



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 10, 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 FROM THE SENATE**

The Speaker conveyed the following message from the Senate –

“Honourable Members,

“Pursuant to Standing Order 41(4) of the National Assembly Standing Orders, I wish to convey a Message received from the Senate on March 4, 2015. The message was submitted by way of a letter dated February 27, 2015 for presentation in accordance with Article 110(4) of the Constitution which states that –

*(4) When any Bill concerning county government has been passed by one House of Parliament, the Speaker of that House shall refer it to the Speaker of the other House.”*

Honourable Members, the message states “THAT, the National Police Service (Amendment) Bill (Senate Bill No. 29 of 2014) as published in the Kenya Gazette Supplement No. 103 of 2<sup>nd</sup> July, 2014 as a Bill originating in the Senate was passed on Tuesday, 24<sup>th</sup> February, 2015, without amendments. The message continues, that “the Senate now seeks the concurrence of the National Assembly to the said Bill as passed by the Senate.”

Honourable Members, I am now directing that the Clerk circulates copies of the Bill. Upon being read a First time, the Bill shall stand committed to the Departmental Committee on Administration and National Security.

I further direct that, before the Bill is scheduled for Second Reading, the Committee engages with the Budget and Appropriations Committee with a view to satisfying the requirements of Article 114 of the Constitution relating to Money Bills.

Thank you”,

5. COMMUNICATION FROM THE CHAIR ON THE FOURTH LEADERSHIP RETREAT FOR THE NATIONAL ASSEMBLY

The Speaker conveyed the following message from H.E. the President-

"Honourable Members,

"As you are aware, at the beginning of each Session, the Leadership of the National Assembly retreats for a day or two to undertake a review of the activities of the previous Sessions and lay the framework for the incoming Session. I therefore I wish to notify you that the National Assembly has planned a two-day Retreat for the Leadership of the House under the theme: ***"Reflections, Planning and Forging Ahead"***. The Retreat will be held on **February 27 and 28, 2015**. In addition to Members of the Parliamentary Service Commission, the Presidium of the House, Leaders of Majority and Minority and other Political Party Leaderships in the House and Chairpersons of Committees, Members of the House Business Committee will also be attending this year's Retreat.

Honourable Members, the retreat will be an opportunity for the Leaderships to take stock of the business considered by the National Assembly in 2014 and prioritize key business for the Third Session that is 2015. The retreat will also discuss the manner of considering and processing of the 2015/2016 Budget and related legislation and provide an early opportunity for the leadership to discuss decorum and the general conduct of the business of the House and its Committees. The Leadership has also agreed to invite the Cabinet Secretary for Information, Communication and Technology to brief them on the status of the digital migration and the possibilities for all-inclusive alternatives.

I do hope that all Chairpersons of committees and other leaderships will find time to attend this important retreat so as to have a structured engagement as we collectively forge ahead in fulfilling our constitutional mandate.

I thank you".

6. PETITION - ALIGNMENT OF CRIMINAL LAWS TO CONSTITUTION

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 has received a Petition signed by one Joseph Mwathi Nyanjui, a death-row inmate on behalf of all death-row inmates in the Republic of Kenya. Among other prayers, the Petitioner is praying that the National Assembly amends the Criminal Laws (Penal Code and Criminal Code) – for avoidance of doubt, it is Penal Code Cap 63 and Criminal Procedure Code Cap 75 – with a view to aligning them with the provisions of the Constitution of Kenya, 2010.

Hon. Members, the Petitioner states that the law as currently formulated constrains judicial officers in exercise of discretion when making judicial decisions contrary to Article 160(1) of the Constitution. He, therefore, prays that the National Assembly:-

*(i) enacts legislation to provide for provision for a Government sponsored advocate to represent accused persons at all stages in capital offences trials; and, (ii) reviews criminal laws (Penal Code and Criminal Procedure Code) to provide judicial discretion on capital offences.*

Hon. Members, this Petition stands committed to the Departmental Committee on Justice and Legal Affairs for consideration. The Committee is required to consider the Petition and report its findings to the Petitioner and the House in accordance with Standing Order 227(2). I urge the Committee to find ways of engaging with the Petitioner, who is in incarceration as he proposes weighty constitutional matters relating to the Bill of Rights.

Thank you".

## 7. PAPERS LAID

The following Papers were laid on the Table –

- (i) The 2014/2015 Half Year National Budget Implementation Review Report from the Office of the Controller of Budget
- (ii) The Annual Report and Financial Statements of the Kenya Dairy Board for the year ended 30<sup>th</sup> June 2013.
- (iii) The Annual Report and Financial Statements of the Kenya Meat Commission for the year ended 30<sup>th</sup> June 2013.
- (iv) The Report of the Auditor-General on the Financial Statements of the National Police Service Commission 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 Independent Policing Oversight Authority (IPOA) for the year ended 30<sup>th</sup> June 2014, and the certificate of the Auditor-General therein.
- (vi) The National Alcohol and Drug Abuse Status Report for the period of April to September 2014 from the National Authority for the Campaign against Alcohol and Drug Abuse (NACADA).

*(The Leader of the Majority Party)*

- (vii) Report of the Departmental Committee on the Petition regarding the status of the leased land meant for expansion of Moi International Airport.

*(The Chairperson, Departmental Committee on Lands)*

## 8. NOTICE OF MOTION – (The Leader of the Majority Party)

THAT, this House adopts Sessional Paper No.2 of 2013 on the National Industrial Training and Attachment Policy, laid on the Table of the House on Tuesday, 10<sup>th</sup> March, 2015.

9. **NOTICE OF MOTION** – (The Leader of the Majority Party)

THAT, this House adopts Sessional Paper No.3 of 2013 on the National Productivity Policy, laid on the Table of the House on Thursday, 10<sup>th</sup> March, 2015

10. **NOTICE OF MOTION** – (The Leader of the Majority Party)

THAT, this House adopts Sessional Paper No.2 of 2014 on the National Social Protection Policy, laid on the Table of the House on Tuesday, 10<sup>th</sup> March, 2015

11. **NOTICE OF MOTION** – (The Leader of the Majority Party)

THAT, this House adopts Sessional Paper No.4 of 2014 on Governance, Justice, Law and Order Sector, laid on the Table of the House on Tuesday, 10<sup>th</sup> March, 2015.

12. **NOTICE OF MOTION – DEVELOPMENT & IMPLEMENTATION OF A NATIONAL CURRICULUM FOR EMERGENCY TRAINING OF ALL MEDICAL PERSONNEL**

(The Hon. Susan Musyoka)

THAT, aware that Article 43(1)(a) and (2) of the Constitution provides for the right of the highest attainable standard of health for every person; further aware that emergency health care is an important component of standard health services; concerned that many lives continue to be lost due to lack of adequate emergency healthcare and poor response to emergencies in the country; noting that only 13 per cent of the public health facilities in the country have basic components to support emergency cases; deeply concerned that emergency patients are exposed to untrained personnel and/or good Samaritans who, in most cases, worsen the situation; cognisant of the need for the country to have a well-co-ordinated emergency care system; this House resolves that the Government immediately develops and implements a national curriculum for emergency training of all medical personnel in the country.

13. **MOTION - APPROVAL OF NOMINEE TO THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS COMMISSION**

Motion made and Question proposed –

**THAT**, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs, on the Vetting of a Nominee for Appointment to the Kenya National Commission on Human Rights, *laid on the Table of the House on Thursday, March 5, 2015*, and in accordance with the provisions of Section 11 of the Kenya National Commission on Human Rights Act No.14 of 2011, **rejects the appointment of Dr. Samuel Njuguna Kabue as a Commissioner to the Kenya National Commission on Human Rights.**

*(The Chairperson, Departmental Committee on Justice and Legal Affairs)*

Debate arising;

Mover replied;

Question put and agreed to.

14. **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 4 March, 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)*

Debate arising;

**SUSPENSION OF A MEMBER PURSUANT TO PROVISIONS OF STANDING ORDER 107**

Pursuant to the provisions of Standing Order 107, the Deputy Speaker ordered the Member for Suba (Hon. John Mbadi) to withdraw from the precincts of the Assembly for the remainder of the Sitting day for gross disorderly conduct;

Thereupon, the Member withdrew from the Chamber.

Debate interrupted resumed;

And the time being thirty minutes past six O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. **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  
Wednesday, March 11, 2015 at 9.30 a.m.