



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, MARCH 17, 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 a new Part VIII (**Recommendations and Financing Measures** *herein attached*);

(b) insertion of the following new Part IX immediately after the 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*); and

- (i) 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.
- (ii) 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”

(Resumption of debate interrupted on Thursday, March 12, 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*

N O T I C E S

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

NEW PART VIII – RECOMMENDATIONS AND FINANCING MEASURES

After careful review of all the requests for additional resources as recommended by various Departmental Committees and having taken into account the submission on the projected resources for the 2015/2016 financial year, the Committee recommends as follows-

1. **THAT**, additional resources be provided to the following specific areas:

- a) Parliamentary Service Commission for operations – Kshs. 4.1 billion
- b) Parliamentary Service Commission for Monitoring and Evaluation for Senators – Kshs. 1 billion
- c) State Department for Planning for Social Affirmative Action Fund – Kshs. 2.1 billion
- d) State Department for Planning for Constituency Development Fund (CDF) – Kshs. 2 billion
- e) State Department for Planning for Completion of ESP Centers of Excellence through CDF – Kshs. 1.038 billion
- f) State Department for Planning for Uwezo Fund – Kshs. 1.45 billion
- g) Ethics and Anti-corruption Commission for county operations – Kshs. 750 million
- h) Auditor General for county operations – Kshs. 1 billion
- i) Independent Policing Oversight Commission – Kshs. 100 million
- j) For completion of *Jua Kali* sheds started under the Economic Stimulus Programme (ESP) – Kshs. 225 million
- k) Judiciary for tribunals – Kshs. 500 million
- l) Controller of Budget for operations – Kshs. 112 million

2. **THAT**, the ceiling for The Judiciary be set at Kshs. 18.462 billion;

3. **THAT**, the ceiling for The Parliamentary Service Commission be set at Kshs. 28 billion;
4. **THAT**, the County Equitable share be maintained at Kshs. 258 billion;
5. **THAT**, all other addition expenditure increments contained in First Schedule be deferred until additional resources are available;
6. **THAT**, the National Treasury takes these recommendations into consideration in the finalization of the Estimates for 2015/2016 financial year.

II. 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.

III. 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.

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.

NOTICE PAPER

Tentative business for

Wednesday (Morning), March 18, 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 Wednesday (Morning), March 18, 2015:-

A. MOTION - RANKING SYSTEM FOR NATIONAL EXAMINATIONS
(The Hon. Chris Wamalwa, M.P.)

(Motion as amended)

*(Resumption of debate interrupted on Wednesday, March 11, 2015 – Afternoon Sitting)
(Balance of time 30mins)*

B. MOTION - PROPER DISPOSAL OF ALCOHOLIC CONTAINERS & ARRANGING RECREATIONAL ACTIVITIES DURING SCHOOL HOLIDAYS
(The Hon. Kigo Njenga, M.P.)

C. MOTION - TRANSLATION OF THE LAWS OF KENYA INTO KISWAHILI
(The Hon. Joyce Wanjalah Lay, M.P.)

D. MOTION - REVIEW OF PROCEDURE & COST OF MARRIAGE REGISTRATION, & DECENTRALIZATION OF THE OFFICES OF REGISTRAR OF MARRIAGES
(The Hon. Malulu Injendi, M.P.)

E. MOTION - PERIOD OF SERVICE FOR POLICE OFFICERS UPON COMPLETION OF SPECIALIZED TRAINING
(The Hon. John Waluke, M.P.)

F. MOTION - ESTABLISHMENT OF INTENSIVE CARE & BLOOD TRANSFUSION UNITS IN EVERY CONSTITUENCY
(The Hon. Abdul Rahim Dawood, M.P.)

G. MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS
(The Hon. William Cheptumo, M.P.)

APPENDIX

THE NATIONAL ASSEMBLY

SCHEDULE of Questions for

Tuesday, March 17, 2015

It is notified that, pursuant to Standing Orders 191 and 216, the Cabinet Secretaries for Land, Housing and Urban Development; Labour, Social Security and Services; and Agriculture, Livestock and Fisheries will appear before the following Departmental Committees on **Tuesday, March 17, 2015** at the times hereunder:-

<u>Departmental Committee</u>	<u>Cabinet Secretary</u>	<u>Time</u>	<u>Venue</u>
(i) Lands	<i>Cabinet Secretary for Land, Housing and Urban Development</i>	10.00 – 11.30 am	<i>National Assembly Chamber</i>
(ii) Labour and Social Welfare	<i>Cabinet Secretary for Labour, Social Security and Services</i>	10.00 – 11.30 am	<i>The Mini-Chamber, County Hall</i>
(iii) Committee on Agriculture, Livestock and Cooperatives	<i>Cabinet Secretary for Agriculture, Livestock and Fisheries</i>	11.30am– 12.30 pm	<i>The Mini-Chamber, County Hall</i>

The Committees' Agenda has been determined as follows-

AGENDA

(Published pursuant to Standing Order 170E (2))

1. Prayers
 2. Communication from the Chairperson(s)
-

1. Questions under the Departmental Committee on Lands

Questions to the Cabinet Secretary for Land, Housing and Urban Development:

- (i) **Question No. 027/2015 by the Member for Kisumu East Constituency (The Hon. Shakeel Shabbir, M.P.):**

Could the Cabinet Secretary inform the Committee the circumstances under which individual developers allegedly acquired houses on plot numbers KISU/HG/73, KISU/HG/74,

KISU/HG/75, KISU/HG/76, KISU/HG/79, KISU/HG/80, KISU/HG/81 and unregistered HG Block 12/348, 349, and 353 in Milimani area in Kisumu City which were part of Jaramogi Oginga Odinga Monument and Nyanza Level Five Hospital; and measures being taken by the Government to repossess and curb such illegitimate allocations of land in future?

(ii) Question No. 044/2015 by the Member for Narok East (The Hon. Aramat Lemanken M.P):

Could the Cabinet Secretary brief the Committee on the increased subdivision of agricultural land in Kenya particularly in Narok County; and the measures the Government is taking to secure these lands for agricultural and livestock purposes to ensure food security in the Country?

(iii) Question No. 045/2015 by the Member for Embakasi South Constituency (The Hon. Irshadali M. Sumra, M.P.):

Could the Cabinet Secretary inform the Committee on measures being pursued by the Ministry in ensuring efficient drainage systems in urban areas, and in particular, plans at hand to develop drainage in Embakasi Constituency considering that this aspect was neglected on account of disagreements involving land occupied by squatters, resulting in a scenario where houses get extremely flooded every time it rains?

2. Questions under the Departmental Committee on Labour and Social Welfare

Questions to the Cabinet Secretary for Labour, Social Security and Services

(i) Question No. 036/2015 by the Member for Rabai Constituency (The Hon. Kamoti W. Mwamkale M.P):

Could the Cabinet Secretary inform the Committee why Hantex Garments, an EPZ affiliate at Mazeras in Rabai Constituency is violating workers' rights to fair labour relations as enshrined under Article 41 of the Constitution as well as subjecting the workers to 13 working hours per day at an average wage of five thousand Kenya shillings (Ks. 5,000.00) per month, which is below the gazetted minimum rate provided in Legal Notice No. 197 of 2013, and denying them the right to form a trade union; and what action the Government intends to take to enforce compliance?

(ii) Question No. 037/2015 by Nominated Member (The Hon. Isaac Mwaura M.P):

Could the Cabinet Secretary inform the Committee the measures being undertaken by the Government to ensure that the Cash Transfer Programme reaches the intended beneficiaries who are registered under the fund at the appropriate time and that the intended objective of improving the welfare of beneficiaries, with the aim of reducing poverty and vulnerability in Kenya is achieved?

(iii) Question No. 038/2015 by Nominated Member (The Hon. Zuleikha Juma M.P):

Could the Cabinet Secretary inform the Committee on the reason(s) why the elections of the National Youth Council have never been conducted yet the National Youth Council Act, 2009

clearly provides that elections should be held after every three (3) years; and when the same shall be conducted?

3. Questions under the Departmental Committee on Agriculture, Livestock and Cooperatives

Question to the Cabinet Secretary for Agriculture, Livestock and Fisheries:

- (i) **Question No. 001/2015 by the Member for Saboti Constituency (The Hon. David Wafula Wekesa, M.P. and Question No. 004/2015 by the Member for Cherangany Constituency (The Hon. Wesley Korir, M.P): -**

Considering that hundreds of residents of North Rift Kenya depend on maize farming as their main economic activity, could the Cabinet Secretary apprise the Committee on the measures the Government is putting in place to protect farmers from middlemen who are exploiting farmers by buying maize at low process in the absence of the National Cereals and Produce Board, and the timelines under which NCPB intends to commence purchasing maize from farmers?

- (ii) **Question No. 002/2015 by the Member for Uriri Constituency (The Hon. John Kobado, M.P.): -**

Could the Cabinet Secretary inform the Committee on progress made so far under the Sugarcane Levy Development Fund, and in particular, apprise Members on the expected commencement and completion dates for the construction of bridges connecting Oyuma-Magongo, Rombe-Piny Owacho, Masara-Arambe, Dudu and Alara in Uriri Constituency that were scheduled for funding by the Kenya Sugar Board under the aforementioned Levy Fund; reasons behind the delayed constructions; and measures being pursued by the Government to ensure the roads linked by these bridges are designed as a network for transportation and communication of outgrowers' sugarcane?

- (iii) **Question No. 003/2015 by the Member for Ugunja Constituency (The Hon Opiyo Wadayi M.P.):**

Could the Cabinet Secretary inform the Committee whether due diligence was carried out in awarding Tender No. MOFD/T/002/2011-2012 the Design, Build and Commission of the Off-Shore Patrol Vessel by the Ministry of Agriculture, Livestock and Fisheries; the total cost of the awarded tender; the financial strengths of the Company awarded the Tender; the Company's reputation and capability of building a vessel of such complexity; the number of vessels that the company has built; criteria was used to eliminate the other companies that tendered; and provide all the tender documents to the Committee from advertising to the awarding stages?
