



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

THURSDAY, MARCH 12, 2015 AT 2.30 P.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

8*. MOTION - APPROVAL OF THE BUDGET POLICY STATEMENT, 2015

(The Chairperson, Budget and Appropriation Committee)

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 2015, laid on the Table of the House on Wednesday, March 04, 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. (*proposed new Third Schedule is herein attached*)

(Resumption of debate interrupted on Tuesday, March 10, 2015)

9*. COMMITTEE OF THE WHOLE HOUSE

The Protection Against Domestic Violence Bill (National Assembly Bill No. 28 of 2013)
(The Chairperson, Departmental Committee on Justice and Legal Affairs)

(Resumption of consideration interrupted on Wednesday, March 11, 2015 – Afternoon Sitting)

(To commence from Clause 9)

10*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2014)

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Second Reading

(Resumption of debate interrupted on Tuesday, March 03, 2015)

11*. THE COUNTY GOVERNMENTS (AMENDMENT) (No.2) BILL (SENATE BILL NO. 2 OF 2014)

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

Second Reading

12*. THE NATIONAL HONOURS (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2014)

(The Leader of the Majority Party)

Second Reading

13*. THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILL NO.3 OF 2014)

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

Second Reading

14*. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO. 4 OF 2014)

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

Second Reading

*** Denotes Orders of the Day**

NOTICES

I. MOTION ON THE ADOPTION OF THE BUDGET & APPROPRIATIONS COMMITTEE REPORT ON THE BUDGET POLICY STATEMENT, 2015

Notice is given that the Member for Kanduyi Constituency (Hon. Wafula Wamunyi), intends to move the following amendments to the Budget & Appropriations Committee Report on the Budget Policy Statement, 2015.

THAT, the Motion be amended by inserting the following after part (c):-

- (a) deletion of all the words immediately after the word "ceiling" under item VI appearing on page 28 of the Report and substituting thereof with the words "be scaled down to Ksh 219.4 million.
- (b) amendment to the First Schedule to the Report by deleting the figures "Ksh. 476 million "appearing under Vote 208 (Salary and Remuneration Commission) and substituting thereof with figures "Ksh. 219.4 million"

II. THE PROTECTION AGAINST DOMESTIC VIOLENCE BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2013)

1. **Notice is given that the Chairperson, Departmental Committee on Justice and Legal Affairs, intends to move the following amendments to the Protection Against Domestic Violence Bill, 2013 at the Committee Stage—**

CLAUSE 9

THAT, clause 9 of the Bill be amended—

- (a) by deleting subclause (1) and replacing with a new subclause (1) as follows—

"(1) Any person who reasonably suspects that an offence of domestic violence is being or has been committed may give such information to the police officers or any other person in authority";
- (b) in subclause (2) by deleting the words "by virtue of such reporting attacks, intimidates or does any harmful act to the person providing information" appearing immediately after the words "person who" and substituting therefor the words "attacks, intimidates or harms a person who reports domestic violence";
- (c) by deleting subclause (3);
- (d) by deleting subclause (4);
- (e) by deleting subclause (7);

CLAUSE 10

THAT, clause 10 of the Bill be amended—

(a) by deleting subclause (1) and replacing with a new subclause (1) as follows—

“(1) A person who is in a domestic relationship with another person may apply to Court for a protection order in respect of that other person.”;

(b) in subclause (2), by deleting the word “shall” appearing immediately after the word “application” and substituting therefor the word “may”;

(c) in subclause (3) by deleting the word “shall” appearing immediately after the word “application” and substituting therefor the word “may”;

CLAUSE 11

THAT, clause 11 of the Bill be amended in subclause (2)—

(a) by inserting the words “a parent, guardian, probation officer, police officer, person acting on behalf of a non-governmental organization concerned with the welfare of victims of domestic violence or, with leave of court, any other person.” immediately after the word “through”;

(b) by deleting paragraphs (a), (b), (c), (d), (e), (f), (g) (h), (i) and (j);

CLAUSE 12

THAT, clause 12 of the Bill be amended in subclause (2) by deleting paragraph (b);

CLAUSE 14

THAT, clause 14 of the Bill be amended in subclause (4) by deleting the words “and, if the respondent fails to appear, the court shall, subject to section 23 (3), issue a warrant for the arrest of the respondent” appearing immediately after the words “to the order”;

CLAUSE 15

THAT, clause 15 of the Bill be amended in subclause (2) by deleting the word “encourages” appearing immediately after the words “respondent who” and substituting therefor the words “aids or abets”;

CLAUSE 16

THAT, clause 16 of the Bill be amended in subclause (1) by deleting the words “including those provided by religious institutions and any suitable cultural programmes subject to their satisfaction that these programmes will not in any way undermine the objects of this Act or the values and principles of the Constitution” and substituting therefor the words “or any other programme that is acceptable to the court”;

CLAUSE 18

THAT, the Bill be amended by deleting clause 18;

CLAUSE 19

THAT, clause 19 of the Bill be amended—

- (a) in subclause (1) by deleting the words “is inciting or encouraging, or has incited or encouraged, the respondent to engage in behaviour against a protected person where that behaviour, if engaged in by respondent, would amount to domestic violence” and substituting therefor the words “aids and abets the respondent”;
- (b) by deleting subclause (2);
- (c) by deleting subclause (3);

CLAUSE 20

THAT, the Bill be amended by deleting clause 20;

CLAUSE 21

THAT, clause 21 of the Bill be amended—

- (a) in subclause (2) by deleting the word “follow” appearing in paragraph (b) and substituting therefor the word “stalk”;
- (b) in subclause (7) by deleting the word “modified” appearing immediately after the words “revoked or” in paragraph (b) and substituting therefor the word “varied”;
- (c) by deleting subclause (8);
- (d) by deleting subclause (9);

CLAUSE 22

THAT, clause 22 of the Bill be amended by deleting subclause (5);

CLAUSE 23

THAT, the Bill be amended by deleting clause 23;

CLAUSE 25

THAT, clause 25 of the Bill be amended—

- (a) in subclause (1) by deleting the words “has received an explanation of the order in accordance with section 31” appearing immediately after the words “protection order”;
- (b) by deleting subclause (2);

CLAUSE 27

THAT, clause 27 of the Bill be amended—

- (a) in subclause (1) by deleting the words “of the first class” appearing immediately after the word “Courts”;
- (b) in subclause (2) by deleting the words “soon as possible” appearing immediately after the words “court as” in paragraph (b) and substituting therefor the words “may be directed by the court”;
- (c) by deleting subclauses (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13);

CLAUSE 28

THAT, clause 28 of the Bill be amended by deleting subclauses (2), (3) and (4);

CLAUSE 29

THAT, the Bill be amended by deleting clause 29;

CLAUSE 32

THAT, the Bill be amended by deleting clause 32;

CLAUSE 33

THAT, the Bill be amended by deleting clause 33;

CLAUSE 34

THAT, the Bill be amended by deleting clause 34;

CLAUSE 35

THAT, the Bill be amended by deleting clause 35;

CLAUSE 36

THAT, the Bill be amended by deleting clause 36;

CLAUSE 37

THAT, clause 37 of the Bill be amended by deleting subclauses (4), (5), (6) and (7);

CLAUSE 38

THAT, the Bill be amended by deleting clause 38;

CLAUSE 39

THAT, the Bill be amended by deleting clause 39;

CLAUSE 40

THAT, clause 40 of the Bill be amended by inserting a new subclause immediately after subclause (3)—

“(4) A publication under this section shall be made thirty days after the final determination of the proceedings”;

CLAUSE 42

THAT, the Bill be amended by deleting clause 42;

CLAUSE 43

THAT, clause 43 of the Bill be amended—

- (a) by deleting subclause (1);
- (b) in subclause (2) by inserting the word “have” immediately after the words “shall”;

CLAUSE 44

THAT, the Bill be amended by deleting clause 44;

CLAUSE 45

THAT, the Bill be amended by deleting clause 45.

III. THIRD SCHEDULE: SENATE RESOLUTIONS ON THE BUDGET POLICY STATEMENT, 2015

1. **THAT**, all relevant spending agencies:-
 - (a) Provide a clear framework to enable counties for access pharmaceutical products from the Kenya Medical Supplies Agency (KEMSA);
 - (b) Clearly demarcate and enhance the allocation for research in the health sector; and
 - (c) Institute curriculum reform in health care training so as to match the training of health care personnel the requirements of the market. In addition, necessary personnel should be provided to operate the newly leased medical equipment.
2. **THAT**, the criterion for direct cash disbursements to disadvantaged groups such as older persons, orphans and persons with disability should be approved by Parliament. The criterion should be based on statistics on target population.
3. **THAT**, future BPSs be submitted by December to allow sufficient time for Parliament and the respective Committees of both Houses to scrutinize and make recommendations that will guide the budget preparation process.
4. **THAT**, the office of the Auditor-General, be provided with sufficient funding to enable the office audit all public spending agencies as well as provide prompt special-purpose audits as requested by Parliament.
5. **THAT**, in order to enhance competitiveness and reduce the cost of doing business in the country, the government allocates more resources towards the speedy development of Konza Technopolis City and other ICT parks.

6. **THAT**, the Government fast tracks the ICT policy to guide all stakeholders in the ICT sector including county governments on ICT development and policy.
7. **THAT**, spending agencies should curtail unbudgeted expenditure items and practices that result into pending bills by ensuring that there are effective and robust monitoring units in MDAs.
8. **THAT**, the government policy on leasing of equipment be developed and presented to Parliament for scrutiny and approval;
9. **THAT**, to boost agricultural production, the Government provides for-
 - (a) Research on the development of disease resistant food crops;
 - (b) minimum price guarantees to farmers as an incentive to help boost food production and make Kenya food secure; and
 - (c) Progressive allocation of resources to meet the Maputo declaration of 10% total expenditure;
10. **THAT**, the Division of Revenue Bill (DORB) be enacted by early April to allow for the speedy enactment of the County allocation of revenue Bill which guides Counties on budget preparation.
11. **THAT**, the government provides for a new program to the Office of the Attorney General to be known as 'Provision of Litigation Services to County Governments' as a way of the National Government's provision of legal services at the county level in line with Article 189. In addition, legislative process for the enactment of the Office of the County Attorney Bill, 2014 (Senate Bill No. 37) which seeks to establish the Office of the County Attorney in every county be fast-tracked;
12. **THAT**, Parliament re-establishes and extends the life of the Commission for the Implementation of the Constitution under Section 5(7) of the Sixth Schedule of the Constitution given that its term is coming to an end early 2016;
13. **THAT**, the Independent Electoral and Boundaries Commission put in mechanisms to meet its target of registering 11 million additional voters in 2015/2016 and 2016/2017 financial years and that sanctions be visited upon any person or institution that derails the achievement of the target;
14. **THAT**, the relevant spending agency expedites in 2005/06 the production of a new household and budget survey to replace the 2005/06 Kenya Integrated Household and Budget Survey whose statistics are now outdated.

15. **THAT**, timelines for works on the Phase II of the Standard gauge Railway be clearly stipulated in the BPS to address continuity of the project and deal with any bottlenecks that may be created upon completion of Phase 1 of the project.

Transfer of Functions and Revenue Sharing, the House Resolves:

16. **THAT**, all devolved functions together with resources tied to them on health and agriculture currently being performed by the National Government be immediately sent to counties even in the absence of a clear framework under Article 187.
17. **THAT**, the revenue growth factor used to grow baseline revenue allocation to counties be revised from 10.41% to a factor of 12-15% over the medium term which is consistent with average historical ordinary revenue (shareable revenue) growth. That the conditional allocations set out in the 2015 BPS be maintained and enhanced to reflect the usual expenditure inflation to safeguard the real cost of implementing the respective county programmes such as health or agriculture.
18. **THAT**, to enhance oversight of devolved resources, the Auditor General, the Ethics and Anti-Corruption Commission and the Senators be provided with sufficient financial resources to enable them check inefficient spending and misappropriation of resources at the counties.
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The House resolved on Wednesday, February 11, 2015 as follows:-

- IV. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament, a Sessional Paper or any other Report submitted to the House, shall be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.
- V. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.
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NOTICE PAPER

Tentative business for

Tuesday, March 17, 2015

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Tuesday, March 17, 2015:-

A. COMMITTEE OF THE WHOLE HOUSE

The Public Audit Bill (National Assembly Bill No. 38 of 2014)
(The Leader of the Majority Party)

B. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 1 OF 2014)

(The Chairperson, Departmental Committee on Finance, Planning and Trade)

Second Reading

(If not concluded on Thursday, March 12, 2015)

C. THE COUNTY GOVERNMENTS (AMENDMENT) (No.2) BILL (SENATE BILL NO. 2 OF 2014)

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

Second Reading

(If not concluded on Thursday, March 12, 2015)

D. THE NATIONAL HONOURS (AMENDMENT) BILL (SENATE BILL NO. 16 OF 2014)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Thursday, March 12, 2015)

E. THE POLITICAL PARTIES (AMENDMENT) BILL (SENATE BILL NO.3 OF 2014)

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

Second Reading

(If not concluded on Thursday, March 12, 2015)

F. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL (SENATE BILL NO. 4 OF 2014)

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

Second Reading

(If not concluded on Thursday, March 12, 2015)
