

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 28th February, 2017

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: There is no quorum in the House. Could you ring the Quorum Bell?

(The Quorum Bell was rung)

We now have quorum. We may commence.

MESSAGES

Order Members! The Member for Matungulu, you can consult with the Member for Kitui South quietly.

SENATE DECISION ON THE VETTING OF NOMINEES

Hon. Members, this is a Message from the Senate. I wish to report to the House that I have received a message from the Senate dated February 22, 2017 regarding the decision of the Senate on the vetting of nominees for appointment to the National Climate Change Council. The Message reads, and I quote:

“The Senate, on Tuesday February 21st 2017 approved the appointment of Messrs. Patel Suresh and John Kioli as Members of the National Climate Change Council, and rejected the proposed appointment of Ms. Cynthia Wechabe and Dr. Jane Mutheu Mutune to the National Climate Change Council.”

Hon. Members, you will recall that on Tuesday 20th December, 2016, this House did approve the appointment of Messrs. Patel Suresh and John Kioli as Members of the National Climate Change Council and rejected the proposed appointment of Ms. Cynthia Wechabe and Dr. Jane Mutheu Mutune. This was after a joint vetting by the National Assembly Departmental Committee on Environment and Natural Resources and the Senate Standing Committee on Lands and Natural Resources.

Following the conclusion of the bicameral consideration of the appointments, the necessary notification to the appointing authority may now be commenced.

I thank you, Hon. Members. Next Order!

PETITIONS

GAZZETTEMET OF RONGAI CONSTITUENCY AS HARDSHIP AREA

Hon. Speaker: Hon. Members, this is a conveyance of a Petition on gazzettment of Rongai Constituency as a hardship area.

Pursuant to Standing Order No.225(2)(b), I wish to convey to the House that my Office is in receipt of a Petition signed by one Mr. Eliud Wanjohi, the Executive Secretary of the Kenya Union of Post Primary Education Teachers (KUPPET), Nakuru Branch on behalf of teachers in Rongai Constituency.

In accordance with Article 119 of the Constitution, the Petitioners are praying for gazzettement of Rongai Constituency as a hardship area by the Ministry of Education, Science and Technology.

Hon. Members, the Petitioners contend that Rongai Constituency is a semi-arid area and is characterized by a number of hardships; amongst them, poverty, remoteness, harsh climatic conditions and lack of social amenities. The Petitioners also state that those adversities have derailed development, which has led to reluctance by teachers to be posted to Rongai Constituency.

The Petitioners pray that the National Assembly recommends the gazzettement of Rongai Constituency as a hardship area by the Ministry of Education, Science and Technology in conjunction with the Teachers Service Commission (TSC).

This Petition, therefore, stands committed to the Departmental Committee on Education, Research and Technology for consideration. The Committee is requested to consider the Petition, undertake to hear the Petitioners and report its findings to the House in accordance with Standing Order No.227(2).

FLOUTING OF REGULATIONS BY FOREIGN SHIPPING LINES IN KENYA

Hon. Nassir: Hon. Speaker, I, the undersigned, on behalf of Port workers in the coastal region, draw the attention of the House to the following:

THAT, Section 16 of the Merchant Shipping Act, 2009 stipulates that no owner of a ship or person providing the service of a shipping line shall, either directly or indirectly, take up the functions as a clearing and forwarding agent, crewing agency, pilotage, port facility operator, shipping agent, terminal operator, container freight station, quayside service provider, among other services.

THAT, this section of the law is currently being flouted by shipping lines operating in Kenya, as foreigners set up offices in the country and take up jobs that are expected to be carried out by the locals.

THAT, further, Section 5(1)(a) of the Kenya Maritime Authority Act, 2009 mandates the Kenya Maritime Authority to administer and enforce all provisions of the Merchant Shipping Act, but that appears not to be occurring.

THAT, this has worked to the detriment of Kenyan citizens through loss of employment opportunities and revenues.

THAT, efforts to have our grievances addressed by the relevant Government institutions have not yielded any fruits.

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing:

- (i) Intervenes to have the Kenya Maritime Authority look into this matter and enforce the relevant provisions of the Merchant Shipping Act; and,
- (ii) makes any other further order(s) deemed fit in the circumstances of the Petitioners.

And your humble Petitioners will ever pray.

Hon. Speaker: Member for Kiminini, do you want to comment on this Petition or the other one?

Hon. Wakhungu: Thank you, Hon. Speaker. I want to comment on the one on hardship areas. I know that climate change has influenced the criteria that are being used. We have seen a lot of changes. So, if Rongai is a hardship area, very soon Kiminini Constituency might also be one. We, therefore, need to have a clear basis so that we can have full disclosure of the other areas that are supposed to benefit. As the Committee looks at that matter, it should also not forget that we have the Equalization Fund which is supposed to compensate those particular areas. But as the Committee looks into that, we have been allocating funds, but they are never spent. We allocate money to that Fund annually, but we do not know how it is spent. We do not know if it is spent at the county level or at the national level. This is a good Petition and the Committee should expedite work on it so that people can be compensated accordingly.

Hon. Speaker: Let us have the Hon. Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, let me speak on this Petition. I am sure the Committee on Environment and Natural Resources under the able leadership of Hon. Amina will look at it.

Those who suffer hardship in Kenya are known. Rongai is part of Nakuru and that is where you find Kabarak and the Nakuru State Lodge. Those of us from hardship areas such as Kitui, Garissa and parts of Baringo---

An Hon. Member: Kabartonjo.

Hon. A.B. Duale: No! Not Kabartonjo. Let us stay with our problems and have our teachers get the hardship allowance. The way things are going on now, we want to extend benefits even to those who do not experience hardship. They want to share the hardship with us.

(Laughter)

They want to be part of the problems in the North. I want the Chairperson of the Committee to look at that Petition properly. It is because if that goes through, then others who do not come from hardship areas will claim.

This Petition has some bearing on Article 114 because it is about the Exchequer. So, I ask the Hon. Member for Kiminini not to pray for hardship to come to his constituency. When you see many of us in the city as a community, it is because we are substituting the hardship with some entrepreneurial skills. Kitale is the bread basket of Kenya. It is supposed to feed Kenya and yet he wants the hardship allowances to go to Kitale. I support the fact that there are areas that deserve compensation such as Marakwet, parts of Baringo, Kitui, Mwingi, Taita and some parts of the coastal region. The Committee should not give benefits to those who do not deserve them. We have problems with the drought. Do not wish to have drought and hardship like us.

Hon. Speaker: Very well. Hon. Members, as you know, your own Constitution mandates Kenyans to Petition the House to deliberate on any of these issues. One of the ways of reporting

on petitions is that the Committee, after hearing the Petition, could as well just write to the Petitioners telling them what they have found. We cannot tell people not to Petition us. Everybody will be at liberty to petition, save that you may not petition against matters that are unconstitutional.

I do not want to appear like we are opening debate on this. Hon. Mwadeghu, now that I know you are now an Elder of First Class Moran, please, proceed.

Hon. Mwadeghu: Mheshimiwa Spika, ahsante. Siyo kuwa nimekuwa mzee ama nimetambuliwa na Bunge la nchi peke yake. Pia watu wa Taita Taveta watanitambua hivi karibuni kama Gavana wao. Lakini siyo hilo ambalo limenifanya nikasimama.

Naomba nisimame kwa maombi hayo mawili ambayo yameletwa mbele yetu. La kwanza ni ombi la walimu wasikizwe kutokana na sababu ya wao kufanya kazi katika maeneo ya nchi hii yaliyotangazwa kuwa maeneo magumu.

Hili jambo tulilileta hapa Bungeni muhula uliopita katika Bunge la Kumi. Tulitaja Taita. Huko Taita, utakuta kule kuzuri ambako kunanyesha mvua ndiko watu wanapata hundi ya kugharamia maisha magumu, ilhali sehemu kama Kishushe, Mwatate, Voi na kwingineko kukavu, watu hawapatiwi hela hizo. Wamenyimwa. Kwa nini wanyimwe na hao wengine wanapatiwa?

Nina imani kuwa Kamati itaangalia na kuchunguza suala hili kisha ipendekeze sheria. Pia, ni muhimu kamati izingatie uwazi.

Nikimalizia, naomba uniruhusu niseme mawili kuhusu mabaharia. Hiyo sheria tuliipitisha katika Bunge la kumi, na nilikuwa mmoja wa wabunge waliochangia kwa undani sana kwa sababu nina uzoefu mkubwa. Nimefanya kazi na mashirika ambayo yanahusika na usafirishaji wa mizigo kutoka kwa meli hadi nchi kavu. Tulikubaliana kwa kauli moja kwamba hakuna mtu yeyote atakuwa anamiliki kampuni na pia ahusike na kusafirisha mizigo kutoka bandarini kuipeleka nchi kavu. Na hii sheria itapitishwa. Ni ajabu unakuta mashirika mengi ya meli makubwa kama Netel Shipping Company yako na makampuni yao ya usafirishaji, kupakua meli, kuhudumia meli, kama kuipatia maji, mafuta na kusafishwa. Tulikuwa tumepitisha hii sheria ili tuhakikishe Wakenya wanaanza kampuni zao na wapatiwe kazi na mashirika makubwa yanayomiliki biashara za meli. Ni jambo la kusikitisha kuwa tangu tukamilishe hiyo sheria mpaka sasa, kitengo cha Serikali kile ambacho kinahitajika kuhakikisha kuwa hii sheria imefuatiliwa kimezembea kazi. Tunaomba Kamati ambayo inahusika na jambo hili, ambayo ni ya usafirishaji, ilichukulie jambo hili maanani na ihakikishe kuwa sheria hiyo imefuatwa, angalau wananchi wapate kazi ambazo tulikuwa tumezilenga katika Bunge la Kumi.

Ahsante Mhe. Spika. Naunga mkono Ombi hili.

Hon. Speaker: Very well. Both Petitions are committed to the relevant Committees to address the issues therein and make their findings.

Hon. Members, for the convenience of the House and in keeping with our recent practice where we have to hurry certain things to avoid a situation of not having the numbers, we will stop there. Before we go to the next Order, allow me to recognize the presence, in the Speaker's Gallery and the Public Gallery, of students and pupils from the following institutions:

The Star Sheikh Academy, Athi River, Mavoko Constituency, Machakos County; Grandstar Academy, Embakasi West Constituency, Nairobi County; Gatiiguru Primary School, Gatanga Constituency, Murang'a County, Mbari ya Ruga Primary School, Gatanga Constituency, Murang'a County; Marurui Primary School, Roysambu Constituency, Nairobi County; Karangare Secondary School, Mbeere North Constituency, Embu County; Bathi Secondary School, Lari Constituency, Kiambu County; St. Joseph Kirandich Secondary School,

Kuresoi South Constituency, Nakuru County; St. Peters' Secondary School, Ndia Constituency, Kirinyaga County. They are all welcomed to observe the proceedings in the National Assembly.
Next Order!

PAPERS LAID

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House today:

The National Treasury Report to Parliament on all new Loans Contracted by the Government as at the end of January, 2017 – pursuant to Section 31(1) and (3) of the Public Finance and Management Act.

The Public Finance Management (African Union and other International Organizations Subscriptions Fund) Regulations, 2017 and the Explanatory Memorandum.

The Report of the Proceedings of the 69th Session of the Executive Committee and the 39th Conference of the African Parliamentary Union (APU) held in Rabat, Morocco, from 5th to 9th November 2016.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. The Report on all new Loans Contracted by the Government is referred to the Departmental Committee on Finance, Planning and Trade. The Regulations under the PFM Act are referred to the Committee on Delegated Legislation.

The Chairperson, Departmental Committee on Agriculture, Livestock and Co-operatives.

Hon. Nooru: Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on its consideration of the Livestock and Livestock Products Development and Marketing Bill, 2016.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. The Chairperson, Departmental Committee on Administration and National Security.

Hon. Abongotum: Hon. Speaker, I beg to lay the following Papers on the Table of the House today:

Reports of the Departmental Committee on Administration and National Security on its consideration of the following Bills:

The Refugees Bill, 2016

The Office of the County Printer Bill (Senate Bill No.42 of 2014).

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next Order!

NOTICE OF MOTION

ESTABLISHMENT OF JOINT PARLIAMENTARY SELECT COMMITTEE ON
ELECTION OF MEMBERS TO EALA

Hon. Speaker: The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to give notice of the following Motion:

THAT, acknowledging that the East Africa Legislative Assembly (EALA) is established under Article 9 of the Treaty for the Establishment of the East African Community as one of the key organs and institutions of the Community responsible for the Community's legislative matters; recognizing that Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years; aware that the five-year term of the current 3rd East African Legislative Assembly is due to expire on June 04, 2017; further aware that the East African Legislative Assembly Elections Act, 2011 contemplates conclusion of the election of Members of a new Assembly to be within ninety (90) days before the expiry of the term of the subsisting Assembly; noting that the current Election Rules were adopted by the National Assembly in April, 2012 and therefore do not take cognizance of the bicameral nature of the Kenyan Parliament; cognizant of the need to urgently conclude the election process within the statutory timelines; now therefore, in accordance with the provisions Rule 9 of the Houses of Parliament (Joint Sittings) Rules, the House resolves to establish a Joint Select Committee consisting of seven (7) Members from each of the Houses of Parliament and that-

- (i) the mandate of the said Joint Select Committee shall be to:
 - (a) review the procedure and rules for election of Members of EALA contained in the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2012 in light of Kenya's bicameral nature;
 - (b) on the basis of the review in (a) above, propose appropriate procedures and rules for election of persons to represent the Republic of Kenya at EALA;
 - (c) within fourteen (14) days, submit a report to the Houses of Parliament containing the revised rules of procedure;
 - (d) suggest appropriate timelines for purposes of notifications, nominations and elections; and
 - (e) consider the nominees, oversee the election process and report to the House within the timelines stipulated in the Elections Rules.
- (ii) The Committee shall formulate its own rules of procedure;
- (iii) The Offices of the Clerks of both Houses shall provide secretariat services in accordance with the Standing Orders; and,
- (iv) The following Members shall represent the National Assembly in the Joint Select Committee after consultation by the leadership:
 1. Hon. Katoo ole Metito, MP;
 2. Hon. Samuel Chepkong'a, MP;
 3. Hon. Wanjiku Muhia, MP;
 4. Hon. Ali Wario, MP;
 5. Hon. Florence Mutua, MP;
 6. Hon. Daniel Maanzo, MP; and,
 7. Hon. Wafula Wamunyinyi, MP.

Hon. Member: Hiyo ni nini?

Hon. Speaker: Hon. Members, you cannot be sitting in the House and then claim to ask what that was unless your mind is not here. The Notice of Motion was very clear for everybody to understand. I believe it will be moved on the Floor tomorrow.

Let us move on to the next Order.

STATEMENTS

ATTEMPTS TO REMOVE ALLIANCE BOYS HIGH SCHOOL PRINCIPAL

Hon. (Ms.) Mitaru: Thank you, Hon. Speaker, for giving me this chance. I am a Member of the Departmental Committee on Education, Research and Technology.

Pursuant to the provisions of Standing Order No.43, I wish to make a Statement regarding the impending forcible removal of the Principal of Alliance Boys High School, Mr. David Kariuki. Teachers of this nation have been and continue to make substantial contribution in imparting skills and building the nation's capacity for economic development. Article 41 of the Constitution of Kenya as read together with the Labour Relations Act, entitle every Kenyan, including teachers, to fair labour practices. Accordingly, the law provides that the legal mandatory retirement age for civil servants is 60 years, with the option of voluntarily retirement at 55.

It is disturbing that some forces within the Ministry of Education, Science and Technology are piling undue pressure on Mr. David Kariuki, one of the country's celebrated school principals who is currently at Alliance Boys High School, with a view of hounding him out of office before he attains his retirement age. The masterminds of the plot to remove Mr. Kariuki are alleging that he has violated fees guidelines and failed to manage bullying of students by other students in the school, which they have not substantiated. It is in public knowledge that the Principal of Alliance Boys High School has been managing the schools' affairs with utmost integrity, thereby making it impracticable to imagine that such acts would have happened under his watch.

The dangerous move to remove Mr. Kariuki will not only destabilise the school, but is also likely to negatively affect the performance of Alliance Boys High School. I, therefore, request that the matter of the impending forcible removal of Mr. Kariuki as the Principal of Alliance Boys High School be urgently looked into by the Departmental Committee on Education, Research and Technology. I have been called by very many parents and teachers who have requested that this House and the Departmental Committee on Education, Research and Technology help the teachers.

Hon. Speaker: Is the Chairperson of the Committee desirous of making a comment on this? Let us have the Member for Murang'a. Members do not carry cards!

Hon. (Ms.) S.W. Chege: Thank you, Hon. Speaker. The Committee will look into the matter. However, I also want to inform my colleague, Hon. Mitaru, that we do not deal with issues of school management at the Committee level. We will look into the issue, but it is also not fair to suggest that when one head is not in a school, then it will not perform. It is important even for the parents to appreciate that teachers are also transferred within the Teachers Service Commission (TSC). It is good that we give leeway to the TSC to do its work. At the same time, if there is unfairness and issues that were not tackled very well--- I know the teacher personally and I know he has served Alliance Boys High School very well. As a Committee, we will look into the matter. It is also important for the parents to be comfortable. They should know that the

teacher can be moved from one school to another and that, it is also good for him to serve other schools. We will look at the matter and report back to the House within the next one week.

Hon. Speaker: Let us move on to the next Order.

MOTION

NOTING OF REPORTS BY HIS EXCELLENCY THE PRESIDENT

THAT, pursuant to provisions of Articles 132(1)(c) and 240(7) of the Constitution, this House notes the Reports submitted by H.E. the President and laid on the Table of the House on Tuesday, 12th April 2016 on:

- (i) Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance;
- (ii) Progress Made in Fulfilment of the International Obligations of the Republic; and,
- (iii) The Annual Report to Parliament on the State of National Security.

(Hon. A. B. Duale on 23.2.2017)

(Debate concluded on 23.2.2017)

Hon. Speaker: The Member who is unable to sit can choose to remain upstanding.

Hon. Members, debate on this Motion was concluded on Thursday last week. What remains is for me to put the Question

(Question put and agreed to)

Hon. Speaker: Hon. Members, before we move on to the next Order, for the convenience of the House and at the request made to my Office by the Leader of the Majority Party regarding Business appearing as Order No.9 (ii), the Statute Law (Miscellaneous Amendments) Bill, National Assembly Bill No.45 of 2016, there are several amendments that have come from both the Committee and many Members. Many of them, for the convenience of Members, have not been in circulation long enough. I, therefore, at his request, direct that that business be considered tomorrow in the afternoon to allow Members a chance to understand the reasons behind the various amendment proposals and to avoid opening the business for Second Reading as debate.

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon.) Muturi left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Hon. Omulele) took the Chair]*

THE HYDROLOGISTS BILL

The Temporary Deputy Chairman (Hon. Omulele): Hon. Members, we are in the Committee of the whole House to consider the Hydrologists Bill (National Assembly Bill No.10 of 2016).

(Clauses 3, 4 and 5 agreed to)

Clause 6

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amendment in Clause 6 (1) by –

- (a) inserting the following new paragraph immediately after paragraph(h)-
“(ha) a representative of the National Environment Management Authority;
- (b) inserting the words “,who shall be an *ex officio* member of the Board” immediately after the word “ Registrar” in paragraph (i).

We are inserting a representative of the National Environment Management Authority (NEMA) and we are also saying that the Registrar shall be an *ex-officio* member of the Board. That is what we are amending in Clause 6.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Omulele): Any interest? I see Hon. Makali Mulu.

Hon. Mulu: Hon. Temporary Deputy Chairman, I was wondering why the Chair cannot give the justification of this inclusion. She has just said that they want to include. What is the justification for it before we even debate?

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Chairman, this Hydrologists Bill is to include the registration of the same. We feel that NEMA or their representative would enrich the process. The Registrar of that organization has been included as a member and yet, he should not have voting powers. So, we are saying that he is an *ex-officio* member. That is the basis of our amendment.

The Temporary Deputy Chairman (Hon. Omulele): Very well. We shall move on.

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 6 as amended agreed to)

(Clauses 7, 8, 9, 10, 11 and 12 agreed to)

Clause 13

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in Clause 13 (i) by-

- (a) deleting the phrase “assistant hydrologist” appearing in paragraph (b) and substituting therefor the phrase “hydrological assistant”;
- (b) deleting the phrase “consulting hydrologist” and substituting therefor the phrase “consultant hydrologist”

This is an amendment that we intend to have in the entire Bill. We are replacing the words “assistant hydrologist” which can be confused to be a junior hydrologist and junior in experience to the actual person we have proposed to hold that office - a hydrologist with a diploma. We are also deleting “consulting hydrologist” that is appearing to be a temporary situation to a “consultant hydrologist” so that we are consistent throughout the Bill. The amendment to Clause 13 will be throughout the Bill and starts from Clause 2.

Thank you.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)*

(Clause 13 as amended agreed to)

(Clauses 14, 15, 16 and 17 agreed to)

Clause 18

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in Clause 18-

- (a) in sub-clause (1) by
 - (i) deleting paragraph (a) and substituting therefor the following new paragraph –
“(a) is a holder of a degree or a post graduate diploma in hydrological sciences.”
 - (ii) inserting the following new paragraph immediately after paragraph (b)-
 - (c) has had not less than two years practical experience in the hydrological field.
- (b) in sub-clause (2) by deleting the words “assistant hydrologist” wherever it appears and substituting therefor the words “hydrological assistant”;
- (c) in sub-clause (3) by deleting the words “consulting hydrologist” wherever it appears and substituting therefor the words “consultant hydrologist”.

This is to give the qualifications of the hydrologist to be more inclusive by including a postgraduate diploma in hydrological sciences.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Omulele): I see interest from Hon. Sunjeev Birdi.

Hon. (Ms.) Sunjeev: Thank you, Hon. Temporary Deputy Chairman. Being a Member of this Committee, this is one clause that we really looked into and had a long debate on. I agree with this amendment because we need this level of education to be implemented at this level for the hydrologists.

Thank you.

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)*

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 18 as amended agreed to)

(Clauses 19, 20, 21, 22 and 23 agreed to)

Clause 24

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in Clause 24 –

- (a) by deleting the words “consulting hydrologist” appearing in sub clause (2) and substituting therefor the words “consultant hydrologist”;
- (b) by deleting the words “assistant hydrologist” appearing in sub clause (3) and substituting therefor the words “hydrological assistant”;

Hon. Temporary Deputy Chairman, this is a consequential amendment and it seeks to replace the titles, “assistant hydrologist” with “hydrological assistant” and “consulting hydrologist” with “consultant hydrologist”.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Omulele): I see interest from Hon. Abdinoor.

Hon. Abdinoor: Hon. Temporary Deputy Chairman. I support the Chairman on this one. It is for consistency.

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)*

(Clause 24 as amended agreed to)

(Clauses 25, 26, 27, 28, 29, 30, 31 and 32 agreed to)

Clause 33

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended in clause 33 by deleting the words “assistant hydrologist” and “consulting hydrologist” wherever they appear and substituting therefor the words “hydrological assistant” and “consultant hydrologist” respectively.

Again, this is a consequential amendment to the titles of the positions of assistant hydrologist and the consulting hydrologist.

(Question of amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)*

(Clause 33 as amended agreed to)

(Clauses 34, 35, 36 and 37 agreed to)

(Schedule agreed to)

Clause 2

Hon. (Ms.) Abdalla: Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 2 be amended by –

- (a) deleting the words “assistant hydrologist” appearing in and substituting therefor the words “hydrological assistant”;
- (b) deleting the words “consulting hydrologist” and substituting therefor the words “consultant hydrologist”; and
- (c) inserting the following new definition -
“hydrological sciences” includes hydrology, hydraulics or fluid dynamics or computational or applied mathematics.

The amendment to Clause 2 is a consequential amendment. This is the beginning in defining “assistant hydrologist” and “consultant hydrologist”.

(Question of amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,
put and agreed to)*

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Hydrologists Bill, (National Assembly Bill No.10 of 2016), and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Muturi) in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE HYDROLOGISTS BILL

Hon. Omulele: Hon. Speaker, I beg to report that a Committee of the whole House has considered The Hydrologists Bill, (National Assembly Bill No. 10 of 2016), and approved the same with amendments.

Hon. A.B. Duale: Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Amina, Chair of the Committee, to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. (Ms.) Abdalla: Hon. Speaker, I second.

(Hon. Irea stood on the Isle)

Hon. Speaker: Member for Imenti Central, are you are still suffering from the effects of the things you talked about last week?

(Question proposed)

(Question put and agreed to)

Hon. A.B. Duale: Hon. Speaker, I beg to move that the Hydrologists Bill (National Assembly Bill No.10 of 2016) be now read the Third Time. I request Hon. Amina to second.

Hon. (Ms.) Abdalla: Hon. Speaker, I second and also note that this is the last Bill from the Government to my Committee. I am very happy to have it passed today.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: Hon. Members, having confirmed that the House has quorum, I put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

Hon. Speaker: Next Order! Let us have the Chairman of the Budget and Appropriations Committee. Hon. Mutava Musyimi.

MOTION

APPROVAL OF SUPPLEMENTARY ESTIMATES FOR FINANCIAL YEAR 2016/2017

Hon. Musyimi: Hon. Speaker, I beg to move the following Motion in an amended form:

THAT, this House adopts the Report of the Budget & Appropriations Committee on the First Supplementary Estimates for the Financial Year 2016/2017, laid on the Table of the House on Thursday, February 23, 2017 and in accordance with the provisions of Article 223 of the Constitution, approves-

- (i) the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the financial year 2016/2017;
- (ii) an increment of the total recurrent expenditure for the financial year 2016/2017 by Ksh. 61,567,939,605 in respect of the votes as attached in the First Schedule;
- (iii) a reduction of the capital expenditure for financial year 2016/2017 by Ksh. 61,796,854,140 in respect of the votes as attached in the First Schedule;
- (iv) an overall reduction in the total budget for the financial year 2016/2017 by Ksh. 228,914,535 in respect of the votes as attached in the First Schedule.

Subject to-

- (a) deletion of sub-paragraph (ii) under paragraph 27 on Recommendations on page 12 of the Report (relating to the proposed increment for the State Department of Education);
- (b) deletion of the sub-paragraph (xii) under paragraph 27 on Recommendations on page 13 of the Report (relating to the

proposed increment for the State Department of ICT and Innovation);

- (c) deletion of the sub-paragraph (vi) and (vii) under paragraph 27 on Recommendations on page 12 of the Report and replacing it with the following –
- (i) Increase Ksh 167 million to the recurrent estimates and Ksh 1.233 billion to the development estimates of State Department for Sports Development under the ‘Sports Programme’ for preparation of the 2017 Under-18 Championships.
 - (ii) Increase Ksh 1.5 billion to the development estimates of the State Department for Energy under the ‘Power Transmission and Distribution Programme’ for Street Lighting project.
- (d) deletion of sub-paragraph (ii) under paragraph 28 on Recommendations on page 13 of the Report (relating to the proposed reduction for the Ministry of Health);
- (e) deletion of sub-paragraph (iii) under paragraph 28 on Recommendations on page 13 of the Report (relating to the proposed reduction for the State Department of Infrastructure); and
- (f) effecting the consequential amendments to the First Schedule and the total sum approved accordingly.

SCHEDULE

SCHEDULE 1: SUPPLEMENTARY ADJUSTMENTS FOR FY 2016/2017

Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
1011 The Presidency	1,278,430,793	(10,700,000)	1,267,730,793	-	-	-	1,278,430,793	(10,700,000)	1,267,730,793
P2 Cabinet Affairs	195,839,672	175,500,000	371,339,672			-	195,839,672	175,500,000	371,339,672
P3 Government Advisory Services	(24,749,652)	-	(24,749,652)			-	(24,749,652)	-	(24,749,652)
P4 State House Affairs	1,014,929,678	(156,790,000)	858,139,678			-	1,014,929,678	(156,790,000)	858,139,678
P.6 Deputy President Services	92,411,095	(29,410,000)	63,001,095			-	92,411,095	(29,410,000)	63,001,095
1021 State Department for Interior	1,037,656,252	4,579,070,000	5,616,726,252	(21,660,830)	-	(21,660,830)	1,015,995,422	4,579,070,000	5,595,065,422
P.1 Policing Services	(2,673,684,199)	(955,870,000)	(3,629,554,199)	(21,660,830)		(21,660,830)	(2,695,345,029)	(955,870,000)	(3,651,215,029)
P.2 Planning, Policy Coordination and Support Service	3,675,409,610	5,395,083,491	9,070,493,101			-	3,675,409,610	5,395,083,491	9,070,493,101
P3	(40,110,780)	(64,100,000)	(104,210,780)			-	(40,110,780)	(64,100,000)	(104,210,780)

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
Government Printing Services									
P.4 Population Management Services	92,605,557	203,956,509	296,562,066			-	92,605,557	203,956,509	296,562,066
P.3 Betting Control, Licensing and Regulation Services	(16,563,936)	-	(16,563,936)			-	(16,563,936)	-	(16,563,936)
1023 State Department for Correctional Services	1,011,888,151	(525,000,000)	486,888,151	-	-	-	1,011,888,151	(525,000,000)	486,888,151
P.3 Betting Control, Licensing and Regulation Services	15,839,121	-	15,839,121			-	15,839,121	-	15,839,121
P1 Correctional services	944,956,969	(528,090,550)	416,866,419			-	944,956,969	(528,090,550)	416,866,419
P.2 General Administration, Planning and Support Services	51,092,061	3,090,550	54,182,611			-	51,092,061	3,090,550	54,182,611
1032 State Department for Devolution	140,014,274	(1,350,391,000)	(1,210,376,726)	-	-	-	140,014,274	(1,350,391,000)	(1,210,376,726)
P7: Devolution Services	37,434,040	(1,279,191,000)	(1,241,756,960)			-	37,434,040	(1,279,191,000)	(1,241,756,960)
P.3 General Administration, Planning and Support Services	102,580,234	(71,200,000)	31,380,234			-	102,580,234	(71,200,000)	31,380,234
1033 State Department for Special Programmes	6,935,400,157	3,250,000,000	10,185,400,157	-	-	-	6,935,400,157	3,250,000,000	10,185,400,157
P 8: Special Initiatives	6,912,385,247	-	6,912,385,247			-	6,912,385,247	-	6,912,385,247
P.9 Accelerated ASAL Development	23,014,910	3,250,000,000	3,273,014,910			-	23,014,910	3,250,000,000	3,273,014,910
1034 State Department for Planning and Statistics	573,499,466	(10,909,382,660)	(10,335,883,194)	-	500,000,000	500,000,000	573,499,466	(10,409,382,660)	(9,835,883,194)
P1 : Economic Policy and National Planning	24,624,998	(11,241,487,560)	(11,216,862,562)			-	24,624,998	(11,241,487,560)	(11,216,862,562)
P2 : National Statistical Information Services	-	(32,700,000)	(32,700,000)			-	-	(32,700,000)	(32,700,000)
P3: Monitoring and Evaluation Services	(1,760,431)	13,000,000	11,239,569			-	(1,760,431)	13,000,000	11,239,569
P4: General Administration Planning and Support Services	(80,006,696)	(34,575,000)	(114,581,696)			-	(80,006,696)	(34,575,000)	(114,581,696)
P8: NGO Regulatory Services	-	(375,000)	(375,000)			-	-	(375,000)	(375,000)

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
P.7 Integrated Regional Development	630,641,595	386,754,900	1,017,396,495		500,000,000	500,000,000	630,641,595	886,754,900	1,517,396,495
1041 Ministry of Defence	2,495,765,045	(20,000,000)	2,475,765,045	-	-	-	2,495,765,045	(20,000,000)	2,475,765,045
P.1: Defence	2,500,000,000	(20,000,000)	2,480,000,000			-	2,500,000,000	(20,000,000)	2,480,000,000
P.3 General Administration, Planning and Support Services	(4,234,955)	-	(4,234,955)			-	(4,234,955)	-	(4,234,955)
1052 Ministry of Foreign Affairs	823,753,912	(250,000,000)	573,753,912	-	-	-	823,753,912	(250,000,000)	573,753,912
P.1 General Administration Planning and Support Services	816,382,127	(113,000,000)	703,382,127			-	816,382,127	(113,000,000)	703,382,127
P.2 Foreign Relation and Diplomacy	7,371,785	(137,000,000)	(129,628,215)			-	7,371,785	(137,000,000)	(129,628,215)
1063 State Department for Basic Education	(644,291,128)	2,893,746,030	2,249,454,902	-	4,500,000,000	4,500,000,000	(644,291,128)	7,393,746,030	6,749,454,902
P.1 Primary Education	(157,214,369)	(3,710,295,700)	(3,867,510,069)			-	(157,214,369)	(3,710,295,700)	(3,867,510,069)
P.2 Secondary Education	(931,288,930)	6,961,000,000	6,029,711,070		4,500,000,000	4,500,000,000	(931,288,930)	11,461,000,000	10,529,711,070
P.3 Quality Assurance and Standards	2,113,529	(121,000,000)	(118,886,471)			-	2,113,529	(121,000,000)	(118,886,471)
P. 8 General Administration, Planning and Support Services	442,098,642	(235,958,270)	206,140,372			-	442,098,642	(235,958,270)	206,140,372
1064 State Department for Vocational & Technical Training	45,131,718	(752,249,990)	(707,118,272)	-	-	-	45,131,718	(752,249,990)	(707,118,272)
P.5 Technical Vocational Education and Training	2,900,000	(754,299,990)	(751,399,990)			-	2,900,000	(754,299,990)	(751,399,990)
P.7 Youth Training and Development	-	2,050,000	2,050,000			-	-	2,050,000	2,050,000
P. 8 General Administration, Planning and Support Services	42,231,718	-	42,231,718			-	42,231,718	-	42,231,718
1065 State Department for University Education	2,901,746,106	(2,809,879,396)	91,866,710	-	662,000,000	662,000,000	2,901,746,106	(2,147,879,396)	753,866,710
P.4 University Education	5,052,245,659	(2,794,879,396)	2,257,366,263		662,000,000	662,000,000	5,052,245,659	(2,132,879,396)	2,919,366,263
P. 6 Research, Science, Technology and Innovation	(2,339,977,259)	(15,000,000)	(2,354,977,259)			-	(2,339,977,259)	(15,000,000)	(2,354,977,259)
P. 8 General Administration, Planning and Support Services	189,477,706	-	189,477,706			-	189,477,706	-	189,477,706

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
1071 The National Treasury	1,881,005,240	(9,939,317,267)	(8,058,312,027)	-	-	-	1,881,005,240	(9,939,317,267)	(8,058,312,027)
P1 : General Administration Planning and Support Services	1,439,053,321	501,000,000	1,940,053,321			-	1,439,053,321	501,000,000	1,940,053,321
P2: Public Financial Management	349,046,513	(10,460,317,267)	(10,111,270,754)			-	349,046,513	(10,460,317,267)	(10,111,270,754)
P3: Economic and Financial Policy Formulation and Management	92,905,406	20,000,000	112,905,406			-	92,905,406	20,000,000	112,905,406
1081 Ministry of Health	5,153,909,501	3,803,414,553	8,957,324,054	-	(1,700,000,000)	(1,700,000,000)	5,153,909,501	2,103,414,553	7,257,324,054
P.1 Preventive, Promotive & RMNCAH	602,750,717	(1,453,634,325)	(850,883,608)			-	602,750,717	(1,453,634,325)	(850,883,608)
P.2 National Referral & Specialized Services	782,427,667	5,616,544,104	6,398,971,771		(1,700,000,000)	(1,700,000,000)	782,427,667	3,916,544,104	4,698,971,771
P.3 Health Research and Development	204,860,342	100,000,000	304,860,342			-	204,860,342	100,000,000	304,860,342
P.4 General Administration, Planning & Support Services	3,565,817,586	(268,374,369)	3,297,443,217			-	3,565,817,586	(268,374,369)	3,297,443,217
P.5 Health Policy, Standards and Regulations	(1,946,811)	(191,120,857)	(193,067,668)			-	(1,946,811)	(191,120,857)	(193,067,668)
1091 State Department of Infrastructure	20,926,605,711	13,078,134,745	34,004,740,456	-	(5,000,000,000)	(5,000,000,000)	20,926,605,711	8,078,134,745	29,004,740,456
P.2 Road Transport	20,926,605,711	13,078,134,745	34,004,740,456		(5,000,000,000)	(5,000,000,000)	20,926,605,711	8,078,134,745	29,004,740,456
1092 State Department for Transport	44,484,721	(12,392,200,000)	(12,347,715,279)	-	-	-	44,484,721	(12,392,200,000)	(12,347,715,279)
P.1 General Administration, Planning and Support Services	22,668,007	(103,200,000)	(80,531,993)			-	22,668,007	(103,200,000)	(80,531,993)
P3 Rail Transport	-	(4,948,000,000)	(4,948,000,000)			-	-	(4,948,000,000)	(4,948,000,000)
P4 Marine Transport	-	(7,720,000,000)	(7,720,000,000)			-	-	(7,720,000,000)	(7,720,000,000)
P5 Air Transport	23,478,906	119,000,000	142,478,906			-	23,478,906	119,000,000	142,478,906
Road Safety	(1,662,192)	260,000,000	258,337,808			-	(1,662,192)	260,000,000	258,337,808
1093 State Department for Maritime Affairs	17,000,000	-	17,000,000	-	-	-	17,000,000	-	17,000,000
P4 Maritime & Shipping Services	17,000,000	-	17,000,000			-	17,000,000	-	17,000,000
1094 State Department for Housing & Urban Development	1,455,363,400	(2,937,585,000)	(1,482,221,600)	-	-	-	1,455,363,400	(2,937,585,000)	(1,482,221,600)
P.2 Housing	1,454,099,7	(1,659,213,6	(205,113,892			-	1,454,099,7	(1,659,213,6	(205,113,892

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
Development and Human Settlement	45	37))				45	37))
P 5 Urban and Metropolitan Development	(49,319,649)	(1,278,371,363)	(1,327,691,012)			-	(49,319,649)	(1,278,371,363)	(1,327,691,012)
P 6 General Administration Planning and Support Services	50,583,304	-	50,583,304			-	50,583,304	-	50,583,304
1095 State Department for Public Works	(121,320,278)	(878,500,000)	(999,820,278)	-	-	-	(121,320,278)	(878,500,000)	(999,820,278)
P 3 Government Buildings	(69,994,106)	(762,896,953)	(832,891,059)			-	(69,994,106)	(762,896,953)	(832,891,059)
P 4 Coastline Infrastructure and Pedestrian Access	(196,347)	(115,603,047)	(115,799,394)			-	(196,347)	(115,603,047)	(115,799,394)
P 6 General Administration Planning and Support Services	(51,129,825)	-	(51,129,825)			-	(51,129,825)	-	(51,129,825)
1103 State Department for Water Services	1,021,150,907	(3,712,968,919)	(2,691,818,012)	-	-	-	1,021,150,907	(3,712,968,919)	(2,691,818,012)
P.2 General Administration, Planning and Support Services	38,306,500	221,174,183	259,480,683			-	38,306,500	221,174,183	259,480,683
P.3 Water Resources Management	982,844,407	(3,934,143,102)	(2,951,298,695)			-	982,844,407	(3,934,143,102)	(2,951,298,695)
1104 State Department for Irrigation	(16,578,373)	(6,684,301,525)	(6,700,879,898)	-	780,000,000	780,000,000	(16,578,373)	(5,904,301,525)	(5,920,879,898)
P.4 Irrigation and Land Reclamation	(16,578,373)	(5,299,161,425)	(5,315,739,798)		780,000,000	780,000,000	(16,578,373)	(4,519,161,425)	(4,535,739,798)
P.1 Water Storage and Flood Control	-	(1,385,140,100)	(1,385,140,100)			-	-	(1,385,140,100)	(1,385,140,100)
1105 State Department for Environment	700,253,921	(2,163,151,531)	(1,462,897,610)	-	-	-	700,253,921	(2,163,151,531)	(1,462,897,610)
P.1 General Administration, Planning and Support Services	298,130,733	340,000,000	638,130,733			-	298,130,733	340,000,000	638,130,733
P.2 Environment Management and Protection	412,097,011	(1,946,751,531)	(1,534,654,520)			-	412,097,011	(1,946,751,531)	(1,534,654,520)
P.3 Meteorological Services	(9,973,823)	(556,400,000)	(566,373,823)			-	(9,973,823)	(556,400,000)	(566,373,823)
1106 State Department for Natural Resources	1,240,726,700	(1,635,000,000)	(394,273,300)	-	-	-	1,240,726,700	(1,635,000,000)	(394,273,300)
P.2 Natural Resources Management and Protection	1,240,726,700	(1,635,000,000)	(394,273,300)			-	1,240,726,700	(1,635,000,000)	(394,273,300)
1112 Ministry of Lands and Physical	113,034,915	(688,900,000)	(575,865,085)	-	215,000,000	215,000,000	113,034,915	(473,900,000)	(360,865,085)

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
Planning									
P. 1 Land Policy and Planning	113,034,915	(688,900,000)	(575,865,085)		215,000,000	215,000,000	113,034,915	(473,900,000)	(360,865,085)
1122 State Department for ICT and Innovation	241,497,815	3,486,316,269	3,727,814,084	-	700,000,000	700,000,000	241,497,815	4,186,316,269	4,427,814,084
P1: General Administration Planning and Support Services	(41,314,838)	-	(41,314,838)			-	(41,314,838)	-	(41,314,838)
P4: ICT Infrastructure Development	191,134,877	3,486,316,269	3,677,451,146		700,000,000	700,000,000	191,134,877	4,186,316,269	4,377,451,146
P 2.4 E-Government Services	91,677,776	-	91,677,776			-	91,677,776	-	91,677,776
1123 State Department for Broadcasting & Telecomm	932,304,447	(329,000,000)	603,304,447	-	-	-	932,304,447	(329,000,000)	603,304,447
P1: General Administration Planning and Support Services	42,204,199	-	42,204,199			-	42,204,199	-	42,204,199
P2: Information And Communication Services	890,100,248	(214,000,000)	676,100,248			-	890,100,248	(214,000,000)	676,100,248
P3: Mass Media Skills Development	-	(115,000,000)	(115,000,000)			-	-	(115,000,000)	(115,000,000)
1132 State Department for Sports Development	(256,318,863)	(777,500,000)	(1,033,818,863)	-	1,400,000,000	1,400,000,000	(256,318,863)	622,500,000	366,181,137
P.1 Sports	(324,663,458)	(777,500,000)	(1,102,163,458)		1,400,000,000	1,400,000,000	(324,663,458)	622,500,000	297,836,542
P.5 General Administration, Planning and Support Services	68,344,595	-	68,344,595			-	68,344,595	-	68,344,595
1133 State Department for Arts and Culture	226,905,910	(490,179,340)	(263,273,430)	-	-	-	226,905,910	(490,179,340)	(263,273,430)
P.2 Culture	21,347,731	(413,179,340)	(391,831,609)			-	21,347,731	(413,179,340)	(391,831,609)
P.3 The Arts	(16,564,739)	(20,000,000)	(36,564,739)			-	(16,564,739)	(20,000,000)	(36,564,739)
P.4 Library Services	2,403,372	(57,000,000)	(54,596,628)			-	2,403,372	(57,000,000)	(54,596,628)
P.5 General Administration, Planning and Support Services	219,719,546	-	219,719,546			-	219,719,546	-	219,719,546
1152 State Department for Energy	-	(26,509,452,962)	(26,509,452,962)	-	1,538,000,000	1,538,000,000	-	(24,971,452,962)	(24,971,452,962)
P 1 General Administration Planning and Support Services	-	158,700,000	158,700,000			-	-	158,700,000	158,700,000
P2 Power Generation	-	8,067,069,562	8,067,069,562			-	-	8,067,069,562	8,067,069,562
P3 Power Transmission	-	(35,520,222,524)	(35,520,222,524)		1,538,000,000	1,538,000,000	-	(33,982,222,524)	(33,982,222,524)

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
and Distribution									
P4 Alternative Energy Technologies	-	785,000,000	785,000,000			-	-	785,000,000	785,000,000
1153 State Department for Petroleum	111,700,000	(1,338,150,000)	(1,226,450,000)	-	-	-	111,700,000	(1,338,150,000)	(1,226,450,000)
P5 Exploration and Distribution of Oil and Gas	111,700,000	(1,338,150,000)	(1,226,450,000)			-	111,700,000	(1,338,150,000)	(1,226,450,000)
1161 State Department for Agriculture.	(1,012,220,706)	(2,003,414,077)	(3,015,634,783)	-	-	-	(1,012,220,706)	(2,003,414,077)	(3,015,634,783)
P1: General Administration Planning and Support Services	(10,645,303)	(212,000,000)	(222,645,303)			-	(10,645,303)	(212,000,000)	(222,645,303)
P2: Crop Development and Management	(992,425,108)	(1,085,664,237)	(2,078,089,345)			-	(992,425,108)	(1,085,664,237)	(2,078,089,345)
P3: Agribusiness and Information Management	(9,150,295)	(705,749,840)	(714,900,135)			-	(9,150,295)	(705,749,840)	(714,900,135)
1162 State Department for Livestock.	3,634,907,251	(2,204,400,000)	1,430,507,251	-	-	-	3,634,907,251	(2,204,400,000)	1,430,507,251
P 6: Livestock Resources Management and Development	3,634,907,251	(2,204,400,000)	1,430,507,251			-	3,634,907,251	(2,204,400,000)	1,430,507,251
1164 State Department for Fisheries and the Blue Economy	193,378,945	702,690,156	896,069,101	-	-	-	193,378,945	702,690,156	896,069,101
0111000 P5: Fisheries Development and Management	193,378,945	702,690,156	896,069,101			-	193,378,945	702,690,156	896,069,101
1172 State Department for Investment and Industry	76,429,654	(2,129,787,000)	(2,053,357,346)	-	-	-	76,429,654	(2,129,787,000)	(2,053,357,346)
P.1 General Administration Planning and Support Services	1,422,786	(203,600,000)	(202,177,214)			-	1,422,786	(203,600,000)	(202,177,214)
P.2 Industrial Development and Investments	24,306,868	(1,798,370,000)	(1,774,063,132)			-	24,306,868	(1,798,370,000)	(1,774,063,132)
P.3 Standards and Business Incubation	50,700,000	(127,817,000)	(77,117,000)			-	50,700,000	(127,817,000)	(77,117,000)
1173 State Department for Cooperatives	144,948,797	-	144,948,797	-	-	-	144,948,797	-	144,948,797
P.4 Cooperative Development and Management	144,948,797	-	144,948,797			-	144,948,797	-	144,948,797

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
1174 State Department for Trade	530,101,266	(122,500,000)	407,601,266	-	-	-	530,101,266	(122,500,000)	407,601,266
P 3: Trade Development and Promotion	530,101,266	(122,500,000)	407,601,266			-	530,101,266	(122,500,000)	407,601,266
1183 State Department for East African Integration	(29,350,014)	(25,000,000)	(54,350,014)	-	-	-	(29,350,014)	(25,000,000)	(54,350,014)
P 1: East African Affairs and Regional Integration	(29,350,014)	(25,000,000)	(54,350,014)			-	(29,350,014)	(25,000,000)	(54,350,014)
1184 State Department for Labour	290,245,372	(58,590,000)	231,655,372	-	-	-	290,245,372	(58,590,000)	231,655,372
P 1: Promotion of the Best Labour Practice	64,427,259	(36,500,000)	27,927,259			-	64,427,259	(36,500,000)	27,927,259
P 2: Manpower Devt, Employment and Productivity Management	(2,844,548)	(51,590,000)	(54,434,548)			-	(2,844,548)	(51,590,000)	(54,434,548)
P 5: General Administration Planning & Support Services	228,662,661	29,500,000	258,162,661			-	228,662,661	29,500,000	258,162,661
1185 State Department for Social Protection	(140,678,427)	(362,502,000)	(503,180,427)	-	-	-	(140,678,427)	(362,502,000)	(503,180,427)
P 3: Social Development and Children Services	(63,001,266)	(13,100,000)	(76,101,266)			-	(63,001,266)	(13,100,000)	(76,101,266)
P 4: National Social Safety Net	(155,954,627)	(349,402,000)	(505,356,627)			-	(155,954,627)	(349,402,000)	(505,356,627)
P 5: General Administration Planning and Support Services	78,277,466	-	78,277,466			-	78,277,466	-	78,277,466
1191 Ministry of Mining	640,987,929	(2,559,186,451)	(1,918,198,522)	-	-	-	640,987,929	(2,559,186,451)	(1,918,198,522)
P.1 General Administration Planning and Support Services	618,433,697	35,160,525	653,594,222			-	618,433,697	35,160,525	653,594,222
P.2 Resources Surveys and Remote Sensing	(12,512,524)	11,000,000	(1,512,524)			-	(12,512,524)	11,000,000	(1,512,524)
P.3. Mineral Resources Management	35,066,756	(2,605,346,976)	(2,570,280,220)			-	35,066,756	(2,605,346,976)	(2,570,280,220)
1201 Ministry of Tourism	54,045,325	(1,250,000,000)	(1,195,954,675)	-	-	-	54,045,325	(1,250,000,000)	(1,195,954,675)
P 2: Tourism Development and Promotion	54,045,325	(1,250,000,000)	(1,195,954,675)			-	54,045,325	(1,250,000,000)	(1,195,954,675)
1211 State Department for Public	1,349,261,155	1,835,000,000	3,184,261,155	-	-	-	1,349,261,155	1,835,000,000	3,184,261,155

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
Service & Youth Affairs									
P4: General Administration Planning and Support Services	5,299,980	62,000,000	67,299,980			-	5,299,980	62,000,000	67,299,980
P 5: Public Service Transformation	200,000,000	-	200,000,000			-	200,000,000	-	200,000,000
P6: Youth Empowerment	1,143,961,175	1,773,000,000	2,916,961,175			-	1,143,961,175	1,773,000,000	2,916,961,175
1212 State Department for Gender	(249,303,799)	(54,700,000)	(304,003,799)	-	-	-	(249,303,799)	(54,700,000)	(304,003,799)
P6: Gender Empowerment	(249,303,799)	(54,700,000)	(304,003,799)			-	(249,303,799)	(54,700,000)	(304,003,799)
1252 State Law Office and Department of Justice	732,000,000	(140,000,000)	592,000,000	-	-	-	732,000,000	(140,000,000)	592,000,000
P.1 Legal Services	618,000,000	-	618,000,000			-	618,000,000	-	618,000,000
P.2 Governance, Legal Training and Constitutional Affairs	49,500,000	(140,000,000)	(90,500,000)			-	49,500,000	(140,000,000)	(90,500,000)
P. 4 General Administration, Planning and Support Services	64,500,000	-	64,500,000			-	64,500,000	-	64,500,000
1261 Judiciary	134,700,000	(296,000,000)	(161,300,000)	12,000,000	-	12,000,000	146,700,000	(296,000,000)	(149,300,000)
P.1. Dispensation of Justice	134,700,000	(296,000,000)	(161,300,000)	12,000,000		12,000,000	146,700,000	(296,000,000)	(149,300,000)
1271 EACC	300,000,000	400,000,000	700,000,000	-	-	-	300,000,000	400,000,000	700,000,000
P.1 Ethics and Anti-Corruption	300,000,000	400,000,000	700,000,000			-	300,000,000	400,000,000	700,000,000
1281 NIS	2,518,000,000	-	2,518,000,000	-	-	-	2,518,000,000	-	2,518,000,000
P.1 National Security Intelligence	2,518,000,000	-	2,518,000,000			-	2,518,000,000	-	2,518,000,000
1291 Office of the DPP	62,669,029	-	62,669,029	-	-	-	62,669,029	-	62,669,029
P.1 Public Prosecution Services	62,669,029	-	62,669,029			-	62,669,029	-	62,669,029
1321 WPA	14,897,100	-	14,897,100	-	-	-	14,897,100	-	14,897,100
P.1 Witness Protection	14,897,100	-	14,897,100			-	14,897,100	-	14,897,100
2021 NLC	(161,071,536)	103,326,135	(57,745,401)	-	-	-	(161,071,536)	103,326,135	(57,745,401)
P1: Land Admin. & Management	(41,379,122)	-	(41,379,122)			-	(41,379,122)	-	(41,379,122)
P2. General Administration, Planning and Support Services	(69,069,030)	-	(69,069,030)			-	(69,069,030)	-	(69,069,030)
P3. Land Disputes and Conflict Resolutions	(41,781,942)	-	(41,781,942)			-	(41,781,942)	-	(41,781,942)
P4. National Land Information	(8,841,442)	103,326,135	94,484,693			-	(8,841,442)	103,326,135	94,484,693

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
Management System									
2031 IEBC	2,000,000,000	(213,662,910)	1,786,337,090	-	-	-	2,000,000,000	(213,662,910)	1,786,337,090
P.1: Mngt of Electoral Processes	2,000,000,000	(213,662,910)	1,786,337,090			-	2,000,000,000	(213,662,910)	1,786,337,090
2041 Parliamentary Service Commission	69,736,000	(1,000,000,000)	(930,264,000)	-	-	-	69,736,000	(1,000,000,000)	(930,264,000)
P.3 General Administration, Planning and Support Services	69,736,000	(1,000,000,000)	(930,264,000)			-	69,736,000	(1,000,000,000)	(930,264,000)
2061 The CRA	800,000	-	800,000	-	-	-	800,000	-	800,000
P.1 Inter-Governmental Revenue and Financial Matters	800,000	-	800,000			-	800,000	-	800,000
2071 Public Service Commission	20,227,868	-	20,227,868	-	-	-	20,227,868	-	20,227,868
P.1 General Administration, Planning and Support Services	28,335,318	-	28,335,318			-	28,335,318	-	28,335,318
P.2 Human Resource management and Development	(4,393,750)	-	(4,393,750)			-	(4,393,750)	-	(4,393,750)
P.3 Governance & Nat. Values	(3,713,700)	-	(3,713,700)			-	(3,713,700)	-	(3,713,700)
2091 TSC	127,661,692	-	127,661,692	-	-	-	127,661,692	-	127,661,692
P.1 Teacher Resource Mngt	33,756,000	-	33,756,000			-	33,756,000	-	33,756,000
P.2 Governance and Standards	(10,881,000)	-	(10,881,000)			-	(10,881,000)	-	(10,881,000)
P.3 General Administration, Planning and Support Services	104,786,692	-	104,786,692			-	104,786,692	-	104,786,692
2101 NPSC	(341,300)	-	(341,300)	-	-	-	(341,300)	-	(341,300)
P.1 National Police Service Human Resource Management	(341,300)	-	(341,300)			-	(341,300)	-	(341,300)
2111 Auditor General	70,000,000	-	70,000,000	-	-	-	70,000,000	-	70,000,000
P.1 Audit Services	70,000,000	-	70,000,000			-	70,000,000	-	70,000,000
2121 Controller of Budget	(19,208,194)	-	(19,208,194)	-	-	-	(19,208,194)	-	(19,208,194)
P.1 Control and Management of Public finances	(19,208,194)	-	(19,208,194)			-	(19,208,194)	-	(19,208,194)
2131 The CAJ	(16,642,949)	-	(16,642,949)	-	-	-	(16,642,949)	-	(16,642,949)
P.1 Promotion of Admin. Justice	(16,642,949)	-	(16,642,949)			-	(16,642,949)	-	(16,642,949)

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Vote/Programme	Proposed Supplementary Amendments			BAC Recommendations			Revised Supplementary Amendments		
	Recurrent	Capital	Total	Recurrent	Capital	Total	Recurrent	Capital	Total
2141 National Gender and Equality Commission	(29,300,443)	-	(29,300,443)	-	-	-	(29,300,443)	-	(29,300,443)
P 1: Promotion of Gender Equality and Freedom from Discrimination	(29,300,443)	-	(29,300,443)			-	(29,300,443)	-	(29,300,443)
2151 IPOA	(21,660,830)	-	(21,660,830)	21,660,830	-	21,660,830	-	-	-
P.1 Policing Oversight Services	(21,660,830)	-	(21,660,830)	21,660,830		21,660,830	-	-	-
Grand Total MDAs	61,555,939,605	(65,391,854,140)	(3,835,914,535)	12,000,000	3,595,000,000	3,607,000,000	61,567,939,605	(61,796,854,140)	(228,914,535)

Hon. Speaker, the first Supplementary Estimates for the 2016/2017 Financial Year were tabled on the Table of the House on 1st December 2016. Further to this, the National Treasury presented additional amendments to the Budget through a letter dated 15th February 2017. That adjustment took into consideration the current issues affecting the economy, including drought, industrial labour unrest and Budget performance. The proposed Supplementary Estimates intend to reduce the overall Budget by Kshs20.4 billion. This is about 0.9 per cent reduction of the total Budget. The proposed change is a mixture of reductions and increments in major categories of expenditure. The Recurrent Estimates are set to increase by Kshs61.6 billion, and the Development Estimates are set to reduce by Kshs65.4 billion. The Consolidated Fund Services (CFS) is set to reduce by Kshs16.6 billion.

Hon. Speaker, as at the end of the first half of the 2016/2017 Financial Year, the national Government had been able to collect a total of Kshs811.3 billion, which is equivalent to 40.2 per cent of total net revenues in the approved Financial Estimates. All categories were below 50 per cent with the exception of the non-tax income, which achieved 70 per cent of its total estimates. Low performance is noted for grants and external loans, which contribute substantially to the Development Expenditure.

As at the end of the first half of the 2016/2017 Financial Year, a total of Kshs824.3 billion, an equivalent of 40.8 per cent of the total net Estimates, had been released by the Exchequer. This comprised of Kshs345.2 billion for Recurrent Expenditure, Kshs137.9 billion for Development Expenditure, Kshs224.9 billion for Consolidated Fund Services and Kshs116.3 billion as transfers to the county governments.

The Committee observed that the total Exchequer Issues for Recurrent Expenditure was equivalent to 43.6 per cent of the total net Recurrent Estimates. This had been released by the Exchequer. They included Kshs345.2 billion for Recurrent Expenditure, Kshs137.9 billion for Development Expenditure; Kshs224.9 billion for Consolidated Fund Services and Kshs116.3 billion as transfers to the county governments.

Hon. Speaker, the total Exchequer issued for Development Expenditure is equivalent to 33.1 per cent of the net Development Estimates. This indicates that most of the spending agencies were allocated lower than 50 per cent of their net approved financial estimates, with some entities having not been allocated any development funds by the end of the first half of the 2016/2017 Financial Year. The estimates may have necessitated the need for revision of budgets for some projects, in line with their absorptive capacities.

The Consolidated Fund Services expenditures were allocated 42.7 per cent of their total net Estimates to cover payment of debt obligations, pensions and salaries for constitutional office holders. The Exchequer for public debt amounted to Kshs194.7 billion while pension amounted to Kshs28.5 billion.

Hon. Speaker, allow me to comment on the risks and challenges to the execution of this Financial Year's Budget. The current drought situation has worsened with an increase in the number of counties affected. The impact of the drought has forced the Government to amend its Budget to allocate additional funding to mitigate the effects of drought. There is need to establish a drought contingency fund, which will ensure that funds are not diverted from ongoing projects in case of drought. The Government should ensure better planning of the agriculture sector to ensure that there is food security in our country.

The Committee notes with concern the inefficiencies of the Integrated Financial Management Information System (IFMIS) and the E-procurement system, which has led to delays in approval of funds for projects. This has hampered Budget implementation and may cause accumulation of commitments. The country has currently experienced insurgence of industrial unrest across various sectors of our economy. The teachers, medical personnel, university lecturers and county government employees have gone on strike demanding for increase in wages and improved working conditions. It seems we do not have a solution in place with the lack of a contingency fund to take care of those expenditure pressures within the 2016/2017 Financial Year. Those trends of industrial actions, which were unforeseen in the beginning of the year, will no doubt put pressure for the revision of the Budget.

My Committee has noted with concern the weak absorptive capacity of donor-funded projects. This may be due to the over-estimation of external financing at the finalisation of the Budget. This, obviously, leads to huge revisions of allocations in the Supplementary Budget.

As I conclude this particular paragraph, may I just note that the country's monitoring and evaluation system is exceedingly weak. It does not provide timely and quality feedback on the implementation of projects and programmes. This impacts negatively on budget performance and hinders opportunities for early interventions.

I now wish to make some recommendations at the policy level. This country is currently experiencing insurgence of industrial action in various socio-economic sectors, a point that we have already noted. In this regard, there is need for a candid review of the whole issue of industrial labour relations management in this country to ensure that there is amicable settlement of any labour disputes when they occur. Therefore, in line with Article 201 of the Constitution of Kenya 2010 and Section 15 of the Public Finance Management (PFM) Act 2012 on fiscal responsibility, it is imperative that any collective bargaining agreements entered into by parties and the Government be linked to the Medium Term Expenditure Framework (MTEF) for the implementation to take place in the outer years to allow adequate time for planning and eventual seamless incorporation that allows consideration of the hard budget constraints.

My Committee has noted with concern the existence of governance issues of misappropriation in budget execution where this House appropriates resources for programmes and projects which end up not being implemented fully. For that reason, it is essential that this matter is addressed conclusively by enhancing transparency and accountability. To this end, the National Treasury should publish on the website Exchequer releases to the state agencies by projects and programmes to facilitate openness as well as augment effective monitoring and evaluation.

As much as we spend enormous amounts of time and energy in planning and approval of budget, there is inadequate implementation of these budgets due to the inefficiencies in the IFMIS and E-procurement procedures, a point we have already established. The poor linkage between cash flow plans and Exchequer issues is one of the major causes for the accumulation of budgetary arrears. There is need to ensure that the cash plans agreed upon between the National Treasury and line ministries at the start of the financial year be adhered to and cash releases be predictable. Importantly, if the Treasury single account was operational, a point we have advocated for rather strongly, this problem would, in our view, slowly ease out. Further, the exchequer releases could be linked to the operations of IFMIS and E-procurement.

The drought that has taken a rather predictable pattern in this country with devastating impact on livelihoods needs to be mitigated. The National Drought Management Act was enacted and an Authority was set up. However, the National Drought Management Fund is yet to be put in motion. In our view, this ought to be fast-tracked.

My Committee is concerned with how the absorptive capacity for development projects is going on. Often, the estimates for these projects are exaggerated at the beginning of the financial year, only for them to be adjusted later in the supplementary budget. If not reviewed, the projects are unable to fully absorb their allocations at the end of the financial year as we have noted. The process of planning and approval of projects, especially those that are donor-funded, should be firmed up. It is important to ensure that this House signs off any new project to be funded to ensure proper planning.

My Committee notes that the scrapping of the Environment Impact Assessment (EIA) fees goes against international treaties on “Polluter Pays” principle to which Kenya is a signatory. The National Treasury should reinstate EIA fees. This is a point that has been very strongly argued for by the Departmental Committee on Environment and Natural Resources in recent discussions.

With respect to financial proposals, the Committee recommends the following reallocations:

1. Re-allocate Kshs150 million under the development estimates of the State Department for Transport in the Road Safety Programme meant for Second Generation Smartcard Based Licences Project to the Rehabilitation and Modernisation of Driving Test Centres Project.
2. Re-allocate Kshs100 million under development estimates for the State Department for ICT and Innovations in the ICT Infrastructure Development Programme from Digital Literacy Laptops Project to the Konza flagship activities.
3. Re-allocate Kshs38 million under development estimates for the State Department for Energy in the Power Generation Programme from Nuclear Power Sitting (Kshs24 million) and Energy Flagship Project Monitoring and (Kshs14 million) to Strategic Environmental Assessment (Kshs20 million) and Curriculum Development for Nuclear Causes (Kshs18 million).
4. Re-allocate Kshs30 million under Development Estimates for the State Department for Energy in the Exploration and Distribution of Oil and Gas Programme to the Energy Regulatory Commission for fuel marking.
5. Re-allocate Kshs5 million under Recurrent Estimates for the State Department for Livestock in the Livestock Resource Management and Development Programme for Livestock Products Value Addition to Kenya Veterinary Board.

6. Re-allocate Kshs85 million under Recurrent Estimates for State Department for Co-operatives in the Co-operative Development and Management Programme meant for coffee waiver to Sacco Societies Regulatory Authority (SASRA).
7. Re-allocate Kshs70 million under Development Estimates of the Ministry of Mining in the Mineral Resource Management Programme from the National Research Fund to the Granite Assessment Centre in Vihiga County.

My Committee wishes to propose the following increments:

1. Increase Kshs500 million to the Development Estimates of State Department for Planning and Statistics under the Integrated Regional Development Programme for the Lake Basin Development Authority for payments of pending bills.
2. As you noted at the time when I was moving the Motion, we will delete Kshs4.5 billion in the Development Estimates of the State Department of Education under the Secondary Education Programme for school infrastructure. That is parenthetical.
3. Increase Kshs662 million to the Development Estimates of the State Department for University Education under the University Education Programme for the following institutions:
 - (i) Turkana University College – Kshs262 million.
 - (ii) University of Nairobi – Kshs50 million.
 - (iii) Alupe University College – Kshs100 million.
 - (iv) Murang’a University College – Kshs50 million.
 - (v) Embu University College – Kshs50 million.
 - (vi) Gatundu University College – Kshs50 million.
 - (vii) Dedan Kimathi University of Technology – Kshs100 million.
4. Increase Kshs780 million to the Development Estimates of State Department for Irrigation under the Irrigation and Land Reclamation Programme to support the Galana Kulalu food security.
5. Increase Kshs200 million to the Development Estimates of the State Department for ICT and Innovation under the ICT Infrastructure Development Programme for Konza flagship project.
6. Increase Kshs1.4 billion to the Development Estimates of the State Department for Sports Development under the Sports Programme for preparation of the 2017 Under 18 Championships. Again, we will be proposing amendments. I beg your pardon. That ought to be deleted and replaced with the amendment that I proposed. That amendment would be to make available Kshs167 million for Recurrent Expenditure and Kshs1.233 billion for Development Expenditure, totalling to Kshs1.4 billion for this particular project of the Under 18 Championships to be undertaken later this year.
7. We are also to increase Kshs2 billion to the Development Estimates of the State Department for Energy under the Power Transmission and Distribution Programme for street lighting. I beg your pardon. I note again that we have already recommended in the amendment that this amount be reduced by Kshs500 million, so that the amount that will be made available will actually be Kshs1.5 billion for that particular programme.
8. Increase Kshs138 million to the Development Estimate of the State Department for Energy under the Power Transmission and Distribution Programme for the Rural Electrification Authority (REA) to undertake energy efficiency audit.

9. Increase Kshs21.7 million to the Recurrent Estimates of the Independent Policing Oversight Authority (IPOA) under the Police Oversight Services Programme for their operational costs.
10. Increase Kshs12 million to the Recurrent Estimates of the Judiciary under the Dispensation of Justice Programmes for the Political Parties Disputes Tribunal.
11. Increase Kshs215 million to the Development Estimates of the Ministry of Lands and Physical Planning under the Land Policy and Planning Programme for settlement of landless people at the Lekiji Settlement Scheme.

With regard to reductions, we wish to reduce Kshs21.7 million from the Recurrent Estimates of the State Department for Interior under the Police Services Programme meant for other operating expenses for the General Service Unit (GSU) Headquarters.

Hon. Speaker, I beg your pardon. I forgot to mention one other deletion before coming to the reduction. We propose to delete the Clause that reads “Increase Kshs500 million to the Development Estimates of the State Department for Information and Communication Technology (ICT) and Innovation under the ICT Development Programme for the constituency information hubs.” That ought to be deleted all together.

We also recommend deletion of the proposed reduction of Kshs1.7 billion from the Development Estimates of the Ministry of Health under the National Referral and Specialised Services Programme meant for management of Equipment Service Project. This in effect means that the amount proposed by the National Treasury of Kshs5.1 billion stays. The reduction proposed in my earlier Report is deleted, in view of the proposal that my Committee subsequently adopted and the recommendation we have made to this House.

We further propose a reduction of Kshs5 billion from the Development Estimates of the State Department for Infrastructure under the Road Transport Programme meant for low volumes. It is important for the House to note that the Committee discussed this matter at length with the Treasury not for the first time today. We wish to delete the clause, which proposes the reduction of this amount. We want to reinstate this amount so that this money will be available. It is about Kshs5 billion for Members of this House. If this Report is adopted, and I hope it will, we are proposing to put in place a committee to follow up the matter about the Kshs5 billion for the Road Transport Programme.

We propose to reduce Kshs500 million from the Development Estimates of the State Department for Energy under the Power Transmission and Distribution Programme meant for connectivity subsidy, and Kshs100 million from the Development Estimates of the State Department for Energy under the Power Transmission and Distribution Programme meant for installation of transformers in constituencies.

Hon. Speaker, in addition, my committee recommends that this House resolves to:

1. Approve the Report of the Budget and Appropriations Committee in the amended form on the first Supplementary Estimate for the 2016/2017 Financial Year.
2. Approve an increment of the total Recurrent Expenditure for the 2016/2017 Financial Year by Kshs61,567,939,605 in respect of the votes listed in the First Schedule and approves a reduction of the Capital Expenditure for the 2016/2017 Financial Year by Kshs61,796,854,140 in respect of the votes listed in the First Schedule.
3. Approve an overall reduction in the total Budget for the 2016/2017 Financial Year by Kshs228,914,535 in respect of the Votes listed in the First Schedule.

Hon. Speaker, the First Schedule forms the basis of enactment of the Supplementary Appropriations Act.

I want to take this opportunity to thank my Committee for sitting long hours. I cannot remember the last time we spent this kind of time on any Supplementary Budget, but we felt that it was very important that we particularly engage the Departmental Committees of this House. We gave them space, time and support to exercise their oversight role, which they did. For that reason, we thank them.

We also want to thank the different organs of the Government that were able to join us, in particular the National Treasury. We are grateful to the Cabinet Secretary, the Principal Secretary and their team. We spent long hours with them, including this morning, trying to finalise these matters.

I, therefore, wish to take this opportunity to thank my Committee and say that I look forward to productive engagement and necessary resolution by this august House with respect to our recommendations.

With those many remarks, I beg to move and recommend that the Member for the great people of Mathira, Nyeri County, to whom we say *pole* for the loss of Governor Gachagua, to second this Motion. He is Hon. Peter Weru Kinyua.

Hon. Speaker: Hon. Kinyua, just before you second, allow me to recognise visitors and pupils from Harambee Primary School, Makadara Constituency, Nairobi County; and AIC Lara Oibor Primary School, Samburu West Constituency, Samburu County. They are all welcome to observe the proceedings of the House.

The Member for Mathira, you have the Floor.

Hon. Kinyua: Thank you, Hon. Speaker. I rise to second the Motion for adoption of the Report of the Budget and Appropriations Committee as amended and moved by the Chair.

Before I do that, allow me to appreciate the support and the message of goodwill that we have received from the Members of this House due to the loss of our former Member of Parliament, who was here during the 9th Parliament, and who has been the Governor of Nyeri County, Hon. Ndiritu Gachagua.

At the outset, I want to thank our Chair, Hon. Mutava Musyimi, for his dedication without which I do not think we would have managed to do the enormous work that had to be done to the First Supplementary Estimates, bearing in mind that everything had to be consolidated to ensure that we have very minimal amendments, if any, come the Second Supplementary Estimates since this is an election year.

We also appreciate the fact that the National Treasury, in its wisdom, recognised the need to swiftly respond to the challenges that this country is currently facing. Some of the challenges have been included in the Supplementary Budget for consideration by this House.

You will note that the drought that is currently ravaging this country is unprecedented and was unpredictable. There was a view that we operationalise the body that is charged with the responsibility of drought management. Moving forward, we shall make that request.

We also had an opportunity to interact with some bodies, including the Salaries and Remuneration Commission (SRC). We noted the unpreparedness of SRC when it comes to matters that have been in their hands for the last four years. For instance, there was no need to have contention or challenge in establishing gratuity for members of staff who work in the constituency offices. This is something that the SRC has failed to do due to lack of preparedness.

We also noted another challenge due to the fact that we have to put interest rates and public debt repayment in the Supplementary Budget. We would like to request that the National Treasury adopts a more efficient mechanism in future for making sure that the public debt is being monitored and we have accurate figures captured in the Budget.

We appreciate the fact that this country is facing a very long dry spell and there is shortage of water. The Supplementary Budget has been able to capture several projects and allocate a huge amount to cater for dams and also look at how we can manage our water resources.

Finally, there is the issue of Konza City which is a stalled project. We appreciate that there has been an allocation of about Kshs200 million that will make it move on. We also note that there are projects that have been very dear to this House. This is particularly to the people of Kitui or Ukambani and the great people of Marsabit. They are Umma and the Badasa dams. There is an out-of-court settlement on this matter and money has been provided to ensure that it is settled so that we can get back to these projects.

Moving forward, we encourage that these projects that have stalled for a while be allocated some money in the 2017/2018 Budget so that they can progress.

With those few remarks, I wish to second that this House adopts the Report as amended by the Chair.

Thank you, Hon. Speaker.

(Loud consultation)

Hon. Speaker: The two leaders are engaged by the Member for Homa Bay. It is something very heated. The Member for Kisumu, you can also take a seat so that the grand warrior or is it the Elder of the Burning Spear who is also the Chairman of ODM, Hon. John Mbadi---

(Question proposed)

Let us now hear the Member for Kitui Central, Hon. Makali Mulu.

Hon. Mulu: Thank you, Hon. Speaker for giving me a chance to comment on the Supplementary Budget. I want to join my Chairman in appreciating the efforts which have gone into the preparation of the Supplementary Budget. As the Budget and Appropriations Committee, it has taken us quite a lot of time to discuss the Supplementary Budget. I just want to pick three items at the national level that are very important to me.

One of the things which have been mentioned by the Chairman is that we are facing challenges in the implementation of the Budget. As we try to find out the challenges we are facing, one of the things which keep coming up is the issue of Exchequer releases. Unless we do something as a country in terms of ensuring that money is available to implement projects, we will be preparing budgets which will not make us achieve our policy goals.

The other area is monitoring and evaluation. Budget monitoring and evaluation as a function in budgeting, is an area we are doing very poorly as a country. Unless we improve in this area and continue coming up with very clear outputs and targets for different MDAs, at the end of the day, we will not be able to achieve what we intend to achieve because there is poor monitoring and evaluation of the Budget. This is an area, as a House, we need to allocate a bit of resources so that we strengthen it.

On the Supplementary Budget, one thing that is quite impressive to me is reallocation in the Budget. What is very attractive is that there is reallocation from Recurrent to Development Vote. That is very good. That is moving in the right direction. If we move resources from Recurrent to Development Expenditure, we will help this country grow.

If you look at page 11 of the Report, you will realise that there is reallocation in the ICT Department. More money is being reallocated to Konza City. We all agree that this City is a very important project in this country. If we allocate more resources to that area, we will help this country in terms of development.

There is also reallocation of funds from Livestock to the Kenya Veterinary Board. We also have Recurrent reallocation from Cooperative Development to Sacco Societies Regulatory Authority (SASRA). This is good because it will help us ensure that there are more resources in the Development Vote.

Hon. Speaker, on the proposed increments, I am happy that we have added money to the Galana Kulalu project. This country has food insecurity and adding money to irrigation projects will ensure that we are food-secure. For the first time, the Supplementary Budget is adding money to an area that is important and central in terms of national development.

The other thing I can say is good is the allocation of resources for the forthcoming International Association of Athletics Federations Under 18 Championships. This is very important for youth development. We want to ensure that the youth of this country participate in this international activity which is good for our country. Sporting activities are important for Kenya in terms of improving our image as a country and ensuring that Kenya is placed on the world map.

There are two areas, which if I had my way, we would not have supported as a Parliament. Through this Supplementary Budget, the Ministry of Health is requesting to be given an additional of Kshs5.1 billion for lease of medical equipment. We all know that every financial year, we release Kshs4.5 billion for the leasing of medical equipment. This financial year, this country is going to spend Kshs9.6 billion for lease of medical equipment. I tried to find out what has been happening in this area and realized that not much has been achieved because there have been challenges in terms of release of Exchequer. This year, we are going to spend Kshs9.6 billion to lease equipment.

Hon. Speaker, we have got an explanation from the Departmental Committee on Health. I will be looking forward to see if it is going to be a reality. If you talk to the Ministry of Health officials in most of the county governments, you will find that a lot of equipment has been leased but they are still lying in the stores because there are no people with the right training and skills to use them. The big question is: do we want to continue leasing equipment which is going to be locked somewhere in a store instead of training medical personnel who can make use of the equipment so that our people access quality medical services?

Secondly, I have a problem with the idea to reduce money intended for power transmission and distribution. We are reducing Kshs100 million from the Ministry. This money was supposed to be used for installation of transformers in constituencies. Most of us come from rural Kenya and our people are crying for electricity. Here is a Supplementary Budget where we are being asked to reduce money supposed to buy transformers for our constituencies. Most of us here submitted our list of required transformers to the Ministry of Energy, but up to now they have not been installed. So, why should we say that we want more transformers and at the same time reduce the amount of money allocated for acquisition of transformers for constituencies?

Finally, in this budget, a lot of money has been set aside to pay people. This is as a result of a court judgment with regard to the Umma Dam case. This is not small money. Even though we have set aside money to pay the contractor, we have set aside zero resources to reactivate the works in that dam. I am really surprised as the Member of Parliament for that area. How come, in this Supplementary Budget, you want to pay the contractor half a billion Kenya shillings and

yet there is no money put aside to kick-start the works at Umma Dam? This is quite unfair to the people of Kitui Central Constituency in Kitui County who are currently having a lot of challenges in terms of accessing water.

I would have liked to see a situation where we have some allocation to jumpstart the activities at Umma Dam so that as we move forward to the next budget, we provide additional resources to complete the works. These are areas, which if I had my way, I would not have supported them. I really urge the House to do the same.

One lesson we have learnt through this process is the issue of the role of departmental committees in the Supplementary Budget. In this Assembly, we have departmental committees which take care of budgets. It is, therefore, important that departmental committees appreciate the fact that they have a big role in determining what figures go into the Supplementary Budget. We have realized that a number of these departmental committees do not give this matter the attention that is required, that is, in terms of processing the budget. It is important that they play their rightful role in determining what amounts go to the Supplementary Budget.

With those remarks, I support.

Hon. Speaker: Well spoken. Let us have the Hon. Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Speaker. I support the Supplementary Estimates for the Financial Year 2016/2017, which intend to reduce the approved Ministerial expenditure by about Kshs228.9million with a variety of increments and deductions in various votes.

Under the Recurrent Expenditure, some of the key increments include increment of money to the Kenya Roads Board under the State Department of Infrastructure. It is an increment of Kshs20.8billion due to the increase in collections for the Roads Maintenance Levy Fund.

The Kenya Defence Forces (KDF) has an increment of Kshs2.5billion for security-related expenditures both internally and externally. The National Intelligence Service, a very key institution, has also been allocated an increment of Kshs2.5 billion for security-related expenditures.

When it comes to the Development Expenditure, this Supplementary Budget provides for withdrawal from the Contingency Fund an amount of Kshs5billion under the National Treasury to be utilized in drought management. We are targeting sector ministries that have been engaged in the drought mitigation such as the Ministry of Water and Irrigation, Ministry of Devolution and National Planning and the Ministry of Agriculture, Livestock and Fisheries. Drought has become a cash cow in our country. People want to make money and become rich because Government and Parliament have allocated significant resources amounting to Kshs5billion to manage the situation.

The food we are distributing must reach our people wherever they are. Parliament, through the National Treasury, has allocated Kshs5billion. Our people need more water. I am happy the Member for North Horr is sitting here. His constituency is one of those that are worst hit by drought. It is rare for camels to die, but they are dying in North Horr. I am sure the Minister for Water and his Principal Secretary are watching me. They must rehabilitate all the boreholes and provide water tanks. I was an Assistant Minister in the Grand Coalition Government and I was sacked not because I did not perform but because I disagreed with the leadership of that “half” Government ideologically, and there was drought during that time. Drought has become a cashcow for people.

In the daily newspapers, you will find people pledging to buy hay for the pastoralists. There is a lot of money for water and drilling of boreholes and we are reallocating Kshs5 billion. We want Kenyans to get more food and even school fees waived for those who have problems

paying it for their children. The Supplementary Budget is very timely because it allows for the usage of at least Kshs.5 billion.

In the same increments in the Development Budget, the State Department for Transport has a reduction of Kshs4.9 billion for the development of Mombasa-Nairobi Standard Gauge Railway and Kshs7.7 billion for projects under Marine Transport. I believe this amount of money was allocated during the last financial year but because of the period that is remaining, it cannot be utilised. So, the Cabinet Secretary must give that money to a department which needs it urgently.

The State Department for Planning and Statistics has a reduction of Kshs10.5 billion while the Ministry of Health has Kshs5.1 billion for the management of Equipment Service Project. Whether you like it or not or you play politics or not, there are 94 referral hospitals in this country with Intensive Care Units (ICUs), better equipped theatres, Magnetic Resonance Imaging (MRI) and dialysis centres. You can say that they are not there but if you go to Kitui, Garissa or Kitale, you will find them. They were not there before one person called “Uhuru Muigai Kenyatta” became the President. You can decide not to vote for us but you must say that those facilities exist.

President Trump said he would scrap Obama Healthcare Plan, but he does not even know how to amend it using the legislature. I was with Hon. Jakoyo this morning in a television talk show. We have been accused of tyranny of numbers for four-and-a-half years. Today, the tyranny is in the most powerful nation in the world, the United States of America (USA) House of Congress and the USA Senate. Even respectable Senators like McCain, when outside the Chamber, disagree with the policy of Donald Trump but when in the Chamber they vote a Republican. Tyranny of numbers has now shifted from Kenya to the USA and we will make sure that we increase the numbers in the next Parliament. We have a plan and strategy to make sure that in the 12th Parliament, the Opposition numbers will reduce while the numbers of the Jubilee Coalition will reach 250. *Inshallah*.

Coming back to the Budget, the State Department for Infrastructure has an addition of Kshs8.1 billion for road projects to be undertaken by Kenya National Highways Authority (KeNHA), Kenya Urban Roads Authority (KURA) and Kenya Rural Roads Authority (KeRRA). We have agreed that roads are very important both to the rural roads and highways, and we want to invest in them.

Hon. Speaker, you were in the 9th Parliament. I was not there but you know during President Mwai Kibaki’s first term, people used to say, he was asleep and doing nothing but he had a vision. His vision for infrastructure was realised in 2009 when people saw the Thika Superhighway and the road network in the country and they said this guy is serious.

I want to tell my friends that the infrastructure investment President Uhuru Kenyatta and his Government are undertaking will be seen and felt in the economic growth by 2018/2019. You have heard that Outer Ring Road will be complete by June, 2017. You cannot hide Outer Ring Road, Standard Gauge Railway and the free maternity services mothers are getting. You can also not hide the children whose examination fee has been waived, whether they are in the Opposition or Government.

In my community there is a saying which goes: “You can have ears and not hear, eyes and not see and a head which you are just carrying around”. The difference between previous governments and the Government of Uhuru Kenyatta is like day and night and we will settle the scorecard.

There were very many people in Meru who have never seen Raila Odinga, Kalonzo and Wetangula. So, yesterday, we told them to go and see how these people look like and that is why there was a big crowd, but when the election day comes it will be different.

With those many remarks, I want to thank the Chair of the Budget and Appropriations Committee and his members. I run this House sometimes through prayers. When I see the Jubilee leaders not wanting to listen to me, I go to the Quran. The Budget and Appropriations Committee is the most difficult with 50 members. That is where resources are shared. The cause of conflicts in the world is about resources. Hon. Mutava is in charge of sharing resources. We thank him and his colleagues, Hon. Makali Mulu, and my good friend from Western, Hon. Murunga. This is because they juggle between the State and people's interests.

I was in their Committee meeting this morning, and we highly respect them. Thank you very much. I hope through your Chair, we will approve it this afternoon. I will look for quorum. Let us publish the Appropriations Bill as fast as possible. If the Speaker allows us before we go on recess, we will pass it. That is if the House approves it by Thursday.

I support.

Hon. Speaker: Let us hear the Member for Kibra.

Hon. Okoth: Thank you, Hon. Speaker. I rise to support this Motion. I am a serving Member of the Committee. I think Hon. Duale is not aware of the fact that he said that I am a small Member. I believe we have done this work diligently.

I have issues of concern in terms of process and promises. President Uhuru Kenyatta promised us two years ago that he would bring fiscal discipline to his Government in the management of its affairs, and that ministries would be requested to budget and not request for development money in supplementary budgets. The Jubilee Government also said it would look for a way if possible where supplementary budgets would be eliminated and become minimal. This is a matter of moving funds rather than requesting for new ones.

Unfortunately, as you can see in the Budget here, that vision which was a very nice promise from the President on fiscal discipline is a target which was aspired but has not been met. We are getting supplementary budgets which are not just about reallocating existing money to different projects but requesting new money. This means our planning is not proper and that ministries are hiding upfront what they really need and then posting it later hoping they will get it in the Supplementary Budget. That is a pledge that we need to hold the Cabinet Secretaries and the National Treasury to so as to make sure that our budgeting is done properly.

There is the issue of the National Government Constituencies Development Fund (NG-CDF) and the Kshs10 billion that was to be moved around. I am looking at my Chair and he is looking at me directly. That is an issue that we need to be clear on because there has been a lot of back and forth--- Those are monies that members have already pledged to their constituencies for school projects.

The President requested that we focus on increasing school capacity and making sure that we have 100 per cent transition rate from primary to secondary school. That cannot happen if we do not have teachers. More essentially, it cannot happen if we do not have school facilities that are critical such as classrooms, laboratories and dormitories. We are trying to do this properly and many of us had already pledged and committed about Kshs34 million per constituency for school infrastructure and projects. We would like to make sure that that happens. We will be a House that sticks to our promises as we go to the campaigns. Members' lifelines are at risk.

I will move on to the next issue. I am cautioned that that is taken care of. I move on to the next issue. The Member for Gem is advising me and I will take the advice.

We still have issues of concern on the drought and hunger management in this country. That is of serious concern. As the Member for Kibra, I would like to say that the issue of urban hunger is real. The cost of living in urban areas has really gone high. If you look at the price of *unga* this week, you will find that the price of maize meal which people use to make *ugali* - the staple dish across the country for many Kenyans - is higher than the price of wheat flour. Many people do not subsist on *chapatis*. Even though the Government promised that the cost of basic commodities would be maintained or lowered, the reality is that world economic standards, changes in climate and failures in crops, the cost of basic commodities including the cost of *unga* has gone really high.

In urban areas where we do not have the luxury and privilege of farming and getting alternative sources of food since everything is cash-based, we really feel that pain in places like Kibra, Kawangware and Korogocho. I would like to make sure that the ministries involved, as Hon. Duale had mentioned, do not only forget but must also pay special attention to the urban areas where the urban poor live and feel the pain of urban hunger in a very special way. If you visit my schools in Kibra Constituency, you will find that head-teachers are struggling very hard to buy commodities in the market, feed children and provide them with school lunch which is a basic human right.

Freedom from hunger and the right to education are in our Constitution. Even as we set aside Kshs5 billion, that amount should not only be allocated to the arid and semi-arid areas which are the traditional focus areas but it should also be targeted to respond to the needs of the urban poor, especially the children in our schools and the school feeding programmes. If we do not do it, it is the poor parents who are already pressed who will be required to pay more money to sustain those school feeding programmes.

I do not want to belabour the point. I look forward to the coming of the main Budget for next year which also has a lot of contentious and important issues in place. I hope we will be able to pass it on time before the elections and there will be smooth running of Government affairs without interference.

Last but not least, I am concerned about allocations of money by the Department of Education to different universities including Turkana University College. We want to make sure that there is true value for money and that a lot of money is not passed to institutions that will not give us value for money but instead pass it to people who are well connected and sell off certain resources to the Government.

With those few remarks, I beg to support the Motion.

Hon. Speaker: Let us have the Member for Kipipiri.

Hon. Gichigi: Thank you, Hon. Speaker, for giving me this chance to comment.

From the outset, as a Member of the Budget and Appropriations Committee I have participated in the preparation of this Report. I, therefore, support it together with the proposed amendments. It is important for the country and this House to note that perhaps for the first time, we have a situation where the national total budget is contracting. It is coming down rather than the usual trend of expanding. That is a very good thing. Because of the fact that there is too much borrowing to fund a substantial part of the Budget, once the Budget figure comes down it means that there will be less borrowing.

The other issue that I wish to draw the attention of the House to is the fact that in the half year ending in December---

(Loud consultations)

Hon. Speaker, the consultations are too high. The fact that the Kenya Revenue Authority (KRA) has not been able to meet its target for the first half year of this period is also an issue of concern. Perhaps, the National Treasury and the country need to rethink our priorities. One of my colleagues has alluded to the issue of the country failing to come up with a proper budget by deliberately omitting certain items. Looking at the substantial amount of money being allocated to an issue like drought, some of these things are difficult. While you might have a contingency, it may be difficult for you to foresee that there will be drought. The country had a budget for such emergencies but what happened is that the situation became pretty worse than expected and even what the weathermen had anticipated.

The other issue is that perhaps it is high time that this country relooked at our Constitution. Our new Constitution is generating so much labour unrest in this country. If we are not careful, we might have a situation where half of the country is not working because people are demonstrating and are on strike. Perhaps, the Departmental Committee on Labour and Social Welfare and the Budget and Appropriations Committee--- It is high time that the issue of labour unrest is looked at. I hope that it is not related to the forthcoming polls. Even looking at the leadership of most of those organisations calling for strikes, one is left wondering whether they are not pro Opposition and that the strikes are likely to be related to the coming elections.

The other issue on labour unrest is that every time we hear that there is a dispute over a Collective Bargaining Agreement (CBA), you find that the people who negotiate the CBAs during trying moments, especially from the Government side, end up conceding too much but postpone the benefits. When the time comes for the implementation of the CBA, a relook at that CBA makes it seem like it is impossible to implement.

But five or 10 years before, people sat down together, just to end a strike, and ended up conceding to things that are not possible to grant. I ask all the teams that sit down to negotiate labour agreements or CBAs to think about posterity. Do not merely put pen on paper so that you get striking workers to go back to work only for you to postpone the problem for one or two years.

Hon. Speaker, in this Report of the Supplementary Estimates, there is a huge figure of Kshs1.4 billion that is going to the Ministry of Sports, Culture and Arts to cater for the 2017 International Association of Athletics Federations Under 18 Championships that are going to be held in the country. I have heard a lot of disquiet from stakeholders that we are not ready and are likely to have serious challenges. The knowledge that we are going to hold this tournament in the country has been with us for several years, but just a few months to the event, we are now here rushing through the Supplementary Estimates to take care of that particular tournament. I urge Government agencies, specifically the Ministry of Sports, Culture and Arts to know, for example, what we are going to host next year and even the year after. This is not an emergency. Let them prepare by getting the necessary funds early enough so that they can put up the necessary facilities to ensure that we are not caught up by time. There are people who have expressed concern about this event in view of the fact that we will be holding elections in August. That is pretty the same time the tournament is supposed to be held.

On the issue of the Kshs10 billion, I assure Members that if this money goes to KeRRA and if the Ministry of Education, Science and Technology does what it is supposed to do and gives the money to the schools that have been earmarked, I do not think we are going to have any challenges. But mark my words that it is important that the Budget and Appropriations Committee or the Special Committee the Chairman has recommended carries out its task to

ensure that this money reaches the intended beneficiaries the soonest time possible otherwise the Ministry of Education, Science and Technology is likely to decide what to do with this money and use part of it for recurrent purposes.

I urge my colleagues to approve this Report so that the Supplementary Estimates can be passed and the Appropriations Bill can be introduced to enable proper running of this Government.

Thank you, Hon. Speaker.

Hon. Speaker: The Member for Likuyani, you have the Floor.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Speaker. I am sorry we were consulting over certain issues. I would like to generally accept the Supplementary Estimates, but there are two or three areas I have concerns with.

As a medical doctor, the first area that I am concerned with is the allocation we are giving to the Management Equipment Services (MES). This issue came to the Departmental Committee on Health and, as a Member of the Committee, I was totally opposed to it because every year, faithfully in the Budget, we give money to this programme. The Leader of the Majority Party has said that we have 94 national referral hospitals. I do not think he lives in this country. We do not have those 94 referral hospitals he is talking about. Most of the equipment are lying in stores and we do not have enough personnel to run them. Some of them do not have the buildings that are supposed to house X-Ray facilities. But the most perplexing thing is that in the Budget of the 2016/2017 Financial Year, faithfully, we approved Kshs4.5 billion for this programme.

In the Supplementary Estimates, we are now being asked to add Kshs5.1 billion. Roughly, if my mathematics does not fail me, that is Ksh9.6 billion. The Ministry cannot explain to us why they want an extra Kshs5.1 billion when every year we have been allocating them money faithfully. I even used an example that, if I rent your house, and every month I pay you as we have agreed, why would you, at the end of the year, slap me with penalties? That is really what we are being told this money is going to do.

We can sit here and talk about all kinds of things about the health sector in this country, but we all know that there are big problems in the health sector in this country. At this moment as we speak, our doctors are on strike and most health workers are restless. Recently, we visited Moi Teaching and Referral Hospital. There is a donor who has done a lot of work to enable us install radiotherapy machines for treating cancer. All they require from us, as Government, is Kshs250 million to buy the radiotherapy equipment and machines for us to treat patients. To me, it would have been prudent for us to have a cancer treatment centre in that part of the country so that patients who require radiotherapy should not come to Kenyatta National Hospital. I cannot understand. The only thing I can say about this MES is that it is a scandal that in the end is going to get much bigger than some of the scandals we know of Goldenberg and the National Youth Service (NYS).

I want to go on record that I was in the Committee and I completely objected to that extra money being given to this programme. We were not ready. When this programme was initially set up, my view then was that we should have started small and grown. We should have started with what we used to call provincial general hospitals or level 5 hospitals which are about 11 in this country. We should have started there, learnt our lessons, seen where the problems are and see what we need to do. Those hospitals have virtually all the personnel that we need to run dialysis machines and MRI machines. Starting 94 hospitals in the country and some of them are no better than health centres, was wrong and was a conduit to siphon money. I am totally

opposed to it. That is what I would like to say about the issue of Kshs5.1 billion that has been set aside to go the Ministry of Health for the MES programme.

The second issue that I would like to talk about did not come out very clearly from the Chairman of the Budget and Appropriations Committee. I thought he mentioned something to the effect that Kshs5 billion has been moved from the Ministry of Education to the low volume sealed roads and that Members were supposed to coordinate and participate in this. It did not come out very clearly to me, but if he wants to inform me, I am ready to be informed before I continue and complete my submissions.

Hon. Speaker: You are contributing. If you did not listen, you cannot, when you are contributing, demand to be informed. You served in the 8th Parliament, Hon. Kibunguchy.

Hon. Kibunguchy: I was in the 9th Parliament with you.

Hon. Speaker: You should by now---

Hon. Kibunguchy: I know, but when he talks about low volume sealed roads, those are tarmac roads.

Hon. Speaker: Walk across to get the information. For now, if you are through with your contribution, just take your seat so that others who have information can contribute.

Hon. Kibunguchy: I am not through with my contribution and my time is still---

Hon. Speaker: You cannot start asking for information surely.

Hon. Kibunguchy: Hon. Speaker, I think you are not being fair. I just said I did not quite understand. It happens. You are not being fair.

Hon. Speaker: You can oppose.

Hon. Kibunguchy: I am not opposing anything. I said I did not understand.

Hon. Speaker: Information will be given when he is replying.

Hon. Kibunguchy: Okay. On low volume sealed roads, he said every Member of Parliament will get a share of it. I think Kshs5 billion is very little. Maybe each Member of Parliament will get one kilometre of road or even less. Anyway, maybe he will respond during his time to reply.

Finally, let me agree with the Committee in its move to put money aside for the International Association of Athletics Federations Under 18 Championships that will be held in this country late this year. I support the move and I want to commend the Committee for doing that. Athletics is a sport that has made us proud throughout the world. Kenya, everywhere in the world, is known as the powerhouse of athletes. It is nice to start nurturing these young men and women at a tender age. I support everything except the share of Kshs5.1 billion. If there is a way of us doing something about it, I propose that we do it.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. That is perfectly in order.

Let us now have the Member for Saku.

Hon. Dido: Thank you very much, Hon. Speaker. I rise to support this Report by the Budget and Appropriations Committee. At the outset, I want to thank them for a good Report. We legislate in this House. We also represent our people. I am glad that during this Supplementary Estimates, the dragon of Badasa Dam has been laid to rest. I thank the Chairman and the Committee. Finally, the people of Marsabit Town or Saku can get water.

Having gone through this Report, I note that there are areas of concerns. The Budget and Appropriations Committee has attempted to eliminate some of these areas in its Report. The striking thing is about the absorption of the Budget. In both the internal and external funding, the Committee has said there is a problem of absorption. We must look at this in terms of the cash

flow. We need to find out the problem. If ministries or institutions get their money late, then it means that this country will not be able to effectively plan. So, for this reason, I would like to suggest to the National Treasury that there is need to bring out issues of concern with regard to the difficulties facing budget absorption. If by the end of a financial year, a Ministry or an institution spends only 50 per cent of the total amount of money allocated to it, then that is a serious thing.

(The Speaker (Hon. Muturi) left the Chair)

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

I want to touch on the issue of drought. In the Estimates, the State Department of Special Programmes has been given Kshs6.9 billion. That is a lot of money. It also touches on the issue of absorption. Will they be able to absorb that money? This is where we also experience corruption because what sometimes executives attempt to do is to just write vouchers and LPOs so that at the end money appears to have been spent.

I come from a county that is adversely affected by drought. In Marsabit Town, a 20-litre jerrycan of water goes for about Kshs50. That does not happen anywhere in the world. At this point in time, you expect people to be buying food with the little money they have. If that money is spent on buying water, then what does that mean? For that reason, the management of these funds must be above board. We should not just leave it to county governments. The national Government must exercise its executive authority so that resources reach all the sub-counties.

Currently, many resources are available in counties. Sometimes these resources are allocated in a skewed manner. They do not reach all the sub-counties. For this reason, the resources allocated from the national Government must reach the counties and must also be distributed effectively to reach the wards where our people are.

The other issue is about the Independent Electoral and Boundaries Commission (IEBC). In the recent days, we have been reading in the newspapers that there is an allocation of Kshs2 billion to cater for the preparation of the 2017 General Election. There are matters before court to stop procurement of election materials. It must be a matter of concern to this nation because anybody attempting to stop election is standing in the way of Kenyans. The National Treasury must look at the effect of this in terms of timeliness so that we do not lose the election time or expend resources in such a way that we do not meet our ultimate objective.

I am glad that the Kshs10.5 billion which we were very concerned about has been catered for because we had earmarked that by January we put up classes, laboratories and dormitories in our schools. This money has delayed. I am glad it has been catered for in the Supplementary Estimates.

In this Report, the Committee has highlighted inefficiencies of the IFMIS. This is a major area of collaboration in terms of transaction by the Government. The Committee clearly tells us that the inefficiency hampers Budget implementation and may cause accumulation of commitments. They must give us a solution. They should tell us what the National Treasury should do if the IFMIS fails.

The issue of labour unrest is of great concern in this country because in the recent past, doctors and university lecturers have stayed away from work. These are matters of national concern but it goes against the Constitution to say that the Salaries and Remuneration

Commission (SRC), a constitutional body, is vested with the mandate of discussing salaries and wages and allow the National Treasury to allocate resources to ministries and departments. That violates the Constitution.

Finally, cash flow is a matter of concern because some projects are undertaken but money is not forthcoming. Kenyan business people and enterprises are affected by this problem. This issue must be addressed.

With those few remarks, I support.

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

Hon. (Ms.) Korere: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion.

In this Report, about three areas have caught my eyes and heart. The increment of Kshs4.5 billion to the Development Estimates for Secondary Education Programme is a good idea. The education sector has faced a lot of inequalities in the sense that children who go to Alliance High School, Dol Secondary School and other small schools in this country are subjected to one national examination and yet they do not have the same facilities.

I used to teach Chemistry just like President Pombe Magufuli. You will agree with me that it is very difficult to teach a practical subject theoretically but that is what happens when teaching sciences in a school without a laboratory and other essential equipment. I hope this programme will uplift the education standards in schools across the country. This is especially in those areas where students learn as if they are not in Kenya.

We have been treated to drought every five years. There is a lot of resource-based conflict in the arid and semi-arid areas. Pastoralists in Baringo, Laikipia and Samburu are fighting over a commodity that is life in itself – water. I hope the resources allocated to the department responsible for drought mitigation will be used to implement projects, and not just do them on paper.

Three weeks ago, the President visited my constituency and issued a directive that all dams and water pans should be desilted. He also directed for construction of more boreholes. I am not sure whether they are waiting for this Supplementary Budget because as I speak, that has not been done. I want to ask the Chairman to ensure that the resources allocated to those projects are utilised to benefit the common Kenyan and not just the entrepreneurs.

I want to comment about the Kshs215 million that has been allocated for settlement of the landless people in Lekiji. I come from that small village in Laikipia North but since Independence, my people have never known what it means to own land. It is sad because we have had conflicts between the squatters and the purported owners of the said land.

A few years ago, several people lost their lives as the security agencies tried to forcefully evict them. I want to applaud the Committee for that allocation. I hope the people in Lekiji village will be resettled before I come back to this House in August, 2017.

Hon. Temporary Deputy Speaker, we must reallocate funds from areas that cannot absorb them fully to areas with serious shortages. I have also seen an increment of Kshs1.4 billion to the Ministry of Sports, Culture and Arts. Sport is an important aspect for our youth. Our youth are abusing drugs due to joblessness. They have a lot of time to do wrong things. As we warm up to the 2017 General Election, there are evil politicians with a lot of money out there, who want to spoil our youth and make them cause chaos. If we develop a sports programme with this allocation, I believe we will tap talents in our youths. We are all worried because in this country, money is allocated for various projects but it finds its way into the pockets of other people. I

want to support the Supplementary Budget and plead with my colleagues to support it because it has a lot of benefits for Kenyans.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Yes, the Member for Igembe Central.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Report.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Report. I support the Chair of the Budget and Appropriations Committee for bringing this Report and for seeking our approval.

From the outset, this money has been expected for quite a while. If we pass it, the Government will roll out some of the most important flagship projects that it had initiated.

Before I continue, I challenge the implementers of the Budget, especially Government Ministries and those who are charged with the responsibility of spending the money. There is a lot of delay in Government Ministries and departments in disbursing these funds. At times, some funds are taken back to the Exchequer because of incompetent, inefficient and lax officers who fail to utilise the money.

I have an example in Igembe Central Constituency where some money was allocated for a road in June when the Cabinet Secretary for the National Treasury stood here to read the Budget report. The road from Farm to the Meru National Park was allocated money for rehabilitation, but the money has been lying at the Treasury. I followed up the matter and found that they had not released the money. The National Treasury released that money to the Ministry of Tourism which is charged with the responsibility of repairing that road, but the money is still lying at the National Treasury. They tendered last week. They have not even evaluated the tender or given it to a contractor yet a year is coming to end as the process continues. The money has been lying at the Treasury. This is failure on the part of Government departments and the officers who are charged with this responsibility.

Having said that, drought has caught up with us. There is a lot of apathy as animals are dying. We are afraid even human beings might go the same way. We really have a big problem.

The other day, I went to the Ministry of Water and Irrigation with my colleagues; Members from Meru and we were told that they are going to mitigate the drought by giving us some tanks which can collect water. They said that they will give us vehicles to carry water to the people who have problems, but I do not know where the people can fetch water because every place is dry. We challenge the Government to sink boreholes. We were promised five boreholes per constituency and to date, we have not seen even a rig going there. We are only being told they are doing it. People are crying for water. I am wondering whether they will sink boreholes in April when we get rain after people have suffered. The money should be properly utilised by the departments concerned.

Infrastructure is very important in this country. Without proper roads, communication and ferrying of goods and services become a problem. The Kshs5 billion allocation to mitigate the low volume roads is a welcome gesture by the Budget and Appropriations Committee. I welcome it because once this money is released, the roads which we have been promised by the Government will be done. We have been making a follow up for the last four years, but nothing has happened. If this is the money which was being waited for, I pray that they expediently take it, go to the ground and start the works for the benefit of the citizens. The Budget and

Appropriations Committee has done a good job. Parliament is doing a good job. Officers at the National Treasury and Ministries should wake up.

There is also the issue of agriculture. Food security in this country is wanting and every time we have a food crisis like we have now, the Government runs helter-skelter looking for food. The Jubilee Government promised - and it was a good and welcome gesture - that they would be irrigating a million acres of land every year. I hope this is happening in certain areas and if it is not happening, the people who are charged with this responsibility should do it because the President cannot implement the same. It is not the Deputy President who will implement the same. The people who are charged with this responsibility, especially the boards that are involved in it and the Ministries, should wake up and use the money prudently so that it can be of great benefit to our people.

The Supplementary Budget is welcome. I support it and once we pass it, the users should put their feet on the ground and go to work.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Kwanza, Hon. Wanyonyi.

Hon. F.K. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I rise to support the Supplementary Budget, more so, to give my appreciation to the Committee for the effort they have put in coming up with this Budget.

There are various challenges in this Budget, particularly in the Exchequer release. As mentioned by some of my colleagues, I am hesitant because the National Treasury has had problems.

I am a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives and we have had cases where the said targets by various Government agents have been changed without due reference to the initiators of some of the targets. There have been cases where money is reduced without referring to the parent Ministries. This has been a challenge for the last four or five Budgets. I hope things will change at the National Treasury. I can see some officers from the National Treasury offices sitting here. We agree on certain figures after long discussions and searching hard and then an agency is told that their funds have been reduced by the National Treasury. I do not know what informs them or what makes them change the figures, but this is becoming very common. The Ministry of Agriculture, Livestock and Fisheries has had problems. You come up with a budget and then it is reduced. These are some of the challenges we are experiencing and I hope this will come to an end.

I support this Budget particularly on the Lake Basin Development Authority where Kshs1.5 billion has been set aside for paying pending bills for the mall project. I wish to declare my interest because I worked there in a senior capacity, namely, a Managing Director. The mall has been underfunded, but this Kshs1.5 billion is a good thing. We hope the money will be released as soon as possible, so that the project can take shape. The Lake Basin Development Authority does not only benefit the lake region, but it offers employment to many people. The money will go a long way in assisting the Authority.

Secondly, some money has been allocated to Galana Kulalu Food Security Programme, but I do not know whether this is due to the absorption rate. As a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives, I think this money should have come much earlier. I would have expected that we get some more money and expand it because we have perennial food shortages in this country. It is a shame.

We should not have famine because we have a lot of rain. I, therefore, do not understand why year in, year out, we have food shortages. At the moment, we have problems to the extent

that we are importing food. This should not be the case. The increase in funding of the Galana/Kulalu Irrigation Project by Kshs150 million is welcome. However, the Government should release more money for irrigation in other areas as well, particularly for the many Agricultural Development Corporation (ADC) farms. There are large chunks of land in Trans-Nzoia where money for irrigation should be channelled. I am sure my colleague, Hon. Pukose, will support me on that one. We have huge chunks of land in Trans Nzoia County. If this money is sent there where we undertake large scale maize farming, we can do better through irrigation. That way, we can solve the perennial problem of food shortage. I hope that during the next budgetary allocation, we will consider ADC farms to enable us to undertake irrigation farming in the area. We have the technical knowhow, but money is an issue. Instead of this money being allocated to Galana/Kulalu, it should be allocated to the ADC farms in Trans Nzoia County. I am shocked that the output of the Galana/Kulalu Irrigation Project is not what we expected. If we had done this in Trans-Nzoia, we would be harvesting not less than 50 bags of maize per acre. We can easily do two seasons of maize farming per year in that area using irrigation. I am sorry to say that the Galana/Kulalu Irrigation Project has been a waste of public resources because the output is 15 to 20 bags of maize per acre, which cannot be compared to the output of maize in Trans-Nzoia.

During the next Budget, we should allocate more funds to irrigation, so that people in Trans Nzoia can undertake irrigation farming. I am sure Hon. Pukose is listening and will support me if he is given a chance.

The setting aside of money for school infrastructure development is welcome. That money is enough. It will improve facilities in secondary schools. It will be used for construction of more laboratories and dormitories, so that boys can be separated from girls. In my constituency, I have gone out of my way to construct dormitories to separate boys from girls. I hope that this money will go a long way in assisting in schools' infrastructure. If we are given the Kshs5 billion, part of it will be used to construct boarding facilities in secondary schools.

Last but not least, I do not know where the Kshs5 billion for the road infrastructure programme is going to. It is not very clear. One of the Members asked the same question. I believe the infrastructure programme is a big let-down. This House resolved that every constituency should have 20 kilometres of tarmac road. The life of the current Parliament is coming to an end with nothing happening. I want to know if there is any constituency, particularly in my area, which has tarmacked 20 kilometres of road. There is nothing going on in Trans-Nzoia County despite the fact that we were promised to have 20 kilometres of tarmac road in every constituency. There is a proposal to take away the money that was meant for low volume roads. I do not know where it is being taken. This House resolved that the money should go towards the 20-kilometre tarmac road in every constituency. I have not received anything yet and the life of the current Parliament is coming to an end. I toured my constituency and told the people that the money would be released soon, but that money has been removed from the Supplementary Estimates. I do not know what to say now. That means my chances of coming back to Parliament are getting slimmer.

I take this opportunity to thank the Committee for the good job done. I support

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Jakoyo Midiwo.

Hon. Midiwo: Thank you, Hon. Temporary Deputy Speaker. I rise to support and thank the Chair and the Committee. Last year, I caused them a lot of havoc. I slowed them down. They were running faster than the rest of us. I want to say that it was nothing personal. If any pain was felt, I apologise. I have seen what this Committee does. Most of us, and technically those in the

Committee, have done rigorous work. People have been talking about this particular Supplementary Budget for a while. Let me thank the Chair of the Committee in the same way the former MD of the Lake Basin Development Authority has done. Kenya is one country. When mistakes are made, it is for Kenya to correct them. I want to thank the chairpersons of the Departmental Committee on Finance and the Budget and Appropriations Committee as well as the Government officials and members of staff, for having helped us to deal with the monster called the “Lake Basin Development Authority”. The Government is pumping money into the Galana/Kulalu Irrigation Project. The Lake Basin Development Authority will go back to where it was during the time Mzee Kenyatta died. It was a good project. We were exporting vegetables. Recently, there was talk which turned very loose about the Yala Swamp. Yala Swamp is one of the biggest sleeping giants in the history of the food production of the world.

As I have been saying since I came to Parliament, some crooks in this country gave that bread basket of this country to some unscrupulous white man, whom I opposed from the first day. I still oppose him because we would not be crying due to lack of food when the swamp produces 400,000 bags of maize a year. It produces rice throughout the year, but we still import grain. The Government must deal with the issue of food security, first, by dealing with our own psyche and obsession with foreigners. When foreigners come to work in Kenya, they must do the right thing and pay taxes so that we can feed our people.

Last week, I said that no country can develop without broadening its tax base and without hurting its citizens. Last week, while speaking about Safaricom, our beloved innovative company, I reminded this House that it is 70 per cent owned by foreigners. Safaricom is not employing Kenyans anymore, but it keeps on bringing innovations which continue to milk this economy dry. This Government is incapable of dealing with it. They do not have a good policy for dealing with the financial sector. That is why we are doing what we can. The House has done a lot.

If you check some of the amendments which are before this House, they are meant to help the Government. Every time we help them to raise more taxes, you see somebody in the Executive or the Treasury not allowing Parliament to help the Government to raise taxes. It is very embarrassing that we have millions of unemployed youth, but our most productive company takes out 70 per cent of what it makes to foreign countries. If we do not do it, there will be no country.

In the last eight months of last year, this economy lost 135,000 jobs in the formal sector, let alone the informal sector. Half of the jobs were in the banking sector. Why? This is because Safaricom has turned into a bank. Safaricom is now deposit-taking. It is doing cheques. You can take your money and take it out. The only licence Safaricom holds is a telephony licence. A friend of mine who is a senior officer in the Government, told me a few weeks ago that, that is why he has started the work to help redirect the Government. I am happy the Competition Authority is also trying its best, but the National Treasury must be dealt with. He told me that they wanted to split Safaricom because this thing called *M-Pesa* is good innovation, but it cannot be 70 per cent-owned by foreigners. It cannot be. They must incorporate a company locally that is owned 100 per cent in Kenya and that pays 100 per cent corporate tax like other companies in this country. Nobody knows to what extent Safaricom makes money and exports it.

It may sound harsh, but if they were not doing corrupt things, why are people leaving? Why is Airtel firing people? Orange is failing to take off because of Safaricom. I remember we in CORD then, even in ODM in 2007, accused Safaricom of aiding the political process in a chauvinistic and biased way. This Parliament must think of what to do to help the Government. It

is not always making noise or accusing the Government. Parliament has a role. You cannot have a giant company doing everything, including taking deposits. If you kill Equity Bank, which is our largest homegrown bank, Cooperative Bank and the KCB, what are we left with? The Government should be favouring Equity Bank because it is 100 per cent Kenyan. If you try to create this debate, it is like touching a live wire.

We know the Government may not be interested, but they have about five months before we send them home. Our people cannot be so jobless and there is hunger and drought. Let me thank the Chair of the Committee for, at least, taking Kshs2 billion from the SGR and taking it to drought and hunger mitigation. Who goes on a rail if they are hungry? If our livestock are dying, why do we need a rail? What shall we transport? If there are no farmlands, why do we need a rail? What shall we transport?

I saw the other day on CNN that the SGR is the most expensive project ever taken in Africa. Ethiopia and Tanzania are doing rail lines, but you do not hear of them. It is just this one which is a cash cow and the people are known. It may be too late, but Parliament is not only the people you see. Parliament is an institution. We will have to sit down and sort out the economic mess in this country.

I support and thank the Chair for being so magnanimous. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Samuel Ndiritu.

Hon. Ndiritu: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also add my voice to the Budget. I support, but I have a few comments. I congratulate the Committee for the work they have done.

First of all, we heard it in our Committee that there is almost Members' apathy to the Budget preparation. Yes, the Constitution has given Parliament a big role in the preparation of the Budget, but whatever we do after it is passed is important. We have seen in our Committee that the Executive does some Supplementary Budgets within the departments and whatever has been proposed in projects is shuffled. Projects are proposed and lined for funding, but at the end, even in Supplementary Estimates, they are withdrawn and other projects are financed in their place. This makes it work in futility. Members spend a lot of their time to prepare the Budget.

I would also like to talk about the Budget versus the resources that we raise. We have been reading of a Kshs2 trillion Budget and almost 10 months into the Budget year, we have not disbursed half of the budgeted amount. Sometimes it is as a result of the Appropriations-in-Aid (AIA). However even the Kenya Revenue Authority (KRA) never meets its revenue target. Therefore, there is fear that we have been biting more than we can chew as a country. We need to revisit it. Even for the third quarter of the Budget, which we are in at the moment, if you look at the Report, disbursement is way below what is supposed to have been disbursed.

I would also want to contribute on the money that was promised to us after it was taken away by a court order. This is the Kshs10 billion where every constituency was to receive Kshs35 million. We were advised that the same money would be given to the constituencies through the Ministry, in form of infrastructure in education. We were guided and told how the money would be given and we forwarded the institutions that would be funded.

However, we have since heard that part of it has been taken to the Ministry of Transport and Infrastructure. I have seen it being removed. I am not sure what the undercurrents are. Maybe the Committee needs to give us information on this. I remember one Member was even willing to sit down and be informed in the middle of his contribution. We promised some schools that they were going to get some funding. For the cases that were urgent, we removed funds from the NG-CDF budgets. It is a tragedy. We are being taken in cycles. We are wondering whether

the Government wants all of us to go home because once you promise a community a project and it is not delivered, the repercussions follow. They will remind you every time that you promised them this and that. Unlike the NG-CDF money which they get once it is disbursed, the money that goes through the Executive is hard to get. I have started hearing rumours that even the balance of Kshs17.5 million that we are supposed to receive, the Ministry is taking part of it. They are putting a lot of conditions that they are almost putting us out of the whole thing and rendering the Member of Parliament, who was promised the money, a spectator. We must appreciate the power that the Constitution has given Parliament with regard to Budget preparation. The Executive needs to know that the Constitution has given us those powers. It is only the Budget and Appropriations Committee that can save us.

I agree with the move to allocate money to the Uma and Badasa dam projects. I have a background in water engineering specifically civil works. The Badasa Dam project has been embroiled in a legal tussle. The Government has ended up wasting a lot of money. The Saku Member of Parliament is excited about the money being allocated so that the legal tussles may end. However, I am worried that if we put more money into these projects, say, the Badasa Dam Project, I am not sure we did a correct feasibility study about the project. Even at the level to which it has been constructed, I am not sure there has been any flow of water in that dam in its position. It is incomplete. So, we should provide money, so that we can do away with the legal battles. I suggest that before we put in more money, stakeholders should decide on the best way to get water.

I am also happy with the Kenya Forestry Research Institute (KEFRI) being given some money to grow drought-resistant trees. This morning, I was reading about the Mathenge plant in Baringo which has completely changed the environment of the area such that even when it is dry, people still harvest honey. The plant is drought resistant. It has completely changed Baringo.

There is money for wildlife compensation. Drought has caused havoc and I am happy that efforts to mitigate the drought are properly resourced. The law that was passed on compensation is a bit too strict for the Government, but it has to do with it until when the law will be changed. We have conservancies even in my constituency. During the time of drought, wildlife run out of the conservancies to where people live. One of the conservancies traverses where people live. As much as we need the conservancies, we need to protect our people because sometimes they feel like the law protects the animals more than the people.

With those few remarks, I support the Budget, but wish that we get more information from the Chairman on the Kshs35million for the constituencies. If that information was given in my absence, I could consult because I feel it is being taken away. I support.

The Temporary Deputy Speaker (Hon. Mbalu): Thank you. The Budget and Appropriations Committee Chairman is available for further consultations. Let us have the Member for North Horr.

Hon. Ganya: Thank you, Hon. Temporary Deputy Speaker. I support the approval of the Supplementary Budget Estimates for the Year 2016/2017. I commend the work of Hon. Musyimi and the Budget and Appropriations Committee.

We are facing a severe drought and my constituency of North Horr is one of the most affected. A few days ago, the First Lady of this country visited North Horr to highlight the critical drought conditions in the larger Marsabit County. I am glad the Government has allocated Kshs6.9 billion for drought mitigation measures. This is a huge amount of money and I hope it will be put to good use. It will be used effectively and efficiently in the provision of food,

water livestock feeds and other programmes that are required for our people not to suffer as a result of the severe drought.

It is critical that this money is used well with no wastage because Kenyans are dying. Many people have lost their lives and many others are at the edge of starving. We have lost old people who would still be with us for a couple of years were it not for the drought. They were not able to get milk and the diet needed for old age people. We have the National Drought Management Authority Fund (NDMAF) Act, whose Bill I sponsored. I hope the Government will operationalise the Drought Management Authority Fund so that the funds can be used to mitigate drought in our country.

Droughts should not be considered as emergencies because they are predictable. They are with us every two to four years. They are cyclic in nature. If we prepare for them, invest in preparedness and mitigation measures, Kenyans should not suffer at all. They should not lose their livestock worth billions of shillings every five years due to drought. I hope the Government will invest the required resources in the NDMA, so that drought is a thing of the past. Drought has been managed in many countries in the world and that can also be done here.

I am also glad that some resources have been allocated to the Secondary School Infrastructure Project totaling to about Kshs4.5billion. Most of the remote marginal counties such as North Horr need boarding schools' infrastructure. We do not have the luxuries of day schools as most people do because our people are scattered all over. These areas are sparsely populated and boarding schools come in handy. Our children need to acquire secondary education and that is why I strongly support the Secondary School Infrastructure Project. I hope that in future, more resources will be allocated to the project.

As I conclude, I am glad to note that the Badasa Dam project, which has been a major problem in Marsabit County for the last eight years, is hopefully coming to an end. During my tenure in the 10th Parliament, retired President Mwai Kibaki invested Kshs1.6 billion in the project to assist the people of Marsabit county especially, Saku Constituency, to get water.

I recall visiting the then President with Members of Parliament from Marsabit County and the President commenting that even though we placed a significant Kshs1.6 billion in the Budget eight years ago, nobody was able to flag out or made it an issue.

He was very happy that Kenyans were happy to see that kind of investment in remote counties like Marsabit. Eight years down the line, after such a mega investment in the multipurpose dam, we have nothing to show purely because of misappropriation. This is absolute form of corruption and mismanagement where even technical expertise that was used to design the dam from the outset was found to be faulty.

I sit in the Departmental Committee on Environment and Natural Resources and we have been to Badasa and Uma to investigate the matter. While dams like Kiserian and other three were very successful, Uma and Badasa were done shoddily. We can blame the contractors, but I can tell you it was a cartel of corruption from Maji House, the National Conservation and Pipeline Corporation and the contractors. That is why people of Marsabit and Kitui Central after heavy investments by our Government have no water. We have white elephant projects called Badasa and Uma dams.

I am really glad the penalties or resources which are required for these issues to be settled through the court process are there, so that these dams are taken back by the Government and other contractors can be identified. I hope this time round we will get it right. I hope companies with expertise, whether local or international, will be given the contracts and the projects will be completed, so that they can be successful and our people can get the water they deserve.

Marsabit Town is our county headquarters and we are glad that the roads have been tarmacked all the way to Moyale. Even within the town centre, there is a lot of tarmacking going on, but without water, I do not think the town will thrive. Badasa Dam if completed, the water will enable the town to grow and thrive and I can assure you it will be one of the most beautiful cities in this country.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): There is an intervention from the Member for Molo.

Hon. Macharia: Thank you, Hon. Temporary Deputy Speaker. I would like to suggest that the Mover be called upon to reply, so that we can conclude this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Member is in order to make such a request. Before I get to it because it is procedurally in order, let me give a chance to Hon. Onyonka.

Hon. Onyonka: Asante sana, Mhe. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Most of the Members have expressed interest to speak.

Hon. Onyonka: Singependa kuchukua muda mrefu kuzungumzia mambo mengine kwa sababu tunazungumzia masuala ya Bajeti. Kwa hivyo, nitachukua muda mfupi sana. Kwanza, namshukuru Mwenyeketi wa Kamati ya Bajeti, Mhe. Mutava Musyimi, ambaye ni mzee tunaye heshimu sana. Mimi ni Mwanakamati wa Kamati ya Bajeti. Amekuwa akituzungumzia---

Hon. A.B. Duale: On a point of order.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): There is a point of order from the Leader of the Majority Party. What is out of order?

Hon. A.B. Duale: Kwa jambo la nidhamu, Mhe. Naibu Spika wa Muda. Ni sawa kumwita Mhe. Mutava mzee? Hakuna wazee hapa. Tuko na viongozi na Waheshimiwa. Bibi yake akisikia hivyo, atauliza kutoka lini bwana yake akawa mzee.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Amemtetea Mwenyekiti.

Hon. Onyonka: Mhe. Naibu Spika wa Muda, ndugu yangu Duale haelewi kikamilifu lugha ya Kiswahili. Kwa yule ambaye anazungumza Kiswahili sanifu, mzee ni jina la heshima kijamii na kwa uongozi. Kwa hivyo, ningependa kurekebisha hayo ndio ndugu yangu Duale aelewe.

Jambo la pili, tukizungumzia makadirio ya Bajeti ya mwaka huu, tunaona kazi nzuri imefanyika lakini kuna mambo mawili ama matatu ambayo ningependa kuchambua. Jambo la kwanza ni kuwa hela ambazo tunawapatia wazazi wetu wakongwe mashinani ni ndogo. Ingekuwa vizuri kama Bunge ingekubali kuongeza hizo pesa. Katika eneo langu la uwakilishi, wazee wanaopata pesa hizi hawapiti mia tatu na umaskini ambao uko huko ni mkubwa sana.

Jambo la tatu ni kwamba kuna vijana wengi ambao wamemaliza masomo ya vyuo vikuu na hawajapata kazi. Ni lazima tufikirie kikamilifu, kama viongozi, vile ambavyo tutaangalia mambo ambayo yanawasumbua. Tusipojihadhari na kuhakikisha kwamba tumepata suluhu ya hizi shida ambazo zinawakera vijana wetu, itakuwa ni shida kwa sababu wengine wao watakuwa wahalifu na kusumbua uongozi wa nchi. Hela ambazo tunapatia vyuo vikuu ingekuwa vizuri ziongezwe. Katika eneo langu la Bunge kuna chuo kikuu cha Kisii ambacho ningependa

kiongezewe pesa kidogo lakini Mwenyeketi wetu alituelezea kwamba wale ambao walipewa pesa wakati huo hawataongezewa pesa kwa hii Bajeti.

Kwa hivyo, hilo ni jambo ambalo ningependa kukubaliana kwamba tukifikia Bajeti ya mwaka ujao, itakuwa vizuri kama tutakubaliana kwamba kila chuo kikuu kipewe pesa fulani taslimu ambazo zitahakikisha kwamba vitaendelea vyema.

Jambo lingine ambalo linatatiza ni mgomo wa madaktari na wakufunzi wa vyuo vikuu. Itakuwa vizuri kama Bunge hili litachukua mjadala huu na kukubaliana mahali ambapo tunaweza kupata hela ili tuzunguzie mishahara ya wafanyikazi wa Kenya kwa ujumla ili tuwe na pesa za kutosha kutoka kwa Bajeti kuhakikisha kwamba wakufunzi, madaktari na wauguzi wamepewa nyongeza ya mishahara ili wawe na nidhamu ya kufanya kazi nzuri.

Ukiangalia zile pesa ambazo zimepewa kaunti, tuliwaongezea lakini pia tungetaka serikali za kauti zijiheshimu na kutumia hizo pesa vizuri kwa sababu wananchi wamechoka. Unapata pesa zinatumiwa na hazifanyi kazi inayotakikana. Ingekuwa vizuri kama kungekuwa na majadaliano na magavana ili waeleze shida zao na sisi wenyewe tuziangalia kikamilifu ili tuzitatue.

Nikimalizia, ningependa kusema kuwa Bunge hili lina jukumu kisheria kuhakikisha kuwa sisi ndio tunachambua makadirio ya Serikali na maendeleo ya Kenya. Tumepewa jukumu la kikatiba kuhakikisha kwamba tunawafanyia wananchi wa Kenya kazi nzuri. Ningependa kuwahimiza ndugu zangu kwamba wahakikishe hela ambazo zimetolewa kwa makadirio ya kiserikali zimewasaidia wananchi wa Kenya kwa sababu wana shida, umaskini, magonjwa na watoto hawaendi shule kwa sababu karo haijalipwa.

Ingekuwa vizuri tujikakamue kama nchi tuhakikishe kuwa tumepunguza upotovu ama umaskini ambao unawakera Wakenya sana. Bajeti ya Kenya ni kubwa kuliko ya Tanzania, Uganda, Rwanda na Burundi pamoja. Kenya ina pesa nyingi. Jambo ambalo linatakikana ni kuhakikisha kuwa hizi pesa zinatumiwa vizuri, zisije zikafujwa, na Wakenya wote wafurahie uongozi wao.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Members, as I had indicated before, there is need to bring the debate to a close. The Member for Molo stood under Standing Order No.95 requesting for the closure of the debate.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Can the Mover reply? If he is in a budget mood, he can donate or allocate some minutes to other Members.

Hon. Musyimi: Hon. Temporary Deputy Speaker, I beg to reply. Before I say my two pennies worth, I would like to offer two minutes to Hon. Irungu Kang'ata, the Member for Kiharu; two minutes to Hon. Wamunyinyi and I also have to give two minutes to the man who taught me banking in the short stint between "A" Levels and University, many years ago, Hon. Suleiman Murunga, in that order.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Kiharu, you have two minutes.

Hon. Kang'ata: Hon. Temporary Deputy Speaker, I would like to thank the Reverend for giving me this opportunity. I rise to support the Motion and also point out that we have been given about Kshs5 billion that has been allocated to respective constituencies. I would urge that that money be released with a lot of haste. I say so because we made promises to our constituents

and they are still waiting for the money. I would also ask the Chair to clarify when that will happen. We had come up with projects worth about Kshs10 billion and now it appears that we shall only get Kshs5 billion. What happens in that case scenario? Shall we be called upon to rearrange or scale down the scope of our proposals?

Finally, going forward, before such kind of a proposal is brought to the Floor, we ought to have a small *kamukunji* for our internal discussion. I am really waiting for that money. I hope that money comes before nominations because the opinion is now shaping up. So, if that money comes after nominations, it is good because it will help *wananchi*. It will not help us achieve our own interests. I seek clarification on that issue.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Two minutes to the Member for Kanduyi, Hon. Wafula Wamunyinyi.

Hon. Wamunyinyi: Thank you, Hon. Temporary Deputy Speaker, for also giving me an opportunity. I thank the Chair of the Committee. I wish to state that I support this Motion which is important for us. I would like to point out two things. One, which has been mentioned by other Members, is the rate at which the Budget is not implemented. There is non-implementation of the Budget as required. What are the reasons? Can we explore the reasons? Can we ensure that we accelerate the implementation of the Budget as expected, so that we realise the objectives? We set the Budget with goals and if we do not implement it, we do not meet the set goals.

The second issue is that I can see some money has been reallocated to the road construction agencies such as the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA) and Kenya Rural Roads Authority (KeRRA).

I have seen that the launch of construction of roads has not been allocated money in the Budget. Is it because there is normally no coordination among the agencies, Ministries and the Budget Office? What is normally the problem? Four roads have been launched in Bungoma, which are Nambacha-Bungoma-Kakamega Road, Chwele-Lwakhakha Road and Bumula Road, but construction has not taken off. More than a year has passed. Why do you allow the leadership of this country *kuenda kuzindua barabara*, which cannot be built?

Hon. Member: *Kusema na kutenda.*

Hon. Wamunyinyi: Hon. Temporary Deputy Speaker, those are the important issues I wanted to raise and must be taken care of.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You support. Hon. Members, this is the discretion of the Speaker according to the Standing Order No.1. When we use Standing Order No.95, the Chair is not in a position to give time to a Member, but it is at the discretion of the Speaker.

Hon. Kasuti: Thank you, Hon. Temporary Deputy Speaker. Let me also thank Hon. Musyimi, my dear student, for giving me the opportunity to add my voice to this Motion. I would like to thank the Government for taking interest in the insecurity in Baringo. The Deputy President has gone there to make sure that the people are not going to be killed any more.

In future Budgets, we should ensure that we put enough money in the agriculture sector, so that we can address the hunger that we are seeing in the country. People in northern Kenya are dying every day because they do not have sufficient food. Kenya can easily have water pans everywhere and deal with agriculture seriously. Without food, our people will keep on dying. That is something that we do not want to see happening in this country.

We have allocated enough funds for roads. We want to make sure that roads in this country are tarmacked as we promised at the beginning of this Parliament. We do not seem to

have the 20 kilometres of tarmac roads as we had promised, but that should be addressed in future budgets.

With those remarks, I thank the Budget and Appropriations Committee for having done a good job in preparation of the Supplementary Estimates.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Let us have the Chairman of the Budget and Appropriations Committee, Hon. Mutava Musyimi to reply.

Hon. Musyimi: Thank you very much, Hon. Temporary Deputy Speaker. First of all, I wish to thank my colleagues for their generous comments on our work. We just did what we are supposed to do. It is kind of them to recognise it. I take this opportunity, of course, to thank Members of the other Committees who put in a lot of work to make our work much easier. Please, accept my appreciation.

I am not sure that I want to go into all the comments that have been made. Indeed, I cannot because some of the questions are best answered by the Executive arm of Government. When I talk about the Executive arm of Government, I am reminded of a conversation I had this week. I asked one person, who should know, if the Minister of Health was sitting in Parliament today – and I want the Hon. Members to listen to this question - as an elected Member of Parliament, whether the strike that we have gone through would last 90 days. It would not last. When my Committee sits down to do its report on the socio-economic audit, we will be looking at the broader issues that have been suggested by the Members and by members of our society.

I know the Jubilee leadership has yet to make its determination on this, but the Budget and Appropriations Committee which is supposed to be dealing with this matter would do its best to bring recommendations that would attract the critical attention on both sides of the isle. We cannot say too much about the Kshs10 billion. For information, may I just indicate that the money belongs to the national Government. The court ruled on this matter. The Kshs10 billion belongs to the national Government. I do not think we are in a position to be discussing it too much on the Floor of the House. Wherever it goes, it is at the discretion of the national Government. End of the story. That said, I am sure if the recommendation that we are making before this honourable House is adopted, then the necessary action will be taken to try and put pressure so that the money is made available as soon as possible.

Again, I thank the Members. I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, for obvious reasons, we are not in a position to put the Question. I order that the Question be put at the most appropriate time as per the allocation of the House Business Committee (HBC).

Next Order!

REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE
AND FOREIGN RELATIONS ON MARRAKESH TREATY

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, laid on the Table of the House on Thursday, 1st December 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act, approves the ratification of the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Chairperson, Defence and

Foreign Relations Committee is not in the House. So, I order that we defer Order No.11.

(Motion Deferred)

REPORT OF THE CONSTITUTIONAL IMPLEMENTATION
OVERSIGHT COMMITTEE ON IMPLEMENTATION OF DEVOLUTION

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Chairperson of the Constitutional Implementation Oversight Committee (CIOC) is in the House. You can move the Report.

Hon. Baiya: Thank you, Hon. Temporary Deputy Speaker. I beg to move:

THAT, this House adopts the Report of the Constitutional Implementation Oversight Committee on oversight over the implementation of devolution up to the year 2016, laid on the Table of the House on Tuesday, 21st February 2017.

This Report is by CIOC which is a Select Committee of this House established under Section 4 of the Sixth Schedule of the Constitution whose mandate is to oversee implementation of the Constitution and consider impediments to the process of constitutional implementation.

Devolution is one of the major pillars of the 2010 Constitution. In overseeing the implementation of the Constitution, we are obliged to take note of the progress on the implementation of devolution. As is well known, one of the key objectives of devolution was to give the power of safe governance to the people of Kenya. That is very well stated in Article 177 of the Constitution through the county government. It was also meant to enhance democracy and accountability, to assist in accelerating development across the country and ensure access to Government services to all Kenyans.

Article 6(2) of the Constitution of Kenya provides that the national and county governments are distinct governments that are inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.

Article 189 sets out the principles of co-operation and mutual relations between national and county governments. Article 189(1) states:

“189(1) Government at either level shall—

- (a) perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level, and respects the constitutional status and institutions of government at the other level and, in the case of county government, within the county level.
- (b) assist, support and consult and, as appropriate, implement the legislation of the other level of government; and
- (c) liaise with government at the other level for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.”

Hon. Temporary Deputy Speaker, on Article 189(4) of the Constitution, Parliament has been granted the legislative function, which is supposed to help in achieving the principles of co-operation as enunciated here above.

It is quite clear that for devolution to succeed, we must have effective management of intergovernmental relations. Parliament, at both levels, has a duty to oversee the Executive in its function of exercising relations between itself and county governments.

The two levels of government are to consult and appropriately co-operate in the performance of functions and exercise of powers. For that purpose, we may seek joint Committees and authorities.

Parliament has already enacted various legislations that provide for institutional framework, legal as well as procedures for realisation of effective intergovernmental relations. However, arising from consultations with stakeholders, it is clear that what we have so far achieved in terms of implementing and managing devolution is skeletal in scope. It is a first stage which requires to be regularly reviewed and improved, including its implementation. The CIOC interacted and held consultation with some of the stakeholders managing the implementation of devolution, including the Intergovernmental Relations Technical Committee, whose output in this Report, as well as that of the other consultants, we greatly appreciate.

We looked at the status of implementation of devolution and intergovernmental relations, the limitation in the policy and the existing legal framework on devolution that affects the effective implementation of devolution and intergovernmental relations. We also looked at the challenges impeding effective implementation of devolution and intergovernmental relations. Arising from the consultations, the Committee notes that there are apparent weaknesses in the current institutional and legal framework. Those weaknesses hamper effective implementation of devolution. Therefore, the current institutional and legal framework require to be reviewed.

Secondly, the National Assembly has the constitutional mandate of overseeing the overall implementation of devolution by the national Government to ensure that the various national Government institutions and agencies contribute to effective and harmonious intergovernmental relations rather than impede the realisation of harmonious intergovernmental relations.

That oversight role is currently vested in the Departmental Committee on Finance, Planning and Trade. In doing so, Parliament has rendered the function of oversight on devolution matters that are subordinate, and which have since been relegated to a second level as the key focus of the Departmental Committee on Finance, Planning and Trade. This is on financial and economic management matters.

So, there is clearly need to set up a standalone Committee on Devolution by the National Assembly if we are going to undertake effective oversight of the Executive. One of the key challenges that cut across in the effective implementation of devolution has been outlined as limited appreciation of the concept and practice of intergovernmental relations. We believe that if we were to have a standalone Committee, it would also help in overcoming this challenge. Even when this challenge is overcome, the function of oversight of intergovernmental relations is envisaged to be a continuous activity given that intergovernmental relations will always be there for as long as we have devolution. So, the role of this Committee will, therefore, remain relevant all through to ensure harmonious intergovernmental relations and in the process also safeguard devolution.

In conclusion, the Committee, therefore, recommends to the House that there should be a Select Committee on Devolution that should be established by the National Assembly through the Standing Orders to oversee the national Government institutions and agencies implementing devolution at the national level with the aim of securing the constitutional principle of devolution. The proposed Committee should be responsible for reviewing gaps in the legislative framework on devolution and intergovernmental relations, reviewing gaps in policies on devolution and intergovernmental relations with the aim of safeguarding devolution and overseeing the Executive generally in its implementation of devolution and intergovernmental relations. The oversight function on devolution vested on the Departmental Committee on

Finance, Planning and Trade should be moved to the proposed Committee on Devolution and this should take effect, if possible, with the commencement of the 12th Parliament. The Committee acknowledged the support of the Office of the Speaker of the National Assembly and the Office of the Clerk given to us in facilitating the Committee to exercise this task.

It is now my pleasant duty and privilege, on behalf of the Committee, to present this Report to the House for consideration and adoption. I beg to move and ask Hon. Kang'ata, who is also a Member of the Justice and Legal Affairs Committee, to second.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have Hon. Kang'ata to second.

Hon. Kang'ata: Thank you, Hon. Temporary Deputy Speaker. I rise to second the Report by the Constitutional Implementation Oversight Committee which oversees the implementation of the Constitution headed by a very able chairman, *Wakili* Hon. Njoroge Baiya. The reasons are very clear.

First, when you look at devolution, you will realise that there are several gaps that exist with the way it is being implemented. When you look at the two levels of government, what brings them together? What institutions exist to ensure devolution is effected in a proper and good manner? Some of the institutions which are basically national Government organs include the Intergovernmental Committee that do the work that was being done by the Transition Authority, that was headed by Mr. Kinuthia.

Secondly, we have the Council of Governors, which is also an entity provided for in the Constitution, which is usually chaired either by the President or his deputy. We also have several Ministries which are still deemed as national Government organs, but are basically dealing with issues that have been devolved. For example, the Ministry of Lands, headed by our professor who was originally in the Ministry of Education, Science and Technology. We also have the Ministry of Water and Irrigation. Water is basically a devolved function.

About 80 per cent of health services have also been devolved. The Constitution gives the national Government the mandate of formulating policies on all the devolved functions. We are in a situation where the National Assembly oversees the national Government Executive. The question is what organ exists to oversee the national Government in respect to devolution? It means that the National Assembly has to establish a committee to specifically deal with issues of devolution. The Committee that is currently doing that work has many other roles. Therefore, it may not be competent enough to deal with the specific issue of devolution. Look at the amount of money that we send to the counties. The Constitution talks of a minimum of 15 per cent of the national revenues, but for the last two years, that percentage has been going up meaning that huge amounts of our resources have been devolved. It appears that the trend will go on next year and in subsequent years. We will soon find ourselves spending almost a half of our national revenues in the counties. In that kind of scenario, you would want a committee with Members who have expertise in devolution issues, and who have time and space to interact with the governors and officials of the Ministries that mainly deal with devolved issues.

I would imagine somebody saying that the National Assembly is duplicating the role of the Senate, if that were to happen. My reply to that kind of argument would be "no". The National Assembly will not be doing that for obvious reasons. First, Senate is an organ that deals with the issue of protecting devolution. We are not trying to usurp that role. The National Assembly deals with issues of the national Government, which is still at the core of devolution. Therefore, it behoves the National Assembly to establish an organ to deal with that whole arrangement. I do not see why we should be accused of usurping the role of the Senate. The

Senate will still be there. In any event, such committee will provide a mechanism through which the National Assembly will relate with the Senate when it comes to issues of devolution. For now, the Senate and other organs like the Intergovernmental Committee or the Council of Governors (CoG), have mechanism for dealing with devolution. When it comes to the National Assembly, we are not sure as to which committee should deal with devolution. You will find such an entity discussing an issue with the Departmental Committee on Finance, Planning and Trade in one instance and with the Departmental Committee on Lands in another instance. Therefore, you will find that there is no cohesion or single point of interaction. The committee, as proposed by the very good Chair and his Committee will provide a one-stop-shop for interaction with the National Assembly on any matter of devolution.

There is another crucial issue that I raised in the House regarding the formula that is used to share resources between the national Government and the devolved governments. As I speak, that formula goes to the Senate only. I raised the issue and the Speaker agreed with me that according to the Constitution, the National Assembly has some role to play on that formula.

That decision of the Speaker still stands. If you recall, when I raised the issue here, the Speaker said that we were late. That issue was not brought before the National Assembly within the set days and, therefore, by effluxion of time, we did not consider that formula. Therefore, I would imagine that if the Committee was in existence, it could have pursued that formula in terms of what criteria to be used.

I support and urge other Members to support the idea that we should establish a standalone committee to deal with devolution. It makes sense.

I second.

(Question proposed)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Members! The time now is 6.31 p.m. This House stands adjourned until tomorrow Wednesday, 1st March 2017 at 9.30 a.m.

I thank you all.

The House rose at 6.31 p.m.