



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 12, 2015

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING** – the Speaker
4. **MESSAGE ON NOMINATION OF COMMISSIONERS TO THE JUDICIAL SERVICE COMMISSION**

The Speaker conveyed the following Message –

“Honourable Members,

Pursuant to Standing Order No. 42, I wish to convey a Message from His Excellency the President which was submitted by way of a letter addressed to my office for conveyance to the House. In the Message, His Excellency the President conveys that, in exercise of powers conferred on him by Article 171(2)(h) of the Constitution of Kenya, as read with Section 15(1) of the Judicial Service Act, 2011, he nominates the following as Members of the Judicial Service Commission-

- (i) Kipng'etich Arap Korir Bett; and
- (ii) Winifred Waceke Guchu

Article 171(2) of the Constitution of Kenya, 2010 requires that the Judicial Service Commission comprise of, among others-

(h)“One woman and one man to represent the public, not being lawyers, appointed by the President with the approval of the National Assembly.”

His Excellency the President therefore seeks the approval of this House on the nominees for appointment to the aforementioned positions.

Honourable Members,

Standing Order 45 requires that, upon receipt of notification of nominations for appointments, such nominations shall stand committed to the relevant Departmental Committee of the House for consideration. Pursuant to the provisions of the said Standing Order therefore, I hereby refer this Message, including the *curriculum vitae* of the nominees

to the Departmental Committee on Justice and Legal Affairs to undertake the necessary approval hearings.

Honourable Members,

Section 15 of the Judicial Service Act, 2011 requires the National Assembly to consider the nominees and either approve or reject them within seven (7) days. You will all agree with me that time is too short if indeed the National Assembly is to give this process the consideration it requires. However, Honourable Members, may I bring to your attention that this House amended the Public Appointments (Parliamentary Approval) Act, 2011 in November last year to provide that, and I quote:-

"Despite the provisions of this Act or any other written law, where a time is prescribed for doing an act or taking a proceeding by the National Assembly relating to a public appointment, the National Assembly may, by resolution, extend that time by a period not exceeding fourteen days."

In this regard, the Committee is at liberty to seek an extension of the period prescribed by the Judicial Service Act, 2011, by way of a motion.

Thank you."

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The 1988 Protocol to the Load Lines Convention, 1966;
 - (ii) The 1978 Protocol to the Convention on Safety of Life at Sea 1974 (SOLAS 74) which deals with tanker safety and pollution prevention;
 - (iii) The Protocol of 1988 to the International Convention for the safety of life at sea, 1974, as amended (SOLAS 74/78);
 - (iv) The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
 - (v) The 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLM), 1976;
 - (vi) The Nairobi International Convention on Removal of Wrecks, 2007; and
 - (vii) The International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.
- (The Leader of the Majority Party)*
- (viii) The Report of the Departmental Committee on Finance, Planning and Trade on its consideration of a Petition by a resident of Trans Nzoia County on Irregular purchase of Trans Nzoia Referral Hospital.

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

- (ix) Report on a public Petition regarding the imminent collapse of the Sugar Industry in Western Kenya; and
- (x) Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the Crisis facing the Sugar Industry in Kenya.

(The Chairperson, Departmental Committee on Agriculture, Livestock & Co-operatives)

6. **NOTICE OF MOTION** – (Chairperson, Departmental Committee on Agriculture, Livestock & Co-operatives)

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on the Crisis facing the Sugar Industry in Kenya laid on the Table of the House today, March 12, 2015.

7. **STATEMENT PURSUANT TO STANDING ORDER 44(2)(b)**

Pursuant to Standing Order 44(2)(b), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, March 17, 2015.

8. **MOTION - APPROVAL OF THE BUDGET POLICY STATEMENT, 2015**

Motion made and Question proposed –

THAT, pursuant to the provisions of Section 25(7) of the Public Finance Management Act and Standing Order 232, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement (BPS), 2015 laid on the Table of the House on Wednesday, March 04, 2015, subject to –

- (a) deletion of Part VIII on page 29 of the report (Financing Measures) and substituting thereof with the new Part VIII (**Recommendations and Financing Measures**);
- (b) insertion of the following new Part IX immediately after new PART VIII-

The Committee, having reviewed the Senate's Resolution on Budget Policy Statement, 2015, further recommends that, in the finalization of the Estimates for 2015/2016 financial year, The National Treasury also takes into account the Senate's Resolution on the Budget Policy Statement, 2015 as contained in the THIRD SCHEDULE herein attached;

- (c) insertion of the THIRD SCHEDULE in the Report, immediately after the SECOND SCHEDULE.

(The Chairperson, Budget and Appropriations Committee – 10.05.2015)

Debate interrupted on Tuesday, March 10, 2015 resumed;

Further amendment proposed –

THAT, the Motion be further amended by deleting the new Part VIII (Recommendations and Financing Measures) and substituting thereof with the following new Part VIII –

THAT, additional resources be provided to the following specific areas -

- (a) Parliamentary Service Commission for operations, Kshs4.1 billion;
- (b) Parliamentary Service Commission for monitoring and evaluation for Senators, Kshs.1 billion;
- (c) State Department for Planning for Social Affirmative Action Fund Kshs. 2.1 billion;
- (d) State Department for Planning for Constituencies Development Fund (CDF), Kshs. 2 billion;
- (e) State Department for completion of ESP Centers of Excellence through CDF, Kshs. 1.038 billion;
- (f) State Department for Planning for Uwezo Fund, Kshs1.45 billion; and,
- (g) Ethics and Anti-Corruption Commission (EACC) for county operation, Kshs. 750 million
- (h) Auditor General for county operations, Kshs1 billion;
- (i) Independent Policing Oversight Authority (IPOA), Kshs. 100 million;
- (j) For completion of *Jua Kali* sheds started under the Economic Stimulus Programme, Kshs. 225 million;
- (k) Judiciary for tribunals, Kshs. 500 million; and,
- (l) Controller of Budget for operations, Kshs. 112 million.

THAT, the ceiling for the Judiciary be set at Kshs. 18,462,000, 000;

THAT, the ceiling for the Parliamentary Service Commission be set at Kshs. 28 billion;

THAT, the County Equitable share be maintained at Kshs. 258 billion;

THAT, all other additional expenditure increments contained in the First Schedule be deferred until additional resources are available; and

THAT, the National Treasury takes these recommendations into consideration in the finalization of the Estimates for the 2015/2016 Financial Year,

(The Chairperson, Budget and Appropriations Committee)

Question of the further amendment proposed;

Debate arising;

Further amendment proposed –

- (i) deleting all the words immediately after the word “ceiling” under item VI appearing on page 28 of the Report and substituting thereof with the words “be scaled down to Ksh219.4 million; and
- (ii) amending the First Schedule to the Report by deleting the figures “Ksh.476 million “appearing under Vote 208 (Salary and Remuneration Commission) and substituting thereof with figures “Ksh.219.4 million”.

(The Hon. Wafula Wamunyinyi)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Debate on the Motion as amended resumed;

QUORUM OF THE HOUSE

Rising in his place on a Point of Order, the Member for Lugari (Hon. Ayub Savula) drew the attention of the Third Chairperson to the fact that there was no Quorum in the House;

And the Third Chairperson having counted the Honourable Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of ten minutes;

And the time being thirty minutes past Six O'clock, the Third Chairperson of Committees interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

9. HOUSE ROSE - at thirty minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, March 17, 2015 at 2.30 p.m.

--X--