

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 8<sup>th</sup> July, 2015

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Ethuro) in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM KERICHO COUNTY ASSEMBLY

**The Speaker** (Hon. Ethuro): Hon. Senators, before we commence the Order on Statements, I have a communication to make.

I am pleased to acknowledge and to welcome to the Senate this afternoon Members and staff of Kericho County Assembly who are seated in the Speaker's Gallery. I request that when their names are called out, they stand so that they are acknowledged in our usual Senate tradition.

Hon. Japheth Mutai  
Hon. Charles Ngetich  
Hon. Chumo Kiprono  
Hon. Daniel Rono  
Hon. Livingstone Kirui  
Hon. Jackson Kikwai  
Hon. Emily Mutai  
Hon. Benard Mutai  
Hon. John Sang  
Hon. John Too  
Hon. Phillip Kosgey  
Hon. Sharon Cheronu  
Hon. Betsy Chebet  
Hon. Mary Betty Chelagat

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Hon. Purity Bore  
Hon. Hillary Bett  
Hon. Agnes Marsin  
Hon. Edna Tonui  
Hon. Josiah Kirui  
Hon. Cheruiyot Bett

Hon. Senators, the Members are also accompanied by staff, Mr. Martin Epus, Ms. Elizabeth Rop, Ms. Rose Mutai, Ms. Sally Bett, Ms. Linet Laboso, Ms. Nancy Bon and Mr. Kenei Kosomei.

Hon. Senators, I take this opportunity on behalf of the Senate and on my own behalf to wish Members and staff of Kericho County Assembly a happy and fruitful visit. They are here on a capacity building exercise.

Thank you.

*(Applause)*

**Sen. Sijeny:** Mr. Speaker, Sir, I would like to respond to a statement that was sought.

**The Speaker** (Hon. Ethuro): Order! Which one are you dealing with as per our appendix?

**Sen. Sijeny:** I am dealing with statement “d”.

**Sen. Sang:** On a point of order, Mr. Speaker, Sir. I, kindly, request that you allow me, on behalf of the Senator for Kericho County, to appreciate the County Assembly delegation from Kericho County. You know that Sen. Charles Keter, the Senator for Kericho, is our Deputy Majority Leader. He is right now engaged in national parliamentary business. I am stepping in to welcome the delegation from Kericho County on his behalf. They are my neighbours. Therefore, I can step in for him.

**The Speaker** (Hon. Ethuro): Order, Sen. Sang. That is the problem of not following the proceedings. I thought I concluded by saying; “on behalf of the Senate and on my own behalf.” Was that not satisfactory to you?

Proceed, Sen. Sijeny.

What is it, Sen. Dullo?

**Sen. Adan:** On a point of order, Mr. Speaker, Sir. I thought we were going to follow the Order Paper. We have jumped from (a) to (d).

**Mr. Speaker:** Order, Sen. Dullo! No one has jumped anything. We follow the order when there is no request. For this particular case, Sen. Sijeny had put a request. Therefore, I have given her preference she demonstrated her willingness and eagerness to proceed as you are waiting for your turn.

Yes, Sen. Karaba.

*(Sen. Karaba spoke off record)*

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**The Speaker** (Hon. Ethuro): Order, Sen. Karaba! I have not forgotten. We should take one thing at a time.

Proceed, Sen. Sijeny.

DEPLORABLE CONDITION OF THE  
MAI MAHIU-NAROK ROAD

**Sen. Sijeny:** Mr. Speaker, Sir, I wish to read the following Statement as the Vice Chairperson of the Committee on Roads and Transport on behalf of the Chairman.

The Senator for Migori County, Sen. (Dr.) Machage, rose on the Floor of the House and requested for a Statement from the Chairman of the Senate Standing Committee on Roads and Transportation regarding the status of the Mai Mahiu-Narok Road (B3) as follow:-

(1) State whether the Government is aware that the Mai Mahiu-Narok Road is in a deplorable condition with many potholes.

(2) State the name of the contractor who constructed the Road, the completion date of the construction and the money that was spent.

(3) Explain whether the Ministry of Transport and Infrastructure is planning to have the Road repaired, and if so, when the repairs will be carried out.

(4) Enumerate the number of accidents that have occurred on the Road and the number of fatalities recorded in the last two years.

Mr. Speaker, Sir, I beg to reply as follows:

The road had originally developed isolated pockets of potholes, especially the section towards Narok Town (between km 59+000 (Ntulele) and km 89+000 (Narok Town)). The other section from Mai Mahiu to Ntulele had no notable pothole. The onset of long rains in May, 2015, caused considerable potholes between (Ntulele and Narok) and damage to the approaches of the bridge at Narok Town (Ewaso -Nyiro) River. These were urgently addressed by the South Rift Region to ease the flow of traffic. However, with the ongoing rains, some potholes have continued to emerge along the road and shall be addressed by a maintenance contract which commenced on 22<sup>nd</sup> June, 2015 as explained in the query three below.

The road was constructed or rehabilitated by M/s. Maltauro – Monte Adriano JV at a cost of Kshs4,855,389,698 and completed in February, 2011. The completion certificate is attached.

The Ministry of Transport and Infrastructure, through the Kenya National Highways Authority (KeNHA), recently awarded a contract of Kshs289,904,720 to Petwa Construction Company Limited to maintain the road where by any pothole will be patched and, thereafter, the road re-sealed. Additionally, the drainage of the road will also be addressed together with road safety aspects. The said contractor was issued with the order to commence works on 8<sup>th</sup> June, 2015, and is currently mobilising in readiness to commence the works that will take a period of 15 months to complete.

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The number of accidents and incidences as provided by the Regional Traffic Officer are as listed in the table below:

YEAR	TYPE OF ACCIDENT				NUMBER OF VICTIMS			
	Fatal	Serious	Slight	Total	Fatal	Serious	Slight	Total
2013	60	55	15	130	127	190	266	583
2014	65	48	11	124	95	103	123	321
2015	23	14	2	39	31	36	51	118
<b>TOTAL</b>	148	117	28	293	253	329	440	1022

Mr. Speaker, Sir, the Authority will endeavor to formulate road safety measures, in collaboration with the National Transport Safety Authority (NTSA), to address the notable safety challenges on the road in order to mitigate and reduce the number of accidents.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Sen. (Dr.) Machage.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, it is, indeed, a great shame to this Government because of its ineptitude and unconcerned sort of view that it has on the newly constructed roads. Most of the newly constructed roads have potholes that have not been given attention at all. This road was completed in 2011, therefore, it is only four years old. It is a pity that it is totally in a deplorable condition. How many years' lifespan was the road designed for? Secondly, did the contractor have any grace period of maintenance on this road?

**Sen. Karaba:** Mr. Speaker, Sir, road construction works in Kenya leaves a lot to be desired. This issue does not affect this road only. Many roads in Kenya have been done to substandard level. Potholes develop even before the roads are completed. Worse still, even after completion, the contractors leave the roads unmarked, leading to more accidents. Could the Chairman of the Committee ensure that in future, roads are constructed to the required standards? Could she undertake that the companies that construct such roads will guarantee to undertake the repair works themselves for a certain number of years?

**Sen. Ndiema:** Mr. Speaker, Sir, it is evident that either the design or works on that road were substandard. Many roads are in a similar situation. I believe that there must have been a consultancy firm which ensures that standards are maintained. What steps have been taken to ensure that the supervising firm has been called upon to account for the shoddy job they did, including ensuring that they are penalized and even blacklisted, so that they do not supervise similar works?

**Sen. Mositet:** Mr. Speaker, Sir, it is really hurting to realize that the road was completed in 2011 and it already requires major maintenance. Other than that, this road

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has really caused a lot of disaster in my county, particularly to Lake Magadi. Lake Magadi is under threat of siltation because of the drainage from that road.

I wonder whether environmental impact assessment was done and whether the engineers really visited the site, including even taking the samples of the materials which were used to construct that road. It is quite challenging to find road construction materials within Narok. Therefore, it is possible that the quality was compromised. Urgent action is required, particularly to make sure that the drainage of that road which is causing massive siltation of Lake Magadi is checked.

**Sen. Ntutu:** Mr. Speaker, Sir, I also want to know how much was used to eradicate those potholes along the Narok road.

**Sen. Kagwe:** Mr. Speaker, Sir, I want a clarification regarding the contractors who were constructing that road. First, is there any possibility that any of them are within the list of the cowboy contractors who were blacklisted by Parliament a while back? Are there any blacklisted contractors who are currently working for the Government?

**Sen. Leshore:** Mr. Speaker, Sir, that road leads to the world's famous Maasai Mara Game Reserve, which is one of the most beautiful destinations in the world. I would like to know if there was any sabotage by the air charters during the design and tarmacking of that road.

**Sen. Sijeny:** Mr. Speaker, Sir, I would request for more time to give a further comprehensive response. This is because some of the issues that have been raised concerning the same road had not been asked earlier. Regarding how many years the road was meant to last, I have no information here with me. I need one more week to answer to all the questions that have been raised concerning this road.

**Sen. Karaba:** On a point of order, Mr. Speaker, Sir. The Chairperson is telling us that even the answer that she gave us is substandard. Could she be given more time to go and get us appropriate answers?

**The Speaker (Hon. Ethuro):** Order! She has requested for more time and the Chair will grant her one more week.

Next statement, by Sen. Dullo.

#### INTERNATIONAL BOUNDARY DISPUTES IN TURKANA

**Sen. Adan:** Mr. Speaker, Sir, I wish to respond to the Statement that was sought by Sen. Munyes on the existence of international boundary disputes between Kenya and her neighbours.

He particularly sought to be informed on:-

(1) What boundary disputes exist between the Republic of Kenya and the neighbouring States of Somalia, Ethiopia, South Sudan and Uganda?

(2) What action the Government has taken to resolve these international disputes?

(3) Whether Kenya has completed the boundary status report and deposited the boundary dispute instruments with the African Union (AU) before the deadline of 2018.

Mr. Speaker, Sir, I wish to respond as follows: -

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There exists no dispute between the Republic of Kenya and the Democratic Republic of Ethiopia. The boundary was ratified by the 1970 Treaty which was signed by the Heads of States of the two countries. They signed the treaty and several components, including the provision of joint and separate inspection of the entire international boundary, after every five years. Unfortunately, the inspection has not been carried out as agreed, largely due to logistical and other bureaucratic challenges. The delayed inspections have, therefore, negatively impacted on the boundary in the sense that most of the boundary pillars have been destroyed or worn out by weather conditions or acts of vandalism, thereby bringing unnecessary tension among borderline communities, who often times compete for the scarce trans-boundary resources.

The Ministry initiated a joint Kenya-Ethiopia boundary meeting in May 2014 where the two countries have to jointly inspect and re-establish boundary pillars from eastern point in Lake Turkana to Illeret, an exercise which was recently carried out. This was a follow up to a similar joint exercise which was carried out along the Kenya-Ethiopia boundary on Lake Turkana in 2010.

I wish to assure the House that the joint inspection of the remaining sections estimated to take approximately five years will continue as agreed upon by the Joint Kenya-Ethiopia Technical Committee.

Mr. Speaker, Sir, there exist no dispute on the land boundary between Kenyan and Somalia. However, the beacons which were established by the colonial governments have been dilapidated by weather conditions and acts of vandalism and, therefore, require immediate re-establishment.

Unfortunately, the Transitional Government of the Republic of Somalia has instituted a legal dispute in the International Court of Justice (ICJ) in New York over what it has termed as Kenya's intrusion into the Republic of Somalia's Maritime Territory. On the other hand, Kenya has declared and produced an official map depicting a parallel line across the Indian Ocean from the point where the last survey beacon touches the water in the Indian Ocean on the Kenya-Somalia International Boundary and has continued to exercise its sovereignty over this area while Somalia has, on its part, insisted on a straight line running perpendicularly southwards. A position if ratified by the ICJ will mean that Kenya becomes a sea locked country thereby jeopardizing our country's sovereignty, security and economic benefit.

Mr. Speaker, Sir, the Government has constituted a team of lawyers to defend Kenya's position in the ICJ headed by the Attorney General.

There is notable disagreement along the Kenya-Uganda boundary along Lake Victoria over a one acre rock outcrop, Migingo Island, which is, however, overpopulated due to the lucrative fish business in the surrounding area.

Since 2009, when the dispute arose, the two governments have made several attempts to resolve the dispute through diplomatic channels. To this end, the Joint Technical Survey Team held a joint meeting in March 2014 at Entebbe, Uganda, where the Joint Survey Report of the survey work done on Lake Victoria was finalised, signed and submitted to the two governments. The team also prepared a work plan and budget

for the remaining survey activities. It is the position of the Government that the remaining survey work of actual demarcation along the international boundary should be undertaken soonest so as to conclusively resolve the dispute.

Similarly, Mr. Speaker, Sir, Kenya has notable disagreement with the Republic of South Sudan over the common boundary from the Kenya-Uganda, South Sudan Tri-Junction and all the way to Kibish Area, a place commonly referred to as the Elemi Triangle.

While Kenya has continued to exercise sovereignty over the whole area up to Kibish Town to the North and extending to the 1950 Sudan Defence Forces patrol line to West, and has produced an official map reflecting the same, the Republic of South Sudan recently deposited a map with the African Union (AU) that depicts a straight line running across from the shores of Lake Turkana all the way to Mohila Hills in the west commonly referred to as the 1914 Maud line.

Mr. Speaker, Sir, efforts to resolve the dispute over the area were commenced way back in 1913 when a commission was formed to delimit this common boundary. The main aim of the commission and other later efforts was aimed at delimiting the boundary in such manner as to reflect the Turkana grazing grounds.

These efforts show the drawing of the 1914 Maud straight line across from Lake Turkana to Mount Lubur, the 1929 Red line drawn by Kenyan administrators of the time and the 1944 administrative line commonly referred to as the Blue Line. All these attempts were meant to safeguard the Turkana grazing grounds together with the security and safety of Turkana livestock from their neighbouring tribes to the north.

In 1950, the Republic of Sudan drew a Sudanese patrol line, an act by itself a declaration that it was no longer interested in administering the area beyond that line.

In 2011, upon the Independence of South Sudan, a joint-Ministerial meeting was held in Nairobi in which Kenya requested that the two countries should commence efforts to delimit the common international boundaries bearing in mind the security implications attached to the boundary. The delegation from South Sudan, however, requested for more time to enable the country dispense with challenges emanating from the north, especially as regards to Abyei region. Since then, no efforts have been made to resolve the issue, a situation which has been worsened by the current circumstance obtaining in South Sudan.

Despite the above shortcomings, however, the Government intends to initiate diplomatic negotiations with the Republic of South Sudan to kick-start the process of delimiting the international boundary.

Further, Mr. Speaker, Sir, the Government has established the Kenya International Boundary Office (KIBO) under the office of the Chief of Staff and Head of Public Service, to deal with all matters related to international boundaries.

Lastly, the Government is yet to deposit the boundary dispute instrument with the AU before the deadline of 2018. As mentioned earlier, the Government has established a dedicated office to fast-track all the issues related to the delimitation and demarcation of the Kenya's international boundaries.

In conclusion, I wish to reiterate the Government's commitment to resolve all the disputes related to our international boundary with a view to depositing our boundary instrument to the AU and the United Nations (UN) before the 2018 deadline.

*(Interruption of Statements)*

### COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM  
KISERIAN JUNIOR SEMINARY, KAJIADO COUNTY

**The Speaker** (Hon. Ethuro): Hon. Senators, before I allow the interventions on that Statement, let me also recognise the presence of the students and teachers from Kiserian Junior Seminary from Kajiado County seated in the Public Gallery who are visiting the Senate today.

As you all know, hon. Senators, our tradition of receiving and welcoming visitors to Parliament is a long time tradition and one we are proud to continue upholding.

On behalf of the Senate and on my own behalf, I extend a warm welcome to the students and teachers of Kiserian Junior Seminary.

I thank you.

*(Applause)*

*(Resumption of Statements)*

**Sen. Munyes:** Mr. Speaker, Sir, let me start by thanking the Chairperson for that elaborate presentation.

The Kenyan territory is critically in question. As we all heard in this House, there are disputes in the four neighbouring countries. If you look at our borders, the Kenyan territory is defined in---

*(Sen. (Prof.) Anyang-Nyong'o and Sen. Sang consulted loudly)*

**The Speaker** (Hon. Ethuro): Order, Sen. (Prof.) Anyang'-Nyong'o and Sen. Sang! Please, consult in low tones.

Proceed, Sen. Munyes.

**Sen. Munyes:** Mr. Speaker, Sir, Chapter 2 and Article 5 of our Constitution define our borders as "borders defined by an Act of Parliament". The only existing Act of Parliament that we have is the District and Provinces Act of 1992 which defines some of these territories like the Turkana County as a flat line which leaves out the whole chunk of the Elemi Triangle.

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The Chairperson has said that it is notable that there is a dispute as far as the South Sudan-Kenya boundary is concerned. However, we have defined our territory excluding the Elemi Triangle. We have not taken any step to put our case before the AU.

As for Ethiopia, there is a treaty. However, within the Omo Delta, Ethiopians have encroached. We initiated some boundary demarcation. However, when it reached River Omo, the whole exercise was put off. That means that the conflict as a result of resources is now in favour of Ethiopia because they still control those areas.

For the Ugandan territory, we know of Migingo, but we need to clarify the border points of Uganda's Government where pastoralists have conflicted. These pastoralists are Karamoja and Turkana.

In Somalia, there is a legal dispute that has been addressed by our Attorney-General and a team of lawyers. What I want the Vice Chairperson to clarify is this; it seems there is lack of intention to initiate diplomatic negotiations, especially in the South Sudan border. South Sudan has already deposited the instruments and the deadline is 2018 and yet, up to now, we have not initiated anything. Unless we want to take Kenyans for a ride, this land called the Elemi Triangle will be lost to South Sudan.

**The Speaker** (Hon. Ethuro): Please, seek your clarification.

**Sen. Munyes:** Mr. Speaker, Sir, when is this Government undertaking a process or a programme to resolve the dispute in the northern part of this country that is now called "the dispute of the Elemi Triangle"?

**Sen. M. Kajwang:** Mr. Speaker, Sir, I would like to thank Sen. Dullo for her detailed response. It is evident that Kenya is at some form of conflict with all the neighbours. When you look at the Kenya-South Sudan border, the students we have today in the 8-4-4 system of education, one of the things they are asked to do is draw the map of Kenya. When you look at this horizontal line theory that is affecting northern Kenya, especially in Turkana, it causes a lot of confusion. Those of us who went through 8-4-4 system, we never drew the map of Kenya with a horizontal line, but with some curves. I hope that urgent measures will be taken to rectify that and get rid of the confusion.

My question on the Kenya-Somalia border, particularly on the exclusive economic zone where there is some conflict, is there a risk that Tanzania will be asked into this conflict because if you pursue---

**The Speaker** (Hon. Ethuro): Order! Do not answer your own question. You have already sought the necessary clarifications.

**Sen. M. Kajwang:** Mr. Speaker, Sir, the last clarification on what the Senator calls one-acre rock outcrop which is famously called Migingo Island, I would like to get a confirmation from this Committee because this Island has been taken over by Uganda soldiers called UPDF and they are taxing Kenyan fishermen. As the issues continue, what is the status quo? Under whose jurisdiction is this Island? When will the Ugandan soldiers stop harassing Kenyan fishermen on this Island?

**The Speaker** (Hon. Ethuro): Hon. Senators, if you are interested in making an intervention, please, do it under requests.

**Sen. Murkomen:** Mr. Speaker, Sir, the Committee on Devolved Government visited Turkana, Mandera, Wajir, Tana River and Marsabit counties because they are border counties. They are situated in countries where there is conflict, particularly Somalia. The question the people are asking is what the policy of the Government is in involving border counties on matters of foreign affairs. What role do they play? When we went to Turkana, they are busy protecting Kenya. There are few policemen there and the Government is not discussing the boundary issue even in Kenya. The people in Turkana told us that they act as a buffer zone between Kenya and other countries. What policy should the Ministry of Foreign Affairs put in place to ensure that county governments are involved on matters of foreign relations?

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, further to the clarification sought by Sen. M. Kajwang, in the year 2011, the Government of Kenya dispatched a team of surveyors to Migingo Island. Some funds were even set aside. Sen. Orengo was the Minister of Lands then. To date, we have not received a report on the outcome of the survey. The two governments had dispatched surveyors to identify the boundaries in Migingo Island. Could the Vice Chairperson undertake to bring the report so that we can know what became of it?

**The Senate Minority Leader (Sen. Wetangula):** Mr. Speaker, Sir, this is a matter of tremendous, vital, national interest. Under our new Constitution, unlike the constitution of other countries, including Uganda, they describe their international boundaries and territory from beacon to beacon, hill to hill and river to river. In our Constitution, we simply said in Article 5 that our territory consists of territory and territorial waters comprising Kenya on the effective date and any additional territory and territorial waters as defined by an Act of Parliament.

The last Act of Parliament is the Provinces and Districts Act of 1982. Today, we have a problem with South Sudan. The late hon. (Prof.) George Saitoti led a delegation, including me, Sen. Munyes, the late Kajwang and Sen. Haji to Turkana. The South Sudanese blocked us 30 kilometres away from the international boundary and told us that, that is where the border is.

As I speak, the South Sudan-Kenya boundary is ten kilometres inside Kenya. We have Migingo Island and the Ethiopian problem.

**The Speaker (Hon. Ethuro):** Order! It is Statement time, please, seek clarification.

**The Senate Minority Leader (Sen. Wetangula):** Mr. Temporary Speaker, Sir, I am seeking clarification. We prepared our maritime boundary in accordance with the direction of the United Nations (UN), extending our maritime jurisdiction by 2050 as allowed by the UN. Documents were lodged by Kenya at the UN, but Somalia went and removed the documents. They are now saying that what was our territory is not our territory. My question is: Is the Committee able to impress on the Government, as a matter of urgency, to first give effect to Article 5 of the Constitution by bringing legislation?

Secondly, we should not wait until 2018 to comply with the UN and AU directive, but to do it urgently and immediately. Where Somalia has threatened to take us to the international court, in fact, we should be the ones to pre-empt it by going there if there is a dispute. Otherwise, apart from Tanzania, every other neighbour has a boundary issue with our country. This is not good for Kenya and for the region. In the advent of finding mineral resource wealth, we are staring at conflicts in all directions and this is not good for the country.

**Sen. Billow:** Mr. Speaker, Sir, our successive governments have shied away from resolving border disputes. Border disputes have a potential to create conflict. However, in this country, they have always shied away from counties and national borders. I want to seek a clarification on this matter regarding Somalia, not on the maritime disputes that have gone to the United Nations, but on the border wall that is reportedly under construction.

We have been informed that the construction of the wall between Somalia and Kenya in Mandera Town was stopped after the construction started because the Somali Government raised a complaint about the border. Could the Vice Chairperson clarify that the construction of that security wall has been stopped because of the dispute on the border between Kenya and Somalia? Could she explain the reason for the stoppage of the construction of the wall?

**Sen. Wangari:** Mr. Speaker, Sir, I sought the Floor earlier under a point of intervention. I want to comment about the students that are in the gallery and not specifically on this Statement. I welcome them, especially because they are boys. As you know, we are dealing with a crisis of illicit brews and other vices in our counties, which are mostly consumed by young men. I hope that they will learn from the great men and women in this House to be of great and positive impact to the ones that they have left behind and their respective communities.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, one of the reasons I opposed the then Constitution draft in the Tenth Parliament was because of the absence of an annex of the true map of Kenya showing boundaries and beacons as put forward by Sen. Wetangula. Is the Government ready to join *Okoa* Kenya and make that amendment in the Constitution?

Is it true, as declared by President Museveni, that Kenya owns Migingo Island and Uganda owns the water?

**Sen. Adan:** Mr. Speaker, Sir, this is a very important matter to the Government. As I have said earlier, I wish to inform the House that the government is serious in terms of dealing with boundary disputes. I read in the statement that there is an office that is established to look at these particular issues.

Pertaining to the Migingo Island, let me inform this House that two weeks ago, we had a meeting with the Cabinet Secretary for Foreign Affairs and International Trade to discuss the Petition before the Committee on Migingo Island and the challenges faced by fishermen around Migingo and Busia.

We were informed that Kenya is ready to implement the decisions that were made then. Unfortunately, Uganda did not have the finances to carry out the survey and

implement the decisions they have made diplomatically. That is the position regarding Migingo Island, but I might not be able to provide the status of the report. It is a matter that I want to discuss with the relevant Ministry.

Regarding the map that was supposed to be annexed to the Constitution, is a matter that we need to pick up with the relevant department of the Ministry to find out how we can annex that when we have the constitutional amendment. I am not ready to comment on the issue of the Government joining the *Okoa* Kenya initiative.

I will get the HANSARD report and discuss all the matters that are new regarding the policy involving the county governments that are having problems with international boundaries and give a further statement to this request that is made in the House.

**Sen. Munyes:** Mr. Speaker, Sir, I am not satisfied with the way this matter has been responded to by the Vice Chairperson. In view of what has been said here, Kenyans out there are not sure of what the true map of Kenya is. The Vice Chairperson should tell us what the true map is. Is it the straight line from Mogila to Lake Turkana? Is the Elemi Triangle still ours as far as the dispute is concerned?

On the issue of the District and Provinces Act of 1992, which conflicts with our map, what specific action will the Government take to correct that anomaly? The map says that there is an Elemi Triangle with us, but the Act of 1992 says it is the straight line cutting out over 10,000 square kilometres of Kenya.

Mr. Speaker, Sir, finally, I want to understand the specific diplomatic actions taken by the Government to undertake and correct these anomalies along the border of Somalia, Ethiopia, Uganda and South Sudan.

**Sen. Billow:** On a point of order, Mr. Speaker, Sir. The Vice Chairperson did not respond to the clarification that I sought.

**Sen. Adan:** Mr. Speaker, Sir, I explained that I might not have the answers for some of the concerns raised by hon. Members.

With your permission, I will provide further clarifications why the wall that was being constructed around Mandera was stopped. I do not have that information right here with me. Let me confirm to this House that I will seek further information and provide it by Tuesday, next week.

**The Speaker** (Hon. Ethuro): I thought that is what I heard from the Vice Chairperson. So, Sen. Munyes and Sen. Billow, you need to be listening to her when she is talking.

Sen. Adan, in one week's time, you will come back to the House and give us the necessary responses.

Hon. Senators, we will conclude that particular business. It is Wednesday afternoon. As we agreed, it is time for voting. We will take Order No.8 after Order No.11. We will now go into the Committee of the Whole to take Division on Orders No.9, 10 and 11. There are very minor amendments. So, let us dispose of that business.

Next Order!

## COMMITTEE OF THE WHOLE

*(Order for Committee read)*  
*[The Speaker (Hon. Ethuro) left the Chair]*

## IN THE COMMITTEE

*[The Temporary Chairperson*  
*(Sen. (Dr.) Machage) took the Chair]*

THE NATIONAL GOVERNMENT COORDINATION  
(AMENDMENT) BILL (SENATE BILL NO. 30 OF 2014)

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, we are now in the Committee of the Whole. If we get organized, we can finish this in a very short time. We will start with Order No.9, the National Government Coordination (Amendment) Bill (Senate Bill No.30 of 2014).

In Considering the Bill, various parts shall be considered in sequence. I do not have to go through the sequence since the Clerk-at-the-Table will guide us on this.

*Clauses 2 and 3*

**The Temporary Chairperson** (Sen. (Dr.) Machage): I propose that Clauses 2 and 3 be part of the Bill. I see no interests. These two clauses have no amendments. We shall take the Division at the end.

*(Question, that Clauses 2 and 3 be part of the Bill, proposed)*

*Title*

**The Temporary Chairperson** (Sen. (Dr.) Machage): I propose that the Title be part of the Bill. We shall have the Division at the end.

*(Question, that the Title be part of the Bill, proposed)*

*Clause 1*

**The Temporary Chairperson** (Sen. (Dr.) Machage): I propose that Clause 1 be part of the Bill. We shall have the Division at the end.

*(Question, that Clause 1 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Let us have Division on the question that Clauses 2 and 3, the Title and Clause 1 to be part of the Bill.

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Can the Whips confirm whether we have the numbers?  
Please, ring the Division Bell for two minutes.

*(The Division Bell was rung)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Please, draw the Bar and close the door.

*(The Bar was drawn and the doors closed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order Members! You have one minute to vote.

### DIVISION

#### ELECTRONIC VOTING

*(Question, that Clauses 2 and 3, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kivuti, Embu County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, these are the results of the Division:-

**AYES:** 29

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 29 votes to 0)*

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*(Clauses 2 and 3 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairperson** (Sen. (Dr) Machage): We will go to the next one. I will not order for the Bar to be withdrawn or the door opened until we finish. They are very short and we will finish very fast.

THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL  
(NATIONAL ASSEMBLY BILL NO. 42 OF 2013)

*Clause 3*

*(Question, that Clause 3 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. (Dr) Machage): There is no amendment. Division will come later.

*Clause 4*

**Sen. Kivuti:** Mr. Temporary Chairperson, Sir, I beg to move:-  
THAT, Clause 4 of the Bill be amended by deleting sub-clause (2) and substituting, therefore, the following new sub-clause-

(2) The Authority shall establish offices in each county.

This amendment will impose an obligation on the Authority to establish offices in the county. This will bring the services of the Authority closer to the people and it is also in furtherance of the principle of devolution as enshrined in the Constitution.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): I will put the Question at the end.

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Temporary Chairperson, Sir. The procedure is that we vote on the amendment. If it passes, we will eventually vote for it to be part of the Bill. We cannot have two votes in one clause that is being amended. This is because we must carry the amendment then the clause as amended be voted on as part of the Bill. So, it cannot be stayed to be voted twice later.

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**The Temporary Chairperson** (Sen. (Dr) Machage): That is what we have been doing. However, if the House so desires, we can still dispose of this amendment. You are quite in order.

### DIVISION

#### ELECTRONIC VOTING

*(Question, that Clause 4 be amended as proposed,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kivuti, Embu County; Sen. Leshore, Samburu County, Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, I announce the results of the Division as follows:-

**AYES:** 29

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 29 votes to 0)*

*(Clause 4 was amended)*

*(Question, that Clauses 5, 6 and 7 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): There is no amendment and not intervention. Next!

*Clause 8*

**Sen. Kivuti:** Mr. Temporary Chairperson, I beg to move:-

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THAT, Clause 8 of the Bill be amended-

(a) in sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)-

(d) (a) one person who shall be nominated by the Council of CountyGovernors

(b) In sub-clause (5) by inserting the words “and (1)(d(a)” immediately after the words “Sub-section (1)(d)”

Mr. Temporary Chairperson, Sir, this amendment proposes to include in the composition of the Board of the Authority, one person nominated by the Council of County Governors. This will have the effect of ensuring that the interests of the counties are taken into account in all matters before the Authority.

Thank you.

*(Question of the Amendment proposed)*

**Sen. Billow:** On a point of order, Mr. Temporary Chairperson, Sir. Legally, we refer to it as the Council of Governors (COG) and not the Council of County Governors.

**Sen. Kivuti:** Mr. Temporary Chairperson, Sir, I concur.

## DIVISION

### ELECTRONIC VOTING

*(Question, that Clause 8 be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Boy Juma Boy; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong’o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County; Sen. Sijeny, Nairobi County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Temporary Chairperson** (Sen. Mositet): Hon. Senators, the results of the Division are as follows:

**AYES:** 29

**NOES:** Nil

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**ABSTENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 29 votes to 0)*

*(Clause 8 as amended agreed to)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): There are no amendments.  
Next!

*(Question, that Clauses 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 be part of the Bill proposed)*

*Schedule*

*(Question, that the Schedule be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): There are no amendments.  
Next!

*Clause 2*

*(Question that Clause 2 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): There are no amendments.  
Next!

*Title*

*(Question, that the Title be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): There are no amendments.  
Next!

*Clause 1*

*(Question that Clause 1 be part of the Bill proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): There are no amendments.  
Now I want us to go to the Division.

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## DIVISION

## ELECTRONIC VOTING

*(Question, that Clauses 3, 4 (as amended) 5, 6, 7, 8 (as amended) 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32, Schedule, Clause 2, Title and Clause 1, be part of the Bill put and the Senate proceeded to vote by County Delegations)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): You may start voting now.

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Kajwang' M., Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County; and, Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, the results are as follows:-

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 30 votes to 0)*

*(Clause 4 as amended agreed to)*

*(Clause 8 as amended agreed to)*

*( Clauses 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 agreed to)*

*(Schedule agreed to)*

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*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

THE PARLIAMENTARY SERVICE (AMENDMENT) BILL  
(SENATE BILL NO.21 OF 2014)

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, we are on Order No.11, Committee of the Whole on the Parliamentary Service (Amendment) Bill (Senate Bill No.21 of 2014).

*Clauses 2 and 3*

*(Question, that Clauses 2 and 3 be part of the Bill proposed)*

*Clause 4*

**Sen. Murungi:** Mr. Temporary Chairman, Sir, I beg to move:-  
THAT, clause 4 of the Bill be amended in the proposed new clause 12B by—(a) deleting paragraph (c) appearing in sub-clause (2);  
(b) renumbering the sub-clause appearing immediately after sub-clause (2) as sub-clause (3); and,  
(c) deleting paragraph (c) appearing in sub-clause (3).

**The Temporary Chairperson** (Sen. (Dr.) Machage): Do you have any reasons?

**Sen. Murungi:** Mr. Temporary Chairman, Sir, the reason is that we included one Member of the National Assembly in the composition of the Senate Service Committee. This being a Senate Service Committee, a Member of the National Assembly has no business sitting in the Committee. So, the amendment is to remove the Member of the National Assembly from the Senate Committee.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): You may start voting now.

## DIVISION

## ELECTRONIC VOTING

*(Question, that Clause 4 be amended as proposed put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Elachi, Nairobi County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. Leshore, Samburu County; Sen. (Prof) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr.; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows.

**AYES:** 29

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(The Question carried by 29 votes to 0)*

*(Clause 4as amended agreed to)*

*Clause 5, Title, Clause 1*

*(Question, that Clause 5, Title and Clause 1 be part of the Bill proposed)*

**The Temporary Speaker** (Sen. (Dr.) Machage): We will now go to Division, to vote for Clauses 2, 3, 4 as amended, 5, Title and Clause 1.

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**DIVISION****ELECTRONIC VOTING**

*(Question, that Clauses 2, 3, 4 (as amended) 5, Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. Leshore, Samburu County; Sen. (Prof) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr.; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

**NOES:** Nil.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows.

**AYES:** 30

**NOES:** Nil

**ABSTENTIONS:** Nil

*(The Question carried by 30 votes to nil)*

*(Clause 4 as amended agreed to)*

*(Clauses 2, 3 and 5 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Every Mover will report on his or her order. So, we will start with Order No.9, the National Government Coordination (Amendment) Bill (Senate Bill No.30 of 2014).

Proceed, Sen. (Prof.) Lonyangapuo.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the National Government Coordination (Amendment) Bill (Senate Bill No.30 of 2014) and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order No.10, the National Drought Management Authority Bill (National Assembly Bill No.42 of 2013).

Proceed, Senate Majority Leader.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Hon. Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the National Drought Management Authority Bill (National Assembly Bill No.42 of 2013) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Next is Order No.11, the Parliamentary Service (Amendment) Bill (Senate Bill No.21 of 2014).

Proceed, Sen. Murungi

**Sen. Murungi:** Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Parliamentary Service (Amendment) Bill (Senate Bill No.21 of 2014) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): You can open the doors, but remember that we have one Division to go.

Sorry, draw the bars.

*(The House resumed)*

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*[The Temporary Speaker (Sen. Mositet) in the Chair]*

**The Temporary Speaker** (Sen. Mositet): Order, Senators!  
I call upon the Chairperson to report on the National Government Coordination (Amendment) Bill (Senate Bill No.30 of 2014)

### **REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS**

THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL (SENATE BILL NO.30  
OF 2014)

**Sen. (Dr.) Machage:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the National Government Coordination (Amendment) Bill (Senate Bill No.30 of 2014) and its approval thereof without amendments.

*(Question proposed)*

**The Temporary Speaker** (Sen. Mositet): I call upon the Mover to move.  
**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I beg to move that the Senate do agree with the Committee on the said report.  
**Sen. Wetangula** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Mositet): Where is the Mover?  
**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I beg to move that the National Government Coordination (Amendment) Bill (Senate Bill No.30 of 2014) be now read a Third Time.

**The Temporary Speaker** (Sen. Mositet): Mover, who was seconding?  
**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, the seconder is Sen. Murkomen.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Mositet): Division on this will come later.

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THE DROUGHT MANAGEMENT AUTHORITY BILL  
(NATIONAL ASSEMBLY BILL NO.42 OF 2013)

**The Temporary Speaker** (Sen. Mositet): The Chairperson for the Drought Management Authority Bill (National Assembly Bill No.42 of 2013), please, report.

**Sen. (Dr.) Machage:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered The National Drought Management Authority Bill (National Assembly Bill No.42 of 2013) and its approval thereof with amendments.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, I beg to move that the Senate do agree with the Committee on the said Report. I request Sen. Obure to second.

**Sen. Obure** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Senate Majority Leader** (Sen.(Prof.) Kindiki): Mr. Temporary Speaker, Sir, I beg to move that the National Drought Management Authority Bill (National Assembly Bill No.42 of 2013 be now read a Third Time.

I request Sen. Obure to second.

**Sen. Obure** seconded.

*(Question proposed)*

THE PARLIAMENTARY SERVICE (AMENDMENT) BILL  
(SENATE BILL NO.21 OF 2014)

**Sen. (Dr.) Machage:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered The Parliamentary Service (Amendment) Bill (Senate Bill No.21 of 2014) and its approval thereof with amendments.

*(Hon. Senators stood up)*

**Sen. Murungi:** Mr. Temporary Speaker, Sir, could you request these two Senators to sit down?

**The Temporary Speaker** (Sen. Mositet): Please, take your seats.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I beg to move that the Senate do agree with the Committee in the said Report.

**Sen. (Prof.) Kindiki** seconded.

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*(Question proposed)*

*(Question put and agreed to)*

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I beg to move that the Parliamentary Service (Amendment) Bill, Senate Bill No.21 of 2014 to now read a Third Time.

**Sen. Murkomen** seconded.

*(Question proposed)*

**The Temporary Speaker** (Sen. Mositet): We shall now go to Division and I order the Division Bell be rung for one minute and then we shall vote for all the Bills.

*(The Division Bell was rung)*

**Sen. Khaniri:** Bw. Spika wa Muda, hiki kitu changu hakifanyi kazi!

*(Laughter)*

**The Temporary Speaker** (Sen. Mositet): Sen. Khaniri, ni kitu gani chako hakifanyi?

*(Laughter)*

Give the Senator the Microphone so that he can explain himself.

**Sen. Khaniri:** Bw. Spika wa Muda, nasikitika sana kwani hata baada ya Bunge letu kutumia pesa nyingi kutuwekea mitambo hii, hiki kitu changu kimekataa kufanya kazi. Nafinya lakini hakifanyi kazi.

*(Laughter)*

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Mositet): Order, Sen. Murkomen, already Sen. Madzayo is on a point of order.

**Sen. Madzayo:** Hoja ya nidhamu, Bw. Naibu Spika. Nataka kuuliza kitu kimoja, nimemsikia Seneta wa Vihiga akisema kwamba “kitu chake” hakifanyi kazi. Tunataka afafanue zaidi ni kitu gani kilicho mbele yake hivi sasa ambacho hakifanyi kazi.

**The Temporary Speaker** (Sen. Mositet): Nafikiri Sen. Khaniri aliweza kufafanua vizuri, ni Kiswahili kilimpita kidogo. Unaposema “kitu chako”, haimaanishi kile unachobeba, ni chombo—

*(Loud Consultations)*

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**Sen. Murkomen:** Mr. Temporary Speaker, Sir, did you notice that when Sen. Khaniri was saying “*kitu changu hakifanyi*”, he was pointing somewhere around his legs?

*(Laughter)*

**The Temporary Speaker** (Sen. Mositet): I never saw that, Sen. Murkomen. Is there anyone who has not voted? Please, come and be assisted.

**The Temporary Speaker** (Sen. Mositet): Since the Division is over, the bar can be undrawn.

**Hon. Senators:** Not until the results are announced

**The Temporary Speaker** (Sen. Mositet): Okay. Let us wait for results to be announced before the bar can be undrawn.

## DIVISION

### ELECTRONIC VOTING

*(Question, that the National Government Coordination (Amendment) Bill (Senate Bill No.30 of 2014) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'- Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Kagwe, Nyeri County; Sen. Kajwang M., Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Orengo, Siaya County; Sen. Sang, Nandi County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

**NOES:** Nil

**The Temporary Speaker** (Sen. Mositet): The results of the Division are as follows:-

**AYES:** 32

**NOES:** Nil

**ABSENTIONS:** Nil

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*(Question carried by 32 votes to nil)*

*(The Bill was accordingly read the Third Time and passed)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that the National Drought Management Authority Bill (National Assembly Bill No.42 of 2013) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'- Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Kagwe, Nyeri County; Sen. Kajwang M., Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Orenge, Siaya County; Sen. Sang, Nandi County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

**NOES:** Nil

**The Temporary Speaker** (Sen. Mositet): The results of the Division are as follows:-

**AYES:** 31

**NOES:** Nil

**ABSENTIONS:** Nil

*(Question carried by 31 votes to nil)*

*(The Bill was accordingly read the Third Time and passed)*

**DIVISION**

## ELECTRONIC VOTING

*(Question, that the Parliamentary Service (Amendment) Bill  
(Senate Bill No.21 of 2014) be now read a Third Time,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'- Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Kagwe, Nyeri County; Sen. Kajwang M., Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Orenge, Siaya County; Sen. Sang, Nandi County; Sen. Sijeny, Nairobi County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

**NOES:** Nil

**The Temporary Speaker** (Sen. Mositet): The results of the Division are as follows:-

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

*(Question carried by 30 votes to nil)*

*(The Bill was accordingly read the Third Time and passed)*

**The Temporary Speaker** (Sen. Mositet): Let us move to next Order. We are rearranging the Order Paper to move to Order No.13.

Please, proceed the Senate Majority Leader (Sen. (Prof.) Kindiki)

**BILLS***Second Reading*THE COUNTY RETIREMENT SCHEME BILL  
(SENATE BILL NO.25 OF 2014)

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir. I beg to move that the County Retirement Scheme Bill (Senate Bill No.25 of 2014) be now read a Second Time.

I will be very brief because this Bill is very short and its purpose is straight forward. I will not belabour so much for that purpose. This Bill intends to create a pension scheme for county government workers. This Bill has been before the Committee on Labour and Social Welfare.

The Speaker submitted the Bill to the Committee on Labour and Social Welfare on 6<sup>th</sup> August, 2014, approximately one year ago. The reason why this has been the case is that both the Committee and I, as the sponsor of the Bill, have been engaging with various stakeholders for consultation as much as possible in order to get the widest consensus within the stakeholders.

Mr. Temporary Speaker, Sir, during that one year – the Chairperson of the Committee can bear me witness and I will request him to Second the Bill later – the Committee and I consulted very many stakeholders including the National Treasury, the Pensions Department, the Council of Governors (CoG) and the Retirement Benefits Authority (RBA) which is the regulator on matters of pension in this country. Others who were consulted were the existing pension and social security arrangements for workers who used to serve in the defunct local authorities which are mainly two schemes; LAPTRUST and the LAPFUND. LAPTRUST is established by the Legal Notice of 2007 and LAPFUND under an Act of Parliament namely, the Local Authorities Provident Fund Act, Cap. 272 of the laws of Kenya.

The Committee and I have also consulted the Transition Authority (TA), the Salaries and Remuneration Commission (SRC), the Council of Governors (CoG), the Commission for the Implementation of the Constitution (CIC), the County Public Boards Forum (CPBF) of all counties as well as the Kenya County Governments Workers' Union (KCGWU), which is the trade union that represents the existing workers of county governments.

Mr. Temporary Speaker, Sir, as we speak – I am sure the Chairperson will elaborate on this – we are almost reaching an agreement although there are a few outstanding issues. I have been informed by the Chairperson of the Committee that there will be a final push on 23<sup>rd</sup> July, 2015, to bring all the stakeholders together to try and reach an agreement before the Bill goes into the Committee of the Whole to be read a Third Time.

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This issue of pensions and retirement benefits of workers of county governments is very sensitive. We have people who were seconded from the defunct local authorities who were inherited by county governments and are even retiring as we speak. The urgency of having a retirement law for the counties is very real and the more reason why we hope that a consensus will be built on the outstanding issues as soon as possible so that this law is finalised.

Mr. Temporary Speaker, Sir, the regulator which is the RBA, the National Treasury, the TA and a few other stakeholders including the CGWU have almost agreed. We just have one or two outstanding issues which were raised by the CoG and LAPTRUST which is one of the schemes that was existing under the previous arrangement.

There was a technical committee which was put together even before these processes began by the CoG, the TA and all other stakeholders. The report of that Committee has been submitted and the Chairperson and his Committee have looked at those recommendations. We hope, going forward, it will not be difficult to build consensus on the remaining issues.

This Bill creates a retirement scheme for all the workers in county governments and, of course, providing for the usual regulation by the regulator, in this case, RBA. It does a number of things including creating a board of trustees in Clause 6. This Board will be composed of various trustees including representatives nominated by the CoG, the CGWU, the CPBF, the National Treasury and a few other stakeholders.

Mr. Temporary Speaker, Sir, the provisions related to the mode of appointment of this Board, powers, term of office, conduct of meetings, remuneration and other provisions are provided for in clauses 7 to 22 of the Bill. The purpose of this Board is to ensure there is policy guidance so that this Scheme is run in accordance with policy instruction of the Board. The gender issue and gender balance is retained in the composition of the Bill.

Part 2 of the Bill talks about the appointment of a Fund Manager who will be appointed by the Board. The Fund Manager will implement the investment policy of the Scheme as approved by the Board from time to time. He or she will also manage the funds and assets of the scheme, among other responsibilities.

Mr. Temporary Speaker, Sir, the Bill also establishes the office of the Secretary to the Board who will take the minutes of the meetings of the Board and also advise the Board on day to day governance issues and administration. The Board is part time – a three year appointment – which can be renewed from time to time as the Board may direct.

The CEO of the Scheme will be the internal administrator although there is a provision for the external administrator who will be appointed by the Board. The Chief Executive Officer (CEO) will remain the internal administrator of the Fund in accordance with Clause 25. That is in Part 3 and it is about administration of the Fund.

Part 4 of the Bill is general provisions which provide, for example, under Clause 49, the duty of care is imposed on the trustees to ensure that the Scheme is at all times

managed in accordance with the provisions of this Act as well as those of the Retirement Benefits Act and any other law. The Board must also take reasonable care to ensure that the management and safe keeping of the assets of the Scheme is carried out in the best interest of the members, among other requirements. These are usual provisions. When you have a trusteeship as is in this case, the Board of trustees are maintaining and providing policy guidelines on the assets and funds of this Scheme on behalf of the members.

When you have an arrangement like that, it is important that those trustees be governed by some duty of care to ensure that the assets are not mismanaged and also to ensure that the funds of this Fund are invested wisely. We have in the past seen how some of the retirement arrangements that there have been, including the national retirement under the NSSF, issues of mismanagement or unwise spending or investment of workers pension money.

Mr. Temporary Speaker, Sir, clauses 50 and 51 downwards provide for the protection from personal liability on the part of the trustees so that a member of the board of trustees or employee of the scheme, if they act in good faith for the purposes of carrying out the provisions of this Act or any other law cannot incur personal liability. That is a common provision you will find within the law creating such institutions, including independent commissions. They must have functional immunity when they are exercising their functions so that you do not visit a decision of the Board. The consequences of a decision of the Board cannot be visited against a trustee. Of course, that does not cover criminal activities.

I can go on and on, but I think the most important thing is to say that there are also some transitional provisions which include repealing the current Cap.272 – The Local Authorities Provident Fund which establishes the LAPFUND, but also repealing the Legal Notice of 2007, No.10, that establishes LAPTRUST. The whole idea here is to close the existing schemes to new members, so that going forward, the new scheme will be able to recruit new members and the old schemes can wind up their activities through a transition period to ensure that old members get their pensions. Until they pay the last member that is the time they can be wound up. In the meantime, you have a new scheme which all the employees of county governments can subscribe to and save their retirement benefits and have them secured by a board, a fund manager, a custodian, a fund administrator and so on, and so forth.

Without much ado as I promised, I want to end there and pray that the last stakeholder meeting that I am informed the Committee will be holding soon will go on as scheduled so that we can continue with the finalization and Third Reading of this Bill.

With those few remarks, I beg to move and request the Chairman of the Committee on Labour and Social Welfare who is also the Senator for Kilifi County to second. Thank you.

**Sen. Madzayo:** Asante sana, Bw. Spika wa Muda. Kwanza ningetaka kuunga mkono Mswada huu wa kaunti hasa unapohusika na wafanyikazi waliostaafu wa kaunti zote 47 katika nchi ya Kenya.



Kamati ya Leba na Maslahi ya Wafanyi kazi iliwaalika washikadau wote ambao wanahusika na pesa za waliostaafu katika kaunti zote 47 katika nchi ya Kenya. Katika mwaliko huo, walikuwemo; Kamati ya Fedha, Biashara na Bajeti ya Seneti, Wizara ya Fedha katika Serikali ya Kenya, Shirika linalohusika na malipo ya uzeeni – RBA, wale wanaohusika na pesa za wafanyikazi katika kaunti zote nchini ambao ni wawili, zikiwemo LAPTRUST na LAPFUND. Vile vile, Kamati yetu ilialika Shirika la Mpito katika nchi ya Kenya (Transition Authority).

Pia, tuliweza kualika Tume ambayo inaangalia mishahara ya wafanyikazi katika nchi ya Kenya (The Salaries and Remuneration Commission), the Council of Governors (COG) waliweza kuja na pia tume ya kutekeleza katiba (CIC). Vile vile, kulikuwa na chama kile kinachowatetea wafanyikazi katika nchi ya Kenya ambacho kinahusika na serikali za kaunti.

Bw. Spika wa Muda, kati ya hao washikadau wote, tuliweza kuwaita na tukasikiza kwa kina maoni yao. Mengi yalijitokeza, na miongoni mwa yale yaliyojitokeza ni kwamba wafanyikazi wa kaunti zote 47 walikuwa wanasikitika sana kwa ucheleweshaji wa kujumuisha washikadau hawa wawili; LAPTRUST na LAPFUND, ili kuona ya kwamba mashirika haya mawili yanayoweka pesa za wafanyikazi ambao wanafanya kazi katika kaunti zote, ambazo ni pesa nyingi, wao wako na wasiwasi na hawawezi kujua kama pesa zao zitawekwa vizuri, hali ya kwamba ikiwa watastaafu, basi pesa hizo hazitakuwa na ufujaji wa aina yoyote.

Tuliweza pia kufahamu kwamba kuna kaunti zingine katika nchi ya Kenya ambazo zinachukua pesa hizi za wafanyikazi ambao wamestaafu katika kaunti na wale walioko hivi sasa na watastaafu. Wakishazitoa pesa hizi kwa mishahara yao, hawazipeleki kwa hawa washika dau wawili. Inafaa wapeleke kwa LAPTRUST ama kwa LAPFUND lakini hao huziweka. Kwa hivyo, kumekuwa na wasiwasi kwamba, je, watazipata wakati watakapostaafu? Hilo ndilo swali kubwa ambalo tuko nalo.

Katika Kamati vile vile, tuliweza kusikia tetesi mbali mbali. Lakini kwa sababu sisi kama Kamati tumeangalia na tumeona kwamba ingefaa kama tungewaita hawa washikadau wote pamoja kwenye kongomano kubwa. Tukiwaweka pamoja, tutafanya vile makadinali wanafanya wakati wanapomchagua Baba Mtakatifu. Tutawaweka pamoja mpaka tuone moshi mweupe.

Kwa hivyo, sisi kama Kamati ya *Labour and Social Welfare* tutakuwa na kongamano. Tutawaita washikadau wote ambao tumewataja hapo awali. Miongoni mwao ni *Council of Governors (CoG)* na wawakilishi wa vyama mbalimbali vya wafanyakazi. Kila mtu atapewa nafasi ya kuzungumza ili tuseme yale tutakayosema. Ikiwa kutakuwa na ratiba na memoranda zitakazokuwa zimeandikwa, tutazichukuwa. Endapo watakuwa na mambo ya kusema, tutayasikiliza. Hiyo inamaanisha kuwa kutakuwa na mabadiliko mengi katika Mswada huu.

Bw. Spika wa Muda, kwa sababu tunataka kila mtu atosheke, kila mtu atapewa nafasi ya kutoa maoni yao. Kamati hiyo itakayojumuisha sisi hapa kama Seneti na Bunge la Taifa itakaa na kuchanganua maoni yote ili tupate mwelekeo. Hiyo itakuwa baada ya kongamano kubwa tutakalokuwa nalo kuanzia tarehe tatu hadi tarehe 26 mwezi

huu wa saba. Tutawaalika washikadau wote na Seneti ili tuweze kujadiliana. Ikiwa kutakuwa na maoni tofauti tofauti, tutayachanganua wakati huo.

Baadaye, tutarudi hapa na kuangalia mageuzi yatayopendekezwa katika Mswada huu. Huenda yakawa mengi na yatatusaidia. Tutayajumuisha maoni hayo katika Mswada huu kabla ya kuuleta hapa tena. Seneti itaamua kutengeneza mabadiliko ili kuendelea na Mswada huu baada ya kuchukuwa maoni ya watu wote na kuyaweka pamoja ili kujua mwelekeo utakuwa upi.

Hatari moja katika Mswada huu ni kwamba viongozi wengi wa siasa wanachaguliwa na wananchi kwa muda. Hatuwezi kuacha pesa hizo nyingi katika mikono iliyo na muda wa kutelekeza majukumu ikilinganishwa na siasa tuliyonayo. Huenda ukawepo leo na kukosa kuwepo kesho. Lazima pesa za wafanyikazi ziwekwe katika benki na kuwa na mkataba kati ya washikadau na Serikali ambao hauwezi kubadilishwa. Tunafaa kuhakikisha kuwa pesa za wafanyikazi ziko mahali pema ambapo hakuna mtu anaweza kuzivuja. Hii ni mipangilio ambayo sisi kama Kamati ya *Labour and Social Welfare* tunayo. Tunanuia kuwa wakati tutakapopeleka barua sehemu mbalimbali kuwaalika washikadau, wote watakuja ili tujadiliane.

Mwisho, Bw. Spika wa Muda, tumeona ya kwamba mwelekeo unahitajika katika pesa ambazo sasa hivi hazipelekwi katika *Local Authorities Pension Trust (LAPTRUST)* ama *Local Authorities Pension Fund (LAPFUND)*. Nia ya Kamati hii kutengeneza mwamvuli ambao utajumuisha hawa washikadau wawili, LAPTRUST na LAPFUND, na kuwaweka pamoja. Watatakikana kutengeza mwamvuli wa sheria ambapo kila mfanyakazi atajua kuwa pesa zake ziko mahali pema na salama. Hiyo ndio nia ya Kamati. Ni kwa sababu hii ninaunga mkono Mswada huu.

Nampongeza ndugu yangu; Kiongozi wa Walio Wengi katika Seneti, kwa kuleta Mswada huu.

Asante sana, Bw. Spika wa Muda.

*(Question proposed)*

**Sen. (Eng.) Muriuki:** On a point of order, Mr. Temporary Speaker, Sir. I had placed my request to contribute to the Bill.

**The Temporary Speaker** (Sen. Mositet): Yes, I can see it. Please go on.

**Sen. (Eng.) Muriuki:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute. I stand to support this Bill.

Mr. Temporary Speaker, Sir, this is a very important Bill. As we all know, we came up with the new Constitution a few years ago. That was in 2010. Prior to that, we had the central Government and the local authorities. Local authorities had retirement schemes which included LAPTRUST and LAPFUND. The LAPTRUST was meant for senior officers while LAPFUND was for the junior ones. The new Constitution came with the devolved units called counties.

Owing to the new Constitution, many of the staff who served in the local authorities were absorbed by county governments. The important question arose as to

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which way to go as far as retirement is concerned. Since the Constitution and other laws were not very clear other than stating – in the County GovernmentS Act – that they would join an existing scheme---. However, the term “existing scheme” did not properly state whether it was an existing scheme in the sense of it having been made or it existed before the promulgation of the new Constitution.

Governors took it upon themselves to initiate a system where they joined the LAPTRUST. They went ahead to even baptize it some name. It is now called the County Pension Fund (CPF) and many workers in county governments joined the CPF. When this Bill came, it generated a lot of interest within the Committee and other people who had been invited to give their submissions to the Committee; mostly emanating out of the very active public participation that took place some time last year. Submissions from various stakeholders have many interest groups because a lot of money is involved in this case. We are talking about billions of shillings.

Among the many groups with different interests were the governors, the LAPTRUST and the LAPFUND stakeholders and the Treasury which came with conflicting ideas. Some of them are very selfish in a way that you could see them only talking about how they want things to be.

We called governors during the public hearing. They appeared again once before the Committee. The stand they had from the beginning is what they have now, that this Bill is not good because it is modelled along the provisions of the LAPFUND which previously existed for the low cadre levels in the local authorities. The governors wanted the other scheme. They have gone ahead to demand for that. They have expressed their own feelings and the way they want things to be done by the Treasury. The Transition Authority was also being carried along by the governors.

Mr. Temporary Speaker, Sir, the long and short of it is that the Committee ended up with diverse views on which way to go. This is because the Committee’s view – which I am a Member and I should state that – was that we need an umbrella scheme which is not oriented to the LAPFUND or the LAPTRUST or any of the prior existing schemes. It is worth noting that the pushers of the LAPFUND are governors who are themselves not beneficiaries. The real beneficiaries of the scheme are workers in the county governments. As late as last week, we, as a Committee – as the Chairman elaborated – were still meeting some stakeholders. The conclusion was that the conference which was to be held some time earlier in the year should take place now, however late it may be. It is unfortunate that the Committee got really busy with other things and the conference took a backstage.

Mr. Temporary Speaker, Sir, it is good to notify everybody in the House and Kenyans at large, that it can very easily happen. The views are so divergent that we may end up actually revising or amending this Bill. In fact, we may end up with a totally new Bill from what we are seeing. That is the reason why we had to engage Sen. Kindiki as to whether it was actually not an opportune time to, perhaps, hold on a little bit, so that we can get the outcome of the stakeholders’ conference.

Be that as it may, there were also some fundamental issues, for example, the LAPTRUST as it was before and the way it is running now. One does not get a pension as such at the end of their working life. What you would get is a lumpsum and some of us – I included – were of the opinion that we are going to have a pension scheme. We have seen many people leaving formal employment and within a few years, they are total paupers because the little income they were getting is no longer there.

There were some arguments that we should give a lumpsum because the money involved is so little that it may not justify giving a little bit of it per month, perhaps until the end of the person's life. But the less it is the more important it is; that is, Kshs2,000 or Kshs3,000 per month is very important. The bigger earners can join other schemes and maybe invest heavily. In developed and industrialized countries, the aspect of retirement schemes is taken seriously. As a matter of fact, most of the real estates, including the shopping malls in Europe and South Africa are owned by retirement schemes of one form or another in the Government and private sector.

That is the way to go in our country because we are moving forward at a very fast pace. Also, because of poverty in the country, there are many people who do not have a way of taking care of themselves after their active life. Perhaps this is an opportune moment for the Senate to look through this Bill or otherwise and determine what we will do with the masses in formal employment, whose only recourse is the little contribution they do to the National Social and Security Fund (NSSF), which is generally not enough to take care of somebody who retires at the age of 60 or 70 years. God willing, that person has many more years to live and yet, there is nothing to turn to.

Mr. Temporary Speaker, Sir, hope now rests in the stakeholders' conference scheduled in another ten days or two weeks from now. I would urge the Mover of the Bill and Senators generally to attend the conference and approach it with an open mind. Let us not take sides at this time, so that we can determine which way to go. Even if it means rewriting the Bill, I would urge the sponsor to accept that. I am not saying that it will happen, but it is a possible eventuality.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

**Sen. Ong'era:** Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to also support this important Bill. From the outset, I would like to congratulate the Mover and seconder of this Bill for having brought, perhaps, the most important Bill that this House has ever discussed. It is only unfortunate that many distinguished Senators are not present in this House to make their contributions.

That notwithstanding, this Bill meets the relevant and requisite provisions with regard to the Retirement Benefits Scheme. I note that the Bill provides for the establishment of a board of trustees which is going to manage this scheme. The list of board of trustees includes something that is very important, which we have been omitting in the past. Some of the members of the board of trustees will be men and women of integrity, who have qualifications including actuarial science and have been administrators of schemes. This is a very good proviso. I hope to bring an amendment to the effect that amongst the board of trustees, we should also include a representative of

the Cabinet Secretary for Devolution and Planning, because that is the relevant Ministry that is in charge of devolution and the counties from the national Government.

Mr. Temporary Speaker, Sir, as I go through this Bill, I am also glad to note that there is a transition clause that links us to the former Local Authorities Provident Fund Scheme that had been established and, therefore, there will be continuity. The reason I mention this is that it greatly worries and saddens me the manner in which the former Local Authorities Provident Fund Scheme was managed. We are all aware that a lot of money was contributed to that scheme and most of which was embezzled. Some money is lying in bank accounts that are not even known.

You are aware that formerly some of the chairmen of that provident fund had actually even been arrested and charged in courts of law. Therefore, I am glad to see that there is a transition saving clause. I hope that when this board of trustees comes to manage this scheme, they will do a system audit of the Local Authorities Provident Fund as it was previously. In that audit scheme, I hope they will look at the assets and liabilities and how much money was raised. Could a report then be tabled in this Senate, so that we can be informed and we are able to make decisions?

Mr. Temporary Speaker, Sir, I hope that when this scheme is actually finally enacted, the beneficiaries will be paid in a timely manner. Many a time, we have many beneficiaries, especially widows, not paid or paid after ten years. This actually loses the point. There are cases of many people, especially widows, who keep rushing to the Office of the Attorney General, under administration. So many widows have never been paid over so many years. I wonder who is actually “eating” this money.

I hope that the beneficiaries will be paid in a timely manner. In any event, the reason a retirement scheme is established, is actually to help people who have worked very hard and served this country with dedication. When they retire, we want them to be comfortable. What is the point of them being uncomfortable when this money is just lying idle in many accounts and some of it has been embezzled by corrupt officials?

As I conclude, I want, again, to congratulate the Mover and Seconder for bringing this Bill which is going to enable our people out there to receive their money. I am very glad that the governors have not been greatly involved in this Bill. It says that only a representative of governors will be attending. These very governors are opposing this Bill because they want to continue enjoying money that cannot be accounted for.

Mr. Temporary Speaker, Sir, I beg to support.

**Sen. M. Kajwang:** Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute to this Bill. I would like to thank and congratulate the Committee that has worked tirelessly to get us to where we are. It has not been an easy matter to move to this level. Two of the institutions that this Bill proposes to merge, have engaged in some media activism to ensure that the Senate does not get into these matters.

We need to build a saving culture in this nation. I have spent about 14 years in the financial services sector, which includes insurance. Some of the problems that we have in this country as far as insurance and retirement schemes and benefits penetration are concerned stem from our savings culture. Sometimes I get troubled when I see employees

rejecting things like medical insurance, for example, which takes the burden away from the immediate family when someone falls sick and has to contend with high medical expenses.

We have seen the debate that has been going on with the teachers and civil servants with a proposal to do medical insurance. I urge everyone to look at issues rationally and dispassionately because insurance and savings is something that we need to go into if we will build funds that can grow this country, guarantee our people a prosperous future and liberate Senators and Members of the National Assembly from persistent fund raisers. For instance, someone retired from Government service and he is unable to educate their children; or he is a retired teacher and is unable to take his family to hospital.

Mr. Temporary Speaker, Sir, the retirement space is well regulated. We have a fairly competent authority, the Retirement Benefits Authority (RBA). When we come up with this Bill, we already stand guided by the RBA Act. Therefore, I will not attempt to discuss the technical aspects of this Bill. I appreciate the communication that there will be further consultations before we get to the Third Reading or a level where we can make substantive amendments.

I congratulate the RBA for the good work it has done in regulating this space. When it comes to retirement benefits, we are ahead of our neighbours and a number of other nations in the world. I spent a number of years in Uganda. I was there at a time when the country was trying to liberalise the pension sector. There were new requirements that were largely borrowed from Kenya. Some of the newly introduced requirements were that custodians, administrators and fund managers were now a mandatory component of all retirement benefit schemes. What transpired is that many Kenyans crossed borders to go to Uganda to take up jobs and set up companies as custodians, administrators and fund managers. So, the expertise we have built as a country is now becoming beneficial to our neighbours who are just getting to the point of liberalization of their pension sector.

Mr. Temporary Speaker, Sir, I noticed that this Bill explicitly states that this will be a defined contribution rather than a defined benefit scheme. Theorists on this matter will tell you that a defined benefit scheme is more advantageous to the employee because the benefits are set and are guaranteed to you. However, it is a disadvantage to the employer. When you look at the circumstances of our Government, it therefore, makes sense that we go for a defined contribution scheme. However, if I was in private practice and was to choose the kind of scheme that I would want to be part of, I would rather choose a defined benefit scheme as an employee, but this being Government, I believe that we can work with a defined contribution scheme.

The Bill also envisages a situation where Local Authorities Pension Trust (LAPTRUST) and Local Authorities Pension Fund (LAPFUND) will be merged. The transitional mechanisms need to be very clear. What has happened in the past is that LAPTRUST and LAPFUND have been led by individuals who are strong, good and experienced managers with also strong and powerful personalities. When you start

talking of mergers, sometimes it is the personalities that come to play rather than the fundamentals that influence the decision to merge the two schemes. We are looking at one universal scheme that will be used by the 47 county governments.

Mr. Temporary Speaker, Sir, a quick check on the asset base of LAPTRUST and LAPFUND, though this might not be very accurate, tells me that LAPFUND could be controlling about Kshs21 billion in assets while LAPTRUST about Ksh24 billion. We will get the exact figures when those stakeholder consultations take place. This is about Kshs45 billion that is held in form of assets by these two bodies. This can do a lot of good. When you walk around this city, many of the new buildings coming up are owned by pension or retirement schemes. When you walk around the leafy suburbs, many of these apartments that are coming up are owned by retirement schemes.

If we encourage our county employees to subscribe to one universal scheme, I foresee a situation where we will be growing our assets significantly beyond this Kshs45 billion. This pool of funds can be used to finance a lot of other initiatives within our county governments. The county governments can use these funds as the first port of call even before they go to expensive bank financing.

As I have stated, our retirement benefit schemes have played a significant role in the growth of our economy. That has also been helped largely by a regulator that has been moving ahead. As at 30<sup>th</sup> June, 2014, about Kshs750 billion was held as assets by retirement benefit schemes. When you look at the Kshs750 billion, about 20 per cent of it is held by the National Social Security Fund (NSSF) which is still a significant player when it comes to the pension space in this country. We need to learn lessons from NSSF and avoid making the same mistakes with this proposed retirement benefits scheme for county employees.

Mr. Temporary Speaker, Sir, NSSF has been a very good idea, but it has been misused and abused. You do not have to go very far, you just need to look at the turnover of Chief Executive Officers (CEOs) at NSSF to tell you that something is wrong. We must find a way of insulating the CEO of this proposed scheme from political interference and manipulation. When you look at the Board of Trustees at NSSF, we had a situation where the Central Organisation of Trade Union (COTU) found itself fighting another amorphous trade union that had been sponsored by some parties to ensure that the voice and influence of employees within that board of trustees is diluted.

In this Bill, there shall be employee representation within the Board of Trustees. However, it does not define who an employee representative is. This country has got many amorphous organisations. When you go to the education sector, you find something called parents association. When you ask when it was formed and office bearers elected, no one can tell you. You find that someone is an official of a parents association perpetually. It is as if they keep giving birth every other year. We must avoid a situation where we have amorphous organisations coming up and claiming to be employee representatives only to go and play, represent and articulate the interests of people who do not have the concerns of our workers at heart.

We must also ensure that this Fund defines its investment policy. This is because investment policy is not within the purview of an Act of Parliament to define it. However, we can encourage that if this Fund will be controlling Kshs50 billion, there has to be some priority given to projects that strengthen the capacity of our county governments. We have seen that pension schemes are significant contributors to real estate. That is one of the asset pluses.

The RBA Act has given some guidelines on portfolio diversification. Let this body not just build buildings in Nairobi. We would like to see a situation where they also invest in commercially viable real estate ventures across the counties. We should also see a situation where they become the best friend of the governors, especially when they are looking for funds to undertake commercially viable initiatives.

At the end of the day, what the County Retirement Benefits Act intends to do or the body that it intends to set up must engage in commercially viable activities. I do not think that this is where we want to start experimenting with some socially correct activities. At the end of the day, because this is a defined contribution scheme, the workers who subscribe to this expect that they will get their money back, including the contribution by their employers, plus interest.

With those remarks, I want to encourage that we consult properly and also encourage Kenyans to have a strong savings culture. We should pass this Bill with the necessary amendments at the Committee stage to see to it that our elders who toiled so hard for this country, when they retire, they do not become beggars and desperados.

Thank you.

**Sen. Ndiema:** Mr. Temporary Speaker, Sir, thank you for allowing me to contribute to this very important Bill. First, I want to thank the sponsor of the Bill for coming up with it at this time when we are trying to establish counties. It is very important that employees of any institution have a pension scheme that is predictable, reliable and which makes economic sense. I know that we have 47 counties which are distinct in their own way but if each is allowed to have its own pension scheme, then it may not make economic sense. It is important that we have one pension scheme to cater for county employees. We know that the former county councils had some schemes and because of tradition, there is a tendency for people to prefer to remain where they are, forgetting that situations can be made better.

The institution that will be created out of this Bill should be one that is attractive to employees because, basically, pension schemes are supposed to benefit employees more than the employer. When employees are happy, the employer gets proper service. I believe and hope that after doing all the necessary panel beating, amendments and so on, this scheme should be better than all the other schemes that may have been there.

Mr. Temporary Speaker, Sir, counties are public institutions and although they are different from the national government, it is a fact that most of the employees who are in the county government, came from the national Government. Therefore, the pension scheme of that nature should be flexible enough to allow staff to move from the national Government to the county governments and vice versa. If the members of staff feel that



there is an opportunity of rising to be a principal secretary in the county government, the staff should move and not lose his pension. It should be transferrable. Therefore, there should be an agreement between the county and the national Government to provide for seamless transfer of staff and protection of pension funds.

I have seen here that one can withdraw from a pension scheme when they leave employment, when they retire or when one passes on but this should not be the end of the scheme. It should not be the policy of the scheme that when you transfer to another institution, then you withdraw everything before attaining the retirement age. We should make it possible that the scheme can be protected that when one retires, the pensioner can still get his lump sum.

It is also preferable if part of the pension is held for monthly payments. Pensioners have been public servants and when some of them get this money, they do not know how to invest, people borrow from them and some of them pay dowry with the money or build houses. This shows that some of them are not good investors. It is important that a portion of it remains for monthly disbursements so that the pensioners do not come back to the Government claiming more benefits.

Mr. Temporary Speaker, Sir, in this country, generally, there is a problem of pension particularly in the public sector. It is only through pension that a public servant would benefit than a private sector employee. In this country, employees in the private sector suffer a lot. I do not know whether the Government has any policy on pension. There was a time that it was compulsory for employers in the private sector to engage their staff on permanent and pensionable terms. Most of the new employees end up being recruited on short contracts of one year to ensure that they do not claim any pension benefits from their employers.

Even the most profitable companies in this country boast of carrying out corporate social responsibility but the employee is not catered for. Most of the young people from university are employed by big companies but the moment they are due for promotion to the next stage, they are sacked claiming that the contract has expired and then new young people are employed to be exploited. It is time the Ministry of Labour looks at the pension policies both in the private and public sector to ensure that our youth are guaranteed pension when they retire.

Mr. Temporary Speaker, Sir, I am afraid that when the younger generation retire, they will not get the pension like some of us got when we retired from public service. That is an issue that needs to be looked at. I do not want to talk about the hassle that pensioners have to undergo to claim their pension. I would wish that at the stage when we are formulating and finalizing this Bill, we make it compulsory that when payment is due, it is paid and if it is delayed, then penalties and interests should accrue. If that is not done, then certain punitive measures should be instituted.

Mr. Temporary Speaker, Sir, another issue that is of concern and this could be a matter that should be considered under a pension policy, is the issue of inflation. Workers who have contributed Kshs20 or Kshs100 for the last 30 years ago, when they get their

pension, they get it according to the same shilling rate. No provision is made for inflation. Most public servants today, even those of my age who retired, cannot tell you what their pension is because it is not commensurate to the services they provided and they cannot live on it, although they were senior public servants. It is important that a policy be established to ensure that when the shilling depreciates for whatever purpose or inflation comes, it is adjusted to ensure that the pension sustains the pensioner.

Mr. Temporary Speaker, Sir, as we establish the pension scheme, I am happy and proud that we have a very respectable regulator, the Retirement Benefit Authority (RBA). It is one of the best run institutions headed by my colleague with whom we worked together in the Kenya Revenue Authority (KRA), Dr. Odundo. It has tried as much as possible to bring sanity and regulation in this sector in terms of where they can invest.

Previously, some pension schemes were investing recklessly; they ran into losses and exposed employees' pensions. There should be no worry that the pensioners' money will disappear when this authority is established, because RBA is there to ensure that investments run prudently. I also wish that the investments coming out from the pension schemes should also benefit the counties where these employees are. If you look at most investments, from pension schemes, real estate or funding the government treasury bills, it has been mainly for the interest of Nairobi, the country's capital city but the counties have not benefited. So that counties feel that they own this process or institutions, investment should also be devolved to take care of the interests of the counties.

Mr. Temporary Speaker, Sir, with those few remarks, I wish that, since this involves employees who are the biggest stakeholders, there is need for thorough civic education before they buy into it, otherwise, they will reject it. I believe that if Kenyans were educated on the benefits of the National Hospital Insurance Fund (NHIF) contribution issue, none of them would reject it. We have the right to establish a law since it is compulsory. Kenyans are educated and they know their rights. We cannot just enact legislation and expect that they will buy into it.

I believe that the NHIF has the potential to improve the health services for our people, whether employed or unemployed. I encourage Kenyans to join that scheme but the approach should be changed. If the governors are hesitant, then there must be proper dialogue. It is not only the governors; we should also involve the county assemblies because at the end of the day, they are the ones who make laws in the counties. We should also involve even the employees and the unions. I am not a member of the Committee and I was not here to listen to what the proposers have done but more consultations need to be carried out.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, thank you for giving me this chance to contribute to this important Bill. This Bill is very significant to this House in the sense that we provide the oversight to the counties. We should do it in totality and not partially. We should do it wholly. When we do such a Bill, we guarantee the workers in the county governments that they are going to benefit after very hard work for introducing devolution in Kenya and this will be a House that will be remembered for life.

Therefore, it is important that what we are doing should not be seen like a waste of time. It should be seen like an enforcement of what we normally do with Bills. This is to encourage the workers in the county governments to continue working hard. There are times when people lose hope because they know that there is no future in the work that they do. This is an assurance that after some length of time and of work put into place, there is some benefit towards the end; that is, the retirement benefits, which is covered by an authority that should be retained and protected so that the workers in the county governments may also benefit from the same.

Mr. Temporary Speaker, Sir, in the developed countries, there are members of the welfare society, with free medical facilities, social facilities and even education. When you compare what happens in developed countries and what is happening here in Kenya, you find that the difference is great because we do not devote money to the future development of the mind. The moment the mind is protected, the workers in the early years of their work will be motivated and they will work very hard because they know that they are assured of something towards the end of the term of their lives. The term of their lives can be spelt out at 55 years or 65 years. In other places, retirement age could be 80 years. After that, the citizens continue to enjoy benefits. That is what we are trying to spell out in Kenya, particularly, to encourage the workers in the county governments.

Mr. Temporary Speaker, Sir, I am sure that workers in the counties are going to feel encouraged and protected by this House. This is because there is no other House that can protect them apart from the Senate. We are offering them a golden hand and it should be seen as the right direction. We have had problems in the past with some pensioners. For example, I know that in 1997, the teachers were promised pension of more than Kshs30 billion which was not paid. It is unfortunate that the teachers are still languishing. Some of them are dead while others are so old that they cannot even get to Nairobi to claim their benefits and it appears like there is nobody who is bothered about them. This is a scenario which should be avoided by the county governments. Let there be a clearly organized scheme where retired workers will be dedicated and respected upon retirement, so that they retire honourably and feel like they have worked for the county and country that they were loved when they were young.

Mr. Temporary Speaker, Sir, this is like a shock absorber. When somebody is so old and cannot benefit much or continues to reap benefits--- I think that there is nothing as important as that and that is what we are discussing here. I think this Bill came at the right time so that we can discuss and pass it. Once it is passed, I think that the most proud people will be the county employees. That is what we are trying to articulate and the passage should be lauded by many. Let us not be the laughing stock who talk and nothing happens. We even ask people to be patient, like the way we dealt with teachers yet they still do not receive anything.

Let pension be also influenced by the inflation rates. When inflation rate is high, let the pension also go up. This is because what normally happens is that the moment it is passed to a beneficiary, pension rates continue being the same figure. It is not influenced

by inflation rates. Even if the inflation rate is 20 percent, the pension amount will just remain the same figure.

I encourage the pension authority which will be set to look into the financial trend and the exchange rate of the Kenyan shilling. For instance, if at the time of contribution, the shilling was exchanging at the rate of Kshs20 to \$1 and now the rate is Kshs100 to \$1, the pension should be able to match the current exchange rate. That is what the pension scheme should come up with and it will certainly benefit not only the pensioner but the dependants as well.

It is, therefore, important to note the moment somebody has aged, he will not have the energy to do much of the work hence, the old man or woman will just give stories of what he or she used to do while young, do light jobs and live longer. This is how we will have more people living longer than the expected rates. I am sure that the death rate will be lower as the life expectancy level rises.

Mr. Temporary Speaker, Sir, the life expectancy rate can be influenced by many factors, one of them being pension. The expectation of pension is what can influence people to work, be credible and have hope in what they are doing at home and what is also expected in future. We therefore need to emphasize that the workers in the county governments get pension because it is their right and a welfare service that is given elsewhere. So, I do not see the reason why it should not be given in Kenya. We should support these people in recognition of the hard work that they would have done in serving the counties. Therefore, I am happy to support this Bill. Once it is passed, let it not end up like that of teachers.

I also wish to caution those people who cheat about the pension schemes. We should come up with a law that the moment one qualifies for pension, it must be given to the individual without saying that the Government has no money. Pension should not be pegged on the economy of the country. It should be pegged on the pension scheme itself and the amount of money an individual is supposed to get. We should leave out anything else that may influence the retention of money by the Government.

We have also seen other bodies and parastatals like the National Social Security Fund (NSSF) coming up with various structural developments of buildings, assets or investments. The pension scheme bodies should invest or come up with development projects only after they have paid the former workers. Therefore, such kind of investments should be discouraged and when that happens, we need to advise the Government to discourage the benefit authorities from making such developments and investments before they have paid the pensioners. After all, they deserve it.

I support the Bill and hope that once passed, even the counties will be happy with the Senate, the "Upper House".

Thank you, Mr. Temporary Speaker, Sir.

**Sen. Sijeny:** Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute to this Bill. First and foremost, I wish to congratulate the Mover of the Bill because he has tabled a very important Bill that not only ensures that devolution succeeds, but also confirms that we are truly the big brother of the counties.

When you get concerned about the welfare of the citizens and ensure that not only their properties but their monies are also secure, you give them an opportunity to save and the employers also protect their interests. Retirement schemes should protect the workers.

We know that most of the functions or opportunities have gone to the counties and many Kenyans have moved from Nairobi City back to the countryside. This is after they have worked very hard; saved their money in the previous scheme that was called the Local Authority Pension Trust (LAPTRUST) and now the Local Authorities Provident Fund (LAPFUND). We must protect and ensure that these monies are remitted into a joint account where they will be protected.

We do not want to build other monsters like the NSSF where people do not even know that they have money. Even the so-called elite, who are aware, are unable to trace the money when they follow up. We cannot accept that and so, we urge all the stake holders--- I have seen a report that shows that the Mover and the Committee concerned have involved so many stakeholders who have given their contributions and response. This confirms that it is a very important issue and useful that all people know.

Mr. Temporary Speaker, Sir, we have dealt with workers problems and seen the way they suffer once they retire. Many of the workers even the ones who got the golden handshake especially the subordinate staff, who were given Kshs40,000 all inclusive, that money was not even enough to move them from cities to their rural homes.

We saw most of them die within the first one month because of shock and lack of support after they had retired. When you retire, it is just like losing your job since you will no longer be on the payroll of anybody. Once you have some money secured, this institution is able to invest and you are sure of even getting dividends in retirement, then that is the best way to go.

I have seen the Bill and it is thorough. It has considered all the aspects that will ensure these finances are secure and will suit whichever employer or generation. This will ensure that the money is safe. The Board members are there to protect the institution.

With those few remarks, I beg to support.

**The Temporary Speaker** (Sen. Mositet): I now call upon the Mover to reply.

**Sen. (Prof.) Kindiki:** Thank you Mr. Temporary Speaker, Sir. I take this opportunity to appreciate and thank my colleagues for the very wonderful and rich discussion on this very important Bill. I thank each of them in person. I have listened to every speaker even when I was not in the Chamber, I followed Sen. M. Kajwang, Sen. Ndiema, Sen. Madzayo, Sen. Sijeny, Sen. Ong'era and Sen. Karaba. I am very impressed with the suggestions that have been made.

I thank the Committee on Labour and Social Welfare headed by Sen. Madzayo. I know there has been a lot of push and pull over this Bill but they have stood firm. I look forward to consensus building when the Committee convenes during their retreat in the next two weeks and dispose OF this matter, hopefully, before we go on recess.

Mr. Temporary Speaker, Sir, as I said, issues of county pensions are not issues that you want to have a lacuna in law for a very long time. People can take advantage of

that lacuna and confusion to plunder resources. There is nothing more painful than somebody's pension and old age money being squandered.

I welcome the suggestions that have been made here and I have particularly heard the concerns of Sen. (Eng.) Muriuki on various issues. I hope we can build consensus and have this Bill proceed, rather than starting afresh. I am sure there is a way in which a middle ground can be achieved.

Without much ado, I beg to move and I thank everyone who has spoken.

**The Temporary Speaker** (Sen. Mositet): Well done, Sen. (Prof.) Kindiki.

**Sen. (Prof.) Kindiki**: Mr. Temporary Speaker, Sir, I rise under Standing Order No. 54(3) and note that we are very few in the Chamber at this time. Pursuant to that Standing Order, I request that you consider deferring the putting of the Question until tomorrow.

**The Temporary Speaker** (Sen. Mositet): Your request has been heard and I defer putting the Question to Wednesday, 15<sup>th</sup> July, 2015 when we hope to have the numbers.

*(Putting of the Question on the Bill deferred)*

Next Order!

*Second Readings*

THE UNIVERSITIES (AMENDMENT) BILL  
(SENATE BILL NO.31 OF 2014)

*(Bill deferred)*

THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE)  
BILL (SENATE BILL NO.35 OF 2014)

*(Bill deferred)*

THE COUNTY INDUSTRIAL DEVELOPMENT BILL  
(SENATE BILL NO.7 OF 2014)

*(Bill deferred)*

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**MOTION****INTERIM REPORT OF THE CPAIC ON INQUIRY INTO COUNTY  
GOVERNMENTS' ACCOUNTS FOR FINANCIAL YEAR 2012/2013**

THAT, the Senate adopts the Interim report of the Senate Sessional Committee on County Public Accounts and Investments on the inquiry into County Government Accounts for the Financial Year 2012/2013 (1st January to 30th June, 2013).

*(Motion deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Mositet): Hon. Senators, it is now time to interrupt the business of the Senate. The Senate stands adjourned until tomorrow, Thursday 9<sup>th</sup> July, 2015 at 2.30 p.m.

The Senate rose at 6.30 p.m.