed to)*

Let us move on to the next Order.

## MOTION

### APPROVAL OF HOUSE CALENDAR FOR THE FIFTH SESSION (2021)

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Members, this is your most important approval today. I ask that you pay attention.

Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order No.28, this House approves the Calendar of the National Assembly (Regular Sessions) for the Fifth Session (2021) as contained in the Schedule, and further resolves as follows-

#### **Variations during the First Part of the Session:**

I. That, notwithstanding the provisions of Standing Order No.30, during the first part of the Session (9<sup>th</sup> February to 6<sup>th</sup> May 2021)-

- (a) The sitting of the House of Wednesday, 10<sup>th</sup> February 2021 (Afternoon) shall stand suspended;
- (b) All Wednesday (Morning and Afternoon) sittings will stand suspended with effect from 17<sup>th</sup> February 2021;
- (c) The House will hold sittings on Tuesdays and Thursdays as follows-
  - (i) Tuesdays (Afternoon) from 2.30 p.m. to 6.30 p.m.;
  - (ii) Tuesdays (Evening) from 7.00 p.m. to 9.00 p.m.;

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Leader of the Majority Party, I know you have been here since morning and you have done a great job. I can see the passion that you have to move the Motion and for the Members to understand it. However, when you are moving it, please, read the text as it is and then you will have time to explain it.

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you.

- (iii) Thursdays (Morning) from 10.00 a.m. to 1.00 p.m.;
- (iv) Thursdays (Afternoon) from 2.30 p.m. to 6.30 p.m.; and,
- (v) Thursdays (Evening) from 7.00 p.m. to 9.00 p.m.

#### **Individual Members' business:**

II. That, notwithstanding the provisions of Standing Order No.40(3), on Thursday Mornings, business not sponsored by the Majority Party, the Minority Party or a committee shall

have precedence over all other business, in such order as the House Business Committee shall determine.

**Commencement of the Sixth Session:**

III. That, notwithstanding the provisions of Standing Order No.27(1) providing for the date of commencement of a new session, the House shall resume for the Sixth Session on Tuesday, 25<sup>th</sup> January 2022 at 2.30 p.m.

Hon. Members, I just want to highlight a few things, so that we can appreciate what we are about to approve. The first one is approving our calendar which is in three parts. There is one part that ran from yesterday when we sat last, going all the way to 6<sup>th</sup> May when we expect to have a long recess. It has a second part which moves from June to the time we go for recess in August. We will come back in September and eventually go for the long recess on 3<sup>rd</sup> December.

Because we are still under the COVID-19 regulations and threats, during the first part of the Session which is between now and the end of May, pending further information on what the conditions will be like, the HBC decided that we meet only on Tuesdays and Thursdays to allow for fumigation of the Chamber on Wednesday. Members will also do part of the committee business during that time.

From our experience over the last one year, when we only meet on Tuesdays and Thursdays, we only have three sittings. If we dedicate one sitting to private Members' Bills, we are only left with two sittings. We are sitting on close to 100 Bills. Hon. Members, remember that we carried all the Bills and Petitions from the previous Session and yet we have only one year. If we continue with business as usual, we will find ourselves with your Bills which we will never have time to discuss. The view that Hon. Limo advanced that we need to have more Members speak will not take place.

So, what the House Business Committee decided to do, in keeping with practices in the House of Commons and in the Congress in the United States of America, is to create an extra Sitting so that on Tuesdays, we will start from 2.30 p.m. and end at 6.30 p.m. that being the afternoon Sitting. Members will have half-an-hour break then start another Sitting from 7.00 p.m. to 9.00 p.m. So, Members who would be busy in the afternoon sorting out constituency matters in offices will have an opportunity to come at 7.00 p.m. to transact business between 7.00 p.m. and 9.00 p.m. while also allowing for traffic to ease rather than stick in the jam all the time. So, we want to create the two extra hours on Tuesdays and Thursdays and especially dedicate part of the time to transact Private Member's Bills and some of the things we need to fast-track.

We also know that this being the year just before elections, Members would want to concentrate on constituencies. If in the First Part of the Session we can load most of the Bills between now and May, as we finish the budget cycle between June and July, we can relax to give Members more time to be out there. We are asking for a bit of sacrifice and giving Members an opportunity to transact business in the evening, which we currently do not do. So, we will end up with five Sittings. The evening Sittings are light; they are only two hours, but they are Sittings, all the same. We will be able to allocate all business that we have and finish as much as is possible.

We started this Session yesterday, 9<sup>th</sup> February 2021. But next year being an election year, we need to gain two weeks, so we will start the Sixth Session earlier on 25<sup>th</sup> January 2022 because we need to move forward all the budgeting process. With elections in August 2022, we need some 60 days before August for Members to go and do their campaigns, during the final recess. It is important we fast-track most of the business including coming back earlier from recess, next January.

In a nutshell, that is the new calendar. We thought through it and we believe it is in the best interest of Members and the House to optimise on the time we have between now and the new year.

I ask Members to agree with the House Business Committee. We have done it in the best interest of the Members and in the best interest of the country to ensure we transact as much business as possible while also giving Members maximum time to choose between the three Sittings or two in a day to allow Members to be present and give as many Members as possible an opportunity to be seen in the House contributing. We are going to an election and the electorate will be watching us. The more time we give ourselves, the more exposure we have to articulate the issues relating to our constituencies and for the country.

I beg to move.

Allow me to ask the Leader of the Minority Party to second because it is a weighty issue.

**Hon. John Mbadi** (Suba South, ODM): Hon. Temporary Deputy Speaker, I beg to second this Motion.

The Leader of the Majority Party has articulately explained that Wednesday would have been a preferred sitting day to Thursday for us, as I have been sharing with some of my colleagues, because most Members would want to start to travel to their constituencies. But we have been advised that since COVID-19 is still around with us, we need Wednesday to fumigate the Chamber. So, we will sit on Tuesday, have Wednesday for our staff to do what is best in our interests and have Thursday Sittings.

We looked at the life of this Parliament and I thank the membership of the House. The 12<sup>th</sup> Parliament, contrary to perception out there, in the year of COVID-19 when we had a lot of challenges, we passed and had 23 Bills assented into law. That is just one Bill less than what we did the previous year. The other year it was 24 Bills while last year it was 23. This year, we are likely to do even much better. So, we did not underperform even at the time of COVID-19.

Before the COVID-19 Pandemic, we used to sit in this Chamber for about 16 hours in a week. On Tuesdays, we used to sit for four-and-a-half hours, on Wednesdays we used to have two Sittings, cumulatively about six hours, and four-and-a-half hours on Thursday. That cumulatively brings us to about 16 hours. Hon. Temporary Deputy Speaker, if we do not create more Sittings on Tuesdays and Thursdays, we will be sitting for very few hours in a week. Therefore, we looked at this matter as the House Business Committee and felt that we need to sacrifice given that this is the most critical Session of the 12<sup>th</sup> Parliament. The next Session; the Sixth Session starting in January 2022, we will see very few Members finding time to come to the Chamber. That has been the tradition over the years. Therefore, creating four hours, on Tuesday from 2.30 p.m. to 6.30 p.m. add two more hours from 7.00 p.m. to 9.00 p.m. three hours on Thursday morning, four hours on Thursday afternoon and two hours on Thursday evening, gives us 15 hours, just about one hour short of our regular Sittings.

I plead with this House to agree with the House Business Committee and create the extra hours. I know in the evening people will not find it very easy to be present in the Chamber, but that is what happens everywhere in the world. We see how the Congress or the US Senate is sitting to transact business of impeachment. They do it even up to 9.00 p.m. and those are very old people. They even go to work during weekends sometimes. When we look at them, we get inspired. They look very old and tired but they still find time to sit in the Chamber and debate and do duty to the nation. Most of us here are less than 60 years. This is a very youthful House. I urge that we use our strength and energy to give more time to what is important because the Constitution under

Article 95 gives us the responsibility to debate and resolve issues that are of concern to the people of this country. This is a sacrifice that I feel we can afford to give to this country.

Thank you, Hon. Temporary Deputy Speaker. I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Is it the desire of the House that I put the Question?

**Hon. Members:** Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I am cleared by the House to put the Question. So, I will proceed to put the Question.

*(Question put and agreed to)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, this brings us to the end of the business on the Order Paper.

The time being 11.45 a.m., and there being no other business, this House stands adjourned until tomorrow, Thursday, 11<sup>th</sup> February 2021, at 10.00 a.m.

Thank you.

The House rose at 11.45 a.m.