REQUESTS FOR STATEMENTS
IMPLEMENTATION OF REPORT ON PYRAMID SCHEMES
Hon. Rachel Shebesh:

- She was absent from the house and requested Hon. Injendi to read a statement on the implementation of the pyramid scheme on her behalf.
- She requested a statement from the Committee on Implementation regarding the status of implementation of the Report of a taskforce on the pyramid schemes, led by hon.
- She indicated that the taskforce had recommended that prominent persons in the scheme be prosecuted and victims compensated. Consequently, the Parliamentary Committee on Budget and Appropriations sought Kshs7 billion from the Supplementary Budget in February, 20112 to compensate victims of the pyramid schemes.
- She requested the Chairperson to inquire into and report on the following:
  (a) The status of implementation of the Committee's recommendations; and,
  (b) When the victims of the pyramid schemes will be compensated and justice done.

Hon. (Ms.) Ghati:

- She informed Hon. Injendi that the report on the implementation of the report on pyramid schemes was ready and would be availed in a week's time.

MOTION
ADOPTION OF REPORT ON NOMINEE TO GENDER AND EQUALITY COMMISSION
Hon. (Ms.) T. G. Ali:

- She seconded the motion and noted that Dr. Florence Nyokabi had academic qualification for the job which includes a Bachelor of Education degree, a post-graduate diploma, two Masters Degrees in gender development studies and human resource development and a PhD in Human Resource Management.
- She also pointed out her vast job experience which includes being an Assistant Director to Director of Recruitment and Selection in the Public Service Commission.
- She noted that she had no criminal record and was a member of various professional institutions such as the Chartered Institute of Personnel and Development in UK, Kenya Institute of Management, Africa Public Sector Human Resource Network and Forum for African Women Educators (FAWEK).
- She noted that Dr. Abdillahi Alawy was disqualified because he was not a Kenyan citizen.

Hon. (Ms.) Abdalla:

- She decried the view by Hon. Nyenze that the ODM political party was the oldest party in the country yet it was formed in 2006.
- She supported the nomination of Dr. Florence Nyokabi noting that she was best qualified for the position.
- She appreciated the way the committee handled the issue of the citizenship of Mr. Abdillahi Alawy but called on the ministry of immigration to make it easy for Kenyan in diaspora to reapply for citizenship.

Hon. (Ms.) Kajuju:

- She cited Standing Order 95 and requested the mover of the motion to reply since no member had opposed the Report.

MOTION
ADOPTION OF REPORT ON VETTING OF KNCHR NOMINEES
Hon. (Ms.) Kajuju:

- She supported the motion and thanked the committee for working to meet the deadline.
- She noted that the people sent before the commission for vetting understood the function s of the commission.
- She noted that the proposed chairperson understood the provisions of Section 8, Act No. 14 of 2011 in relation to public awareness and promised to work hand in hand with other commissions such as the National Gender and Equality Commission and the Commission on Administrative Justice.
- She also indicated that all the approved candidates understood issues on human rights.

Hon. (Ms.) Ghati:

- She opposed the motion noting that it failed to take into account section 250(4) of the Constitution which demanded that appointments of members of a commission should consider national values and regional and ethnic diversity.
- She pointed out that Dr. Florence Nyokabi was old to hold the post while other members did not represent the face of Kenya. She also noted that there was no representative for people with disability.
- She noted that the commission had sneaked in a member by the name Lempaa and left an individual who had been position five during the interview.
Hon. (Ms.) Kajuju:
- She noted that Hon. Ghati was out of order for using un-parliamentary language and to condemn individuals based on their origin.

Hon. (Ms.) Nyamunga:
- She noted that the academic certificate held by Mr. Abdillahi Alawy lacked credibility since it lacked the date and year of graduation.
- She noted that there was a trend developing across the Nation where appointments were not in line with the rankings obtained during interviews.

Hon. (Ms.) F.I. Ali:
- She opposed the views by Hon. Kipyegon that commissions tended to copy western values and systems.

Hon. (Ms.) Kanyua:
- She proposed to put the question in pursuance of Standing Order No.95 (2)

5-3-2014

BILL
Second Reading
THE CONSTITUTION OF KENYA (AMENDMENT) BILL
Hon. (Ms.) Nyasuna:
- She supported the bill noting that the Equalization fund would bring the marginalized areas to a level equal to others that are already developed.
- She pointed out that devolution is meant to bring about equalization and equality to the country and must be protected.
- She noted that the equalization fund should find its way to the constituency level as a way of broadening devolution. She pointed out that Article 204(2) of the constitution allowed the National Assembly to engage in discussions involving the national Government money but failed to define the unit through which the fund would be devolved.
- She called on the house to put an amendment that would devolve the funds to the constituency and asked honorable members to consider the marginalized populations in funds allocation.

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL
Second Reading
Hon. (Ms.) Muhia:
- She called on the house to control devolution by clearly defining individuals who should be addressed by the title “Honorable”

Hon. (Ms.) Odhiambo-Mabona:
- She noted her dismay that matatu drivers had been allowed to cause havoc in the city.
- She stated that the bill was unconstitutional since it wanted to privatize the nation flag. She quoted Article 27 of the Constitution which indicated that an individual should not be discriminated on any ground. She hence asked the speaker to look at Article 10 and 27 which touched on patriotism and discrimination.

Hon. (Ms.) Mbarire:
- She supported the amendment that sought to control the use of the National flag by state officers and suggested that the house should provide titles to be used of state officers.

5-3-2014 2.30 P.M session
REQUESTS FOR STATEMENTS
STATUS OF CERTIFICATES ACQUIRED OUTSIDE THE COUNTRY
Hon. (Ms.) S. W. Chege:
- She informed the house that the Kenya Qualifications Framework Bill would address the issues raised about certificates obtained from outside the country.

PAYMENT OF BENEFITS TO RETIRED TEACHERS
Hon. (Ms.) S.W. Chege:
- She informed the house that the Departmental Committee on Education, Research and Technology had discussed with the Budget and Appropriations Committee about including the arrears owned to the retired teachers.
- She said that the matter was in court because of a miscommunication between the Office of the Attorney-General and the Teachers Service Commission (TSC) when the court awarded the money to the retirees.
- She admitted that the issue was a national issue and her committee would make an announcement in the house on when they will meet the TSC, the Ministry of Education and the Office of the Attorney-General and provide members an opportunity to ask them questions.
EXCLUSION OF MARANDA HIGH SCHOOL IN KCSE RANKING
Hon. (Ms.) S.W. Chege:
- She informed Hon. Abubu Namwamba that she will seek information from the Kenya National Examinations Council (KNEC) and asked to be given a week to respond.

BILL
Second Reading
THE COUNTY GOVERNMENTS (AMENDMENT) BILL
Hon. (Ms.) Chidzuga:
- She raised a point of order that only the male members were contributing and asked the women to be given an opportunity.

MOTION FOR ADJOURNMENT UNDER S.O.33
MATATU STRIKE OVER PARKING FEES
Hon. (Ms.) Emanikor:
- She supported the motion explaining that many industries related to the transport business incurred losses due to the strike.
- She called on the county government to consider the economic status of citizens before bringing in taxes and levies.

Hon. (Ms.) Munene:
- She supported the motion noting that the strike had affected the activities in Nairobi.
- She called on the County Government of Nairobi to have a meeting with the stakeholders in order to chat the way forward.

Hon. (Ms.) Wahome:
- She noted that the strike had paralyzed business in the city
- She questioned the motive behind raising the license fee called for consultation to unlick the gridlock.

Hon. (Ms.) Ombaka:
- She expressed her embarrassment with the strike since it was a continuation of the many strikes the country had experienced.
- She cautioned both the motor vehicle owners and the County government from hiking the fare and license fees respectively without issuing due notice.

6-3-2014
REQUESTS FOR STATEMENTS
ESTABLISHMENT OF REGIONAL PUBLIC LIBRARIES
Hon. (Ms.) S.W. Chege:
- She requested for a two weeks period to provide statement to the house about the plans by the government to establish regional public libraries.

BILLS
THE KENYA NATIONAL AIDS AUTHORITY BILL
Hon. (Ms.) Nyamai:
- She informed the house that the Parliamentary Committee on Health had been working on a similar Bill and called for Hon. Jared Opiyo to support the bill the committee was working on.

Second Reading
THE COUNTY GOVERNMENTS (AMENDMENT) BILL
Hon. (Ms.) Nyasuna:
- She supported the bill and called for leaders to ensure the success of devolution.
- She pointed out the objects of devolution is to give powers of self-governance to the people and enhance the participation of the people in the exercise of the power of state.
- She called on a platform in the county government act that would allow consultation between the governor, members of parliament and members of the county assembly.
- She identified Article 174(e) of the county government act as aimed at protecting and promoting the interests and rights of minorities and marginalized communities. The bill would thus protect the interests of the minorities and the marginalized. She hoped that the bill will not interfere with the CDF fund.

Hon. (Ms.) Muhia:
She opposed the bill due to the following reasons:
1. It had malice by proposing to have boards at the constituency and ward level and would fuel more fire in the war against governor.
2. The bill sought to undermine the oversight role of the members of the county assemblies.
3. The bill proposed oversight boards that may interfere with the governor’s mandate for the electorate.
4. The bill sought to offer a blanket punishment for all governors instead of pinpointing and punishing the errant ones.

Hon. (Ms.) Tobiko:
- She requested that the time be reduced to three minutes since many members were yet to contribute.
- She opposed the bill noting that each elective post had its role clearly defined in the constitution but the senators wanted to usurp the powers from the governors and award themselves. She requested the house not to dilute the powers of the governor.

Hon. (Ms.) Odhiambo-Mabona:
- She opposed the bill noting that it violated the principles of separation of powers by mixing the legislature with the executive.
- She explained that the proposed consultative forum should be between Senators and Members of the County Assemblies (MCAs) and not be between Senators and governors.
- She pointed out that the constitution gave the senators less duties and called for the speakers of both the senate and the national assembly to relook the provisions relating to the roles of the senators with a goal of coming up with more concrete roles for the senators.
- She claimed that the senators had resorted to the divide and rule motived by placing women representatives as the vice-chairpersons of the county oversight boards. She told the women representatives that they will support them in the quest for a kitty similar to the CDF.

11-3-2014

REQUESTS FOR STATEMENTS

MOTION

NOMINATION OF HON. OMAGWA/HON. TONG’I TO DEPARTMENTAL COMMITTEES

Hon. (Ms.) Odhiambo-Mabona:
- She supported the motion and thanked the two members for their election.
- She thanked the leadership of the house for ensuring that members were carrying out their roles effectively in the committees and urged the house to speedily resolve the issue of Pan-African Parliament.
- She condemned the alleged rape and shooting of Kisii students by riot police.

Hon. (Ms.) Muhia:
- She congratulated her colleagues for the reelection and called for a follow up of the Kisii University student-police incident.
- She condemned the rape of the students and was alarmed that the university management decided to hire the Sungu Sungu gang to assist in restoring peace.
- She requested a statement from the Committee on Education, Research and Technology over the same.

BILL

Second Reading

THE KENYA QUALIFICATIONS FRAMEWORK BILL

Hon. (Ms.) Nyamunga:
- She opposed the bill saying that it was important that the education sector be harmonized.
- She opposed the formation of another commission to handle the issue noting that the wage bill was unmanageable.
- She called for the harmonization of the education system to be in tandem with the international standards.
- She called on harmonization of higher educations across the Kenya so that students from different institutions can be accommodated during transfers.
- She called for the formation of more technical institutions and condemned the insecurity in Nyakach and Kericho areas and the excessive force used by the riot police in quelling the riots in Kisii University.

Hon. (Ms.) Lay:
- She opposed the bill noting that the Ministry of Education, Science and Technology, the Kenya National Examinations Council (KNEC) and the Commission for University Education could take care of what the bill envisaged to do.
She noted that the bill proposed to appoint a director-general who would demand a salary in total disregard of the ballooning wage bill.

She called for reforms in the education sector to accommodate every Kenyan and was against young students joining polytechnics.

She proposed that the education system be reformed first before the proposed qualification framework could be actualized.

**12-3-2014**

**THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL**

(Resumption of Debate interrupted on 5.3.2014)

Hon. (Ms.) Gathogo:
- She requested members to consult in low tones

**Second Reading**

**THE VALUE ADDED TAX (AMENDMENT) BILL**

Hon. (Ms.) Gathogo:
- She urged members to be bipartisan in support of the bill for the sake of Kenyans suffering due to high commodity prices.
- She informed members that the laptop project was a top agenda of the jubilee government and would be implemented despite the hitches encountered.

Hon. (Ms.) Odhiambo-Mabona:
- She requested the house to harmonise the technology with the rules of the house. She wanted a system where one could raise a point of order without being relegated.
- She raised the issue of ranking and seniority noting that it is found in all parliamentary systems.

Hon. (Ms.) Emanikor:
- She supported the bill since it aimed at reducing the cost of living for Kenyans.
- She suggested reduction in state wastage by reducing the number of commissioners to three members in order to save about Kshs.720 million a year.
- She suggested the reduction of staff in state corporations such as Kerio Valley Development Authority and streamlining of the procurement process.
- She noted that many ghost workers drew pay from the government and called on the government to reduce foreign trips, printing and advertising costs.

**NOTICES OF MOTIONS**

**ESTABLISHMENT OF HIGH COURT IN EVERY COUNTY**

Hon. (Ms.) Odhiambo-Mabona:
- She informed the house that the tenth parliament had passed the judicial service act that recommended that each county must have a high court.
- She called for the leaders of the house to work with the Budget office to make a budgetary provision.

**REQUESTS FOR STATEMENTS**

**SHORTAGE/RATIONING OF ELECTRICITY IN GARISSA TOWN**

Hon. (Ms.) Gure:
- She requested a statement from the Chairperson of the Departmental Committee on Energy, Communication and Information regarding the power outages and the rationing of electricity in Garissa Town.
- She called on the chairperson to enquire and report on:
  - Reasons for KenGen using an engine beyond its life span leading to outages;
  - Reasons as to why the cost of electricity remains high despite the long periods of rationing in Garissa Town.
  - The expected date of the resumption of normal electricity provision and measures being put in place to resolve the on-going power outages and shortage in Garissa Town in the long-term.
- She further explained that there had been a fire outbreak in the local electricity generating facility that had damaged the generator but noted that residents of the area had been subjected to power rationing since August, 2013.
- She pointed out that the Kenya Power and lighting was unwilling to partner with the Garissa County Government in acquisition of a new generator hence making it difficult to solve the problem.

**SITUATION AT KISII UNIVERSITY**

Hon. (Ms.) Muhia:
She requested a statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the situation at Kisii University.

She noted that students had raised genuine concern regarding how the institution is run in no avail and were brutally manhandled by the police and a local gang called Sungu Sungu.

She requested the chairperson to look into and report on:

- Claims of Kisii University charging students Kshs10,000 attachment fees which is not applicable in other public universities;
- Claims of the institution offering services based on tribal affiliation.
- The relationship between the public university and the Sungu Sungu vigilante group; which is alleged to have harassed students leaders.
- Alleged claims of the said group raiding ladies hostels and ending beating and raping them.

**MOTION**

**ADOPTION OF PAC REPORTS**

Hon. (Ms.) Emanikor:

- She supported the motion and pointed out that the report sought to place the austerity measures that the Ministries and State departments need to take if Kenya is to attain the objective of becoming a middle income country.
- She explained that the report pinpointed issues such as pending bills and imprests, dishonest contractors and under-collection of Appropriation-in-Aid. She further stated that the government was pumping a lot of money into state corporations which were under achieving and were heavily reliant on the Exchequer.
- She noted that the Auditor-General had forewarned the government on wastage and urged that the Auditor-General be given powers to give ultimatums to the appointing authorities with timelines to take disciplinary action on non-compliant CEOs.
- She called for the speedily intervention by the oversight bodies to help curb the wastage and ensure compliance and enforcement of the austerity measures.

Hon. (Ms.) Odhiambo-Mabona:

- She supported the motion and expressed her concern with the time frame covered in the reports since the house was debating the reports for 2008/2009 and 2009/2010. She called on the house to exert more pressure on the Office of the Auditor-General to actually bring reports on time since it formed the basis for the division of revenue between the national government and counties as stipulated in Article 203(3).
- She noted that the report had mentioned funds that should be wound up and pointed out that Article 226(5) gives the committee powers to deal with errant officers instead of waiting for taskforces to deal with the issue of wastage of public funds.
- She pointed out at under-expenditure and under collection of Appropriations-in-Aid (A-in-A) as a key pointer in the mismanagement of public funds and noted that underperforming institutions were a letdown in the whole debate of cutting down the wage bill.
- She raised the issue of the accounting matters for 2008/2009 again 2009/2010 and called for the responsible accounting officers to be held accountable. She called on the chair to rule on the issue of Article 229 of the Constitution.
- She notified the house that she had not attended the sessions of the Pan-African Parliament due to problem with the processing of the travelling documents.

13-3-2014

**MOTION**


Hon. (Ms.) Gure:

- She mentioned that the main issue under discussion was accountability.

**ADOPTION OF REPORT ON 2014/2015 BUDGET POLICY STATEMENT**

Hon. (Ms.) Otucho:

- She congratulated the chairman for the report noting that she had hoped that time would have allowed her to move the amendments recommended by the committee.
- She explained that the nation was presently moving away from itemized budgeting to programme-based budgeting.
- She encouraged spending organs to prioritize implementation and completion of projects as opposed to piecemeal or phased implementation.

18-3-2014
POINT OF ORDER
RULING ON MANDATE OF DEPARTMENTAL COMMITTEES AND PIC

Hon. (Ms.) Mathenge:
- She urged the speaker to give direction of the matter noting that the Implementation Committee had come to some embarrassment after they had requested the Cabinet Secretary for Transport and Infrastructure to inform them on the issue of the government providing 20km of tarmacked roads for each constituency only to for the committee to be told that the same report had been given to the Departmental Committee on Transport, Public Works and Housing.
- She noted that this was making her committee not to fulfill its mandate.

Hon. (Ms.) R. K. Nyamai:
- She echoed the sentiments held by her colleagues on the issues of overlapping roles by the committees.
- She noted that the PIC had a knack of taking up issues being handled by other committees.

Hon. (Ms.) Gure:
- She sought direction from the speaker regarding the Pan African Parliament membership.

MOTIONS
ADOPTION OF REPORT ON 2014/2015 BUDGET POLICY STATEMENT

Hon. (Ms.) Otucho:
- She moved amendments to the motion on the adoption of the Report of the Budget and Appropriations Committee on the Budget Policy Statement by requesting that:
  - The Motion be amended by deleting the “full stop” after the figure 2014 and substituting thereof the words “subject to”.
  - Deletion of Recommendation (f) on page 22 of the report and substituting thereof with the following new paragraph: “(f) that the following provisions are transferred as conditional grants to the county government:-
    - Provisions towards revamping youth polytechnics amounting to Kshs1.4 billion to be shared equally among all counties; and,
    - Provision for supporting service delivery in Level 5 hospitals amounting to Kshs3.74 billion.” Insertion of the following new paragraph
  - (g):- That the following provisions are ring-fenced and be included in the share of national Government:-
    - (i) Provision of Kshs5 million per constituency towards completion of the centers of excellence under the Economic Stimulus Package and,
    - (ii) Provision of Kshs7.3 billion for the Rural Electrification projects under the Rural Electrification Authority.”
- She pointed out that the said amendments did not interfere with the vertical distribution of resources between the two levels of government and went further to explain that (f)(i) sought for conditional transfer of Kshs.5 million to counties to be used specifically for refurbishing and equipping the polytechnics. The second provision sought to provide funds for level five hospitals to ensure they provide quality services while the new paragraph provided for Kshs5 million per constituency towards completion of centers of excellence.
- She pointed out that rural electrification program was a preserve of the central government to ensure equality.
- She noted that the issue of the wage bill was a concern in the Budget Policy Paper and hoped that the current debate over the same would help in formulation of a policy to solve the same.
- She called on Hon. Kinyua to second the amendments.

Hon. (Ms.) A.W. Ng’ang’a:
- She provided a point of information that the Economic stimulus funds were meant for completion of all the centres of excellence that had stalled in the 210 constituencies and did not cater for the extra 80 constituencies provided by the new constitution.

APPOINTMENT OF MEMBERS TO PAP

Hon. (Ms.) Gure:
- She made a general statement regarding the appointment of Members to the Pan African Parliament (PAP).
- She requested direction from the chair regarding the PAP membership noting that the National Assembly had replaced her name with that of Hon. Janet Ong’era without providing any reason.
- She noted that she deserved the post since she represented Wiper Party which is a member of CORD Coalition and was also a representative of the youth of Kenya.
- She pointed out that she was from the minority group of Muslims and the marginalized group and revealed that the CORD Parliamentary Group had agreed that indeed Hon. Millie Odhiambo and Hon. (Ms.) Gure represent their side in the PAP and questioned how the name of Hon. Janet Ong’era found its way in the list.
- She called on the speaker to review the issue since parliament was a House of law and regulation.
19-03-2014

BILL
Second Reading
THE VALUE ADDED TAX (AMENDMENT) BILL
Hon. (Ms.) Mathenge:
- She thanked hon. Ng'ongo for the amendment and noted that the purpose of the VAT Bill was to manage the VAT.
- She pointed out that zero-rated items were being taxed in the current tax regime and discouraged women and youth from venturing into business.
- She called for livestock feeds, supply of electricity and water to households, drilling services and sanitary pads to be exempted from tax.

Hon. (Ms.) Chepkwony:
- She supported the motion and called for the removal of VAT on the following items: The fishing nets, on mosquito nets animal feeds carpentry and masonry tools

STATEMENTS REQUESTS
Hon. (Ms.) Juma:
- She requested a statement from the Chairpersons of the Committees on Labour and Social Welfare and Education, Research and Technology regarding the treatment of Muslim students in public schools. She noted that the Constitution outlaws discrimination on the basis of religion and hailed a ruling by High Court.
- She noted that there schools such as Alliance Girls High School that were the rights of Muslims students by being denied the right to observe their daily prayers, being forced to take Christian Religious Education and attend church services, forcing girls to remove their scarfs and uncover their legs.
- She related that parents were forced to remove their children from Olkejuado High School after their prayer room was burnt down and the Holy Quran destroyed and noted that the Board of Governors there refused to comply with a directive from the Ministry of Education, Science and Technology to have a pray place for Muslims.

MOTION
ADOPTION OF REPORT ON 2014/2015 BUDGET POLICY STATEMENT
Hon. (Ms.) Kiptui:
- She supported the motion and expressed her worry that the governors may divert the funds into unintended purposes.
- She noted her dismay with the recent debates about reducing the wage bill by doing away with the post held by women and called for the government to reduce the wage bill in order to avoid the situation of a runaway wage bill.
- She identified duplication of roles as a key cause of the huge wage bill.

Hon. (Ms.) Korere:
- She called for the improvement of the livestock sector by providing ready market instead of allocating more funds to the building of more slaughter houses.
- She called for efficiency in tax collection to help plug the holes in the budget.

Hon. (Ms.) Gathecha:
- She supported the motion and pointed out that the jubilee government was committed to ensure that the youth and women are accorded equal opportunity in Government contracts.
- She was happy that youth polytechnics were getting noticed but doubted whether the Kshs1.4 billion meant for revamping youth polytechnics was enough but supported the motion altogether.
- She commended the Kshs7.3 billion set aside for the electricity supply and noted that it would help in achieving the laptop project aspirations.
- She requested women representatives be provided with funds to help in carrying out the development agenda in the county.

Hon. (Ms.) Chae:
- She supported the motion and hoped that the house will make sure that the allocated funds are well utilized and those who are culpable of wasting funds to be held accountable.
She called for the house to go on and pass the marriage bill despite the protests by the leader of the majority and minority party about the lack of quorum.

Hon. (Ms.) Gathecha:
- She urged the speaker to initiate the debate on the marriage issue despite the small numbers of members. 20-03-2014

NOTICES OF MOTIONS
ADOPTION OF REPORT ON DEVOLUTION OF HEALTH SERVICES
Hon. (Ms.) Nyamai:
- She gave notice a motion calling the House to adopt the Report of the Departmental Committee on Health on Devolution of Health Services.

BUSINESS FOR THE WEEK COMMENCING 25TH TO 27TH MARCH, 2014
Hon. (Ms.) Muhia:
- She asked the leader of the majority party the reason as to why a bill she had brought before the house had taken more than 21 days in the HBC despite going through the first reading.
- She also requested a response for the statement she had sought about Kisii University

IN THE COMMITTEE
THE MARRIAGE BILL
Hon. (Ms.) Seneta:
- She noted that the bill was very important for Kenyans since it took care of the many types of marriages in the country.
- She called on the members to deeply look into the customary marriage so that it does not turn out punitive to the members

Hon. (Ms.) Gathecha:
- She noted that the law was meant for the whole country and decried the proposed amendment to allow remove the age limit in the Islamic marriage.

Hon. (Ms.) Otucho:
- She opposed the proposed amendment to clause 41 noting that 1 year was enough for couples to reconcile.

Hon. (Ms.) Korere:
- She was opposed to Hon. Junet referring to women as property belonging to men.

Hon. (Ms.) Ng’etich:
- She supported the amendment to allow individuals objecting to a given marriage to make the information available in time

Hon. (Ms.) Gure:
- She proposed that an amendment be made on Clause 41(3) which called for affine of not exceeding Kshs 5,000 or to a community service order or to both for individuals who fail to register their marriages.

Hon. (Ms.) Muhia):
- She was opposed to the amendment calling for those in customary marriages to seek consent from the other wives before marrying again.

Hon. (Ms.) Gathecha:
- She supported the retention of the amendment on Clause 3(d) and deletion of clause 41(4 noting that there is no objection for men marrying other wives but it was important that they can agree with other wives.

Hon. (Ms.) Lay:
- She noted that the clause demanded that a man notifies other wives that he will bring in another wife and it will also help safeguard the family property.

Hon. (Ms.) Gure:
- She informed the house that the women had walked out in protest

Hon. (Ms.) Sunjeev:
- She sought guidance from the speaker as to why Clause 57 and Clause 55 concerning the registration of Hindu marriages were being deleted while Sub-section (3) was not deleted.
- She supported the clause calling for dissolution of marriage when the other party has converted to another religion.
- She supported the deletion of clause of 76(2) noting that in the Sikh and Hindu culture brides give the dowry to the groom and that a marriage union should be for the sake of love and not wealth acquisition.

Hon. (Ms.) Korere:
- She objected to the deletion of clause 76(2) noting that men would use that as a means of exploiting women.

Hon. (Ms.) Muhia:
She supported the amendments to clause 84
She seconded that the Marriage Bill, National Assembly Bill No.13 of 2013 be now read the Third
She expressed her gratitude to the committee and all members for staying up, late in order to pass the bill
but felt disappointed that some articles had gone without the success of women.
Hon. (Ms.) Oturcho:
She opposed the amendments noting that it will be very difficult to justify in court that was denied
conjugal rights

25-3-2014

PAPERS LAID
Hon. (Ms.) Kajuju:
She the following papers on the table of the house:
1. The Report of the Committee on Regional Integration on the consideration of the East African
Community Cross Border Legal Practice Bill, 2014.

NOTICE OF MOTION
ADOPTION OF REPORT ON REGIONAL INTEGRATION
Hon. (Ms.) Kajuju:
She gave notice of the following motion:
THAT, pursuant to the provisions of the Standing Order Nos.212 and 251, this House adopts and approves the
Report of the Committee on Regional Integration on the consideration of the East African Community Cross Border
Legal Practice Bill, 2014; the East African Community Integration Education Bill, 2014 and the East African
Community Cooperative Societies Bill, 2014.

REQUESTS FOR STATEMENTS
MEASURES TO CURB INSECURITY/CATTLE RUSTLING IN MARIGAT
Hon. (Ms.) Kipchiroi:
She requested for a statement from the Leader of Majority Party regarding the rampant insecurity in the
country, especially in Marigat District of Baringo South Constituency.
She noted that Cattle rustling was a threat to the security of the county leading to loss of lives and
economic livelihood. She further explained that Marigat District has been raided severally by cattle rustlers
suspected to be from Baringo East District
She regretted that there was lack of will from the political leadership from this region of Baringo East District
and its environs to end the menace.
She called on the Leader of Majority Party to inquire into and report:–
1. details of cattle rustling activities in Marigat District in the last ten years;
2. steps being taken by the Government to restore peace and order in the constituency concerned
3. the number of those rendered widows, widowers and orphaned children as a result of the cattle rustling
menace in Baringo South Constituency, including the information on the number of schools closed due to
insecurity;
4. plans by the Government to compensate those individuals who have lost all their properties and sources of
livelihood, including putting in place resettlement plans for the people of Mukutani and Ichamis wards
where residents fled their homes;
5. what the Government is doing to stop cattle rustlers who are, in addition to invading various areas, engage
in killing, theft and have also displaced the owners of the land;
6. What action the Government will take against the political leadership that is found to be abetting the
menace.
She called for a statement to be brought in a week's time due to the forthcoming short recess.

IRREGULAR EXPORT OF GOLD
Hon. (Ms.) Abdalla:
She acknowledged that a similar statement had been requested earlier but was delayed due time
constraints and the many bills Hon. Langat had to handle.
She requested that the committee be allowed to table the report despite the elapsed time line and would
present it the following day if the speaker approved it.

CAUSES OF INSECURITY IN NAKURU COUNTY
Hon. (Ms.) Abdalla:
She requested a statement from the Chairperson of the Departmental Committee on Administration and
National Security regarding the general tendency of insecurity in Nakuru County.
She explained that Nakuru County was expansive and had experienced a wave of insecurity incidents that
had turned away investors.
She called on the Chairperson to inquire into and report on the following:
1. give data of insecurity cases that have been reported to the police and action taken by them
2. The policy of the Government on armed gangsters who are found with firearms without a license.

BILLS

Third Reading of the Marriage Bill

Hon. (Ms.) Muhia:

- She noted that the Leader of Majority Party was misleading the house by claiming that no amendment had been brought forward by female members yet her amendment on Article 11 regarding persons with disabilities was thrown out.
- She explained that she was a member of Kenya Disability Parliamentary Caucus (KEDIPA and questioned if Hon. Midiwo was out of order over his claims that churches were misleading the country and the House by debating the marriage Bill

Second Reading

THE SUPPLEMENTARY APPROPRIATION BILL

Hon. (Ms.) Wahome:

- She supported the Appropriation Bill and brought greeting to the house from the General Assembly of the Inter-Parliamentary Union in Geneva.
- She called for caution in the audit which seemed to aim at removing the women seats. She explained that the problems began when the number of the constituencies was increased from 210 to 290.
- She supported the audit, noting that it would help revealing the gaps within our governance system. She pointed out that all the forms of government ranging from the Executive, Parliament up to the county governments which draw their salaries from the Kenyan tax payer.
- She questioned the role played by the provincial administration officials and lamented at the lavish lifestyle shown by the governors.
- She identified the Kshs.80 million set aside for the purposes of the audit was little since it sought to carry the country forward by coming up with amendments to cut on public spending.
- She called for the rationalization of workers' salaries including those of the commissions with converging interests different from those of the ministries.
- She explained that duplication of roles was a wastage to public funds and hoped that country would learn from that had successfully implemented devolution. She called on the Sen. Amos Wako to respect the autonomy of both house and to desist from making disparaging remarks about the activities of the National Assembly.
- She called on members to work with a lean budget and staff

Hon. (Ms.) Nyasuna:

- She supported the bill and hoped that the issues raised the Report of the Budget and Appropriations Committee on the Supplementary Estimates would go a long way in helping Kenyans.
- She noted that the Gender Commission had Kshs.40 million taken away despite the fact that the money had already been spent. She called on the Budget and Appropriations Committee to rectify the same.
- She welcomed the wage bill discussion but was dismayed that the Salaries and Remuneration Commission (SRC) was segregating public servants with slogans such as: “Your salary, my burden.” Despite the fact that parliament had approved Kshs.50 million for the debate.
- She pointed out that the audit would help seal loopholes that facilitated wastage of public funds and was shocked that the Chairman of the Departmental Committee on Finance, Planning and Trade was the one leading the onslaught against women.
- She explained that every member of the house was working as hard as the other hence there was no need to call for the removal of others.

REPORT AND THIRD READING

THE SUPPLEMENTARY APPROPRIATION BILL.

Hon. (Ms.) Kanyua:

- She supported the Supplementary Appropriation Bill and noted that she had raised a concern on whether the audit touched on the new offices created in the new constitution and was assured by the chair that it was for the purpose of a cost-benefit analysis and not for removing some members from the house.
- She noted that amendments to remove the seats deemed to be a wastage of public money would require a referendum and called on members to look at the future aspiration of the country when making such determinations.
- She also pointed out to several issues of concern touching on supplementary matters such as the funds to be approved, the incoming financial year budget and methods of increasing funding to the country.
Hon. (Dr.) Shaban:
- She congratulated the Chair of the Budget and Appropriations Committee for coming up with the supplementary appropriation bill and called for audits to be carried out on the revenue collected at the county level.
- She proposed that ghost workers be removed from government institutions to help reduce recurrent expenditure.

NOTICES OF MOTIONS
TAKEOVER OF HEALTH SERVICES BY NATIONAL GOVERNMENT
Hon. (Ms.) Juma:
- She gave notice of the following motion:
  - THAT, aware that the Transition Authority and the Council of Governors operationalized the devolution of health services in the country from the auspices of the national Government to the county governments, as required under the Constitution of Kenya 2010; concerned that the delay in the devolution plan by the national Government has resulted in a broken public health system; deeply concerned that most health facilities have and are experiencing shortages of equipment, drugs and doctors resigning due to frustrations in carrying out their duties effectively, thus becoming a major obstacle to saving patients’ lives; noting that most hospitals have no adequate capacity to provide health services to the people, this House resolves that the national Government takes over provision of health services from counties, which have no capacity to provide such services, until such a time when county governments will be ready to take over such functions as contemplated in Section 15 of the Sixth Schedule and Article 187(1) of the Constitution of Kenya, 2010.

STATEMENTS
NON-ENFORCEMENT OF ANTI-GAY LAWS
Hon. (Ms.) Nyasuna:
- She expressed her gratitude with the enforcement of the anti-gay laws but decried the fact that by victimizing them, most will shy away from the HIV/AIDS clinics hence leading to the spread of the disease.

Hon. (Ms.) Abdalla:
- She wanted to present a statement before the house but discovered that hon. Shill who had requested for it was not in the house and as result did not have a copy.

IMPLEMENTATION OF NUTRITIONISTS AND DIETICIANS ACT
Hon. (Ms.) Nyamai:
- She provided an answer to a statement sought by hon. Nderitu, seeking information on Directorate of Human Nutrition and Dietetics as provided for in the Nutrition and Dieticians Act, 2007.
- His statement wanted redress on the following:
  - When the Government plans to establish the Directorate of Human Nutrition and Dietetics and appoint the Director of Nutrition and Dietetics Services;
  - Reasons for the delay in setting up the said Directorate since 2007; and, (iii) the allegations of discrimination in the scheme of service and promotions of nutritionists and dieticians as compared to other health professionals within the public health sector.
- She notified the house that on the first issue of concern, there were plans by the government to establish the directorate and revised scheme of service for nutritionists and dieticians which accommodates the position of Director of Nutrition and Dietetics Services had been redrafted and was before Public Service Commission (PSC) awaiting approval. She further explained that ministry of health will recruit the Director of Nutrition and Dietetics when the draft scheme of service is approved. However there were no plan to create a Directorate of Human Nutrition and Dietetics. The approach taken by the Ministry in the creation of directorates.
- She noted that the ministry had evaluated its mandate and created four directorates of which the function of nutrition and dietetics is placed under the Directorate of Preventive and Promotive Health Services. This was catalyzed by the devolution of health services to the counties hence making it necessary for the national level to have a lean structure.
- The second point of concern touched on the delay of the government in setting up the directorate since 2007 which expounded by saying that the Nutrition and Dieticians Act, 2007 failed to make an express provision for creation of the Directorate of Nutrition and Dietetics Services in the Ministry of Health. Its aim was to regulate professional standards for nutritionists and dieticians. This power was vested in an executive council.
- He was notified that the allegations of discrimination in the scheme of service and promotions of nutritionists and dieticians was untrue since Promotion is service-based on requirements in the specific schemes of service under which officers serve, and availability of approved vacancies and approval by the
Thus the ministry of health was not aware of any discriminatory practices in the administration of scheme of service.

- She acknowledged the fact that her committee failed to invite hon. Nderitu to shed more light on the issue and clarified that
- Was not invited to give further details on this. We wish to get hold of the Ministry that was going to recruit the Director of Nutrition and Dietetics.

**EXCLUSION OF TANA RIVER FROM WATER HARVESTING AND STORAGE PROGRAMME**

Hon. (Ms.) Abdalla:

- She provided an answer to the statement sought by hon. Ali Wario. She sought a Statement concerning the construction of small dams and water pans under the National Water Harvesting and Storage Programme in various counties as published by the Ministry of Devolution and Planning.
  - The members had sought answers on why Tana River County was excluded from the project and if the exclusion of the County was based on research and if the same project would be implemented in the area in the near future.
- She informed Hon. Wario that the Ministry of Devolution and Planning, through the National Youth Service was implementing the National Water Harvesting and Storage Programme and that the Ministry of Environment, Water and Natural Resources was in the programme by virtue of providing technical advice to the National Youth Service.
- She further explained that the government planned to invest Kshs. 7.5 billion annually in the project and this would be done at the constituency level. The program had set a goal of constructing 1,034 water harvesting structures at an estimated budget of Kshs. 7.5 billion for this financial year. She attested that so far Kshs. 1.5 billion had been provided for the construction of 272 structures and design of 164 small dams. The limited capacity of the NYS called for the six regional development authorities and the eight water services boards under the Ministry of Environment, Water and Mineral Resources to be involved in the implementation of the programme.
- She noted that the water harvesting structures in Tana River were among those to be realized through the in-house capacity of the Coast Development Authority, supplemented by hiring of dam construction equipment. The identified sites were Kesi in Galole Constituency, Bura in Bura Constituency, Hara in Galole Constituency, Gale in Bura Constituency, Kibisu in Garsen Constituency and Kone in Garsen Constituency. Construction work on those sites was expected to commence on 17th March, 2014.
- She noted that in as much as Tana River was not in the published list, the planned water harvesting structure would be constructed through in-house capacity and that the National Water Harvesting and Storage Programme is primarily targeted at rural constituencies with more priority given to those in arid areas.
- She explained that the Ministry was in the process of confirming the suitability of the additional sites provided by the leaders.

Hon. (Ms.) Kipchoim:

- She asked the reason as to why the ministry failed to involve the leaders from the areas concerned who are best suited to inform them on the best place to inform them on a suitable place to drill boreholes or construct dams.

Hon. (Ms.) Abdalla:

- She notified Hon. (Ms.) Kipchoim that the ministry contracted NYS due to the inflated costs presented by outside contractors.
- She informed the members that they were not involved in site selection because the selection was based on studies on the placements of the dam though some regional authorities did involve the members.
- She notified the members that the ministry was trying to avoid the issue of duplication of roles in the dam’s project. She expressed a major concern that the dams could not be constructed during the rainy season and the delays by the Exchequer in releasing the funds.
- She notified the member for Kwanza that money set aside was for the construction of small dams and not check dams while the construction for Balambala was meant to be an internal work hence making it difficult to construct big-size dams.
- She promised to present the ministry the proposal to include urban areas in the proposal.
She explained that by denying other Kenyans the right to fly flags, the nation was dividing the country into sub-classes.

Hon. (Dr.) Shaban:
- She called for cabinet secretaries to be allowed to fly the national flag since they were important to the national government structure and also because ambassadors who were below them in the perking order did have flags their cars.

REPORT, CONSIDERATION OF REPORT AND THIRD READING
THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL
Hon. (Dr.) Laboso:
- She reported that Committee of the whole House has considered The National Flag, Emblems and Names (Amendment) Bill (National Assembly Bill No.23 of 2013) and approved the same with amendments.

Hon. (Ms.) T.G. Ali:
- She supported the bill because it prohibited misuse of the national flag.

BILL
Second Reading
THE VALUE ADDED TAX (AMENDMENT) BILL
Hon. (Ms.) Kanyua:
- She supported the VAT (Amendment) Bill and identified the VAT law as a key way of revenue generation.
- She called for the exemption of solar products from the VAT in order to allow Kenyans to access cheap energy.
- She identified the fact that the bill awarded power of exempting certain commodities from tax to the minister and called for the exemption of certain medicament from the Tax.
- She called for the constant review of the tax regime after certain duration.
- She wondered why books had not been included in the same bracket of goods to spare from VAT yet parents were using a lot of money to buy books.
- She expressed her hope that the cabinet secretary will use his power s to exempt the commodities that are necessary to the low income families. She called on members to spend more time working on economic laws.

Hon. (Ms.) Lay:
- She supported the bill and thanked hon. Mbadi for recognizing the need to cushion the low income earners by increasing the list of goods and services that are exempted from tax to cover the supply of electricity through the Rural Electrification Authority (REA).
- She noted that electrification of the rural areas would help in accelerating industrialization and job creation.
- She praised the removal of tax on mosquito nets and quoted statics from KEMRI which indicated that 25 million Kenyans were at risk of malaria. Hence cheap access to nets would help in the fight against malaria.
- She supported the amendment to of Section 33 of the principal Act to punish fraudulent claims by five times what one claimed, as opposed to two times. She noted that this will help in the adminstration of the act and discourage fraudulent claims.
- She identified high taxes as a key obstacle towards achieving double digits in economic growth. She proposed creation of more jobs through creation of more manufacturing industries and value addition to local produce.

Hon. (Ms.) Odhiambo-Mabona:
- She supported the bill which according to her was pro-poor, pro-women,pro-children and pro-fishermen.
- She noted that the removal of tax on fishing nets, milk products ,electricity connection,ambulances and mosquito

Hon. (Ms.) A.W. Ng'ang'a:
- She supported the bill because it reduced the cost of livestock feeds and would help in reducing the cost of local eggs.

Hon. (Ms.) Gathecha:
- She supported the amendment and explained that shed did send members form her county before the Finance, Planning and Trade Committee to protest the high cost of livestock feed.
- She thanked Hon. Mbadi for the VAT (Amendment) Bill which sought to ease the burden of the Kenyan populace.

REQUESTS FOR STATEMENTS
INVASION OF CONSERVANCIES BY ARMED GRAZERS
Hon. (Ms.) Korere:
- She requested a statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the invasion into community conservation areas by illegal grazers.
She explained that in February 2014, some illegal grazers invaded Lekurruki and Kijabe conservancies in Laikipia North District. The illegal grazers were heavily armed and had even repulsed a security team sent out to evict them.

She called for the Chairperson to inquire into and report on:
- The origin of the illegal grazers;
- Why the security agencies were withdrawn within the conservation areas resulting to the closure of Tassia Lodge;
- The measures the Government has put in place to address resource-based conflict in Laikipia, Samburu and Isiolo counties; and
- The criteria used by the Government to issue police reservists with firearms and ensure that the same firearms do not get into the wrong hands.

She requested for an answer within seven days due to the gravity of the situation.

**BUSINESS FOR THE WEEK COMMENCING 1ST TO 3RD APRIL, 2014**

**MOTION ADOPTION OF REPORT ON TERRORIST ATTACKS IN KENYA**

**Hon. (Ms.) A.W. Ng’ang’a:**
- She recommended that the contribution time for each member be reduced from 10 minutes to 5 minutes.

**Hon. (Ms.) Sunjeev:**
- She questioned the member who had claimed that the president was sleeping on the job yet he lost a niece and a nephew. In the same attack.

**Hon. (Ms.) Ombaka:**
- She said the report cast her in the middle since it gave the historical background of various terror attacks which have taken place in this country from 1975 but failed to give answers to several questions that arose after the attack.
- She questioned the security objectives and plans of the country security organs and noted that they failed to address the problem year in year out. The report failed to indicate the owner of the vehicle used during the attack.
- She called for caution in the implementation of the shoot to kill order and praised the call for declaration of war on.

**Hon. Leshoomo:**
- She supported the report and was surprised about the many factions that are affiliated to the terror group Al Shabaab.
- She lamented at the increased rates with which Kenyan youths are being radicalized and trained to join the ranks of the terror group.
- She praised the committee for the report and called for an inquest into ways of finding long lasting solutions to the problem of insecurity.
- She called for leaders to cast their political differences aside and work hand in hand towards a secure Kenya.

**Hon. (Ms.) Ng’ang’a:**
- She requested the speaker to reduce the time allocated for contribution from five minutes to 3 minutes due the large number of members waiting to add their voice to the debate.

**Hon. (Ms.) Shebesh:**
- She opposed the report because it failed to provide answers to the many questions Kenyans had about the West Gate attack.
- She called for the committee to examine the tenure of the security agencies heads and those found to be failing in their job description to be laid off.

**Hon. (Ms.) A.W. Ng’ang’a:**
- She opposed the report because it failed to offer any lasting solution to the wave of terrorist attacks that had hit the country.
- She further explained that the report failed to hold individuals responsible and made general recommendations that were way off the mark. She queried the possibility the security agents lacking