THE NATIONAL ASSEMBLY
11-02-2014

Member of Parliament: Hon. Priscillah Nyokabi
Contribution she made on: Constitution of the House Business Committee

- She urged members of the house to support the motion that sought to confirm membership of the house business committee noting that in the previous session the house business committee went out to carry out tasks beyond its mandate mainly due to the increased numbers of members.
- She requested the house business committee to look into the private members bill and see that they are given priority too.

12-02-2014

Bill
National Police Service Amendment

Member of Parliament: Hon. Dennitah Ghati

- She opposed the bill saying it sought to remove from the police commission and confer it to the inspector general which would create dangerous precedent were the inspector was above the law.

MEMBER OF PARLIAMENT: Hon. Joyce Wanjala Lay

- She opposed the amendment that sought to confer more power to the inspector general of police and instead called for the two offices to work together.
- She condemned the brutality with which the police handled the Masjid Musa mosque issue where innocent citizens suffered in the ensuing melee

Member of Parliament: Hon. Anna Nyokabi Gathecha

- She sought clarification from Hon. Joyce Wanjala Lay on the Masjid Musa mosque issue.

PROCEDURAL MOTION

MEMBER OF PARLIAMENT: Hon. Florence Kajuju
Contribution: she supported the procedural motion and called for an increase in the hour’s engagement to 3 hours in order for the debates to be substantive.

MEMBER OF PARLIAMENT: Hon. Dennitah Ghati

- She requested the speaker to avail more presentation opportunities for the women MPs in the house and the less frequent contributors in the house motions

LIMITATION OF DEBATE ON COMMITTEE REPORTS

Member of Parliament: Hon. MS. Joyce Akai Emanikor

- She rose to support the motion and call on members to effectively use the time allocated to them by avoiding repetition of issues tackled by other members. She also called on the movers to split their discussion points with their seconders in order to save on time.
**Member of Parliament: Hon. Odhiambo-Mabona**

- She pointed out that the increased number of members has had an effect on house procedures and called on the house rules committee to relook on the standing order. She decried the calls by members to limit each member to 3-5 minutes of contribution time and limitation of regular contributors.
- She called on the house to increase the member’s time on the floor to 10 minutes from the initial 3 minutes. She pointed out that regular contributors like Hon.Ng’ongo have mandate to the people they represent and as a result they should be given time to participate in debates.
- She requested the Procedures and Rules Committee to prioritize bills according to urgency while keeping in mind to allow healthy contribution by each member. She also called for the increase of debating time to 6 hours while the time taken to debate a bill should be increased to 6 days, down from 3 days.
- She called on the speaker to use ranking when selecting members who contribute

**Member of Parliament: Hon. Rachel Kaki Nyamai:**

- She rose to challenge Hon. (MS) Millie Odhiambo-Mabona argument that members should be selected by ranking, terming it as unfair since it limits provision of equal opportunities to all members by sidelining the new comers.

**Member of Parliament: Hon. Odhiambo-Mabona:**

- She rose to clarify to hon. Paul Bii that indeed she wants all members of the house to contribute both the regular and the non-regular speaker’s. this was the reason for her call to increase the contribution time. She said that ranking was ingrained in the parliamentary system and can only be done away with through written procedure.
- She elaborated that the leaders of the majority and minority party are allocated more speaking time due to their status. Other members are selected according to their seniority i.e. the order in which they joined parliament. she further explained that they can amend this by putting it in the standing orders that they were moving away from selecting members based on seniority

**Member of Parliament: Hon. Rachel Kaki Nyamai:**

- She expressed her displeasure the ranking of ranking members as raised by Hon.odhiambo-mabona and called for provision of equal opportunities to all members.

**LIMITATION OF DEBATE ON MOTION OF ADJOURNMENT:**

**Member of Parliament: Hon. Rose Auma Nyamunga:**

- She sought for an increase in speaking time and called out on members to avoid repetition of issue already addressed by other members.

**Member of Parliament: Hon. Alice Wambui Ng’ang’a:**
She clarified that the system wrongly asserts that she is the Member of Parliament for Thika town yet she represents Kandara constituency.

She called on the amendment of the public procurement and disposal bill so that it includes people who had previously not benefited from the public procurement.

13-02-2014
STATEMENT:

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona:

- She asked why it was taking long for Private Members’ Bills to be reviewed noting that she had drafted three Bills right from the last Parliament which had not been reviewed three years later.
- She asked the leader of the Majority Party and the speakers were doing to help Legal Department fast-track review of the bill.
- She noted that the senate was taking too long to approve matters from the parliament such as the approval like the Members of the Pan African Parliament. She also wanted the Leader of Majority Party to explain to what he has put in place to fast-track the same.
- She noted that there was a discrepancy between the information in the HANSARD and the final Act gazetted.
- She informed the house that there was no point of contention over house Hon.Rachel Shebesh and her appointment. The real issue stood over the distribution of other slots between the senate and the national assembly.

Member of Parliament: Hon. Rachael Shebesh:

- She attested the fact that there was a letter from the speaker of the senate stating their demand for two slots in the PAP.
- She indicated that the President of the PAP needs a letter signed jointly by you and the Speaker of the Senate approving the names of the selected members.
- She informed the house that they debated on the ICC issue and on the West Gate attack issue. She had even sent a copy of the PAP Hansard and report to the Kenya National Assembly.
- She also made it known that she was a member of the Finance Committee of the PAP.

Second Reading
THE LAW SOCIETY BILL.

Member of Parliament: Hon. Florence Kajuju:

- She seconded the bill and thanked the Law Society of Kenya for holding free and fair elections where I also voted.
- She welcomed Mary Wambui in the house and indicated her support to her reelection bid. In seconding this Bill she noted the following:
  - Section 4 of the bill defined the functions and objects of the Society which include guiding members of the public in Matters that are legal in nature.it also mandates the LSK to provide continuous legal education its members.
  - Section 4(k) and (l) offered self-regulation for the LSK.
  - Section 6 of the guiding principles indicated that the LSK will be guided by issues of constitutionalism, justice and the rule of law.
  - The act recognized the provision of pro bono services and protected public interest through the Public Interest Litigation Committee.
  - The act allowed cross border legal practice and allows the LSK members to be members of the East.it also allowed for honorary members who have not been trained as lawyers.
• Section 13 allowed a member to be removed from the roll of advocates if found by the disciplinary committee to not have duly followed the ethical practice and professional conduct.
• Section 18 of the Bill constituted a governing council though which the LSK would operate. It also defined who could be a member of the governing council. Section 18(d) required that persons who were be elected to the Council of Legal Education must meet the provisions of Chapter 6 of the Constitution.
• In Section 20, the bill states that the IEBC will oversee the elections on behalf of the LSK.
• Section 24 devolved the legal services.

Member of Parliament: Hon.odhiambo-Mabona:

➤ She supported the Bill and called it an overhaul of an existing Act.
➤ She congratulated the LSK for conducting peaceful elections but noted the heightened political interest.
➤ She reiterated her support for the Mary Wambui in her bid to be reelected.
➤ She noted that the Kenyan judiciary had not fully embraced reforms as indicated in contradicting rulings issued by the courts. She also called on the IEBC to quickly adapt to the art of holding credible elections.
➤ She noted several principles in the bill that truly make it the best. This included:
   ➤ The principles of access to justice.
   ➤ Principle of public service but noted that the bill had not taken into account the aspect of gender equity.
➤ She praised the fact that the bill recognized the services of the paralegal personnel but stated the need to define operating standards.
➤ She noted the aspect cross-border legal practice which would avail employment opportunities to members of parliament once they are out of office.
➤ She exalted the ranking in the roll of advocates saying it established seniority and order.

Member of Parliament: Hon. Dennitah Ghati:

➤ She seconded the Motion and noted that there was another important bill to be discussed hence the need to limit the discussion of the LSK bill.

Member of Parliament: Hon.odhiambo-Mabona:

➤ She indicated her dismay with the calls by members to reduce the debate time due to interests in other bills and pointed out that this would create a bad habit in the house

Member of Parliament: Hon. Alice Wambui Ng'ang'a:

➤ She intervened in order to support the position taken Hon. Millie Odhiambo over the shortening of the debate time and instead discouraged members to desist from repeating issues they had already tackled.

Member of Parliament: Hon. Priscilla Nyokabi Kanyua:

➤ She supported the motion and called the normal contribution time since it allowed members to articulate their issues.
➤ She congratulated the Chairman of the Law Society of Kenya, Erick Mutua and the Vice chairperson, Renee Omondi and the other council members who were elected
➤ She supported self-regulation by the LSK and the reforms it was willingly embracing.
➤ She said that the new act is modern, revised, and homegrown. She encouraged the LSK to strive to reform the Kenyan law system.
She brought forward an idea of having an LSK chairman whom is not necessarily from the LSK. She explained that young lawyers face a challenge of trying to earn living and as result may end up not putting in place the right legislation the country requires.

She further expounded that Kenya as a country had been immersed in creation of so many laws which are not eventually implemented.

She expressed her appreciation with the work of pro bono lawyers who have gone a step further in helping the poor.

She called for a roll out of a programme that would commit lawyers from the school of law to work for the government and public institution before they go off to the profession.

She charged the LSK with a mandate of coming up with a bill that will cover legal aid and empowerment.

Member of Parliament: Hon. Alice Wambui Ng'ang’a:

- She supported the views of other members and lamented the high fees charged the Kenya School of Law (KSL) and called on the LSK to handle the issue.
- She urged the LSK to advice the government on the right channels of funding the KSL.
- She urged restraint in condemning the IEBC and instead called for the strengthening of the said institution as the next general elections move close.
- She concurred with the chair that the chairperson and vice chairperson positions should be divided between the two genders
- She called on the LSK to provide clear guidelines prior to election campaign to avoid a repeat of the just concluded election which involved a lot of name calling.
- She urged that LSK to look into the issue of governance and broader representation since some areas had been left out of the listing making it difficult for members in those towns to access need for that to be addressed by this Council even as we endorse the elections and the
  18-02-2014
  MOTION

Senate Amendments to UWEZO Fund Regulations

Member of Parliament: Hon. Naomi Shaban:

- She supported the motion and said that the disbursement of Uwezo fund was long overdue.
- She was grateful with the amendment that sought to have development managers and finance officers from the national government to report on the progress of the issued projects benefitting from the fund.
- She noted that the 6 Billion availed through the Uwezo fund would go a long way in benefitting the youth, women and the aged. She urged her colleagues to support the motion since a long time had elapsed while the funds lay idle.

Member of Parliament: Hon. Gladys Atieno Nyasuna:

- She supported the Motion noting that time was long overdue for the funds to be disbursed.
- She explained that the fund would alleviate the needs of women, youth and the disabled who for a long time had been burdened by the yolk of expensive credit rates from financial institutions.
- She further noted that the financial year was nearly up yet the funds had not been disbursed. She went a step further and suggested that information on the Women Enterprise Development Fund (WEDF) and the Youth Enterprise Development Fund (YEDF) should be harmonized with the Uwezo fund to avoid a situation where defaulters from the other two funds go ahead and benefit from Uwezo fund.
She was concerned that the two individuals selected to join the Uwezo Oversight Board was left open instead of specifically indicating that two youths would join the board--- This was to be done by the National

She indicated her joy with the amendment providing for capacity building to all the beneficiaries of the fund.

Member of Parliament: Hon. Dr. Christine Ombaka:

- She noted that there was a likelihood of the committees overseeing the funds at the county level failing to abide with the one third gender rule.
- She also indicated that the regulation demanding a group to be at least 6 months old to allocate the funds was quite punitive and likely to lock out many youths.
- She noted that it was not clear which ministry was responsible for the affairs of women and youth.

COMMITTEE OF THE WHOLE HOUSE

SENATE AMENDMENTS TO THE PUBLIC FINANCEMANAGEMENT (UWEZO FUND) REGULATIONS, 2013

Member of Parliament Hon: Gladys Atieno Nyasuna:

- She wanted a clear definition of who the ex-officio in the committee will be.

Member of Parliament: Hon. Wanjiku Muhia:

- She supported the amendment but indicated that deleting sub-paragraph (k) of the regulation transfers the role of capacity building from the county sub-committees which were on the ground to the ministry.

Member of Parliament: Hon. Priscilla Nyokabi Kanyua:

- She indicated that the capacity building should educate the beneficiary on prudent funds management.
- She also noted that the fund would reduce gender based violence in Nyeri since it would avail equal economic opportunity to both genders.

Member of Parliament: Hon. Alice Wambui Ng'ang'a:

- She supported the amendment and noted that it was time the funds were disbursed to the beneficiaries.

Member of Parliament: Hon. Peris Tobiko:

- She supported the amendment by the Senate on the Uwezo Fund Regulations. She was however dismayed there were ministries that were denying tender to companies run by youths and women by demanding operation experience over five years.

Member of Parliament: Hon. Alice Nyanchoka Chae:

- She supported the amendment but wanted the capacity building to be thorough enough in order to facilitate effective funds use.

Member of Parliament: Hon. Naomi Shaban:

- She moved to have the committee report to the house that had considered the Senate Amendments to the Public Finance Management (Uwezo Fund) Regulations, 2013 and had approved them.

Report

The Senate Amendments to the Public Finance Management (UWEZO Fund) Regulations, 2013.

Member of Parliament: Hon. Naomi Shaban:

- She moved that the house agrees with the Committee in the presented Report.

Member of Parliament: Hon. Florence Kajuju:

- She supported the committee report noting that the Uwezo fund would empower the youth and give them a better future.
She was grateful that the fund enabled the youth without providing collaterals. She also indicated that the fund was going to be a success since it was community driven.

**Member of Parliament: Hon. Odhiambo-Mabona:**
- She stood to raise a point of order.

**BILLS**

**SECOND READING**

**THE LAW SOCIETY OF KENYA BILL**

**Member of Parliament: Hon. Anna Nyokabi Gathecha:**
- She supported the Law Society of Kenya Bill noting that the previous laws were outdated.
- She noted that the new bill availed training opportunities to law workers and recognized public service workers.
- Hon. (Dr.) Shaban:
  - She supported the bill and indicated that it will help root out fake lawyers from the law system.

**SECOND READING**

**THE MARRIAGE BILL**

**Member of Parliament: Hon. Naomi Shaban:**
- She seconded the Marriage bill noting that it had taken lots of consultations and stakeholders meeting for the bill to get to that stage.
- The indicated that the bill sought to put the marriage institution in order by increasing parental and spouse responsibility in the marriage institution.
- She was exalted the section that sought to formalize come we stay marriages after couples had stayed together for three years.
- She indicated that the bill limited men to either monogamous or polygamous marriages throughout their entire life.
- She also praised the Matrimonial Property Bill passed during the eleventh parliament saying it protected the property couples had earned during their stay together.

**Member of Parliament: Anna Nyokabi Gathecha:**
- She supported the bill saying it had come of age.
- She also indicated that the bill would increase parental responsibility hence weeding out child abuse and neglect.
- She was happy that for the first time the bill was defining the types of marriage and gave men the choice of either going polygamous or monogamous.

**Member of Parliament: Hon. Wanijiku Muhia:**
- She was dismayed that male colleagues were out to water down the marriage bill. She noted that the bill would create a legislation that would serve many generations to come.
- She indicated that she supported the bill since it protected matrimonial property.

19-02-2014

**BILL:**

Second Reading of the Public Procurement and Disposal (Amendment) Bill:

**Member of Parliament: Hon. Joyce Wanjala Lay:**
- Thanked Hon. Sakaja for bringing the bill in parliament.
- Thanked president for including the clause that allocated 30% of the slots to women, youth and the disabled.
- She praised section 27(1) for recognizing equality among Kenyans. The bill would create jobs for millions of jobless Kenyan youths by giving them an opportunity in business.

**Member of Parliament: Hon. Amina Abdalla:**
- She thanked Hon.Sakaja for bringing the timely amendment to the Public Procurement and Disposal Act.
- She pointed out that the bill ensures genuine youth-owned companies that will benefit from these amendments.
- She noted that the loophole of the age of the persons considered as youth has not been sealed at the company registry. She also requested for action in confirming that the companies are youth owned.
- She supported the amendment that sought to include women and the disabled in the 30% procurement rule.
- She pointed a major problem with the act in the sense that it was liberal and exposed Kenyan contractors to unfair competition from foreign contractors.
- She sought for the inclusion of an amendment needs to have a cap figures foreign contractors shall be allowed to compete with local contractors.
- She also noted delay in paying contractors who have concluded works which exposes them to bankruptcy.

**Member of Parliament: Hon. Zainab Chidzuga:**
- She supported the amendment to the bill saying it provided an opportunity to the Kenyan youth and women to advance economically.
- She pointed out to several restrictions in the bill in the bill such as registration of companies which are quite expensive to most of the youth who are out of employment. Another restriction in the national construction authority places heavy levies on new entrants in the field.
- She requested that this restrictions be removed for the next two years when the youth

**Member of Parliament: Hon. Peris Tobiko:**
- She supported the Bill with amendments but called for the amendment to include all the marginalized groups, including the youth, women and the disabled.
- She noted that Government Ministries are yet to adhere to the 30% rule on procurement and are placing stringent conditions that are difficult for the young people to meet.
- She noted that the demand for experience and bank statements is prohibiting the youth from registering companies.
- She called on the Government Ministries to waive certain conditions in order for the young people and women get opportunities.

**Member of Parliament; Ho: Odhiambo-Mabona:**
- She thanked Hon.Sakaja for coming up with the amendment to the bill. She noted that it gives effect to Article 227(b) of the Constitution by bringing an amendment to cater for the disabled and the marginalized such as women and youth.
- She said that empowering of youth had already begun in Mbita constituency. She noted that rampant corruption that hindered the youth from benefiting from the awarded tenders.

**Member of Parliament: Hon. Fatima Ibrahim Ali:**
- She supported the Public Procurement and Disposal (Amendment) Bill tabled by Hon.Sakaja.
➢ She observed that the 30% procurement rule hope and aspiration from the youth, women and people with disability.
➢ She requested that Registration of companies should be devolved and called for the acquisition of the certificates of registration to be done manually rather than online registration that requires IT skills.

Member of Parliament: Hon. Sunjeev Birdi:
➢ She supported the Public Procurement and Disposal (Amendment) Bill tabled by Hon.Sakaja
➢ She noted that the youth face social and economic problems and praised the jubilee government for finally fulfilling the promises that it had given the youth and women.
➢ She noted that the bill amendment provided an opportunity to the unemployed and to those who really deserve help.

Member of Parliament Hon. Rose Rwamba Mitaru:
➢ She supported the Public Procurement and Disposal Act. Amendment Bill.
➢ She lauded the 30% rule and requested that it extends both women and the disabled.
➢ She noted the importance of including the youth in development activities and thanked the members for passing the Uwezo Fund Regulations bill.
➢ She called for proper training of the youth on finance management and urged the Director of Public Procurement not to deny the youth tenders due to of lack of capital and experience.
➢ She also requested that the registration of procurement companies for the youth be simplified.

Member of Parliament: Hon. Dr. Christine Ombaka:
➢ She supported the amendment to the Public Procurement and Disposal Act saying that it provides an enterprise for young people to be economically empowered. The youth of this country are very lucky because 30 per cent
➢ She noted other forms of youth empowerment such as the Youth Enterprise Development Fund and the Uwezo Fund and called for proper education of the over the fund youth should have some information.

Member of Parliament: Hon. Priscilla Nyokabi Kanyua:
➢ She supported the amendment bill since it covered the youth, women and people with disability.
➢ She requested that members touch on devolution since the issue is not only a national Government matter but also touched on the county governments as well.
➢ She urged focus to be placed on value addition and production and make sure that young women are not marginalized.

Member of Parliament: Hon.Rose Rwamba Mitaru:
➢ She thanked Hon.Sakaja for the amendment Bill and supported it since it was including the youth

19-02-2014
REQUESTS FOR STATEMENTS
IMPLEMENTATION STATUS OF AFFA ACT, 2013

ISSUANCE OF TITLES TO MOCHONGOI SETTLEMENT SCHEME
Member of Parliament: Hon. Grace Kipchoim:
She requested a statement from the Departmental Committee on Lands regarding allocation of titles to Kenyans living on various settlement schemes including those that lived in Mochongoi Settlement Scheme.

She requested the chairperson to inquire into and report on when the Government will do the gazettement of Mochonogi Settlement Scheme and issue titles deeds to the residents of Mochonogi Settlement Scheme.


Member of Parliament: Hon. Florence Kajuju:

➢ She noted that certain principles must be followed when issuing injunctions citing the example of the Giella vs Cassman Brown ruling, the as a guideline to courts about issuing injunctions.
➢ She was dismayed that the Kenyan judiciary was issuing injunctions in total disregard of the accepted principles and separation of powers as espoused in the national constitution.
➢ She pointed out that Article 10 of the Constitution provides for national values of good governance, transparency and accountability that bind every State officer.
➢ She noted that governors had refused to submit themselves to the principles of good governance, accountability and transparency and called for public participation in governance at the county level.
➢ She pointed an accusing finger at the judiciary for the problems the constitutional crisis the country was currently facing.

Member of Parliament: Hon. Alice Wambui Ng'ang'a:

➢ She started off by saying that the national assembly has a role of making sure that there is proper use of funds devolved to the county government.
➢ She explained that it was wrong for the governors to refuse summons by the national assembly and senate. She pointed out that the summons are for accountability purposes and are not any form of witch hunt.
➢ She called on both houses to ensure proper utilization of the funds and termed the injunction orders from the judiciary unconstitutional.
➢ She called on the LSK to put its house in order before it can call on the national assembly to obey the court orders.
➢ She explained that the principle of separation of powers prevented the judiciary from interfering with the business of the national assembly.
➢ She explained that governors are losing the war by rushing to courts to prevent the senate from holding them accountable.

Member of Parliament: Hon. Rachael Shebesh:

➢ She started off by noting that the devolved funds have turned governors into mini-presidents who had little regard for accountability.
➢ She noted that the much vaunted judicial reforms had little effect on the state of affairs in the Kenyan courts and pointed out that justice went to the highest bidder.
➢ She noted that the efforts of the senate and the county assembly of Embu were all futile and quashed by judiciary which handed the Governor of Embu stay.
➢ She reiterated her support on the decisions of the senate and called on the realigning of the way the judiciary carries out its activities.

20-02-2014

STATEMENTS

TENDERING/CONSTRUCTION OF STANDARD GAUGE RAILWAY

Member of Parliament: Hon. Rachel Kaki Nyamai:
She thanked Hon. Kamanda for the eloquent presentation but sought clarification on the long term effects of the project and what plans the committee had put in place to prepare for accidents.

BUSINESS FOR THE WEEK COMMENCING 25TH TO 27TH FEBRUARY, 2014

Member of Parliament: Hon. Beatrice Nkatha Nyaga:

- She sought clarification from the Leader of the Majority Party on the Affirmative Social Development Bill noting that it had already gone through various committees of the house and requested that the bill be brought on the floor of the house for members to debate on it.

Member of Parliament: Hon. Florence Kajuju:

- She noted that correspondence to the committee on regional integration was being channeled to wrong places making their work difficult.
- She requested the speaker to allow members to express their concern on issues they have their committees. She also pointed out that her committee had summoned the East African Affairs, Commerce and Tourism Cabinet Secretary who had promised to rectify a certain issue of concern.
- She explained the issue of inter committee conflicts had been raised the Chair in the Liaison Committee who went ahead to form a small sub-committee to look at issues of conflicting roles and mandates between committees.

BILLS
Second Readings
THE MARRIAGE BILL

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona:

- She explained that the bill would simplify the work of lawyers practicing family law by consolidating all marriage law under one umbrella.
- She suggested the following changes to the bill:
  1. That the word of “cohabitation”; be defined clearly and an amendment be included to state the number of years that would define a “cohabitation” as a marriage.
  2. The definition of “dowry” is written in contract law words suggesting that the women would be purchased. She suggested that the definition to be given a social outlook.
  3. She noted the definition of “monogamous marriage”, presupposes that all marriages begin as non-monogamous before they are converted. She suggested that the conditions be tightened to make it difficult to move from one type of marriage to another.
  4. She also called for clarity on the operative date of the bill so that individuals who had married in monogamous system but had added another wife are precluded.

Member of Parliament: Hon. Grace Jemutai Kiptui:

- She supported the bill saying that it will bring sanity in the marriage institution.
- She commended the bill saying it had rearranged the many marriage laws in the country into one clear law.

Member of Parliament: Hon. Dennitah Ghati:

- She supported the bill saying that it gave individuals the choice of selecting the destiny of their unions.
- She noted that the bill offered an easy path into marriages by recognizing come we stay marriages that relieve the burden of dowry from job seekers who want to marry.
- She also noted that the laws previously in use were archaic and defined marriage in the British sense.
Member of Parliament: Hon. Esther Murugi:
- She was happy that the Eleventh Parliament was in the process of approving three family Bills.
- She explained that the society can only be improved through upholding family values and inculcating values such as integrity, justice and equality in the daily lives of Kenyans.
- She appreciated the fact that the bill had set marriage age at 18 and exalted the way it defined cohabitation.
- She noted that the previous was law enacted in 1902 was archaic and encouraged male colleagues to feel at home with the law since it protected both genders.

Member of Parliament: Hon. Cecily Mbarire:
- She supported the bill saying it will provide a legal frame work to support the family unit.
- She congratulated Hon.Murugi Mathenge who had worked tirelessly to see that the bill saw the light of the day.
- She expressed her joy at the support the male members of the house had shown towards the law.
- She noted that provision of family law began in 1967 when Mzee Jomo Kenyatta established a taskforce to look into it with other attempts being made in 1993, 1999 and 2007.
- She explained that the new law defined polygamous and monogamous marriages and would end up reducing the rising rates of divorces.
- She noted that the children were spared from early marriages and prayed that the bill would protect the family.
- She urged colleagues to support the bill and pass it quickly.

Member of Parliament: Hon. Alice Nyanchoka Chae:
- She pointed out the need of informing the people on the need of informing people on the significance of the marriage institution.
- She was happy that the bill provided individuals the right to choose on the type of union they wanted but was alarmed at that clause 57 allowed the cabinet secretary alongside to make ratification to allow different types of marriages apart from the one listed in article 45(2) and feared that this would give room for gay marriages.

Member of Parliament: Hon. Dr. Christine Ombaka:
- Shed supported the bill noting that it will solve the problem of divorce and restore the glory of the family unit.
- She explained that the bill offers many benefits which include recognition and legalization of different types of marriages, safeguarding the girl child from early marriages by criminalizing marriages to girls below 18 years of age and dissolution of marriage based on grounds such as adultery, cruelty, domestic violence and desertion.

Member of Parliament: Hon. Gladys Atieno Nyasuna:
- She supported the bill saying it comes to strengthen the family noting that article 10 made incest crime but wanted the inclusion of step or adopted children or under the incest clause.
- She expressed her joy that the bill criminalized empty marriage promises made by individuals.
- She identified the significance of a husband seeking the consent of the wife before marrying another wife since it helps in easing tension.
- She suggested that the cohabitation period after which couples are of 3 years after which couples are considered married should be reduced.
- She noted that at last the dissolution of customary marriage has been covered by law while the marriage of underage girls had been prohibited.
25-02-2014
The House met at 2.30 p.m.

PETITIONS
EFFECTS OF AD VALOREM LEVY ON TEA FARMING
Member of Parliament: Hon. Cecily Mbarire:
➢ She supported Hon. Kathuri with the petition noting that 50% of her constituents were tea farmers.
➢ She noted that tea farmers were incurring huge losses due to scrupulous middle men and levies/taxes imposed on their income.
➢ She called on the government to scrap the levies and empower the farmer to add value to their produce.
➢ She called on all members to support the petition.

Member of Parliament: Hon. Shakilla Abdalla:
➢ She asked the petitioner to explain how the tax is levied.

REQUESTS FOR STATEMENTS
ONLINE LOAN APPLICATION SYSTEMS FAILURE AT HELB
Member of Parliament: Hon. Cecily Mbarire:
➢ She requested for a Statement from the Chairperson of the Committee on Education, Research and Technology regarding the online loan application systems Failure at the Higher Education Loans Board (HELB).
➢ She noted that he systems had been low for three months making it difficult for students to apply for loans and went on to request the chairperson to enquire and report on:
   a) The measures the Ministry of Education and Higher Education Loans Board are taking to correct this situation.
   b) The number of applicants or students affected by this situation, and the measures taken to solve the problem.
   c) Whether HELB has enough funds to meet the increased demands for loans occasioned by the double-intake.

IMPLEMENTATION OF NUTRITIONISTS AND DIETICIANS ACT
Member of Parliament: Hon. Rachel Kaki Nyamai:
➢ She thanked Hon. Nderitu for raising the issue and requested that the Departmental Committee on Health be given three weeks to make a follow up and report on the issue.

STATE OF KITALE-LODWAR-LOKICHOGGIO ROAD
Member of Parliament: Hon. Joyce Akai Emanikor:
➢ She requested a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the state of major roads in the country and in particular the Kitale-Lodwar-Lokichoggio Road.
➢ She requested the chairperson to inquire into and report on:-
   a) The amount of money allocated for the repair of this road in the 2011/2012 Financial Year and preceding years;
   b) The steps the Government is taking to construct the road and the timelines;
   c) The role the UN will play given the fact that the road was rapidly destroyed by heavy UNHCR trucks in the Operation Lifeline Sudan (OLS) then dubbed the biggest relief operation in Africa.

COMMITTEE OF THE WHOLE HOUSE
Member of Parliament Hon. Priscilla Nyokabi Kanyua:
- She supported the amendment to the insurance (amendment) bill

Member of Parliament: Hon. Janet Nangabo Wanyama:
- She supported the amendments thanked the President for the Memorandum.

MOTION
APPOINTMENT OF DR. A.I. ALI/MRS. L. MUMELO TO PSC

Member of Parliament: Hon. Gladys Atieno Nyasuna:
- She moved a motion Chairperson of the PSC to approve the appointment of Hon. (Dr.) Abdullahi Ibrahim Ali and Mrs. Lonah Mumelo to be Members of the Parliamentary Service Commission.
- She explained that the new motion sought to replace Ms. Jennifer Barassa with Mrs. Lonah Mumelo, HSC (Head of State Commendation), PhD candidate, MA and B.Ed.(hons) noting that she met the constitutional requirements of the job and had vast experience in international relations and was a believer in parliamentary democracy.
- She also said that hon. (Dr.) Abdullahi Ibrahim Ali was a founding member of the Parliamentary Service Commission. She identified his role improving the terms of the members and recommended him for the post. He was a member from the year 2000 to 2008.
- She called on hon. Jimmy Angwenyi to second.

Member of Parliament: Hon. Florence Kajuju:
- She supported the motion and congratulated the leaders of the CORD alliance for fronting Mrs. Lonah Mumelo.

Member of Parliament: Hon. Fatuma Ibrahim Ali:
- She supported the motion and identified Dr. Abdullahi as champion of the Parliamentary Service Commission.
- She noted the vast experience held by Mrs. Lonah and called on members to fast track the appointment of the two to the commission.
- She reasoned that the appointments would relieve the extra load from the serving commissioners who had to put up for long durations.
- She added that the two would bring a voice of the people into the commission

Member of Parliament: Hon. Dr. Reginalda Wanyonyi:
- She supported the motion and praised Ms. Lonah Mumelo as a leader who had strengthened many institutions she had worked with.

Member of Parliament: Hon. Cecilia Chelangat Ngetich:
- She supported the appointment of the two persons into the parliamentary service commission.
- She explained that the two brought vast experience into the commission and provided both gender and regional balance.

Member of Parliament: Hon. Priscilla Nyokabi Kanyua:
- She supported the nominees to the Parliamentary Service Commission and noted that a fully constituted Parliamentary Service Commission would avail funds for office space for the Chairpersons and Vice-Chairpersons of different departmental committees.
- She expressed her hope the Commission will hire good lawyers for the litigation driven against the House

Member of Parliament: Hon. Joyce Akai Emanikor:
- She supported the motion due to the gender and regional outlook it displayed.
- She informed the house that the nominees were selected due to their experience and not party affiliation.
- She affirmed the need for a multisectoral experience and diversity in the PSC.

Member of Parliament: Hon. Janet Nangabo Wanyama:
➢ She supported the motion noting the two nominees were better placed to take the commission forward.

**Member of Parliament: Hon. Beatrice Nkatha Nyaga:**
➢ She supported the appointments because of the gender balance and vast wealth of experience of the nominees.

**Member of Parliament: Hon. Gladys Atieno Nyasuna:**
➢ She cautioned the two nominees that they would face a lot of unforeseen challenges in the parliamentary service commission. She identified limited office as a key challenge and hoped that the two would help resolving them.
➢ She identified several changes made by the commission in the finance department such direct payment of the constituency offices staff.
➢ She expressed her gratitude to the Budget and Appropriations Committee for allocating an additional Kshs.5billion in the Supplementary Budget.
➢ She further explained that the Commission had formed a Committee on ICT and PR to oversee a seamless integration of information technology into the house. She noted that biometric registration of members was already in place and soon ipads would be availed to members.
➢ She noted that the Commission was also keen on and hiring off legal staff.

**BILL Second Reading**

**THE MARRIAGE BILL**

**Member of Parliament: Hon. Priscilla Nyokabi Kanyua:**
➢ She thanked members for supporting the bill and noted that the Children’s Act of 2000 and the constitution gave protection to children.
➢ She expressed her displeasure with the previous law which defined dowry as a fee for the purchase of women.
➢ She praised the new bill saying it codified different marriage laws into one setting.
➢ She said that bill outlawed any form of marriage apart from man and woman and identified legalizing of polygamy as a big win for men
➢ She argued that the bill addressed gender based violence by allowing reconciliation and divorce

**26-02-2014.**

**Second Reading**

**THE CONSTITUTION OF KENYA (AMENDMENT) BILL**

**Member of Parliament: Hon. Grace Kipchoim:**
➢ She requested the speaker to reduce the time each member takes to contribute to the bill so that other members would also contribute.

**Member of Parliament: Hon. (Dr.) Shaban Naomi:**
➢ She asked the speaker to consider women when selecting members’ contributors during the motion.
➢ She thanked Hon. Lelelit for coming up with the motion to amend the equalization fund and make it easy to understand.
➢ She expressed her dismay with the Mr. Cheserem led commission for choosing to allocate funds based on population. She pointed out that the marginalized areas have few people and as result end up with less funds.
➢ She said that the equalization fund was a remedy for the less funds allocated to the marginalized areas.
She called for the funds to be distributed on a constituency basis and not to the counties.

Member of Parliament: Hon. Grace Kipchoin:

- She thanked hon. Lelelit for coming up with the Bill noting that people in her constituency lacked clean water and roads.
- She explained that cases of theft were on the rise in Baringo South and Tiaty and blamed Hon. Kamama for giving up on his people.
- She said that the equalization fund had come at the right time but it should not be taken to the county government.
- She explained that MPs were better positioned to manage the funds than the governors.

Member of Parliament: Hon. Hon. Joyce Akai Emanikor:

- She supported the bill and identified the equalization fund as a solution to the many problems in the marginalized regions.
- She pointed out that the constituencies are closer to the people and understood the needs of the people. She called for the equalization funds to be disbursed through this units which have past experience of supporting the community through the constituency development fund.
- She urged members of parliament to consider the county womwn mps in the utilization of this funds.

Member of Parliament: Hon. Fatuma Ibrahim Ali:

- She explained that marginalized areas were identified through a research and none had been left out.

Member of Parliament: Hon. Mary Emase:

- She supported the bill and argued that constituencies were the best means of disbursing the equalization funds to the people.
- She appreciated the fact that north eastern was indeed a marginalized area but pointed out to other areas such as Teso South which has no tarmacked roads.
- She called on the commission of revenue allocation to consider the areas not placed in the initial list of marginalized areas.

REQUESTS FOR STATEMENTS
EXCLUSION OF TANA RIVER FROM WATER HARVESTING AND STORAGE PROGRAMME

Member of Parliament Hon. Amina Abdalla:

- She raised her concern that construction of dams is under Ministry of Devolution and Planning while her Committee dealt with the Ministry of Environment, Water and Natural Resource.
- She made a commitment to provide an answer to Hon.Wario within two weeks.

MOTION
ADOPTION OF REPORT ON SUPPLEMENTARY ESTIMATES 2013/2014

Member of Parliament: Hon. (Dr.) Naomi Shaban:

- She identified several pints of concern that should be worked upon. this included:
  a) The Departmental Committee on Health was supposed to 350 intern doctors who had not been paid from September, 2013. she lamented the fact that the no funds had been set aside to mitigate on the issue despite the fact that the the Ministry of Health asking for Kshs1.3 billion.
  b) She said that internship in the medical fraternity should not be devolved and called for the health Cabinet Secretary in charge of Health to engage the Cabinet Secretary in charge of finance so that funds can be set aside for the interns.

Member of Parliament: Hon. Gladys Atieno Nyasuna:

- She moved that the motion be amended by deleting the full stop after the figure 2014 and adding at the end there on the words: “subject to allocation of Kshs40 million to the National
Gender and Equality Commission for outstanding pending bills and a reduction of an equivalent amount from the recommended allocation for the social economic audit of the Kenya Constitution, 2010.”

- She noted that the amendment was critical since the 40 milliOnhad already been allocated to the National Gender and Equality Commission Financial Year 2012/2013 for the purposes of partitioning their offices but had been carried forward since it had been received late.
- She further expounded that this amount was supposed to reflect in the Supplementary Budget and she felt that the Budget and Appropriations Committee was not advised on the matter.
- She explained that the money was already incurred and wanted the kshs.40 million to pay their debtors.
- She requested that the money be removed from the social economic audit of the Constitution of Kenya which already had an allocation of Kshs80 million.

**Member of Parliament: Hon. Sabina Wanjur Chege:**

- She supported the amendment and opposed a comment by Hon. Wakhungu that the National Gender and Equality Commission were not doing much.

**Member of Parliament: Hon. Mary Emase:**

- She supported the report tabled by the chairman and explained that the Supplementary Budget looked into the re-allocations and re-alignments within sectors and ceilings that were set.
- She identified low absorption of funds as pointer to the reduction of funds allocated to ministries.
- She requested that the next budget allocations to ministries should be based on outcome.

**Member of Parliament: Hon. (Ms.) Odhiambo-Mabona:**

- She urged the Budget and Appropriations Committee to seriously take in the proposals and recommendations made by members.
- She supported the increased allocations to:
  a. The Ministry of Agriculture, Livestock and Fisheries saying that it will go a long way in ensuring national food security.
  b. the vulnerable groups like orphans
  c. the State Law Office and the prosecution office
- She called on members to reconsider the issue of National Gender and Equality Commission since “gender” is not all about women.
- She called on the team carrying out the socio-economic audit of the Constitution to be open minded since devolution was a new thing and should be given a chance.
- She called on the house to assist in the judicial reforms by obeying the court orders and noted that the reduction of the allocation to the judiciary was punitive.

**Member of Parliament: Hon. Alice Wambui Ng'ang'a:**

- She supported the motion and called on the government to come up with means of harvesting rain water to help in mitigating the arid areas.
- She expresses her satisfaction with the increased to allocation to national food security.
- She called on the government to help fix roads during the rainy seasons and to provide electricity to all households.
- She recommended that polytechnics and other training institutions be removed from the Ministry of Devolution and Planning to the Ministry of Education.
THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL
Member of Parliament: Hon. (Ms.) Odhiambo-Mabona:
➢ She called on the deputy speaker to clarify if the bill was supposed to have originated from the national assembly noting that Bills on national issues should originate from the national assembly.

27-02-2014
NOTICE OF MOTION
ADOPTION OF PUBLIC ACCOUNTS COMMITTEE REPORT
Member of Parliament: Hon. Cecily Mbarire:

STATEMENTS
POLICY ON EMPLOYMENT/PROMOTION OF CHIEFS
Member of Parliament: Hon. Wanjiku Muhia:
➢ She said it’s quite frustrating for a member to claim that the committee chairman is lying when indeed the committee met with cabinet secretary.

POINT OF ORDER
DELAY OF THE AFFIRMATIVE ACTION
Member of Parliament: Hon. Winnie Njuguna:
➢ She wanted the leader of the majority party to clarify why the Affirmative Action Social Development Bill was still lying with the Budget and Appropriations Committee when he had promised that it will be taken to the speaker’s office for approval, printing before being brought to the house.

BUSINESS FOR THE WEEK COMMENCING 4TH TO 6TH MARCH, 2014
Member of Parliament: Hon. Sabina Wanjiru Chege:
➢ She lamented that the Budget and Appropriations Committee rarely assent to the requests of the committees.

THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL
Member of Parliament: Hon. (Ms.) Odhiambo-Mabona:
➢ She thanked hon. Kamama for moving the amendment to prevent micro-management of the police Commission is by the Cabinet Secretary.
➢ She said that the police service commission should be allowed to make regulations for vetting.

Member of Parliament: Hon. (Dr.) Naomi Shaban:
➢ she supported the amendments to the national police service bill

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona:
➢ She move that the following amendments be made on the police service (amendment) bill: that Clause 8 is amended in sub-clause (7) by deleting the word “fourteen” and substituting therefor the word “four”.
➢ She explained that fourteen days were long for any notice of a meeting what I am seeking to do is to remove 14 days’ notice for any meeting.
➢ She called on the chair to rule if the house was properly constituted since a third of the house was not present.

Member of Parliament: Hon. Grace Kipchoim:
➢ She supported the proposals by Hon. (Ms.) Odhiambo-Mabona.

Member of Parliament: Hon. Rose Rwamba Mitaru
• She opposed the amendment brought forward by Hon. Ogalo since he did not explain it.

THE KENYA HEROES BILL

Member of Parliament: Hon. (Ms.) Odhiambo-Mabona:
➢ She requested that the Kenya Heroes bill be amended in clauses 1, 4, 5, 8, 15, 21, 29, third schedule (paragraph 1 & 2) and in schedule four

Member of Parliament: Hon. Priscilla Nyokabi Kanyua:
➢ She supported the changes proposed by Hon. odhiambo-mabona and noted that time was nigh for the country to have new leaders and fighters.

Member of Parliament: Hon. Alice Nyanchoka Chae:
➢ She supported the amendment.

Member of Parliament: Hon. Sunjeev Birdi:
➢ She supported the amendment by Hon. odhiambo-mabona and was happy that the bill covered heroes in the fields of human rights, national cohesion, and environment conservation.

Member of Parliament: Hon. Florence Kajuju:
➢ She supported the proposed amendments noting that it gave the bill a sense national heritage.

Second Reading

THE NATIONAL POLICE SERVICE (AMENDMENT) BILL

Member of Parliament: Hon. Priscilla Nyokabi Kanyua:
➢ She supported the bill urging the police to be responsible in their duty.

Member of Parliament Hon. Grace Kipchirim:
➢ She supported the bill and called for the police to be liberal