

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 23rd March, 2017

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, there is no quorum. I order that the Quorum Bell be rung for us to have the requisite number of Members so that we can start the business of the day.

(The Quorum Bell was rung)

Hon. Members, I have confirmed that we now have quorum. Let us start business.

PETITION

REMOVAL FROM OFFICE OF CHAIRMAN OF NATIONAL LAND COMMISSION

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Those Hon. Members who are upstanding can take their seats.

Hon. Members, Standing Order No.225(2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. Therefore, I wish to convey to the House that my office has received a petition regarding the removal of the Chairman of the National Land Commission (NLC).

The Petition is signed by one Mr. Mugo Njeru of P.O. Box 37930-00100, Nairobi, stating that Mr. Muhammad Swazuri, the Chairman of NLC, is in violation of the Constitution and other laws of the Republic of Kenya. The Petitioner contends that the Chairman has *inter alia* violated the following provisions of the Constitution and various laws:

(i) Article 201(d) and (e) by failing to practise prudent, responsible and clear use of public funds;

(ii) Section 7(1) and 12(1) of the Leadership and Integrity Act by failing to uphold high level of integrity in his conduct during his tenure in office and, allegedly, using his influence to have land compensation monies paid to him through a conduit; and,

(iii) Section 19(1) and paragraph 3(1) of the Fourth Schedule of the NLC Act by delivering determinations on behalf of the Commission without the requisite quorum.

The Petitioner further avers that the Chairman of NLC has used his position to enrich himself, defraud the Petitioner's wife of the amount she had been awarded as compensation by the NLC and revoked her land title in favour of another company, thus violating the rights conferred to Kenyans under Article 40 of the Constitution.

Hon. Members, in this regard, the Petitioner prays that the National Assembly resolves that this Petition discloses ground for the removal of the Chairman of the NLC as provided for under Article 251 (1) of the Constitution of Kenya; and that, the National Assembly recommends to His Excellency the President to appoint a tribunal to investigate the Chairman of NLC in accordance with the provisions of Article 251 of the Constitution.

Hon. Members, as is the practice with petitions, allow me to guide the House on the process hereafter. Pursuant to Standing Order No.230, this Petition stands committed to the Departmental Committee on Lands. The Committee should guide the House, by way of a report, on whether the petition satisfies the requirements of Article 251 of the Constitution and any other relevant laws relating to the grounds for removal of a holder of an independent office. The Committee has 14 days within which to submit a report to the House as required under Standing Order No.230(4) which, in this case, is on or before 7th April 2017. I implore upon the Committee to exhaustively examine each of the grounds and particular claims by the Petitioner as the process of removal of persons from office is *quasi-judicial*, thus requiring judicious attention and sobriety.

For avoidance of doubt, once the Committee tables its report, the House will have 10 days within which to consider the report and decide whether or not the Petition discloses grounds for removal of the Chairman of NLC.

Next Order!

PAPERS LAID

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): There is presentation of Papers by the Leader of the Majority Party.

Hon. Washiali: Hon. Temporary Deputy Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:

The Ministry of Defence Report to the National Assembly on the deployment of the Kenya Defence Forces to Laikipia, Samburu, Turkana, Baringo and West Pokot counties and the Gazette Notice attached therein.

I will seek your permission to give some information on this Paper.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! As the Deputy Majority Whip, of course, we respect the office. You can lay all the Papers, and then I will give you some time, especially on (a), to give some comments.

Hon. Washiali: I stand advised, Hon. Temporary Deputy Speaker.

The Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing together with the Memorandum to Parliament.

Performance Audit Reports of the Auditor-General on:

- i. Administration of Civil Servants Group Accident Claims, Estates and Trusts by the Public Trustee;
- ii. Enforcement of Environmental Laws in Kenya;
- iii. Delivery of Health Care Services to Spinal Injury Patients;
- iv. Implementation of National Optic Fibre Backbone Infrastructure (NOFBI) Project;
- v. Waiting Time in Payment of Value Added Tax Refund Claims;

- vi. Implementation of Measures to Combat Illegal, Unregulated and Unreported Fishing and Post-Harvest Losses in Lake Victoria; Specialized Healthcare Delivery at Kenyatta National Hospital. Waiting-time for Cancer, Renal and Heart Patients;
 - vii. Waiting Time in Registration of Land Titles;
 - viii. Management of Cash Transfer to Orphans and Vulnerable Children;
 - ix. Management of Roads Projects;
 - x. Integrated Urban Surveillance System for Nairobi Metropolitan Area;
 - xi. Rehabilitation and Re-Integration of Child Offenders and Children in Need of Care and Protection; and,
 - xii. The Effectiveness in the Management of Public Debt in Kenya.
- Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): On (a), we are going to refer it to the Departmental Committee on Defence and Foreign Relations. There was some comment that you were to make or seek clarification before we move on. The Deputy Majority Whip.

Hon. Washiali: Thank you, Hon. Temporary Deputy Speaker. The Report I have just tabled from the Ministry of Defence was prepared pursuant to Article 241(30)(b) of the Constitution. The Report stipulates that the reason for deployment of KDF to Laikipia, Samburu, Turkana, Baringo and West Pokot counties is due to the escalating emergency security situation in the said areas. The duration of the deployment will be determined by the National Security Council pursuant to Section 34(4)(b) of the Defence Forces Act, having regard to the security situation. Further, the expenditure expected---

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! Can we have silence in the House? We need to hear about these Papers.

Hon. Washiali: Hon. Temporary Deputy Speaker, I was just about to finish. I was on the last statement. I was saying that the expenditure expected to be incurred will be catered for from the Civil Contingencies Fund.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I order that this particular Paper be referred to the Departmental Committee on Defence and Foreign Relations.

Hon. Members, on Paper (b), I order that it be referred to the Departmental Committee on Agriculture, Livestock and Co-operatives.

Paper (c)(i) should be referred to the Departmental Committee on Justice and Legal Affairs; (c)(ii) on Enforcement of Environmental Laws in Kenya be referred to the Departmental Committee on Environment and Natural Resources; (c)(iii) on Delivery of Healthcare Services to Spinal Injury Patients be referred to the Departmental Committee on Health; (c)(iv) on Implementation of National Optic Fibre Backbone Infrastructure (NOFBI) Project be referred to the Departmental Committee on Energy, Communication and Information; (c)(v) on Waiting Time in Payment of Value Added Tax Refund Claims be referred to the Departmental Committee on Finance, Planning and Trade; (c)(vi) on Implementation of Measures to Combat Illegal, Unregulated and Unreported Fishing and Post-Harvest Losses in Lake Victoria be referred to the Departmental Committee on Agriculture, Livestock and Co-operatives; (c)(vii) on Specialized Health Care Delivery at Kenyatta National Hospital, Waiting Time for Cancer, Renal and Heart Patients be referred to the Departmental Committee on Health; (c) (viii) on the

Waiting Time in Registration of Land Titles be referred to the Departmental Committee on Lands; (c)(ix) on Management of Cash Transfer to Orphans and Vulnerable Children be referred to the Departmental Committee on Labour and Social Welfare; (c)(x) on the Management of Road Projects be referred to the Departmental Committee on Transport, Public Works and Housing; (c)(xi) on Integrated Urban Surveillance System for Nairobi Metropolitan Area be referred to the Departmental Committee on Transport, Public Works and Housing; (c)(xii) on Rehabilitation and Re-Integration of Child Offenders and Children in Need of Care and Protection be referred to the Departmental Committee on Labour and Social Welfare and (c)(xiii) on the Effectiveness in the Management of Public Debt in Kenya be referred to the Departmental Committee on Finance, Planning and Trade.

Next is the Chairperson, Budget and Appropriations Committee, Hon. Mutava.

Hon. Musyimi: Thank you very much, Hon. Temporary Deputy Speaker. I beg to lay the following Papers on the Table of the House today Thursday, March 23rd 2017:

1. Reports of the Budget and Appropriations Committee on;
2. The Estimates of Revenue and Expenditure for the Financial Year 2017/2018 and the Medium Term;
3. The Consultative Meetings on the Priorities for the Financial Year 2017/2018 Budget and the Medium Term; and,
4. The Compendium of Departmental Committees' Recommendations on the Financial Year 2017/2018 Budget Estimates.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, join me in welcoming in the Public Gallery, students from the following schools who are here to observe the proceedings of the House:

Smart Future Academy, Kibwezi West, Makeni County. I can see Hon. Musimba is here for them. Rwaitira Primary School, Gatanga Constituency, Murang'a County; Gituamba Primary School, Gatanga Constituency, Murang'a County ; National Catering Class of 2017, National Youth Service from Gilgil Constituency, Nakuru County and Karen C Primary School, Lang'ata Constituency, Nairobi County.

Members, in the Speaker's Gallery, we have Penuel Education Centre, Kamukunji Constituency, Nairobi County and also Karen C Primary School, Lang'ata Constituency, Nairobi County. They are all welcome to observe the proceedings of the House.

Next Order!

NOTICE OF MOTION

ADOPTION OF REPORT ON ESTIMATES OF REVENUE AND EXPENDITURE 2017/2018

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): We have a Notice of Motion by Hon. Mutava Musyimi.

Hon. Musyimi: Hon. Temporary Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Estimates of Revenue and Expenditure for 2017/2018 and the Medium Term, laid on the Table of the House today, Thursday, 23rd March 2017.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next Order!

STATEMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): We have a Statement by the Deputy Chief Whip of the Majority Party on the business of the House for the week pursuant to Standing Order No. 44.0

BUSINESS FOR THE WEEK COMMENCING 28TH TO 30TH MARCH, 2017

Hon. Washiali: Hon. Temporary Deputy Speaker, on behalf of the Leader of the Majority Party and pursuant to Standing Order No.44(2)(a), I rise to give the following Statement regarding the business appearing before the House for the week beginning Tuesday, 28th March 2017:

The HBC met on Tuesday this week at the rise of the House to prioritize the business for consideration on Tuesday next week. The House is expected to consider the Report of the Budget and Appropriations Committee on the Budget Estimates for the Financial Year 2017/2018. Also prioritized for consideration are the election-related regulations. These include:

- i. Draft Elections (Technology) Regulations, 2017;
- ii. Draft Elections (Voter Registration) (Amendment) Regulations. 2017;
- iii. Draft Elections (General Regulations) (Amendment) Regulations, 2017;
- iv. Draft Elections (Voter Education) Regulations, 2017;
- v. Draft Elections (Party Primaries and Party Lists) Regulations, 2017.

On the same day, the HBC has scheduled for debate a Report of the Departmental Committee on Defence and Foreign Relations, regarding the Marrakesh Treaty. Should we not conclude it today, then we will have to continue with it come Tuesday next week. Thereafter, we will do the Second Reading of the Office of the Attorney-General (Amendment) Bill 2017, the Nairobi International Financial Centre Bill 2017 and the President's Award Bill 2017.

Finally, the HBC will convene on Tuesday, 28th March 2017 at the rise of the House to consider the business for the coming week. I now wish to lay the Statement on the Table of the House.

Thank you, Hon. Temporary Deputy Speaker.

(Hon. Washiali laid the document on the Table)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Next Order!

MOTION

NOTING OF THE ADDRESS BY THE PRESIDENT

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of His Excellency the President delivered in Parliament on Wednesday, March 15, 2017 and further notes the following Reports submitted by the

President in fulfillment of the provisions of Articles 132(1) (c) and 240(7) of the Constitution, laid on the Table of the House on Thursday, March 16, 2017-

- a) Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- b) Report on the Progress made in fulfillment of the International Obligations of the Republic; and,
- c) The Fourth Annual Report to Parliament on the State of National Security.

(Debate concluded on 22.3.2017 – Afternoon Sitting)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, we did finish the debate on the President’s Address and it is time to put the Question. I confirm that we have the requisite numbers for us to put the Question.

(Question put and agreed to)

Next Order!

BILL

First Reading

THE NATIONAL COHESION AND INTEGRATION (AMENDMENT) BILL

(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)

MOTIONS

ADOPTION OF REPORT ON VETTING OF NOMINEE FOR APPOINTMENT AS NG-CDF CHIEF EXECUTIVE OFFICER

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on the Vetting of Nominee for Appointment as the Chief Executive Officer of the National Government Constituencies Development Fund, laid on the Table of the House on Tuesday, 21st March, 2017, and in furtherance to the provisions of Section 8 of the Public Appointments (Parliamentary Approval) Act of 2011 and Section 20(1) of the National Government Constituencies Development Fund Act 2015, rejects the proposed appointment of Mr. Wilfred Buyema as the Chief Executive Officer of the National Government Constituencies Development Fund.

(Hon. Lessonet on 22.3.2017)

(Resumption of Debate interrupted on 22.3.2017)

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

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

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Members! I have been advised; which advise I verily confirm to be true, that the Member for Othaya was on the Floor. You have a balance of three minutes. After that, we will dispense with a Motion by Hon. Gaichuhie.

Proceed, Member for Othaya.

Hon. (Ms.) Munene: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to finish my time. I was just supporting what the Committee on the National Government Constituencies Development Fund (NG-CDF) has recommended. I was saying that it is also good to recognise somebody who has done good work. That is because that person has stayed there for seven years without having any problem. I am asking the Committee to give that person a chance to apply for the job, and investigate what was happening when he did not apply for the job.

(Hon. (Ms.) Kajuju consulted loudly)

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Kajuju! Can you resume your seat?

Hon. (Ms.) Munene: Therefore, I support the Motion and I ask the Members of this House to recognise the work that Mr. Mbuno has done for many years. When you act for so many years, it is fair to be confirmed to the position. Unfortunately, something happened and he was not considered for the position. I ask Members of Parliament, because we have been here for a long time without having problems with NG-CDF CEO, to consider Mr. Mbuno who has acted in that position for seven years.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, just to refresh your memories, Hon. Gaichuhie had given notice of a Motion under Standing Order No. 95 asking that the Mover be called upon to respond. That is the Question which I will put.

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

Chair of the Committee on NG-CDF, you can now proceed and respond.

Hon. Lessonet: Thank you, Hon. Temporary Deputy Speaker. I reply.

The Temporary Deputy Speaker (Hon. Cheboi): That was short. I will put the Question.

(Question put and agreed to)

(Several Hon. Members stood up in their places)

Hon. Members: Division! Division!

The Temporary Deputy Speaker (Hon. Cheboi): Let us confirm first whether we have the numbers.

(Loud consultations)

Order Members! Can the Members who are walking out--- You know there is a difference between standing to call for a division and walking away? Well. We do not have the required numbers. The position is sustained.

Next Order!

CONSIDERATION OF SENATE AMENDMENTS TO THE

DIVISION OF REVENUE BILL, 2017

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

THAT, the Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) be now considered.

The enactment of the Division of Revenue Bill is critical in setting the stage for the preparation of the County Allocation of Revenue Bill, which will inform the preparation of respective county budget documents in a manner that is timely and enables fiscal clarity. Given the revised Budget calendar due to the August General Election this year, the early conclusion and subsequent enactment of the Division of Revenue Bill will enable the counties to carry on with their budgeting process.

As you are aware, in accordance with Article 218 of the Constitution, the National Assembly considered and passed the Division of Revenue Bill, 2017 on 14th February 2017 in line with the provisions of Article 110(4) of the Constitution and Standing Order No. 41 of the National Assembly. The Message was subsequently submitted to the Senate on 15th February for the usual processing. The Senate reviewed the Bill and made amendments as required by the Standing Orders and the Constitution. The Senate conveyed their Message to this honourable House. Consequently, this matter was committed to my Committee which has deliberated and made recommendations that I hereby present.

In passing the Division of Revenue Bill 2017, cognisance of the provisions of Article 95(4) of the Constitution was taken into account. It specifically provides that:

“The National Assembly-

- a) determines the allocation of national revenue between the levels of Government as provided in Part 4 of Chapter Twelve;
- b) appropriates funds for expenditure by the national government and other State organs; and,
- c) exercises oversight over national revenue and its expenditure.”

In this regard, the revenue raised nationally is shared in accordance with Articles 202 and 203 of the Constitution. The Division of Revenue Bill, 2017 that was passed by this honourable House approved to share the total projected revenues of Kshs1,549,400,000,000 between the national Government, the county governments as well as the Equalisation Fund. Specifically, the National Government share is Kshs1,238,340,000,000, whereas the county government’s share is

Kshs323,750,000,000. This comprises of county equitable share of Kshs 2.91 billion and conditional allocation of Kshs12.21 billion comprising of---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Chair, you are doing very well of course and you are a seasoned legislator. But what should come out very clear is whether you support this position or you reject it so that the other consequences can come by. I want you to be very clear on that one.

Hon. Musyimi: I stand guided, Hon. Temporary Deputy Speaker.

Hon. Temporary Deputy Speaker, I beg to move that the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) be now considered.

The Temporary Deputy Speaker (Hon. Cheboi): I want to be clear. You see for example, what is coming after the Committee of the whole House will totally be dependent on whether you are supportive or opposing and, therefore, the membership will be guided and probably vote with or against you. Are you supporting? You had done well. The interruption was only for you to clarify that you are either supporting or opposing the position by the Senate.

Hon. Musyimi: I stand guided, Hon. Temporary Deputy Speaker. On behalf of the Committee and I, we shall be opposing these amendments. I thank you, Hon. Temporary Deputy Speaker.

If I may continue, there are additional county conditional allocations which is not part of the shareable revenue at over Kshs20 billion, which comprises of Kshs12.54 billion in form of loans and grants and Kshs7.87 billion being allocation for the Fuel Levy at 15 per cent.

After submission of the National Assembly's Message to the Senate on the Division of Revenue Bill, 2017, the Senate considered and held deliberations and arising from those consultations, passed the Division of Revenue Bill, 2017 with amendments. These amendments basically meant that the national Government share will be reduced by Kshs23.53 billion and that of the county governments will be increased by the same amount which, of course, we are totally opposed to.

Upon the consideration of the Message from the Senate on the Division of Revenue Bill, 2017, my Committee notes that the overall effect of the amendment is the total increase to the county allocations which I have mentioned. In addition, the Committee further observes that it appears that the full appreciation of the current economic slowdown being experienced across the country may not have been taken into account by the Senate while making these adjustments.

So, the increase in allocation to the county governments does not seem to contain the following aspects:

- i. Evidence of any new functions having been transferred to counties and, therefore, their need for extra funds;
- ii. A review of efficiency and effectiveness in utilisation of county resources. It has been in the public domain that money has not been spent that well by the county governments; and,
- iii. A review of the potential to raise additional resources at the county level. We are not getting sufficient revenues coming from the county governments.

In fact, the county councils were doing a whole lot better than these county governments. What they do is get money and we cannot tell where that money goes to. The collection of revenues, as we have said, is really poor.

The Committee notes that increasing the allocations to county governments without adequately proposing sources or measures for generating revenue commensurately to fund such increase may result in dire consequences.

If I may conclude, let me reiterate that the allocation of Kshs323.75 billion recommended by this honourable House as the total county governments share constitute 34.6 per cent. Indeed, it exceeds the constitutionally recommended threshold of, at least, 15 per cent of the last audited and approved accounts. Arising from the consultations and discussions with regard to the Senate Message on Division of Revenue of Bill 2017, the Budget and Appropriations Committee recommends that this honourable House retains the allocation as earlier approved and, consequently, is unable to accept the amendments as proposed by the Senate.

I beg to move and request Hon. Midiwo, the Member of Parliament for the great people of Gem, to kindly second.

The Temporary Deputy Speaker (Hon. Cheboi): Proceed, Hon. Midiwo.

Hon. Midiwo: Thank you, Hon. Temporary Deputy Speaker. I rise to second and agree with the Chairman of the Budget and Appropriations Committee. First of all, that the Senate would attempt to increase allocations to the county governments is, in itself, not well explained to the country. That is because it is in public domain that part of the reasons why this country has problems with corruption is because it has been exported to the counties. If the Senate were fair to this country, the Senate Committee on Public Accounts will really be churning out their reports on weekly basis on the misappropriation of funds in the counties.

The Chair has said that the levies or revenues that are being collected by the county governments are lower than what was collected by the local governments. I want to give an example of Siaya County Government. Siaya had Siaya County Council and Bondo County Council.

Siaya County Council used to collect, without Bondo with all the 74 beach fronts, Kshs150 million before devolution. Under the current Governor, and the county government, with both Bondo and Siaya combined, they collect just about Kshs120 million. I am an ardent supporter of devolution, but I hate corruption. I hate that the governors are stealing and nobody is doing anything about it. I love the fact that this House recently passed a law that restricts capital expenditure in county governments up to three months before elections. They must know that by May 8th, they cannot initiate new projects. That is where the problems are.

I am happy also that the Budget and Appropriations Committee has stopped – in a Report – the Senate from allocating monies to the counties for reasons which somebody can only accuse them of thinking wrongly for this country. There is no reason because it is like taking a cup of water and pouring it in Lake Victoria. That is what they are doing. It is going to get lost. You will never know which part of that water was in the cup. The monies that those people have squandered, we have no business allowing them to use any more single cent before August 9th. It would be imprudent, careless and criminal on the part of this House.

The next Senate and the National Assembly must go back to the drawing board in making laws that will force austerity measures on how public funds are spent by the governors. There is no reason whatsoever why the governors are procurement officers. It was never intended to be that way; it must be ended if we are to accept and enjoy the benefits of devolution.

The President is the Head of State. The President has ministries. The President does not pay bills. The President does not do tendering. Why are the governors tendering? If you ask anybody who works in county Governments what happens there, they do not know.

I wish this country would borrow some of my thinking. The Constitution says those people are eligible for a maximum of two terms. If you re-elect them, they will loot this country dry because there is nobody to check on them. The Ethics and Anti-Corruption Commission (EACC) is the one that leads from the front when it comes to corruption. They are the most

corrupt. The governors are even bragging that EACC is in their pockets. They have compromised the systems. How nice would it be that we begin afresh, with a new team as a country, by sending the governors home, particularly those ones who came from the streets and found themselves in a pool of money that they did not work for. They are just looting.

It was wrong for the President to say he is helpless. When the Government brings a list of purported corrupt people, they say there is going to be a change while people are walking in the streets. We cannot accept corruption as though it was some religion that people must follow. Why is Muraguri still in office, when Kshs5.6 billion was found missing? Why is this country nonchalant when it comes to the discussion about corruption?

I want to urge the Budget and Appropriations Committee, as I support them, to even give very minimal monies in 2017/2018 Financial Year and in the Finance Bill. I propose that we earmark monies to projects. That is the reason behind the success of NG-CDF despite all the noise. For National Government Constituencies Development Fund (NG-CDF), it is known where the money will go, and what can go to operations. This was raised in the House Business Committee by the Leader of the Majority Party and we agreed and showed evidence that, in their supplementary budgets, counties have moved monies to governors operations. That reads elections and reads buying votes using public funds.

I would be shocked if the Controller of Budget sits back while whole cabals of thieves are redirecting public funds to be used for political reasons; whether they are in the national Government or county governments, since EACC is, itself, practising corruption. Who do we have left? It is the Controller of Budget. How I wish she would stop keeping quiet. The law says she must publish those things on a website that is publicly visible to Kenyans, so that we can know. Parliament can only do so much. We have given them the law. This Parliament has given every possible law to direct the functions of those offices. But there must be goodwill from the holders of those offices. If EACC has failed, the Auditor-General must function, the Controller of Budget must function and the courts must function.

I second, Hon. Temporary Deputy Speaker.

(Question proposed)

The Temporary Deputy Speaker (Hon. Cheboi): I can see there are not so many requests. We will start with Hon. Maanzo of Makueni.

Hon. Maanzo: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the amendments to the Division of Revenue Bill. When we passed this Bill in this House, I expected that it would be supported in the Senate and that there would be no amendment. So, I want to support Hon. Rev. Musyimi and his Committee.

The amendments they have made are likely to affect the general Budget as a whole. Also, all the monies which have gone to most of the counties have not been accounted for. In fact, the previous county councils did much better in revenue-raising than what is happening today. They would have supplemented their own budgets by the collections and levies that they make in the counties. They should be making a lot of money. This is what is happening in many counties: It is suspected that there are special accounts where the revenues that are collected are kept. They are kept secretly and never released for accounting. Nobody really knows about them. They are used to carry out other political activities in the counties. It is very unfair. Such monies should be released.

In fact, statistics show that many of the counties, except two or so, have not yet had their revenues higher than what was there previously. For that, there should be a challenge to the counties that they must disclose the revenues they make. They are county governments that raise a lot of money which should be used for development within the counties.

Most of the monies the counties get, unfortunately go to pay employees. The counties are bloated with employees, most of whom have duplicated roles; some of them even perform the roles of chiefs, others do not know exactly what they do, but they earn a salary at the end of every month, instead of the monies being put together for development. Development has been very minimal in the counties.

In fact, in most counties you will not see what the county governments have done. You can only see the National Government Constituencies Development Fund (NG-CDF) projects. You then wonder what such counties have done for four years given that no roads have been constructed, no water projects have been implemented, sanitation is not properly handled and dispensaries have not been built. In fact, most of the existing facilities have been put in place by previous CDF committees.

There are instances where some people went to court and stopped CDF committees from implementing certain projects but most CDF projects were completed. It is unfortunate that there is no method of checking how the money that is sent to counties is used. The Ethics and Anti-Corruption Commission (EACC) has no capacity. The EACC has not yet been strengthened. Apart from the fact that the EACC has not been strengthened, that Commission has been faced with very many allegations, including allegations of involvement in corruption by some of its commissioners. We have seen issues about compensation for land that has been acquired compulsorily by the Government being raised. We have even seen county governments purporting to do the work of the National Land Commission (NLC). Some county government officials re-allocate land or sell it through corrupt deals.

When it comes to revenue collection and division of revenue, it is only fair that we go by what we had proposed. The amendments are not justified. There must be justification for the amendments that have been proposed. It is high time Kenyans began to think of ways of dealing with the expenses relating to the new Constitution, and more so devolution.

Devolution is very good but we must restructure it to ensure that it benefits people at the grassroots level. That is not happening currently. The national Government and Members of Parliament have to, every now and then, intervene. Most of the time, we go and do some work which is ordinarily supposed to be done by county governments.

I support the position of the Committee. The amendment should be retained so that we can move forward.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Can we hear the Member for Emurua Dikirr?

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker. I also support the Chairman, especially on the matter affecting the Revenue Allocation Bill.

Senators rushed to court and sought interpretation of the Constitution but the Supreme Court just gave them an opinion on what they wanted to hear. The Constitution is clear on the functions of the Senate and the National Assembly, especially on matters of revenue.

The National Assembly is supposed to divide the money between the two levels of government. The national Government then retains its share. The function of Senators is horizontal as it is supposed to determine how much money goes to which county. They have no

role in determining how much money remains at the national Government and how much money goes to county governments. That is the function of the National Assembly. We cannot share that role with them. They can only present a request to the Chairman of the Budget and Appropriations Committee, through the National Assembly, that they would like to add a certain amount of money to the money that has been given to the county governments. They cannot purport to amend a resolution of the National Assembly on division of revenue between the national Government and county government levels. That is why they will not be looking at how much money has been allocated to the national Government.

What informs Senators' thinking that they can add some money to the amount that has been allocated to the National Assembly? For instance, in a situation where the National Assembly has been allocated Kshs303 billion, the Senate cannot review that amount to Kshs326 billion. Senators do not understand the Budget that we do for the national Government. How then would they purport to give additional money to county governments without knowing where that money would come from? What can we do to replace the amount of money that they want to take to county governments? The best way for the Senate would be to negotiate with the Chairman of the Budget and Appropriations Committee.

I think Senators are idle because sometimes if you look at what they do, you are puzzled. They even want to vet university chancellors. That is not a devolved function. They want to delve into matters which belong to the National Assembly. What Senators should be busy doing is like what my colleagues said – to table Public Accounts Committee (PAC) Reports on county governments every year.

Secondly, Senators should make a law that requires monies allocated to county governments to be channelled to Recurrent Expenditure and Development Expenditure Votes. That is the function of the Senate. That is what Senators should be doing. They should be making laws that will make counties function properly.

As we speak, I do not think there is a county that is functional in this country. There is none. I do not know which law we are going to use. We expect about 20 governors to be jailed after the general elections, just like what Nigeria and other countries did. What is funny is that there is no hope of even a single conviction of a governor and yet no development has been done in most counties. Neither can the governors of those counties account for the monies that have been allocated to them over the years.

It is a pity that we devolved the health sector. It is in a pathetic situation. Governors across the county purport to have created things which do not exist. On Monday, I listened to my governor read something I am not sure what it was. I did not even understand. He talked about having improved health services across Narok County. I was shocked. He talked about having built 1,500 classrooms, which also shocked me. If you divide 1,500 classrooms amongst the constituencies in Narok County, each constituency would have 300 classrooms. My constituency has four wards. Each ward would be having about 50 classrooms. The truth on the ground is that not even a toilet exists.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ng'eno, that is a very serious allegation.

Hon. Kipyegon: Yes, it is! That is why I was thinking Senators---

The Temporary Deputy Speaker (Hon. Cheboi): Are you saying that no toilet exists?

Hon. Kipyegon: There is no toilet that the governor has built in my constituency.

(Laughter)

Temporary Deputy Speaker (Hon. Cheboi): Then I would be saying that your toilets must still be outside.

Hon. Kipyegon: Hon. Temporary Deputy Speaker, we managed to build toilets using the NG-CDF kitty, and with help from some NGOs like World Vision.

However, the County Government of Narok is claiming that it has built 1,500 classrooms in the whole county and yet there is not even a single toilet that it has built anywhere in the county. So, I think Senators should be going round to monitor whatever is being done. That is exactly what we do in the Public Investments Committee (PIC), the Public Accounts Committee (PAC) and many other committees in terms of questioning how public funds are utilized. Senators should be keen on scrutinizing expenditure by counties. For instance, they should check whether the money that was allocated for roads has, indeed, been used for that purpose.

In my county, some contractors were awarded tenders to construct roads in the 2013/2014 Financial Year. The contractors constructed the roads, but they have not been paid up to date. I am talking about 2013/2014 Financial Year. So, what happened to the subsequent years? So, when somebody says that he has constructed roads in the county--- I heard him read that he has done a number of kilometres of roads, but the truth is that the contractors who constructed those roads are still being owed money by the county government. I wonder what senators are doing about this problem. They are just giving us headache here. They always want us to go for mediation.

Senators are becoming too idle, complacent or are accomplices in this issue. Look at them. About three-quarters of them want to be governors. So, they do not want to make any laws that will help take care of that money. It is because they also want to go there and eat. The function of Senators is to ensure that county governments are functioning. If these counties are going to fail, we will blame Senators because they are the ones who have failed to make laws that will ensure county governments function properly.

Hon. Temporary Deputy Speaker, there was money allocated for the purpose of construction of roads. I think this House messed in a way when it embarked on a mission to classify roads. As we speak, the governors purport to have taken all the roads except the national highways and yet there is nothing they are doing on them.

We were comfortable when the Kenya Rural Roads Authority (KeRRA), Kenya Urban Roads Authority (KURA) and Kenya National Highways Authority (KENHA) used to construct and manage roads in this country. Today, roads are impassable almost everywhere. If you want to put some money in that sector, they tell you it is a function of the county government; if you want to put money in the health sector, they tell you that it is a function of the county governments and if you want to put money in Early Childhood and Development Education (ECDE), or polytechnics, they tell you the same thing. Please, Senators, stop being idle. Work on these matters and make our counties function.

I support.

Thank you

The Temporary Deputy Speaker (Hon. Cheboi): I will have the Member for Seme.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute. I rise to support the Budget and Appropriations Committee. The most important issue here is that there has been a change in how the money should be divided. However, no basis has been given. It, therefore, becomes very difficult for Parliament to discuss whether we should agree to that because we do not have a basis for it. This goes back to a very

fundamental issue. It is the process of devolution and how we are going about it. This process is the most important aspect of our new Constitution and, definitely, has yielded some good results. I know it will yield more. We, however, have not gone through the process in a proper way.

On division of revenue, the only guide we have is the 15 per cent and the recommendation from the Commission on Revenue Allocation. With regard to the national Government, at least, Parliament has a lot more detailed information. When it goes to the Senate, I do not think they have any more information than we have. Therefore, for them to come with arbitrary figures is not proper. If this matter goes for mediation, there will be a process where facts and figures will be put together.

We passed Acts here on the whole process of devolution. We also put in place certain processes. However, we did not follow them. Today, in the Press, there is an issue about assets that will get lost because the Transition Authority did not do its work and now we have the Inter-Governmental Relations secretariat which has not worked. It is the absence of those systems that makes it difficult for funds to be used properly in counties.

I remember just before we got into devolved government, there was a desire that we should put in place systems to apply checks and balances. Members have indicated here that procurement processes are different from one county to another. That needs to be harmonized. The Senate should look at the financial, accounting and procurement systems in counties and help them prevent losses.

(Hon. Kipyegon laughed loudly)

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Ng'eno! You are not allowed to laugh in your mother tongue.

(Laughter)

Hon. (Dr.) Nyikal: Hon. Temporary Deputy Speaker, I do not know how people laugh in their mother tongue, but there are no systems in the county governments that will support the kind of monies they get.

Look at health. In some counties, there are improvements because some institutions have been put in place. However, it should be a general improvement, which is not just left at the whims and the goodwill of some governors. Again, that points to an existing systematic problem. Even the current doctors' issue is a testimony to the fact that there is no harmony across the country on how health systems should be devolved.

We have been talking about leasing of medical equipment by the national Government. This was heralded in the President's Speech as one of the achievements. Members here talked about the 92 hospitals. Some Members were confusing them with referral hospitals. The level of implementation of the process is very varied. In some places, infrastructure has not been put in place while in others there are no members of staff. We are paying for these things, and yet the services are not being provided equally.

With regard to the wage bill, before devolution, there was a system of managing government staff from the national to the locational level. The extra needs arising during devolution ought to have been assessed. Remember we also had local authorities' workers. Instead of county governments working together with the Transition Authority and assessing the required capacity, they engaged in massive employment. So, we had the old staff from the

national Government, local authorities and newly recruited staff. Obviously, the wage bill would go up.

It is important that during mediation we look at figures and reasons we are making recommendations for increased funding. Unless we do that, the systems on the ground are not ready to utilize the money in the best way possible.

With those remarks, I support the recommendations of the Budget and Appropriations Committee.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Before I give the next Member a chance, allow me to recognize, in the Speaker's Gallery, Kapkoimuru Secondary School from Mosop Constituency in Nandi County. In the Public Gallery, we have Longisa Boys High School from Bomet East, Bomet County, which is ably represented in this House by Hon. Bett; Mwanicos Academy from Embakasi East, Nairobi County; Njenga Karume High School from Kiambaa in Kiambu County; Gathaini Secondary School from Gatanga in Murang'a County; and Kilimo Primary School from Njoro Constituency, Nakuru County.

They are here to study processes and procedures of the House and we wish them fruitful study.

Next is Hon. Nderitu from Ndaragwa.

Hon. Nderitu: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Motion on consideration of the Senate Amendments to the Division of Revenue Bill, 2017. I am saddened at this time because the Senate has done exactly the opposite of what it is expected to do.

During the first year of the devolved system, most Senators were very active. I can recall one occasion when I had gone to enlighten my constituents on the spending of the county government. My governor organised some goons and earmarked Hon. Waiganjo from Ol Jorok and I to be attacked. He paid them so that when we got to the public meeting where we were supposed to read the accounts of the 2013/2014 Financial Year, we would be harassed and the meeting would stop.

The genesis of this matter is that during the first and second year of devolution, the county government did not have systems at all. The awarding of contractors was arbitrarily done and there were cries from people because most of the contractors were from Nairobi, Nakuru and other counties. The regulations concerning awarding of tenders were flouted. Therefore, everyone was agitated and there was need for clear rules on how the local people would gain from the devolved system. It was strange to see contractors from elsewhere in a county which had able contractors who could work.

During the first two years, the Senate did its work but later on we realised that most Senators wanted to become governors and they relaxed. That is why they are mum about what is happening in counties. They are not bothered about devolution and, therefore, the services being offered are pathetic. For example, the Senate should get a more serious and interrogative way of finding out how funds for devolved roads are utilised by county governments. As an earlier speaker said most governors have turned out to be purchasing officers.

I have just come from my constituency where I attended a meeting and a person said that my governor has collected and kept in his office all the files on road constructions from the County Executive Committee Member (CEC) for roads. Governors are busy looking for campaign money and they are asking for 30 per cent from every contract awarded. When I look at the change the Senate is requesting, I feel it is not warranted and the Senate should focus more on overseeing counties and passing the right Bills so as to give Members of County Assemblies

(MCAs) teeth to bit. As we speak, this is the last term of our Parliament and county assemblies. It is unethical that there is nobody looking at the governors' expenditure as we end this term.

I thank Parliament for capping the use of money by governors in the last three months towards elections. As at now, there is nobody supervising the expenditure of most governors. The Senate amendments have come at a time when we are requesting keen observations on the expenditure of county governments. I support the Budget and Appropriations Committee wholeheartedly. In future, there should be proper policies for identifying and awarding projects.

As I end, and as other people who talked before me have said, it is pathetic that governors and Senators are encroaching on laws which do not concern them at all. It is only last week when I saw my Governor with the Cabinet Secretary (CS) for Education, Science and Education at a site in Nyandarua where a university will be built. It is clearly known that education is a function of the national Government. As Members of Parliament from Nyandarua County, we sat and agreed on various aspects about that university but we have not agreed on the site where it would be built. We were shocked to see the governor taking the CS to that site.

Hon. Irea: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Order! What is it Hon. Irea, the Member for Central Imenti?

Hon. Irea: Hon. Temporary Deputy Speaker, is it in order for the Member to say that "other people" have spoken? We are not "other people" but Hon. Members of Parliament. Thank you.

Hon. Nderitu: Thank you. I stand guided.

The Temporary Deputy Speaker (Hon. Cheboi): Well, no guidance has been given Hon. Nderitu. Hon. Irea has made his comment but it is the Speaker who makes a decision on how to guide one way or another. That is not the guidance I am giving and I think you are perfectly in order. The other people are Hon. Members of this House. Proceed,

Hon. Nderitu: As I conclude, it was a shocking experience to find my governor and Senator taking the CS for Education, Science and Education to a site where the university is to be built. According to me, there are very many major problems they should focus on. I have come from my constituency and all the feeder roads there are impassable. People are crying because of misuse of funds. I think the earlier 8th August, 2017 comes, the better so that we can remove these governors and Senators and elect others who are responsible.

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

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Tonui, the Member for Bomet Central, you have the Floor. If you can speak for a shorter time, the better because the Mover will be responding in the next 10 minutes or less. I really want you to shorten your time so that I can give another Member a chance.

Hon. Tonui: Thank you, Hon. Temporary Deputy Speaker. I wish to support the amendments made by the Senate. I believe it was good for them to give an additional Kshs23 billion to counties. This is because the key functions which are being performed by counties touch directly on the common man and require more funds.

A key devolved function like health touches on the common man, and I believe it was wise for the Senate to allocate it more funds. I can see Level 5 hospitals are being allocated an additional Kshs4.2 billion.

This is welcome. I would have simply proposed that the former provincial hospitals be upgraded to become referral hospitals so that county hospitals can now become Level 5 hospitals

and be eligible to get the Kshs4.2 billion. That way, all counties will get a share of the Kshs4.2 billion.

Major functions such as water services provision fall under counties, and we need to adequately fund them. The additional Kshs23 billion will go a long way in the provision of piped water to our people in counties.

County access roads are also very important to development in our areas, and so, we need to provide adequate funding towards this area.

Owing to the classification of roads which was done by the Kenya Roads Board (KRB), many of the roads were placed under the jurisdiction of counties. This left the national Government with fewer roads. Therefore, it requires provision of more funding at the county level. I believe what the Senate has done is right.

There are issues of corruption in counties, but elections are around the corner. If we think that the people who are in the counties are very corrupt, let us elect angels next time so that they do not loot the monies in counties. I also wonder if the people we have at the national level are angels.

Issues such as the National Youth Service (NYS) scandal happened at the national level; it did not happen at the county level. Sometimes I wonder if devolved corruption is better than national corruption. Although corruption at the local level is bad, at least those resources will circulate at a lower level. I wish that we could fight corruption at all levels so that the funds meant to serve the public go in that direction and are not looted. It seems we are unable to fight corruption in this country. The lower the level we disburse funds the better. Possibly, the common man will be able to watch over those funds at a lower level.

In my constituency, I have been able to devolve the National Government Constituencies Development Fund (NG-CDF) to the sub-location. I believe it is better managed and supervised in terms of corruption because it is the members of the public themselves who oversee the NG-CDF funds in Bomet Central. That is why we need to encourage lower levels of devolution.

I heard some of our colleagues saying that we need to suspend disbursement of development funds to counties because of corruption or the elections. Development needs to continue. Even though we are facing elections, we need to continue with development. If we suspend disbursement of development funds to counties, does it also mean that we need to suspend development funds to the national Government? Do we believe that the people in charge of development at the national level are angels who cannot loot? From my experience, they are not angels. Those are the same people who want to ensure that they manipulate politics at the local level. The people who pocket money at the national level sponsor their political projects at the grassroots level. The issue of development should be delinked from elections. If we provide development funds for the national functions let us also provide funds for development at the county level.

With those few remarks, I thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Manson Nyamweya.

Hon. Nyamweya: Thank you, Hon. Temporary Deputy Speaker. I support the Report by the Budget and Appropriations Committee. I am in total agreement with it. The Constitution is very clear. Article 95(4)(a) of the Constitution states:

“(a) determines the allocation of national revenue between the levels of government, as provided in Part 4 of Chapter Twelve:”

This mandate is given to the National Assembly. Nowhere does it mention that the Senate can perform this function. It is very clear. The only role the Senate can play is to allocate funds. Article 96(3) of the Constitution states:

“The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the county governments.”

It is very clear that the Senate is supposed to oversee and allocate the money which the National Assembly has approved. Therefore, I do not understand why the Budget and Appropriations Committee must take the Budget to the Senate. The Senate has no mandate whatsoever to look at this. Somebody can refer to Article 217(1) which clearly shows that division of revenue is supposed to be done once every five years.

First and foremost, the Budget and Appropriations Committee should not have consulted the Senate on this because this is our mandate. It is constitutionally given and if somebody is uncomfortable with it then the Constitution must be amended.

People have said there is theft in the county government.

The Temporary Deputy Speaker (Hon. Cheboi): You have half a minute to go, Hon. Member. The Mover is supposed to respond at 1601hrs and it is about time.

Hon. Nyamweya: Hon. Temporary Deputy Speaker, you are taking my time as you speak. We should not use theft as a reason to deny revenue to the county government. There is theft in the national Government and everywhere. The question is, is what the Senate asking to do constitutional? It is not constitutional because it is the National Assembly which is given the mandate. It is our job and not the Senate’s job.

With those few remarks, I support the Committee. The Committee should not involve the Senate. They are not allowed to do so anywhere in the Constitution.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Mover, Hon. Mutava, replying.

Hon. Musyimi: Hon. Temporary Deputy Speaker, I beg to reply. I thank Members for their contribution.

When this House talks about monies that it has allocated to county governments, it is talking about money that, in our view and by law, it should have allocated. I do not think that anybody else should come in. It is the view of many of us, as Hon. Nyamweya has said, that the Constitution is clear. This matter should never go to the Senate, but the court made a ruling. It is not for us to disparage courts but it is a ruling that, with the greatest respect, this House does not concur with.

Even more tragic is the fact that monies are being given out to county governments and we cannot see where the developments are other than on paper. I thank Hon. Members for their contribution. I look forward to the debate on the Report that we have tabled on the socio-economic audit which I believe will capture a lot of issues that have been canvassed today.

With those few remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. Cheboi): I will not put the Question for obvious reasons.

(Putting of the Question deferred)

In the same vein, I will defer Order No.12 for the same reason.

*(Committee of the whole House on Consideration of Senate
Amendments to the Division of Revenue Bill deferred)*

Let us move to the next Order.

MOTION

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

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

(Hon. Dido on 16.3.2017)

(Resumption of Debate interrupted on 16.3.2017)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, on this one, we are resuming debate. I am informed that there was no Member who had any balance of time. I will give the first shot to Hon. Bunyasi, the Member for Nambale, if he is interested to speak to this one.

Hon. Bunyasi: Thank you, Hon. Temporary Deputy Speaker. Are we speaking to the Division of Revenue Bill?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Bunyasi, do you want to speak to this?

Hon. Bunyasi: Yes, I am speaking to this, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Proceed.

Hon. Bunyasi: Hon. Temporary Deputy Speaker, I was trying to be current by consulting here. I am talking about the Division of Revenue Bill. That is the one I wanted to speak to. That is all I was seeking to confirm.

The Temporary Deputy Speaker (Hon. Cheboi): We are on the Departmental Committee on Defence and Foreign Relations Report on the issue of Marrakesh.

Hon. Bunyasi: Hon. Temporary Deputy Speaker, on that, I had a very small contribution to make. I did not see any indication that our Departmental Committee on Education, Research and Technology was involved. Treaties relating to learning disabilities and its provisions ought to be vetted and agreed upon by the Departmental Committee on Education, Research and Technology at the minimum because finally it is in that sector that this kind of facilitation, as a nation, would occur. That would have been useful. I presume probably the stakeholders in the industry may have looked at it. For it to be entirely on the Departmental Committee on Defence and Foreign Relations would be limiting the scope significantly.

That is all I wanted to say.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, Hon. Onyura.

Hon. Onyura: I am sorry, Hon. Temporary Deputy Speaker. I also had placed my card to contribute to the previous Motion. I have just picked the Report from the Table Office and I have not gone through it. But thank you for recognising me. I will contribute to this Motion later on.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. This Motion does not seem to be a very popular one because there is no other Member who wants to speak to it. Therefore, we will ask the Mover to reply. I do not see the Chair or the Vice-Chair of that Departmental Committee. So, we will defer this Motion and when we resume, it will be the Mover to reply.

I have made a ruling on Order No.13 that when we resume the Mover will reply.

(Motion deferred)

BILLS

Second Readings

THE OFFICE OF THE ATTORNEY-GENERAL (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Cheboi): We are also deferring Order No.14 by the Departmental Committee on Justice and Legal Affairs because the Chair is not available in the House.

(Bill deferred)

THE NAIROBI INTERNATIONAL FINANCIAL CENTRE BILL

The Temporary Deputy Speaker (Hon. Cheboi): That one is also deferred. The Leader of the Majority Party and his deputy are not in the House.

(Bill deferred)

THE PRESIDENT'S AWARD BILL

The Temporary Deputy Speaker (Hon. Cheboi): It is also deferred. The Leader of the Majority Party and his deputy are not in the Chamber.

(Bill deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, the time being 4.10 p.m. and there being no other business, the House stands adjourned until Tuesday, 28th March, 2017, at 2.30 p.m.

The House rose at 4.10 p.m.

