



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – THIRD SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, JUNE 11, 2015**

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **PRESIDING** – the Speaker
4. **COMMUNICATION FROM THE CHAIR ON BUDGET POLICY HIGHLIGHTS SPEECH BY THE CABINET SECRETARY, NATIONAL TREASURY**

The Speaker issued the following Communication –

"Honourable Members,

"Standing Order No.25 (b)(ii) provides:-

*"The Speaker may designate a suitable place in the Chamber for the purposes of admitting the Cabinet Secretary responsible for Finance to make a public pronouncement of the Budget Policy Highlights and Revenue Raising Measures for the national Government as contemplated under the Public Finance Management Act."*

Therefore, in accordance with the provisions of Standing Order No.25(c) which provides for the manner of presentation of Budget Speech and Standing Order No.241 as amended, I now call upon the Cabinet Secretary for the National Treasury, Mr. Henry Rotich to make a public pronouncement of the Budget Policy Highlights and Revenue Raising Measures for the national Government for the Financial Year 2015/2016.

I thank you".

5. **MESSAGE FROM H. E. THE PRESIDENT ON REFERRAL OF THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL, 2014 AND THE PUBLIC AUDIT BILL, 2014**

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

"Honourable Members,

"You may recall that during the First Part of this Session, the National Assembly passed the Public Procurement and Asset Disposal Bill, 2014, and the Public Audit Bill, 2014

which had Constitutional deadlines. Thereafter, I presented the Bills for Assent to H.E. the President on May 27, 2015, in accordance with the provisions of the Constitution and our Standing Orders. However, on June 10, 2015, H.E. the President, by way of Memoranda, 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 Public Procurement and Asset Disposal Bill, 2014, H.E. the President has expressed reservations on Clauses 51 and 124. Consequently, the President recommends *amendment of sub-clause (3) of Clause 51 and the deletion of sub-clause 4 of Clause 124 and insertion of a new sub-clause 4 therefor.* Regarding the Public Audit Bill, 2014, H.E. the President has made recommendations on **Clauses 4, 8, 16, 19 and 66.** The President has also recommended the insertion of **new Clauses 11A and 40A.**

It is important from the onset to note that these two Bills were considered by the two Houses of Parliament. In this regard, the consideration of the Presidential Memoranda will be by both the National Assembly and the Senate.

Honourable Members,

Let me remind you that I have always observed that some provisions of our Standing Orders, especially those related to the consideration of Presidential Memoranda on a Bill, do not accord to the expectations of the Constitution. For instance, the provisions of Standing Order 155 which commits Presidential Memoranda on a Bill considered by both Houses to a Joint Committee seem to offend the provisions of Article 115 of the Constitution. While the provisions of Standing Order 115 foresee the adoption of a report of a Joint Committee of the two Houses, the Constitution requires that any amendment to the President's recommendations or a total rejection of the recommendations should be supported by a vote of at-least two-thirds of the Members of the National Assembly **AND** two-thirds of the delegations in the Senate. With this in mind, this may be said to be one of the instances where we cannot use the Standing Orders in the consideration of the matters at hand.

Honourable Members, in view of the foregoing, I will issue a comprehensive guidance on how to proceed with the above matters on Tuesday, June 16, 2015. In the meantime, the Memoranda stand committed to the Departmental Committee on Finance, Planning and Trade for consideration.

Thank you".

## 6. PAPERS LAID

The following Papers were laid on the Table –

- (i) The Programme-Based Budget of the National Government of Kenya for the Year Ended 30<sup>th</sup> June 2016;
- (ii) The Report of the Auditor-General on the Financial Statements of the Ministry of Transport and Infrastructure for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;

- (iii) The Report of the Auditor-General on the Financial Statements of the Commission for the Implementation of the Constitution for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (iv) The Report of the Auditor-General on the Financial Statements of the Kenya Civil Aviation Authority for the year ended 30<sup>th</sup> June, 2014 and the certificate therein;
- (v) The Report of the Auditor-General on the Financial Statements of the State Corporations Appeals Tribunal for the year ended 30<sup>th</sup> June, 2014 and the certificate therein; and,
- (vi) The Report of the Auditor-General on the Financial Statements of Constituencies Development Fund for Roysambu Constituency for the year ended 30<sup>th</sup> June, 2014 and the certificate therein.

*(The Leader of the Majority Party)*

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

Pursuant to the provision of Standing Order 44(2) (a), the Leader of the Majority Party issued a Statement regarding the Business of the House for the week commencing Tuesday, June 16, 2015.

8. **THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.17 OF 2015)**

(Hon. Silas K. Tiren)

Order of the First Reading read;

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

9. **THE CONTROLLER OF BUDGET BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2015)**

(The Leader of the Majority Party)

Order of the First Reading read;

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

10. **THE TRANSFER OF PRISONERS BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2014)**

Motion made and Question proposed –

THAT, the Transfer of Prisoners Bill (National Assembly Bill No.24 of 2014) be read a Second Time

Debate having been concluded on 10.06.2015 (Afternoon Sitting);

Question put and agreed to;

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

11. **MOTION- APPROVAL OF NOMINEE FOR APPOINTMENT TO THE POSITION OF SECRETARY TO THE CABINET**

Motion made and Question proposed–

THAT, pursuant to Article 154(2) of the Constitution and the provisions of Standing Order 45, this House adopts the Report of the Departmental Committee on Administration and National Security on the Vetting of the Nominee to the Position of Secretary to the Cabinet laid on the Table of the House on Wednesday, June 10, 2015.

*(The Chairperson, Departmental Committee on Administration and National Security)*

Debate arising;

Debate interrupted.

12. **MOTION-EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEE TO THE POSITION OF SECRETARY TO THE CABINET**

Motion made and Question Proposed

THAT, pursuant to the provisions of section 13 of the Public Appointments (Parliamentary Approval) Act, this House resolves to extend the period for the consideration of the Nominee from appointment as the Secretary to the Cabinet by a further ten (10) days from June 11, 2015

*(The Leader of the Majority Party)*

Debate arising;

Question put and negatived;

Rising in their places on Points of Order, several Members claimed for a Division;

And there being requisite number of Members required rising in support of the claim;

And the Speaker acceding to the claim directed the Division Bell to be rung;

And after expiry of ten minutes, the Bar having been drawn and the doors closed;

Thereupon, the House proceeded to an electronic vote, with sixteen Members voting manually with approval of the Speaker;

Question put and upon a vote negatived;

**AYES**

**NOES**

**ABSTENTIONS**

55

163

3

13. **MOTION- APPROVAL OF NOMINEE FOR APPOINTMENT TO THE POSITION OF SECRETARY TO THE CABINET**

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*(The Chairperson, Departmental Committee on Administration and National Security)*

Debate interrupted earlier on in the sitting resumed;

Question put and agreed to.

14. **BUDGET POLICY HIGHLIGHTS SPEECH BY THE CABINET SECRETARY, NATIONAL TREASURY**

In accordance with the provisions of Section 40 of the Public Financial Management Act, 2012, Standing Order No.25(c) which provides for the manner of presentation of Budget Speech and Standing Order No.241 as amended, the Speaker called upon the Cabinet Secretary for the National Treasury, Mr. Henry Rotich to make a public pronouncement of the Budget Policy Highlights and Revenue Raising Measures for the national Government for the Financial Year 2015/2016.

Thereupon, the Cabinet Secretary for the National Treasury made the public pronouncement of the Budget Policy Highlights and Revenue Raising Measures for the national Government for the Financial Year 2015/2016.

And the time being ten minutes to Six O'clock, the Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

15. **HOUSE ROSE** - at ten minutes to Six O'clock

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Tuesday, June 16, 2015 at 2.30 p.m.

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