

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 15th June 2017

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Ring the Quorum Bell.

(The Quorum Bell was rung)

We can commence business.

PAPERS LAID

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

The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2016 and the certificates therein:

- (i) Ministry of Transport Infrastructure, Housing and Urban Development;
- (ii) Council for Legal Education;
- (iii) School Equipment Production Unit;
- (iv) Kenya Institute of Special Education;
- (v) Kenya Film Commission;
- (vi) Kenya Cultural Centre;
- (vii) Ministry of East African Community, Labour and Social Protection;

and,

- (viii) Kirinyaga University College.

Annual Report and Financial Statement of the Capital Markets Authority for the year 2016.

Thank you, Hon. Speaker.

Hon. Speaker: The Vice-Chair, Departmental Committee on Administration and National Security, Hon. Lentoimaga, you have the Floor.

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

Reports of the Departmental Committee on Administration and National Security on the following petitions:

(i) Petition by Hon. Chris Wamalwa, on behalf of the family of the late Haggai Chimakile Mulati on the alleged killing of Mr. Haggai Chimakile Mulati by police officers or police reservists; and,

(ii) Petition by Hon. Muthomi Njuki, on behalf of the family of the late Eric Muthomi Mugiri on work injury benefit claim for Mr. Eric Muthomi Mugiri, who is deceased.

I thank you, Hon. Speaker.

Hon. Speaker: Let us now hear Hon. Geoffrey Odanga.

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

Reports of the Departmental Committee on Education, Research and Technology on its consideration of Petitions on:

(i) unlawful interdiction of Mr. Ephraim Kamugu Wambugu by the Teachers Service Commission;

(ii) alleged negligence of the late Emily Chelagat, daughter and former student of our Lady of Mercy Secondary School, Nairobi, by Mrs. Sally Bett;

(iii) insecurity and injustices meted on students by police officers, victimisation and infringement to their rights by students of the University of Nairobi and members of the public.

Hon. Speaker: Hon. Odanga, do you have another Paper to lay on the Table of the House?

Hon. Odanga: Yes, Hon. Speaker.

Hon. Speaker: Proceed. Wait Hon. Soipan.

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

Report on the President's Award Bill, 2017.

Thank you, Hon. Speaker.

Hon. Speaker: At their own request, the Chairperson, Departmental Committee on Finance, Planning and Trade will table the Report on the Government's guarantee to Kenya Airways, and the Report on the Petition on irregular sale of Mwiri Coffee Estate. You must do it in the course of this sitting.

Hon. Speaker: Let us now hear the Chairperson, Select Committee on Implementation, Hon. Soipan.

Hon. (Ms.) Tuya: Hon. Speaker, I beg to table the Legacy Report of the Select Committee on Implementation of the 11th Parliament running from May, 2013 to June, 2017.

Hon. Speaker, the Report lays out the various resolutions and the status of implementation of the various petitions. This is for the purpose of ensuring a smooth transition to the Select Committee on Implementation of the 12th Parliament.

Hon. Speaker: Hon. Keynan, you have the Floor.

Hon. Keynan: Hon. Speaker, I beg to table the exit Report of the Public Investments Committee (PIC) of the 11th Parliament, running from May, 2013 to June, 2017.

Hon. Speaker, I urge all Members to go through this Report and appreciate what was done by the PIC for the last four-and-a-half years.

Hon. Speaker: Is it four-and-a-half years? I thought you said from May, 2013 to June, 2017. If the House approves the Procedural Motion appearing as Order No.8, which is a resolution to hold another sitting, we will allow Members time to make comments on their achievements.

Let us move on to the next Order.

(Hon. Mbiuki raised his hand)

You cannot just walk in the Chamber and lay Papers on the Table of the House. I must have information. What is Hon. Kareke Mbiuki claiming? When you raise your hand, you are behaving like somebody who is looking for votes in Maara Constituency. The way I see you gesticulating is like somebody who is wooing voters. Do you have a report to give? Has it come from the committee?

(Laughter)

Hon. Mbiuki: Hon. Speaker, I beg to table the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the Petition by the Kenya University Biotechnology Consortium (KUBICO) on lifting of the ban imposed on consumption of Genetically Modified Organisms (GMO) foods, and for the issuance of a permit to conduct field trials of *Bacillus thuringiensis* (Bt) maize.

Thank you, Hon. Speaker.

Hon. Speaker: Did I approve that Report?

Hon. Mbiuki: It is part of my legacy in this House.

Hon. Speaker: I need to see it. Did I approve it today or yesterday?

(Laughter)

Hon. Members, allow me to recognise the presence of pupils from Ametho Boarding Primary School from Tigania East Constituency, Meru County, who are seated in the Public Gallery.

(Applause)

Let us move on to the next Order.

STATEMENT

Hon. Speaker: Does the Leader of the Majority Party have any Statement, according to Standing Order No.44, which was not amended this morning?

Hon. A.B. Duale: Hon. Speaker, I do not have a Statement but we have an Adjournment Motion later. We will discuss what will be remaining. We will discuss the business that will be remaining and know its fate once we reach that Order.

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

PROCEDURAL MOTION

RESOLUTION TO HOLD ANOTHER SITTING

Hon. A.B. Duale: Hon. Speaker, I beg to move:

THAT, pursuant to the provisions of Standing Order No.30(3)(b), this House resolves to hold another sitting today, Thursday, 15th June 2017 for not more than three hours following the adjournment of the current Sitting or such other time in the course of the day as the Speaker may for the convenience of the House determine.

Hon. Speaker, this is a precautionary measure in case we do not have enough numbers to put the Questions on the scheduled business. The additional sitting will offer a chance for the same to be done.

We have done very well as the 11th Parliament. We passed 180 Bills, which were assented to by the President. We have about 49 pending Bills. I am sure we will finish some of them today. We passed over 50 Motions by Private Members, and over 40 Private Members' Bills.

We considered 124 petitions, which were handled by different departmental committees. We vetted key State officers, including Cabinet Secretaries, Principal Secretaries, ambassadors and the current Chief Justice and his Deputy. We sent home a number of State officers on impeachment. Some of them, like the Cabinet Secretary for Land, Housing and Urban Development, Hon. Kaimenyi, survived by 11 votes.

The 11th Parliament is different from the other Parliaments just the way day is different from night. Those who have ears can hear, and those who have eyes can read when history is written.

Under your leadership, Hon. Speaker, and under the leadership of most of the Members of this House, we have played our oversight role. We have given the Government and other State organs the required budgets. I am sure we are remaining with a few key important issues, including the amendment to the Standing Orders.

Let us have another sitting. This is not the first time we are going to hold an extra sitting. I thank Members because every time we ask for another sitting, they avail themselves. Because Members are aware of the other sitting, without anticipating debating, the House is supposed to adjourn today. If there will be very important matters, the Leader of the Majority Party and the Leader of the Minority Party will write to the Speaker, who using his powers, will recall the House. One thing must come out very clearly; we are Members of Parliament until midnight 7th August, 2017.

(Applause)

That is courtesy of the Constitution. Our constituency offices will be functioning until midnight of 7th August, 2017. Among all the other privileges Members of Parliament are accorded, we are Members of Parliament until midnight of 7th August, 2017. We shall even receive our mileage claim. It is only the committee and chamber sittings that will not be there. When we walk out of this Chamber this afternoon, nobody should call us former Members of Parliament. I want to be very categorical on that.

(Laughter)

We will become former Members of Parliament after 7th August 2017 midnight. If you are out there and you think tomorrow you will call us former Members of Parliament--- I wanted to make that very important correction. Under the new dispensation, our term has been shorter. It is because we are a transitional Parliament the same way the Executive is. We have lost some

months. When we come to your office, do not make the mistake of referring to us as former Members of Parliament. I want to request my colleagues to be patient so that we finish the remaining business.

Hon. Speaker, you need to do some good send-off party for us as our leader.

(Applause)

For those of us who are fasting - we have 10 days remaining - we do not mind if you do an *Iftar* for the Muslim Members of Parliament. You have done better than your predecessors. Few of us can compare you with others. Those Members who were new in the 11th Parliament cannot compare you with other people. You are the only Speaker who has made the highest number of rulings. I normally look at the communications you have been giving; there is a whole file of those communications in my office. You have done the highest number of rulings, some of them landmark, like the one on the procedure of impeaching a Cabinet Secretary and the one on dealing with the matter of referral or reservation by the President and many others.

I want to thank my colleagues. We are like a school and we are graduating. Our graduation process has started. I really want to ask us to remain behind as we conclude business. Ours has been a working House compared to others. Let us remain within the precincts of Parliament so that we finish all the pending business.

I beg to move and ask Hon. Chris Wamalwa, the only leader on the other side who has been very active in the last few months, to second.

Hon. Wakhungu: Thank you, Hon. Speaker. I rise to second. This House has done very well under the bi-cameral system. I also want to thank Hon. Members who have been here. You have set the record and particularly you, Hon. Speaker. You have been very frank. You have done very well.

As we look at the order of business, there are very critical Bills that we should look at, particularly the Division of Revenue Bill which we should conclude. Without passing this Bill, we are likely to have a crisis, not just within the county governments, but also within the national Government. This is an important Bill because it divides revenue vertically to the counties and also to the national level.

Hon. Speaker, I want to thank you for guiding this House very well. Many times, when we had issues here to resolve, you helped us. You have constitutional matters at your fingertips. We have never seen you referring or taking the matter to a research officer. That is why you have been ruling promptly. We want to thank you for that. You have also been very frank. If it is black, you would call it black and if it is white, you would call it white. You have not been a pretender. That is a very good quality in terms of leadership. If you are old, you are old and if you are young you are young.

(Laughter)

I also want to emphasise that we are still Members of Parliament. We want to wish all our colleagues success. Those who are independent candidates, we will also be happy to see you back. When you come back, seek our votes. I second.

Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Members, I may also wish to inform the House that the mediated version of the Division of Revenue Bill was tabled in the House earlier in the day. It will be considered later by this House and the other House. The County Allocation of Revenue Bill has been lying in the other House. We are expecting that in the course of today, they will be bringing it to us for our concurrence or otherwise.

Hon. Members, just like Hon. Wamalwa has said, that is an important piece of legislation that we must pass if the counties are going to function.

Thank you very much.

BILL

Second Reading

THE BREASTFEEDING MOTHERS BILL

(Hon. (Ms.) S.W. Chege on 31.5.2017)

(Debate concluded on 14.6.2017 – Morning Sitting)

Hon. Speaker: Hon. Members, it is important to understand this Bill whose debate was concluded. However, even before I put the Question, it is fair that I announce to the House that the Commission put in place a place for lactating mothers. Therefore, the new and younger Members who may join the House have a place suitable for their babies and their minors.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

THIRD READINGS

THE SUPPLEMENTARY APPROPRIATION BILL

Hon. Speaker: Hon. Members, perhaps, many of you may be aware that debate on consideration of this Motion was concluded in the Committee of the whole House. What remains now is for the Question to be put for agreement with the Report of the Committee.

(Question put and agreed to)

Hon. Speaker: Let us have the Mover.

Hon. Musyimi: Hon. Speaker, I beg to move that the Supplementary Appropriations (No.2) Bill (National Assembly Bill No.30 of 2017) be now read a Third Time. I request Hon. Gikaria to second.

Hon. Speaker: Yes, Hon. Gikaria.

Hon. Gikaria: I second.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read the Third Time
with leave of the House and passed)*

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

THE PRESIDENT'S AWARD BILL

Hon. Speaker: Hon. Members, debate on this Bill was also concluded in the Committee of the whole House, but the Question for agreement could not be put because of some technical reasons.

I, therefore, put the Question.

(Question put and agreed to)

Hon. Speaker: Mover.

Hon. A.B. Duale: Hon. Speaker, I beg to move that the President's Award Bill (National Assembly Bill No.7 of 2017) be now read a Third Time. I request Hon. Bowen to second.

Hon. Bowen: Thank you, Hon. Speaker. I stand to second.

(Question proposed)

Hon. Members: Put the Question!

(Question put and agreed to)

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

Hon. Speaker: Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

*(The Deputy Chairman
(Hon. Muturi) in the Chair)*

THE NATIONAL ASSEMBLY STANDING ORDERS

(Resumption of consideration interrupted in Committee today)

The Deputy Chairman: Order Members! We are in the Committee of the whole House to continue considering the proposals by the Procedure and House Rules Committee for purposes of adopting Standing Orders for the next Parliament. As has been the tradition with this House, the Speaker chairs the Committee of the whole House and the First Chairperson proceeds to move the various proposals.

We considered the Standing Orders up to No.106. Hon. Cheboi, are you ready to proceed. We, therefore, begin from Standing Order No.107.

Standing Order No. 107

Hon. Deputy Chairman: Hon. Cheboi.

Hon. Cheboi: Hon. Deputy Chairman, it was Hon. Gichigi who was moving the amendments.

I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 107 and substituting therefor the following new Standing Order—

Disorderly conduct

107. (1) A Member commits an act of disorderly conduct if the Member—

- (a) creates actual disorder;
- (b) knowingly raises a false point of order;
- (c) unnecessarily interrupts proceedings or consults in a disruptive manner;
- (d) fails to record abstention in a division;
- (e) fails to declare personal interest in a matter before the House or a Committee in accordance with Standing Order 90;
- (f) deliberately gives false information to the House;
- (g) makes allegations without, in the Speaker's opinion, adequate substantiation;
- (h) threatens to use violence against a Member or other person in the House or Committee;
- (i) votes more than once in breach of these Standing Orders;
- (j) fails to record abstention in a division; or
- (k) commits any other breach of these Standing Orders that in the opinion of the Speaker, constitutes disorderly conduct.

(2) The Speaker may call a Member whose conduct is disorderly to order, and-

- (a) caution the Member; or
- (b) order the Member to withdraw from the precincts of the Assembly for a maximum of four days.

This is basically to enhance the punishment that is meted out against misconduct and to graduate it so that it is commensurate to the misconduct committed.

(Question of the amendment proposed)

Hon. Deputy Chairman: Sorry Members. Some of you have logged in. Is it for purposes of this business or an earlier one? Hon. Gikaria, you have the Floor.

Hon. Gikaria: Hon. Deputy Chairman, I support the amendment, but with an intervention. If you look at Standing Order 107(d) and (j), you will find that they are the same. It is a repetition. But I think it is better to have some order in the House.

In the past, people have really misbehaved and they were citing some anomalies. Now it is very specific about the disorderly conduct.

I support.

Hon. Deputy Chairman: Let us now hear Hon. Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Deputy Chairman. I rise to support the amendment. This is extremely important for keeping order in the House. Past experience has indicated to us that these are necessary. For example, paragraph (d), although it is repeated, failing to record abstention in a division is something serious. Failing to declare personal interest in a matter and deliberately giving false information are issues that are likely to create a lot of disorder if not properly addressed. I, therefore, support the amendments.

Hon. Deputy Chairman: Yes, Hon. Kangongo.

Hon. Bowen: Thank you, Hon. Deputy Chairman. I want to support this amendment. This part of the Standing Orders of the House is very important because in the past we have seen some behaviour which does not match with the status of an Hon. Member of this House. All that is enumerated from paragraph (a) to (k) is very specific so that it is specific and spells out the punishment commensurate to any of this.

Hon. Deputy Chairman: Hon. Wamalwa, you have the Floor.

Hon. Wakhungu: Thank you, Hon. Deputy Chairman. I rise to support. However, Hon. Gikaria had indicated that there is repetition of (d) and (j) which talk about self-recording, abstention and division. My worry is on (k) which states:

“commits any other breach of these Standing Orders and in the opinion of the Speaker constitutes disorderly conduct”.

At times, it becomes difficult to know where the boundary is. Suppose we have a rogue Speaker, he could easily abuse this provision. That was my only concern. Otherwise, order in the House is very important and we need to have some strict rules so that people can respect the Floor so that we can transact business.

I support.

*(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)*

(Standing Order No.107 as amended agreed to)

(Standing Order No.108 agreed to)

Standing Order No.109

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 109 be amended by—

(a) deleting paragraph (2);

(b) deleting paragraph (3).

These deletions have already been captured in Clause 107.

(Question of the amendment proposed)

Hon. Deputy Chairman: Let us have Hon. (Dr.) Robert Pukose. Did you want to contribute from there? I am sure it is not about this. Let us have Hon. Joseph M'eruaki. Do you want to contribute to this matter?

Hon. M'uthari: Yes. I just want to support the amendment.

Hon. Deputy Chairman: Let us have Hon. Lemein

Hon. ole Lemein: Thank you, Hon. Deputy Chairman. It is fairly a straight forward amendment.

I support

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

(Standing Order No.109 as amended agreed to)

Standing Order No. 110

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Order 110 be amended by deleting paragraph (2).
It has equally been captured elsewhere.

(Question of the amendment proposed)

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

(Standing Order No.110 as amended agreed to)

(Standing Order Nos.111, 112 and 113 agreed to)

Standing Order No. 114

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 114 be amended by—

(a) deleting paragraph (3) and substituting the following new paragraph-

- “(3) Upon receipt of the legislative proposal from the Clerk under paragraph (2), the Speaker shall—
- (a) where the Speaker is of the opinion that a legislative proposal is not a draft money Bill in terms of Article 114 of the Constitution—
 - (i) direct that the proposal be referred to the relevant Departmental Committee for prepublication scrutiny in case of a legislative proposal not sponsored by a Committee;
 - (ii) direct that the proposal be published into a bill, in the case of a legislative proposal sponsored by a Committee.
 - (b) where the Speaker is of the opinion that a legislative proposal is a draft money Bill in terms of Article 114 of the Constitution, direct that the legislative proposal be referred to the Budget and Appropriations Committee and the proposal shall be proceeded with only in accordance with the recommendations of the Budget and Appropriations Committee after taking into account the views of the Cabinet Secretary responsible for finance.
 - (b) deleting paragraph (4) and substituting the following new paragraph—

(4) The Budget and Appropriations Committee shall consider only the money-bill or financial aspects of the proposal and submit a report to the Speaker within twenty-one (21) days of receipt of the proposal.
 - (c) inserting the following new paragraphs immediately after paragraph 4—

(5) A report under paragraph (4) shall contain—

 - (a) the views of the Cabinet Secretary responsible for finance, if any;
 - (b) a detailed examination of the manner in which the legislative proposal affects the current and future budgets and may include implications on tax measures;
 - (c) a recommendation on whether or not the proposal should be proceeded with;
 - (d) any other appropriate recommendation relating to money-bill aspects of the proposal.

(6) Upon receipt of the recommendations of the Budget and Appropriations Committee, the Speaker may direct that—

 - (a) the proposal be subjected to prepublication scrutiny before the relevant Departmental Committee in case of a legislative proposal not sponsored by a Committee, or the proposal be published into a bill, in the case of a legislative proposal sponsored by a committee, or
 - (b) the legislative proposal be not proceeded with.

(7) The Departmental Committee to which a legislative proposal is referred to for prepublication scrutiny under paragraphs (3)(a)(i) and (6)(a) shall consider the proposal and submit a report to the Speaker within twenty one (21) days recommending whether or not the proposal should be proceeded with.

(8) Following the recommendations of the relevant Departmental Committee, the Speaker shall direct either that the legislative proposal be published into a bill or not be proceeded with.

This is to create clarity on how to handle money Bills as per Article 114 of the Constitution.

Hon. Deputy Chairman: I can see there is nobody wishing to contribute.

(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)*

(Standing Order No.114 as amended agreed to)

(Standing Order Nos.115, 116, 117, 118, 119 and 120 agreed to)

Standing Order No.121

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.121 be amended by—

- (a) inserting a new paragraph and renumbering accordingly—
 - (2) Whenever any question arises as to whether a Bill is a Bill concerning county governments, the Speaker shall determine whether the Bill is a Bill concerning county governments and, if it is, whether it is a special or an ordinary Bill.
- (b) inserting the following new paragraph immediately after paragraph (2)—
 - (3) Pursuant to Article 110(3) of the Constitution, the Speaker and the Speaker of the Senate may agree on an appropriate framework for jointly resolving the question under paragraph (2).

This is basically to create a better working relationship between the speakership of the both the Senate and the National Assembly in terms of resolving Bills concerning counties.

(Question of the amendment proposed)

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

(Standing Order No.121 as amended agreed to)

Standing Order No.122

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.121 be amended by—

- (a) deleting paragraph (1);
- (b) deleting paragraph (2);
- (c) deleting paragraph (3);
- (d) deleting paragraph (4).
- (e) deleting paragraph (8).

This has already been captured elsewhere.

(Question of the amendment proposed)

Hon. Deputy Chairman: Yes, Hon. Wamalwa.

Hon. Wakhungu: Thank you, Hon. Deputy Chairman. We do not have the Standing Orders, and so I thought it would be in order to highlight them so that Members know what paragraphs one to eight are. Do we just delete the paragraphs without knowing what they state?

Hon. Cheboi: Hon. Deputy Chairman, I have a lot of respect for my good friend the doctor from Kiminini Constituency. This matter has been in the membership's domain for some time now and we also have the Standing Orders available. In fact, I will give you mine because I have already gone through them. There are areas where we have created new clauses and yet they have been captured elsewhere. We could save time if Members could look at that. I know this one has been captured. We also have new clauses which we will get to shortly as we move along. There will be some new clauses which will be produced.

Hon. Deputy Chairman: Let us have Hon. Rasso.

Hon. Dido: Thank you very much, Hon. Deputy Chairman. If you look at the original or current Standing Orders and the suggested amendments, you will find that they are very repetitive in most parts. I would invite Hon. Members to follow the amendments with the current Standing Orders so that we are able to follow the proceedings.

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

(Standing Order No.122 as amended agreed to)

Standing Order No.123

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order No.123.

This is the one which deals with communication between the Speaker of the Senate and the Speaker of the National Assembly in terms of concurrence. We are just deleting it so that we make it a little easier to have a good working relationship.

(Question of the amendment proposed)

Hon. Deputy Chairman: Let us have Hon. Nyikal.

Hon. (Dr.) Nyikal: Hon. Deputy Chairman, if you look at the Standing Order No.123, it actually calls on the two Speakers to agree as to whether a Bill is a county Bill or not. I have seen this in the other deletions that we have made. The explanation we got is that they are elsewhere. I am now getting a bit concerned because this is an extremely important communication between the two Speakers of the House. If you merely delete it and there is nowhere else that calls for that communication--- We should not delete this unless we are convinced that there is a Standing Order that calls for that communication.

Hon. Deputy Chairman: I know we obviously cannot do away with the concurrence because it is not just within the Standing Orders; it is also a requirement in the Constitution.

Let us have Hon. Dawood.

Hon. Dawood: Thank you, Hon. Deputy Chairman. If Hon. Nyikal would go to Standing Order No.121 that we have just amended, he will find that it has that provision. It is in the Order Paper

Hon. Deputy Chairman: That satisfies the Member for Seme.

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

(Standing Order No.123 deleted)

Hon. Deputy Chairman: Hon. Members, even as we proceed with this, I must say I am happy that there are Members who are keen. This is because we have had complaints from Members of the previous Parliaments saying that they did not know how the Standing Orders were amended when they came back. I assume that the continued presence of Members in the Chamber is indication of those who have hopes.

Standing Order No.124

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.124 be amended by deleting paragraph (2) and substituting therefor the following g new paragraph—

“(2) Paragraph (1) shall not apply to or in respect of—

(a) an Appropriation Bill, a or a Consolidated Fund Bill, a County Allocation of Revenue Bill, a Division of Revenue Bill and an Equalisation Fund Bill; or

(b) a Bill to amend the Constitution, in respect of its Second and Third Reading.”

This is the section which deals with the Appropriation Bill and issues to do with county allocation of revenue.

(Question of the amendment proposed)

Hon. Deputy Chairman: Let us have Hon. Rasso.

Hon. Dido: Thank you, Hon. Deputy Chairman. If you look at the current Standing Orders and the suggested amendment, you will find that this provides more meat and understanding into what needs to be done. This is particularly if it is about appropriation and the Consolidated Fund. In particular, they are the two subparagraphs which have been added to the suggested Standing Orders.

Hon. Deputy Chairman: Let us have Hon. Nyikal.

Hon. (Dr.) Nyikal: Hon. Deputy Chairman, I support this amendment. I find it simply important. Considering the incidences we have had with the Appropriation Bill, making it easier with more details is important so that we can pass it as quickly as we need.

As concerns an amendment of the Constitution, there is the issue of raising the quorum. If we make things extremely stiff, we may find it difficult to raise quorum if we cannot do it all at once.

I support this amendment.

*(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)*

(Standing Order No.124 as amended agreed to)

(Standing Order Nos.125 and 126 agreed to)

Standing Order No.127

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.127 be amended—

(a) by deleting paragraph (3) and substituting therefor the following new paragraph—

(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including—

(a) inviting submission of memoranda;

(b) holding public hearings;

(c) consulting relevant stakeholders in a sector; and

(d) consulting experts on technical subjects.

(b) by inserting the following new paragraph immediately after paragraph (3)—

(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.

(c) in paragraph (4) by deleting the words “Committee’s reports to the House within twenty” and substituting therefor the words “Committee’s report to the House to inform debate within twenty-one”.

This is to improve issues to do with public participation as per the Constitution through invitation of submissions of memoranda and holding public hearings among others.

(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)*

(Standing Order No.127 as amended agreed to)

(Standing Order Nos.128, 129 and 130 agreed to)

Standing Order No.131

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.131 be amended by deleting the words “more than ten” appearing immediately after the words “the Whole”.

Basically, this is to remove restrictions so that we do not restrict it to more than 10. It could either be less or much more.

(Question of the amendment proposed)

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

(Standing Order No.131 as amended agreed to)

(Standing Order No.132 agreed to)

Standing Order No.133

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 133 be amended—

(a) by inserting the following new paragraph immediately after paragraph (1)—

(1A) Debate to a proposed amendment shall be confined to the content of the amendment.

(b) in paragraph (7) by inserting the words “Division of Revenue Bill or County Allocation of Revenue Bill” immediately after the words “Equalisation Bill”.

This is basically to improve procedure in Committee of the whole House.

(Question of the amendment proposed)

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

(Standing Order No.133 as amended agreed to)

(Standing Order Nos.134 and 135 agreed to)

Standing Order No.136

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.136 be amended by deleting paragraph (3).

Basically, this is because it has been captured in a proposed new Standing Order. It has been improved.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Nyikal, you have the Floor.

Hon. (Dr.) Nyikal: Hon. Deputy Chairman, I know that fate is important but in this particular case, this is an extremely important Standing Order referring to re-committal of clauses. It has saved many issues. I would like to be shown where it is so that as I finish this Parliament, I go home in peace knowing that I did not pass something without knowing what it is.

Hon. Deputy Chairman: Yes, Hon. Rasso.

Hon. Dido: Thank you, Hon. Deputy Chairman. If you look at the writing of our Standing Orders, when certain parts are hidden, it would be extremely difficult for new Members

to follow or even to master the Standing Orders of this House. For that reason, having gone through very many parts of the Standing Orders from morning until now, if this part has not been clearly pointed out, it is important for this one to be preserved.

Thank you, Hon. Deputy Chairman.

Hon. Deputy Chairman: Hon. Cheboi, do you wish to respond?

Hon. Cheboi: I wanted to clearly indicate, for purposes of my good friend, Dr. Nyikal, that the issue of the re-committal procedure will be captured under new Standing Order No.136. He should be patient. As we all know, new clauses are always brought at the tail end of a Bill. It will capture that aspect. This amendment is for purposes of making the re-committal procedure a little easier.

(Question of the amendment proposed)

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

(Standing Order No.136 as amended agreed to)

Standing Order No.137

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.137 be amended in paragraph (2) by inserting the words “established pursuant to Standing Order 127(2)” immediately after the words “report of the Select Committee”.

This is basically to give clarity by placing additional words pursuant to Standing Order No.127.

(Question of the amendment proposed)

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

(Standing Order No.137 as amended agreed to)

(Standing Order Nos.138, 139 and 140 agreed to)

Standing Order No.141

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 141 be amended—

(a) by deleting the head note and substituting therefor the following new head note—
“Lapse and Re-introduction of Bills”

(b) by inserting the following new paragraph immediately after paragraph (3)—

(3A) The provisions of paragraph (1), (2), and (3) of this Standing Order shall not apply to a Bill to amend the Constitution, a Division of Revenue Bill, County Allocation of Revenue Bill or a Bill originating from the Senate.

The justification is to create clarity on lapsing and re-introduction of Bills by providing that Bills to amend the Constitution, Division of Revenue Bill, County Allocation Bill and Bills originating from the Senate shall not lapse.

(Question of the amendment proposed)

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

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

(Standing Order No.141 as amended agreed to)

(Standing Order No.142 agreed to)

Standing Order No.143

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order No.143 and substituting therefor the following new Standing Order—

Consideration of Bills originating from the Senate

143. (1) Whenever the Speaker receives a Bill originating in the Senate, the Speaker shall—

(a) cause the fact to be known to the House by way of a Message;

(b) cause the Bill to be read a First Time.

(2) Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.

(3) Where the opinion of the Speaker under paragraph (2) is to the effect that the Bill is not a money Bill, the Bill shall be proceeded with in the same manner as a Bill originating in the National Assembly after First Reading.

(4) Where the opinion of the Speaker under paragraph (2) is to the effect that the Bill is a money Bill in terms of Article 114 of the Constitution, the Bill shall stand referred to the Budget and Appropriations Committee.

(5) The Budget and Appropriations Committee shall consider the Bill and report its recommendations to the House.

(6) Where the Budget and Appropriations Committee recommends that the House—

(a) proceeds with the Bill, the Bill shall be proceeded with in the same manner as a Bill originating in the National Assembly after First Reading in the manner recommended by the Budget and Appropriations Committee;

(b) should not proceed with the Bill, that fact shall be recorded in the journals of the House.

Hon. Deputy Chairman, this amendment seeks to prescribe the manner of handling Bills originating from the Senate.

(Question of the amendment proposed)

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

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

(Standing Order No.143 as amended agreed to)

*(Standing Order Nos.144, 145, 146, 147, 148,
149, 150, 151, 152 and 153 agreed to)*

Standing Order No.154

Hon. Cheboi: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order No.154 and substituting therefor the following new Standing Order—

Referral of Bills by President

154. (1) Whenever the Speaker receives the President's reservation pursuant to Article 115 of the Constitution, the Speaker shall—

(a) in case of a Bill the Senate did not consider, convey the Message to the House within three days of receipt of the President's reservations.

(b) in case of a Bill the Senate considered, convey the message to the House and refer the President's reservations to the Senate within seven days of receipt of the President's reservations.

(2) The Assembly shall consider the President's reservations conveyed to the House pursuant to Standing Order 154(1)(a) within twenty-one days of the date when the House next meets.

(3) The Assembly and the Senate shall for purposes of considering the President's Reservations conveyed under Standing Order 154 (1)(b) constitute a Joint Committee for purposes of considering the President's reservations within two days of receipt of the President's Reservations by the Senate.

(4) The Joint Committee shall within fourteen days consider the President's reservations and table a Report in the respective Houses.

(5) The Assembly or the Joint Committee may in considering the Bill propose amendments to the Bill in light of the President Reservations either fully accommodating the President's reservations or not fully accommodating the President reservations in terms of Article 115 of the Constitution.

(6) The Speaker of the Assembly shall make the determination on whether the proposed amendments to the Bill in light of the President Reservations either fully accommodate the President's reservations or do not fully accommodate the President reservations in terms of Article 115 of the Constitution.

(7) The Assembly shall vote on the proposed amendments and may pass the Bill—

(a) where the amendments do not fully accommodate the President's reservations, by a vote supported by two-thirds of all the Members;

(b) where the amendments fully accommodate the reservation

Hon. Deputy Chairman, these are areas that have been contentious. The amendment seeks to prescribe the manner of handling the President's Reservations in terms of Article 115 of the Constitution.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Nyikal, you have the Floor.

Hon. (Dr.) Nyikal: Hon. Deputy Chairman, this is also an extremely important Standing Order. Since we are providing for the Committee that will be set up as proposed under paragraph (3), we need to have more details on this Standing Order. I know we have had a lot of controversy on it. I appreciate that there is need to put more details on how it is done. It would serve us if more Members were given more details on this one.

Hon. Deputy Chairman: I fully appreciate what you are saying Dr. Nyikal. This proposed amendment is in keeping with some ruling that I have had to make in the past which gave the House or whichever the committee is referred to, the ability to propose certain amendments which do not radically change the text but largely accommodate the reservations. Hon. Cheboi could perhaps speak on this.

Hon. Cheboi: Yes, Hon. Deputy Chairman. There are times when the amendments do not fully accommodate the President's reservations and there are times when the amendments fully accommodate the reservations. In areas where the President's reservations are fully accommodated, you would require two-thirds of all membership voting against it. But in areas where the amendments are fully accommodated, the reservations of the President can be supported by a simple majority of all Members. That becomes easy. It is a bit clearer.

Hon. Deputy Chairman: The Leader of the Majority Party, you also wanted to speak? Hon. Gikaria, you have the Floor.

Hon. Gikaria: These amendments are in line. In the past, the minority particularly have always questioned the reservations by the President. It gives procedures. When the President brings reservation, we can look at it. It will give it some strength. If they have any reservation, they can bring their report as indicated. It is a better amendment in the Standing Order where the President will not just bring a reservation and it ends as he has brought it.

I support.

The Deputy Chairman: Yes, the Leader of the Majority Party.

Hon. A.B. Duale: This is a very important amendment. I want to thank you and the Committee. We had incidents where a Bill was touching on both Houses and the President sent a reservation to both Houses. The National Assembly dealt with it but the Senate kept it for two years. An example is the Petroleum Exploration Bill and the Energy Bill. This is now setting a stage where in case the reservation concerns both Houses, a joint Committee of both Houses is set and a timeframe is given. If we had this in the Standing Orders, those Bills could not have been there today.

I am sure that was very good foresight. It had made clarity on how far you can amend a presidential reservation with the permission of the Speaker. I support.

Hon. Deputy Chairman: Let us now hear Hon. Rasso.

Hon. Dido: Thank you, Hon. Deputy Chairman. When I look at the original Standing Orders *vis-à-vis* this, clearly, this has provided a clearly laid down guideline to both the Speaker and the House in terms of how to proceed once the President refers the Bill back to the House.

Secondly, as the Leader of the Majority Party has said, it is about timelines. Once that guidance is in the Standing Orders, Members will also understand the urgency that is needed here.

Thirdly is the nature of referral in (a) and (b) that has been clearly set out in these Standing Orders. It is a major improvement to what we had in the current Standing Orders.

Thank you.

Hon. Deputy Chairman: Hon. Nyikal, do you want to comment?

Hon. (Dr.) Nyikal: Hon. Deputy Chairman, I now support. I want to appreciate the fact that we have put a committee because the issues that have always dogged us are that we do not have time to consider. With the joint committee, those issues can be solved before they go to the Senate.

*(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)*

(Standing Order No.154 as amended agreed to)

Standing Order No.155

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order No.155. The amendment seeks to realign Standing Order No.155 with the amendment on Standing Order No.154.

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

(Standing Order No.155 deleted)

*(Standing Orders Nos.156, 157, 158, 159, 160, 161, 162, 163,
164, 165, 166, 167, 168, 169 and 170 agreed to)*

Standing Order No.171

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.171 be amended by—

(a) deleting paragraph (1) and substituting therefor the following new paragraph—

“(1) There shall be a select committee, to be designated the House Business Committee, consisting of—

(a) the Speaker who shall be the chairperson;

(b) the Leader of the Majority Party or a representative designated in writing;

(c) the Leader of the Minority Party or a representative designated in writing;

- (d) the Majority Party Whip or a representative designated in writing;
 - (e) the Minority Party Whip or a representative designated in writing; and
 - (f) seven other Members, who shall be nominated by parliamentary parties and approved by the House at the commencement of every Session, reflecting the relative majorities of the seats held by each of the parliamentary parties in the National Assembly and taking into consideration the interests of Independents.
- (b) deleting paragraph (3).

The amendment seeks to reduce membership of the House Business Committee (HBC) to enhance efficiency of the Committee by mainly involving the leadership of the House in setting the weekly business.

(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)*

(Standing Order No.171 as amended agreed to)

Standing Order No.172

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.172 be amended by deleting paragraph (1) and substituting therefor the following new paragraph—

“(1) There shall be a select committee, to be designated Committee on Selection, consisting of—

- (a) the Leader of the Majority party who shall be the chairperson;
- (b) the Leader of the Minority party; and
- (c) not less than eleven and not more than nineteen members, who shall be nominated by parliamentary parties and approved by the House taking into consideration the interests of Independents.”

The justification is that the amendment was informed by the need to enshrine the position of independent Members in committees on selection.

(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)*

(Standing Order No.172 as amended agreed to)

(Standing Order No.173 agreed to)

Standing Order No. 174

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No. 174 be amended by deleting paragraph (1) and substituting therefore the following paragraph—

“(1) In nominating Members to serve on a select Committee, the Committee on Selection shall ensure that—

- (a) the membership of each committee reflects the relative majorities of the seats held by each of the parliamentary parties in the National Assembly;
- (b) no two members of the House Business Committee serve in the same Departmental Committee;
- (c) so far as may be practicable, at least one independent member is nominated to serve in the Special Fund Accounts Committee; and
- (d) majority of the members of the Public Accounts Committee, Public Investments Committee, Committee on Implementation and the Special Fund Accounts Committee are drawn from parties other than parliamentary parties forming the national government.

The justification is that the amendment seeks to reduce the multiple memberships of members to committees, which leads to lack of quorum as members have a competing need to attend more than one meeting taking place within the same period. It is expected that the amendment will also improve the efficiency of committees.

(Question of the amendment proposed)

Hon. Deputy Chairman: I see no request for contribution.

(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)

(Standing Order No. 174 as amended agreed to)

(Standing Order No. 175 agreed to)

Standing Order No. 176

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 176 and substituting therefor the following new Standing Order—

“Discharge of a Member from a Committee

176. (1) A parliamentary party may discharge a Member from a select committee after according the Member an opportunity to be heard.

(2) The parliamentary party whip of the party that nominated a Member to a select committee shall give notice in writing to the Speaker of the intention to discharge a Member from a select committee.

(3) The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice.

It is very important for Members to note this – the justification is that the amendment seeks to provide for the process of discharge of a member from a committee by confining the matter to a political party after according the member an opportunity to be heard. In the past, Members were just being removed from a committee without being given an opportunity to be heard. However, this time round, we are amending the Standing Orders to give Members an opportunity to do that.

(Question of the amendment proposed)

Hon. Deputy Chairman: I see Hon. Aghostinho Neto.

Hon. Oyugi: Thank you, Hon. Deputy Chairman. I think this is a very good inclusion and an important improvement on the current Standing Orders. I can see that there is a provision for the Member who is going to be suspended to be heard. However, it is not very clear who hears that particular member, whether it is the Speaker or the parliamentary party that nominated the particular member. If it is a parliamentary party, then that also already creates a rut within it because if it is the party that is discharging me and they have already made a decision, then it is more of *fait compli* in terms of that particular hearing. So, I am wondering.

It is a good provision, but I think it might really not take sufficient effect, if at all it is a political party that suspends the Member that is the one that is according the hearing. I thank you.

Hon. Deputy Chairman: I may explain this that the expectation is that the party, before writing to the Speaker to have the Member discharged, will show evidence of the due process that has happened before the decision to discharge the Member was arrived at. That is the proposition. Hon. Keynan, I can see you want to say something.

Hon. Keynan: Thank you, Hon. Deputy Chairman. Your considered ruling on the same has assisted so many Members from randy and other parties that are not run according to their own rules. So, this Standing Order is properly done and has taken into account your ruling, I think Members will have a proper avenue in ensuring that whatever grievances they have are properly addressed. So, this is a good proposal.

Hon. Deputy Chairman: Hon. Alois Lentoimaga.

Hon. Lentoimaga: Thank you, Hon. Deputy Chairman. I support this amendment. I think it will need to be a bit expounded the way my colleagues have said. This is because in the Parliament that we are concluding now, especially in the Departmental Committee on Administration and National Security, we had several Members who were removed from the Committee without being given the opportunity to be heard, against our Constitution. The Constitution says that when you are accused, natural justice requires that you must be heard. So, I think we need to expound and make sure that the issue of hearing is upheld so that Members can be heard. They can exhaust their reasons or even the accusing party must explain exhaustively why they are removing the Members. Many of them have really suffered and they have not been able to discharge their duties in those particular Committees because of being removed unfairly.

Hon. Deputy Chairman: Hon. Dennitah Ghati.

Hon. (Ms.) Ghati: Thank you, Hon. Deputy Chairman. I also have a problem with the issue of “heard”. I think this is a little vague. For me, I do not understand who hears the Member. Is it the party or the Committee? Maybe, more information would have been sufficient for me.

Hon. Deputy Chairman: Hon. Dennitah Ghati, a Member is nominated to serve in a Committee by a party. What this proposal is suggesting is that you cannot also take away the right of a party to do internal party re-organisation and discipline. Nevertheless, for the Member to be de-whipped – which is what this really means – he needs to have been given an opportunity to be heard. The Member needs to be told: “You have transgressed in this and the other way. Can you appear before whatever...?” We expect some due process to be followed so that a Member is not just disadvantaged. The party also should appreciate that any member is here to perform the three roles of a legislator. It could have been minor disagreements with, maybe, some senior party honchos in the village or all manner of places. What this is trying to provide is that process. Even when the party writes to have a Member de-whipped, there should be evidence of being heard and whoever it is that will be chairing or the Speaker will demand to be given evidence of that process. That is what this amendment seeks to achieve.

Hon. Nyikal.

Hon. (Dr.) Nyikal: I know you have explained, but I am still concerned about the words “to be heard”. It gives so much leeway than, probably, where we were before. I would have thought that this would call for knowing the procedures that the parties lay down and whether that would go into the Political Parties Act. It would have been important. I would have proposed that it reads: “be heard according to the party’s laid down procedure”. You would expect that a party has that procedure. Then the party can be put to task for not following its own procedure. I am not a lawyer, but I know in law that is a very important principle.

Hon. Deputy Chairman: The evidence that, obviously, the Speaker will be requiring is, among other things, the process so that if, indeed, the hearing is not shown to have been there in accordance with the party’s rules, there must be some rule on that. The party must have its own rules that when a Member is seen in some funeral dancing in a particular way, that could be a reprimand. I am just giving examples. Of course, more particularly in this one, the Speaker would be interested to know what it is, in the context of the Member’s duties as a parliamentarian. The Member has been taken through that process to explain himself or herself that: “Although you may have seen me laughing, I was actually crying in my heart. So, do not punish me.” Something like that, Hon. Nyikal.

*(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)*

(Standing Order No. 176 as amended agreed to)

(Standing Order No.177 agreed to)

Standing Order No. 178

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 178 and substituting therefor the following Standing Order—

“Chairing of select committees and quorum

178. (1) Subject to paragraph (2) of Standing Order 173 (*Nomination of Members of select committees*), unless otherwise provided under any written law, these Standing Orders or by resolution of the House, a select committee shall, upon appointment, elect its chairperson and vice-chairperson from amongst its members;

(2) The Members of the Public Accounts Committee, the Public Investments Committee and the Committee on Implementation shall elect a Chairperson and Vice-Chairperson from amongst the members of the Committees nominated from a party other than a parliamentary party forming the national government.

(3) The Members of the Special Fund Accounts Committee shall elect a Chairperson and Vice-Chairperson from amongst—

(a) independent members nominated to the Committee; or

(b) the members of the Committee nominated from a party other than a parliamentary party forming the national government, in the absence of independent members.

(4) Unless otherwise provided under any written law, these Standing Orders or by resolution of the House, any nine members of a select committee shall constitute a quorum.”

I want to thank the Speaker for being the Chair of the Committee of the whole House and for trying to clarify some of the issues that Members are having.

The justification of that amendment is that it seeks to provide that the Chairperson and Vice-Chairperson shall be from a party other than the parliamentary party forming the national Government in relation to Public Accounts Committee (PAC), Public Investments Committee (PIC) and the Committee on Implementation. It is basically saying that the Chair and the Vice-Chair of those watchdog Committees will be coming from parties that are not forming Government. This is a very good indication. Other than PAC and PIC, there is the addition of the Committee on Implementation which will hold the Government and the Executive to account on issues of implementation.

(Question of the amendment proposed)

Hon. Keynan: Thank you, Hon. Deputy Chairman. I think this is a progressive amendment. This is a good one. Having been the Chair of PIC for the last four years, it has been very difficult. Like in the Coalition Government, the Majority comes from one party and the Chairman comes from the other party, the Vice Chairman--- It is extremely difficult and you do not have a synergy. This is a good proposal and I thank the Committee Members for suggesting this. I am sure this will add a lot of value to those who will be appointed. It is also good to give the minority party an opportunity to chair the Committee on Implementation so that this issue of blame-games does not arise. This is a good one and I support.

*(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)*

(Standing Order No.178 as amended agreed to)

Standing Order No. 179

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 179 be amended by inserting the following new paragraphs immediately after paragraph (2)—

“(3) A candidate for election as Chairperson or Vice-Chairperson of a committee shall submit his or her nomination paper, in writing, to the Clerk by 5.00 pm on the day before the election.

(4) The nomination paper of a candidate shall be in the form set out in the Fifth Schedule and shall be accompanied by the name and signature of a proposer and a seconder and a declaration of the candidate’s willingness to serve as a Chairperson or Vice-Chairperson.

(5) A Member shall not propose or second more than one candidate for election as Chairperson or Vice-Chairperson.

(6) The Clerk shall, as soon as practicable after the close of nominations, circulate the final list of candidates to committee members.

(7) The Clerk shall preside over the election of the Chairperson or Vice-Chairperson of a committee and shall issue each committee member with a ballot paper.

(8) A committee member who wishes to vote in the election shall print the first and last name of their candidate of choice on a ballot paper and deposit it in a ballot box provided for that purpose.

(9) The Clerk shall, at the close of voting, count the ballot papers and report the result of the ballot.

(10) If no candidate receives a majority of votes, the Clerk shall hold a further ballot excluding the candidate with the least number of votes until one candidate receives a majority of votes.

(11) A ballot paper is spoilt if, in the opinion of the Clerk, it does not identify the candidate purported to be selected by the candidate voting.

(12) Despite the provisions of this Part, if only one candidate is nominated for election as Chairperson or Vice-Chairperson, the Clerk shall, at the expiry of the nomination period forthwith, declare that candidate as elected without any vote being required.

(13) The Clerk shall make necessary preparatory arrangements for the conduct of the election of a Chairperson or Vice-Chairperson of a Committee.”

The justification is that the amendment seeks to provide for the manner of conducting elections of Chairs and Vice-Chairs of committees.

(Question of the amendment proposed)

Hon. Oyugi: Thank you, Hon. Deputy Chairman. I think this is an important amendment and it is a very good inclusion. My only worry is that however good it is, given that the members of the various parliamentary committee are going to be fairly new and not knowing each other’s competencies--- If, for example, you are two or three days old, I am wondering how

the process is going to be effected so that, at least, you know you are voting for Hon. Gikaria or Hon. Neto to be the chair of a committee and yet, they are people you might not have had an engagement with. I really think it is a good provision. I am just wondering about the efficacy of this provision.

Hon. ole Kenta: Thank you, Hon. Deputy Chairman. I also want to support this amendment. I think it will be the most appropriate way to elect Chairs and Vice-Chairs. When we were appointing Chairmen and Vice-Chairmen, we were told those are the people nominated by the party leaders. This is the most democratic way and I support it.

Hon. Dido: Thank you very much, Hon. Deputy Chairman, whereas I agree with this amendment, the current Standing Order talks about wherever a vacancy occurs in the office of the Chairperson or the Vice-Chairperson of a select committee. I do not know whether that has been taken care of.

Hon. (Ms.) Ghati: Thank you, Hon. Deputy Chairman. I am happy with the amendment. I am keen on seeing if the amendment can include Chairperson or Vice-Chairperson and the issue of gender.

Hon. Keynan: Hon. Deputy Chairman, issues that we have been canvassing through constitutional amendments cannot be cured through the Standing Orders. Therefore, I think as much as I respect Hon. Dennitah Ghati, it will not be fair at this late stage to have the same canvassed. Let us sort it out constitutionally and I am sure the other bit will be sorted out naturally after that is done. Therefore, I oppose that vehemently

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

(Standing Order No. 179 as amended agreed to)

(Standing Orders Nos. 180, 181 and 182 agreed to)

Standing Order No. 183

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 183 be amended by inserting the words “and prescribe the quorum applicable to the sub-committees” immediately after the word “functions”. The justification is that the amendment seeks to provide for quorum for some committees

(Question of the amendment proposed)

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

(Standing Order No. 183 as amended agreed to)

Standing Order No. 184

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Orders 184 be amended by inserting the words “in person or through a legal representative” immediately after the word “appear”.

The justification is that the Standing Order was amended to provide for legal representation for a Member adversely mentioned during an appearance before a committee.

(Question of the amendment proposed)

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

(Standing Order No. 184 as amended agreed to)

(Standing Orders Nos. 185 and 186 agreed to)

Standing Order No. 187

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 187 be amended by inserting the following new paragraph immediately after paragraph (1)—

“(1A) a notification under paragraph (1) shall be made through the Clerk and recorded in the minutes of the committee.

This is very important regarding any Member not attending meetings. It is proposed that Standing Order No.187 be amended to have written notification to the Chairperson or the Speaker done through the Office of the Clerk who will keep such records of notification and/or the Speakers’ approval. It is very important because it has happened in the past. It has been improved now.

(Question of the amendment proposed)

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

(Standing Order No.187 as amended agreed to)

Standing Order No. 188

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 188 be amended by deleting the words “a Member designated by the Chairperson shall take the chair, and in the absence of such designated Member,”

This is to allow Members to determine their leadership and enhance democracy at committee level by deciding on the temporary chairperson.

(Question of the amendment proposed)

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

(Standing Order No.188 as amended agreed to)

Standing Order No. 189

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No. 189 be amended by inserting the words “absent with apologies or absent” immediately after the word “present”.

The amendment provides for recording of Members present, absent with apologies and those who are completely absent.

(Question of the amendment proposed)

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

(Standing Order No. 189 as amended agreed to)

(Standing Order No. 190 agreed to)

Standing Order No. 191

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria on behalf of Hon. Cheboi, Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 191 and substituting therefor the following new Standing Order—

POWERS AND PRIVILEGES OF COMMITTEES

191. (1) Committees shall enjoy and exercise all the powers and privileges bestowed on Parliament by the Constitution and statute, including the power to—

- (a) summon any person to appear before it for the purposes of giving evidence or providing information;
- (b) enforce the attendance of witnesses and examine them under oath, affirmation or otherwise;
- (c) compel the production of documents;
- (d) request for and receive papers and documents from the Government and the public; and
- (e) to issue a commission or request to examine witnesses abroad.

(2) The oath to be sworn or affirmation to be made by a witness appearing before a Committee shall be in the form set out in the Fifth Schedule.

(3) A summons under paragraph (1) shall be—

- (a) issued by the Clerk on the direction of the Speaker or the chairperson of a committee acting in accordance with a resolution of the committee; and
- (b) in the form set out in the Sixth Schedule

(4) The summons shall be served by a member of staff or a police officer who is duly authorised by the Clerk by delivering a copy of the summons—

- (a) to the person mentioned in the summons; or

(b) at that person's usual or last known place of residence, employment or business or left with a person who is over the age of eighteen years and who resides or is employed at that place.

(5) Where the summons is to be served on a corporation, the summons may be served—

- (a) on the secretary, director or other officer authorised by the corporation; or
- (b) if the officer serving the summons is unable to find any of the officers of the corporation mentioned in paragraph (a)—
 - (i) by leaving it at the registered office of the corporation;
 - (ii) by sending it by prepaid registered post or by a licensed courier service provider approved by the court to the registered postal address of the corporation;
 - (iii) if there is no registered office and no registered postal address of the corporation, by leaving it at the place where the corporation carries on business; or
 - (iv) by sending it by registered post to the last known postal address of the corporation.

(6) The serving officer in all cases in which summons has been served under this Standing Order shall swear and annex or cause to be annexed to the original summons an affidavit of service stating the time when and the manner in which summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of summons.

(7) The affidavit of service shall be in the form set out in the Eighth Schedule with such modifications as may be necessary.

(9) A return by a person who serves a summons under this Standing Order shall be *prima facie* proof of the service of the summons.

(10) A person requested or summoned in terms of this Standing Order shall be paid such amount of money as shall be approved by the Clerk as reimbursement for the expenses incurred.

The amendment seeks to prescribe oaths to be sworn or affirmation to be made by a witness appearing before a committee, which shall be in the form set out in the Sixth Schedule.

Hon. Deputy Chairman: Hon. Gikaria, there are two proposed amendments. There is one by the committee and one by Hon. Cheboi himself. If you look at the Order Paper, you will see the proposal by Hon. Cheboi is quite an elaborate amendment. The one you have moved is by Hon. Cheboi which, if carried, then we do not need to move the amendment by the committee. Look at page 710 of the Order Paper.

Hon. Gikaria: Sorry Hon. Deputy Chairman. I have just seen it. It is elaborate, deleting Standing Order 191 and substituting thereof with a new one.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Nyikal.

Hon. (Dr.) Nyikal: I stand to support. It is a fairly detailed amendment. However, I need some clarification under paragraph (j):

“Issue a commission or request to examine witnesses abroad.”

That has got very far reaching consequences, at least in terms of expenses. Can we get more explanation as to what paragraph (j) means.

Hon. Deputy Chairman: It is not unusual. Remember in the 10th Parliament, when there was an interesting investigation where people had to travel to London to go and take evidence from some fellow called John Githongo. Whenever there is need for this, Parliament will always

facilitate. Even during the inquiry on the death of the late Dr. Ouko. So it is possible. Parliament can always facilitate, of course in consultation with other agencies of the Government.

*(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)*

(Standing Order No. 191 as amended agreed to)

Hon. Deputy Chairman: That means the proposed amendment by the committee falls.

(Proposed amendment by the Committee dropped)

(Standing Order No. 192 agreed to)

Standing Order No. 193

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 193 be amended by deleting paragraph (2) and substituting therefor the following paragraph—

(2) The Members desiring to make a resolution under paragraph (1) shall, through the Clerk, serve the Chairperson or Vice-Chairperson with a written notice citing grounds for the intended vote of no confidence and may, if they constitute a majority, request the Clerk to call for a meeting at the expiry of three days after giving the notice.”

The deletion of paragraph (2) provides that Members desiring to make a resolution on a vote of no confidence in the Chairperson or Vice-Chairperson shall serve the same with a written notice citing grounds through the Clerk. This will instill professionalism in the process.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Agostinho Neto.

Hon. Oyugi: Thank you, Hon Deputy Chairman. This is a very good amendment. It is going to subject Chairpersons and Vice-Chairpersons to due process as opposed to them just hearing word in the corridors that a vote of no confidence is being passed. It is a good improvement on how committees deal with the Chairpersons and the overall leadership.

I support.

*(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)*

(Standing Order No. 193 as amended agreed to)

*(Standing orders Nos. 194,195,196,197,198,199,
200,201, 202,203 and 204 agreed to)*

Standing Order No. 205

Hon. Deputy Chairman: I see two amendments: one by the Committee and the other one by Hon. Keynan. We will begin with Hon. Gikaria's.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 205 be amended—

- (a) by deleting paragraph (3) and substituting therefor the following paragraph—
“(3) The Public Accounts Committee shall consist of a Chairperson and not more than sixteen other members.”
- (b) in paragraph (4) by deleting the words “the Majority party or coalition of parties” and substituting therefor the words “parties other than parliamentary parties forming the national government”;

The justification is related to the Public Accounts Committee (PAC). It is about achieving effective oversight.

The Members of the Committee will be nominated and approved by the House at the commencement of every Session so as to maintain credibility and enhance integrity in the dealings of the Committee.

This is what has been happening in this ending Session where we had the PAC being reconstituted because of integrity and credibility issues.

Hon. Deputy Chairman: Hon. (Eng.) Gumbo, because you have an amendment that is different from his, let us first dispose of his, that is, 205 (a) and (b).

(Question of the amendment proposed)

Hon. (Eng.) Gumbo: Thank you, Hon. Deputy Chairman. The proposed amendments in (a) and (b) are acceptable. I agree that the number that we have had, that is, 29 is too large. The proposal to delete the majority party on condition and replacing with parties other than the parliamentary party is in recognition of the fact that we now have independence in the House. It is a good amendment and I support both (a) and (b).

Hon. Deputy Chairman: Hon. Keynan, do you want to contribute to this or you want to move yours?

Hon. Keynan: Thank you, Hon. Deputy Chairman. The proposals by the Committee are good and fundamental. Oversight committees are just like other committees. Therefore, I am moving an amendment on the appointment of Members and the terms.

“The Members of the Committee shall be nominated and approved by the House at the commencement of every Session.”

I find that a bit repugnant. It kills every aspect of institutional memory.

Hon. Deputy Chairman: We have not done (c) and (d) because of the amendments.

(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)*

Hon. Deputy Chairman: We will go to paragraph 5. Hon. Gikaria!

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 205 be amended—

a. by deleting paragraph (5) and substituting therefor the following new paragraph—
“(5) The Members of the Committee shall be nominated and approved by the House at the commencement of every Session.”

(c) by deleting paragraph (6).

I think Hon. Keynan has an issue with this because of lack of continuity of the Committee. Whenever we go for recess, we come back in a new Session. I do not know what he would suggest.

Hon. Deputy Chairman: Hon. Gikaria, your amendment suggests that the Members shall be approved once every 12 months.

Hon. Gikaria: That is the Committee’s amendment.

Hon. Deputy Chairman: The proposal by Hon. Keynan runs counter to that because it says: “Members who will be nominated to serve in the Public Accounts Committee at the commencement of any Parliament shall serve for the term of that Parliament.”

So, I need to explain that to Members. At times, I have had Members use the word “Session” when they mean “Sitting”. I have had it used interchangeably. However, a Session is 12 months. What Hon. Gikaria is suggesting is a situation that used to obtain in the 7th, 8th and 9th Parliaments. Allow me to give you this information because I chaired the Committee you are now chairing. So, I know it was the position in the 7th, 8th and 9th but that has since changed. We need to be clear when we are debating this particular standing order. The proposal by Hon. Gikaria, which is the proposal from the Committee is about one Session, which is 12 months. We need to debate that and if it is defeated, we will move to Hon. Keynan’s proposal.

(Question of the amendment proposed)

Hon. Deputy Chairman: It may not be fair for Hon. Keynan to contribute because he has an amendment. Let us hear from Hon. Aghostinho Neto.

Hon. Oyugi: Thank you, Hon. Deputy Chairman. I would like to support the Committee’s amendment. Given the nature of the Public Accounts Committee - and we have seen what happens with every successive Public Accounts Committee - we are not trying to say that all of us are beyond reproach. It is only fair that in every particular Session, we give the Public Accounts Committee a fresh start. It will be very dangerous to have a Public Accounts Committee sit for the entire term of Parliament. That will be precarious and the most dangerous thing you can ever do to any Parliament.

I support the Committee’s amendment.

Hon. Deputy Chairman: Let us have Hon. Rasso.

Hon. Dido: Thank you very much, Hon. Deputy Chairman. I oppose the proposition by the Committee because the nature of the Public Accounts Committee is such that they follow issues that run for years and years. They need institutional memory and individuals who can sit

on that Committee and weigh issues. We want to correct issues in our country. If we will have a new Committee every Session then it means that that Committee will not be able to function seriously. For that reason, we can look at the halfway point of the mid-term of Parliament. We can change the membership of the Committee then. Otherwise, the proposition by the Committee is very dangerous and will kill that Committee.

Hon. Deputy Chairman: Let us have Hon. Cornelly Serem.

Hon. Serem: Hon. Deputy Chairman, I stand here to oppose the proposal. My approach is that it is very difficult to have a Committee that sits to investigate a matter in this country and before they even end the investigation, their term expires. Knowing that in most cases we tend to train Members, there is no need to train them and then before they utilise the skills they have been trained for, membership is changed. It is always better to have them serve for the entire term of Parliament.

Hon. Deputy Chairman: Order, Members. Members are clear on this. Maybe you can make a decision very quickly. It looks like Members are quite clear.

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

Hon. Deputy Chairman: Let us have Hon. Keynan.

Hon. Keynan: Thank you, Hon. Deputy Chairman. I am glad that you are here as a former Chair of one of those Committees. It is extremely difficult to have new Members at the end of every Session. Actually, it is illogical. I do not understand. Whoever brought this takes us back to where we were---

Hon. Deputy Chairman: Hon. Keynan, move your proposed amendment. You now want to give us another story. Remember Hon. Keynan, we are considering paragraph (5). You have a very important point.

Hon. Keynan: Hon. Deputy Chairman, I beg to move:

THAT, the proposed Standing Orders be amended by:

- (i) Deleting paragraph (5) of the proposed Standing Order 205 and substituting thereof the following new paragraph-

“(5) The Public Accounts Committee constituted immediately following the general elections shall serve for the term of that Parliament.”

The justification is just as Hon. Serem has alluded to. There is need for continuity and consistency. The Members require time to stabilise, train and familiarise themselves with issues. These laws are made for posterity. Therefore, taking into account the provision of Standing Order No.176, if any party is not satisfied with the performance of a Member then they are at liberty to recall that particular Member at any given time.

Hon. Deputy Chairman: Hon. Keynan you have hit the nail on the head. That was the missing explanation. It is not being proposed that Members will be permanent. Should a party feel that for one reason there is need to make changes, going through the due process, they can do so. You have made your point. Can I propose the Question?

(Question of the further amendment proposed)

Let us have Hon. Rasso. I am trying to look around here to see whether---

Hon. (Eng.) Gumbo: Hon. Deputy Chairman, I want to thank Hon. Keynan for his foresight.

Hon. Deputy Chairman, as you may be well aware, the Public Accounts Committee is also a Member of the Public Accounts Committees of other international bodies. One of the frustrations that we have had in the African Organisation of Public Accounts Committees (AFROPAC) is that when the Sudanese were appointed to chair - and their committees change every year - we could not move. We are privileged to host the secretariat of the East African Association of Public Accounts Committees in Kenya. We also host the AFROPAC so continuity is important. The rider that the parties can still change its Members is good. Let us allow it to exist for the full term of Parliament.

I support the amendment.

Hon. Deputy Chairman: The amendment is just to put the Public Accounts Committee and the Public Investments Committee and other funds committees at the same level as other Departmental Committees. This is so that there should not be one particular Committee where people can be thrown out every time they go for Christmas holidays. You never know what happens and who celebrates in which manner. Why do I not put the Question?

*(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)*

Hon. Gikaria, I am told that you have an amendment to paragraph (6).

Hon. Gikaria: Hon. Deputy Chairman, I had a proposal to delete. I need your guidance because if Hon. Keynan's proposal carries the day--- If you look at paragraph (6) it says that the Public Accounts Committee constituted immediately following the general elections shall serve for a period of three calendar years. I need to propose to delete this so that his amendment can be retained.

Hon. Deputy Chairman: Standing Order No.205 (6) provides that the Public Accounts Committee shall elect a Vice-Chairperson from amongst its members. I thought that the earlier agreement was that the Vice-Chairperson should come from the same party as the Chairperson? Is that not the case?

Hon. Gikaria: That was the position.

Hon. Deputy Chairman: You are withdrawing your amendment. You should withdraw your proposal.

Hon. Gikaria: Hon. Deputy Chairman, I beg to withdraw the proposed amendment to Standing Order No.205 (6).

Hon. Deputy Chairman: Hon. Keynan, you wanted to delete.

(Hon. Deputy Chairman consulted the Clerks-at-the-Table and several Hon. Members)

Let us have Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:
 THAT, Standing Order No.205 be amended-
 (j) by deleting paragraph (6)

(Question of the amendment proposed)

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

(Standing Order No.205 as amended agreed to)

Standing Order No.206

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:
 THAT, Standing Order 206 be amended—

(a) in paragraph (2) by inserting the words “on the basis of their audited reports and accounts” immediately after the word “investments”.

(b) by deleting paragraph (3) and substituting therefor the following paragraphs—

“(3) The Public Investments Committee shall consist of a Chairperson and not more than sixteen other members.”

(c) in paragraph (4) by deleting the words “the Majority party or coalition of parties” and substituting therefor the words “parties other than parliamentary parties forming the national government.

(d) by deleting paragraph (5);

(e) by deleting paragraph (6) and substituting therefor the following paragraph—

“(6) The Members of the Committee shall be nominated and approved by the House at the commencement of every Session.”

Hon. Deputy Chairman, the nomination procedure for the Public Investments Committee membership is being amended to achieve effective oversight. The Members shall be nominated and approved by the House at the commencement of every Session so as to maintain its credibility. This is the same as what we had before.

If this is defeated, Hon. Keynan has his amendment, which can be proposed.

Hon. Deputy Chairman: Maybe, Hon. Gikaria, since it looks like we have agreed on how Public Accounts Committee should be, the best thing is for you to withdraw your amendment so that Hon. Keynan can move his amendment. That is a neater way. You can go on record as withdrawing paragraph (6).

Hon. Gikaria: Hon. Deputy Chairman, I withdraw my proposed amendment to Standing Order No.206, paragraph (6).

(Proposed amendment by Hon. Gikaria withdrawn)

Hon. Deputy Chairman: Hon. Keynan, move part three of your amendment.

Hon. Keynan: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.206 be amended by deleting paragraph (6) and substituting therefor the following new paragraph—

(6) The Public Investments Committee constituted immediately after the general election shall serve for the term of that Parliament.”

The reasons are just the same I had given earlier.

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

*(Question, that the word to be inserted in
place of be inserted, put and agreed to)*

(Standing Order No.206 as amended agreed to)

Standing Order No.207

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 207 be amended by inserting the following new paragraph immediately after paragraph (5)—

“(6) The Committee may establish such subcommittees as it may consider necessary for the discharge of its functions including a subcommittee on legislative review.”

The amendment seeks to allow the Budget and Appropriations Committee to establish such sub-committees that it may consider necessary for the discharge of its functions, including sub-committee on legislative review.

(Question of the amendment proposed)

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

(Standing Order No.207 as amendment agreed to)

(Standing Order No.208 agreed to)

Standing Order No.209

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 209 be amended by inserting the following paragraphs immediately after paragraph (3)—

“(4) The Committee on Implementation shall consist of a Chairperson and not more than sixteen other members.

(5) In the membership of the Committee on Implementation, parties other than parliamentary parties forming the national government or associated with the President shall have a majority of one”

This is to ensure that the membership of the Committee on Implementation, parties other than parliamentary parties forming the national Government shall have a minority vote of one.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Rasso.

Hon. Dido: Thank you, Hon. Deputy Chairman. I support this amendment but I want to pose the question particularly where it says “parties forming the national government or associated with the President shall have a majority of one”. When we say that parties forming the national government then it means they are already associated with the presidency. For that reason, the second part of that sentence needs to be expunged. Thank you.

Hon. Deputy Chairman: As long as they are parties, maybe it does no harm. Let us have it in practice. In any event, Standing Orders are living so they can always be amended where they are found to be inappropriate. I think it is okay, Hon. Rasso.

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

(Standing Order No.209 as amended agreed to)

(Standing Orders Nos. 210,211,212,213,214,215 agreed to)

Standing Order No.216

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.216 be amended—

- (a) by inserting the words “and mandate” immediately after the word “Appointment” appearing in the head note.
- (b) in paragraph (5) by inserting the following new subparagraph immediately after subparagraph (f)—
 - “(fa) examine treaties, agreements and conventions;”
- (c) by inserting the following new subparagraphs immediately after subparagraph (g)—
 - “(h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - (j) examine any questions raised by Members on a matter within its mandate.”
- (d) by inserting the following new paragraphs immediately after paragraph (5)—
 - “(6) The Leader of the Majority Party shall, in consultation with the Speaker, determine order in which Cabinet Secretaries shall appear to answer questions raised under paragraph (1)(j) before a Committee.
 - (7) The Speaker may, on request of the Leader of the Majority Party vary the order in which questions raised under paragraph (1)(j) shall be disposed of in a Committee, or defer a question scheduled to be responded to.”

The justification is that we are giving more additional functions to departmental committees like examining treaties, agreements and conventions; and, make reports and recommendations to the House as often as possible including recommendation of proposed legislation. They will also consider reports for commissions and independent offices submitted to the House pursuant to provisions of Article 254 of the Constitution. The last is to examine any question. You remember, Chair, earlier we had agreed that in this Standing Order, a Member can

ask the Chair questions. The last one is to examine any questions raised by Members on matters within its mandate.

(Question of amendment proposed)

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

*(Standing Order No.216 as amended agreed to)
(Standing Orders Nos. 217,218,219,220,221,222,
223,224,225,226,227,228 and 229 agreed to)*

Standing Order No.230

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.230 be amended by—

- (a) inserting the following heading immediately after Standing Order 229(2)—
“PART XXIII—PETITION FOR REMOVAL OF A MEMBER OF A COMMISSION OR INDEPENDENT OFFICE”
- (b) deleting the head note and substituting therefore the following new head note—
“Petitions for Removal of a member of a Commission or holder of an Independent Office”;
- (c) deleting paragraph (1)(a) and substituting therefor the following new paragraph—
“(1) In addition to complying with the requirements of paragraphs (a), (b), (c), (d), (h),(i),(j),(l) and (m) of Standing Order 223 (*Form of Petition*), a petition to the House for removal of a member of a Commission or holder of an Independent Office under Article 251 of the Constitution—
 - (a) shall—
 - (i) indicate the grounds under Article 251(1) of the Constitution which the member of the commission or holder of an Independent Office is in breach;
 - (ii) where the grounds in subparagraph (i) above relate to violation of the Constitution or any other law, state with a degree of precision the provisions of the Constitution or any other written law that have been alleged to be violated;
 - (iii) indicate the nexus between the member concerned and the alleged grounds on which removal is sought; and”
- (d) inserting the following new paragraph immediately after paragraph (6)-
“(7) Consideration of a Petition under this Standing Order shall not lapse at the expiry of a term of Parliament.”

The justification is that it seeks to separate ordinary petitions from petitions for removal of members of a commission and holders of independent offices. This Standing Order also provides that the petition for a removal of a person from the commission and independent office shall not lapse at the expiry of term of Parliament.

(Question of the amendment proposed)

Hon. Oyugi: Thank you, Hon. Deputy Chairman. I would like to support this amendment.

Hon. Deputy Chairman: Hon. Neto, you appear to have been tickled by Hon. Millie Odhiambo.

Hon. Oyugi: Hon. Deputy Chairman, Hon. Millie Odhiambo is my elder sister both by birth and in the House. In the next Parliament, I will be an independent and she will be in the Orange Democratic Movement (ODM). So, we are trying to work out an arrangement of how we are going to relate.

Having said that, this amendment is important. Clause 7 of this amendment is important. Consideration of a petition under this Standing Order shall not lapse at the expiry of a term of Parliament. What this does is that a member of an independent commission--- If there was a petition presented at the tail-end of a Parliament, it should stand because the reasons are still valid as to the removal of that commissioner.

I support.

*(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)*

(Standing Order No.230 as amended agreed to)

(Standing Order No.231 agreed to)

Standing Order No.232

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 232 and substituting therefor the following new Standing Order—

Presentation of Budget Policy Statement and the Debt Management Strategy

232.(1) Every year not later than 15th February the Cabinet Secretary responsible for Finance shall submit to the House a Budget Policy Statement and a Debt Management Strategy and shall be deemed to have been laid.

(2) The Budget Policy Statement shall include—

- (a) an assessment of the current state of the economy and the financial outlook over the medium term, including macro-economic forecasts;
- (b) the financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;
- (c) the proposed expenditure limits for the national government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- (d) the fiscal responsibility principles and financial objectives over the medium term including limits on total annual debt.
- (e) the total resources to be allocated to individual programmes and projects within a sector, Ministry or department for the period identified under sub-paragraph (a) indicating the outputs expected from each such programme or project during the period.
- (f) a list of proposed projects for the period identified under sub-paragraph (a) indicating their respective expenditure ceilings, reconcilable to the total proposed ceilings for development expenditure.

- (3) The Budget Policy Statement shall detail the criteria used to allocate or apportion the available public resources among the various programmes and projects.
- (4) The Debt Management Strategy shall include—
- (a) the total stock of debt as at the date of the statement;
 - (b) the sources of loans made to the national government and the nature of guarantees given by the national government;
 - (c) the principal risks associated with those loans and guarantees;
 - (d) the assumptions underlying the debt management strategy; and
 - (e) an analysis of the sustainability of the amount of debt, both actual and potential.
- (5) Upon being laid before the House, the Budget Policy Statement shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within seven days of committal.
- (6) The Debt Management Strategy shall be committed to the Budget and Appropriation Committee.
- (7) Within fourteen (14) days following the tabling of the Budget Policy Statement, the Budget and Appropriations Committee shall table a report in the House for consideration in accordance with the provisions of Section 25(7) of the Public Finance Management Act.
- (8) In addition to the recommendation of the Committee, the report under paragraph (7) shall contain—
- (a) a schedule showing the vertical allocation of resources amongst the two levels of government;
 - (b) the ceilings of resources recommended for the National Government, the Judiciary and Parliament;
 - (c) a recommendation on the overall debt strategy for the next financial year and the medium term.
- (9) The approval by the House of the motion on the report of the Budget and Appropriations Committee on the Budget Policy Statement shall constitute the House Resolution setting forth the total overall projected revenue and borrowing, vertical allocation of resources among the two levels of government, the ceilings recommended for the National Government, the Judiciary and Parliament and where necessary, the total sums for each Vote and the allocations to individual programmes for the fiscal year in question.
- (10) The resolution of the House on the Budget Policy Statement shall serve as a basis of the proposed estimates of expenditure for the next financial year and the medium term

The justification is that Standing Order No.232 was amended to include the Budget Policy Statement (BPS) and the debt management strategy as part of the documents submitted with the BPS pursuant to provisions of section 33(1) of the Public Finance Management Act.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Neto.

Hon. Oyugi: Hon. Deputy Chairman, I would like to support this amendment. I like the fact that the Standing Orders are now anticipating a debt management strategy. We appreciate that no one has been able to conclusively look at the debt strategy for Kenya. Having such an inclusion to be part of the BPS is going to be a good way to move.

*(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)*

(Standing Order No.232 as amended agreed to)

Standing Order No.233

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.233 be amended by deleting paragraph (3) and substituting therefor the following new paragraphs—

“(3) The National Assembly shall proceed upon and conclude its consideration of a Division of Revenue Bill not later than ten sitting days after the Bill has been introduced with a view to passing it, with or without amendments.

(3A) In considering a Division of Revenue Bill, the House shall take into account any recommendation submitted by the Commission on Revenue Allocation, pursuant to provisions of Article 205 of the Constitution.”

The amendment seeks to provide that the House shall take into account any recommendations submitted by the Commission on Revenue Allocation pursuant to provisions of Article 205 of the Constitution in considering the Division of Revenue Bill.

(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)*

(Standing Order No.233 as amended agreed to)

Standing Order No. 234

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 234 and substituting therefor the following new Standing Order—

“CONSIDERATION OF A COUNTY ALLOCATION OF REVENUE BILL

234. (1) Whenever the County Allocation of Revenue Bill is referred to the House, the House shall consider the Bill within ten days and the provisions of Article 111 of the Constitution shall apply.

(2) In considering a County Allocation of Revenue Bill, the House shall take into account any recommendation submitted by the Commission on Revenue Allocation, pursuant to the provisions of Article 205 of the Constitution.”

The justification is, as earlier indicated under Standing Order No. 233, more so, in pursuant to provisions of Article 205 of the Constitution in considering a County Allocation of Revenue Bill.

(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)*

(Standing Order No. 234 as amended agreed to)

Standing Order No. 235

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 235 and substituting therefor the following new Standing Order—

“Presentation of Budget Estimates and committal to Committees

235. (1) The Cabinet Secretary responsible for Finance, the Accounting Officer of the Parliamentary Service Commission and the Chief Registrar of the Judiciary shall, not later than 30th April, respectively submit to the National Assembly Budget Estimates and related documents specified in law for the National Government, the Judiciary and Parliament.

(2) The budget estimates referred to in paragraph (1) shall include the estimates of expenditure from the equalisation fund pursuant to Article 221(2) of the Constitution.

(3) The Estimates and related documents submitted under Paragraph (1) and (2) shall be tabled in the National Assembly within three days of submission.

(4) Upon being laid before the House—

(a) the Estimates under paragraph (1) shall stand committed to each Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within twenty one days of committal.

(b) the Estimates under paragraph (2) shall stand committed to Budget and Appropriations Committee to consider and make recommendations to the House together with the report of the Committee on the Budget Estimates.

(5) The Budget and Appropriations Committee shall discuss and review the Budget Estimates and the Estimates of Expenditure from the Equalization Fund and make recommendations to the National Assembly, taking into account the recommendations of the Departmental Committees, the views of the Cabinet Secretary and the public.”

The justification is that the amendment seeks to provide the presentation of Budget Estimates and the committal to Committees. The Budget Estimates shall stand committed to each departmental committee to consider and make recommendations to the Budget and Appropriations Committee within 21 days. I think there is now a specific date of 21 days upon being committed to various departmental committees.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Neto.

Hon. Oyugi: Thank you, Hon. Deputy Chairman. I would like to support this particular amendment. I am not so sure it is because of the 21 days that Hon. Gikaria says. I think it is more to do with the budget-making process. Ordinarily, I think whenever the National Treasury has given us Budget Estimates; it almost comes to Parliament as *fait compli*. I really think this particular one gives Parliament the chance to look at the Budget Estimates with regard to the Committee input and, at least, the Budget and Appropriations Committee then now reassures or reworks the Budget Estimates with regard to the Committee proposals. I really think this is a good way and it gives Parliament teeth within the budget-making process. I support.

*(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)*

(Standing Order No. 235 as amended agreed to)

(Standing Order No. 236 agreed to)

Standing Order No. 237

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 237 be amended by deleting the expression "7.00 p.m." wherever it appears and substituting therefor the expression "7.30 p.m."

It is just to redefine the term of the day from 7.00 p.m. to 7.30 p.m.

(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)*

(Standing Order No. 237 as amended agreed to)

Standing Order No. 238

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 238.

We seek to delete these provisions on order of votes in order to simplify the process.

(Question of the amendment proposed)

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

(Standing Order No. 238 deleted)

Standing Order No. 239

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 239 and substituting therefor the following new Standing Order—

“MOVING INTO COMMITTEE OF SUPPLY

239. On an Order of the Day for Committee of Supply being read, the Chairperson of the Budget and Appropriations Committee or a Member designated by the Committee shall move the motion “The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalisation Fund and the allocations to the respective votes and programmes as contained in the Schedule” with necessary modifications, where applicable.”

The justification is that the amendment seeks to simplify the process and the Motion to be considered by the House as stipulated.

(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)*

(Standing Order No. 239 as amended agreed to)

Standing Order No. 240

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 240 and substituting therefor the following new Standing Order—

CONSIDERATION OF ESTIMATES IN THE COMMITTEE OF SUPPLY

240. (1) The report of the Budget and Appropriations Committee on the Budget Estimates and the Estimates of Expenditure from the Equalisation Fund shall be considered in the Committee of Supply upon a motion that “The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalisation Fund and the allocations to the respective votes and programmes as contained in the Schedule” with necessary modifications, where applicable.

(2) The Chairperson shall propose a question on each of the Votes or programmes.

(3) In considering the Estimates, the House shall take into consideration its resolutions on the Budget Policy Statement and ensure that—

(a) an increase in expenditure in a proposed appropriation is balanced by a reduction in expenditure in another proposed appropriation; or

(b) a proposed reduction in expenditure is used to reduce a deficit in the Budget.

(4) An amendment to any vote to increase or reduce the sum allotted to any programme or the vote may only be moved in accordance with the recommendation of the Budget and Appropriations Committee.

(5) An amendment in the Committee of Supply may be in the form of a motion “That the Vote..... be increased/reduced by Ksh (in respect of programme)” or in such a form as the Speaker may approve.

(6) An amendment to leave out a Vote shall not be in order, and shall not be placed on the Order Paper, and a Member desiring to do so should instead oppose the approval of the Vote.

(7) When notice has been given of two or more amendments to reduce the same item, sub-head, or a vote, they shall be placed in the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case. The reduced amount in respect of a Vote may be transferred to another Vote provided that other Vote has not been disposed of.

(8) Debate on every amendment shall be confined to the item, sub-head or the Vote to which the amendment refers, and after an amendment to an item or sub-head has been disposed of, no amendment or debate on a previous item or sub-head of that Vote shall be permitted.

(9) On the last of the allotted days, being a day before the 26th June, the Chairperson shall, one hour before the time for the interruption of business, forthwith put every question necessary to dispose of the debate for approval of the Vote then under consideration, and shall then forthwith put severally the questions necessary to dispose of every Vote not yet granted; and if at that time the House is not in Committee, the House shall forthwith move into committee without question put, for that purpose.

(10) On any day upon which the Chairperson is under this order directed to put forthwith any question, the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order.

(11) When all amendments in respect of all Votes have been disposed of, the Chairperson shall again propose the question “The House do approve the Report of the Budget and Appropriations Committee on the Budget Estimates for the financial year.....and the Estimates of Expenditure from the Equalisation Fund and the allocations to the respective votes and programmes as contained in the Schedule” with necessary modifications, where applicable.

(12) At the conclusion of the debate the Chairperson shall put the question referred to in paragraph (11) and report to the House forthwith.

The justification of that is that amendment seeks to prescribe the procedure of consideration of estimates in the Committee of Supply.

(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)*

(Standing Order No. 240 as amended agreed to)

Standing Order No. 241

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 241.

The justification is that the amendment is already provided for in the proposed New Standing Order No. 244 (c) relating to pronouncement of Budget highlight and revenue raising measures.

(Question of the amendment proposed)

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

(Standing Order No. 241 deleted)

Standing Order No. 242

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 242 be amended—

- (a) in paragraph (2) by deleting the words “a day before 26th June” appearing immediately after the words “down on” and substituting therefor the words “or any day before 30th June.”
- (b) by deleting paragraph (3).

The justification is that the amendment seeks to create clarity on the deadline for dealing with votes on account by moving it on a day before 26th June to any other day before 30th June.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Harrison Kombe.

Hon. Kombe: Thank you, Hon. Deputy Chairman. I am not on that one.

Hon. Deputy Chairman: No problem. You are not on this one.

Hon. Kombe: Just a moment, Hon. Deputy Chairman. I seem to be lost.

Hon. Deputy Chairman: Okay. We will find you somewhere in some forest.

*(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)*

(Standing Order No. 242 as amended agreed to)

Hon. Kombe: On a point of order, Hon. Deputy Chairman.

Hon. Deputy Chairman: Hon. Kombe, what is your point of order?

Hon. Kombe: On page 703 of the Order Paper, I have here New Standing Order 240A and 240B, but that has been skipped to where we are now.

Hon. Deputy Chairman: Hon. Kombe, all I need to do is just to explain to you that where they say “New”, just like when we are doing a Bill, new clauses come after you have dealt with the old ones. So, you are not lost. You can see we have found you where you are okay.

Standing Order No. 243

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 243 and substituting therefor the following new Standing Order—

PROCEDURE ON SUPPLEMENTARY ESTIMATES

243. (1) The national government shall submit to Parliament for approval a supplementary budget in support of money spent under Article 223 of the Constitution.

(2) The supplementary budget shall include—

(a) a statement showing how the additional expenditure relates to the fiscal responsibility principles and financial objectives, and

(b) a schedule showing the list of programmes or projects that is affected by the proposed supplementary budget

(3) The procedure applicable to the approval of the Budget Estimates under Standing Order 240 (*Consideration of Estimates in the Committee of Supply*) and 240A (*Consideration of Supply Resolutions*) shall with the necessary modifications, apply to the approval of the Supplementary Estimates.

(4) On any day on which an Order of the Day for Committee of Supply has been set down under this Standing Order, the business of such order shall commence not later than three hours before the time for interruption of business.

The justification is that the amendment seeks to simplify the procedure for consideration of Supplementary Estimates.

(Question of the amendment proposed)

Hon. Deputy Chairman: Hon. Neto.

Hon. Oyugi: Thank you, Hon. Deputy Chairman. I would like to support this particular amendment. The reason I support this particular amendment is what is contained in Clause 243 (2) where it is asking that for you to have a supplementary budget, there shall be a statement showing how that relates to the fiscal responsibility principles and financial objectives. I really think that the manner in which we have been passing supplementary budgets sometimes does not respond or accord to this particular Standing Order. I really think it is a good provision. I support.

*(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)*

(Standing Order No. 243 as amended agreed to)

Standing Order No.244

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order No.244.

The justification is that it is catered for in the new proposed Standing Order No.240A

Hon. Deputy Chairman: It is a deletion.

Hon. Gikaria: Yes, it is a deletion.

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

(Standing Order No.244 deleted)

Standing Order No.245

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order No.245 be amended—

(a) by deleting paragraph (1) and substituting therefor the following new paragraph—

“(1) Following the submission of the legislative proposal by the Cabinet Secretary under Standing Order 244C (*Pronouncement of the Budget highlights and Revenue raising measures*), the Departmental Committee on Finance and National Planning shall introduce to the National Assembly the Finance Bill in the form in which the Bill was submitted as a legislative proposal by the Cabinet Secretary, together with the report of the Committee on the Bill.”

(b) in paragraph (4) by deleting the word “approved” appearing immediately after the words “consider and” and substitute therefor the word “pass”.

The justification is that following the submission of the legislative proposal by the Cabinet Secretary under the Standing Order No.244(c), the Departmental Committee on Finance, Planning and Trade shall introduce to the National Assembly the Finance Bill in the form that the Bill was submitted as a legislative proposal by the Cabinet Secretary together with the report of the Committee on the Bill.

(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)

(Standing Order No.245 as amended agreed to)

(Standing Orders Nos.246, 247, 248, 249 and 250 agreed to)

Standing Order No.251

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order No.251.

The justification is that it has been taken care of in the new Standing Order No.212 A

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

(Standing Order No.251 deleted)

(Standing Orders Nos.252 and 253 agreed to)

Standing Order No.254

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 254 be amended—

- (a) in paragraph (1) by inserting the words “or Chairperson” immediately after the word “Speaker”;
- (b) in paragraph (2) by inserting the words “or Chairperson” immediately after the word “Speaker”;
- (c) in paragraph (3) by inserting the words “or Chairperson” immediately after the word “Speaker”.

This is meant to strengthen the authority of a chairperson of a committee to exclude any person from the proceedings of a Committee.

(Question of the amendment proposed)

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

(Standing Order No.254 as amended agreed to)

Standing Order No.256

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 256 be amended in paragraph (2) by deleting the words “Standing Order 124 (*Not more than one stage of a Bill to be taken at the same sitting*)”

The effect of the amendment is to provide for a Motion of exemption of business from the Standing Orders in relation to Standing Order No.124, which provides that not more than one stage of a Bill to be taken at the same sitting can be made.

(Question of the amendment proposed)

(Question, that the words to be left out be left out,

put and agreed to)

(Standing Order No.256 as amended agreed to)

(Standing Orders Nos.257 and 258 agreed to)

Standing Order No. 259

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 259 be amended by inserting the following new paragraph immediately after paragraph (1)–

“(1A) The Speaker may designate seats in the Chamber for Members of the Chairperson’s Panel, Deputy Leaders of Majority and Minority Parties, Chairpersons of Committees and Majority and Minority Party Whips.”

This is a justification where the Speaker will designate seats in the Chamber for Members of the Chairpersons Panel, Deputy Leader of Majority and Minority Parties chairpersons and chairpersons of committees. This will ensure easy access to the leaders in the Chamber.

(Question of the amendment proposed)

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

(Standing Order No.259 as amended agreed to)

(Standing Orders Nos.260, 261, 262 and 263 agreed to)

Standing Order No.264

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 264 be amended in paragraph (1) by deleting the words “not later than six months to the end of the term”.

The amendment seeks to remove the timeliness and provide that, at least, once in every term of Parliament, the Procedure and House Rules Committee shall review the Standing Orders and make a report to the House.

(Question of the amendment proposed)

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

(Standing Order No.264 as amended agreed to)

(Standing Orders Nos.265, 266 and 267 agreed to)

New Part IIA

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Order be amended by inserting the following new Part immediately after Standing Order 12 —

“PART IIA VACATION OF OFFICE OF SPEAKER AND DEPUTY SPEAKER”

Resignation

(Question of the new part proposed)

(New part read the First Time)

(Question, that the new part be read a Second Time, proposed)

(Question, that the new part be read a Second Time, put and agreed to)

(The new part was read a Second Time)

(Question, that the new part be added to the Standing Orders, put and agreed to)

New Standing Order Nos. 12A and 12B

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 12-

12A. (1) A Speaker or Deputy Speaker who intends to resign from office shall submit a letter of resignation addressed to the House.

(2) Upon receipt of a letter of resignation, the Clerk shall, without delay-

- (a) in the case of resignation by the Speaker, inform the Deputy Speaker; or
- (b) in the case of resignation by the Deputy Speaker, inform the Speaker.

(3) The House shall be notified of a resignation under this Standing Order within seven days.

Removal from Office

12B. (1) A member of the National Assembly, supported by at least one-third of all the members, may move a motion for the removal of the Speaker or Deputy Speaker for—

- (a) serious violation of a provision of the Constitution or of any other law including a violation of Chapter Six;
- (b) gross misconduct, whether in the performance of the Speaker’s or Deputy Speaker’s functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence; or
- (e) bankruptcy.

(2) Before giving Notice of the Motion under paragraph (1), the Member shall deliver to the Clerk a copy of the proposed Motion in writing—

- (a) stating the grounds and particulars upon which the proposed Motion is made;
- (b) signed by the Member;
- (c) signed in support by at least one-third of all the Members of the Assembly.
 - (3) Upon receipt of the motion by the Clerk, a Member shall not withdraw a signature appended to it.
 - (4) A Member shall give three days' notice of the motion under paragraph (1) within three days of the approval of the motion.
 - (5) The Clerk shall set out on the Order Paper on which the Motion is listed—
 - (a) the grounds and particulars upon which the proposed Motion is made;
 - (b) the name of the Member sponsoring the Motion; and
 - (c) the names of the Members in support of the Motion.
 - (6) If the Motion is supported by at least fifty Members of the National Assembly—
 - (a) the Assembly shall appoint a select committee comprising eleven of its Members to investigate the matter; and
 - (b) the committee shall, within seven days, investigate and report to the Assembly whether it finds the allegations against the Speaker or Deputy Speaker to be substantiated.
 - (7) The Speaker or Deputy Speaker has the right to appear and be represented before the select committee during its investigations.
 - (8) If the select committee reports that it finds the allegations—
 - (a) unsubstantiated, no further proceedings shall be taken; or
 - (b) substantiated, the National Assembly shall—
 - (i) furnish the Speaker or Deputy Speaker with the report of the select Committee, together with any other evidence adduced and such notes or papers presented to the committee at least three days before the day scheduled for his or her appearance before the Assembly;
 - (ii) afford the Speaker or Deputy Speaker an opportunity to be heard;
 - (iii) consider the Report of the select committee; and
 - (iv) vote whether to approve the resolution requiring the removal from office of the Speaker or Deputy Speaker.
 - (9) If a resolution requiring the removal from office of a Speaker or Deputy Speaker is supported by at least two-thirds of the Members of the Assembly, the Speaker or Deputy Speaker shall cease to hold office.”

(Question of the new Standing Orders proposed)

(New Standing Orders read the First Time)

(Question, that the new Standing Orders be read a Second Time, proposed)

(Question, that the new Standing Orders be read a Second Time, put and agreed to)

(The new Standing Orders were read a Second Time)

(Question, that the new Standing Orders be added to the Standing Orders, put and agreed to)

New Standing Order No. 25A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 25—

Designation of a place in the Chamber for Cabinet Secretaries and other persons.

25A. The Speaker may designate a suitable place in the Chamber or at the bar of the House for—

- (a) the Cabinet Secretary responsible for finance to make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act;
- (b) other persons to make submissions or presentations before the House.

This is about the designation of a place in the Chamber for Cabinet Secretaries and other persons.

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order Nos. 82A, 82B and 82C

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 82—

Member who has spoken to question may speak to amendment

82A. Where an amendment has been moved, and if necessary seconded, any Member who has already spoken to the main question may speak to the amendment, and any Member who has not spoken to the main question but speaks to the amendment does not thereby forfeit the right to speak to the main question.

Debate on amendment confined to amendment

82B. (1) Where an amendment has been moved, and if necessary seconded, debate shall be confined to the amendment.

(2) Despite paragraph (1), the Speaker may direct that the debate on the amendment may include debate on the matter of the Motion where, in the Speaker's opinion, the matter of the amendment is not conveniently severable from the matter of the Motion.

(3) Where the Speaker issues directions under paragraph (2), a Member who speaks to the amendment shall not be entitled, after the amendment has been disposed of, to speak to the Motion, and any Member who has already spoken to the Motion may in speaking to the amendment, speak only to any new matter raised thereby.

Reserving rights of speech

82C. Upon a Motion, other than a Motion by way of amendment to a question proposed by the Speaker, a Member may second by rising in his or her place and signifying acquiescence by bowing the head, without speaking, and such Member shall thereby reserve the same rights of speech as the Member would have had if some other Member had seconded such Motion.

The amendment says that Members who have spoken to questions may speak to amendments.

(Question of the new Standing Orders proposed)

(New Standing Orders read the First Time)

*(Question, that the new Standing Orders
be read a Second Time, proposed)*

*(Question, that the new Standing Orders
be read a Second Time, put and agreed to)*

(The new Standing Orders were read a Second Time)

*(Question, that the new Standing Orders be added to
the Standing Orders, put and agreed to)*

New Standing Order No. 107A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 107 –

Gross disorderly conduct

- 107A. (1) A Member commits an act of gross disorderly conduct if the Member-
- (i) defies a ruling or direction of the Speaker or Chairperson of Committees;
 - (ii) declines to explain or retract use of unparliamentary words or declines to offer apologies, despite having been ordered to do so by the Speaker;
 - (iii) demonstrates or makes disruptive utterances against the suspension of a Member;
 - (iv) attempts to or causes disorder of whatever nature during an address by a visiting dignitary;
 - (v) uses violence against a Member or other person in the House or Committee;
 - (vi) attempts to or disrupts the Speaker's Procession when the procession is entering or leaving the Chamber;

- (vii) attempts to or removes the mace from its place in the Chamber;
- (viii) acts in any other way to the serious detriment of the dignity or orderly procedure of the House; or commits any other breach of these Standing Orders, that in the opinion of the Speaker, constitutes gross disorderly conduct.

(2) In this Standing Order, “*unparliamentary language*” means the use of words which, in the opinion of the person presiding, are deemed to be impolite, rude, abusive or inconsistent with parliamentary procedure or practice.

(3) The Speaker may call a Member whose conduct is grossly disorderly to order, and shall order the Member to withdraw immediately from the precincts of the Assembly for a minimum of five days and a maximum of twenty-eight days, including the day of suspension.

This talks about gross disorderly conduct.

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Deputy Chairman. Even though I support, I wish they included sexual violence before the House, which is never treated very seriously. I have been sexually violated in this House and no action was taken. When somebody undresses me in this House, that is sexual violence. You do not touch my panty. You are not Mr. Mabona. That is sexual violence. Those are the things we hope to be provided in the Standing Orders.

Hon. Deputy Chairman: It all depends on which one would be better dealt with. Who would be better able to deal with that aspect of what you have just said? Did you say addressed or undressed?

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Chairman, I am not talking about post office box. You know that I already addressed a letter to you, complaining that when I was in this House, there are male Members who tried to remove my dress. One pulled and tore my panty, which I have kept for historical reasons because it was an embarrassing moment for this House. It is fortunate that it happened to me who does not give a damn. If it was another Member, they may have left. Because Millie Odhiambo is fearfully and wonderfully made, I do not fear my thighs or any other private part of my body. If the men did that, it does not bother me. It is embarrassing and should be provided for in the Standing Orders that when you come here as a man, you pass legislation. You have not come to pass my underpants.

Hon. Deputy Chairman: Hon. Millie Odhiambo, I am sure you are more than abundantly aware that that is a matter not for the Standing Orders, but for the Powers and Privileges Act. Sorry Members. I think Hon. Millie Odhiambo realised that some Members were getting drowsy and wanted them to wake up. It is always good to have this kind of situation in the House, otherwise, making Standing Orders can be very boring.

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order Nos. 110A and 110B

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 110—

Effect of suspension

110A. (1) A Member who is ordered to withdraw from the precincts of Assembly under Standing Order 108 (*Member may be suspended after being named*) and Standing Order 111 (*Action to be taken on refusal to withdraw*) shall during the period of such withdrawal or suspension forfeit the right of access to the precincts of the Assembly.

- (a) the right of access to the precincts of the Assembly; and,
- (b) his or her salary and all allowances payable during the period.

(2) Suspension from the service of the House shall not exempt the Member so suspended from appearing before a Committee of the House for the consideration of a Bill sponsored by the Member.

Appeal against suspension

110B. (1) Except as provided in this Standing Order, the suspension of a Member or the application of this Standing Order shall not be subject to debate.

- (2) A Member suspended from the House under this Part may appeal in writing to the Committee of Privileges within three days of the suspension.
- (3) Despite paragraph (2), the Committee may, with leave of the House, admit an appeal received after three days.
- (4) Upon receipt of the Member's appeal, the Committee shall within seven days—
 - (a) notify the Member, in writing, of the day appointed for the hearing of the appeal;
 - (b) notify the Speaker, who shall thereafter admit the Member to the precincts of Parliament on the day(s) appointed for the hearing of the appeal; and
 - (c) consider the appeal and after according the Member the right to be heard, submit a report to the House either-
 - (i) upholding the suspension; or
 - (ii) reducing the period of suspension; or
 - (iii) readmitting the Member to the House.
- (5) The decision of the Committee regarding the suspension shall be final.
- (6) The Member who presided in the House or Committee of the whole House during suspension of an appealing Member shall not participate in the proceedings of the Committee during the appeal.
- (7) A member designated by the Committee shall inform the House of the decision of the Committee regarding the suspension and the Speaker shall thereupon effect the decision.

- (8) The House may, in exceptional circumstances permitted by the Speaker, debate the report of the Committee without amendment or resolution. This is on the effect of suspension and appeals against suspension.

(Question of the new Standing Orders proposed)

(New Standing Orders read the First Time)

(Question, that the new Standing Orders be read a Second Time, proposed)

(Question, that the new Standing Orders be read a Second Time, put and agreed to)

(The new Standing Orders were read a Second Time)

(Question, that the new Standing Orders be added to the Standing Orders, put and agreed to)

New Standing Order No. 112A

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 112—

“Definition of a day

112A. For the purposes of this Part, a “day” means a calendar day.”

This has something to do with the definition of a day.

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Orders was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order No. 114A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 114—

“Speaker to exempt certain legislative proposals

114A. (1) The Speaker may exempt a legislative proposal which originates from the Party forming the National Government from the provisions of Standing Order 114 (pre-publication scrutiny).

(2) An exemption under paragraph (1) may not be granted unless it is accompanied by a copy of the relevant cabinet approval.

(3) The Party forming the National Government may indicate the Member under whose name the legislative proposal is proposed to be published.

(4) Upon grant of the exemption, the Speaker shall direct that the legislative proposal be published into a Bill.”

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order No. 136A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 136—

Re-committal Procedure

136A. (1) A Member who desires to amend or delete a provision contained in a Bill reported from Committee of the whole House or introduce a new provision in the Bill, may propose an amendment to add, at the end of the Motion for agreement with the Committee of the whole House, the words “subject to the re-committal of the Bill (in respect of some specified clause, part or of some proposed new clause or new schedule) to a Committee of the whole House.”

(2) If the amendment to the motion for agreement with the Committee of the whole House is agreed to, the Bill shall stand so re-committed and the House shall either forthwith or upon a day named by the House Business Committee in consultation with the Member in charge of the Bill dissolve itself into a Committee to consider the matter so re-committed. This has to do with re-committal procedures.

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order No. 191A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 191—

“Procedure if witness fails to appear

(1) Where a witness summoned does not appear, or appears but fails to satisfy the House or committee, the House or Committee may impose upon the witness a fine not exceeding five hundred thousand shillings, having regard to the witness’ condition in life and all the circumstances of the case.

(2) A person may pay the fine under paragraph (1) to the Clerk.

(3) Parliament or its committee may order the arrest of a witness who fails to honour a summons for the purpose of compelling his or her attendance.

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order No. 200A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 200—

“Exit Reports

200A. (1) A Committee which is unable to complete its work before the expiry of its term shall table an exit report to the Assembly detailing reasons for such inability.

(2) The report shall be made available to the succeeding Committee which may consider it in preparing its workplan.”

Hon. Deputy Chairman: Hon. Neto.

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

Hon. Oyugi: Thank you, Hon. Deputy Chairman. The New Standing Order 200A is a good improvement. Some of our Committees have pending issues which need to be tackled by the succeeding Parliament and if there is no hand-over or exit report it becomes very difficult to proceed. It is a great inclusion. I support.

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order No. 202A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order Immediately after Standing Order 202—

“Approval of joint sittings with a Senate Committee

202A. (1) A Committee may, with the written permission of the Speaker, hold joint sittings with a Committee of the Senate to consider a matter related to their respective mandates.

(2) The Speaker shall notify the House of the approval under paragraph (1).”

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

(Question, that the new Standing Order be read

a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order No. 205A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 205—

“Special Fund Accounts Committee

205A. (1) There shall be a select committee to be designated the Special Fund Accounts Committee.

(2) The Committee shall be responsible for the examination of the accounts of—

- (a) the Equalisation Fund;
- (b) the Political Parties Fund;
- (c) the Judiciary Fund;
- (d) the National Government Constituency Development Fund; and
- (e) such other Fund established by law as the Speaker may direct.

(3) The Committee shall consist of a Chairperson who shall be, so far as is practicable, be an Independent and not more than sixteen other members.

(4) In the Membership of the Committee, parties other than parliamentary parties forming the national government shall have a majority of one.

(5) The Members of the Committee shall be nominated and approved by the House at the commencement of every Session”.

This has to do with the Special Fund Accounts Committee.

Hon. Deputy Chairman: Hon. Keynan, we will give you the first chance because you are proposing an amendment to this. You are adding something to this new Standing Order 205A.

Hon. Gikaria: I will withdraw New Standing Order 205A (5). It will be amended by Hon. Keynan.

Hon. Deputy Chairman: Hon. Gikaria, we have already approved that the Public Accounts Committee, Public Investments Committee and the Committee on Implementation should serve for five years. This amendment reads thus:

“The Members of the Committee shall be nominated and approved by the House at the commencement of every Session”

Now, that appears to go against what would be happening to the other three.

Hon. Gikaria: *(Inaudible)*

Hon. Deputy Chairman: Okay. So, you have withdrawn (e) of paragraph 5. So, we are left with 1, 2, 3, and 4. Very well.

(Proposed amendment by Hon. Gikaria withdrawn)

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

Hon. Deputy Chairman: Yes, Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Chairman, I know I am not the Mover, but could Hon. Gikaria consider doing an amendment because he has the ability to do it on the Floor and include the Affirmative Action Fund? I do not know why it is not included.

Hon. Deputy Chairman: All of those are part of what is called “such other Funds”. It covers all of them. Let us have Hon. Lentoimaga.

Hon. Lentoimaga: Hon. Deputy Chairman, this is a very important amendment because at the beginning of this financial year, the Equalisation Fund has come to operation especially in the marginalised counties. So, this Committee will serve a good purpose because there is a lot of money being disbursed to the counties. In the recent past, we have realised that Ministries are supervising or rather allocating the money. It is necessary for those Funds to be supervised, audited and scrutinised by this House. This particular amendment has come at the right time.

I support the amendment.

Hon. Deputy Chairman: Let us have Hon. Patrick Musimba.

(Hon. Musimba spoke off the microphone)

Hon. Deputy Chairman: Hon. Musimba, the point you are raising has been brought about through an oversight. It is an important point because we would have to recommit that bit. The National Government Constituencies Development Fund (NG-CDF) is established through a statute and, therefore, has its own committee. This has to be recommitted because this will mean that we have two Committees of the House. It should remain, but then we recommit it. It will address the issues which we are raising, so that we still leave it that an independent should be the one to chair.

I will put the Question with regard to the amendment by Hon. Gikaria.

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

Hon. Deputy Chairman: Let us have Hon. Keynan.

Hon. Keynan: Hon. Deputy Chairman, I beg to move:

THAT, the proposed Standing Orders be amended by:

(ii) Inserting the following new paragraph immediately after paragraph (5) of the proposed new Standing Order 205A-

“(6) The Special Funds Accounts Committee constituted immediately following the general elections shall serve for the term of that Parliament.”

(Question of the further amendment proposed)

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

*(New Standing Order 205A
as amended agreed to)*

New Standing Order Nos. 212A and 212B

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order No.212—

“Procedure for presentation of reports from the East African Legislative Assembly and the Pan-African Parliament.

212A. (1) the Committee on Regional Integration may, receive a report or consult with a committee or a Member of the East African Legislative Assembly or the Pan-African,

Parliament may present a report to or consult with the Committee for the time being responsible for matters relating to regional integration or any other committee of the House on any matter relating to the work of the East African Legislative Assembly or the Pan-African Parliament, respectively.

(2) Whenever the Clerk of the National Assembly receives copies of the records of relevant debates of the meetings of the East African Legislative Assembly, or copies of Bills introduced into the East African Legislative Assembly and Acts of the East African Community, the Clerk shall forward the records of debates, Bills or Acts of the Community to the relevant committee.

(3) The Committee shall consider a report under paragraph (1) or the records of debates, Bills or Acts of the Community, and submit its report to the House with its recommendations, if any, within twenty-one days.

(4) The National Assembly shall, within twenty-one days, consider the report of the Committee under paragraph (3) and the Clerk shall, within seven days, forward to the Clerk of the East Africa Legislative Assembly the resolution of the National Assembly on the report together with copies of the records of the debate.

Committee on Members’ Services and Facilities

212B. (1) There shall be a select committee to be designated the Committee on Members’ Services and Facilities.

(2) The Committee shall be responsible for—

(a) receiving and considering views of Members on the services and facilities provided for their benefit and well-being; and

(b) advising and reporting on all matters connected to the services and facilities provided for Members.

(3) The Committee shall consist of a Chairperson and not more than six other Members who shall be approved by the House at the commencement of every Session.

This has to do with procedure for presentation of reports from the EALA and the Pan-African Parliament.

(Question of the new Standing Orders proposed)

(New Standing Orders read the First Time)

*(Question, that the new Standing Orders
be read a Second Time, proposed)*

Hon. Deputy Chairman: Let us have Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Chairman, I had actually put an intervention. If you look at the New Standing Order No.212A, there is something wrong with the way it is drafted. It does not make proper grammatical sense. Even though I appreciate the principle behind it, it does not make proper grammatical sense.

Secondly, I was hoping that they would have provided something about transition. The Pan-African Parliament will be sitting just immediately after the elections, but grammatically, there is a problem with the New Standing Order No.212A.

Hon. Deputy Chairman: We agree, Hon. Millie Odhiambo. It will be cleaned up. It is the staff who did not get it correctly.

*(Question, that the new Standing Orders be read
a Second Time, put and agreed to)*

(The new Standing Orders were read a Second Time)

*(Question, that the new Standing Orders be added to
the Standing Orders, put and agreed to)*

New Standing Order Nos. 240A and 240B

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order No.240—

Consideration of Supply Resolutions

240A. (1) The report or any resolution of the Committee of Supply shall be considered upon a Motion, “That, the House do agree with the Committee in the said resolution.”

(2) The question on any Motion moved under paragraph (1) shall be put forthwith, no amendment, adjournment or debate being allowed, unless a Member desires to amend or to add to the resolution in which case the Member may propose an amendment to add, at the end of the Motion, the words “subject to the re-committal of the resolution (in respect of some specific Vote or programme) to the Committee of Supply.”

(3) If the Motion is agreed to with the Member’s amendment, the resolution shall stand re-committed to the Committee of Supply and the House shall either forthwith or upon a day determined by the Speaker dissolve itself into Committee of Supply to consider the resolution so re-committed.

(4) When any resolution of the Committee of Supply has been re-committed to the Committee, the Committee shall consider only the matters in respect of which it was so re-committed and any matter directly consequential thereon.

(5) Except as provided by paragraph (4) of this Standing Order, paragraphs (2) and (3) of the provisions of this Standing Order shall apply in respect of a resolution so re-committed.

Appropriation Bill and Equalisation Fund Appropriation Bill

240B. (1) The resolution of the House on the Budget Estimates and Estimates of Expenditure from the Equalisation Fund shall serve as a basis of the Appropriation Bill and the Equalisation Fund Appropriation Bill.

(2) Upon approval of the budget estimates, the Chairperson of the Budget and Appropriations Committee shall introduce an Appropriation Bill and, whenever necessary, an Equalisation Fund Appropriation Bill in the House.

(3) The House may proceed only in accordance with the recommendation of the Budget and Appropriations Committee in respect of any proposed amendment to a Bill under paragraph (1) after consulting the relevant Departmental Committees.

(4) The House shall consider and pass the Appropriation Bill not later than the 26th June of any given year.

This has to do with consideration of supply resolutions.

(Question of the new Standing Orders proposed)

(New Standing Orders read the First Time)

(Question, that the new Standing Orders be read a Second Time, proposed)

(Question, that the new Standing Orders be read a Second Time, put and agreed to)

(The new Standing Orders were read a Second Time)

(Question, that the new Standing Orders be added to the Standing Orders, put and agreed to)

New Standing Order Nos.244A, 244B and 255C

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order No.244—

Approval of expenditure of more than ten percent

244A. (1) Pursuant to the provisions of Article 223(5), the House may, following a request by the National Treasury and upon recommendation of the Budget and Appropriations Committee, by resolution, approve spending of more than ten per cent above the sum appropriated in the Appropriations Act for that financial year.

(2) The Budget and Appropriations Committee shall satisfy itself that the proposed expenditure under paragraph (1) relates to special circumstances.

Supplementary Appropriation Bill

244B. (1) The resolution of the House on the Supplementary Estimates shall serve as a basis of the Supplementary Appropriation Bill.

(2) Upon approval of the Supplementary Estimates, the Chairperson of the Budget and Appropriations Committee shall introduce a Supplementary Appropriation Bill for consideration by the House.

(3) The procedure applicable to the approval of a Appropriation Bill under Standing Order 240B (Appropriation Bill and Equalisation Fund Appropriation Bill) shall with the necessary modifications, apply to the approval of the Supplementary Appropriation Bill.

(4) A Supplementary Appropriation Bill shall contain a schedule showing—

- (a) the amounts appropriated in the Appropriation Act; and
- (b) the net proposed change arising from the approved supplementary estimates under Standing Order 243 (Procedure on Supplementary Estimates) and Standing Order 244A (Approval of expenditure of more than ten percent).

Pronouncement of the Budget highlights and Revenue raising measures

244C. (1) The Cabinet Secretary responsible for Finance shall make a public pronouncement of the budget policy highlights and revenue raising measures for the national government as contemplated under the Public Finance Management Act.

(2) The Speaker may designate a suitable place in the Chamber for the purposes of admitting the Cabinet Secretary to make the public pronouncement of the budget policy highlights and revenue raising measures.

(3) The public pronouncement under paragraph (1) shall be heard without question or clarification.

(4) On the same date that the budget policy highlights and revenue raising measures are pronounced, the Cabinet Secretary shall submit to the National Assembly a legislative proposal, setting out the revenue raising measures for the national government, together with a policy statement expounding on those measures.

(5) The provisions of the National Assembly (Powers and Privileges) Act (Cap 6.) shall apply to a Cabinet Secretary admitted to the Chamber under this Part.

This has to do with approval of expenditure of more than 10 per cent.

Hon. Deputy Chairman: Hon. Kombe, do you have an intervention on this?

Hon. Kombe: No.

Hon. Deputy Chairman: Let us have Hon. Neto.

(Question of the new Standing Orders proposed)

(New Standing Orders read the First Time)

(Question, that the new Standing Orders be read a Second Time, proposed)

Hon. Oyugi: Thank you, Hon. Deputy Chairman. I am inclined to oppose this particular amendment. It might have knowledge on finance and issues budget although not very up to date, but I would like to be educated on the import of approving upfront a 10 per cent expenditure. What then is the role of a Supplementary Budget? We appreciate that each time you allow the Cabinet Secretaries to bring supplementary budgets, but allowing them to spend upfront 10 per cent above, in my view, goes contrary to the constitutional provisions in terms of how then, you appropriate money for the various functions. I am happy to be educated, but I feel inclined to oppose it.

Hon. Deputy Chairman: I see no response.

*(Question, that the new Standing Orders be read
a Second Time, put and agreed to)*

(The new Standing Orders were read a Second Time)

*(Question, that the new Standing Orders be added to
the Standing Orders, put and agreed to)*

New Standing Orders Nos.256A and 256B

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:
THAT, the Standing Orders be amended by inserting the following new Standing Orders immediately after Standing Order 256—

Extension of period prescribed

256A. (1) Despite the provisions of these Standing Orders prescribing a period for doing an act by the National Assembly or its Committee, the House may, upon a motion, resolve to extend that period.

(2) The authority of the House contemplated under paragraph (1), may be exercised only in exceptional circumstances to be permitted by the Speaker.

(3) Where an extension of time is granted under this Standing Order, the doing of all other acts consequential thereto shall be deemed to have been extended accordingly.

Summons by the House

256B. (1) A Member may give a three days' notice of a Motion requiring the House to summon a person to appear before the House pursuant to the provisions of Article 125(1) of the Constitution.

(2) The Speaker shall refuse or decline the notice, if the Speaker is of the opinion that the proposed motion is frivolous, vexatious, an abuse of the proceedings of the House, or an attempt to unreasonably usurp matters under consideration by a particular Committee.

(3) The notice under paragraph (1) shall specify—

- (a) the person or persons to be summoned;
- (b) the purpose of the summons;
- (c) the evidence to be adduced, or document to be produced, if any, before the House;

and

- (d) the time and place of appearance before the House.

(4) Upon resolution of the House on a motion under paragraph (1), the Clerk shall, not later than three days from the date of the approval, issue summons to the persons named in the

Motion, requiring the person to attend before the House on the date, time and place indicated in the Motion.

(5) A person shall be summoned to appear before the House under this Standing Order only if—

(a) the purpose of the summons is not to consider a matter which is already a subject of consideration by a Committee of the House; or

(b) the person has been previously summoned to appear before a Committee of the House but has failed or declined to appear before such committee without lawful cause.

256A has to do with extension of period prescribed.

The new Standing Order No.256B is on summons by the House.

(Question of the new Standing Orders proposed)

(New Standing Orders read the First Time)

(Question, that the new Standing Orders be read a Second Time, proposed)

(Question, that the new Standing Orders be read a Second Time, put and agreed to)

(The new Standing Orders were read a Second Time)

(Question, that the new Standing Orders be added to the Standing Orders, put and agreed to)

New Standing Order No.257A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order No.257—

Permission for absence

257A. (1) A Member seeking to be absent from sitting of the House shall seek the written permission of the Speaker in such form as the Speaker may determine stating the period of absence, the reasons and any other relevant information.

(2) The Clerk shall keep custody of requests for permission and may disclose the information with the written consent of the Speaker.

This has to do with permission for absence.

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be

read a Second Time, proposed)

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Deputy Chair, I am reluctant to support this Standing Order as crafted. Members are fairly responsible citizens. Why do you have to seek written permission from the Speaker? I opposed it even in the past. What should have been re-done is to provide that a Member should notify the speaker, not seek permission from the Speaker.

Hon. Deputy Chairman: Unfortunately, Hon. Millie Odhiambo, even in as much you may not like the language used, just look at the language used in the Constitution. This has just been lifted from the Constitution.

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Chairman, in that case we may need to do a constitutional amendment.

Having said that, I just want to indicate – because I know we are going very fast – that one of the reasons I sat here was to oppose a committee we have put in place whose work looks like that of the Parliamentary Service Commission, but we moved so fast and passed it. I let it go. I do not want it recommitted, but I do not see why we should be having a committee doing exactly the same work as the Parliamentary Service Commission. It means we are showing lack of faith in the Parliamentary Service Commission. When you seek to create so many institutions to perform similar functions, it means that you have lost faith in the existing institution. I do not think that is what Members are saying. We should let the Parliamentary Service Commission do its work. I am sorry, Hon. Deputy Chair, for taking you back, but we moved so quickly and passed it. I am not happy with the provision for that committee.

Hon. Deputy Chairman: Since, I am sure you will still be the Member for Mbita---

Hon. (Ms.) Odhiambo-Mabona: Suba North.

Hon. Deputy Chairman: Suba North. Hon. Neto.

Hon. Oyugi: Hon. Deputy Chairman, now you understand why Hon. Millie tickles me. Apart from being my neighbour, she has a way of going around many things.

She has spoken to something that, in my view, is important, that is the new Standing Order No.257A. That is the particular constitutional amendment which speaks to the number of times a Member of Parliament needs to be absent from of the Assembly. Remember Hon. Gumbo, in his wisdom, had proposed a constitutional amendment. As it is currently in the Constitution, it is impractical to give effect to that sitting. The constitutional provision says that a Member cannot miss eight sittings in a Session. That is an issue that needs to be looked at in terms of the wording and the tenor of the Constitution.

Hon. Deputy Chairman, regarding the provisions of the New Standing Order No.257A, you probably need to make an omnibus decision in terms of how you deal with Members' requests of leave of absence without saying that you ought to write. This particular Standing Order needs to be thought through and re-crafted to align it with the constitutional provisions regarding leave of absence from Parliament.

Hon. Deputy Chairman: Leader of the Majority Party.

Hon. A.B. Duale: I support this amendment because we are here on behalf of the people of Kenya. Under the new transparent leadership, Kenyans want to know whether their Members of Parliament are in the House or not. That is why I agree that we must have custody of the request for permission kept somewhere. There are a number of times when people have written petitions asking their Members to be disqualified as Members of Parliament. Asking for written permission from the Speaker is not something that we cannot accept. This has been lifted from

the Constitution. Let us live with it for now. If we come back during the 12th Parliament, somebody can bring a constitutional amendment to change it. I am sure Hon. Gumbo's amendment did not go through. We are, therefore, stuck with the current situation as it is in the Constitution.

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

New Standing Order No.259A

Hon. Deputy Chairman: This one was by Hon. Cheboi.

Hon. Gikaria: This is by Hon. Cheboi?

Hon. Deputy Chairman: Do you not have it?

(Hon. Deputy Chairman consulted the Clerk-at-the-Table)

Hon. Gikaria: Are we on Standing Order No.259?

Hon. Deputy Chairman: There is a new Standing Order proposed by Hon. Cheboi.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order No.259—

Recognition of a Parliamentary Caucus

259A. (1) The Speaker may, upon the written request of at least ten Members, recognise a parliamentary caucus formed for the purpose of advancing a common legislative objective.

(2) A request to the Speaker under this Standing Order shall—

- (a) indicate the name of the caucus;
- (b) outline the legislative objective of the caucus; and,
- (c) contain the names and signatures of the members of the caucus.

(3) A parliamentary caucus shall not enjoy the powers and privileges accorded to a Committee of the House.

This has to do with parliamentary caucus.

(Question of the new Standing Order proposed)
(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Chairman, I wish to support the amendment. I belong to a few caucuses, and sometimes Members do not understand.

Having said that, I just wanted your direction on Standing Order No.259. It is appearing as a new amendment. I am referring to the one that has to do with the Speaker designating seats in the Chamber. Even though it is not indicated as a new Standing Order, ideally it is. I do not know how we are going to deal with it. With your indulgence, I would want to seek an amendment to Standing Order No.259. It is on Page 79 of the Supplementary Order Paper this afternoon.

Hon. Deputy Chairman: This is New Standing Order No.259A.

Hon. (Ms.) Odhiambo-Mabona: Is it a new Standing Order? If it is a new Standing Order, could you just direct?

Hon. Deputy Chairman: I am sorry, Hon. Millie Odhiambo. We have already dealt with what you are looking at. We finished with Standing Order No.259. We are now dealing with the new Standing Orders.

Hon. (Ms.) Odhiambo-Mabona: Yes, Hon. Deputy Chairman, I was just wondering because it appears as a new Standing Order even though it is not indicated as such.

Hon. Deputy Chairman: On the Order Paper?

Hon.(Ms.) Odhiambo-Mabona: In terms of content, it looks like a new Standing Order even though the title has not indicated.

Hon. Deputy Chairman: Which one are you reading?

Hon. Odhiambo-Mabona: I am reading Standing Order No.259.

Hon. Deputy Chairman: We have already dealt with that one, have we not?

Hon. (Ms.) Odhiambo-Mabona: It says “Standing Order No.259 be amended by inserting the following new paragraph---”

Hon. Deputy Chairman: That one was dealt with. We are now dealing with the new Standing Order No.259A.

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Chairman, for that one, I have indicated that I support, but I stand guided on the one that I was speaking about on Page 709. I was saying it should come as a new Standing Order and I had wanted to push an amendment from “may” to “shall”.

Hon. Deputy Chairman: You are speaking to something that is---

Hon. (Ms.) Odhiambo-Mabona: I stand guided.

Hon. Deputy Chairman: Hon. Neto.

Hon. Oyugi: Thank you, Hon. Deputy Chairman. I rise to support this new Standing Order No.259A. I have been a Member of the Parliamentary Caucus on Human Rights. We have done a couple of things as a caucus. I would be requesting the Mover, if at all he could be kind enough for the next caucus in the next Parliament, to amend Clause 259A(3) to delete the word “shall” and replace it with the word “may”. Parliament has been very magnanimous and supported the Parliamentary Caucus on Human Rights with the few facilities which maybe were not anticipated, but if we have the words “shall not”--- Hon. Duale might be a Member of the pastoralists caucus in the next Parliament and I will be his chair. I am requesting the Mover to be magnanimous and replace the two words. I support the spirit. It is a good inclusion. I am hoping Hon. Gikaria agrees with me though the Leader of the Majority Party does not agree. He is not the Mover. I thank you.

Hon. Deputy Chairman: If every caucus were given the same level as the committee, it would be very difficult even to provide a budget for them.

Hon. A.B. Duale: Hon. Deputy Chairman, from our current situation and with the mushrooming of caucuses, this is the best we can go. When we say “shall”, then we will even have breastfeeding caucuses and we will get some other caucuses that as a Muslim I cannot mention here. So, let us be very careful. This is okay. It is made at the discretion of the Speaker. You might come up and have a caucus of *Mungiki*. The Speaker must have some discretion. Let us have “may”.

Hon. Deputy Chairman: The caucuses shall not enjoy the privileges accorded to a committee of the House.

Hon. (Ms.) Odhiambo-Mabona: On a point of order, Hon. Deputy Chairman.

Hon. Deputy Chairman: What is out of order?

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Chairman, with your permission, may I please move an amendment to say “a parliamentary caucus may enjoy” because it still leaves it at your discretion. You have been fairly kind enough. You have given us some discretion even for Global Action Parliamentary Caucus on Children, but you have not accorded us the full powers. So, if we say “may”, it is still gives you discretion, but when you say very expressly “shall not” it means that it shall only appear on paper. It limits you.

Hon. Deputy Chairman: That is the practice the world over. Parliamentary caucuses are caucuses, they are not committees. They cannot and do not enjoy the privileges given to committees of the House.

Hon. Cheboi: Hon. Deputy Chairman, Members must also understand one thing; that if you give a lot of power and resources and other things to the caucuses, the effect is that we are going to stifle committees. When we stifle committees, then the core business of this House will be stifled. That is why many times, you find, for example, when NSSF does parking, committees of this House say that is not their core business. It is not the core business of this House to deal with caucuses and so forth. In any case, even the human rights one, which my good friend, Hon. Neto, is speaking about, can easily be captured in the Departmental Committee on Justice and Legal Affairs which most likely he is going to be a Member when he comes back even as an independent Member.

I oppose.

Hon. Deputy Chairman: It is good enough that we are putting it in our rules to recognise caucuses.

*(Question, that the new Standing Order be read
a Second Time, put and agreed to)*

(The new Standing Order was read a Second Time)

*(Question, that the new Standing Order be added to
the Standing Orders, put and agreed to)*

Second Schedule

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Second Schedule to the Standing Orders be amended by deleting the specified Committee and its respective subjects and substituting therefor the following new Committees and subjects—

Committee	Subjects
Agriculture and Livestock	Agriculture, livestock, irrigation, fisheries development, production and marketing.
Communication, Information and Innovation	Communication, information, media and broadcasting (except for broadcast of parliamentary proceedings), Information Communications Technology (ICT), development and advancement of technology and modernisation of production strategies.
Energy	Fossil fuels exploration, Development, production, maintenance and regulation of energy.
Finance and National Planning	Public finance, monetary policies, public debt, financial institutions, investment and divestiture policies, pricing policies, banking, insurance, population, revenue policies including taxation, national planning and development.
Labour and Social Welfare	Labour, labour relations, manpower or human resource planning, gender, youth, social welfare and security, children's welfare,, National Youth Service, the elderly and persons with disability.
Sports, Tourism and Culture	Sports, culture, language, arts, national heritage, betting and lotteries, tourism promotion and management.
Trade, Industry and Cooperatives	Trade, consumer protection, commerce, industrialisation including special economic zones, enterprise promotion and development including small and medium-size enterprises, intellectual property, industrial standards, anti-counterfeit policies and co-operatives development.

(Question of the amendment proposed)

Hon. (Ms.) Odhiambo-Mabona: Hon. Deputy Chairman, again with your permission, could I please request that we amend the Agriculture Committee so that it reads Agriculture, Livestock and Fisheries because we always forget fisheries. Its issues are never taken seriously. Would I request that it be named Agriculture, Livestock and Fisheries instead of Agriculture and Livestock?

Hon. Deputy Chairman: Now, if we start looking for every eatery, some other people are now going to talk about other things. The subject deals with that, in fairness.

(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)

(Second Schedule as amended agreed to)

(Third schedule agreed to)

(Fourth Schedule agreed to)

New Schedule

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:
 THAT, the Standing Orders be amended by inserting the following new Schedule immediately after the Fourth Schedule—

FIFTH SCHEDULE
 FORM OF NOMINATION PAPER

(Standing Order 179(4))

Election of the Chairperson/Vice-Chairperson of the _____ Committee of the National Assembly to be held on the _____ day of _____ 20__.

We, the undersigned, being Members of Parliament nominated to serve in the _____ Committee of the National Assembly nominate the undermentioned person as a candidate for election as Chairperson/Vice-Chairperson of the Committee at the election.

(1) Particulars of Candidate.

Name in Full	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	

(2)

Particulars of Proposer.

Name in Full	
National Identity Card/Passport No.	
Sex	
Physical Address	
Political Party	
Telephone No.	
Signature	

(3) Particulars of Seconder.

Name in Full	
National Identity Card/Passport No.	
Sex	

Physical Address	
Political Party	
Telephone No.	

And I, the aforesaid _____ do hereby consent to my nomination as a candidate for election as Chairperson/Vice-Chairperson of the _____ Committee of the National Assembly.

Signature of Candidate.

Dated this _____ day of _____ 20____.

(Question of the new Schedule proposed)

(New Schedule read the First Time)

(Question, that the new Schedule be read a Second Time, proposed)

(Question, that the new Schedule be read a Second Time, put and agreed to)

(The new Schedule was read a Second Time)

(Question, that the new Schedule be added to the Standing Orders, put and agreed to)

New Schedule

Hon. Deputy Chairman: Hon. Cheboi, I think this is your amendment to insert a New Fifth Schedule B.

FIFTH SCHEDULE

FORM OF OATH/SOLEMN AFFIRMATION BY WITNESS APPEARING BEFORE A COMMITTEE OF THE HOUSE
 (Standing Order 191)

I.....do swear/affirm that the evidence I shall give before this Committee on the matter(s) under its consideration shall be the truth, the whole truth nothing but the truth. (In the case of an oath—So help me God.)

(Question of the new Schedule proposed)

(New Schedule read the First Time)

(Question, that the new Schedule be read a Second Time, proposed)

(Question, that the new Schedule be read a Second Time, put and agreed to)

(The new Schedule was read a Second Time)

(Question, that the new Schedule be added to the Standing Orders, put and agreed to)

New Schedule

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Schedule immediately after the Fifth Schedule—

SIXTH SCHEDULE
FORM OF OATH/SOLEMN AFFIRMATION BY WITNESS APPEARING BEFORE A
COMMITTEE OF THE HOUSE
(Standing Order 191)

I.....do swear/affirm that the evidence I shall give before this Committee on the matter(s) under its consideration shall be the truth, the whole truth nothing but the truth. (In the case of an oath—So help me God.)

(Question of the new Schedule proposed)

(New Schedule read the First Time)

(Question, that the new Schedule be read a Second Time, proposed)

(Question, that the new Schedule be read a Second Time, put and agreed to)

(The new Schedule was read a Second Time)

(Question, that the new Schedule be added to the Standing Orders, put and agreed to)

New Schedule

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Schedule immediately after the Sixth Schedule—

SIXTH SCHEDULE
SUMMONS TO WITNESSES
(Standing Order 191)

To

Whereas your attendance is required before the National Assembly/_____ Committee in relation to (state subject matter), you are hereby required (personally) to appear before the National Assembly/_____ Committee on the day of, 20....., at o'clock in the forenoon and to bring with you (specify the information/document required to be produced).

Your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in Standing Order 191.

Given under my hand this day of, 20.....

Clerk of the National Assembly.

NOTICE: If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.

(Question of the new Schedule proposed)

(New Schedule read the First Time)

(Question, that the new Schedule be read a Second Time, proposed)

(Question, that the new Schedule be read a Second Time, put and agreed to)

(The new Schedule was read a Second Time)

(Question, that the new Schedule be added to the Standing Orders, put and agreed to)

New Schedule

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:
 THAT, the Standing Orders be amended by inserting the following new Schedule immediately after the Sixth Schedule—

SEVENTH SCHEDULE
 AFFIDAVIT OF SERVICE OF SUMMONS
 (STANDING ORDER 191)

I of an officer of the Parliamentary Service Commission/police officer make oath and state as follows:

1. On 20..... at (time) I served the summons in this matter on at..... (place) by tendering a copy thereof to him/her and requiring a signature on the original. He/She signed/refused to sign the summons. He/She was personally known to me/ was identified to me by and admitted that he/she was the witness.
2. Not being able to find the witness on 20..... at..... (time) I served the summons on (name) an adult member of the family of the witness who is residing with him/her.
3. Not being able to find the witness or any person on whom service could be made, on 20..... at (time), I affixed a copy of the summons to the outer door of being the house in which he/she ordinarily resides/carries on business/personally works for gain. I was accompanied by who identified the house to me.
4. (Otherwise specify the manner in which the summons was served).

SWORN by the said

this day of....., 20.....

Before me

Commissioner for Oaths/Magistrate.

(Question of the new Schedule proposed)

(New Schedule read the First Time)

(Question, that the new Schedule be read a Second Time, proposed)

(Question, that the new Schedule be read a Second Time, put and agreed to)

(The new Schedule was read a Second Time)

(Question, that the new Schedule be added to the Standing Orders, put and agreed to)

Standing Order No.2

Hon. Deputy Chairman: Hon. Gikaria.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, Standing Order 2 be amended by inserting the following new definition in its proper alphabetical sequence—

“broadcast” includes the live transmission of the proceedings of the House by radio, television or webcast;

(Question of the amendment proposed)

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

(Standing Order No.2 as amended agreed to)

New Standing Order 2A

Hon. Gikaria: Hon. Deputy Chairman, I beg to move:

THAT, the Standing Orders be amended by inserting the following new Standing Order immediately after Standing Order 2—

“2A. The Mace of the House embodies the authority of the Speaker and the House and shall be kept in safe custody by the Serjeant-at-Arms.

(Question of the new Standing Order proposed)

(New Standing Order read the First Time)

(Question, that the new Standing Order be read a Second Time, proposed)

(Question, that the new Standing Order be read a Second Time, put and agreed to)

(The new Standing Order was read a Second Time)

(Question, that the new Standing Order be added to the Standing Orders, put and agreed to)

(Title agreed to)

Hon. Deputy Chairman: Let us have the Mover.

Hon. Gikaria: Hon. Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the National Assembly Standing Orders of 2017 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

PROPOSED AMENDMENTS TO THE NATIONAL ASSEMBLY STANDING ORDERS

Hon. A. B. Duale: Hon. Speaker, I beg to Report that a Committee of the whole House has considered the proposed amendments to the National Assembly Standing Orders of 2017 and approved the same with amendments

Hon. Gikaria: Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Gaichuhie to second.

Hon. Gaichuhie: Thank you, Hon. Speaker. I second. I want to thank Hon. Gikaria because he has been very active this afternoon.

(Question proposed)

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

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

IN THE COMMITTEE

*(The Temporary Deputy Chairman
(Hon. Cheboi) took the Chair)*

THE PRESIDENT'S RESERVATIONS TO THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2017)

(Consideration of Memorandum from His Excellency the President)

The Temporary Deputy Chairman (Hon. Cheboi): Now we are proceeding to the Committee of the whole House on the President's Reservation to the Finance Bill.

New Clause 26

Hon. A. B. Duale: Hon. Temporary Deputy Chairman, I beg to move:

THAT, a new clause be inserted in the Bill to read as follows:

Amendment of
section 29A of Cap.
131.

28A. Section 29A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the word "seven point five" and substituting therefor the words "thirty-five".

The purpose of this amendment is to discourage Kenyans and especially the youth in directing their focus on betting, lottery and gaming. This proposal was deleted by the National Assembly during its passage, which totally negates the intention underlying. That is the context of the President.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 27

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move:

THAT, a new clause be inserted in the Bill to read as follows—

Amendment of
section 44A of Cap.
131.

28B. Section 44A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the word "five" and substituting therefor the words "thirty-five".

This was a clause that was deleted by the House from the published Bill and sought to amend section 44A of the Betting, Lotteries and Gaming Act. The reason for this amendment is specified above. Just like the previous one, it is just to make sure that we protect the young people of our country from directing their energy and focus on betting, lottery and gaming activities instead of productive economic engagement. That is what the President is saying.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 28

The Temporary Deputy Chairman (Hon. Cheboi): The Leader of the Majority Party.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move:

THAT, a new clause be inserted in the Bill to read as follows:

Amendment of section
55A of Cap.131.

28C. Section 55A of the Betting, Lotteries and Gaming Act is amended in subsection (1) by deleting the word "twelve" and substituting therefor the words "thirty-five".

The reasons given are the same as the ones I have given. There is a lot of focus on betting, lotteries and gaming instead of productive engagement, a vice that is likely to degenerate into a social disaster, according to His Excellency the President. So, he is agreeing with the deletion and the position as it was in the original Bill.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

The Temporary Deputy Chairman (Hon. Cheboi): That marks the end of that Bill. Let us ask the Mover to move for reporting.

Hon. A.B. Duale: Do I move Clause 29?

The Temporary Deputy Chairman (Hon. Cheboi): Not Clause 29. We have considered the three clauses: Clauses 26, 27 and 28. So you are moving reporting.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the President's Reservations to the Finance Bill, (National Assembly Bill No. 16 of 2017) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

REPORT

Hon. Ichung'wah: Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Presidential Memorandum to the Finance Bill (National Assembly Bill No. 16 of 2017) and approved the same without amendment.

(Question proposed)

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

The Temporary Deputy Chairman (Hon. Cheboi): Let us have the Hon. Leader of the Majority Party.

Hon. A.B. Duale: Hon. Temporary Deputy Chairman, there must be some mistake by the Clerks-at-the-Table. They have only dealt with Clauses 26, 27 and 28. There is Clause 29 which we have left out as per the Memorandum.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Duale, are you okay?

Hon. A.B. Duale: Yes.

The Temporary Deputy Chairman (Hon. Cheboi): I have already proposed the Question. So, I will make it so clear that there are Members who want to contribute. I will give two Members then we can sort it out.

We may not put the Question for this one because we do not have the requisite numbers. So, we will leave it there. What is it Hon. Musimba, please proceed.

Hon. Musimba: *(Inaudible)*

The Temporary Deputy Chairman (Hon. Cheboi): Just a minute as we consult. Yes Hon. Leader of the Majority Party.

Hon. A.B. Duale: Hon. Musimba. We were dealing with the original Memorandum of the President and instead of 29 it should be 28. It is a typographical error because there is nowhere we see 28 in the Memorandum and we cannot get out. We have to discuss what is in the Memorandum.

The Temporary Deputy Chairman (Hon. Cheboi): Hon. Musimba. I have with me the Presidential Memorandum and it only refers to Clauses 26, 27 and 28. So, if there anything in the Order Paper that is outside this, then it is not from the Memorandum that is before us. So, if you have time you can come and have a look. We do not have that one.

We are adjourning. Hon. Members I was going to do that in the spirit of the Hon. Leader of the Majority Party and his Muslim brothers to go and open the fast but since they say they are willing to sacrifice some more, it means they will also get better blessings.

ADJOURNMENT

Order Members! The time being 6.32 p.m., this House stands adjourned until this evening at 6.50 p.m.

The House rose at 6.32 p.m.