

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 4th June 2020

The House met at 2.30 p.m.

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

CHANGES IN HOUSE LEADERSHIP OF THE JUBILEE PARTY

Hon. Speaker: Hon. Members, as Members are being shown their seats, we can do some of the preliminaries. We can start with the Communication regarding changes in the House leadership of the Jubilee Party.

Hon. Members, Standing Order No.2 provides for and defines the “Majority Whip” as the Member designated as the Majority Whip by the Leader of the Majority Party. The said Standing Order further provides that a “Party Whip” is a Member designated by a parliamentary party as its party whip for purposes of transaction of business in the House and includes both the Majority Whip and the Minority Whip.

Hon. Members, I wish to inform the House that I have received a letter from the Leader of the Majority Party, communicating that the Jubilee Parliamentary Group, at its meeting held on 2nd June 2020, designated the following Members to offices of the Majority Chief Whip and Deputy Chief Whip respectively-

- (i) The Hon. Emmanuel Wangwe, M.P., Member for Navakholo Constituency, as Majority Party Chief Whip; and,
- (ii) The Hon. Maoka Maore, CBS, M.P., Member for Igembe North Constituency, as Deputy Majority Party Chief Whip.

Hon. Members, the said changes take effect from 2nd June 2020, being the date the said letter together with minutes of the said Jubilee Parliamentary Group meeting were received in my office. In addition, the changes affect all other offices and committee memberships designated for the Majority Whip including the House Business Committee. I take this opportunity to congratulate the two Members for their appointment to the respective offices and wish them well. I also wish to thank the outgoing office-bearers for diligently carrying out their work as Majority and Deputy Majority Whips and wish them well as they discharge their other duties as Members of Parliament.

Hon. Members, the affected Members, and the House are accordingly advised.

I thank you.

Hon. Junet, you have the Floor.

Hon. Junet Nuh (Suna East, ODM): Thank you, Hon. Speaker.

Firstly, I want to take this opportunity to congratulate the new office-bearers that you have communicated to us officially. Secondly, even on the NASA Coalition, there were changes which should have been communicated to you, but the Leader of the Minority Party was today held up in the Budget and Appropriations Committee meeting since morning. We have also changed our Deputy Whip. We had a Parliamentary Group meeting on 28th May 2020 and we resolved that we are going to have a new Whip in the name of Hon. Eseli Simiyu, but it has not been officially communicated to you because of the absence of the Leader of Minority Party who has just arrived and who was to sign a letter, that was to come to your office today. So, I am requesting the ousted Deputy Minority Leader, who is seated behind me, not to continue masquerading as the Deputy Minority Leader. He is on no man's land. He is neither here nor there. Let him not speak as the Deputy Minority Leader. It is just because you have not officially communicated. He should also start collecting his items from the office as soon as possible.

Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Hon. Wamalwa, do you want to say something?

Hon. Chris Wamalwa (Ford Kenya, ODM): Thank you, Hon. Speaker. Hon. Speaker, you know this matter happened, I tweeted and accepted. There is no one who can hold a position forever, including Hon. Junet. Today, we are seated here. Its free sitting. Once you sign in, you are allocated a seat. The problem of being a sycophant at times, you end up saying things which talks so much about what is between your ears. As we all know, Hon. Junet likes making fun, but I forgive him because he knows he is sycophantic. That is why he has that position, but the truth of the matter is that we know leadership comes from God. You can have a position for a time, but you cannot be in a position forever. When one door closes, a better one opens. As I speak, am focused on being the next governor of Trans Nzoia County, not through sycophancy.

Today, this seat is not designed. There are only two seats which are designed for two positions, which are for the Leader of the Majority Party and Majority Whip. So, when I came in, I got the seat on the basis of first come, first served. Ignorance is no defense. As we move forward, as colleagues, I will be doing my legislative work as the Member of Parliament for Kiminini. I congratulate His Excellency the President, and we will be here to support him for the benefit of this country.

I also appreciate... I was more worried about Hon. Duale, but I want to congratulate him because he still remains... our leader here. We know the work Hon. Duale and Hon. Mbadi have done in this House. These are the two leaders who are always in the House, not like Hon. Junet who comes for comedy and then goes back. So, we are here to give power and to strengthen our people just like what they have done. He is here for a few minutes, like two minutes, and then he goes out. He is more of a comedian here than a legislator. He should respect others.

Thank you.

(An Hon. Member spoke off record)

I am not masquerading. This is the position I was allocated. I was among the first group of people who signed in and that is why I was allocated the seat. He needs to know that. Time will come when he will go back to Mandera where he comes from.

An Hon. Member: He is from Migori!

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): No, he should respect people!

Hon. Speaker: Hon. Junet, what do you want to say in response?

Hon. Junet Nuh (Suba East, ODM): Hon. Speaker, I know the Member was giving his condolence message because when you lose a seat, I know how bitter you feel, but you should do it within the confines of the Standing Orders. He has gone personal now. He knows I come from Migori and he is saying I will go back to Mandera.

I accept he has given his condolence message, but he has to know that he was removed by the NASA Coalition and not by Hon. Junet Mohamed. He should not direct his anger on me. We had a Parliamentary Group meeting that was attended by 118 Members of the NASA Coalition and one of the issues that were raised is gross incompetence. I know he is my deputy and he is not very good in doing his job. That can be confirmed even by the Speaker; you know having served under you for eight years as a Member of Parliament. It was about gross incompetence and extraordinary characters that cannot be allowed in this House, Hon. Speaker. You know what I mean. So, let him accept it. Now he has even gone further outside the House to become a fake secretary general of the Forum for the Restoration of Democracy- Kenya (FORD-K) Party. So, he is a man who has done many bad things. Please, remove your items from the office. Hon. Eseli Simiyu is coming tomorrow.

Thank you, Hon. Speaker.

Hon. Speaker: Do not turn the House into a party PG meeting.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Speaker. For informational purposes, the Deputy Leader of the Minority Party has no office. You are aware that Hon. Cecily Mbarire and I never had offices for those positions. As the Parliamentary Service Commission, you have been looking around to allocate us offices. We have been operating from the offices of our respective constituencies. It is unfortunate that the Minority Whip did not know that. That is why I said that many things happen on the Floor of this House which he does not know.

I do not have an office for that position and you are aware. The only offices that are allocated are for the Leader of the Majority Party and the Leader of the Minority Party as well as the Majority Whip and the Minority Whip. As deputies, we do not have offices. So, I have nowhere to start packing. It was good information for you to get to know. As I said, he does not know things that are going on.

Hon. Speaker, on matters of FORD-K, the Registrar of Political Parties will work on that. As I speak, I am the interim Secretary-General of the party called FORD-K. If at all it will be communicated otherwise, I will respect the rule of law. It is not a must that I continue being the Secretary-General or the Deputy Minority Whip. I will respect whatever communication will come out just the way I did when I was removed from the position of the Deputy Minority Whip because of my association with the Deputy President, William Ruto. Hon. William Ruto holds the Office of the Deputy President and I associated with him particularly on matters of the church. I am the Chair of the Catholic Members of Parliament. I was not removed due to incompetence. I have been rated as one of the best legislators in this House when it comes to legislation which the Minority Whip cannot match. He has never brought any Bill on the Floor of this House. You are aware about it, Hon. Speaker. He only comes here as a comedian and then goes out. In the next five minutes, he will not be here. If we table the number of Bills I have brought on the Floor of this House, which have been assented to by His Excellency the President, they are many. He has never brought any Bill to the Floor of this House apart from comic relief to the legislators.

We need to respect each other. We have freedom of association and I am ready to leave the House. I was removed because of my association with the Deputy President, so be it. The Deputy President's Office is the second highest office in the land and on matters of the church, we were together in Harambees for the Anglican Church of Kenya (ACK), the Catholic Church and the Africa Inland Church (AIC). So, if my association with the Deputy President was a problem, I have accepted and moved on. That is why in my tweets, I congratulated the new office bearers. I want to thank the NASA leadership for having given me this position. I have served in this position for two terms. I served in the last and the current terms and I appreciate. Time comes and you go.

Hon. Speaker, if you are aware, for those of us who have read Shakespeare, he says that all of us here on stage are like players. When your time comes, you will eventually exit. I have exited. Hon. Junet Mohamed will never have this position forever. Even his time will come and go. I have accepted. What is there is to pray to the Almighty God as I move forward to focus on my future endeavours. I will continue supporting His Excellency the President in all endeavours for the purpose and the unity of this country.

Thank you.

Hon. Speaker: I can see other Members who want to weigh in on this. My role is merely to communicate. If you look at the Standing Orders, my role is merely to communicate. It is true that I have received the minutes, but the forwarding letter is not signed by the Leader of the Minority Party.

(Loud consultations)

Yes, I have received even the minutes and everything else, but they were not signed by Hon. John Mbadi. That is the only reason I have not made the communication. The information by Hon. Junet was gratis.

(Hon. John Mbadi spoke off record)

No! I am aware. I was with you in the House Business Committee meeting earlier in the morning and I know you went for the meeting of the Budget and Appropriations Committee, Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, this is a decision that was taken by the PG and now that it has been publicly mentioned that I am the one who has not signed, it may be misunderstood that I am trying to protect Hon. Chris Wamalwa to remain in office and you know the reparation of that.

(Laughter)

I am a very loyal and faithful servant to my party and my party leader. I have been a bit engaged in budgetary matters and issues of House business, but immediately after this, that letter will be with you before 5.00 p.m. So, you will make the communication. I know Hon. Chris Wamalwa does not have an office, but he has an official car. I wish he stops using it from today.

Hon. Chris Wamalwa is a good friend of mine and since we are going to be in the Council of Governors (CoG) together, I may need his vote for the position of the chairperson of the CoG, but on this matter, it was not actually his association with someone which made him to be removed, but it is what he said in those church Harambees that is causing him all these problems. I wish he

could have just spoken without mentioning a few things that he said which annoyed the membership of NASA in the National Assembly.

Thank you, Hon. Speaker.

Hon. Speaker: Now, I have yet another Communication, Members, apart from that.

Let us hear from Hon. Mbarire.

Hon. (Ms.) Cecily Mbarire (Nominated, JP): Thank you, Hon. Speaker.

Let me take this opportunity to thank the President for having given me a chance to serve in this House as the Deputy Whip of the Majority Party. I also thank the Leader of the Majority Party, Hon. Duale, for having given me a chance to serve very well with him. I learnt so much from him. I am glad he continues to be the Leader of the Majority Party because he is able and has what it takes. I will stand firm and will work for the Government because that is the most important thing.

I also take this opportunity to thank the Members, especially those on the Jubilee side - which is the Majority side - who are whipped even when they are having a cup of tea and they accept to come here and vote for Government business. Let me also thank Hon. Chris Wamalwa and tell him, please, do not worry. Stay firm. There is no politician who gets to the top the easy way. Setbacks will come and they will make you stronger and even more focused. You now have time to do a lot of your work that you may not have been able to do. I thank him because when we needed to whip Members, he never told me that that was a Government issue and that I should go ahead and do it. We whipped Members together. So, Chris, you are not incompetent. You did a good job. Never doubt yourself. Do not let anybody bring you down. Stay strong. To all Members, let us continue to support the agenda of the Jubilee Government. It is not a personal agenda. It is an agenda for the people of this country. So, I will continue to support it even from where I sit.

I thank all of you who really respected me as a leader. We do not have any offices. The offices in which Chris and I sit have been granted to us as Members of Parliament. So, do not worry about that, Hon. Junet. For the cars, you can take them. It is okay. I had a GK car many years before you did and it was taken away one day. That is life. It never stops you from moving on. So, we are good. We stay strong, steadfast and completely committed to the agenda of the Jubilee Government.

Thank you, Hon. Speaker.

Hon. Speaker: I see an intervention from the Member for Keiyo South, Hon. Rono.

Hon. Rono Daniel (Keiyo South, JP): Hon. Speaker, I am not sure whether to call this an intervention or whatever. I wanted to find out from you, from where you sit, whether it is now against the law for one to associate with the Deputy President. I realise that some Members have since been relieved of their House leadership roles because of their association with the Deputy President. If the Office of the Deputy President has been dehumanised, or it is evil to associate with it, this House should make a pronouncement on the same. Even my good friend, Hon. Wamalwa of NASA, has equally suffered the fate that others have suffered.

Thank you, Hon. Speaker.

Hon. Speaker: Well. Unfortunately for me, you said I give a ruling from where I sit. Hon. Rono, if I were to use the words used on 4th January 1642 by Speaker James Lenthall, obviously it would be to say that even there, I would have no eyes to see. In fact, I would have no ears to hear and, certainly, no tongue to speak. I only speak that which I hear from this House, whose servant I am. So, I am unlikely to proffer any views on those others.

Hon. Members, that was merely a Communication on those changes.

(Several Members walked into the House)

The Members making your way in, please, it would be better if you could do it quickly. I have yet another Communication.

CONSIDERATION OF MEDIATED VERSIONS OF THE COUNTY
GOVERNMENTS (AMENDMENT) BILL AND THE COUNTY
GOVERNMENTS (AMENDMENT) (NO.2) BILL

Hon. Members, you will recall that during the Morning Sitting of the House on Wednesday, 6th May 2020, the Leader of the Majority Party rose on a point of order before the Motion for consideration of the mediated versions of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) and the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) was moved. He was seeking the direction of the Speaker on whether it was appropriate for the House to proceed with the consideration of the mediated versions of the two Bills. In his view, the manner in which the Senate approved the two Bills contravened the provisions of Article 123 of the Constitution regarding decisions of the Senate. To buttress his point, the Leader of the Majority Party tabled a copy of the Hansard Report of the Senate proceedings for the afternoon of Tuesday, 21st April 2020 and alluded to a portion of the proceedings where the Senate approved the mediated versions of the two Bills through a procedure he referred to as “proxy voting”. It was, therefore, his contention that the procedure adopted by the Senate violated the Constitution and, as such, the House ought not to proceed and endorse such action by approving the mediated versions of the two Bills.

The point raised by the Leader of the Majority Party elicited divergent views from Members, including the Leader of the Minority Party, the Whip of the Minority Party, the Deputy Whip of the Minority Party, Hon. Peter Kaluma, Hon. Amos Kimunya and Hon. Daniel Tuitoek. The main issue arising from the point of order and the ensuing debate was twofold:

(i) whether the House ought to interrogate the procedure applied by the Senate in its passage of a Bill concerning county governments and such Bill having been referred to this House for consideration or and whether the procedure applied by the Senate in its approval of a mediated version of any Bill has any implication on the consideration of that version of the Bill in this House; and,

(ii) what remedy would be available to this House should it be claimed that the procedure applied by the Senate to pass a Bill concerning county governments or the procedure applied to approve a mediated version of a Bill is in contravention of the Constitution.

Hon. Members, at the outset, I wish to interrogate the provisions of Standing Order No.87 (5), which was alluded to during the debate on the matter and its effect on the issue raised by the Leader of the Majority Party. The Standing Order states as follows:

“87(5). It shall be out of order for a Member to criticise or call to question the proceedings in the Senate or the Speaker’s ruling in the Senate, but any debate may be allowed on the structures and roles of the Senate or Parliament.”

The Standing Order is replicated word for word in Standing Order No.96 of the Senate Standing Orders. This rule of procedure seeks to safeguard parliamentary proceedings and decisions of the Speakers from possible indictment in either House of Parliament. Indeed, it was

urged by some Members of this House that the point raised by the Leader of the Majority Party ran afoul of this Standing Order by calling into question proceedings that transpired in the Senate.

As you may recall, from the Order Paper of that particular day, the Motion on one of the Bills which elicited the issues referred for my consideration read as follows:

“THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) laid on the Table of the House on Wednesday, April 22, 2020, and approves the Mediated Version of the County Governments (Amendment) Bill (Senate Bill No.11 of 2017).

I put emphasis to the phrase “and approves the mediated version”. At face value, Hon. Members, the Motion appears quite straightforward. However, when considered together with the point raised by the Leader of the Majority Party, it calls for the guidance of the Speaker on whether Standing Order No.87(5) insulates any business arrived at through a mediation process or transmitted from the Senate from question or scrutiny on the basis of its constitutionality.

Standing Order No.47(3)(b) obligates the Speaker to exclude a Motion from being debated or to direct an appropriate amendment of the Motion where the Speaker finds that the Motion offends the Constitution or an Act of Parliament. For avoidance of doubt and for clarity, it states as follows, and I quote:

“(3) If the Speaker is of the opinion that any proposed Motion -
(b) is contrary to the Constitution or an Act of Parliament, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament;

(c) is too long;

the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve or that the Motion be referred to the relevant committee of the Assembly, pursuant to Article 114(2) of the Constitution.”

Hon. Members, as I have previously upheld, Standing Order 47(3)(b) is an extension of the requirement placed on the Speaker under Article 3 and Article 10 of the Constitution to respect, uphold and defend the Constitution. Before any business is brought before the House, it is approved by the Speaker on the basis of its constitutionality - on the face of it - among other considerations outlined either in statute or in the Standing Orders.

I have also previously guided this House that a question or claim of unconstitutionality of a matter before the House may be raised by a Member at any stage, before and during or immediately after consideration of business by the House despite its initial approval. I am, therefore, of the considered opinion that Standing Order 47(3)(b) requires the Speaker to address any constitutional issues raised with regard to any business relating to the Senate which requires consideration by this House. Indeed, it would be irresponsible to expect the Speaker to simply fold his or her arms where his or her attention has been drawn to a matter before the House, whose consideration may lead to an unconstitutional or an absurd result, if it is proceeded with in an unguided manner.

That said, interrogation of the concern raised has to be circumspect. It has to be limited to any constitutional issues raised or provisions of the Constitution relating to the business affected. Additionally, any interrogation of the concern raised has to be faithful to the spirit of Standing Order 87(5) and refrain from impeaching the proceedings of another House of Parliament or the decision of the Speaker of the other House.

The Constitution clearly outlines the procedure applicable to Bills that are processed by both Houses, such as the County Governments (Amendment) Bill, No.11 of 2017. The Article provides, and I quote:

“(1) If a Bill is referred to a Mediation Committee under Article 112, the Speakers of both Houses shall appoint a Mediation Committee consisting of equal numbers of Members of each House to attempt to develop a version of the Bill that both Houses will pass;

(2) If the Mediation Committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill;

(3) If both Houses approve the version of the Bill proposed by the Mediation Committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent; and,

(4) If the Mediation Committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the Committee is rejected by either House, the Bill is defeated.”

May I remind the House, on the part of the legislative journey of these two Bills, thus far, the County Governments (Amendment) (No. 2) Bill, 2017 (Senate Bill No.7 of 2017), seeks to amend the County Governments Act (No.17 of 2012) to provide for the completeness of the procedure for the disposal of a report of a commission of inquiry, established under Article 192(2) of the Constitution regarding suspension of a County Government. On the other hand, the County Governments (Amendment) Bill, 2017 (Senate Bill No.11 of 2017), seeks to amend the County Governments Act to clarify on commencement and sitting of a County Assembly; seeks to put in place a legal framework for the establishment of the office of a deputy speaker of a county assembly; to clarify on the procedure for removal of a speaker of a county assembly; to clarify on the recall of a member of a county assembly; to put clarity on the powers of a governor to appoint and dismiss a member of the county executive committee; to put in place a mechanism for the assumption of office of governor by the deputy governor and the appointment of a new deputy governor, amongst other provisions.

Upon its passage by the Senate, the County Governments (Amendment) Bill, 2017 (Senate Bill No.11 of 2017) was considered by this House and passed with amendments on 6th March, 2019. Similarly, the County Governments (Amendment) (No.2) Bill, 2017 (Senate Bill No.7 of 2017) was considered by this House and passed with amendments on 19th March, 2019. The Senate rejected amendments passed by the National Assembly to both Bills and precipitated the mediation process contemplated under Article 113 of the Constitution. It is the mediated versions of the two Bills, as proposed by the two Mediation Committees that were subsequently formed that are presently before this House for approval.

This begs the question: What then is required of this House? It is my view that, what is required of this House by Article 113 of the Constitution is only the approval or otherwise of the mediated version of the two Bills. As such, in applying Standing Order 47(3)(b), only questions on the constitutionality or legality of an action relating to the mediation process preceding it or the comparison of the version of the Bill before the Houses may be raised. The points raised by the Leader of the Majority Party do not question the process in which the Mediation Committee on the Bills was established or the manner in which or time within which the Committee arrived at its mediated version of the Bill, or the comparison of the version of the Bills presented to either Houses.

Instead, the Leader of the Majority Party called into question a voting procedure applied by the Senate in approving the mediated versions, which is a separate matter at this penultimate stage. As a matter of fact, I agree with the Members who opined that, unlike a Bill which is referred from one House to the other in a sequential manner, the process of approval or otherwise of a mediated version of a Bill by the two Houses is a parallel process. As such, the process does not have to start or end in any of the two Houses in a chronological manner. Actually, a mediated version of a Bill may be considered by the two Houses at the same time. Indeed, provided that the version of the Bill presented to both Houses is the same, the completeness of the approval process of a mediated version of a Bill converges at the stage of comparing the results of the parallel processes in the Houses, in the form of approval or rejection, in which case, unlike the case of a fresh Bill, the onus of verifying how each House voted lies in that House.

Hon. Members, to the extent that Article 113(3) of the Constitution requires the Speaker of the National Assembly to refer the mediated version of a Bill that has been approved by both Houses to the President for assent, I appreciate the concern of the Leader of the Majority Party that the House may be enjoined in the unconstitutional passage of legislation. As Members are aware, the Constitution prescribes strict requirements on quorum and voting procedures for both Houses of Parliament. By allowing the two Houses to prescribe Standing Orders for the orderly conduct of parliamentary business, the Constitution expects each House to craft procedures that respect and accord with the thresholds of voting at any stage.

In this regard, and pursuant to Standing Order 87(5), I am expected to accord the procedures of the Senate the same respect that I would expect the Speaker of the Senate to accord the procedures of this House.

As such, communication under the hand of the Speaker of the Senate transmitting a Bill that has been passed or signifying that a mediated version of a Bill has been approved by the Senate constitutes a guarantee that the procedures of the Senate and the requirements of the Constitution have been observed. In the event this House approves the mediated versions of the two Bills, I will engage the Speaker of the Senate to endorse the Bills before I present them to the President for assent as required under Article 110(5) of the Constitution, thereby causing the Speaker of the Senate to authenticate the propriety of the Bills with regard to the decisions of the Senate. I believe this will allay the fears raised by the Leader of the Majority Party on the propriety of the procedures adopted by the Senate. This also settles the initial questions on whether the House ought to interrogate the procedure applied by the Senate in its approval of a mediated version of a Bill, whether the procedure applied by the Senate has any implication on the progression of that version of the Bill in the National Assembly, and what remedy would be available to the House in that case.

As I turn to the last part of the question, I am also constrained to address the issue of whether the point raised by the Leader of the Majority Party affects a Bill passed by the Senate which is referred to this House for consideration. The question that arises is whether the voting procedure adopted by the Senate in the passage of a Bill is a material issue for discussion in light of Standing Order 87(5). The Constitution outlines strict voting thresholds with regard to the passage of Bills by the Senate. Specifically, Article 123 of the Constitution provides:

- (2) When the Senate is to vote on any matter other than a Bill, the Speaker shall rule on whether the matter affects or does not affect counties.
- (3) When the Senate votes on a matter that does not affect counties, each senator has one vote.

(4) Except as provided otherwise in this Constitution, in any matter in the Senate affecting counties—

(a) each county delegation shall have one vote to be cast on behalf of the county by the head of the county delegation or, in the absence of the head of the delegation, by another member of the delegation designated by the head of the delegation;

(b) the person who votes on behalf of a delegation shall determine whether or not to vote in support of, or against, the matter, after consulting the other members of the delegation; and

(c) the matter is carried only if it is supported by a majority of all the delegations.

The practice in our bicameral set-up is to presume that, unless proven otherwise, a Bill passed by one House and transmitted to the other House for consideration has been passed in accordance with the provisions of the Constitution. In the unlikely event that the proceedings in one House of Parliament leading to the passage of a Bill reflect a departure from the strict requirements of the Constitution, consideration of the Bill by the other House would be an exercise in futility.

If the Leader of the Majority Party had, for example, raised his point with regard to a Bill transmitted from the Senate for consideration by this House, I would be duty-bound to interrogate, at any stage, whether its passage met the requirements of Article 123 of the Constitution, if the question arose. In such instance, legislative comity would require me to formally reach out to the Speaker of the Senate to seek his verification or clarification on the issue before the Bill or other business progresses to a vote. Consequently, if the clarification was to reveal a procedural failure on the part of the Senate in passing the Bill, or such other business, I would be under obligation to preclude the House from considering the Bill until the failure by the Senate was remedied. That now settles the last questions with respect to whether the House ought to interrogate the procedure applied by the Senate in its passage of a Bill concerning county governments, such Bill having being referred to this House for consideration; and what remedy would be available to the House should it be claimed that the procedure applied by Senate to pass a Bill concerning county governments was in contravention of the Constitution.

Having said that, it should not be lost that standing down a Bill referred from the other House on account of a procedural failure is an extreme action, especially where such failure may be detected and arrested beforehand. It would, additionally, not promote cordial relations between the two Houses and the inter-Houses comity as expected of bicameralism. To my mind, any failure of procedure in a House of Parliament casts the entire institution of Parliament in negative light. Cognisant of the provisions of Standing Order 87(5), it therefore rests on each Speaker and the Clerk of each House to prevent any such failure in the first instance, or seek to urgently remedy it upon detection without resorting to the Floor of the Houses. In this way, the procedures of each House are protected from fractious debate that is entirely avoidable. Going forward, my office shall, as practicably as possible, seek to ensure that any question on a Bill touching on any procedure of the other House is arrested and conclusively resolved with the Speaker of the Senate prior to the transaction of any business relating to such Bill. In this regard, I thank the Leader of the Majority Party and other Members for raising these issues in the House for my guidance.

My considered findings, therefore, are as follows:

1. THAT, the claims raised by the Leader of the Majority Party and the other Members regarding the procedure which the Senate may have applied to take a

vote on the mediated versions of the two Bills do not in any way impede the admissibility or consideration of the two Bills by the National Assembly since the processes in the two Houses are not sequential but parallel, provided that the versions of the two Bills presented in both Houses are the same;

2. THAT, contrary to the claims, by proceeding to consider the mediated versions of the two Bills, the National Assembly would not, in any way, offend the Constitution;
3. THAT, the House Business Committee may proceed to prioritise the mediated versions of the two Bills, that is, the County Governments (Amendment) Bill, 2017 (Senate Bill No. 11 of 2017) and the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017), for consideration by this House, soonest; and,
4. THAT, should this House approve the mediated versions of either or both Bills, I will engage the Speaker of the Senate to endorse the vellums in respect of each of the two Bills, thereby seeking his authentication on the propriety of the Bills with regard to the decisions of the Senate, before I present them to the President for assent under Article 113(3) of the Constitution.

The House is accordingly guided. I thank you, Hon. Members.

Yes, the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. I really want to commend you for this Communication, which is among the first of its kind touching on a matter between the two Houses, because a number of Bills that we pass in this House have been challenged in court. Article 113(3) of the Constitution says, as you read it, that: "If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent." I am now very comfortable that once the vellums are prepared, the Speaker of the Senate will validate, on his part, that in case somebody goes to court then that matter is not a breach of the Constitution on the part of the National Assembly. I am certainly guided.

Hon. Speaker, I ask Members that every Communication made by the Hon. Speaker, be it Hon. ole Kaparo, Hon. Marende or you, it is supposed to be part of the rules of the House for future deliberations. Therefore, every time Hon. Speakers make a Communication, it is good to keep a copy, so that if such a matter happens, say in the 13th Parliament, then we can refer to it. That is good lengthy Communication. Now that Hon. Mbadi is back, once the two Bills are presented to the House Business Committee, we will deal with them so that you can present them to the President for assent.

Hon. Speaker: Very well. Next Order.

PAPERS LAID

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Legal Notice No.81 of 2020 relating to the Customs and Excise (The Railways Development Levy Fund Amendment Regulations) and the explanatory memorandum from the national Treasury and Planning.

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Legal Notice No.97 of 2020 relating to the Crop (Trade Industry Regulations) and the explanatory memorandum from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

Hon. Speaker, I need some guidance on this based on the Bill that is coming for Third Reading, whether we should deal with the Bill before we deal with the regulations. It is a matter that we will discuss at the HBC.

Legal Notice No.99 of 2020 relating to Crops (sugar), general regulations and the memorandum from the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

List of nominees to 17 committees of the National Constituencies Development Fund Committees (NG-CDF), from the NG-CDF Board for the following constituencies: Belgut, Bobasi, Bomet Central, Bumula, Dagoretti North, Galole, Gem, Ijara, Isiolo North, Kanduyi, Kiharu, Kilifi North, Mwingi Central, Ruiru, Samburu North, Seme and Kabondo Kasipul.

Hon. Speaker: I do not see any interventions. During these COVID-19 days, everybody, including myself, is required to come with their card. I do not understand, but I have never lost my card. How is it that you have lost yours?

Is this Hon Gikaria, from Nakuru East? You could be having trouble with your constituents. May be when they see the card, they get excited and disappear with it in the process of wanting to see how it looks like.

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Speaker. I misplaced my card yesterday. I have been asked to pay Kshs5,000 to get a replacement, which I will do.

Hon. Speaker, the Leader of the Majority Party has tabled the NG-CDF lists. My constituency did comply a long time ago. I wish the Chair of the NG-CDF Committee was here. May be he could give us guidance as to what is happening to some constituencies because I complied a long time ago, but my constituency is not among the listed ones.

Hon. Speaker: He is here.

Hon. David Gikaria (Nakuru Town East, JP): I will be happy if he explained to me what happened to Nakuru Town East Constituency in terms of approval.

Hon. Speaker: I can see him here. Could you comment on what has happened to Nakuru Town East Constituency?

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, just like many others, Nakuru Town East Constituency is in the process of approval. Today, we have 17 being presented. Last week, we had 41 and just before we left, we had 181. So, we are in the process.

Hon. Speaker: So, Hon. Gikaria, you just have to wait. Can I get an indication on the issue of the Estimates?

Hon. Lessonet, Hon. Ichung'wah and Hon. Mbadi, I know I was waiting for your report. Are you working on it? Any way, since we are going to have some other sitting, I will allow that you skip that portion and move on to the next Order. We will come back to it at some point. I will allow you to go back to Order No.5 and 6 with respect to yourselves.

The Second limb is for Hon. Maore. Why do you not have your card? Did you remove it? Serjeant-at-Arms, we are almost one hour since we sat and there are Members who had indicated that they wanted to sit in the Chamber and they have not showed up. Now, you can allow other Members who desire to sit in the Chamber to come in even if they are not in the priority list to sit in the Chamber.

Proceed, Hon. Maore.

NOTICE OF MOTION

APPROVAL OF NOMINEES FOR APPOINTMENT TO CONSTITUENCY COMMITTEES

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, I beg to give Notice of the following Motion:

THAT, pursuant to the provisions of Section 43(4) and Regulation 5(10) of the National Government Constituency Development Fund, 2015, this House approves the list of nominees for appointment to the following 17 constituency committees of the National Government Constituency Development Fund, laid on the Table of the House on Thursday, 4th June 2020 – Belgut, Bobasi, Bomet Central, Bumula, Dagoretti North, Galole, Gem, Ijara, Isiolo North, Kanduyi, Kiharu, Isiolo North, Kanduyi, Kiharu, Kilifi North, Mwingi Central, Ruiru, Samburu North, Seme and Kabondo Kasipul.

Thank you.

Hon. Speaker: Next Order!

STATEMENTS

DISTRIBUTION OF RELIEF FOOD IN NAIROBI COUNTY

Hon. Esther Passaris (Nairobi CWR, ODM): Hon. Speaker, pursuant to Standing Order No. 44 (2)(c), I wish to request for a statement from the Chairperson, Departmental Committee on Administration and National Security regarding distribution of relief food across the country and, in particular, in Nairobi County during this COVID-19 pandemic period.

Hon. Speaker, following the outbreak of the Coronavirus Disease of 2019 commonly referred to as COVID-19, the Government through the National Treasury established the COVID-19 Emergency Response Fund with an aim of promoting the national response to the pandemic, including provision of food assistance. Consequently, the Ministry of Interior and Coordination of National Government is charged with the responsibility of coordinating the distribution of relief food from the Fund as well as receiving assistance from well-wishers. However, most needy residents of Nairobi City County are yet to receive relief food and are in need of food assistance.

Hon. Speaker, it is against this background that I seek a statement from the Chairperson, Departmental Committee on Administration and National Security to address the following:

- (i) What measures has the Government undertaken to cushion and ensure that no lives are lost as a result of hunger during the period of COVID-19 pandemic?
- (ii) What criteria is the Ministry using in the distribution of relief food in Nairobi County and measures in place to ensure smooth delivery and distribution of relief food?
- (iii) When is the Ministry intending to start distribution of the said relief food assistance in Nairobi City County?

Thank you.

Hon. Speaker: Very well. Is the Chairman Hon. Koinange here? The request will be transmitted to the Chairperson through the Office of the Leader of the Majority Party.

Next is Hon. Prof. Zadoc Ogutu, Member for Bomachoge Borabu.

STATUS OF MOGONGA-KENYENYA-MAGENCHE-EBEREGE-RIOKINDO-MAGENA ROAD

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Transport, Public works and Housing regarding the status and utilization of funds allocated for the construction of Mogonga–Kenyenya–Magenche–Eberege–Riokindo–Magen Road to bitumen standard in Bomachoge Borabu Constituency.

Hon. Speaker, considering the measures that the Government has put in place to ensure road contractors undertake projects as per the set standards, including blacklisting of contractors who fail to implement projects within the set standards, the roads in Bomachoge Borabu Constituency are unpassable and in dire need of repairs and maintenance.

Hon. Speaker, it is against this background that I seek for a statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing on the following:

- (i) How much funds have the Government utilized as allocated for the construction of Mogonga–Kenyenya–Magenche–Eberege–Riokindo–Magen Road to bitumen standard since the year 2016?
- (ii) How much of the funds allocated for the Financial Years 2016/17, 2017/18, 2018/19 and 2019/2020 and 2020/2021 have been disbursed to enable the contractor to deliver the set targets?
- (iii) How does the Government intend to ensure that the road from Eberege Tea factory to Kenyenya area remains passable for transportation of tea leaves to the factories?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Ogutu, if you desire to sit inside the Chamber, just ask. There are very many empty seats. Some Members had indicated that they wanted to sit inside the Chamber, but decided to go to the village. Take any marked empty seat. Ignore that anybody else had indicated they wanted to sit. I can see very many Members out there. If they desire to come in, let them come in since there are enough seats.

That request for statement by Hon. (Prof.) Ogutu will go to the Chair of Transport, Public Works and Housing Committee. Is the Chair in? I saw the Chair of the Departmental Committee on Administration and National Security walk in. There is a request for a statement from Hon. Esther Passaris. So, liaise with her so that you can prepare for the response.

That request will go to the Chair of the Departmental Committee on Transport, Public Works and Housing through the Office of the Leader of the Majority Party who should liaise with Hon. Ogutu. The next request is by Hon. Florence Mutua Mwikali.

MANAGEMENT OF COVID-19 ALONG BUSIA AND MALABA BORDER

Hon. (Ms.) Florence Mutua (Busia CWR, JP): Hon. Speaker, my request for Statement regards measures undertaken by the Government on truck drivers along the Busia border to manage the spread of COVID-19.

Hon. Speaker, pursuant to Standing Order No. 44 (2)(c), I wish to request for a Statement from the Chairperson, Departmental Committee on Health regarding the testing of truck drivers along the Malaba and Busia border so as to manage the spread of COVID-19.

Hon. Speaker, while appreciating the measures the Ministry of Health has taken to contain and possibly bring to an end the spread of the COVID-19 in the country, the residents of Busia

County are concerned that the testing of the truck drivers takes a long duration due to shortage of medical personnel, therefore, creating a serious traffic gridlock.

Hon. Speaker, it is against this background that I seek a statement from the Chairperson, Departmental Committee on Health to address the following:

- (i) Could the Ministry consider deployment of more laboratory technologists at the Malaba and Busia Border to ease the backlog of truck driver awaiting COVID-19 testing?
- (ii) Could the Ministry further consider providing adequate reagents for laboratories in Busia, Kenya Medical Research Institute, Kisumu and Alupe, Moi Teaching and Referral Hospital and Busia County Referral Hospital?
- (iii) What measures are being undertaken by the Government to reduce the risk truck drivers and turn boys pose to the people of Busia County due to long delays experienced during testing?
- (iv) What measures has the Government put in place to ensure that the long trailers are fumigated and sanitized?
- (v) What measures has the Government put in place to ensure that the truck drivers get the COVID-19 tests done from Mariakani in Mombasa before departure so as to weed out those without papers on time?

Hon. Speaker: Well, the Chair of the Departmental Committee on Health is here. Or you are on Twitter?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. We shall be ready with answers to questions that have been raised by Hon. Mutua in the next Sitting.

Hon. Speaker: Hon. Members, I have just noticed some careless behaviour in keeping with the public health guidelines that have been issued. If you have been allocated a seat and you are leaving with no intentions of coming back, just notify the Serjeant-at-Arms personnel to disinfect. Some of you are just walking in and out like people who are in a grazing field. It is only fair we be our brothers' and sisters' keepers.

So, if you have been in and you desire to walk out with no intention of coming back, notify the Serjeant-at-Arms so that they can come and disinfect the place where you had been. We do not want other Members to just come and perch themselves. We do not know who is in what state of health. There are so many Members I see standing here and there are so many empty seats. Even the Member for Mvita has been standing there. There are so many empty seats here. You are afraid of sitting inside? Member for Mvita, I have never known you to be shy of... Hon. Abdullswamad, can you make your request?

DELAYED PAYMENT FOR YOUTH ENGAGED IN KAZI MTAANI PROGRAMME

Hon. Abdullswamad Nassir (Mvita, ODM): Ahsante sana, Mhe. Spika. Kupitia Kanuni ya Bunge 44(2)(c), naomba taarifa kutoka kwa Mwenyekiti wa Kamati ya Leba na Jamii. Sote tunakubali na tunaifurahia na kuikaribisha mipangilio ya Serikali kuajiri vijana hususan wakati huu mgumu wa Corona. Katika miezi ya Aprili na Mei, vijana takriban 3,500 kutoka Eneo Bunge la Mvita walijajiriwa kupitia mpango almaarufu Hifadhi Mazingira Kazi Mtaani.

Kupitia kwa Mwenyekiti wa Kamati ya Leba na Jamii, kwanza Waziri mhusika atueleze kwa nini baadhi ya vijana hawa hawajalipwa. Pili, Wizara imeweka mikakati gani vijana wetu wasichelewe kulipwa na kuteswa ili kufuata haki yao. Tatu, kama Waziri anafahamu kama vijana hao wanafanya kazi bila vifaa na bila mavazi yenye kuwahifadhi.

Ahsante sana, Mhe. Spika.

Hon. Speaker: The Chair of the Departmental Committee on Labour and Social Welfare, Hon. Ali Wario, is not in the Chamber. The request will be communicated through the Leader of the Majority Party. Leader, do not take the paper from him. He is not wearing gloves and the paper may not have been disinfected.

Hon. Abdullswamad Nassir (Mvita, ODM): I am glad, Hon. Speaker, that you are teaching him the COVID-19 merits and demerits.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I think it is now the business of the Member for Mvita to make sure he delivers a sanitised copy to my office.

Hon. Speaker, I want to bring it to your attention that I will not be standing in for Chairs. Some of them are somewhere purporting to collect or forge signatures. This is where they are supposed to be. So, why should I stand in for them? I think next time Chairs must be here, particularly if they know they are needed by what is in the Order Paper.

Going forward, if you are a Chair and you want to prove to be competent and you want to test the competence of another person, you must first portray that you are competent and you are in the Chamber throughout. I think this will be the last time. Of course, as the leader, I will be helping the Chairs. But now, people should be like Hon. Sabina Chege, Hon. Kisang, Hon. Koinange and Hon. Rachael, including the outgoing Chairman who is going to read the Budget. He is here and he wants to move the Budget. There are Chairs who are always here when they know they have a statement. Hon. Speaker, guide us.

Hon. Speaker: It is surprising that when the notice goes out from the Clerk's Office for Members to put in requests, one will expect that the Chairs of committees will be among the first ones to make their request to be allocated sitting spaces in the Chamber. But, be that as it may, I do not want to deal with that issue. The Leader of the Majority Party, the Leader of the Minority Party and their Whips are at liberty to also look at their performances.

The last request is by Hon. Khatib Mwashetani, Member for Lungalunga. Proceed.

KILLING OF FAMILY MEMBERS BY POLICE

Hon. Khatib Mwashetani (Lungalunga, JP): Hon. Speaker, pursuant to Standing Order No. 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Administration and National Security on extrajudicial killing of a family in Kibundani Village, Ibiza Area of Msambweni Constituency, Kwale County.

On Friday, 29th May 2020, between 10.00 p.m. and 11.00 p.m., four people from the same family; two adults, namely Ramadhan Mohamed Chitswa and Mwanahalima Mwachili, an expectant mother, and two minors Swalwa Chitswa and Ramadhan Chitswa were invaded in their house and killed by police officers under unclear circumstances in Msambweni Constituency, Kwale County. One corpse has been kept at Msambweni Hospital Mortuary while the other three are at Kwale Hospital Mortuary. Three other persons from the same family were seriously injured and are receiving treatment at Msambweni Hospital.

Hon. Speaker, it is of great concern to me, to the people of Kwale County and Kenyans at large when family members and, in particular, young children and women - including those who are expectant - are subjected to such cruel killings and police invasions at their homes, irrespective of persuasions of any kind by our security agents. It is on this background that I seek a statement from the Chairperson of the Departmental Committee on Administration and National Security. Ensure that no stone is left unturned and those responsible for the death of innocent Kenyans are brought to book at this time when the country and the whole world is grappling to manage the

unprecedented spread of the COVID-19 pandemic. I would like the Chairperson to respond to the following:

1. Under what circumstances did the police invade the family of Mohamed Chitswa and kill the mentioned four persons - including himself and the foetus - and left others injured from the same family?
2. What is the criteria and mechanism of engagement used by police during raids and operations in the course of their duties, and how are innocent young children and women protected during such operations?
3. What measures is the Ministry putting in place to ensure that the affected family is duly compensated for the loss of their loved ones, destruction of their houses and properties, including payment of hospital bills for the ones recuperating in hospitals, and by when?

Thank you, Hon. Speaker.

Hon. Speaker: That request is directed to the Departmental Committee on Administration and National Security. The Chair, Hon. Koinange, that statement request is directed to your Committee. Give it priority.

Hon. Paul Koinange (Kiambaa, JP): Hon. Speaker, through Hon. Khatib Mwashetani, I want to apologize and offer my condolences to the family. I will make sure that within the next two weeks, we will be able to get some answers.

Thank you.

Hon. Speaker: Very well. Part (b) of this Order is responses. Hon. Paul Koinange, you have a response to give.

DISASTER PREPAREDNESS AND MANAGEMENT

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker.

Hon. Speaker, the Departmental Committee on Administration and National Security Committee requested for a Statement on the flooding in the country. The Committee particularly sought to be apprised on:

- (i) Whether the Government of Kenya issued alerts on impending heavy rains, leading to flooding in some parts of the country and specific action taken to ensure that the vulnerable are safe from the floods;
- (ii) Action being taken to mitigate loss of lives and property as well as displacement of people as a result of floods; and
- (iii) The Government's general preparedness in disaster management.

Hon. Speaker, I wish to state that the Kenya Meteorological Department (KMD), under the Ministry of Environment and Forestry, continuously monitors weather and climate information across the country to provide early warning for decision-making at all levels of the economic grid. Consequently, the Department has been issuing early warning weather advisories and alerts, informing the public of expected heavy rains, highlighting the expected impacts of the rainfall, and providing advisories to residents of those areas for safety of their lives and protection of their property.

The information is also shared with relevant Government Ministries, Non-Governmental Organizations (NGOs), and the media. The Ministry of Interior and Co-ordination of National Government, upon receiving the weather alerts and advisories, ensures that the same information is cascaded to the national Government officers in the counties and thereafter, inform the communities in their areas of jurisdiction of what they are required to do to ensure their safety.

Hon. Speaker, to mitigate loss of lives and property, the Government has undertaken regular reconnaissance of flooded areas to:

- (i) locate communities marooned or cut off and thereafter determine the best course of action, including boat and aerial extraction using military or police resources.
- (ii) determine the state of public means of transport including roads and bridges, rivers and lakes, and airstrips and airports with a view to advising against use of certain means of transport to particular locations or constructing diversions;
- (iii) supply emergency food stocks like maize flour, rice, cooking oil, fortified foods and food supplements;
- (iv) supply non-food items;
- (v) supply portable water fit for drinking to communities marooned or cut off;
- (vi) ensure access by emergency medical teams to communities marooned, cut off, or in transit camps; and,
- (vii) provide shelter to affected communities on need basis.

Hon. Speaker, the Government recognizes the importance of preparedness in disaster management and has, therefore, mainstreamed disaster risk reduction at the national level through their respective sectoral plans of Ministries. The sectoral plans are clearly set out in the Medium-Term Plan III of the Kenya Vision 2030 and at the county level, through the respective County Integrated Development Plans (CIDPs). Mainstreaming disaster preparedness is essentially a process of integrating risk reduction considerations into entire project cycle and management, including policymaking, budgeting, implementation and monitoring process of the national sector and county levels.

Hon. Speaker, the Committee also noted with a lot of concern that disaster preparedness in this country is highly wanting. There is over-reliance on non-state actors like Red Cross Society, other NGOs and the private sector. This is a very sorry affair. We have recommended to the Ministry of Interior and Coordination of National Government that disaster preparedness be taken more seriously with a national co-ordination board being put in place to co-ordinate disaster response amongst the national Government, county governments and other non-state actors, considering that the primary function of any government is to protect human life. The current National Disaster Management Authority (NDMA) needs to wake up.

Thank you, Hon. Speaker.

Hon. Speaker: Who had requested for the Statement?

Hon. Paul Koinange (Kiambaa, JP): The Committee.

Hon. Speaker: It is the Committee which had requested?

Hon. Paul Koinange (Kiambaa, JP): Yes, Sir.

Hon. Speaker: I see.

Hon. Paul Koinange (Kiambaa, JP): Thank you, Hon. Speaker.

Hon. Speaker: Before I make some further communication, the Member for West Mugirango has an intervention. What is it, Hon. Vincent Kemosi?

POINT OF ORDER

RULING SOUGHT ON DISCHARGE OF MEMBERS FROM COMMITTEES ON ALLEGATIONS OF GROSS MISCONDUCT

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Speaker.

I rise under Standing Order 176. I am in receipt of a letter dated 29th May 2020 from the Minority Whip, which gives me seven days to respond to allegations of violation of the law and gross misconduct before I am fully discharged from the Committees of Transport, Public Works and Housing, as well as from the Parliamentary Powers and Privileges Committee.

Hon. Speaker, I am alleged to have violated the law and accused of gross misconduct. The specific laws and sections violated have not been disclosed, nor have I been given the particulars of gross misconduct. Standing Order 176 (1) provides that a parliamentary party may discharge a Member from a select committee after according the Member an opportunity to be heard.

This Standing Order is important because it gives a Member an opportunity to respond effectively to the allegations that are made against him. Also, the allegations must be specific and clear to enable a Member to respond to them. In this case, I am unable to respond. In the absence of those specifics, Hon. Speaker, I am unable to respond.

Finally, I also wish to get your direction on the way forward because there is a looming discharge of some Members from Select Committees, I included. I beseech you to give direction as to whether a Member serving in this House can stay for the remainder of his term without serving in any Select Committee.

As you do that, I wish to invite you to look at Standing Order 176 (2) as well as the Constitution of Kenya and, more particularly, Articles 4 (2), 27 (3), 50 (1) and 95.

Thank you, Hon. Speaker.

Hon. Speaker: Sorry, Hon. Vincent Kemosi, I see the Minority Whip. Are you the one who gave the letter to the Member?

Hon. Junet Nuh (Suna East, ODM): Hon. Speaker, this is a House of procedure. We are guided by the Standing Orders. I had given the Member a letter to explain, within seven days, why he should not be discharged from those two committees under Standing Order No.176. The process is still ongoing. He needs to reply to me then after that, there will be enough reasons to either remove him or not. It is immature for him to bring this matter before the House when we are still in the process of engaging under Standing Order No.176. I know he is a lawyer and he knows the law very well. The only problem is that I told him to consult Hon. Kaluma, who is another lawyer.

When you practise law in the village in Nyamira, Kisii, sometimes you get lost. The law is very clear. I have written to him officially under Standing Order No.176. He should communicate back to me and after that, you will make a decision. You are the final decision-maker on this matter. Let him hold his horses. This is not the Magistrate's Court in Kibirigo.

(Laughter)

Hon. Speaker: Let me just say this: Hon. Members, please, there is no intervention. These are simple matters. The reason why political parties were anchored under Articles 91 and 92 of the Constitution is so that they become proper institutions of public governance in our democracy. Towards the tail-end of the last Parliament, this House approved the current Standing Orders. The previous ones did not even have that provision in Standing Order No.176 (1). It was Members of this House who saw the need to provide that. That happens the world over. Political parties are at liberty to discharge or dewhip. They use all manner of mechanisms. They could dewhip Members whom they deem as errant from serving in committees, or recommend to the Speaker in jurisdictions where parties give the Speaker priority lists of people to speak. Occasionally, in some jurisdictions similar to ours, they could recommend to the Speaker that this particular Member

shall never travel out of the country. It is a way of dealing with the Members. We saw the need to provide such mechanisms.

In the law that was passed by this House to provide for that whole process, we also felt that there was need for a Member to be given an opportunity to be heard before he or she is discharged. Maybe, you will be told you have not been contributing in a particular committee or you have been seen idling when you go to the committee. You just go there to gossip. There are all manner of reasons. I used to deal with those things previously, but I no longer deal with them. We have provided an opportunity.

The issue Hon. Mogaka is raising is that he has not been given the particulars. For that, you will go and tell the party. What am I responding to? Which law have I violated? What is it that you consider as gross misconduct? This is so that you can be educated by your party. What is considered gross misconduct in one party may be very good conduct in the eyes of another party. I do not perfect political parties. The House, in its wisdom, enacted the Political Parties Act in 2007 which was improved in 2011 to its current form. If you have not been told which laws you have violated or the specifics of misconduct, there is another mechanism provided. That is now the realm of political parties. Once they have dealt with you as provided for in Standing Order No.176 (1) and notified me, the House, in its wisdom, in the last Parliament, provided that the Speaker only has three days to make a communication. Once they have sorted you out and decided to discharge you, my business is only to communicate to you that you have been discharged from this committee so that I do not get into the realm of deciding whether you have violated this or that. I am not supposed to be the one to adjudicate on that.

Nevertheless, you have raised a good issue. When you appear before your party or when you respond, you can write to the Whip and tell him that he has not shown you which law you have violated or given you the specifics of misconduct. The Whip will make a decision. If you do not want to appear before him, he will make a decision on whether what you have responded to is sufficient grounds for discharge. Again, when they make that decision, I am not in any way involved. The House was very clear not to go into the details of the hearing before the party mechanism. It will become a dispute between a Member and his party which can either go before the Registrar or the Political Parties Disputes Tribunal. There is that mechanism in the First or Second Schedule of the Political Parties Act. A dispute between a Member and his or her party, between Members and one party or between two, three or more political parties is not in the realm of the House. That is a function of the Political Parties Disputes Tribunal. From there, you can escalate it to the High Court and possibly to the International Criminal Court or the International Court of Justice. I will not be able to give any reprieve.

There are exceptions. If you have not been given a chance to be heard, then I will not accept. You are aware. You cannot say that you were not given a chance. You are only questioning the fact that you have not been given the details. One law could be the Political Parties Act. I do not want to get into that. You have raised an important issue so that all parties know that they are supposed to give details to Members against whom there is intention to discharge from committees of the House. The Speaker shall not be dragged into making a decision as to whether or not that decision was good or not. If it is not good, there is the Political Parties Disputes Tribunal. Nevertheless, it is an important issue, Hon. Mogaka. It affects all the political parties in the House.

Let us have the Member for Embakasi. Hon. Babu Ongili.

Hon. Babu Owino (Embakasi East, ODM): Thank you very much, Hon. Speaker. I want to comment on what we have been doing as Members of Parliament during this period of COVID-19. I must appreciate Members of Parliament for the work that they have been doing to help their

constituents in different ways. As the Member of Parliament for Embakasi East Constituency, I have been using my God-given talent to help our students who are in various schools to feed them brain-wise.

Hon. Speaker, I would like to urge Members of Parliament, if possible, to purchase smart phones for their students in various constituencies and watch some of those lessons. During this period, there are a lot of temptations. They say that an idle mind is a devil's workshop.

Thank you, Hon. Speaker. I will proceed with these tutorials that I have been doing to ensure that children in the slums and villages gets sufficient education that will help them in the foreseeable future. Thank you and God bless you.

Hon. Speaker: I hope that your colleagues have heard that they should not create the devil's workshop or workshops. They can be very many.

(Laughter)

If they are for the devil, they can be dangerous. Hon. Members, can we proceed with the business? There is an intervention by Hon. Lentoimaga Musa.

Hon. Alois Lentoimaga (Samburu North, JP): Thank you, Hon. Speaker. I feel as if most Members are frustrated because of what my colleague has just mentioned. It is good that you have given a fatherly advice because more of those kinds of requests than comments will come during this season. Political parties have become dictatorial. All of us in this country are members of political parties. So, it is good that you continue guiding us. Even though we have no local statute therein, fatherly and legal pieces of advice will go a long way to assist some of the Members who are getting frustrated.

Hon. Speaker: I have no comment.

COMMUNICATION FROM THE CHAIR

CHANGES IN THE HOUSE LEADERSHIP OF NASA COALITION

Hon. Speaker: Hon. Members, I had indicated that I would make this very short Communication regarding changes in House Leadership of the National Super Alliance (NASA) Coalition.

Hon. Members, Standing Order No. 2 provides for and defines the Minority Whip as a Member designated as the Minority Whip by the Leader of the Minority Party. The said Standing Order further provides that the Party Whip is a Member designated by a parliamentary party as its Party Whip for purposes of transaction of business in the House and includes both the Majority Whip and Minority Whip. In this connection, I wish to inform the House that I have received a letter from the Leader of the Minority Party communicating that the NASA Parliamentary Group at its meeting held on 28th May 2020 designated Hon. (Dr.) Eseli Simiyu, Member for Tongaren Constituency, as the Minority Deputy Party Whip.

(Applause)

Hon. Members, the said changes take effect from today, 4th June 2020, being the date the said letter, together with minutes of the NASA Parliamentary Group Meeting, were received in

my office. I take this opportunity to congratulate the Member on his appointment to the Office of Deputy Party Whip for the Minority Party and wish him well.

I also wish to thank the outgoing office bearer for carrying out his work as the Deputy Party Minority Whip diligently. I wish him well as he discharges his other duties as the Member of Parliament for Kiminini Constituency. The affected Member and the House are accordingly advised.

I thank you. Next Order!

PROCEDURAL MOTION

APPROVAL OF A SECOND SITTING

Hon. Speaker: Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order No. 30(3) (b), this House resolves to hold another Sitting today, Thursday, 4th June 2020, after the 2.30 p.m. Sitting.

The purpose of this Sitting is to enable the House to lay the Report of the Budget and Appropriations Committee on the Budget Estimates on the Table of the House and give notice of Motion. It will also give the Chair an opportunity to move the Report of the Budget and Appropriations Committee on the Estimates for the Financial Year 2020/2021 and any other business that may not have been concluded, as it appears on the Order Paper.

According to the House Business Committee (HBC) that you chair and the Calendar of the House, the Cabinet Secretary (CS) for the National Treasury indicated, in line with his colleagues in the East African Community (EAC), that he is prepared to read the Budget highlights on Thursday next week, 11th June 2020. His highlights will be based on the adoption and approval of the Budget and Appropriations Committee Report. In line with what we passed last week, except for this kind of a Report and Finance Bill Committee Report, and all other committee reports will be dealt with within two hours, we decided that we would move this Report in our second Sitting and continue until 7.00 p.m. Then, we will continue on Tuesday because we have a morning and afternoon Sitting, so that Members can have ample time to contribute to the Budget and Appropriations Committee Report on the Budget Estimates for the Financial Year 2020/2021. It is a very important Report based on the powers which are given to this House by the Constitution and the importance of the budget-making process of the House.

As we deal with the next Order in the next 15 minutes, the Chair of the Budget and Appropriations Committee will table the Report and give notice of Motion. Based on the instruction of our Hon. Speaker, we will go for an adjournment of 10 to 15 minutes and then we will come back and begin the debate on the Report. We will continue until Tuesday, next week, so that we give Members more time to speak on this matter. Once we conclude on Tuesday, next week, then the CS will have the whole of Wednesday to use the Report which will be adopted by the House to prepare his Budget highlights that he will give to the House on Thursday, 11th June 2020 in the afternoon.

Because of the COVID-19 pandemic and the timelines of House business, I want to tell Members that we will be sitting twice a week beginning next week. Let us make sure that we do this important function which has a constitutional timeline.

I beg to move the Motion and ask Hon. Junet, who was in the HBC, to second it.

Hon. Speaker: Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): Hon. Speaker, I second the Motion.

(Question proposed)

Hon. Members: Put the Question.

(Question put and agreed to)

Hon. Speaker: Hon. Members, I wish to also guide that even though there is another Motion, once that is concluded in the manner explained by the Leader of the Majority Party, we will just take some 10 to 15-minute break as explained, in order to allow as explained, the Chair of the Departmental Committee on Budget and Appropriations to table and give notice of Motion for us to legally commence debate. Otherwise, we could not wait because the others require that if only one person objects to carry out the two stages, then we can flop.

MOTIONS

ESTABLISHMENT OF AD-HOC COMMITTEE ON COVID-19 PREVENTION, RESPONSE AND MANAGEMENT

THAT, aware that the Coronavirus Pandemic (COVID-19) was declared by the World Health Organization (WHO) to be a Public Health Emergency of International concern;

Deeply concerned on the serious threat posed to the health and social-economic lives of Kenyans by the continued spread of the Pandemic;

Appreciating that both the national and county governments have put in place some targeted interventions to respond and manage the COVID-19 pandemic through among others, enhanced medical and public health actions, mitigating social-economic shocks arising from the impact of the pandemic, creation of a National Emergency Response Fund to foster the national response to the pandemic, and formation of a National Emergency Response Committee on Coronavirus which is tasked with among other things, to coordinate Kenya's preparedness, prevention and response to the threat of COVID-19, and develop mitigation strategies with regard to the disease;

Cognizant that some of the policy measures and targeted interventions put in place by the Government are yet to be anchored in legislation and/or approved by Parliament;

Now therefore; this House resolves as follows –

- (i) to acknowledge and appreciate individuals and corporate entities, development partners and multinational institutions for local and international technical, financial and human assistance efforts and support in response to the pandemic;
- (ii) to establish an *ad-hoc* Committee to be known as the Select Committee on the COVID-19 Prevention, Response and Management, whose mandate will be as follows-

- (a) develop necessary legislative measures on COVID-19 prevention, response and management through which the Government would anchor the mechanisms to prevent, combat and respond to the pandemic, and to any other pandemics in the future, including but not limited to, ensuring enhanced medical and public health actions and facilities, strategies for cushioning the country from the effects of such pandemic on the social support system, economic stimulus for the Micro, Small and Medium Enterprises, and national public order measures for the maintenance of specific and competent functions during and after such pandemic;
 - (b) coordinate closely with the National Emergency Response Committee on COVID-19 which is tasked with among other things, coordinating the country's preparedness, prevention and response in the actions and measures taken to ensure that the Committee delivers on its mandate more effectively; and
 - (c) consider funding needs and requirements on COVID-19 prevention, combat, response and management; and,
 - (d) report and make recommendations on the item under paragraphs (a), and (c) and any other related matters within thirty (30) days, and make weekly progress reports on item (b) to the House, until the end of the pandemic.
- (iii) that the membership of the Committee be as follows-
- 1) The Hon. M. D. Ngunjiri Wambugu, M.P.
 - 2) The Hon. (Dr.) Amos Kimunya, EGH, M.P.
 - 3) The Hon. (Dr.) Makali Mulu, M.P.
 - 4) The Hon. Yusuf Hassan, M.P.
 - 5) The Hon. Alice Wahome, M.P.
 - 6) The Hon. Florence Mutua, M.P.
 - 7) The Hon. Peris Tobiko, M.P.
 - 8) The Hon. Peter Kaluma, M.P.
 - 9) The Hon. Mishi Khamisi, M.P.
 - 10) The Hon. Beatrice Nyaga, M.P.
 - 11) The Hon. Janet Ongera, M.P.
 - 12) The Hon. (Dr.) Otiende Amollo, M.P.
 - 13) The Hon. Gathoni Wamuchomba, M.P.
 - 14) The Hon. Godfrey Osotsi, M.P.
 - 15) The Hon. Didmus Barasa, M.P.
 - 16) The Hon. Joshua Kandie, M.P.
 - 17) The Hon. (Dr.) Daniel Kamuren Tuitoek, M.P.
 - 18) The Hon. Patrick Munene, M.P.
 - 19) The Hon. Anthony Oluoch, M.P.
 - 20) The Hon. John Kiarie, M.P.
 - 21) The Hon. Abdi Omar Shurie, M.P.
 - 22) The Hon. Major (Rtd) Bashir Abdullaih, M.P.
 - 23) The Hon. Teddy Mwambire, M.P.

(Hon. Ngunjiri Wambugu on 6.5.2020)

(Debate concluded on 2.6.2020)

Hon. Speaker: Order, Hon. Members! Debate on this Motion was concluded and what remained was for the Question to be put, which I hereby do.

(Question put and negatived)

APPROVAL OF NOMINEES FOR APPOINTMENT TO CONSTITUENCY COMMITTEES OF NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND

Hon. Speaker: Let us have the Chairman of the Select Committee on the National Government Constituencies Development Fund Committee, Hon. Maore.

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, I need to get a copy of the Motion that we moved on Tuesday from the...

Hon. Speaker: But you cannot ask me. It is your Motion.

Hon. Maoka Maore (Igembe North, JP): No. I just need the permission to get it.

Hon. Speaker: Why do you not go ahead and get it?

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, the list that we did to approve the 41 constituencies that we moved on 2nd June, 2020 is the one I was keen on getting, but I do not have it right now.

Hon. Speaker: Surely, I thought you knew what you were coming to do.

Hon. Maoka Maore (Igembe North, JP): No. I did not know. However, give me a minute. Thank you, Hon. Speaker, I beg to move that... The list is still far away.

Hon. Speaker: Have you not read it?

Hon. Maoka Maore (Igembe North, JP): Hon. Speaker, the list of the specific members is quite long. I will just move the Motion as it is.

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

THAT, pursuant to the provisions of Section 43(4) and Regulation 5(10) of the National Government Constituency Development Fund (NG-CDF), 2015, this House approves the list of nominees for appointment to the following 41 Constituency Committees of the National Government Constituencies Development Fund (NG-CDF, laid on the Table of the House on Tuesday, 2nd June 2020.

The constituencies are as follows:

1. GARSEN CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Daudi Dube Mukulo	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Rashid Athman Dhadho	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)

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| 3. | Warda Mohamed
Mbwana | Female Youth Representative | Re-appointment, pursuant to
Sec.43(8) |
| 4. | Amran Juweria Sheikh | Nominee of the Constituency
Office (Female) | Re-appointment, pursuant to
Sec.43(8) |

2. KABONDO KASIPUL CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Fredrick Omondi Odeny	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Joshua Caphas Moth Aroko	Male Adult Representative	Appointment, pursuant to Sec.43(3)
3.	Carolyne Aoko Okoth	Female Youth Representative	Appointment, pursuant to Sec.43(3)
4.	Ludphycker Atieno Seke	Female Adult Representative	Appointment, pursuant to Sec.43(3)
5.	Monica Amukoya Oketcha	Nominee of the Constituency Office (Female)	Appointment, pursuant to Sec.43(3)

3. TURKANA WEST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Esekon Damien Nawoto	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Ekal Wycliffe Erot	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Ngiboloin Imoni Priscilla	Female Youth Representative	Appointment, pursuant to Sec.43(3)
4.	Margaret Nakaina Iroo	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Ignatious Lokitare Ebuyet	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Ekalale Kaile James	Nominee of the Constituency Office (Male)	Appointment, pursuant to Sec.43(3)

7. Mercy Atiir Loogos Nominee of the Constituency Office (Female) Re-appointment, pursuant to Sec.43(8)

4. BALAMBALA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Abdi Shalle Bulle	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Bishar Abdi Hussein	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Ubah Hassan Yunis	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
4.	Adan Hussein Durrow	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)

5. ELDAS CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Mohamud Abdi Ibrahim	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Ibrahim Khalif Abdullahi	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Asha Bishar Jelle	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Bishara Gaiya Ahmed	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Adow Shahu Dakat	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Mohamed Gabow Kulow	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Shamsa Abdi Ahmed	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

6. GATANGA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Evanson Muiyuro	Male Adult Representative	Re-appointment, pursuant to

	Karanja			Sec.43(8)
2.	Petronilla Kalimi Wambua	Female Youth Representative		Re-appointment, pursuant to Sec.43(8)
3.	Jane Wanjiku Kiingati	Female Adult Representative		Re-appointment, pursuant to Sec.43(8)
4.	Joseph Kanini Ngugi	Representative of Persons Living with Disability		Re-appointment, pursuant to Sec.43(8)
5.	Peter Mulwa Mutune	Nominee of the Constituency Office (Male)		Re-appointment, pursuant to Sec.43(8)
6.	Naomi Wairimu Ndarua Karatu	Nominee of the Constituency Office (Female)		Re-appointment, pursuant to Sec.43(8)

7. HOMABAY TOWN CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Calvince Otieno Amollo	Male Youth Representative	Fresh appointment, pursuant to Sec. 43(3)
2.	Ouko Harrison Ogallo	Male Adult Representative	Fresh appointment, pursuant to Sec. 43(3)
3.	Monica Akinyi Nyadiero	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Betha Babby Hildigard	Female Adult Representative	Fresh appointment, pursuant to Sec. 43(3)
5.	Richard Ochieng Askari	Representative of Persons Living with Disability	Fresh appointment, pursuant to Sec. 43(3)
6.	Bugo Agoro Charles Orog	Nominee of the Constituency Office (Male)	Fresh appointment, pursuant To Sec. 43(3)
7.	Edith Awuor Obonyo	Nominee of the Constituency Office (Female)	Fresh appointment, pursuant to Sec. 43(3)

8. KILGORIS CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	John Mengorokin Kirentuan	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)

9. MALINDI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Kakhiri Boaz Khiri	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Remus Mungami Jali	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Elina Mapenzi Samini	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Amina Mohammed Wakati	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Phineas Nyamai Kasuvi	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Mohamed Nassor Mohamed	Nominee of the Constituency Office (male)	Re-appointment, pursuant to Sec.43(8)
7.	Mercyrine Kwamboka Omagwa	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

10. MATHARE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Salim Wainaina Wanjiku	Male Youth Representative	Fresh Appointment, pursuant to Sec.43(3)
2.	Moses Atiichi Akaalo	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Elizabeth Achieng Onyango	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Feesia Omurembe Omutsayi	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Adan Jira Oda	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Boniface Oduor Owino	Nominee of the Constituency Office (male)	Re-appointment, pursuant to Sec.43(8)
7.	Magdaline Kalondu Masila	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

11. MBOONI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Benson Mwangangi Mutuku	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Joshua Mule Mbondo	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Virginia Mwendu Munyao	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Rabecca Wavinya Muli	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Samson Mulinge Mbithuka	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Peter Mbindyo Maingi	Nominee of the Constituency Office (male)	Re-appointment, pursuant to Sec.43(8)
7.	Dorcas Wavinya Munguti	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

12. NAMBALE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Felix Wesonga Otsyula	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Okochil Juma Alfred	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Faith Asere Sirigwa	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Judith Indasi Murwayi	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	George Kenyatta Okello	Representative of Persons Living with Disability	Appointment, Pursuant to Sec.43(3)
6.	James okumu makokha	Nominee of the Constituency Office (male)	Re-appointment , pursuant to Sec. 43(8)
7.	Margaret Pamba Osere	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

13.

WESTLANDS CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Stephen Oloo Onyango	Male Youth Representative	Fresh Appointment, pursuant to Sec.43(3)
2.	Adekhera Bidija Elkia	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Phanis Minayo Muguga	Female Youth Representative	Fresh Appointment, pursuant to Sec.43(3)
4.	Modesta L Lubulelah	Female Adult Representative	Fresh Appointment, pursuant to Sec.43(3)
5.	Freddah Seletto Kaelo	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Julius Wambua Kavoo	Nominee of the Constituency Office (Male)	Fresh Appointment, pursuant to Sec.43(3)
7.	Margaret Kingatua Wambui	Nominee of the Constituency Office (Female)	Fresh Appointment, pursuant to Sec.43(3)

14. **BAHATI CONSTITUENCY** *(Re-submitted to correct error of statutory provision for assumption of position for male nominee of the constituency office)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Daniel Nguru Miano	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	Racheal Wangui Mubia	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
3.	Tom Njogu Kironji	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)

15. **BOMACHOGE CHACHE CONSTITUENCY** *(Re-submitted to correct error in the statutory provision for assumption of position for male youth nominee)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Thomas Nyangate	Ogachi Male Youth Representative	Fresh appointment, pursuant to Sec. 43(3)

16. GICHUGU CONSTITUENCY *(Re-submitted to correct error of statutory provision for assumption of position for all nominees and name of nominee representing Persons with Disabilities)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	James Munene Mwendia	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Geofrey Kariuki Nduru	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Caroline Wambui Gikunju	Female Youth Representative	Fresh appointment, pursuant to Sec. 43(3)
4.	Janet Wambui Nyaga	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Patrick Gicinga Muchira	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Rebenson Mariri Waweru	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Rose Wanjiku Mutema	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

17. HAMISI CONSTITUENCY *(Re-submitted to correct error of statutory provision for assumption of position for all nominees and omission of constituency male and female nominees' names)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Wycliffe Ogonda Chabaya	Male Youth Representative	Fresh appointment, pursuant to Sec.43(3)
2.	Robert Serete	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Beverly Undisa Lwoyelo	Female Youth Representative	Fresh appointment, pursuant to Sec.43(3)
4.	Mary Jemaiyo Mbiti	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Ruth Mudeizi Iravonga	Representative of Persons Living	Fresh appointment, pursuant

6.	Billy Graham Memba	with Disability Nominee of the Office (Male)	Constituency	to Sec.43(3) Fresh appointment, pursuant to Sec.43(3)
7.	Agripina Edith Mukubwa	Nominee of the Office (Female)	Constituency	Fresh appointment, pursuant to Sec.43(3)

18. KESSES CONSTITUENCY *(Re-submitted to correct errors of categorization of male adult and male youth nominees and statutory provision for assumption of position for male nominee of the constituency office)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Emmanuel Kipchirchir Rop	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	John Kipkorir Busienei	Male Adult Representative	Fresh appointment, pursuant to Sec. 43(3)
3.	Stephen Gathuo Kimani	Nominee of the Constituency Office (Male)	Fresh appointment, pursuant to Sec.43(3)

19. KIAMBAA CONSTITUENCY *(Re-submitted to correct error in the statutory provision for assumption of position for all nominees)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF THE OFFICE
1.	Mark B Kahugu Nguatha	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Geoffrey Ndigi Mukora	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Maryann Wanjuhi Gitau	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Elizabeth Wambui Gitau	Female Adult Representative	Fresh appointment, pursuant to Sec.43(3)
5.	Ann Nduta Kariuki	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Peter Kamau	Nominee of the Constituency	Fresh appointment, pursuant

Mbugua	Office (Male)	to Sec.43(3)
7. Caroline Waihiga	Nominee of the Constituency	Fresh appointment, pursuant to Sec.43(3)
Muta	Office (Female)	to Sec.43(3)

20. LARI CONSTITUENCY *(Re-submitted to correct error in the statutory provision for assumption of position for male youth nominee)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Evan Karanja Kiragu	Male Youth Representative	Fresh Appointment pursuant to Sec.43(8)

21. NAKURU TOWN WEST CONSTITUENCY *(Re-submitted to correct error in the name of female adult nominee's names)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Dorcah Gwako	Kemunto Female Adult Representative	Re-appointment, pursuant to Sec.43(8)

22. RABAI CONSTITUENCY *(Re-submitted to correct error in the name of the male adult nominee)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Kalama Mumba Ngome	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)

23. SUBA NORTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Grace Ouko	Akinyi Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
2.	James Oloo Masiga	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)

24. THARAKA CONSTITUENCY *(Re-submitted to correct error in the statutory provision for assumption of positions for female youth and male youth nominees)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION	FOR OF
1.	Erick Muthia Murango	Male Youth Representative	Fresh appointment, pursuant to Sec. 43(3)	
2.	Lucy Kangai Nyanga	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)	

25. VOI CONSTITUENCY *(Re-submitted to correct error in the statutory provision for assumption of position for male adult nominee)*

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION	FOR OF
1.	Hammerton Mbogo Mwaviswa	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)	

26. BARINGO CENTRAL CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION	FOR OF
1.	Augustine Kiplangat	Kenei Male Youth Representative	Re-appointment, pursuant to Sec.43(8)	
2.	Jonathan Barkutwo	Chebii Male Adult Representative	Re-appointment, pursuant to Sec.43(8)	
3.	Gloria Kibet	Jepkogei Female Youth Representative	Re-appointment, pursuant to Sec.43(8)	
4.	Jenifer Chepkwony	Jematia Female Adult Representative	Re-appointment, pursuant to Sec.43(8)	
5.	Symon Cheplikwony	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)	
6.	Shadrack Kaplawat	Kibet Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)	
7.	Grace Jesire Chebii	Nominee of the Constituency	Re-appointment, pursuant to	

Office (Female)

Sec.43(8)

27. JOMVU CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Ganatra Okochi	Robert Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Namasambu Sabwami	Alex Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Ummi Athaman	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Dennis Ngome Zuwa	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
5.	Seif Kalama Masha	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
6.	Thima Maitha Raha	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

28. KIKUYU CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Simon Ngugi Mwihaki	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Peter Nganga Ngigi	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Margaret Wangui Njoroge	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Rahab Rwinu Ndungu	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Ruth Wanjiru Henry	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Fredrick Kiarie	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
	Susan Waturi Kagiri	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

29. KIMININI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Samwel Masinde Wafula	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	John Siboe Timothy Makokha	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Mercelina Wanjala Wanyama	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Violet Nafula Wangila	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Margaret Nasimiyu Walekhwa	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Stephen Wanyonyi Indimuli	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Ruth Nasimiyu Juma	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

30. KISUMU WEST CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	James Odiwour Ooko	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	Elijah Akomo Were	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Marcy Achieng Aniala	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Hellen Awiti Sijenysis	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	John Ochieng Okelo	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	George Odhiambo Okello	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mwanika Ramadhan Alima	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

31. KURESOI SOUTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Korir Peter	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Wilson Kipsigei Bii	Male Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
3.	Betty Jebet Kemboi	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Rael Chepkoech Keter	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Lenox Kimutai Koech	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Henry Cheruiyot Bii	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Chepngeno Josphine	Nominee of the Constituency Office (Female)	Fresh-appointment, pursuant to Sec.43(3)

32. LAIKIPIA EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Samuel Karumba	Gachagua Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	John Mwangi Njoki	Male Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
3.	Mary Wanjiku Ndururi	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
4.	Denis Mathenge	Kaniaru Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
5.	Samuel Kagunda	Kariuki Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec.43(3)
6.	Eunice Wahome	Wamuyu Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

33. MACHAKOS TOWN CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION	PROVISION OF
1.	Nicholas Kitolo Mulwa	Male Youth Representative	Re-appointment, Sec.43(8)	pursuant to
2.	Sylvester Mutinda Mumo	Male Adult Representative	Re-appointment, Sec.43(8)	pursuant to
3.	Faith Mbula Musyoki	Female Youth Representative	Re-appointment, Sec.43(8)	pursuant to
4.	Jacinta Kaluki Mulwa	Female Adult Representative	Re-appointment, Sec.43(8)	pursuant to
5.	Abdalla Ndalukaria	Representative of Persons Living with Disability	Re-appointment, Sec.43(8)	pursuant to
6.	Jackson Ngui Kilundo	Nominee of the Constituency Office (Male)	Re-appointment, Sec.43(8)	pursuant to
7.	Jacinta Mutete Nthenge	Nominee of the Constituency Office (Female)	Re-appointment, Sec.43(8)	pursuant to

34. MANDERA EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Saadia Abdullahi Ali	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Safia Abdi Abdullahi	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Daud Ibrahim Abdullahi	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
4.	Abdirahim Issack Sheikh	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
5.	Hibo Abdi Ali	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

35. MATUGA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Omari Mwinyi Colo	Male Youth Representative	Fresh -appointment, pursuant to Sec.43(3)
2.	Omari Ndaro	Male Adult Representative	Re-appointment, pursuant to

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	Mwagaga		Sec.43(8)
3.	Mwanamkasi Zani	Alawe Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Cathirine Njeri Gitahi	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
5.	Mwachiro Mwanhanje	Ndegwa Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Rama Gangombe	Mohamed Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mariam Ndunge	Ndungwa Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

36.**RONGAI CONSTITUENCY**

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Henry Kipngok	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Richard Moindi	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Sylvia Kimno	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Hellen Langat	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
5.	Angeline Odhiambo	Representative of Persons Living with Disability	Fresh-appointment, pursuant to Sec.43(3)
6.	Joseph Osoro	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Jedidah Gikiru	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

37. SAMBURU EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Stephen Lenengwesi	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Moruo Lororua	Male Adult Representative	Re-appointment, pursuant to

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			Sec.43(8)
3.	Janet Akiru Loldepe	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Naomi Lekisaat	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Teresa Naikoka Lenamarker	Representative Of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Francis Ltrisen Lemartile	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Jeniffer Lekagitele	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

38. SIRISIA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Alan Moss Kiboi	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	Philip Simiyu Wanjala	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Nancy Nafula Masakari	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Antonet Nafula Lukhale	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Peterkin Nyongesa	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Japheth Iman Imo	Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec.43(3)
7.	Linnet Kasaya Gidosi	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

39. TINDERET CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Simion Biwott	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	James Kiplimo Chumba	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Jenifer Chepkosgei	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)

4.	Irine Chepwogen Mutai	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Irine Chebet Langat	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Edwin Kipkemboi Rono	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Nancy Jeruto Cheruiyot	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

40. URIRI CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Charles Oyiera	Omondi Male Youth Representative	Fresh -appointment, pursuant to Sec.43(3)
2.	Charles Okwach	Odhiambo Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Dorothy Ochola	Achieng Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Jenifa Anyango Anam	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Charles Oloo Nyariaro	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Charles Otieno Odhiambo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Joyce Mukiza Ngusare	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

41. VIHIGA CONSTITUENCY

NO	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Burton Memba	Musumba Male Youth Representative	Fresh -appointment, pursuant to Sec.43(3)
2.	James Munangwe	Mundia Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Clarice Kavuzi Anaye	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Emma Jumba	Ambasa Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Bonile Kisali Lugalia	Representative of Persons Living with Disability	Fresh-appointment, pursuant to Sec.43(3)

- | | | | | | |
|----|---------------------|--------|-------------------------------|---------------------|---|
| 6. | Kennedy
Kisivuli | Mmbayi | Nominee of
Office (Male) | the
Constituency | Re-appointment, pursuant to
Sec.43(8) |
| 7. | Violet Libese | | Nominee of
Office (Female) | the
Constituency | Fresh-appointment, pursuant to
Sec.43(3) |

That is the list of the 41 constituencies. The board and the secretariat have been able to go through the various categories and have made sure that the members nominated to the boards, by various panels in those constituencies meet the criteria set out in the National Government Constituencies Development Fund Act, 2015.

Hon. Speaker, you notice that there is time we extended the deadline as a House so that Members could have the constituency committees re-constituted after the expiry of the two-and-half year period that expired in May and we are now in June. So, I plead with Members that we approve these names so that various boards can start being functional. There is fear that during the time lapse, many of the boards may not be able to do the work they are supposed to.

I beg the nominated members to work diligently and make sure that the money the Government sends every year to the constituencies is utilised as intended.

With these few words, I beg to move. I ask the Chief Whip, who is a Member of the National Government Constituencies Development Fund Committee to second.

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

Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Speaker, I beg to second the Motion.

I second it on the basis that these are names from our colleagues. They have gone through the list and by being the custodians of the various constituencies, they have firm knowledge of who exactly these people are and they understand them. Therefore, it is in order that as colleagues and Members of this House we approve the list so that our colleagues in various constituencies are able to carry out their noble duties of assisting in whatever way what their constituents require.

I, therefore, beg to second.

(Question proposed)

Hon. Speaker: Let us now hear Hon. Lentoimaga.

Hon. Alois Lentoimaga (Samburu North, JP): Hon. Speaker, I also support the confirmation of the board members. However, at the same time, I would like to request the Chair to give us the status of the disbursement of the funds. As far as I am concerned, more than half of the money allocated for Samburu North Constituency has not been disbursed, yet the financial year is almost ending. It will end in the next 26 days! We would like the money to be disbursed so that we can carry on with the projects that had been earmarked for the funds.

Hon. Speaker: It is your chance the Member for Bomachoge Borabu.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Speaker. I would also like to add to the words that have been expressed by my colleague. As much as we welcome the list that has been read for various constituencies in terms of the committee members of the NG-CDF, it is most unfortunate that most of the constituencies have not received their allocations of NG-CDF money.

We have come from a very serious season of heavy rains and now the COVID-19 pandemic. Should the Ministry of Education, Science and Technology decide that they want to have schools resume, most of us will be in a very awkward situation because infrastructure in most schools is very wanting. I once again request the Chair of the Committee to facilitate disbursement of the funds to the constituencies so that the necessary renovations and any pending activities can be done to accommodate any decisions that may come from the Ministry of Education, Science and Technology concerning re-opening of schools during the period of COVID-19.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chepkut.

Hon. William Chepkut (Ainabkoi, Independent): Hon. Speaker, it is true that some funds have not been released to our constituencies. I urge the Chairman of the NG-CDF Committee, Hon. Maoka Maore, to move with speed and ensure that the money is released.

Hon. Speaker, you are a gentle giant. Since Independence we have not had a Speaker like you who is fair and just. You have a great future as you are a gentle giant in this Republic and you are third in command. The President, who is a five-star general, is number one; followed by the Deputy President then you. Indeed, you have been fair and just.

This is a very young man, an advocate of the High Court. I plead with Hon. John Mbadi and Hon. Junet Nuh, who are very close to me, to be moderate. I want you to be moderate and accommodative because in future; come 2022, we will still want these people, Hon. Junet. So, just try to exercise some degree of moderation. Do not dismiss people. Be accommodative, Hon. Junet. You are a great man, but accommodate them because even His Excellency wants the numbers. This country is all about the numbers. You know the great Plato once said that there are three human characteristics: the desire, the knowledge and the emotions.

So, as I finish, do not panic and do not worry. You are a great man.

Thank you.

Hon. Speaker: Hon. Members, there is something we are still waiting for. Hon. Sophia Abdi, the Member for Ijara, do not move. You will be given a microphone from there. Just wait. I want to encourage you to carry your cards, please.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Speaker. I want to apologise. It is my first time to come without my card.

Hon. Speaker: Very well.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Hon. Speaker, first, I would like to appreciate my Chairman who has worked very hard for Members here. I am a Member of the NG-CDF Committee. The Chairman of the Committee has gone around trying to see how to get resources from the Treasury and to ensure that resources are allocated to each and every constituency, bearing in mind that we are going through a very difficult time. There are a lot of challenges that are facing this country. Allocation of resources has become very difficult, but we are on top of everything and we are trying so hard to ensure that all your resources are distributed to your accounts.

Again, I want to say that some of the lists from your constituencies have not reached us, but for the ones that have reached us, we have brought all of them, including even the last bunch of the constituencies and have been tabled today. I just want Members to appreciate that we are trying so much as the Committee to ensure that every Member has enough and adequate resources. We know the challenges that are out there, such as the heavy rainfalls that have destroyed most of

the infrastructures in schools, roads, *et cetera*. There are a lot of challenges awaiting us in our various constituencies.

With those few remarks, I ask the House to affirm the list and to support the Members of the NG-CDF Committee because we are trying and working round the clock.

Thank you very much, Hon. Speaker.

Hon. Speaker: Is it the Member for Gichugu, Hon. Gichimu? You also do not have a card. You do not have a card, do you?

(Hon. Gichimu Githinji spoke off record)

How is it that it cannot show?

Hon. Gichimu Githinji (Gichugu, JP): Hon. Speaker, can I use my colleague's...

Hon. Speaker: But also be aware of the public health protocols. Members, I can see you are still behaving as if we are in the normal situation. The reason why you see this place being disinfected is purely for your own good. You can proceed, Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, JP): Hon. Speaker, let me take this opportunity to thank the NG-CDF Committee for the good work. One thing I would like the Committee to follow up with the Board is that some of the constituencies including Gichugu Constituency were on the verge of giving bursary funds just before the COVID-19 came up. That money is already reserved in the account for issuance of the bursary funds. It is also not very clear when the schools will reopen.

There is a practice by the Board that they cannot release money if you have more than Kshs10 million in the account. It will be very dangerous to release that money to go and do other projects when we are not sure exactly when the schools will reopen. From experience, I am expecting that once the schools reopen, those cheques will be released. So, I plead with the Committee to talk to the Board to release more money for development for the constituencies that had already reserved money for bursary before the COVID-19 pandemic erupted.

Thank you, Hon. Speaker. I beg to support.

Hon. Speaker: How is it that...

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Speaker, for granting me the opportunity to address this matter. Let me start by thanking the Chair of the National Assembly Select Committee on NG-CDF for tabling and moving this Motion for approval.

Hon. Speaker, Homa Bay Town Constituency is among the constituencies whose members of the NG-CDF Committee are being approved by this House. If the House chooses at the end – the delay in presentation of these names and their approval by the House is undermining the necessary works in our constituencies across the country. I am emphasizing this because we know that with COVID-19's challenges, we are thinking of reopening schools and various development needs. It becomes difficult for constituencies and the country to progress, more so in a situation where the NG-CDF, which is the only meaningful devolved national Government funding, is being seen on the ground down there being delayed. So, I want to urge the House to approve my constituency among others.

Hon. Speaker, as we move forward, the challenge that the other Members have addressed is, of course, an urgent issue. If the House approves, may I request that the Committee again intervenes and secures that the committee members are gazetted immediately.

In a constituency like mine, things are very difficult. Pending this approval, the outgoing NG-CDF committee is actually not doing anything because of the financial risks and those other measures we take to ensure that these funds are kept securely.

If these committees are gazetted – may I also inform the National Assembly Select Committee on NG-CDF, that there are a lot of administrative bottlenecks being put through circulars and memoranda coming from the Board to fund account managers down at the constituency level. I have had occasions where funding has gone to the project itself. For instance, in Homa Bay Constituency, which is mostly a learning institution; the money is there, but it cannot be used until something called a circular is signed by a district accountant, who had already issued a cheque to the school.

The NG-CDF Committee of this National Assembly must sit down and guide the audit office properly so that, if indeed the law... I remember sitting in this House and in that Committee to pass the NG-CDF Act, 2015. We said that the NG-CDF Committee will release money to the Project Management Committee. It is the Project Management Committee that procures and pays out. Accounting is always to the NG-CDF Committee.

We have had challenges where the Office of the Auditor-General is requiring the NG-CDF Committee to be the one accounting to funds which are sent to a school and which is being run by the Project Management Committee, which invariably is the board of management and a gazetted accounting office within that institution. So, you get the fund account managers are not moving. You need money, but you cannot move at all.

Another challenge we must look at, more so in the realm of procurement, is the issue of payment. Once money goes to a school, we are now being required to get approvals of people called public works. I have a Clerk of Works who is a degree holder in engineering. The person who is now required to approve the works he is dealing with is a diploma holder who has never worked anywhere. The NG-CDF Board sort of has required that those people be paid. The payment is to come from the money meant for administration of the works by the project management committees. I have a situation where a diploma holder who is doing nothing apart from waiting to be paid, is to be paid 2 per cent of the 5 per cent going to the project management committee for each project. This is millions of shillings for doing nothing.

The Act says that the NG-CDF Committee will liaise with the national Government offices in the execution of works, but I never imagined that where there is such liaison, the payment should go to an individual. The Public Works Officer is already earning from the county. He draws a salary for doing the work for which the NG-CDF Committee is required to liaise with that particular national Government Department. Giving that kind of money to an individual amounts to corruption. It means that the individual is using the public office he holds to solicit for funds as if he were a private professional. That is unconstitutional. This guy, who is in Homa Bay County, is a quack. Compared to my degree holder, he has done nothing. He just sits in the office and says, "I will sign if you give me my money." He requires to be given money from a kitty that does not exist in the NG-CDF Act. I request the National Assembly Select Committee on the NG-CDF to look at all these issues.

The third and last issue is that we already have the money in the constituencies. If you require that the only people who can be procured to do works by our various project management committees (PMCs) must be people who have money to do the work and be paid later, then why should the money be sent to a school in advance?

In Homa Bay Town Constituency, because of the poor economic status, there is no single person who can do the minimum of two primary school classrooms. In the long run, we are going

to have people from Nairobi, who simply do some paper work and access money, taking the money, yet the people doing the actual work are the village boys who are trained in our various technical training institutes down there. I suggest to the Committee that it considers this as we approve these NG-CDF Committees for the various constituencies. If money is down there and the PMC can get a local person who is good at the work approved by the community, let him do the work and let money be given to him in phases instead of having this idea of requiring people who have money from wherever to do it. That is why the money is there. That way, the money will be in the constituency and it will work because the works will be done by people who are accountable.

Those, among other changes, are the things I request the National Assembly Select Committee, under the chairmanship of the new Deputy Whip of the Majority Party, to deliberately think through. When we sat in the National Assembly Select Committee on NG-CDF, most of these administrative circulars and bottlenecks you now see being pushed around were not there. I think there will be need for a meeting, particularly of the Committee with the CEO, whose re-appointment we secured because he knew work. Today you do not know whether the NG-CDF Act is the law governing the administration of this Fund or not.

There is the issue of payment of members of the Constituency Oversight Committee (COC). We cannot pay them to date because of an error we had in the Regulations. Hon. Chair, I sat in the Committee when we discussed the Regulations. We had said that one per cent of the NG-CDF allocation should go to the COC. We were initially proposing that the entire monitoring and evaluation money should go to the COC. We agreed it would be one per cent of the NG-CDF allocation or a third of the monitoring and evaluation money. When the regulations were published, it came out as one per cent of money allocated to monitoring and evaluation. The only committee in which the Member of Parliament sits, the COC, cannot do work at all. It cannot do work. I have professional people like educationists and people who retired, including former commissioners of TSC, working with me as members of the COC. This is the only committee – the only link I have as an MP. There is no pay. What I am being told is that there is Kshs30,000 for a whole year. Really? These are things which the Select Committee should pick up. I am thinking there is time for the Committee to re-evaluate the entire law on the NG-CDF on such matters.

I would be proposing, for instance, that we have a situation where we can take the entire monitoring and evaluation money to the COC, if even a third of money allocated to monitoring and evaluation cannot be paid when we are paying other people. There is no monitoring which can be done by members of the COC without the MP. It will be fine if all those changes, thoughts and considerations, in addition to the other many good things they have been doing, are taken up by the National Assembly Select Committee on the Fund.

I do not know on what point of order the Chair is rising. I do not know under what format you are paying members of your COC. I remember we agreed in the last Parliament that members of the COC would be paid at rates similar to those of members of the NG-CDF. How do these people oversee the work of the PMC? In as much as you are raising points of order, we send hundreds of millions of shillings to the constituencies when we have no coin to even fuel a car. Who is going to work for the Government? These are people who are duly appointed by an Act of Parliament.

Hon. Speaker: There is a point of order from the Chairman.

Hon. Maoka Maore (Igembe North, JP): I want to plead with Hon. Kaluma to just use a different method to put in the very useful and valuable issues he is raising while putting into account the various litigations against the NG-CDF. He might be feeding all that knowledge to the

wrong territory or company. Just write to the Committee. Actually, we wish to invite you to a sitting so that you can raise those matters. We really welcome them but keep them to a minimum for this session.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I have previously appeared before the National Assembly Select Committee on the matter of non-payment of members of the COC, but nothing happened. What I am saying is that the members of the COC perform an important role. It is a body created by an Act of Parliament. It cannot be contemplated that they can duly oversee PMCs when no coin at all is being paid to them. We must make these changes as we approve these committees.

Hon. Speaker, I believe the good and able Chair will take up these matters. Thank you.

Hon. Speaker: Of course, Hon. Members, you also have other issues. Hon. Kaluma spoke about circulars and whatnot. I think it is within your power to even make those circulars part of the regulations so that they are considered and approved by this House so that they are not applied selectively.

Certainly from that corner, I am not able to tell with a mask who that Member is. Ooh! It is the Hon. Dr. Makali Mulu.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker. Today I am at this corner of this House and, as you have said, with these masks on, you cannot see people from far. Actually, you cannot recognise them.

I want to add my voice to this debate. First of all, I thank the Committee for these proposed names. After we pass these names, they will be gazetted. However, I want to make some observations.

I agree with the Chair when he said that there are many cases related to the NG-CDF in the courts. At times it becomes tricky when you start saying some of these things publicly. At the end of the day, we have to think about the timing. It takes quite a lot of time for these cases to be concluded. The more time it takes, the more Members are inconvenienced in overseeing implementation of the NG-CDF. As we pass these names--- as you know, Hon. Members share experiences. We are patrons, but we have realised that once some of the board members get gazetted, they assume the role of MPs. They give Members a lot of problems. Once they are gazetted, it becomes tricky to remove them. As we gazette them, they need to note that – some of them are watching what we are doing – at the end of the day, the patron of the NG-CDF in any constituency remains the dully elected MP. So, they should work knowing that. There should be consultations between the board and the patron, so that things move smoothly.

Secondly, I agree with Hon. Kaluma. He talked about the issue of implementation of projects and our relationship with people who approve the plans and oversee the implementation. Hon. Chairman, it is important for you and your Committee – I know you visit constituencies – to do something in terms of changing the structure. You have allowed boards to hire civil engineers; I do not see why we should not do something to allow our civil engineers who have been hired to do the final authorisation and certification of work.

The other point which is important, is the issue of the District Accountant. I do not know the experience of other Members. In my constituency, when the District Accountant goes on leave, the law is so strict that not even his deputy can sign anything. So, at times the accountant can be away for two or three weeks and nothing will happen because you cannot process any payment. As we move to the future, because the NG-CDF is important to this county, it will be important if the board starts thinking about allowing the NG-CDF boards to process payments at that level. At the end of the day, the Auditor-General does all the auditing like he does for the central

Government. The idea of relying on the District Accountant only is inconveniencing implementation. These are some of the good practices we are proposing and we have been proposing. Chair, if you can allow us, in your next meeting, some of us can come. We have proposed some amendments to the Act, but because of what is happening, we have decided to go slow on them. Some of these administrative issues could be sorted out by the Committee so that it makes implementation smooth.

With those remarks, I support this Motion, so that various constituencies get their board members gazetted.

Thank you.

Hon. Speaker: Hon. Nyamai.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Speaker for giving me this opportunity. I rise to support the passage of these names that have been presented by the Chair for the NG-CDF Committees. I have been following what the National Government Constituency Development Fund Committee has been doing. They have done a good job. Today we are passing names for 41 constituencies. These names have been picked from the constituencies. There is a good procedure that has been provided for the names to get to the Committee and later to the House. So, with regard to the names, I support just as the other Members have done. The National Government Constituencies Development Fund projects are the main developments that are visible in the whole country from north to south and from east to west. The work that is done by these officers is commendable. We should pass this Motion as soon as possible.

I would like to share the experiences that other Members have raised. We have highly qualified managers who have been hired by the Government through the Public Service Commission. They are highly qualified, but it is like there is double scrutiny of these officers, which causes delay of implementation of projects. So, I agree with Hon. Makali and other Members who have spoken that we need to have a way of ensuring that when District Accountants are not available, projects are implemented without waiting for too long for them to come back. At the end of the day, the projects will be scrutinised through the general Government structures.

The issue of having a works officer in addition to the Government officer that ---

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Sabina?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. I stand on Standing Order No.95. Listening to various Members, they are all in agreement with what the Chair of National Government Constituency Development Fund Committee has tabled. Based on matters before this House, as per your earlier directive, I request that the Mover be called upon to reply so that we can deliberate on other urgent matters. I can tell that Members are in agreement with the list that was tabled by the Chair of the NG-CDF Committee.

Thank you.

Hon. Speaker: Hon. Nyamai, finish your contribution. This is just to remind the House that you have already approved a second sitting because of the budget issue. Proceed Hon. Nyamai.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Speaker, I agree with the Report. In line with what Hon. Sabina has said, generally we agree and as an MP for Kitui South, I agree. I would like to stop there.

Thank you.

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

Hon. Speaker: Mover. I need to see your card. Very well now. Do not remove the card. There is something you have done to your card that it is not showing on the console. It is now okay.

Hon. Maoka Maore (Igembe North, JP): Thank you, Hon. Speaker. I want to appreciate contributions of Members. I only wish to respond to about three points in a minute given the work before us.

On the status of disbursement, we will have a comprehensive statement in the next Sitting for all the disbursements in constituencies. However, I can mention that 34 constituencies have already received 100 per cent of their disbursements for this financial year. For the rest of the constituencies, I will have a statement ready in the next Sitting.

The other issue is about disbursement of the money. When money gets to the Board, it actually does not last there for a week. It is normally disbursed to the constituencies. So when you see a shortfall, it is a Treasury issue. It depends on what they collect and what they are able to release to us.

The second point raised by most Members is about the ease of release of the money and the inconveniences that have come up because of the accountability mechanisms between the PMC, the Board and the Office of the District Accountant. On those issues, I reiterate, we would want to invite Members to bring proposals of what they feel. We should forward our report because we are in the middle of the term. Actually, the term of the Committee has nearly expired, from the time it was appointed to date. Normally, the law requires that we prepare a report and those kinds of valuable contributions will enrich our report when we will be giving our feedback on what we should be doing.

The other issue is that of circulars. Circulars cannot replace an Act of Parliament. When you find the circulars inconveniencing you, raise the matter and it will be addressed as quickly as possible.

At this point, Hon. Speaker, I beg to reply.

(Question put and agreed to)

Hon. Speaker: Hon. Members, for the convenience of the House as I had indicated earlier, I re-arrange business so that we go to Order Nos. 5 and 6 so as to allow the Chairman of the Budget and Appropriations Committee to proceed.

PAPER LAID

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, Judiciary and Parliament for the Financial Year 2020/2021.

Thank you, Hon. Speaker.

Hon. Speaker: Proceed under Order No. 6.

NOTICE OF MOTION

REPORT OF THE BUDGET ESTIMATES FOR FINANCIAL YEAR 2020/2021

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, the Judiciary and Parliament for the Financial Year 2020/2021, laid on the Table of the House on Thursday, 4th June 2020, and pursuant to the provisions of Article 221 of the Constitution of Kenya, Section 39 of the Public Finance Management Act, 2012 and Standing Orders 235 and 239, approves the issuance of a sum of Ksh1,883,022,058,155 from the Consolidated Fund to meet the expenditure during the year ending 30th June 2021, in respect of the votes as contained in the Schedule.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, in order to give full effect to the resolution that the House passed under Order No. 8 earlier this afternoon, I order that the remaining business in the Order Paper, being Order Nos. 11 and 12, be considered in the Second Sitting that the House approved.

ADJOURNMENT

Hon. Speaker: Hon. Members, the House stands adjourned at 5.15 p.m. for 10 minutes.

The House rose at 5.15 p.m.