



REPUBLIC OF KENYA

TWELFTH PARLIAMENT –FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, MAY 06, 2020 (MORNING)

1. The House assembled at Ten O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker

4. **COMMUNICATION FROM THE CHAIR**

The Deputy Speaker issued the following Communication:-

Communication Regarding Withdrawal of Clause 3 of the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020)

“**Honourable Members**, You are aware the *Second Reading* of the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020) is scheduled to commence today morning as order No. 9. Before the Bill is considered for *Second Reading*, I wish to bring to the attention of the House the following information.

Honourable Members, I have since received a letter from the Leader of the Majority Party requesting for my consent to **withdraw Clause 3** of the Bill. In his letter, Leader of the Majority Party indicates that he has since been advised that the amendment, which proposes to amend section 50 of the Public Finance Management Act, 2012 may be deemed to contravene the provisions of Article 211 of the Constitution regarding the process of approval of borrowing by the National Government.

Honourable Members, I have since acceded to the request. This implies that the Bill will now proceed to Second Reading and other stages with without making reference to Clause 3. Thus, the Bill should be dealt with as if **Clause 3** was not part of it.

I thank you!”

5. **PAPERS LAID**

The following Papers were laid on the Table of the House:-

- (i) Legal Notice No. 37 of 2020 relating to the Public Procurement and Assets Disposal Regulation and its explanatory memorandum from the National Treasury;
- (ii) 2020/21 Financial Year Annex of the Estimates for State Corporations for the Financial Year ending 30th June 2021 from the National Treasury;
- (iii) Supporting Documents for the Financial Year 2020/21 Budget from the National Treasury on;
 - a) The Budget Summary for the Fiscal Year 2020/21 and the Supporting Information;
 - b) The Estimates of Revenue, Grants and Loans for the Fiscal Year 2020/21; and,
 - c) The Financial Statement for the Fiscal Year 2020/21.
- (iv) Hansard Report of Senate proceedings on division regarding approval 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)

(The Leader of the Majority Party)

- (v) The Fourth Report of the Procedure & and House Rules Committee on Amendments to the Standing Orders to Facilitate Virtual Sittings of the House and its Committees;

(Hon. Kangogo Bowen on behalf of the Procedure and House Rules Committee)

6. NOTICE OF MOTION

The following Notice of Motion was given:-

Notice of Motion -Report of the Procedure and House Rules Committee on Facilitating Virtual Sittings of the House and its Committees

THAT, this House **adopts** the Fourth Report of the Procedure & House Rules Committee on *Amendments to the Standing Orders to Facilitate Virtual Sittings of the House and its Committees*, laid on the Table of the House on Wednesday, May 06, 2020, and pursuant to the provisions of Article 124(1) of the Constitution and Standing Order 265-

- (i) resolves to amend its Standing Orders as contained in the Schedule to the Report; and,
- (ii) orders that the amendments to the Standing Orders as contained in the Schedule to the Report shall come into effect on Monday, 18th May, 2020.

(Hon. Kangogo Bowen on behalf of the Procedure and House Rules Committee)

7. STATEMENTS

The following Statements were made and responses to previous Statements issued:-

- a) Pursuant to Standing Order 44(2)(c), the Member for Runyenjes (Hon. Eric Muchangi) sought a Statement from the Chairperson of the Departmental

Committee on Agriculture and Livestock regarding disparities in payment of tea bonuses to farmers in Runyenjes Constituency.

- b) Pursuant to Standing Order 44(2)(c), the Member for Ruaraka (Hon. T.J. Kajwang) sought a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on tax evasion and repackaging of alcoholic beverages.
- c) Pursuant to Standing Order 44(2)(c), the Member for Murang'a County (Hon. Sabina Chege) sought a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives regarding lapsing of exemption of inspection of drugs imported into the country.
- d) Pursuant to Standing Order 44(2)(c), the Member for Ruiru (Hon. Simon King'ara) sought a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare on disbursement of Cash Transfers to the elderly, orphans and persons living with disabilities.
- e) Pursuant to Standing Order 44(2)(c), the Chairperson of the Departmental Committee on Administration and National Security responded to a Statement sought by the Member for Dagoretti South (Hon. John Kiarie Waweru) regarding death of Mr. Peter Gachago Gacheru.

8. THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 10 of 2020)

(Chairperson, Departmental Committee on Finance and National Planning)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

9. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2020)

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Public Finance Management (Amendment) Bill (National Assembly Bill No. 2 of 2020) be now read a Second Time

(The Leader of the Majority Party)

There being no debate arising;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

10. **MOTION – APPROVAL OF THE MEDIATED VERSION OF THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 11 OF 2017)**

Order **dropped** to facilitate guidance by the Speaker on issues raised by the Leader of the Majority Party pertaining to whether the Bill was properly before the House on account of alleged non-adherence to legislative procedure in the Senate.

11. **MOTION – APPROVAL OF THE MEDIATED VERSION OF THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 7 OF 2017)**

Order **dropped** to facilitate guidance by the Speaker on issues raised by the Leader of the Majority Party pertaining to whether the Bill was properly before the House on account of alleged non-adherence to legislative procedure in the Senate.

12. **MOTION – OTHER MEASURES TO ADDRESS THE EFFECTS OF THE COVID-19 PANDEMIC**

Motion made and Question proposed:-

THAT, AWARE THAT, the World Health Organization (WHO) declared the Corona Virus Disease 2019 (*COVID-19*) a global health pandemic and that the pandemic has led to an unprecedented global health crisis;

COGNIZANT THAT the Government, non-governmental institutions, well-wishers and health authorities globally have joined hands and put in place a number of measures to contain the pandemic, mainly through travel and behavioral restrictions, provision of necessary protective facilities, equipping existing health facilities, availing resources; and providing necessary assistance and information;

APPRECIATING the policy measures and interventions being undertaken by the Government, through the multi-agency National Emergency Response Committee on Corona Virus (NERC) led by the Ministry of Health, to contain the spread of the pandemic and cushion Kenyans against its social and economic effects;

FURTHER COGNIZANT of the legislative measures proposed by the Executive, including the establishment of the *COVID-19 Fund*, the reduction of the Value Added Tax, amongst others;

FURTHER APPRECIATING the role of National Assembly in taking necessary legislative interventions and offering the necessary political and legislative support, whenever required;

NOW THEREFORE, THIS HOUSE RESOLVES–

- (a) to laud and appreciate the Government of the Republic of Kenya for the action and policy measures undertaken so far in combating the spread of the virus, and addressing the economic effects of the virus in the country to cushion ordinary Kenyans from its effects;

- (b) to commend and appreciate all **healthcare workers and service providers** in the country for their selfless efforts, commitment to service, care and compassion towards persons who have been infected and/or affected by the virus;
- (c) to urgently put in place modalities of facilitating the continuity of the business of the House remotely using modern technology whilst upholding the constitutional requirements on Public access and participation, Quorum, and Voting in Parliament;and,
- (d) that, to supplement the *Covid-19* Fund and other measures put in place, the Budget & Appropriation Committee reviews the proposed Annual Estimates for the FY 2020/2021with a view to allocating funds towards cushioning the country further from the short-term and long-term effects of *Covid-19*, particularly allocating and ring-fencing funds for –
 - (i) the provision of personal protective equipment (PPE), testing and medical equipment, including adequate ventilators; and,
 - (ii) the establishment of a suitable national health facility for the treatment and management of infectious and viral diseases such the *Covid-19*, with a bed capacity of at least 1,000 persons.

(The Leader of the Majority Party)

[Change of Chair from the Deputy Speaker to the Second Chairperson]

Debate arising;

Proposed Amendment

a.) THAT, the Motion be amended by deleting the word “and;” appearing at the end of paragraph (b) of the proposed resolutions and inserting thereof the following new paragraph –

(ba) THAT, the House orders the Clerk of the National Assembly to make appropriate proposals for consideration by the Procedure & House Rules Committee to enable virtual participation of Members in the sittings of the House and its Committees while upholding the provisions of, *inter alia*, Articles 118 (*Public access and participation*), 121 (*Quorum*), 122 (*Voting in Parliament*), and 126 (*Location of sittings of Parliament*) of the Constitution, and the Standing Orders of the House.

(Hon. Moses Cheboi,MP)

Proposed amendment withdrawn

b.) THAT, the Motion be amended by inserting the following paragraphs immediately after paragraph (c)-

THAT, the Select Committee on the National Government Constituencies Development Fund (NG-CDF) proposes amendments for consideration by the House, on the (NG-CDF Act, with a view to amending the said law to permit for

- (i) the utilization of NG-CDF Funds for the provision of consumables aimed at cushioning the society from the effects of COVID -19;
(Hon. Abdulswamad Shariff Nassir)

Debate arising;

Proposed Amendment withdrawn.

- (ii) **THAT**, the Government considers waiving charges payable by persons who are under mandatory quarantine, excluding those isolated due to violation of social distancing and curfew requirements.

(Hon. Abdulswamad Shariff Nassir)

Debate arising;

Question on the Amendment put and agreed to.

c.) THAT, the Motion be amended in paragraph (d)(ii) by-

a) (i) deleting the words ‘a’ and ‘national’;

(ii) deleting the word ‘facility’ and substituting thereof with the word ‘facilities’; and

(iii) deleting the words ‘with a bed capacity of at least 1,000 persons’

b) Inserting the following new sub-paragraph:-

“(iii) the establishment of suitable health facilities for the treatment and management of infectious and viral diseases such as Covid-19”

(Hon. James Nyikal)

Debate arising;

Question on the Amendment put and agreed to.

d.) THAT, the Motion be amended by -

a) inserting the following new paragraphs immediately after the following paragraph “**FURTHER APPRECIATING** the role of National Assembly in taking necessary legislative interventions and offering the necessary political and legislative support, whenever required”.

(i) **CONCERNED THAT**, COVID-19 Pandemic has disrupted the Country’s economy and that economic development outcomes are expected to be seriously affected by the interruption caused by the virus both globally and locally;

(ii) **DEEPLY CONCERNED THAT**, the Government faces significant fiscal challenges as the national economy faces contraction because of the effects of COVID-19 Pandemic, a situation made worse by the depreciation

(iii) of the shilling, and the Government may in the current financial year not be able to meet its loan obligations;

b) inserting the following paragraph immediately after paragraph (c)-

(d) **THAT**, the Government of Kenya should urgently engage multilateral and bilateral lenders with a view to renegotiate loan obligations, with emphasis on waivers of interest and extensions on the repayment period, as well asking for total waivers on some of the loans so as to free up money to enable the Government to contain the spread of the pandemic, cushion Kenyans against its social and economic effects, and address economic impact of the pandemic.

(Hon. Ayub Savula)

Debate arising;

Question on the amendment put and agreed to.

The House resolved accordingly as follows:-

THAT, AWARE THAT, the World Health Organization (WHO) declared the Corona Virus Disease 2019 (*COVID-19*) a global health pandemic and that the pandemic has led to an unprecedented global health crisis;

COGNIZANT THAT the Government, non-governmental institutions, well-wishers and health authorities globally have joined hands and put in place a number of measures to contain the pandemic, mainly through travel and behavioral restrictions, provision of necessary protective facilities, equipping existing health facilities, availing resources; and providing necessary assistance and information;

APPRECIATING the policy measures and interventions being undertaken by the Government, through the multi-agency National Emergency Response Committee on Corona Virus (NERC) led by the Ministry of Health, to contain the spread of the pandemic and cushion Kenyans against its social and economic effects;

FURTHER COGNIZANT of the legislative measures proposed by the Executive, including the establishment of the *COVID-19 Fund*, the reduction of the Value Added Tax, amongst others;

FURTHER APPRECIATING the role of National Assembly in taking necessary legislative interventions and offering the necessary political and legislative support, whenever required;

CONCERNED THAT, COVID-19 Pandemic has disrupted the Country's economy and that economic development outcomes are expected to be seriously affected by the interruption caused by the virus both globally and locally;

DEEPLY CONCERNED THAT, the Government faces significant fiscal challenges as the national economy faces contraction because of the effects of COVID-19 Pandemic, a situation made worse by the depreciation of the shilling, and the

Government may in the current financial year not be able to meet its loan obligations;

NOW THEREFORE, THIS HOUSE RESOLVES–

- (a) to laud and appreciate the Government of the Republic of Kenya for the action and policy measures undertaken so far in combating the spread of the virus, and addressing the economic effects of the virus in the country to cushion ordinary Kenyans from its effects;
- (b) to commend and appreciate all **healthcare workers and service providers** in the country for their selfless efforts, commitment to service, care and compassion towards persons who have been infected and/or affected by the virus;
- (c) to urgently put in place modalities of facilitating the continuity of the business of the House remotely using modern technology whilst upholding the constitutional requirements on Public access and participation, Quorum, and Voting in Parliament; and,
- (d) *that, the Government considers waiving charges payable by persons who are under mandatory quarantine, excluding those isolated due to violation of social distancing and curfew requirements;*
- (e) *that, the Government of Kenya should urgently engage multilateral and bilateral lenders with a view to renegotiate loan obligations, with emphasis on waivers of interest and extensions on the repayment period, as well asking for total waivers on some of the loans so as to free up money to enable the Government to contain the spread of the pandemic, cushion Kenyans against its social and economic effects, and address economic impact of the pandemic;*
- (f) that, to supplement the Covid-19 Fund and other measures put in place, the Budget & Appropriation Committee reviews the proposed Annual Estimates for the FY 2020/2021 with a view to allocating funds towards cushioning the country further from the short-term and long-term effects of Covid-19, particularly allocating and ring-fencing funds for –
 - (i) the provision of personal protective equipment (PPE), testing and medical equipment, including adequate ventilators;
 - (ii) *the establishment of suitable health facilities for the treatment and management of infectious and viral diseases such the Covid-19; and,*
 - (iii) *the establishment of suitable health facilities for the treatment and management of infectious and viral diseases such as COVID-19.*

(Motion as amended)

Debate to resume.

13. HOUSE ROSE - at One O'clock,

(No.26)

WEDNESDAY, MAY 06, 2020

(343)

And the time being One O'clock, the Second Chairperson of Committees interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

MEMORANDUM

The Speaker will take the Chair today,
Wednesday, May 06, 2020 at 2.30pm

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