



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – FOURTH SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, APRIL 27, 2016

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** - the Speaker
4. **PAPERS LAID**

The following Papers were laid on the Table –

- (a) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates therein:-
 - (i) Agricultural Settlement Fund Trustees;
 - (ii) Nursing Council of Kenya; and
 - (iii) National Housing Corporation.
- (b) List of Nominees to the National Government Constituencies Development Fund Committees from the National Government Constituencies Development Fund Board; and,
- (c) The Ministry of Land, Housing and Urban Development Reviewed National Housing Policy, November, 2015.

(The Leader of the Majority Party)

5. **STATEMENT ON STATUS OF BUSINESS BEFORE COMMITTEES**

In accordance with the Speaker's communication of October 14, 2015, the Chairperson of the Committee on Regional Integration; and the Hon. Emmanuel Wangwe, a Member of the Departmental Committee on Transport, Public Works and Housing on behalf of the Committee Chairperson apprised the House on the Status of the Business pending before their respective Committees.

6. **THE PRIVATE SECURITY REGULATION BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2014)**

Order for Third Reading read;

Motion made and Question proposed –

THAT, the Private Security Regulation Bill (National Assembly Bill No. 4 of 2014) be now read a Third Time

(Leader of the Majority Party)

Debate on the Third Reading having been concluded on Tuesday, April 26, 2016;

Question put and agreed to;

Bill read a Third Time and passed.

7. **THE HYDROLOGISTS BILL (NATIONAL ASSEMBLY BILL NO.10 OF 2016)**

Order for First Reading read;

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

8. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Speaker in the Chair

The Constitution of Kenya (Amendment) (No.2) Bill (National Assembly Bill No. 2 of 2015)

Clause 3 - agreed to

Clause 4 - agreed to

Clause 2 - agreed to

Title - agreed to

Clause 1 - agreed to

Bill to be reported without amendments.

9. **HOUSE RESUMED** – the Speaker in the Chair

The Constitution of Kenya (Amendment) (No.2) Bill (National Assembly Bill No.2 of 2015)

Bill reported without amendments;

Motion made and Question proposed –

THAT, House do agree with the Committee in the said report

(Hon. George Kaluma)

Question put and agreed to;

Motion made and Question proposed –

THAT, the Constitution of Kenya (Amendment) (No.2) Bill (National Assembly Bill No. 2 of 2015) be now read a Third Time

(Hon. George Kaluma)

And the Speaker directed the Division Bell to be rung to confirm whether there was the prerequisite number of two-thirds majority to carry out a vote since the Motion required a fixed majority as set out in the Constitution;

Thereupon, the House proceeded to an Electronic Vote, with 16 Members who were unable to cast their votes due to reasons considered sufficient by the Speaker obtaining the permission of the Speaker to have their votes recorded manually.

Question put and upon a Vote agreed to.

AYES

NOES

ABSTENTIONS

242

5

Nil

Bill read a Third Time and passed.

10. **THE CONSTITUTION OF KENYA (AMENDMENT) (No.4) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, Constitution of Kenya (Amendment) (No.4) Bill (National Assembly Bill No. 38 of 2015) be now read a Second Time

(The Leader of the Majority Party – 22.3.2016)

Debate on the Motion having been concluded on Tuesday, 26th April 2016;

The Speaker directed the Division Bell to be rung to confirm whether there was the prerequisite number of two-thirds majority to carry out a vote since the Motion required a fixed majority as set out in the Constitution;

Thereupon, the House proceeded to an Electronic Vote, with 16 Members who were unable to cast their votes due to reasons considered sufficient by the Speaker obtaining the permission of the Speaker to have their votes recorded manually.

Question put and upon an Electronic Vote the House the results were as follows-

AYES **NOES** **ABSTENTIONS**

195 28 Nil

With the House unable to obtain the fixed number of Members required to pass the Bill;

Thereupon, the Speaker directed that a further Electronic Voting be conducted after five (5) sitting days, pursuant to Standing Order 62 (2).

11. **MOTION - APPROVAL OF THE FIRST SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 2015/2016**

Motion made and Question proposed –

THAT, this House adopts the Report of the Liaison Committee on the First Supplementary Estimates for the Financial Year 2015/2016, laid on the Table of the House on Tuesday, April 19, 2016 and in accordance with the provisions of Article 223 of the Constitution, **approves** the issuance of a sum of **Ksh. 25,968,239,099** from the Consolidated Fund to meet the expenditure during the year ending 30th June 2016 in respect of the various Votes, as indicated in the Schedule.

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1011	The Presidency		Total	1,460.6	(806.0)	654.6
		0702000	P.2 Cabinet Affairs	276.3	(586.1)	(309.8)
		0703000	P.3 Government Advisory Services	(74.5)	-	(74.5)
		0704000	P.4 State House Affairs	648.6	(129.0)	519.6
		0734000	P.6 Deputy President Services	610.2	(90.9)	519.3
1021	State Department for Interior		Total	5,197.7	1,261.6	6,459.2
		0601000	P.1 Policing Services	694.6	763.0	1,457.6
		0602000	P.2 Planning, Policy Coordination and Support Service	3,979.2	148.6	4,127.8
		0603000	P.3 Government Printing Services	(69.2)	-	(69.2)
		0605000	P.4 Population Management Services	593.0	350.0	943.0
1022	State Department for Coordination of National Government		Total	616.3	(400.0)	216.3
		0604000	P.1 Correctional services	619.0	(388.0)	231.0
		0623000	P.2 General Administration, Planning and Support Services	(2.2)	(12.0)	(14.2)
		0624000	P.3 Betting Control, Licensing and Regulation Services	(0.5)	-	(0.5)
1031	State Department for Planning		Total	(350.2)	(7,108.0)	(7,458.2)
		0706000	P.1 Economic Policy and National Planning	58.3	206.4	264.7
		0707000	P.2 National Statistical Information Services	(29.4)	2.9	(26.5)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
		0708000	P.3 Monitoring and Evaluation Services	(0.4)	(0.0)	(0.4)
		0709000	P.4 General Administration Planning and Support Services	(53.3)	(10.0)	(63.3)
		0710000	P.5 Public Service Transformation	(9.5)	2.5	(7.0)
		0711000	P.6 Gender & Youth Empowerment	(316.0)	(7,309.8)	(7,625.8)
1032	State Department for Devolution		Total	470.7	(35.7)	435.0
		0732000	P.3 General Administration, Planning and Support Services	21.8	-	21.8
		0712000	P.7 Devolution Services	91.6	253.5	345.2
		0713000	P.8 Special Initiatives	348.3	337.2	685.6
		0733000	P.9 Accelerated ASAL Development	8.9	(626.5)	(617.6)
1041	Ministry of Defence		Total	(58.8)	34.8	(24.0)
		0801000	P.1 Defence	554.8	34.8	589.6
		0802000	P.2 Civil Aid	-	-	-
		0803000	P.3 General Administration, Planning and Support Services	(613.6)	-	(613.6)
1051	Ministry of Foreign Affairs and International Trade		Total	2,156.7	(198.0)	1,958.7
		0715000	P.2 Foreign Relation and Diplomacy	670.0	(36.0)	634.0
		0714000	P.1 General Administration Planning and Support Services	663.6	(264.0)	399.6
		0716000	P.3 International Trade and Investments Promotion	823.1	102.0	925.1
1061	State Department for Education		Total	(311.1)	(14,007.5)	(14,318.6)
		0501000	P.1 Primary Education	(284.5)	(12,898.4)	(13,182.9)
		0502000	P.2 Secondary Education	(1.3)	(479.5)	(480.8)
		0503000	P.3 Quality Assurance and Standards	(100.9)	(250.6)	(351.5)
		0508000	P.8 General Administration, Planning and Support Services	75.6	(379.0)	(303.4)
1062	State Department of Science and Technology		Total	1,024.6	(940.8)	83.9
		0504000	P.4 University Education	1,366.2	(889.4)	476.8
		0505000	P.5 Technical Vocational Education and Training	(192.3)	(1,375.8)	(1,568.1)
		0506000	P.6 Research, Science, Technology and Innovation	(208.0)	(138.0)	(345.9)
		0507000	P.7 Youth Training and Development	179.0	204.4	383.4
		0508000	P.8 General Administration, Planning and Support Services	(120.3)	1,258.0	1,137.7
1071	The National Treasury		Total	(9,508.4)	13,871.9	4,363.5
		0717000	P.1 General Administration Planning and Support Services	(9,682.5)	1,503.4	(8,179.1)
		0718000	P.2 Public Financial Management	47.4	12,622.1	12,669.5
		0719000	P.3 Economic and Financial Policy Formulation and Management	106.7	(253.6)	(146.9)
		0720000	P.4 Market Competition	20.0	-	20.0
1081	1081 Ministry of Health		Total	409.2	(1,025.2)	(616.0)
		0401000	P.1 Preventive & Promotive Health Services	262.5	193.7	456.2
		0402000	P.2 Curative Health Services	(75.9)	495.4	419.5
		0403000	P.3 Health Research and Development	0.8	-	0.8
		0404000	P.4 General Administration, Planning & Support Services	219.3	(1,427.0)	(1,207.7)
		0405000	P.5 Maternal and Child Health	2.5	(287.2)	(284.7)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
1091	State Department for Infrastructure		Total	11,673.4	(1,776.9)	9,896.5
		0202000	P.2 Road Transport	11,673.4	(1,776.9)	9,896.5
1092	State Department for Transport		Total	(0.3)	6,096.0	6,095.7
		0201000	P.1 General Administration, Planning and Support Services	(11.3)	(45.0)	(56.3)
		0203000	P.3 Rail Transport	-	(57.7)	(57.7)
		0204000	P.4 Marine Transport	10.4	1,630.0	1,640.4
		0205000	P.5 Air Transport	(6.8)	4,568.7	4,561.9
		0206000	P.6 Government Clearing Services	7.8	-	7.8
		0216000	P.7 Road Safety	(0.4)	-	(0.4)
1101	Ministry of Environment, Natural Resources and Regional Development Authorities		Total	646.3	1,448.2	2,094.5
		1010000	P.1 General Administration, Planning and Support Services	(65.4)	(12.8)	(78.3)
		1011000	P.2 Environment and Natural Resources Management and Protection	156.9	(1,200.1)	(1,043.2)
		1012000	P.3 Meteorological Services	17.9	(270.0)	(252.1)
		1005000	P.5 Integrated Regional Development	536.9	2,931.1	3,468.0
1102	Ministry for Water and Irrigation		Total	(196.4)	12,952.3	12,756.0
		1001000	P.1 General Administration, Planning and Support Services	(21.0)	(35.0)	(56.0)
		1004000	P.4 Water Resources Management	(29.7)	1,834.6	1,804.8
		1005000	P.5 Integrated Regional Development	(594.2)	(3,399.1)	(3,993.3)
		0110000	P.4 Irrigation and Drainage Infrastructure	448.6	14,551.9	15,000.4
1111	Ministry of Lands, Housing and Urban Development		Total	(158.7)	(3,539.5)	(3,698.2)
		0101000	P.1 Land Policy and Planning	(108.5)	365.6	257.1
		0102000	P.2 Housing Development and Human Settlement	(8.5)	(157.6)	(166.1)
		0103000	P.3 Government Buildings	(7.5)	(510.0)	(517.5)
		0104000	P.4 Coastline Infrastructure and Pedestrian Access	(2.3)	(57.0)	(59.3)
		0105000	P.5 Urban and Metropolitan Development	(9.8)	(2,949.5)	(2,959.2)
		0106000	P.6 General Administration Planning and Support Services	(22.0)	(231.0)	(253.0)
1121	Ministry of Information, Communication and Technology		Total	(46.1)	5,579.0	5,532.9
		0207000	P.1 General Administration Planning and Support Services	(34.2)	494.7	460.5
		0208000	P.2 Information And Communication Services	3.0	(335.0)	(332.0)
		0209000	P.3 Mass Media Skills Development	(15.0)	(13.5)	(28.5)
		0210000	P.4 ICT Infrastructure Development	-	5,432.8	5,432.8
1131	Ministry of Sports Culture and Arts		Total	1,502.1	(1,380.9)	121.2
		0901000	P.1 Sports	920.0	(1,487.9)	(567.9)
		0902000	P.2 Culture	235.9	107.0	342.9
		0903000	P.3 The Arts	(51.3)	-	(51.3)
		0904000	P.4 Library Services	48.0	-	48.0
		0905000	P.5 General Administration, Planning and Support Services	349.5	-	349.5
1141	Ministry of Labour Social Security and Services		Total	(243.3)	(542.0)	(785.3)
		0906000	P.1 Promotion of the Best Labour Practice	71.8	(169.0)	(97.2)
		0907000	P.2 Manpower Development, Employment and Productivity Management	(95.9)	(70.0)	(165.9)
		0908000	P.3 Social Development and Children Services	(9.5)	(59.5)	(69.0)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
		0909000	P.4 National Social Safety Net	(235.7)	(243.5)	(479.2)
		0910000	P.5 General Administration Planning and Support Services	26.0	-	26.0
1151	Ministry of Energy and Petroleum		Total	41.1	18,596.4	18,637.4
		0211000	P.1 General Administration Planning and Support Services	42.6	(90.0)	(47.4)
		0212000	P.2 Power Generation	-	(4,114.9)	(4,114.9)
		0213000	P.3 Power Transmission and Distribution	(2.5)	23,365.9	23,363.4
		0214000	P.4 Alternative Energy Technologies	1.0	(106.3)	(105.3)
		0215000	P.5 Exploration and Distribution of Oil and Gas	-	(458.3)	(458.3)
1161	State Department for Agriculture		Total	(2,190.4)	(14,852.8)	(17,043.2)
		0107000	P.1 General Administration Planning and Support Services	12.8	(182.2)	(169.4)
		0108000	P.2 Crop Development and Management	(1,357.1)	(945.0)	(2,302.1)
		0109000	P.3 Agribusiness and Information Management	(7.5)	1,982.3	1,974.9
		0110000	P.4: Irrigation and Drainage Infrastructure	(838.8)	(15,707.9)	(16,546.6)
1162	State Department for Livestock		Total	116.8	(647.4)	(530.6)
		0112000	P.6 Livestock Resources Management and Development	116.8	(647.4)	(530.6)
1163	State Department for Fisheries		Total	(37.7)	(306.6)	(344.3)
		0111000	P.5 Fisheries Development and Management	(37.7)	(306.6)	(344.3)
1171	Ministry of Industrialization and Enterprise Development		Total	402.0	(480.0)	(78.0)
		0301000	P.1 General Administration Planning and Support Services	(24.4)	220.0	195.6
		0302000	P.2 Industrial Development and Investments	(35.1)	(275.0)	(310.1)
		0303000	P.3 Standards and Business Incubation	(16.8)	(425.0)	(441.8)
		0304000	P.4 Cooperative Development and Management	478.3	-	478.3
1181	State Department for Commerce and Tourism		Total	(108.0)	(3,409.0)	(3,517.0)
		0306000	P.2 Tourism Development and Promotion	(69.8)	(3,335.3)	(3,405.1)
		0307000	P.3 Trade Development and Promotion	(46.0)	(23.7)	(69.7)
		0308000	P.4 General Administration, Planning and Support Services	7.7	(50.0)	(42.3)
1182	State Department for East African Affairs		Total	(44.3)	(50.0)	(94.3)
		0305000	P.1 East African Affairs and Regional Integration	(44.3)	(50.0)	(94.3)
1191	Ministry of Mining		Total	9.0	(882.3)	(873.3)
		1007000	P.1 General Administration Planning and Support Services	20.6	(23.5)	(2.9)
		1008000	P.2 Resources Surveys and Remote Sensing	(15.3)	(585.2)	(600.5)
		1009000	P.3 Mineral Resources Management	3.7	(273.6)	(269.9)
1251	Office of the Attorney General and Department of Justice		Total	(249.9)	(97.0)	(346.9)
		0606000	P.1 Legal Services	(167.2)	(9.0)	(176.2)
		0607000	P.2 Governance, Legal Training and Constitutional Affairs	(224.4)	(65.0)	(289.4)
		0609000	P.4 General Administration, Planning and Support Services	141.8	(23.0)	118.8
1261	The Judiciary		Total	(939.9)	(861.8)	(1,801.7)
		0610000	P.1 Dispensation of Justice	(939.9)	(861.8)	(1,801.7)
1271	Ethics and Anti-Corruption		Total	645.3	(300.0)	345.3
		0611000	P.1 Ethics and Anti-Corruption	645.3	(300.0)	345.3

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
	Commission					
1281	National Intelligence Service		Total	1,015.0	-	1,015.0
		0804000	P.1 National Security Intelligence	1,015.0	-	1,015.0
1291	Office of the Director of Public Prosecutions		Total	420.4	(181.0)	239.4
		0612000	P.1 Public Prosecution Services	420.4	(181.0)	239.4
1301	Commission for the Implementation of the Constitution		Total	-	-	-
		0613000	P.1 Implementation of the Constitution	-	-	-
1311	Office of the Registrar of Political Parties		Total	27.7	-	27.7
		0614000	P.1 Registration, Regulation and Funding of Political Parties	27.7	-	27.7
1321	Witness Protection Agency		Total	5.0	-	5.0
		0615000	P.1 Witness Protection	5.0	-	5.0
2011	Kenya National Human Rights Commission		Total	-	-	-
		0616000	P.1 Protection and Promotion of Human Rights	-	-	-
2021	National Land Commission		Total	120.2	(150.0)	(29.8)
			P.13 Land Administration and Management	120.2	(150.0)	(29.8)
2031	Independent Electoral and Boundaries Commission		Total	690.8	(71.0)	619.8
		0617000	P.1 Management of Electoral Processes	690.8	(71.0)	619.8
2041	Parliamentary Service Commission		Total	436.0	(1,100.0)	(664.0)
		0721000	P.1 National Legislation, Representation and Oversight	-	-	-
		0722000	P.2 Senate Affairs	397.0	(200.0)	197.0
		0723000	P.3 General Administration, Planning and Support Services	39.0	(900.0)	(861.0)
2042	The National Assembly		Total	300.0	-	300.0
		0721000	P.1 National Legislation, Representation and Oversight	300.0	-	300.0
2051	Judicial Service Commission		Total	-	-	-
		0619000	P.1 General Administration, Planning and Support Services	-	-	-
2061	The Commission on Revenue Allocation		Total	(15.1)	-	(15.1)
		0724000	P.1 Inter-Governmental Revenue and Financial Matters	(15.1)	-	(15.1)
2071	Public Service Commission		Total	(45.5)	(115.0)	(160.5)
		0725000	P.1 General Administration, Planning and Support Services	(36.8)	(115.0)	(151.8)
		0726000	P.2 Human Resource management and Development	(7.4)	-	(7.4)
		0727000	P.3 Governance and National Values	(1.3)	-	(1.3)
2081	Salaries and Remuneration Commission		Total	97.5	-	97.5
		0728000	P.1 Salaries and Remuneration Management	97.5	-	97.5
2091	Teachers Service Commission		Total	6,806.9	(133.0)	6,673.9
		0509000	P.1 Teacher Resource Management	7,960.0	-	7,960.0
		0510000	P.2 Governance and Standards	(46.0)	-	(46.0)
		0511000	P.3 General Administration, Planning and	(1,107.1)	(133.0)	(1,240.1)

Vote		Programmes		Proposed Supplementary Changes (Kshs Millions)		
No.	Details	No.	Details	Current	Capital	Total
			Support Services			
2101	National Police Service Commission		Total	38.0	-	38.0
		0620000	P.1 National Police Service Human Resource Management	38.0	-	38.0
2111	Auditor General		Total	8.5	(247.0)	(238.5)
		0729000	P.1 Audit Services	8.5	(247.0)	(238.5)
2121	Controller of Budget		Total	(51.7)	-	(51.7)
		0730000	P.1 Control and Management of Public finances	(51.7)	-	(51.7)
2131	The Commission on Administrative Justice		Total	-	-	-
		0731000	P.1 Promotion of Administrative Justice	-	-	-
2141	National Gender and Equality Commission		Total	(4.3)	18.2	13.9
		0621000	P.1 Promotion of Gender Equality and Freedom from Discrimination	(4.3)	18.2	13.9
2151	Independent Police Oversight Authority		Total	(23.6)	-	(23.6)
		0622000	P.1 Policing Oversight Services	(23.6)	-	(23.6)
Total Ministerial Expenditure				21,754.1	4,214.2	25,968.2

(Chairperson, Liaison Committee - 20.04.2016 (PM))

Debate interrupted adjourned on Wednesday, April 20, 2016 (Afternoon Sitting) resumed;

(Change of Chair from the Speaker to the Second Chairperson)

Amendment proposed –

THAT, the Motion be amended by inserting the following words immediately after the words “as indicated in the Schedule” –

“subject to:-

- i) the insertion of a new sub-paragraph (xxv) under Paragraph 30 as follows:

(xxv) Increase the recurrent allocation to the Parliamentary Service Commission under the programme of General Administration, Planning and Support Services by Kshs 332 Million;

- ii) the insertion of a new sub-paragraph (x) under Paragraph 31 as follows:

(x) Reduce the current allocation under the Senate Affairs programme meant for Monitoring and Evaluation by Kshs. 332 Million; and

- iii) Making consequential adjustments to the Schedule and the totals to reflect the changes, accordingly.

(Hon. Christopher Omulele)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

THAT, the Motion be further amended by inserting the following words immediately after the words “as indicated in the Schedule”–

“subject to –

- (i) Deletion of recommendation on paragraph 30(xiii) *(on page 8)*
(Relating to the Capital allocations for the Ministry of Industrialization and Enterprise Development);
- (ii) Deletion of the recommendation on paragraph 31(v) *(on page 10)*
(Relating to the Recurrent allocations for the Salaries and Remuneration Commission); and
- (iii) Effecting the consequential adjustments to Vote 1171 (Ministry of Industrialization and Enterprise Development) and Vote 2081 (Salaries and Remuneration Commission), *to reflect a reduction in the Capital Allocation in Vote 1171 by Kshs. 150 million and an increase in the Recurrent Allocation in Vote 2081 by Ksh150 million.*

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Debate on the Motion as amended resumed;

Mover replied;

Question of the Motion as amended deferred to another day.

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

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

MEMORANDUM

The Speaker will take the Chair on
Thursday, April 28, 2016 at 9.30 a.m.

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