

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 31st July, 2013

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

MESSAGES

APPOINTMENT OF MEMBERS OF PARLIAMENT TO PAN-AFRICAN PARLIAMENT

Hon. Speaker: Hon. Members, Standing Order No.41, relating to Messages, requires the Speaker to convey to the House any Message received from the Senate. In this regard, I would like to convey to the House a Message from the Senate titled “Appointment of Members of Parliament to the Pan-African Parliament”. It reads follows:-

“THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, the Senate on Tuesday, 30th July, 2013, approved the appointment of the following Members of Parliament to the Pan-African Parliament:-

1. Sen. Kipchumba Murkomen;
2. Sen. Janet Ong’era;
3. Hon. Zakayo K. Cheruiyot;
4. Hon. Rachael Wambui Shebesh; and,
5. Hon. Millie Grace Akoth Odhiambo-Mabona.”

Hon. Members, the aforesaid is a Message requiring the concurrence of the National Assembly. Pursuant to Standing Order No.41 (6) (b), therefore, I direct that this matter be put down on the Order Paper for tomorrow, Thursday, 1st August, 2013, for consideration by this House.

Thank you.

Hon. Rose Ogendo Nyamunga, do you want to comment on the Message?

Hon. (Ms.) Nyamunga: No, hon. Speaker.

Hon. Speaker: Hon. Robert Pukose, do you want to say something about the Message?

Hon. Pukose: No, hon. Speaker.

Hon. Speaker: Or you are just being strategic? Could the hon. Members standing assume their seats?

(Hon. Members assumed their seats)

Hon. Members, the Message that I have just read out, from the Senate, relates to the appointment of Members of Parliament to the Pan-African Parliament (PAP), based on Article 5 of the Protocol establishing the PAP. I have directed that the business be put on the Order Paper tomorrow for consideration by this House. It is important, when we consider that business to bear in mind the provisions of the said Article 5, which relates to election, tenure and vacancies. For the convenience of Members, it reads as follows:-

“The Pan-African Parliamentarians shall be elected or designated by the respective national parliaments or any other deliberative organs of the member states, from among their members.”

Hon. Members, it is, therefore, important that you bear in mind that it is not a matter that is based on any exclusive powers of any particular House, where there are more than one chamber. It is, therefore, within the purview of this House to deal with that Message when it is brought to the House as a Motion, and deal with it as you deal with any other Motion.

Yes, hon. Wamalwa.

Hon. Wakhungu: Hon. Speaker, Sir, thank you. Based on the Message that you have read to the House on the Members of PAP, could you clarify the ratio between the Senate and the National Assembly and how it was arrived at?

Hon. Speaker: Hon. Wamalwa, this being a deliberative House, it has the power to even set the ratios howsoever, bearing in mind that we have two Houses.

Hon. Ababu: Hon. Speaker, Sir, I wanted to draw your attention and request whether this is a matter on which you could allow the House a few minutes to ventilate.

Hon. Speaker: That is what I did by allowing five or 10 minutes for hon. Members to express themselves.

Hon. Ababu: May I proceed then, hon. Speaker, Sir?

Hon. Speaker: Yes, proceed!

Hon. Ababu: Hon. Speaker, Sir, my understanding of the regional parliament--- When I talk about regional parliament, I am thinking of the East African Legislative Assembly (EALA). This is an assembly to which you send representatives of the people, elected to represent people in that capacity. I know that in jurisdictions that have a bicameral arrangement like our own--- Let me use the mother of the Commonwealth because we have always operated within the Commonwealth parliamentary tradition. When you look at the role of the House of Lords as a Chamber operating separately from the House of Commons, it is very clear in terms of who between the House of Commons and the House of Lords carries the distinctive role of representing the people. That is without doubt the House of Commons. It is the same distinction we could draw between the Senate and the House of Representatives in the United States of America (USA), one being basically a House of state and the other one being the house of representatives of the people. Therefore, I am really hoping that this matter will not again become another arena for unnecessary friction. This is the House of Representatives of the people of the Republic of Kenya. The Senate, in our jurisdiction, is pretty similar to the arrangement in the American jurisdiction. Under our Constitution - unfortunately, I do not have my copy here - I know that it is very clear that the Senate represents counties. It is elected to represent and preside over interests of counties. We are elected to represent the people

directly and unequivocally so. Therefore, I know this will recur even when it comes to the matter of EALA; we will have to deal with it at some point. We must bring this debate to a speedy conclusion before it even takes off by making it clear--- You can look at who represents the various countries in Midrand, South Africa at the PAP.

(Hon. Nyenze consulted hon. Ababu)

My Chief Whip tells me that he can testify because he served as a Member of the PAP in Midrand during the last Parliament. Those are people who are representatives of the nation, elected by the people to represent the people in legislative institutions. Therefore, those positions must not be subject to sharing with our sister institution, our cousins across Parliament Road.

(Laughter)

I know that our venerable cousins across the road have already declared themselves to be superior. They have already declared themselves as the upper House. Unfortunately, this is a matter where the status of upper, lower, lateral or vertical does not apply. This matter, I believe, is strictly within the province of the National Assembly.

Thank you!

Hon. Onyonka: Hon. Speaker, Sir, I would basically like to support what Hon. Ababu has stated very clearly. I think it is critical for this House to take its true position and responsibilities as a House which represents the truly elected members of the Kenyan public. It is a matter that should not be discussed or debated. We believe that hon. Members who should represent us at the PAP should be from this House. The only issue I would like to raise is that even when we have certain individuals, hon. Members who have been selected to be representatives of us as political parties - I believe that must have been the reason why those names were given - it is important that during the process of having such nominations and selections of Members from this House, we should have transparency and accountability within parties, so that we know who is actually going to represent us and the reason they are going to do so.

Hon. Members who are going to represent us should be people who will add value. I know that historically as in the last Parliament, hon. (Ms.) Shebesh did an excellent job. I am happy that her name is there but I am not sure that the other hon. Members add value.

Hon. Member: What do you mean?

Hon. Gichigi: Hon. Speaker, Sir, I am looking at the Constitution and seeing that it is very categorical that the role of the Senate is to represent the counties and to serve and protect the interests of county governments. I am seeing a serious challenge in any particular county having interests outside the boundaries of this country. I think, perhaps, we need to think of creating a parliament for the counties, so that Senators can be sent to something like that, within the country. The National Assembly is supposed to deal with the national organs of this Government. It has power even to approve declarations of war, extension of emergency and any issue that relates to the national aspect of the Government. Any relationship with neighbouring countries and other states is certainly within the ambit of this House. It does not belong to our brothers and sisters.

Hon. Ng'ongo: Hon. Speaker, Sir, I think the issue of the roles of the National Assembly and the Senate has been debated publicly for quite some time. As hon. Ababu puts it, this should not be seen – what he has raised – as trying to undermine the Senate, but as trying to put into perspective the role of each House. Sometimes I ask myself: When Kenyans passed this Constitution, was it their intention to create two Houses to do the same job? I do not think the people of Kenya would have created two Houses, one with 349 Members and another with 67 Members, for them to do the same job. I do not think the people of Kenya could be that careless. So, those two Houses have distinct roles to play. It is important that this is understood.

If you look at the functions that have been spelt out in the Fourth Schedule, you will see where the international relations fall. The role of international relations is national Government function and it has nothing to do with counties.

Secondly, you realize that as opposed to Members of Parliament who have a single vote in the sense that Mbadi has a vote as hon. Mbadi, the Senate does not have individual votes. What they carry are county votes. They are delegations from the counties. So, when you appoint one Senator, say, Murkomen from Elgeyo Marakwet and he goes to represent this country out there, you are giving that county undue advantage over Homa Bay County. So, it is not right to have Senator from one county because whatever transaction they do, they do it on behalf of their counties.

Initially, I thought a referendum is not a good idea. However, right now I am beginning to realize that probably we need this referendum so that Kenyans define the roles of Senators and that of the National Assembly once and for all. When we try to tell them to restrict themselves to protecting counties and legislating for counties--- Right now their counties have a lot of problems one of them being not knowing what functions they are supposed to carry out in terms of, say, roads and so on. They do not know which roads belong to the counties and which ones belong to the national Government. We ought to see Senators initiate legislation directed at that and then passing it to us for reconciliation and then we come up with better legislation. They should avoid double legislation. Everything that the National Assembly touches, the Senate wants to touch. Would Kenyans be this careless to create two Houses to just duplicate roles? I do not think so.

Even though, Mr. Speaker, you have made that statement, I think the Senate should not be represented in international matters. Let them restrict themselves to counties.

Hon. Angwenyi: Hon. Speaker, one of the Senators who has been nominated to the Pan-African Parliament is a nominated Senator. I am not sure whether we all know that nominated Senators have no voting right in that Senate. How will she have a right to vote for us in the Pan-African Parliament?

(Laughter)

Hon. Speaker, national matters belong to the National Assembly. I am urging my colleagues in this House not to let go what belongs to us. It is the same way we said that money for all classified roads, that is, Class “A” to Class “E” are at the national level. Monies voted must apply to those roads.

My student said that we must solve those matters once and for all. We can ask them to bring that referendum; we pump them and show them where they are supposed to stay. If they do not want to be there, they can go home. We cannot allow our role to be played by the Senate – over our dead bodies.

(Laughter)

Hon. Wakhungu: Hon. Speaker, it is common sense that when you look at the ratio of 67 to 349 in terms of simplicity, you realize that the Senate can only be represented if there are six vacancies. However, because we have five vacancies, it is unfortunate that they are not represented here.

Article 96 is very clear on the role of the Senate. They are supposed to legislate matters within the counties. In Pan-African Parliament, you discuss regional matters. Those are matters to do with nationals. So, they have no say in such an issue. So, as others have said, let us go for the referendum and let the people decide. We are waiting for the Supreme Court, although I am worried that when the court ruling will come I do not know where the Senate will be. The Constitution is very clear. We know our roles and they know what they are supposed to do.

Hon. Speaker, respect is earned and not demanded. I was shocked when I read today's newspaper. People are looking down upon the leadership of the National Assembly. You are our Speaker. You are our head. In the Constitution, in case the President and the Deputy President are incapacitated then you are the one to take power. So, it is high time they respected you because they do not know where you will be tomorrow.

Hon. Speaker, matters to deal with Millennium Development Goals (MDGs) are actually within the province of the National Assembly. It is high time they respected us. Thank you.

Hon. Speaker: Hon. Members, I have directed that this business be on the Order Paper tomorrow. In terms of our own Standing Order No.87, hon. Members are allowed to ventilate a little while.

Hon. Abongotum: Hon. Speaker, first of all, I want to say that I belong to the middle ground. I just want this House to benchmark. If the Senators in Rwanda and Nigeria are represented in the Pan-African Parliament, then let us give a bit of room.

(Loud consultations)

However, I want to propose that the Senate deserves only one slot.

Hon. Members: Half a slot!

Hon. Abongotum: If it is half a slot then you can round off to the nearest figure.

Hon. Speaker, I do not oppose---

Hon. Ababu: On a point of order, hon. Speaker. Actually, it causes me a lot of pain to interrupt my senior brother whom I respect so much. However, I believe he is not in order to mislead the House. Rwanda and Nigeria are not represented at the Senate level in the Pan-African Parliament in Midrand, South Africa. That is a fact that hon. Mung'aro and hon. Shebesh can confirm because they have been members there. In any

case, comparing Nigeria to Kenya is like comparing oranges to apples. Nigeria is a pure federal state. We are not. We are a unitary state and that contradiction has to be drawn.

If you stand on the Floor and attempt to apportion that the Senate is entitled to one or half a slot, please, show us the law. We have read articles of the Constitution that make it very clear that the role of the Senate starts and ends with counties. The role of the National Assembly starts and ends with representation of the people. In fact, our role does not end anywhere. We are Hammurabi the law giver.

(Laughter)

Hon. Abongotum: Hon. Speaker, Sir, this is a House of debate. My good friend, hon. Namwamba, is entitled to his opinion and I am entitled to mine. First of all---

Hon. Members: No! No! No!

(Loud consultations)

Hon. Speaker: Order, Members! Allow hon. Asman Kamama to say his bit!

Hon. Abongotum: Hon. Speaker, Sir, the law does not touch anything to do with the Pan-African Parliament. The Constitution does not talk about the Pan-African Parliament. I must continue because I have the right to talk in this House. We have the hardliners and those who are usually retrogressive, but we also have the middle ground. I have no objection and if we have to benchmark and confirm that other Senators are represented in the PAP, we can give them a half of the slots, but round it up to the nearest figure. I will go to another point because I cannot be intimidated.

Hon. Members: No!

(Loud consultations)

Hon. Abongotum: Forget about that, but as a person, I cannot be intimidated. The role of the Senate, I can confirm to you, those people are supposed to---

Hon. Speaker: Hon. Gichigi, is your intervention on a point of order or to contribute?

Hon. (Dr.) Pukose: On a point of order, hon. Speaker, Sir. The PAP is the legislative body of the African Union which acts on oversight, advisory and consultative powers. So, is the Member in order to tell us that the Constitution does not talk about the powers of the Senate and the National Assembly? When you look at the role of the PAP, where they are talking about oversight, advisory and consultative powers as a legislative body of the African Union, those are the functions at the national level.

Hon. Speaker: Hon. Kamama, complete making your statement.

Hon. Abongotum: Hon. Speaker, Sir, let me conclude by saying that as politicians, some of us are leftists, others are rightists and I belong to the centre-right. I am not a leftist and I am not a pure rightist. So, I am in the middle. So, I want to propose that half is close to one. So, let us give the Senate one seat and whether the Members oppose it, that is my opinion.

Hon. A.B. Duale: On a point of order, hon. Speaker, Sir. I do not want to anticipate debate because this Motion will be before the House tomorrow. As hon.

Namwamba has said, this House has a mandate to deal with Motions and Bills as they come. It is not the preserve of hon. Kamama to speak for the Senate on the Floor of this House. You can only speak for the Senate and other bodies when you are attending a political rally or in a funeral. On the Floor of this House, when the Motion comes tomorrow, this House has a number of functions. It can decide to reject the names in total and substitute them with new ones. It can even decide to defer that Motion. It can even decide to say that we will go back to the PAP, relook at the protocol and increase our membership as a country. So, it is the preserve of this House. I am sure when the opportunity was availed, there are those who said that they wanted to become governors. There are those who said that they wanted to represent counties, but the 349 Members decided to represent the people. Let us live with that and wait for that debate. There are clear indications that, that debate will be very interesting tomorrow. I am sure nobody in this House will miss that debate tomorrow, God willing.

Hon. Abongotum: Hon. Speaker, Sir, I conclude by saying that I agree with the Members on the issue of the referendum. We know the game plan and the intentions. So, if the Senate and the governors are interested in the referendum, we are prepared to bite the bullet. Lastly, I also want to confirm that I do not understand the role of the Senate.

(Loud consultations)

Hon. Speaker: Hon. Members, allow hon. Kamama to finish. I am sure he will give us opportunity to look at Article 96.

Hon. Abongotum: Hon. Speaker, Sir, what is being prosecuted at the Senate is purely duplication. I really do not understand, but because we voted as Kenyans, let us bear with the situation.

(Loud consultations)

Hon. Speaker: Order, Members! Those who are going to have a chance, please, take one or two minutes, so that we can have three or five reactions. The real Motion as directed will be tomorrow.

Hon. Linturi: Hon. Speaker, Sir, let me start by saying that this House has a very serious duty to protect the law and the Constitution. I also want to make it very clear to the watermelons that are here because I do not think that we have time for watermelons; it is time that we have to say this is red and that is green, you cannot be in the middle throughout because this is what is messing the country.

The names that have come before this House are okay, but would it not be a failure by this House to accept a situation where we just pick a number of people and take them to PAP to represent the people of the Republic of Kenya whose function is vested on the National Assembly? Would we not be doing a disservice to the people of Kenya? That is because the mandate of PAP is to represent the people of Africa. Our Senate represents regions and counties. Let me not debate this matter because tomorrow, I think we will have another opportunity. But my friend, hon. Kamama, please, take sides. There is a time to decide to preach water. Preach wine and take wine.

Hon. Ogalo: Thank you, hon. Speaker. Hon. Speaker, I am being told I am analogue. I was struggling to be digital as I am always. Hon. Speaker, there is a problem

in this country. We have two levels of Parliament and that has been agreed upon. One Parliament is busy going to so many retreats and workshops, invariably, in Mombasa.

Hon. Member: Because they are idle!

Hon. Ogallo: Hon. Speaker, it appears to me that this is happening because they do not go to Mombasa or wherever to understand their role, really. They go there to swim and do other extraneous things. The levels of those Parliaments in terms of their roles are clearly defined. We have the role of the National Assembly in Article 95 and the role of the Senate in Article 96. By the way, even if you look at those provisions, the role of the National Assembly is in eight substantive provisions. The role of the Senate is in four. The most important part is Article 96. This one I am reading to hon. Kamama because he indicated that he does not understand it. The problem we have as the National Assembly is questioning how we will be able to accommodate the hon. Members nominated by the Senate to represent Kenya – if they can do that – at PAP. Now, Article 96 (2) reads:-

“The Senate participates in the law-making function of Parliament by considering, debating and approving Bills concerning counties, as provided in Articles 109 to 113.”

Now, when you send a Senator to PAP, is the County of Homa Bay in PAP? This is a Parliament in which the representatives are persons representing the people of nations as a continental body. So, in as much as we may want to sympathize and appear to be the brethren we should be, we must, first, remember that we are a law-making institution. We must be the first people to obey the law. It would be difficult to accommodate those hon. Members, the Senators purported to be nominated for appointment to PAP. The debate that has been going on between the National Assembly and the Senate is becoming worrying. I just needed to end by alerting fellow Members of this House to the provisions of Article 95(5). It provides that the National Assembly reviews the conduct in Office of the President, the Deputy President and other State officers. If hon. Members would care to read the provisions of Article 260 where we define “State officers” and “State offices”, the Senate or our brethren across the road, are State officers. The time has come, hon. Speaker and hon. Members, for us to begin reviewing the conduct of the Senate. Else, we are taking a lot of time to debate issues which should---

With those very many remarks, I urge that we debate the matter tomorrow. Thank you.

Hon. Speaker: Hon. Sakwa Bunyasi. The machines have technical hitches. We could use the Dispatch Box.

Hon. Bunyasi: Hon. Speaker, I rise to provide what I think is called a discordant voice. I thought we were going to have debate around this issue. We are having all rounds of choruses. It worries me when this august House with this depth of knowledge and experience, suddenly agrees on something completely without any divergent voice. Divergent voices are what have built nations. In this country, shortly after Independence, we had a bicameral setting but through a process of coercion, convincing and other methods, we went into a unicameral system. What followed was a difficult history of Kenya. We went down a road that we would never want to go ever again. To come back to bicameralism has taken effort, lives and hard work. I am getting worried that in this House, given the genuine concerns that we have got with the Senate – and which must be explored – everything brought within that ambit, I think my view here is clearly that this House needs to be much more considerate. This House has an element of trust. The trust was given to us through the Constitution. I think that a simple matter like the

representation at PAP should not, by itself, elicit the differences we have got with the Senate. Let us handle that substantively. Let us just confront the issues between us and the Senate. But let us not be like bickering co-wives in a household.

(Loud consultations)

Hon. Speaker, I withdraw that and apologies profusely. Having said that, let us put it in a mathematical way. I need your protection, hon. Speaker, Sir. That was withdrawn and apologised profusely. All I have said now is that we should not have---

Hon. Speaker: Hon. Sakwa, there is a point of order from hon. Alice Wahome. Take your seat. The other hon. Member is on her feet.

Hon. (Ms.) Wahome: Thank you, hon. Speaker, Sir. I want to ask whether the hon. Member is in order to address this House by way of derogatory and demeaning wording against wives. Hon. Speaker, Sir, the largest voices I am getting on the Floor – as you are getting – are from hon. Members of the male gender. They are protesting because I think that language cannot be allowed on this Floor. Hon. Speaker, Sir, I am seeking your direction and demand that the hon. Member withdraws those remarks and apologies to both men and women of this House. He should also apologise to husbands in this House. I am sure hon. Dalmás Otieno is on the Floor of this House.

(Laughter)

Hon. Speaker: Hon. Alice Wahome, the hon. Member has already withdrawn. Yes, hon. Ababu Namwamba! For the time being, as we sort out the electronic gadgets, let us use the Dispatch Box.

Hon. Ababu: On a point of order, hon. Speaker, Sir. This is not just a matter of husbands, wives and co-wives. This is a grave matter!

The hon. Member for Nambale has cast aspersions on our integrity, capacity and sense of judgment. To presume that when there is unanimity and consensus in this House, it is through paucity of thought and shallowness of debate is an insult to the integrity of this House. This is a House of debate and when we are debating, we can disagree, agree, build consensus and we can even cross the Floor and hug, to express unanimity. This is a spirit that the hon. Member should actually be encouraging, we can sit here and fasten our minds around and build consensus.

The hon. Member needs not only withdraw on the question of casting aspersions on our wives and those who are endowed and can go an extra mile to afford and have co-wives, like the Leader of Majority Party in this House and, of course, hon. Dalmás Otieno, the newest wed---

(Laughter)

On a serious note, no hon. Member of this House really ought to take advantage of the privilege that the Kenyan voter has granted us, to cast aspersion on this House, thereby, draw this House into odium and disrepute. The hon. Member ought to come back to this Floor and apologise profusely---

Hon. Member: He has withdrawn!

Hon. Ababu: No! No! I have not heard his apology. His apology must be heard unequivocally and, I would plead for a sanction by the House against the hon. Member.

Thank you.

Hon. Speaker: Hon. Bunyasi Sakwa, you have heard the requests and demands by the House.

Hon. Bunyasi: Thank you very much, indeed, hon. Speaker. Clearly, I must have said something really right because it got every hon. Member interested in what I was saying. I have already said that I have no difficulty apologizing because I am quite confident in myself. So, I would not mind apologizing when I am wrong. I withdraw the words, “bickering wives”, just because it may have had connotations that distract us from the point I am trying to make.

Hon. Member: And apologise!

Hon. Bunyasi: I have apologised and withdrawn those words. I have said though that I will put what I was saying in a mathematical way; that it must not be a zero sum gain. If that is more palatable, let us use that. I have, in no way, brought this House into disrepute. This is a particular discussion in this august House.

Hon. Speaker, Sir, let me just conclude and leave the Floor by saying: In my experience, we must have the spirit of give and take. We must respect the class of bicameralism that was put on us, even though we may have differences that we should debate robustly.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Hon. Members, while allowing the Leader of Minority Party to contribute, I want to inform hon. Members that in readiness for electronic voting, all the requests earlier on made have been deleted. So, you may wish to place the requests afresh.

Hon. Nyenze: Thank you, hon. Speaker. I just want to add my voice to this very important debate. In the last few weeks, we have had several attacks from our colleagues. It is good to reduce temperatures in a more just situation. Everybody gets a stone or whatever you can lay your hands on and you try to kill the thief, only to realize later that you have killed your cousin.

On the issue of representation in the Pan-African Parliament, I have done my arithmetic while I was seated here and I have seen that, if we did equal representation, whereby we share those seats on pro-rata basis, on the strength of each parliament; if there were six slots, they will get one. But if there are less than six slots, they will get zero. The National Assembly has 349 hon. Members while the Senate has 67 Senators. We should not bend laws because we have very many lawyers here and we are looking at our mandate.

Hon. Speaker, Sir, in Articles 95 and 96 of the Constitution, the roles of Members of the Senate are defined. They are to protect and fight for the county governments. The National Assembly cuts across and represents the people of Kenya. On this one, I want to say this: Tomorrow, when we open debate on it, we should support equal and fair representation, which will be based on each Parliament’s strength, so that we are not seen to be biased. That would mean that Parliament nominates all Members, but not the Senate.

In the interest of time, because there are matters before us today - I can see the House is full - I am just requesting you, hon. Speaker that we end this debate and move to the next very important business because the house is full.

With those few remarks, I want to end here and we close this business.

Thank you very much.

Hon. Member: Let us vote because we have quorum. If we stay long, hon. Members will start leaving the Chamber. Hon. Duale, it is time for voting. Let us vote!

PAPERS LAID

The following Papers were laid on the Table:-

The Departmental Committee on Finance, Planning and Trade Report on Microfinance Amendment Bill, 2013.

(By hon. Langat)

Apportionment of Constituency Development Fund for the Financial Year 2013/2014 pursuant to Section 23 of the Constituencies Development Fund (CDF) Act.

(By hon. Lessonet)

Hon. Lessonet: Just allow me to inform Members that those are budget ceilings for this new Financial Year 2013/2014, which are already available in Room 8 of this building. You will, therefore, from today, be able to give us your projects which you want to finance using that Fund.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Hon. James Gakuya, you can do it from there. To save time, you can walk here to the Table.

NOTICES OF MOTIONS

EXPANSION AND MODERNIZATION OF JOGOO-LADHIES ROAD

Hon. Gakuya: Thank you, hon. Speaker, Sir. I beg to give notice of the following Motion:-

THAT, aware that there is heavy traffic on Jogoo and Ladhies roads due to congestion; deeply concerned that this acts as an inconvenience to road users and a source of atmospheric pollution from hazardous motor vehicles carbon emissions; further aware that there are approximately 50 acres of land on which the former Muthurwa Railway Estate stands, and that this land is adequate for purposes of modernization and expansion of existing roads and infrastructure to ease the congestion and traffic jams; this House urges the Government to urgently acquire the land from the Railway Pensions Scheme for the expansion and modernization of the Jogoo-Ladhies Road.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Hon. Benjamin Jomo Washiali.

MEASURES TO ADDRESS JIGGER MENACE

Hon. Washiali: Thank you, hon. Speaker, Sir. I beg to give notice of the following Motion:-

THAT, aware that millions of Kenyans suffer from serious jigger infestation that has greatly impacted their lives; deeply concerned that severe jigger infestation has forced children to drop out of school through persistent absenteeism and rendered parents incapable of providing for their families and yet, the Government has given the problem little or no attention; further concerned that despite ongoing efforts by Non-Governmental Organizations to mitigate the situation, there still remains a lot to be done; this House resolves that the Government establishes a department in the relevant Ministry to address the jigger menace by ensuring sufficient funding to complement the efforts of other stakeholders in addressing this matter.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Next Order! That was a Motion on jiggers. Hon. Kanini Kega, take the Floor.

REQUESTS FOR STATEMENTS

PROCESS OF APPOINTMENT OF KEY PUBLIC UNIVERSITY PERSONNEL

Hon. Kanini Kega: Thank you, hon. Speaker, Sir. This is a request for a Statement. Pursuant to Standing Order 44 (2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology concerning the appointment of key public university personnel. Noting the recent repeal of law governing university management, that is University Act 2012 as gazetted on 13th December, 2012, I seek a Statement from the Chairperson on the process of appointment and qualification of the following persons, especially at Jomo Kenyatta University of Science and Technology (JKUAT) and its 10 constituent colleges:-

- (i) University Chancellor;
- (ii) University Vice Chancellor; and,
- (iii) Chairpersons and Members of University Council.

I also request for clarification from the Chairperson on whether the appointment of key personnel in constituent colleges is governed by University Act 2012 or by the legal statutes under which such institutions are created.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Very well, the Chairperson of the Committee on Education, Research and Technology.

Hon. (Ms.) S.W. Chege: Thank you, hon. Speaker, Sir. The Member has raised such important issues in the education sector and especially the universities. I, therefore,

request that he gives the Committee time to form a panel so that we can do investigations. So, three weeks will be enough for us.

Hon. Speaker: Three weeks under recess.

Hon. (Ms.) S.W. Chege: I am not so sure about the recess, but three weeks are enough. Thank you, hon. Speaker, Sir.

Hon. Speaker: Next Statement is by hon. Joseph Ngugi Nyumu.

SHORTAGE OF MEDICINE IN MEDICAL FACILITIES

Hon. Nyumu: Thank you, hon. Speaker, Sir. Pursuant to Standing Order 44 (2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee of Health concerning the supply of medicine in health centers and dispensaries within the country. Noting the recent scraping of the cost-sharing programme by the Government, there has been an acute shortage of medicine in most of the health centres and dispensaries throughout the country. I, therefore, seek the Statement on the following:-

- (i) When the supply of medicine will be made available;
- (ii) What the Ministry is doing to ensure that there is no lapse in terms of availability of the medicine; and
- (iii) Whether the supply of free medicine to the public medical centers is sustainable in the long term in terms of cost.

Thank you, hon. Speaker, Sir.

Hon. Speaker: The Chairperson of the Health Committee.

Hon. (Ms.) R.K. Nyamai: Thank you, hon. Speaker, Sir. I would like to appreciate the concern that has been raised by the hon. Member. I request that he gives us three weeks to hold consultations with the Ministry and get a response on this matter.

Thank you, hon. Speaker, Sir.

Hon. Speaker: Is that okay?

Hon. Nyumu: It is okay, hon. Speaker, Sir.

Hon. Ng'ongo: On a point of order, hon. Speaker, Sir.

Hon. Speaker: Yes, hon. Mbadi.

Hon. Ng'ongo: Thank you, hon. Speaker, Sir. I am rising under Standing Order No. 40, which is on the sequence of proceedings in the House.

Hon. Speaker, I am aware that we are on Order No.7, but chances are that this Order may take so long and this House requires to vote physically. A minimum of two-thirds of the membership of this House is required to pass Order No.8. Therefore, I would request the Speaker to apply Standing Order No.40 (2), to rearrange and reorganise the order of business, so that we can dispose of Order No.8. We can then, possibly, go back to Order No.7.

Hon. Speaker: Thank you very much. Fortunately, we are through with the business listed as Order No.7.

So, we now proceed to the next Order.

MOTION

EXTENSION OF PRESCRIBED PERIOD FOR

ENACTMENT OF BILLS

THAT, pursuant to Article 261(2) of the Constitution, this House resolves to extend the period prescribed for the enactment of legislation necessary to give effect to Article 34 of the Constitution (Freedom of the Media Bill) by a period of four months from 27th August, 2013.

(Hon. Baiya on 23.7.2013)

(Resumption of Debate interrupted on 30.7.2013)

Hon. Speaker: Hon. Members, as you are aware, debate on this Motion was concluded yesterday, but we could not proceed to the next level. Therefore, I give the following directions: - The bell shall be rung for 10 minutes and at the expiry of the 10 minutes, the doors shall be locked and the Bar drawn. The hon. Members without their electronic cards shall stand by the Civil Servants' Benches, with the Noes to my left and the Ayes to my right. Hon. Members shall then log-in their cards only once. I will then put the Question and the electronic vote will be taken for two minutes. At the end of the two minutes, hon. Members who will be standing by the Civil Servants' Benches shall record their vote with the Clerks-at-the-Table. Finally, I will announce the results of the division.

Hon. Members, in the event that we do not get the requisite numbers, I will give further directions. I now direct that the bell be rung for 10 minutes.

(The Division Bell was rung)

Hon. Members, please resume your seats. Remember I had asked you about those hon. Members who do not have their cards. May I direct that the doors be locked and the Bar be drawn.

(The doors were locked and the Bar drawn)

I am informed, through confession, by the Leader of Minority Party that he does not have his today and so he will be one of those hon. Members. Those of you who may have put their cards, there is nothing to request at this point. I can see names of people who have made requests.

(Laughter)

Please withdraw your cards!

Hon. Members: *Toa!* Remove!

Hon. Speaker: Hon. Members, understand the simple word, "remove". We will go by the language that is best understood; "remove"! Therefore, remember that we indicated you will only log in once because if you do it twice, it will cause confusion. Before you log in, I am required to put the Question and hon. Members without cards should stand next to the benches.

DIVISION

(Question put and the House divided)

Hon. Speaker: Hon. Members, I now wish to announce the results. Through electronic voting, the Ayes are 231 and the Noes are 0. Through manual voting, the Ayes are 14 and the Noes 0. The total votes are as follows: The Ayes, 245 votes and the Noes, 0. Total number of votes cast is 245. This means that the Ayes have it and accordingly, the deadline is extended by four months from 27th August, 2013.

You may now open the doors.

(Question carried by 245 votes to 0 votes)

AYES: Messrs. Ababu, Abbas, A.B. Duale, M.D. Duale, Abongotum, Aburi, Aden, Ahmed, Akujah, Ali, Ms. Amolo, Messrs. Andayi, Angatia, Angwenyi, A.T. Anyanga, P.E.O. Anyanga, Baiya, Banticha, Barchilei, Barua, Bedzimba, Bett, Bii, Bitok, Bollo, Bosire, Bowen, Bunyasi, Busienei, Ms. Chae, Messrs. Chea, J.N. Chege, J.K. Chege, Ms. S.W. Chege, Ms. Chidzuga, Messrs. Chepkong'a, Cheptumo, Dawood, Duba, Dukicha, Ms. Duri, Mr. Ekomwa, Ms. Emanikor, Eng. Gumbo, Ms. Fathia, Messrs. Gakuya, Gaichuhie, Ganya, Geni, Gichigi, Gimose, Gikaria, Ms. Gure, Ms. Ibren, Messrs. Ichung'wah, Injendi, Irea, Ms. Juma, Messrs. Kabando wa Kabando, Kahangara, Ms. Kajuju, Messrs. Kajwang', Kaluma, Kamanda, Kang'ata, Kangara, Ms. Kanyua, Messrs. Karani, Karithi, Kariuki Ndegwa, Kariuki Ndirangu, Kasuti, Katatha, Katoo, Kanini Kega, Kemei, Kenta, Keter Eric, Keter Alfred, Ms. Khamisi, Messrs. Kiaraho, Kilonzo, Kimaru, Kinoti, K.K. Kinyanjui, Kinyua, Kiptanui, Ms. Kipchoim, Ms. Kiptui, Messrs. Kipyegon, Kisang, Kitungi, Kobado, Koech, Koinange, Korir, Lagat, Lang'at, Ms. Lay, Messrs. Lekuton, Lemein, Ms. Leshomo, Messrs. Lessonet, Letimalo, Limo, Linturi, Lomunokol, Lomwa, Ms. Mabona-Odhiambo, Macharia, Ms. Machira, Messrs. Makau, Manje, Manoti, Masadia, Mati, Eng. Mahamud, Ms. Mbalu, Ms. Mbarire, Messrs. Mbiuki, Melly, Mirenga, Mlolwa, Mohamed Abbas, Mohamed Abdi, Mohamed Diriye, Moindi, Ms. Mitaru, Messrs. Momanyi, Muchai, Ms. Muhia, Messrs. Mukwe, Mulu, Muluvi, Murungi, Musau, Musimba, Mustafa, Musyimi, Dr. Munyaka, Ms. Musyoka, Mr. M'uthari, Ms. Mumo, Ms. Munene, Messrs. Murgor, Mutambu, Mutua, Mwadeghu, Mwadime, Mwamkale, Mwaita, Mwangi, Mwanyoha, Mwaura, Mwashetani, Nakara, Naicca, Nakuleu, Nanok, Nassir, Ndiege, Ndiritu, Ngahu, Ms. Ng'ang'a, Messrs. Ngare, Ng'etich, Ngikor, Njomo, Njuguna, Ms. Njuguna, Njuki, Nooru, Nuh, Nyaga, C.M. Nyamai, Ms. Nyamai, Ms. Nyamunga, Mr. Nyenze, Dr. Nyongesa, Messrs. Nyumu, Odanga, Odera, Odinga, Ogari, Ogolla, Okoth, Olum, Omagwa, Ms. Ombaka, Messrs. Omondi G.W., Omondi J.O., Omulele, Ondicho, Onyura, Opiyo, Opore, Otaalo, Otsiula, Dr. Ottichilo, Ms. Otucho, Messrs. Outa, Pkosing, Dr. Pukose, Mr. Ramadhani, Eng. Rege, Messrs. Robi, Rop, Rotino, Ms. Sambili, Messrs. Sakaja, Sambu, Sane, Sang, Saney, Ms. Seneta, Messrs. Serem, Serut, Ms. Shakila Mohamed, , Dr. Shaban, Ms. Shebesh, Messrs. Shehe, Shidiye, Shimbwa, Shinali, Sitati, Sudi, Sumra, Ms. Teiya, Mr. Tirren, Ms. Tobiko, Mr. Tonui, Ms. Wahome, Messrs. Waiganjo, Waititu, Wamunyinyi, Wandayi, Wangamati, Wangwe, Wanjohi, Wanyonyi, Washiali, Wekesa, Were and Wetangula.

NOES: Zero

BILL

Second Reading

THE VALUE ADDED TAX BILL

(Hon. Langat on 25.7.2013)

(Resumption of Debate interrupted on 30.7.2013)

Hon. Speaker: Order, Members! Kindly allow the Mover to reply. He has a balance of eight minutes.

Hon. Langat: Thank you very much, hon. Speaker, Sir. First of all, I thank all the Members who contributed to this Bill. Other than two Members who opposed, the Bill was supported almost 90 per cent.

I beg to move that the Bill be read the Second Time.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Members, kindly listen to what the Chairman of the Budget and Appropriations Committee has to say.

**MOTION FOR ADJOURNMENT UNDER
STANDING ORDER NO.31 (1)**

MEETING BETWEEN CABINET SECRETARIES/
MEMBERS ON DEVOLUTION

Hon. Musyimi: Hon. Speaker, Sir, in accordance with Standing Order No.31 (1), I beg to move that the House do now adjourn. The Standing Order reads as follows:-

“(1) A Member may at any time, for reasons stated, seek leave to move “That, this House do now adjourn”.

The reason why I am seeking the adjournment of the House is fairly straightforward. You are aware that this country has a new Constitution which was promulgated. Thereafter, laws were enacted by this House specifically the Transition to Devolved Governments Act of 2012, the law that sought to create the structures that manage the transition functions to the county governments. In that process, an institution was created called the “Transition Authority” and the work of that institution is to oversee devolution functions. It has been given certain criteria and standard to follow.

We are the first Parliament to be elected on the new Constitution. Since we took office, what we have witnessed, in respect of specific functions in particular in the areas

of roads, energy and to a certain extent health has been very confusing. The Committee that I am honoured to chair together with the Committees on Energy, Roads, Health and also the Committee that oversees devolution have met several times seeking to see and to be assured that this process of devolution is taking place as it should. The law that I mentioned is very clear. It is based on Article 15 of the Constitution that deals with transitional provisions. We are very concerned as Members of this Assembly and as leaders in our various constituencies that the process of devolution is being done in a manner that is less than convincing. The process of devolving those functions is being done in a manner that is causing tension.

The Cabinet Secretaries responsible for the portfolios that I have mentioned are saying different things to different quarters. They say one thing to the Executive, something different to the governors, something different to the Senators, something different to this Assembly and I suspect they also say different things when they meet among themselves. We are not entirely convinced that there is honesty, transparency and professionalism in the way those functions are being devolved. We have met, as I said, three times to discuss this matter with those Cabinet Secretaries and it has not been a very easy time. Today, I chaired a meeting that was really quite difficult. The reason I am suggesting that we adjourn this House is so that we can summon those Cabinet Secretaries to come here and come up with the way forward in a manner that is convincing and conclusive.

I do not need to speak for long. I, therefore, wish to plead that this House sees the need for us to adjourn. We have summoned the Cabinet Secretaries that we met this morning, so that they can come to this Chamber and tell us the way forward. The period that we have been given for devolution is three years. The manner in which it is being administered is very unconvincing, as I said. I do not wish to repeat myself. I wish therefore, to plead and persuade this House that it agrees we adjourn. Accordingly, I would like to ask the Chairman of the Committee on Energy, Communication and Information, hon. Jamleck Kamau, to second the Motion.

Hon. Kamau: Hon. Speaker, Sir, I rise to second this Motion that the House do now adjourn. I recollect that yesterday when we were debating here, I said “until you hear from me”. Before the Members hear from us, we thought it is important that you also hear from the Cabinet Secretary and the Chairman of the Transition Authority. They are waiting and as soon as this House agrees to this adjournment, they will come here. They will explain and tell the House why we are having those problems in devolution.

I know for sure that the National Assembly is committed to ensuring that devolution works in this country. Those people who think that the National Assembly is the one bringing problems in devolution, they had better be told that the National Assembly will be in the front line to make sure devolution works in this country. Therefore, I want to set the record straight. It is clear that some functions that are being devolved, the counties are not ready for them as yet. Therefore, for this country to move forward, we must move in a clear manner and in a manner that is not going to inconvenience the citizens of this country.

Therefore, without wasting a lot of time, I second this Motion. I urge Members to agree that we adjourn and have those people before us, so that before the end of the day, you will hear from us.

Hon. Members: Put the Question!

Hon. Speaker: I can see hon. Junet is burning to say something. I can see some Members are excited about the new phraseology of “put the Question”. Before we do so, so that you all get used to this one, I will now propose the Question.

(Question proposed)

Let us hear from hon. Junet. Let us hear somebody from this side. He has been quiet for some time.

Hon. Nuh: Thank you, hon. Speaker, Sir, for realizing that. I would like to support this Motion for Adjournment. This country is full of chaos at the moment. Governors are shouting at the top of their voices that you devolve everything and anything that is in this country from Nairobi to the villages. We need to get a formula of getting things. We cannot devolve things which they do not have capacity to handle.

As you are aware, the Constitution has given a period of three years for functions to be devolved. The Transition Authority is not clear on whether they have done any audit of those counties in terms of whether they can handle and execute those functions properly. The issue of saying that we should devolve everything at once might not work. Counties which have capacity like Nairobi, Nakuru, and Kisumu---

Hon. Member: Nairobi does not have capacity.

Hon. Nuh: I hear a Member saying that Nairobi does not have. He is a Member from Nairobi. So, we want to engage the Cabinet Secretaries now so that they can tell us exactly whether those counties are ready to absorb those functions that the Governors are yearning for to be devolved.

Hon. Speaker, Sir, so, I support and I seek your indulgence to give us an opportunity to adjourn this House so that we can engage the Cabinet Secretaries directly as the representatives of the people of Kenya and not counties.

Hon. Members: Put the Question.

Hon. Speaker: Hon. Members, it is like you are getting used to those phrases. Hon. Lessonet, just a minute! You know there is pecking order in the House. When the Chair notices the Leader of Majority Party---

Hon. Member: And the Leader of the Minority Party.

(Laughter)

Hon. Speaker: Leader of Majority Party, you may have the Floor.

Hon. A.B. Duale: Hon. Speaker, yes, it is good the hon. Chairman of CDF Committee--- Very soon the Jubilee Coalition might decide to give him that position but for now the Standing Orders are very clear.

Hon. Speaker, Sir, I stand to support this Motion. The Members who were here in the morning heard me very very clearly. When the people of Kenya went for a new Constitution, they were very clear in their minds about the role of a Governor, Senator, Member of Parliament, County Assembly and that of the National Government. It is well documented in various articles. There is a whole chapter on devolution. Articles 186 and 187 clearly talk about how to transfer functions between levels of Government.

Hon. Speaker, Sir, this morning I asked Members to support this Motion so that the Executive can be engaged. The confusion that we see in our country as far devolution

is concerned emanates from the bodies that were created by this august House in order to facilitate devolution. One of them is the Commission on the Implementation of the Constitution (CIC). The other one is the Transition Authority (TA) led by one chairman called Kinuthia Wamwangi. When he meets the governors, led by the able Chairman of the Governors' Council, one, Isaac Rutto, he kneels down and gives them what he feels and not what the Constitution says. When he meets the Executive, he tells them what they want to hear and not what the Constitution says. When he meets Members of Parliament, he wants to tell us what we want to hear but not what this Constitution says.

Hon. Speaker, Sir, the framers of this Constitution said devolution functions will be transferred within three years. The framers of the Constitution were not mad; some governors want to transfer functions in 24 hours. I want to read Standing Order No.187 and I hope the Senators who were parroting yesterday about the leadership of this House and the Speaker will listen and get time to read the Constitution. Article No.187 talks about transfer of functions and powers between levels of Government. Article No.187(1)(a) says:

“A function or power of government at one level may be transferred to a government at the other level by agreement between the governments if-

- (a) the function or power would be more effectively performed or exercised by the receiving government”.

The words are “effectively performed” The growth of counties is not at par. The growth of counties in northern Kenya is not the same as the one of Nairobi or Kisumu. Kenya did not grow at one level and that is why we asked for devolution. Devolution was to cure marginalization. Devolution was to cure regional imbalance. Devolution was to cure poverty. So, the areas which have been left because of marginalization and regional imbalance are saying the rural roads must be devolved.

Hon. Speaker, before you take the resources of the Kenya Rural Roads Authority (KeRRA), the Kenya Urban Roads Authority (KURA) and the Kenya National Highways Authority (KeNHA), you must first come to this House and dissolve those institutions. They live by law. KeRRA is a creation of this House and KURA is a creation of this House. Before you take the money of KURA and KeRRA to the county governments, first bring a Bill to this House. The Cabinet Secretary for Infrastructure must bring a Bill collapsing those and taking their functions.

Hon. Speaker, Sir, you saw the Senate through my very able good friend, hon. Bonny Khalwale, debating a controversial Bill. He brought a Bill to create structures and even including who should fly the national flag. Little does he know that there is already a law existing about who should fly the flag. You do not create a law when you have not repealed the existing law or you have not amended it. That is why he should get good advice from hon. Keynan. Hon. Keynan is amending an existing law. So, when that Bill comes to this House, it is unconstitutional. You cannot have money for KeRRA and KURA taken to the counties when KeRRA is existing as an entity of law.

Hon. Speaker, Sir, the second one is rural electrification and again who defined “devolution”? Constituencies are the smallest units of devolution. Constituencies have been tested over time. They have been given resources. They have been tested. Their capacity can withstand history but the capacity of county governments is in question. So, do you go for the one where the capacity has been tested or you go for one which you are not sure? The Rural Electrification Authority (REA) is a creation of this House. For you

to take the money of REA to the governors, the Cabinet Secretary for Energy must bring a Bill to collapse REA.

Hon. Speaker, there is a lot of confusion in the country. Some people are running away with the baby called “devolution”. They are saying they are the protectors of devolution. I want to say it that no political party, politician or Government, in the future, will say they own devolution. Devolution is owned by the people of Kenya and how to implement it, is in the Constitution.

Hon. Speaker, Sir, I support and I am sure you need to give guidance. We are going to support the law brought by hon. Keynan because we represent the people. We do not represent counties, governments or national Government, we represent the individual 40 million Kenyans who have brought us here.

Hon. Speaker, Sir, I support.

Hon. Speaker: Leader of Minority Party.

Hon. Nyenze: Thank you, hon. Speaker, Sir. I am sure Members want us to dispose of this matter as quickly as possible but I want to say two things. One is that the Constitution took a lot of time to be enacted and it is very easy to misinterpret it and apply it in the wrong way. I just want to say that we have just voted overwhelmingly to extend the period here and it never mattered which side of the House one comes from. I want the Leader of Majority Party to listen to this: On very many areas of common interest, we have said we will vote together but it is also good to be conscious whenever we talk about the Constitution. We do not have to be seen to be fighting devolution. It is good that when we talk about devolution, we follow exactly what the law says and the CIC is the body that is mandated to do that. It interprets and knows what to do.

Hon. Speaker, Sir, it will not be fair for any Parliament, whether the National Assembly or the Senate to try to turn anything to their advantage and break the law. The reason why I am saying this is because a lot of heat has been generated. When a governor, the Chair of all the governors of Kenya, Isaac Rutto, went to Homa Bay to visit a colleague, half of the House from Jubilee side went to condemn him.

In the spirit of devolution, the best thing would be to give them a chance, not to be seen to be fighting devolution.

Hon. Speaker: Yes, hon. Shebesh! Leader of Minority Party, there is a point of order from hon. Shebesh.

Hon. (Ms.) Shebesh: On a point of order, hon. Speaker. Is it in order for the Leader of Minority Party to always purport to speak for Jubilee, because he says that the whole of Jubilee dissented? What is “the whole of Jubilee” and are we allowing the Leader of Minority Party to speak about one side of the coalition all the time, as if he has more information than we do? It can never be the role of Leader of Minority Party to lecture hon. Members of the Jubilee side of this House on their roles. Is it in order?

Hon. Speaker: Hon. Leader of Minority Party, I am sure you were not here in the last Parliament and I think even the other one. So, you may have forgotten to look at the Standing Orders to know that when a Member is on their feet, on a point order, the hon. Member who was speaking resumes his or her seat.

Hon. Nyenze: That is what I had done, but someone somewhere stole my card, that is why I just walked this way. But anyway, hon. Speaker, you know the role of the---

(Laughter)

Hon. Speaker, Sir, protect me so that I make my point. I want to finish because we have the Cabinet Secretaries here to interrogate.

I support what the Leader of Majority Party said. You cannot change things. You cannot take money from one institution and take it to another without bringing a Bill to this House. With that, I support. Where there is insensitivity or where people are trying to block devolution, I will stand firm because that is what I am paid for. I am not a Jubilee leader. All I am saying is: Let us not be seen to fight devolution and when it suits Jubilee side, we all move together. We have to interpret the law as it is.

Finally, I want to make this last point so that we dispense with the business before us. I want the Jubilee side to be tolerant whenever they are dealing with us. They should not, at any other time, do selective withdrawal of security personnel from the CORD leaders, the way they have done it.

I support and thank you.

Hon. Speaker: Hon. Members, this is a simple matter and the longer you debate, the more you digress. The aim of the Motion was to enable hon. Members to interrogate the Cabinet Secretaries from this very Chamber, when we are not sitting as a House. You will be sitting as various Committees, I believe; Chairman of Budget and Appropriations Committee; Chairperson of Transport, Public Works and Housing; Chairperson of Energy, Communication and Information and others.

So, the best thing is to put the Question.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, the House stands adjourned until tomorrow, Thursday, 1st August, 2013 at 2.30 p.m.

House rose at 4.35 p.m.