



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, JUNE 09, 2015

1. The House assembled at fifty-five thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer
3. **Presiding** – the Speaker
4. **MESSAGE FROM H.E. THE PRESIDENT**

The Speaker conveyed the following Message –

Referral by H.E. the President of –

- (i) The Central Bank of Kenya (Amendment) Bill, 2014;
- (ii) The Public Procurement and Disposal (Amendment) Bill, 2013; and,
- (iii) The Retirement Benefits (Deputy President and Designated State Officers Bill, 2013

“Honourable Members,

You may recall that during the months of February, March and April, 2015, the National Assembly passed the Central Bank of Kenya (Amendment) Bill, 2014, the Public Procurement and Disposal (Amendment) Bill, 2013, and the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013, respectively. Thereafter, I presented the Bills for Assent to H.E. the President on 13<sup>th</sup> May, 2015, in accordance with the provisions of the Constitution and our Standing Orders. However, on 27<sup>th</sup> May, 2015, H.E. the President, by way of a Memorandum, referred the Bills back to the National Assembly for reconsideration, pursuant to the provisions of Article 115(1)(b) of the Constitution.

Honourable Members,

On the Central Bank (Amendment) Bill, 2014, which was sponsored by the Member for Mukurweini, Hon. Kabando wa Kabando, MP, H.E. the President has recommended the **deletion of sub-section (2) of Clause 2**. Consequently, should the House concur with the President's recommendation, it follows that there will be no amendment to the Central Bank Act. The Departmental Committee on Finance, Planning and Trade to which this Memorandum is hereby referred to, is therefore guided accordingly.

Honourable Members,

The Second Memorandum by H.E. the President, is asking the House to set aside the enactment of the Public Procurement and Disposal (Amendment) Bill, 2013, which was originally sponsored by the Hon. Johnson Sakaja.

H.E. the President is of the view that the Sections to which this Bill was proposing to amend have since been repealed by the passage of the Public Procurement and Asset Disposal Bill, 2015. I will therefore, not refer the Memorandum to any Committee as its effect is *fait accompli*.

Honourable Members,

The Third Memorandum by H.E. the President relates to the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013, which I therefore refer to the Departmental Committee on Finance, Planning and Trade. Since the House has up-to twenty one (21) days within which to consider the President's recommendations, the Committee should report to the House on or before Thursday 18<sup>th</sup> June 2015.

Thank you".

5. **PETITION REGARDING NON-PAYMENT OF RETRENCHMENT DUES TO 997 FORMER TELKOM KENYA EMPLOYEES**

The Speaker conveyed the following Petition –

"Honourable Members,

Standing Order 225 (2) (b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I therefore wish to convey to the House that my office is in receipt of one Petition.

The petition is signed by nine (9) persons representing 997 former employees of Telkom Kenya regarding non-payment of their retrenchment dues in 2006, and failure to honour a subsequent agreed-upon settlement to the former staff. In the Petition, the Petitioners pray that the National Assembly: -

- (i) Establishes the financial status of Telkom Kenya, including the possible sale of France Telkom's 70% shareholding to a third party;
- (ii) Inquires into the conduct of the then board and the transactions leading to a settlement deed with the petitioners that has since collapsed; and
- (iii) Initiates appropriate measures to compel Telkom Kenya to fulfill its obligations to the petitioners.

Honourable Members,

Pursuant to the provisions of Standing Order 227, the Petition stands committed to the Departmental Committee on Energy, Communication and Information for consideration.

Thank you".

**6. PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Kaimosi Friends University College Order, 2015 and the Explanatory Memorandum;
- (ii) The Human Resource Management Professionals (Registration and Training) Regulations 2015;
- (iii) The Legal Notice No. 67 of May 27, 2015 on the Income Tax Act (CAP 470);
- (iv) The Report of the Auditor-General on the Financial Statement of the Ministry of Sports, Culture and the Arts for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein;
- (v) The Report of the Auditor-General on the Financial Statements of the Ministry of Environment, Water and Natural Resources for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein;
- (vi) The Report of the Auditor-General on the Financial Statements of the National Industrial Training Authority for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein;
- (vii) The Report of the Auditor-General on the Financial Statements of Sports Kenya for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein;
- (viii) The Report of the Auditor-General on the Financial Statement of the National Museums of Kenya for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein; and,
- (ix) The Report of the Auditor-General on the Financial Statement of the Public Service Commission for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein.

*(The Leader of the Majority Party)*

**7. RESPONSIBILITY FOR STATEMENT OF FACT**

The Speaker called upon the Member for Endebess (Hon. (Dr.) Robert Pukose) to substantiate the allegations he made on Wednesday, June 03, 2015 (Afternoon sitting), during the Special Sitting of the House, against the Ethics and Anti-Corruption (EACC) whereupon he was challenged to substantiate pursuant to Standing Order 91, thus promising to do so if given opportunity during the next sitting of the House.

Hon. (Dr.) Robert Pukose informed the House that in March, 2015, a list was presented to H. E. the President of persons named in corruption cases. When the list was Tabled in the House, the EACC started investigating the said individuals.

Some of those named Members of the County Assembly (MCAs) from Trans Nzoia County approached him and informed him they were questioned by EACC and wrote statements in reference to their cases.

However, the team from the EACC attempted to extort money from them, with each MCA being asked to pay Kshs. 200,000 so that their names could be cleared. He therefore asked them for the evidence, which they were willing to avail. He added that other individuals named were also being to deposit certain amounts of money with specific lawyers.

Unfortunately, up to date, these MCAs were yet to avail the said evidence thus presenting difficulties for him in substantiating his claim.

He thus withdrew his allegations and apologized to the House pursuant to Standing Order 91.

8. **MOTION – APPROVAL OF THE PROTOCOL ON STANDARD GAUGE RAILWAY**

Motion made and Question proposed –

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works & Housing on its consideration of the Protocol on Development and Operation of the Standard Gauge Railway laid on the Table of the House on Tuesday, 26 May 2015, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, **approves** the ratification of the Protocol on Development and Operation of the Standard Gauge Railway within the Framework of the Northern Corridor Integration Projects.

*(The Chairperson, Committee on Transport, Public Works & Housing – 03.06.2015)*

Debate interrupted on Wednesday, June 03, 2015 – Afternoon Sitting – resumed;

Mover replied;

Question of the Motion deferred to another day.

9. **THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2014)**

Motion made and Question proposed –

THAT, the Fisheries Management and Development Bill (National Assembly Bill No.20 of 2014) be now read a Second Time

*(The Deputy Leader of Majority Party – 23.04.2015)*

Debate interrupted on Thursday, April 23, 2015 resumed;

Mover to reply;

10. **MOTION - THE REPORT ON THE UNPAID PENSION DUES TO RETIRED TEACHERS**

Motion made and Question proposed –

**THAT**, this House adopts the Report of the Departmental Committee on Education, Research and Technology on the Unpaid Pension Dues to Retired Teachers (1997 group), laid on the Table of the House on Wednesday, 15<sup>th</sup> April, 2015.

*(Chairperson, Departmental Committee on Education, Research & Technology)*

Debate interrupted on Thursday, April 30, 2015- Afternoon Sitting – resumed;

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

11. HOUSE ROSE - at thirty minutes past Six O'clock.
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**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, June 10, 2015 at 9.30 a.m.

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