



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, APRIL 14, 2015

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Deputy Speaker
4. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications -

(i) **Messages of Condolences on Terror Attacks at Garissa University College**

“Honourable Members, you will recall that, in the morning of Thursday, 2nd April 2015, there was a terrorist attack at Garissa University College in Garissa County, where at least 148 students, staff and security officers were killed and many others injured.

Honourable Members, in this regard, the office of the Speaker has received various messages of condolences from leaderships of other Parliaments and inter-parliamentary bodies, such the African, Caribbean and Pacific Parliamentary Assembly (ACP), the Parliament of Portugal and other Parliaments in the Commonwealth. They have asked me to convey their respective messages to the affected families, the House and the nation at large. In their messages of condolence, they strongly condemn the acts of terrorism and express their continued resolve to stand in solidarity with our country in overcoming the evil, protecting lives and property and upholding human rights. On behalf of this House and on my own behalf, I wish to sincerely thank them for their exceptional gesture of good will to our country during this time of grief.

I thank you”.

(ii) **Deferral of Consideration of Committee of the Whole House on The Public Procurement and Asset Disposal Bill, 2014**

“Honourable Members,

“Hon. Members, Standing Order 131 provides that where more than ten amendments have been proposed to a Bill, which may require harmonization, the Speaker may direct that any Member proposing an amendment to the Bill to appear before the relevant departmental Committee dealing with the subject matters of the Bill to present his or her proposed amendments to the Committee to enable harmonization of such amendments.

I have received a request from the Chairperson of the Departmental Committee on Finance, Planning and Trade that we defer the business appearing as Order No. 8 which is, Committee of the whole House on the Public Procurement and Asset Disposal Bill, 2014. Hon. Members, a total of twelve Members have proposed amendments, many of which require harmonization. Further, more Members were still submitting their amendments as at today.

Pursuant to Standing Order 131, and from the experience of the just concluded Public Audit Bill, 2014 which had numerous unharmonized amendments, we need to accord the relevant Committee the opportunity to harmonize the various proposed amendments.

Honourable Members, therefore, the business appearing as Order No. 8 is hereby deferred to Tuesday, 21st April 2015 to enable the Committee to undertake the exercise. The Committee is required to submit its amendments by Friday, 17th April 2015 at 9.00am. Members are hereby requested to submit their proposed amendments to the Committee by the close of the day tomorrow, Wednesday, 15th April 2015 through the office of the Clerk, and present themselves before the Committee at the time and place to be communicated by the Committee.

I wish to remind Members even as they propose their amendments to bear in mind the provisions of Article 114 of the Constitution on amendments that have financial implications. Further, the Public Procurement and Asset Disposal Bill, 2014 is one of the constitutional Bills with a timeline of May 27, 2015. Further, the Bill will also need to be forwarded to the Senate, therefore time is of essence.

We will therefore proceed with the business appearing as Order No. 9 on adoption of the Second Report of the Committee of Privileges.

I thank you”

(iii) **Implementation of Resolutions made by the Committee on Privileges**

“Hon. Members, now that the House has adopted the Second Report of the Committee of Privileges on Alleged Breach of Privilege and/or Code of Conduct by the Membership of the Public Accounts Committee and made the resolutions as recommended by the Committee including resolutions for demand for apology at the Bar and reprimand by the Speaker, I now wish to guide the House as follows;

- (i) That, all the resolutions of the House will take effect immediately;
- (ii) The Hon. Ababu Namwamba, MP, the Hon. Omondi Anyanga, MP, the Hon. Ahmed Abass, MP and the Hon. James Bett, MP will be required to give apologies to the House at the Bar for making unsubstantiated claims, before taking their seats in the House in the next sitting which should be tomorrow 9.30am;

- (iii) That, the Speaker will also reprimand the four Members at the Bar upon tendering their respective apologies;
- (iv) The Hon. Ababu Namwamba, the Hon. Omondi Anyanga, the Hon. Arama will also be required to give apologies to the House at the Bar for discussing Committee proceedings outside the House;
- (v) The Hon. Ababu Namwamba, the Hon. Omondi Anyanga, may choose to combine their two apologies together; and,
- (vi) Save for today's sitting, none of the Members who have been required to give apologies will be allowed to sit in the House or its Committees before submitting to the two resolutions.

Hon. Members, may I take this opportunity to advise the above mentioned Members to ensure that their respective apologies are coached in a decorous and respectful manner befitting this House.

I am also informed that on 2nd April, 2015, the Speaker indicated that the Hon. Ababu Namwamba should be granted an opportunity to explain himself on the intended letter to the Speaker dated 31st March, 2015 in which he had requested to be excused from all parliamentary activities. The Speaker also indicated that the Personal Assistant to Hon. Ababu had withdrawn the letter from Speaker's Office. The Member is at liberty to either make that clarification now or the next time he appears in the House.

I thank you".

5. **MESSAGE REGARDING THE PASSAGE OF THE DIVISION OF REVENUE BILL, 2015**

The Deputy Speaker conveyed the following Message from the Senate –

"Honourable Members, Standing Order 41 relating to Messages requires the Speaker to expeditiously report to the House any Messages received from the Senate. In this regard, I wish to report that, in accordance with the provisions of Article 110 (4) of the Constitution, I received a Message from the Senate on Tuesday, April 14, 2015 regarding the passage of the Division of Revenue Bill, (National Assembly Bill No.11 of 2015).

The message states, and I quote; "THAT, the Division of Revenue Bill, (National Assembly Bill No.11 of 2015) as published in the Kenya Gazette Supplement No. 28 of March 18, 2015 and passed without amendments by the National Assembly on March 25, 2015, was passed by the Senate on Thursday, April 9, 2015, with amendments."

Consequently, the Senate now seeks the concurrence of the National Assembly to the proposed amendments.

Pursuant to Standing Order 41(6), I now refer the Message to the Budget and Appropriations Committee to consider the amendments. Further, aware of the strict statutory timelines with regard to passage of the Bill, I direct that the Committee tables its report by Thursday, 16th April 2015. The Clerk of the National Assembly is further directed to timeously circulate the amendments by the Senate to all Members.

I thank you"

6. **PETITION**

Pursuant to Standing Order 219, the Member for Chuka/Igambang'ombe (Hon. Muthomi Njuki) presented a Petition on behalf of residents of Chuka Igamba Ng'ombe Constituency on the erection of bumps and a footbridge at Kangoro bus-stop on the Embu-Meru Highway.

Petition referred to relevant Departmental Committee pursuant to Standing Order 227(2).

7. **PAPERS LAID**

The following Papers were laid on Table-

- (i) The Public Finance Management (Roads Annuity Fund) Regulations, 2015 and the Explanatory Memorandum therein;
- (ii) The Report of the Auditor-General on the Financial Statements of the Presidency Vote 101 for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (iii) The Report of the Auditor-General on the Financial Statements of Chemelil Sugar Company for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (iv) The Report of the Auditor-General on the Financial Statements of Industrial and Commercial Development Corporation for the year ended 30th June 2014, and the certificate of the Auditor-General therein;
- (v) The Annual Report and Financial Statements of the Commission on Revenue Allocation for the year ended 30th June 2014 and the certificate of the Auditor-General therein;
- (vi) The Annual Report and Financial Statements of the Geothermal Development Company for the year ended 30th June 2014 and the certificate of the Auditor-General therein; and,
- (vii) The Insurance Regulatory Authority Annual Insurance Industry Report for the year 2013.

(The Chief Whip of Majority Party)

8. **NOTICE OF MOTION – ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING THE GARISSA UNIVERSITY COLLEGE TERROR ATTACK**

Rising in his place pursuant to Standing Order 33, the Member for Kiharu Constituency (Hon. Irungu Kangata) claimed to move a motion for the adjournment of the House under the provisions of the Standing Orders to discuss a definite matter of urgent national importance regarding the Garissa University College terror attack.

And the Deputy Speaker having acceded to the claim;

And there being sufficient number of Members rising in their places in support of the claim;

Thereupon, the Deputy Speaker directed that the Motion be moved at Five O'clock.

9. **MOTION – ADOPTION OF THE SECOND REPORT OF THE COMMITTEE OF PRIVILEGES**

Motion made and Question proposed -

THAT, this House adopts the Second Report and Recommendations of the Committee of Privileges on alleged Breach of Privilege and/or Code of Conduct by the Membership of Public Accounts Committee, laid on the Table of the House on Tuesday, March 31, 2015

(Chairperson, Committee of Privileges)

Debate arising;

Amendment proposed -

THAT, the Motion be amended by deleting the *full stop* appearing immediately after the figure “2015” and inserting the following words “*subject to the deletion of sub-paragraph (ii) of paragraph 321 appearing on page 116 of the Report.*”

(Hon. Chris Omulele)

Question of the amendment proposed;

Debate arising;

Question put and negatived;

Debate on the original Motion resumed;

Mover replied;

Question put and agreed to.

11. **MOTION – ADJOURNMENT OF THE HOUSE UNDER STANDING ORDER 33 TO DISCUSS A DEFINITE MATTER OF URGENT NATIONAL IMPORTANCE REGARDING GARISSA UNIVERSITY COLLEGE TERROR ATTACK**

Motion made and Question proposed -

THAT, the House do now adjourn

(Hon. Irungu Kangata)

Debate arising;

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

12. **HOUSE ROSE** - at forty-two minutes past Six O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, April 15, 2015 at 9.30am.