

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Wednesday, 20th July, 2016**

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

[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]

PRAYERS**STATEMENTS**

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we will start with those Senators who want to seek Statements. Is there no Senator seeking for a Statement? Let us proceed to the Statements in the appendix.

**DELAYED PROMOTION OF ADMINISTRATION
POLICE OFFICERS**

The Chairman of the National Security and Foreign Relations Committee is not here and neither is Sen. Elachi.

(Statement deferred)

**STATUS OF STREET FAMILIES AND URCHINS
IN KENYA**

Is the Chairperson of the Labour and Social Welfare Committee here? He is not here and Sen. Leshore is also not in.

(Statement deferred)

CONSTRUCTION OF THE KIRINYAGA SEWERAGE PLANT

Is the Chairperson of the Committee on Roads and Transport here to respond to Sen. Karaba's Statement.

Is the Statement ready, Sen. Sijeny?

Sen. Sijeny: Mr. Deputy Speaker, Sir, on Statement (d), the Cabinet Secretary (CS) was present during our meeting today and he informed us that the Sewage Department is not within his docket. He does not deal with construction of sewerage plants. He said that the House could, perhaps, redirect the issue to the Housing Ministry.

The Deputy Speaker (Sen. Kembi-Gitura): Why was it referred to the Roads and Transport Ministry, in the first instance?

Sen. Sijeny: Mr. Deputy Speaker, Sir, I do not know for we had raised this the last time with the Speaker and we thought that it had been corrected.

Sen. Karaba: Mr. Deputy Speaker, Sir, I remember alerting the Chair then about this question. I told him that I thought that this question was supposed to be handled by the Chairman of Water and Irrigation Committee. I asked this question in the Ninth Parliament, I was given an answer by the Minister for Irrigation and Water and I wanted to make a follow up. She is correct when she says that the question should be rerouted.

The Deputy Speaker (Sen. Kembi-Gitura): I am just a bit surprised that it was referred to the Ministry of Roads and Transport in the first instance because it is not infrastructure.

Sen. Karaba: Mr. Deputy Speaker, Sir, the Speaker then said he would redirect it to the right Committee. I do not know why it has appeared now in the Order Paper.

(Senators consulted loudly)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators!.

Sen. Boy Juma Boy: Bw. Naibu Spika, Kamati inayo *deal* na swala la maji ni Kamati ya Ardhi---

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order, Sen. (Dr.) Machage?

Sen. (Dr.) Machage: Bw. Naibu Spika, twajua kwamba kanuni za Bunge hili zinaturuhusu kutumia lugha moja unapozungumza. Ikiwa umechagua lugha ya Kiingereza unaendelea nayo hadi mwisho wa hotuba yako. Ukichagua Kiswahili basi utatumia Kiswahili hadi tamati. Sen. Boy Juma Boy anachanganya ndimi. Anasema Kamati inayo *deal*. Neno *deal* ni la Kiingereza?

The Deputy Speaker (Sen. Kembi-Gitura): I think Sen. Boy Juma Boy knows that he is wrong. He knows he is out of order. Could you do what is right Sen. Boy Juma Boy.

Sen. Boy Juma Boy: Bw. Naibu Spika, Kamati inayohusika na swala la maji na ardhi ni Kamati ya Ardhi na Mazingira. Mimi ni mwanachama wa Kamati hii na nitalishughulikia swala hili na kuleta jibu kwa muda wa wiki moja.

Sen. Karaba: Mr. Deputy Speaker, Sir, I am worried because I do not think that is the right Committee.

The Deputy Speaker (Sen. Kembi-Gitura): I know you should be because I am also not sure that is the correct Committee. What I would want you to do, because I do

not want us to lose another two weeks---. I do not even know whether this construction of Kirinyaga Sewerage Plant is a function of the national Government or is a function of the County Government. We need to be clear on this issue so as to know the exact Committee that we are directing these issues to. This is because if it is a function of the County Government of Kirinyaga, then the right place for this question to be raised will be in the County Assembly of Kirinyaga.

I am not sure and I am not preempting the situation. However, I do not want us to make an order that we take another two weeks, we come here and you are, once again, told that it is not possible for you to get a Statement. My proposal to you would be; let us defer this matter to tomorrow afternoon, decide and get it right as to which Committee the Statement should be directed; then bring it up again tomorrow afternoon. That would be my advice to you. However, if you want us to refer it to the Ministry of Lands, we will do it, if you do not mind losing another two weeks.

What is your point of order, Sen. Mositet?

Sen. Mositet: Mr. Deputy Speaker, Sir, it is not a point of order. I want to put more weight on the subject. That particular question should be answered by the Chairperson of Lands because sewerage or huge water projects are implemented through the water service boards, which falls under the Ministry of Water and Irrigation. That could be the reason the CS of Ministry Roads and Transport felt that the query should be addressed by the Ministry of Water and Irrigation.

The Deputy Speaker (Sen. Kembu-Gitura): We are told that there is no Committee on Water.

Sen. Mositet: Mr. Deputy Speaker, Sir, we do not have a Committee on Water, but anything to do or related to it is normally answered by---

The Deputy Speaker (Sen. Kembu-Gitura): That is why Sen. Mositet, I am of the view that the ruling I have given would be right. Let Sen. Karaba make up his mind and decide to whom to direct the question.

Sen. Mositet: Obligated, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembu-Gitura): That will be looked at tomorrow.

The next Statement is also sought by Sen. Karaba.

The Deputy Speaker (Sen. Kembu-Gitura): Sen. Karaba, what is the issue?

Sen. Karaba: Mr. Deputy Speaker, Sir, I wanted to go by your direction. The advice that you have given supersedes mine. We will, therefore, go by what you have suggested to do. Over this question on sewerage---

The Deputy Speaker (Sen. Kembu-Gitura): Come up with the issue tomorrow. Raise it again and refer to this ruling or this direction and let us get it tomorrow.

Sen. Karaba: Much obliged, Mr. Deputy Speaker, Sir.

(Statement deferred)

The Deputy Speaker (Sen. Kembu-Gitura): The next question also has to do with you, Sen. Karaba.

STATUS OF MAKUTANO-NGURUBANI-KIMBIMBI-SAMSON
CORNER ROAD

Sen. Sijeny: Mr. Deputy Speaker, Sir, the Statement is ready. This was a request for a Statement on the status of Wanguru Airstrip in Mwea, ongoing renovation of the Kimbimbi-Sagana-Kagio-Kutus and Ngurubani-Kimbimbi roads.

Supplementary questions were asked by a number of Senators with regard to the ongoing renovation of the Sagana-Kagio-Kutus and Ngurubani-Kimbimbi roads. The specific questions were:-

- (1) Why the Government was not widening the Sagana-Kaggio-Kutus Road?
- (2) Why the Government was not taking care of the shoulders that were already worn out, particularly between Ngurubani and Kimbimbi?
- (3) Why the heights of bumps had not been increased to slow down the speed of motor vehicles?
- (4) Was the Kshs45 million the total amount spent to repair the Kirinyaga section or the entire length of the road.
- (5) The Sagana-Kagio-Kutus road was meant to be completed by the end of June but it was far from being completed. What was the cause for this delay?
- (6) What is the Ministry's policy with respect to bumps because some of them are unofficially erected on the roads?
- (7) What measures have been taken to ensure that persons with disability easily and comfortably cross the roads?
- (8) The Makutano-Ngurubani-Kimbimbi Road tender had been split into three for faster construction to take place. According to the Procurement Act tenders cannot be split. Can this be explained?
- (9) There are many motorbike accidents occurring on the Eldoret-Kitale Road. What steps does the Government intend to take to address this?

The response is as follows:-

The road is not too narrow for it originally had a carriage way with width of six metres and unpaved shoulders of one metres on each side. However, some sections have eroded over time resulting in the reduction of shoulder width and part of the carriage way. The Kenya National Highways Authority (KENHA) plans to progressively reinstate the road to its original condition starting with the ongoing contract where we have completed reinstatement of sections between Sagana and Kagio.

The KENHA awarded tender No.KENHA/MTCE/RD/1865 of KShs45,838,096 and part of the scope of the works was for the reinstatement of the critical worn out shoulders of Sagana-Kagio-Kutus Road which has been done. The contractor has been instructed to widen by benching and reinstating to gravel conditions all the critical sections of the shoulders.

The Makutano-Ngurubani-Kimbimbi-Samson Corner Road is not too narrow as it has a carriage way with a width of 6.25m and 1.5m wide shoulders on each side. Both carriageways and shoulders are in good condition. It is noted that the shoulders are heavily used by non-motorized traffic especially within the trading centres. The speed bumps preceded with rumble strips installed are standard as recommended by the Kenya National Highways Authority (KeNHA).

The bumps, in combination with the warning signs are supposed to warn the motorist thereby reducing the speed as required in order to enhance road safety. Enforcement agents and traffic police are required to ensure compliance. Raising the bumps beyond the standard height may lead to disastrous safety issues in case a motorist hits the bumps accidentally at a high speed.

The contract of Kshs45,838,096 is for the entire road section from Murang'a-Sagana-Kagio-Kutus to Samson Corner. However, most activities shall be undertaken within the Kirinyaga Section; 10 kilometres between Sagana and past Kagio where resealing works have been instructed. The Sagana-Kagio-Kutus section was scheduled to be completed on 27th June, 2016. However, the project was derailed due to unfavourable weather conditions occasioned by the heavy rainy season experienced in the months of March, April and part of May, 2016.

Also, low surface temperatures from June to date are not conducive for surface dressing activities. However, the contractor has completed all activities of pothole patching and reinstatement of critical shoulders to gravel condition. The only activity remaining is surface dressing. Nonetheless, the contractor has stockpiled all the required materials for the remaining activities and has undertaken to complete once the weather becomes conducive.

The Ministry's policy with respect to bumps is to calm traffic, control traffic speed and improve road safety. The demand for erection of bumps has been necessitated out of uncoordinated and unplanned settlements along the high mobility roads resulting to conflicts and compromise on road safety. The Ministry targets to install footbridges to eliminate pedestrians crossing the roads at undesignated areas. It will also engage stakeholders with a view to resolve all illegally erected bumps on the roads. The Ministry plans to completely eradicate illegal bumps and only install standard bumps on approved locations to enhance road safety.

For safety issues, pedestrians' crossing locations are required for all users. In the new construction and rehabilitation, the designs have incorporated suitable non-motorized traffic; that is, NMT facilities.

The Status of Makutano-Ngurubani-Kimbimbi Road is part of Makutano-Embu road classified originally as B6. The KeNHA has been maintaining this road under a single contract. The Government is aware of the high number of accidents involving motorbikes not only in that particular road but all over the country. As such, the Ministry has gazzeted regulations on operation of motorcycles particularly targeting those involved in the passenger transport. The Ministry held sensitization forums for the County Commissioners and traffic police officers and discussed these regulations in June 2016.

The National Transport and Safety Authority (NTSA) is developing a programme that will involve all county Commissioners, traffic police officers and NTSA staff to sensitize motorcycle riders on these regulations and road safety in general. The sensitization programme for *boda boda* riders begins in the 2016/2017 Financial Year. Areas with higher fatality case involving motorcycle riders and their passengers will be given priority.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, you may proceed.

Sen. Karaba: It is not possible---

The Deputy Speaker (Sen. Kembi-Gitura): I thought she concluded.

Sen. Karaba: Mr. Deputy Speaker, Sir, I suppose so because the response was supposed to address the issue of the airstrip.

Hon. Senators: But she started with that one!

Sen. Karaba: Mr. Deputy Speaker, Sir, I thank Sen. Sijeny for that elaborate answer. However, it is misleading in the sense that even the engineers themselves are attesting to the fact that they could not complete that section because of poor weather conditions which still persist. Why are they saying that they have already worked on the potholes? The weather could not allow them to fill the potholes. So far, no works have been done on that road. The current status is correct because I am always on that road. Even today I drove on that road and it is in bad shape. Could we, therefore, instruct that the engineer visits the roads to see if I am telling the truth or it is him who is being misled so that the construction works can continue unabated?

What they are saying now about the new design that they should have done earlier, is that there is an increase in population particularly in urban centres. Ngurubani is one of the most sprawling towns in Kenya where the population has outstripped the area. All the people converge on the road.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, are you seeking a clarification or making a statement?

Sen. Karaba: Mr. Deputy Speaker, Sir, I am seeking a clarification as I explain why I want that road widened. It is because of the increased number of users. So far, nothing has happened.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Sijeny, the Cabinet Secretary (CS) for Roads and Infrastructure was here today. Was this one of the roads that were discussed with him?

Sen. Sijeny: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba is saying that he was not satisfied with the discussion.

Sen. Sijeny: Mr. Deputy Speaker, Sir, that is true. The last time we were in session I announced that the Cabinet Secretary would be coming today. We tried reaching Sen. Karaba, he did not turn up to interrogate the CS. We were of the opinion he was satisfied with the Statement. Be that as it may, every issue he has raised is being addressed and shall be adequately done according to the schedule and subject to the availability of funds as has been indicated.

I would like to continue with the next Statement on the airstrip.

The Deputy Speaker (Sen. Kembi-Gitura): Have we finished with statement on the road? Is the airstrip part of this question? I thought this has to do with the issue of the Makutano-Ngumbani-Kimbimbi-Samson Corner road only.

Sen. Sijeny: Yes, I am guided accordingly, Mr. Deputy Speaker, Sir.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR**VISITING DELEGATION OF STUDENTS FROM MURANG'A
COUNTY STUDYING AT EGERTON UNIVERSITY**

The Deputy Speaker (Sen. Kembi-Gitura): I have a short Communication to make. Hon. Senators, I wish to recognize the presence of the visiting students from Egerton University from Murang'a County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate, and on my own behalf, wish them a fruitful visit.

Thank you.

(Applause)

Sen. (Prof.) Lonyangapuo: On a point of order Mr. Deputy Speaker, Sir. I join you in recognizing the students who are seated at the public gallery. They are from my university. I was a lecturer there on a sabbatical leave now. Egerton is a very renowned university. It is the only university with a distinction, North of River Limpopo and south of Sahara. I did my two degrees there. The students there might end up in all spheres of life, politics being one of them. I congratulate the students and urge them to be role models in our counties and country. They should teach their colleagues and young brethren in secondary schools that burning dormitories is not allowed and does not pay.

Sen. M. Kajwang': Mr. Deputy Speaker, Sir, I join you and the House to welcome the delegation from Egerton University. It could just be a matter of coincidence that the group that came was drawn from only one county. That was not meant to represent some divisions within the University. When we were in the university, and not so long ago---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. M. Kajwang'! In my communication I said they are students from Egerton University who are from Murang'a County. They are not a delegation representing Egerton University. They are students from Murang'a County who are pursuing their degree courses in Egerton University. Is that clear now?

Sen. M. Kajwang': I am very well guided, Mr. Deputy Speaker, Sir. I want to tell the young men and women sitting up there that when we were at the university which was not too long ago, we did not have differences amongst us depending on where one came from. It is unfortunate that once we leave the university, we start imposing some of those differences which are really artificial. I encourage the young men and women at the university to ensure they live the spirit of nationalism. They should look at Kenya as a country not as a collection of counties or tribes.

Finally, I assure them that this Senate has taken, with a lot of concern, some of the issues that are coming out of Murang'a County. I hope when they go back to the grassroots they will be the champions of transparency and accountability. As young leaders, they should play their role to ensure those elected do the right thing with the public funds entrusted to them.

Sen. Haji: Mr. Deputy Speaker, Sir, I am delighted to see the people of Murang'a so that they can see the Deputy Speaker who is also their Senator. The Chair is a very

able leader who has really guided this House. I hope they will learn something about his leadership. Therefore, may they feel welcome.

The Senate Leader of Minority (Sen. Wetangula): Mr. Deputy Speaker, Sir, I join you and the House in welcoming the students from your County who are studying in Egerton University. They are actually very few. Egerton is a great University founded by one of the top scholars from the Mulembe nation called Prof. Richard Musangi. He spent a lot of time and energy to bring that university to where it is.

Mr. Deputy Speaker, Sir, may I tell them that they have a good Senator who is our Deputy Speaker in this House. I always pride myself with the distinction that I proposed him to be made an ambassador. He worked with distinction in Brussels. I would also like to say that your county is not very famous in this Chamber because of the mismanagement of public funds and other transgressions. As you go through school, please join the queue of the minority of Kenyans who are upright, honest and straightforward, who know that public funds are not private property. Go and make sure your county looks better than it does now.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Sen. Wetangula. Sen. Omondi, I am assuming that it is on this issue.

Sen. Omondi: Mr. Deputy Speaker, Sir, I want join you to welcome the students who have visited the Senate. Secondly, I am neither happy nor convinced with the response to the Statement given by Sen. Sijeny on the Sen. Karaba's question.

I request that we get a clarification on what the Ministry is doing to give protection to persons with disabilities using public roads in terms of talking robots to allow the visually impaired to cross roads safely, drop-out roads connecting to other roads for persons using wheelchairs and paintings used to show the direction for the hearing impaired. She should clarify whether the users who are persons with disabilities--

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The Deputy Speaker (Sen. Kembi-Gitura): Sen. Omondi, I notice you have moved on to the statement being sought. I assume that we have finished with the students.

Sen. Omondi: Mr. Deputy Speaker, Sir, I requested to enjoin the two but I am finishing.

I need a clarification because I sought the Statement on the issue of road users with disabilities.

Sen. Karaba: On a point of order Mr. Deputy Speaker, Sir. I appreciate the visit by the university students to the Senate. I want to tell them that I am the Chairman of the Committee on Education.

(Laughter)

It will be very bad if they leave the Senate without knowing that there is a Chairman of the Committee on Education. May I tell them that many others have been to the university and we always imagine that students in the university are there by merit. Therefore, they should display student life with distinction.

Mr. Deputy Speaker, Sir, I have noticed another group of students who have come in. I do not know if we should continue recognising them as usual. They are girls dressed

in red uniform from a high school. They are welcomed to the Senate and they should enjoy their stay there.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, without trying to preempt you, you are now doing my work. I will not allow you to go to the public gallery as you are proposing. May I thank all of you for that moment? Once I get a record of who the lady students are, I will recognize them as necessary.

Sen. Karaba, we were dealing with the issue of the road and I do not know if it is over.

Sen. Karaba: Mr. Deputy Speaker, Sir, it is not over.

(Resumption of Statements)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mositet, you wanted to raise an issue about roads?

Sen. Mositet: Mr. Deputy Speaker, Sir, having listened to the Statement which had been sought by the Senator and the answer which was issued by the Chairman, it seems Sen. Karaba is much interested in knowing whether the shoulders were well done or they are being done.

It is shocking because the roads in our county are so bad that we do not even talk about shoulders. When you drive between Ngong to Kiserian or to other parts of Kajiado and you hear a Senator talk of shoulders of a road, you see disparity in our counties.

It is high time the Ministry of Transport and Infrastructure realizes that we have some counties that have poor roads. The Ministry should make sure that when funds are allocated, there are areas that deserve more than others. I am not saying the shoulders do not need to be attended to - because I have seen that Sen. Karaba is concerned with the road users like motorcyclists and pedestrians - but the ministry should know that some areas are needy.

Mr. Deputy Speaker, Sir, I have not seen the regulations by the NTSA in the House. I do not know if the motor cycle association have been consulted or whether public hearings have been conducted so that they can contribute to the formulation of the regulations. It is an area that we need to know.

In terms of bumps, the KeNHA have done major roads for instance Athi-River - Namanga. However, along that road, we do not have bumps.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mositet this is Statement hour. We are seeking Statements.

Sen. Mositet: Mr. Deputy Speaker, Sir, I am not seeking.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mositet, I hear you but we are now getting clarifications on the Statement sought by Sen. Karaba. Even if you talk about bumps on the Athi-River - Namanga Road, we will not get an answer now because we are dealing with a specific issue at the moment.

Sen. Mositet: Mr. Deputy Speaker, Sir, I am only emphasising because Sen. Karaba raised the issue of bumps to be placed along Kagio road. Therefore, it is not only that road that require bumps, but others all over the country. We have lost many lives because bumps have not been erected.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mositet, I want you to seek a clarification on the Statement issued by Sen. Karaba. If you talk about other roads at this

moment and you are not seeking an answer from them, I am sure that the Chairperson of the Committee will not answer you; unless you only need a general reaction to what you are saying.

Sen. Mositet: Mr. Deputy Speaker, Sir, the issue of bumps was not addressed and I truly believe that any highway requires bumps. I do not know if there was an oversight by the KeNHA on that particular road or on all roads because we have that problem all over the country.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I appreciate Sen. Karaba's concerns about the shoulders of the good roads in his county. He also mentioned the issue about safety on the roads. May the Chairperson of the Committee tell this House and the country what steps the NTSA are taking to secure our roads? We have noticed that in the last four months, we have had grisly fatal accidents all over and more particularly at a black spot at Salgaa on the road between Nakuru and Eldoret.

Mr. Deputy Speaker, Sir, we are losing too many lives at a black spot on the road between Nakuru and Eldoret called Salgaa. We are losing entire families and many other lives. Instead of the Jubilee Government improving safety on the roads, they are recycling old guards. They moved a man who had failed in drugs called hon. Mututho to the National Transport and Safety Authority (NTSA) ---

The Deputy Speaker (Sen. Kembi-Gitura): Order! Sen. Wetangula, I wish that you could raise the issue of Salgaa and other black spots as a substantive question so that we get a proper question on the NTSA as against riding on a question, but you will not get a satisfactory answer at the moment. I agree with you that the accidents and black spots are a matter of great concern. I wish that you could raise it as a substantive issue for your own statement.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I will raise a substantive statement later. The Jubilee Government promised Kenyans 10,000 kilometres of paved road in five years. To the best of my knowledge, three years are gone and you cannot count more than 500 kilometres of paved roads that the Jubilee Government has done. What is the policy of this Government in meeting promises that they made to Kenyans about paving or tarmacking the roads?

Lastly, in terms of safety because now this touches the road that my distinguished colleague raised, what are we going to do about the irresponsible behaviour of drivers on the road to the extent that for you to slow down a driver, bumps must be put up and yet we have signage on the road to show the speed limits, pedestrian crossings and yet they are knocked down every other day? Could the Government consider, when training and licensing drivers, to also pass them through psychiatric tests, so that we weed out lunatics from our roads and have proper thinking people driving on our roads?

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, a further statement was sought about the Eldoret-Kitale-Kapenguria Road. However, I have not heard her give response. Could she make it clear because I would like to know what they are doing on that road?

Sen. Sijeny: Mr. Deputy Speaker, Sir, how I wish my colleagues would have attended the meeting on the issue of these roads. It is not easy for the Cabinet Secretary (CS) to come here all the time. I had announced and told my colleagues to avail

themselves. Some of these reactions would have been explained into finer detail by the CS.

Be that as it may, on the issue of regulation raised by Sen. Mositet, the Committee on Delegated Legislation had looked at these regulations. There has been public participation. Perhaps what we could do is to avail the report to hon. Senators.

On the issue of the NTSA securing our road, this is something new---

Sen. Mositet: On a point of order, Mr. Deputy Speaker, Sir. The Chairperson is saying that there was a meeting with the CS today. However, we came to this Chamber at midday, but we did not find anyone here. We were about five members.

Sen. Sijeny: Mr. Deputy Speaker, Sir, we met with him in Committee Room No.5. I do not know what caused the communication breakdown. However, if they would have sought information from the relevant office, they would have known where the meeting was taking place. The CS will be here on Wednesday, next week. Therefore, they can still seek clarifications then.

The issue of 10,000 kilometres raised by Sen. Wetangula would be better addressed by CS because it is a policy issue.

With regard to the issue raised by Sen. Karaba, the preparation for the construction is ongoing. In fact, about 1,700 tenders have been awarded. There is a plan to ensure that a road is constructed in every county and priority given accordingly. I will give a detailed report later.

The Government is aware of the high number of accidents involving motorbikes, not only along Nakuru -Eldoret Road, but many other roads all over the country. As such, the Ministry has gazetted regulations on the operations of the motorcycle industry, particularly targeting those involved in the passenger transport. The Ministry also held sensitization forums for county commissioners and traffic police officers on these regulations during the month of June. The NTSA is also developing a programme that will involve county commissioners, traffic police officers and NTSA staff to sensitize motor cycle riders on these regulations and road safety in general.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Deputy Speaker, Sir. That supplementary question was not to do with the death of motorcyclists. It had to do with the road which is completely finished and in use. It is not about road users. The road is bad.

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the distinguished lady, Vice Chairperson of the Committee, to tell this House that the NTSA is formulating policies and rules about road carnage when this country knows that a distinguished man from Murang'a, called hon. John Njoroge Michuki, became a Minister for Transport and within two months, he demonstrated ably to this country that it is not a shortage of rules or law, but a shortage of will that we have accidents. In no time, the lunacy in the matatu industry was cleared; seat belts were in use and the accidents on our roads dropped by 80 per cent. May the good Lord rest the late hon. John Njoroge Michuki in eternal peace.

Is she in order to tell us that the NTSA led by a man who does not know whether he is going or coming called hon. John Mututho is now formulating new rules when we have rules in the country?

The Deputy Speaker (Sen. Kembi-Gitura): Is hon. John Mututho the Chairman of the NTSA?

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, yes, he is. He was recently appointed.

Sen. Sijeny: Mr. Deputy Speaker, Sir, as much as I appreciate that there are some existing regulations, there are certain things which are different. Times have changed. We need to harmonize them to ensure progress. By then we did not have the *boda boda* menace which is now extreme. We have to look at them. As we said earlier, most of the accidents are caused by lack of proper appreciation of the laws and lack of sensitization. Sensitization needs to be done in collaboration with the county commissioners all over the country. It should be devolved to the counties. By then, things were being done at the national level. That is why the Government should embark on proper sensitization to ensure everybody adheres to the rules.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Kagwe, are you on a point of order? What is the issue?

Sen. Kagwe: Mr. Deputy Speaker, Sir, the Chairperson should explain to us what punitive measures or enhanced penalties are meted out to those who misuse the roads. The major issue is indiscipline. There is no other issue. So, it is not about the rules or explanations that are supposed to be given. It comes out of individuals who do so deliberately, operate with impunity and believe that they are above the law. On our roads, the recklessness and abandon with which *matatu* drivers operate depicts individuals who are completely devoid of any consideration of law.

I recall that hon. Jakoyo Midiwo moved a Bill in the National Assembly that was supposed to increase the penalties that are meted out to individuals who break the law. What is the position regarding the penalties? The reason why the United Kingdom is a safe driving place is because if you commit a traffic offence, the penalty is so high but you are never warned to do it. So, can we consider or have considered any such measures?

The Deputy Speaker (Sen. Kembi-Gitura): This statement has mutated. It was on a specific road but now we are discussing the National Transport and Safety Authority (NTSA). I am sure Sen. Karaba is confused about what is going on because he had sought to know about the shoulders of his road yet we are discussing NTSA.

Sen. Hargura, what is your point of order?

Sen. Hargura: Mr. Deputy Speaker, Sir, I attended the meeting today with the Cabinet Secretary. There was an issue which was requested for by Sen. Wetangula on annuity. For the benefit of the hon. Senators who did not attend, we were told that the annuity of the 10,000 Kilometres is not there. Instead, we have the low volume sealed roads. There were two batches which were done before---

The Deputy Speaker (Sen. Kembi-Gitura): Did you rise on a point of information or are you seeking a clarification?

Sen. Hargura: Mr. Deputy Speaker, Sir, I am not seeking a clarification. I just wanted to assist my Chairperson.

The Deputy Speaker (Sen. Kembi-Gitura): Are you informing the Chairperson?

Sen. Hargura: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Proceed.

Sen. Hargura: Mr. Deputy Speaker, Sir, I would like to inform hon. Senators that there is the new low volume sealed road programme which is now being undertaken by the Ministry of Roads and Infrastructure. They have to do at least a road per county.

Already 4,000 kilometres have been tendered. The next 3,300 is being tendered, that is Batch 2E. Out of the 4,000 kilometres, already tenders have been awarded for 1,700 kilometres. It is the responsibility of the hon. Senators to follow up with the Ministry to see whether their counties have been taken into account.

The Deputy Speaker (Sen. Kembi-Gitura): That brings us to the end of that statement. On the issue of the specific road, as Sen. Sijeny has said, when the Cabinet Secretary is invited to come and deal with an issue like this one, in my view, it is important that any Senator concerned with an issue like that should, as much as possible, try to avail themselves so that they can interrogate the situation in much more depth. Of course, that is an issue for the specific Senator but I agree with Sen. Sijeny on that specific point.

What is it, Sen. Wetangula?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. In management of our programmes, sometimes information is given from the Chair that a certain Cabinet Secretary is coming – you can see how few we are now – it will be desirable for the office of the Clerk to follow up with communication by way of a memo to hon. Senators so that we are made aware to attend such meetings. When there is communication from the Chair – I know we are supposed to be here but we also know that some of our colleagues are in committees elsewhere, other meetings and so on.

I would have loved to attend that meeting but I did not even know about it. I am sure there are others who did not know about it. For instance, the distinguished Senator for Kwale did not know, Sen. Karaba, Sen. Haji and many others. Probably you did not also know. So, we need to have better communication so that we can elect to go to these very important meetings to pursue matters affecting our counties.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wetangula, I agree with you. Sen. Sijeny had done her best. She circulated a note and said that the meeting would be in Committee Room No.5. However, as a matter of procedure, I agree with Sen. Wetangula. I direct that when a communication is made on an important issue like that one, for instance, a Cabinet Secretary coming to discuss a certain issue, a normal circular is made to hon. Senators to alert them. This information can be placed in their pigeon holes. It should not be assumed that hon. Senators are necessarily in the House all the time. It is important. If Sen. Karaba had come to the meeting in the morning, if he had known about it, I am sure we would have saved a lot of time that we have now spent discussing an issue that could have been discussed with the Cabinet Secretary in the morning.

Sen. Karaba, what is your point of order?

Sen. Karaba: On a point of order, Mr. Deputy Speaker, Sir, the Chairperson is yet to respond to the questions that were put across to her.

The Deputy Speaker (Sen. Kembi-Gitura): By who?

Sen. Karaba: Mr. Deputy Speaker, Sir, by us.

The Deputy Speaker (Sen. Kembi-Gitura): Has she answered you?

Sen. Karaba: No, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): I thought she answered you.

Sen. Karaba: No, Mr. Deputy Speaker, Sir. The Senator for Bungoma had asked some questions.

The Deputy Speaker (Sen. Kembi-Gitura): He has not complained that he did not get an answer. Talk for yourself. Say what was not clear to you. You cannot speak for hon. Senators who are sitting in the House.

Sen. Karaba: Mr. Deputy Speaker, Sir, my question was that the road which requires some shoulders is as a result of it passing through very densely populated areas against what the Senator for Kajiado is talking about. The road passing through Kajiado is less densely populated with very many animals such as cattle. So, there is no point of putting the shoulders because after all they will not require those ones.

The Deputy Speaker (Sen. Kembi-Gitura): What clarification are you seeking?

Sen. Karaba: Mr. Deputy Speaker, Sir, the road from Makutano through Ngurubani and Samson Corner to Embu is narrow and dangerous. It is as a result of the increased population. It requires expansion. Potholes should be filled up by the Ministry. That is all.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Haji, what is your point of order?

Sen. Haji: On a point of order, Mr. Deputy Speaker, Sir. Is Sen. Karaba in order to say that the road which Sen. Mositet is talking about has many cattle? Did he count them? Can he tell the House how many cattle were there?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba's point was that you do not need to erect bumps for cattle. I do not know whether that is well founded or not or whether it requires shoulders. Sen. Sijeny, I thought you answered those issues.

Sen. Sijeny: Mr. Deputy Speaker Sir, I did. Even if I repeated, I would be reading the same thing especially the last one that he---

The Deputy Speaker (Sen. Kembi-Gitura): I thought you gave an answer for that.

Sen. Sijeny: He could perhaps read his statement for any other clarification.

The Deputy Speaker (Sen. Kembi-Gitura): we shall end that statement at that point.

Sen. Sijeny: Mr. Deputy Speaker Sir, I even sent a message through WhatsApp. They should embrace digital.

The Deputy Speaker (Sen. Kembi-Gitura): I stood with you but not everybody accesses your WhatsApp page.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM LORETO GIRLS'
SECONDARY SCHOOL

Hon. Senators, I wish to recognize the presence of visiting students and teachers from Loreto Secondary School in Limuru, Kiambu County who are seated in the Public Gallery. In our usual tradition of receiving and welcoming visitors, although Sen. Karaba has pre-empted the situation, I extend a welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

(Applause)

We shall now move to the next statement. Sen. Sijeny do you have a point of order?

Sen. Sijeny: Mr. Deputy Speaker, Sir, I appreciate the students who have come and encourage them to work hard. I tell them that the sky is the bottom, not even the limit. The sky is the beginning of better things ahead. I am sure by the time you are taking charge, we will not be having the affirmative action because I see from your determined faces that you will take up leadership positions, study hard and achieve your hearts' desires. Remember what you have been taught.

Adhere to the rules, the spiritual and traditional values that you have been taught and ensure that you make this place better for the future so that when we are tired you will be in charge and taking good care of us. As the African saying goes; a child is only yours when it is in the womb and belongs to everybody when it is out.

I am talking to you as your mother because I know that you will be taking good care of me in future. I wish you good luck and God's blessing.

The Deputy Speaker (Sen. Kembi-Gitura): I trust the young ladies and their teachers feel welcome and are going to learn something from their stay in the Senate this afternoon.

Next Statement!

(Resumption of Statements)

INDUSTRIAL ACTION BY MEMBERS OF THE
KENYA PLANTATION WORKERS UNION

I notice that Sen. Elachi is not in the House. Sen. Madzayo do you have the statement ready?

Sen. Madzayo: Mr. Deputy Speaker, Sir, my instructions are that the response from the Ministry has not been received which is unfortunate. I seek the indulgence of the House to allow me to be in a position to respond within the next seven days.

The Deputy Speaker (Sen. Kembi-Gitura): That was for the Committee for Roads and Transportation. Yours is Statement (f) for Sen. (Prof.) Lesan. The correction is that the Statement is on behalf of Sen. (Prof.) Lesan, to be issued next week on Wednesday. Let us have Sen. Sijeny on behalf of Sen. Elachi on Statement (e).

HARASSMENT OF *BODA BODA* RIDERS IN NAIROBI COUNTY

Sen. Sijeny: Mr. Deputy Speaker, Sir, we had sought a meeting with the Nairobi County government because the Statement they had issued last time was unsatisfactory. Unfortunately, they sought for an adjournment and asked us to schedule the meeting for Thursday next week and we would accordingly inform Sen. Elachi to ensure that she attends.

The Deputy Speaker (Sen. Kembi-Gitura): You have an answer from Nairobi County. Do you not?

Sen. Sijeny: Mr. Deputy Speaker, Sir, this is not the first time it is being given. It was there the last time and we said it was unsatisfactory and Sen. Elachi also agreed.

The Deputy Speaker (Sen. Kembi-Gitura): So you called for a meeting with them?

Sen. Sijeny: Mr. Deputy Speaker, Sir, yes, for a proper response because what they gave was unsatisfactory.

The Deputy Speaker (Sen. Kembi-Gitura): When are you going to give this Statement?

Sen. Sijeny: Mr. Deputy Speaker, Sir, what date will be on Tuesday after Thursday, next week?

The Deputy Speaker (Sen. Kembi-Gitura): Do you have a proposed date with Nairobi County?

Sen. Sijeny: Mr. Deputy Speaker, Sir, Thursday, 28th of July.

The Deputy Speaker (Sen. Kembi-Gitura): So, you will, issue the Statement two weeks from now.

Sen. Sijeny: Mr. Deputy Speaker Sir, I am most obliged.

The Deputy Speaker (Sen. Kembi-Gitura): It is so ordered. Sen. Nabwala is not in the House. Is that yours Sen. Madzayo?

INCREASE IN THE PRICE OF MAIZE FLOUR

Sen. Madzayo: Mr. Deputy Speaker, Sir, yes. We also have not received any response from the Ministry. I would urge the House to indulge and have the Statement issued next week, most probably on Thursday.

The Deputy Speaker (Sen. Kembi-Gitura): It is so ordered.

Sen. Madzayo: Mr. Deputy Speaker, Sir, I am most obliged.

PAYMENT OF SCHOOL FEES IN SCHOOLS/COLLEGES

Sen (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, I rise to seek a Statement from the Chairperson of the Standing Committee on Education concerning the issue of payment of school fees in various institutions of learning, including secondary schools, teacher training colleges (TTC's) and the Kenya Medical Colleges(KMTC).

In the Statement, the Chairperson should address the following:-

(a) Explain the policy guidelines of the Ministry of Education Science and Technology, regarding payment of school fees in the above learning institutions.

(b) Clarify whether there is now a new requirement for the school fees to be paid annually instead of spreading across the three terms of one academic year.

(c) Explain whether the Ministry is aware that most school principals of the listed institutions of learning are now demanding full fees payment to be done at the beginning of Term One and remaining balance to be made in second term instead of spreading the payment in three equal installments per term.

(d) State what measures the Ministry will take to safeguard parents and/or guardians from the stress of having to pay school fees at once for the whole academic year.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. M. Kajwang, do you want to ride on that?

Sen. M. Kajwang: Mr. Deputy Speaker Sir, I would want to ride on that request for a statement. The Cabinet Secretary (CS) for Education should also explain the rationale of banning fees payment using electronic means like Mpesa and how that relates to the government's digital ambitions as stated by the Jubilee administration.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wangari.

Sen. Wangari: Mr. Deputy Speaker, Sir, the CS should also tell us, in terms of the fixed fees ceiling for day schools, how many are adhering to the set fees which is Kshs9,000 for day schools. Some schools, for example, in my County, Nakuru, are charging up to Kshs21,000 per year in day schools. He should explain to us how that implementation is being done and the steps being taken to correct the errant head teachers and principals.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo, I do not have a copy of the Statement with me. Did you talk about schools or Kenya Medical Teaching Colleges (KMTCs) and such institutions?

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, I talked about three categories. That is secondary schools in the whole Republic, teachers training colleges and finally KMTCs.

The Deputy Speaker (Sen. Kembi-Gitura): I see.
Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, in the answer, the Chair should also tell us the Government policy or the policy guidelines of the Government on bursaries. I say this because I encounter a lot of students every other day. You will find that a student in the university with a fee balance of about Kshs80,000 per annum is granted a bursary of Kshs3,000 and these are children from destitute families. If we really want to give bursaries to students, they must be meaningful bursaries. It is better to give a few students full bursaries to learn than spreading meaninglessly thin to a level where they are of no effect. A student may turn up with a bursary cheque of Kshs5,000 and the school receives it and sends them back home because it does not amount to anything. Is there a proper policy because bursaries are being run at various multiple levels?

You will find that a Member of County Assembly (MCA), a Member of Parliament (MP), the Ministry and the governor running bursary schemes. We also have various Non-Governmental Organisations (NGOs) and many others running bursary schemes. How do we rationalize this so that we make meaningful use of funds available for bursaries? Most of them are public funds and people are using them as if they are campaign tools for making themselves popular and likeable for no reason.

Sen. Karaba: Mr. Deputy Speaker, Sir, I will issue the statement in two weeks' time. However, I can even meet some of them and tell them what is happening. For example, I can meet Sen. (Prof.) Lonyangapuo privately and tell him solutions to some of these problems.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, I would like you to take the work of the Senate very seriously. The statement is not directed to you as the Senator for Kirinyaga but as the Chairman of the Committee and there is nothing private here. You can talk privately if you wish but we expect you to give an answer to the House in two weeks' time.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I just wanted to follow up on what Sen. Wetangula said. We cannot run an education system on populist lines. Money resources are very scarce in this nation that if you spread them thin and if we allow multiple sources of giving bursaries to students, we will be playing populists and, therefore, not serious. If we are serious about higher or basic education, the Government should come up with a single policy of financing education. At the moment, education is in the hands of the national Government. Therefore, it should take the responsibility of financing education and leave governors, MPs and so on out of it because it is not working. That is being populists.

In a country like the United States of America (USA) you will find that when education is under a state government, that state government has a clear policy of education. People know exactly what their entitlements are and if you know that you cannot qualify to go to a state university, very early, your parents begin saving money for you or you borrow money and you know when you will pay it. This idea of postponing or avoiding responsibility is not working. So, rather than seeking a private audience with my friend Sen. (Prof.) Lonyangapuo, Sen. Karaba should go to the Cabinet Secretary (CS) in charge of Education and tell him that according to the Senate, this whole system of financing education is not working.

Sen. Bule: Mr. Deputy Speaker, Sir, I also want to ride on the same issue. Actually, every resource of this country is misappropriated. Funds meant for bursaries are being given to people who do not mind what education is for. For example, you will find money being given to an MCA who does not even know how to utilise it or MPs allocating money for bursaries which they use as working or campaign tools. You will also find governors giving bursaries and telling people that they are doing that for them because that is their campaign tool.

Mr. Deputy Speaker, Sir, we need to consolidate this money. We need to have a proper policy which defines the utilisation of these funds.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you Senator. You have reiterated very well what Sen. (Prof.) Anyang'-Nyong'o has said.

Sen. Okong'o: Mr. Deputy Speaker, Sir, I just want to ride on the request by Sen. (Prof.) Lonyangapuo so that when the Chair goes to seek the answers, we need to know where the Jubilee policy of free secondary has reached, considering the fact that the Kibaki Regime gave assurances and started a policy of Free Primary Education (FPE) which is fairly on track. I would like that addressed as well.

Sen. Billow: Mr. Deputy Speaker, Sir, I have an additional issue to ride on item (e). The Chairman should also determine how much money is spend on bursaries by the Ministry of Education and the Ministry of Finance through the National Government Constituencies Development Fund and the devolved county governments, so that we know exactly how much money in total is spend on bursaries. Perhaps, that will give a clear idea whether there is need to address policy issues.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, you have said that you will give an answer in two weeks' time.

Sen. Karaba: Yes.

The Deputy Speaker (Sen. Kembi-Gitura): I would also like you to consider seriously the issue of policy as requested by the Senate. Like my colleagues have said, if a student is truly destitute – there are many students who are truly destitute – and the

school demands, for example, Kshs25,000 for the first term and you give that student a bursary of Kshs2,000, that is money down the drain and money wasted because that child will stay in school for a week and then be send home afterwards. The MP will say that they have already disbursed bursaries and that is the end of the story.

The child will stay at home and that will be a waste. Therefore, it is important that we, as a Senate, are clear on policy guidelines of all the bursaries and other funds, whether devolved or otherwise, that are being used in the counties so that we do not have wastage and as many students as possible can benefit. It is important that you put all those issues that have been raised to account as you get answers for this.

FINANCING OF JARAMOGI OGINGA ODINGA TEACHING
AND REFERRAL HOSPITAL

Sen. (Prof.) Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. Last time, I think it was the afternoon session of 14th July that began at 2.30 p.m., I had a statement that was to be issued by the Chairperson of the Standing Committee on Finance, Commerce and Budget. Actually, the statement was issues by Sen. Mutula Kilonzo Jnr. on behalf of my Chairman. However, you will realise that there were two statements. One was from the CS, Mr. Rotich, who is in charge of Finance. There was also another one from the County Executive Committee (CEC) member in charge of finance from Kisumu County and the two statements did not tell the same story. We requested that the statements be referred back to the authors and make sure that we get one statement in this House that would not lead to that contradiction. Since then, I have not been told when this statement will be issued. However, as per last week's agreement, according to the HANSARD, the Statement was to be delivered this week.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Billow, that has to do with your committee.

Sen. Billow: Mr. Deputy Speaker, Sir, I seek the indulgence of the Senator to kindly repeat because I was busy consulting with another Senator.

The Deputy Speaker (Sen. Kembi-Gitura): You are seeking the indulgence of the Senator or of the Speaker?

Sen. Billow: The Speaker.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Anyang' Nyong'o, may I request you to kindly repeat.

Sen. (Prof.) Anyang' Nyong'o: Mr. Deputy Speaker, Sir, let me just summarize to my chair what the situation is. Last week, Sen. Mutula Kilonzo Jnr. read a statement on your behalf on the issue of financing of Jaramogi Oginga Odinga Teaching and Referral Hospital in Kisumu County. I had sought a statement to be issued on why the county government had not issued the conditional grants to Kisumu County from the Financial Year 2013/2014 up to now, according to the grants that were made. The statement from the Cabinet Secretary for National Treasury was very comprehensive and gave reasons and the amount given.

The statement from the Executive member in charge of Finance, Planning and Economic Development from Kisumu told a different story. So, the House decided that this statement should be returned so that each entity could work with the other one to give

a coherent statement to the Senate so that we know exactly what has happened to the conditional grants for Jaramogi Oginga Odinga Teaching and Referral Hospital.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Anyang' Nyong'o, my tracking record shows that the answer is due tomorrow 21st July, 2016. So, now that Sen. Billow is here, I hope he is going to follow it up to know whether we are going to have a combined answer tomorrow.

Sen. (Prof.) Anyang'-Nyong'o: Thank you Mr. Deputy Speaker, Sir.

Sen. Billow: Mr. Deputy Speaker, Sir, I wanted to suggest, with the concurrence of the Senator, a better way of dealing with this because we have dealt with it before and like he said, we have not brought a very comprehensive answer. I want to suggest a meeting where we will get the Treasury and the county government CEC member for Finance to appear before our committee. The issue of reconciling the two figures is a matter that we dealt with earlier and were not able to get a satisfactory response because the county government argues that there are delays and the Treasury says there are no delays. So, I would have requested that if we can invite these two parties next week and the Senator joins us to get a more comprehensive statement from both.

Sen. (Prof.) Anyang' Nyong'o: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Anyang' Nyong'o, that is not satisfactory for you?

Sen. (Prof.) Anyang' Nyong'o: Mr. Deputy Speaker, Sir, while I agree with the Chair that we should invite both parties to come to the Committee, in the mean time since they have already submitted a statement to be read tomorrow, we should receive that statement and that statement be part of the discussion so that no excuse is given that we had already submitted a statement to the Senate.

Sen. Billow: Mr. Deputy Speaker, Sir, that is okay. We can read the statement tomorrow.

The Deputy Speaker (Sen. Kembi-Gitura): So, you will endeavour to give us an answer tomorrow then we can see how best we will proceed from there.

Hon. Senators, before we proceed to the next order, I have another short Communication to make regarding our students.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS FROM NKUENE GIRLS HIGH SCHOOL, MERU COUNTY

I wish to recognize the presence of visiting students and teachers from Nkuene Girls High School, Meru County, seated in the public gallery. In our usual tradition of receiving visitors to Parliament, I extend a warm welcome to them and on behalf of Senate and on my own behalf, I wish them a fruitful visit.

Thank you. Sen. Wetangula you want to say something about the students?

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, the distinguished Senator from Meru County is not in the chamber, he is out there on very distinguished national duty, Co-Chairing the Joint Committee on Independent Electoral and Boundaries Commission (IEBC) with Sen. Orenge. So, on his behalf, I would want to welcome the students and encourage them to be good students. We have not heard of

any dormitory burnt in their school yet and we hope there will be none. Their distinguished Senator is much respected in this House. He is called “the King” and we hope that on his behalf, we can make you as comfortable and be able to learn as you possibly can.

Sen. Karaba: Mr. Deputy Speaker, Sir, thank you for also allowing me this chance to welcome the two schools; Loreto High School, Limuru and Nkuene Girls High School to this House. I wish them the best of their stay here and luck as they continue preparing for their Kenya Certificate of Secondary Education (KCSE) exams this year. I warn them that cheating of exams which was prevalent last year---. That should be something of the past and should not be entertained. Students should be discouraged from imagining that burning of schools and dormitories is a solution to their problems. It is not a solution but a problem created to the parents.

Sen. Okong’o: Mr. Deputy Speaker, Sir, I also take the opportunity to welcome these young Kenyans to this eminent House. Remember that they are the leaders of today and they should not wait for tomorrow. They should copy the best examples and discard the worst examples and they will make Kenya a good country.

Sen. Wangari: Mr. Deputy Speaker, Sir, I want to join my colleagues in welcoming these students here and on behalf of the Kenya Women Senators, I want to encourage these young women that it is possible to become whatever you desire to be and I hope that they can see that even in the leadership in this House, we have 18 women. I want to tell them that they can be where they want to be and pick only the good things and sieve the bad ones. I say that because even in school destruction, there are very few girls schools that have been burnt. So, statistically, girls are the superior brains. I want to tell them to continue in that route and congratulations for coming to the Senate. They should pick what should apply to their lives and be where they want to be.

Sen. M. Kajwang: Mr. Deputy Speaker, Sir, since everyone is declaring a capacity, I also want to welcome the young ladies from the two schools; in my capacity as a member of the Kenya Young Parliamentarians Association, I am an active Member with Sen. Wangari. I just want to encourage the young girls that youth or gender should not be a disability. It should also not be the basis upon which you request to be considered. If you are to look at gender, the world is moving to a situation where the leading economies are now being led by women. In the United Kingdom, Theresa May has taken over. In Germany, Angela Merkel is holding the reigns. In the United States, God willing and if I had a vote, Hillary Clinton would be the next President of the United States of America (USA).

We are going to see a future where there will be a lady leading this nation. I do hope that they will be the ones making that history, but better still, if someone can make that history before you because where the world is, it does not matter whether you are a lady or a gentleman. What matters is your character, industry and the kind of love you have for the people. So, I want to wish them well and I want to encourage them not to look at their gender as a disability or as a basis upon which they should be invited to the high table.

Sen. Sijeny: Mr. Deputy Speaker, Sir, I also wish to welcome the young ladies who are the future presidents and leaders of this country. In my capacity as the chairperson of the Kenya Women Senators Association, the next time, I will expect one of them to be standing here in their capacity. I know I am a Nominated Senator but as my

colleague as just said, this is the time when women are being elected into key positions in this world and I believe through your help and support and all your relatives who are in Nairobi, you will also assist me to be elected as the first woman Member of Parliament for Langata Constituency in 2017.

The Deputy Speaker (Sen. Kembi-Gitura): I can see you are using that as a campaign platform.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, let me also join my colleagues in welcoming the students and the teachers. I would like to remind them that the two schools, this one in Limuru and the other one that has come from Meru County, that there is Mt. Kenya between them. If you face Mt. Kenya, bad manners disappear. I am saying this because students are “erupting” to some activities that do not make sense. Yesterday, a few burned down their dormitories. Why are they burning their dormitories? Only the other day, my school burned a dormitory only to discover that they only burned their clothes. So, the loser is not the school but the students.

I thank the girls and tell them that any time they experience a problem like that, look at Mt. Kenya and everything shall be well.

Sen. Okong’o: On a point of order, Mr. Deputy Speaker, Sir. I thought the good Professor from West Pokot County would have just used his credentials to talk to the young girls. The history that we have about facing Mt. Kenya ---

The Deputy Speaker (Sen. Kembi-Gitura): Why do you call them young girls? They are either young ladies or girls.

Sen. Okong’o: Mr. Deputy Speaker, Sir, young Kenyans. Most obliged. The history that we have about facing Mt. Kenya is not all that good. Would the good Professor tell us what he means by that?

(An. hon. Member spoke off record)

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators! Sen. Karaba, you have spoken as the Chairperson. Have you not?

Sen. Karaba: Mr. Deputy Speaker, Sir, it is a point of order on Sen. Okong’o’s sentiments.

The Deputy Speaker (Sen. Kembi-Gitura): No. I rule out that point of order. Sen. (Prof.) Lonyangapuo has given his opinion. Good or bad, that is his opinion. The young ladies will take it in that stride. They are with their teachers and they should be able to distinguish what is good or bad.

Like I joined in welcoming them, my request to them is that they consider seriously— like I said last week – the preamble to the Constitution and also the section of national values and the heritage of this country.

Next Order!

Hon. Senators, as you know, there are some Committees going on right now and there are other issues that affect the quorum in the House. I will reorganize the Order Paper and defer Orders No. 8, 9, 11, 12, 13, 14, 15, 16, 17 and 18.

COMMITTEE OF THE WHOLE

THE REPRODUCTIVE HEALTH CARE BILL
(SENATE BILL NO.17 OF 2014)

THE COUNTY OUTDOOR ADVERTISING CONTROL
BILL (SENATE BILL NO.1 OF 2015)

THE COUNTY GOVERNMENTS (AMENDMENT)
(NO. 4) BILL (SENATE BILL NO.18 OF 2014)

THE PRESERVATION OF HUMAN DIGNITY AND
ENFORCEMENT OF ECONOMIC AND SOCIAL
RIGHTS BILL (SENATE BILL NO. 8 OF 2015)

THE EMPLOYMENT (AMENDMENT) BILL
(SENATE BILL NO. 1 OF 2015)

THE NATIONAL CEREALS AND PRODUCE BOARD
(AMENDMENT) BILL (SENATE BILL NO.15 OF 2015)

THE COUNTY LIBRARY SERVICES BILL
(SENATE BILL NO.6 OF 2015)

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

THE KENYA MEDICAL SUPPLIES AUTHORITY
(AMENDMENT) BILL (SENATE BILL NO.4 OF 2014)

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL
(NATIONAL ASSEMBLY BILL NO. 36 OF 2014)

(Committee of the Whole deferred)

The next Order is Order No.10.

Could I have the list of the record?

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I understand after Order No.10 which has only 15 minutes to go, we will move to No.19.

(The Clerk-At-The-Table whispered to Sen. Wetangula)

The Deputy Speaker (Sen. Kembi-Gitura): Is that clear?

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, yes. It is clear.

BILLS*Second Reading*THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILL NO.21 OF 2015)*(Sen. (Prof.) Lonyangapuo on 19.7.2016)**(Resumption of Debate interrupted on 19.7.2016)*

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo, you have 11 minutes.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, I thank my colleagues for contributing to this Bill for the last two sitting days. This is the County Governments (Amendment) Bill 2014, in which I had proposed that the offices of the sub-county, ward and village administrators be assigned proper roles and have a qualification that can attract people to work there.

I propose that a sub-county administrator must have a minimum of a degree and we agree with it. A ward administrator should have a minimum of a diploma. Members say a degree but in the wording here, I put diploma. However, we will address it during the Third Reading. This is because a number of ward administrators and Members of County Assemblies (MCAs) have degrees to the extent that you will need people who can run those positions equally. They are in the same category as a District Officer (DO). A DO today has a degree. So, it is essential that ward administrators must have a degree as well. A village administrator should have a minimum of Form 4 certificate with some qualifications particularly in management.

I had also proposed that these positions should be on contract for five years and eligible for renewal when the new government comes into place and they can earn gratuity. Members suggested that I should look at this with a view to bringing some amendment. I will address it properly in the Third Reading. These positions are strictly management and it is just like in the university where I was. For you to become a head of department, you should qualify to be a lecturer. This means that you are already a permanent member of staff. You attend an interview for that particular headship in that institution or department, where you can now earn some additional monies for the privilege to sit in that position. We may have to address it in that context. Even as dean of a university, you are not permanently there. If your term ends, you go back to your old position.

This is the direction that I am going to move as we will be seeking to amend this so that the people currently in those positions but who do not qualify in the context of the new law, will have to be reassigned other duties when the time comes and also, to give room to the new government. When a new Government comes into place, you have an agenda that you have signed with the people of that county for five years. It is not necessarily true that you may retain the administrator who was there. You can change but within the systems.

This also brings in the issues where we are currently correcting a malpractice where the inaugural governors and executives ended up employing relatives, clans, friends and political agents thinking that they will be there forever. I know that a number of them are crying that they resigned. It is true. Who never resigns from their positions? I know all of us. We are moving to an era where all of us now have to be conscious. We are moving into a performance contracting era just like we do in Parliament. Just because I am the Senator for West Pokot today is not a guarantee that I will be the Senator again for the next five years. So, I am here for five years on a contract. It does not make a person any less important in this institution.

In the over 200 parastatals that we have today, all the Chief Executive Officers (CEOs) are on contract. All the directors of departments in that institution are now put on contract. They chose to go for managerial positions consciously knowing that their time will come to leave. I want to assure the ward administrators, sub-county administrators and village administrators, if any, that their lives should not hang on the life of current governors. They should concentrate on serving the people. They are not working because or by choice of the governors. A number of them think that since they were taken through a rigorous programme of vetting before they were employed by the county public service boards--- We know that even the county public service boards are at the whim of the governors.

The County Public Accounts and Investment Committee (CPAIC) that is chaired by Sen. (Prof.) Anyang'-Nyong'o, and I am the Vice Chair, is now in receipt of a document from a forum called 'Chairmen of County Public Service Boards,' where a number of them have resigned and some are saying that their lives are in danger if they do not listen to what the inaugural governors say. We should not compare the national Government with the county governments. The structure that we have here is to make devolution work, so that people can enjoy the fruits of devolution. People should not enjoy their positions without caring what happens.

Mr. Deputy Speaker, Sir, as indicated in this Bill, we are planning to put precise descriptions that will not compete with those of chiefs. Sometimes meetings are called without knowing who will address them. You will find the chiefs, the sub-chiefs, the Assistant County Commissioners and ward administrators claiming that the meeting is theirs.

We should amalgamate the roles of the national Government at the county level and the county governments and have a system that makes sense, so that we do not have problems in future. I want to assure those that are already feeling jittery that they should not waste their time and public funds by coming to Nairobi to parade themselves in Bomas of Kenya for three days trying to fight this Bill. This Bill is there to make lives better. I give that undertaking as the Mover. Together with my colleagues, we will address and shape this Bill to the desired destiny, for the good of the people of Kenya.

I beg to move.

The Deputy Speaker (Sen. Kembi-Gitura): Should we put the question?

Sen.(Prof.)Lonyangapuo : Mr. Deputy Speaker, Sir, pursuant to Standing Order No.54 (3) I beg that you defer the putting of the question to a later date.

The Deputy Speaker (Sen. Kembi-Gitura): It is so ordered.

(Putting of the Question on the Bill deferred)

*Second Reading*THE NATIONAL HOSPITAL INSURANCE FUND
(AMENDMENT) BILL (SENATE BILL NO.9 OF 2015)

Sen. Wangari: Mr. Deputy Speaker, Sir, I beg to move that The National Hospital Insurance Fund (Amendment) Bill (Senate Bill No.9 of 2015) be now read a Second Time.

This Bill touches on a critical issue of health in our country. It also touches on how Kenyans will pay for health services and the National Hospital Insurance Fund (NHIF). It is an amendment to The National Hospital Insurance Fund Act which is old.

There are a few things that have emerged. First of all, we have the devolved governments and the health function is devolved. In the Fourth Schedule of the Constitution, there is a part that assigns duties to the county governments. What interests me is part (c) which talks about promotion of primary health care. It is costly to treat diseases in this country, especially the plague of cancer. Families are sinking all their savings into treatment. I say this because two weeks ago I lost my mother-in-law to liver cancer. It was hard for me. It is hard to get affordable treatment in this country and many Kenyans are suffering. Most Senators will agree with me that a day does not go by without getting an invitation to a *harambee* that deals with medical expenses.

Mr. Deputy Speaker, Sir, this amendment also seeks to look at how contributors to NHIF are treated in this country. We have the standard by the Government and organizations, employees and the voluntary contribution. We know that if you are not a member of the NHIF you really suffer. The way it is structured nowadays, it really helps in tackling medical bills. However, not many Kenyans are aware that they can contribute to the NHIF and the consequences of late contribution. We are staring at a crisis in terms of unemployment in the country. We have millions of young people who are out there with no formal employment. Most probably, they will be in the voluntary contribution of NHIF.

If one has a contract or employees that are covered by NHIF as required by law and delays payment by a day or two, they are charged a punitive penalty that makes them to withdraw their workers from NHIF. A penalty that is five times more is not encouraging the businesses that we are talking about. Most women and young people in the country are in private businesses because the white collar jobs are not easily available; the Government is not able to churn out as many jobs as it should. Most people are in Small and Medium-sized Enterprises (SMEs).

Mr. Deputy Speaker, Sir, we are lucky to host the United Nations Conference on Trade and Development (UNCTAD) 14 in the country. The conference has a dedicated session to deal with the youth and women. There are hundreds of delegates from all over the country that have come to press that even as we look at the achievement of Vision 2030 and Sustainable Development Goals (SDGs), we should have a friendly environment for business for young people and women, because they are the drivers of economies in most of the developing countries.

There is a simple amendment to ensure that the penalties are made affordable. For example, if somebody is working for company 'X' and his or her payment is delayed,

they do not have to suffer by paying five times more as an upcoming entrepreneur, so as to continue with their subscription to NHIF. The first amendment is that of Section 18 of the principle Act in sub-section (1) by deleting the words “five times” appearing immediately after the words “a penalty equal to” and inserting therefor the word “twice”. This was achieved through the public participation that we did in the Committee on Labour and Social Welfare. We involved many stakeholders in terms of the reduction of these penalties. It does not make sense that we want to encourage young people and other people to contribute to NHIF, yet by law we make it difficult to sustain the contribution. That is what informed this reduction. We should encourage more people to keep contributing to the National Health Insurance Fund (NHIF) because we know how helpful it is.

The second amendment is critical. It is in line with the mandate of the Senate under Article 96 of the Constitution. Article 96 (1) and (2) states as follows:-

“(1) The Senate represents the counties, and serves to protect the interests of the counties and their governments.

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

That takes me to the Fourth Schedule because generally, health is a devolved function. It is true things are not as perfect as they should. In fact, we are far from achieving globally acceptable levels of healthcare. However, devolution has given hope such that when one visits the Nakuru Provincial General Hospital, they do not have to go all the way to do a Magnetic Resonance Imaging (MRI) test at the Kenyatta National Hospital (KNH). We already have equipment for dialysis and MRI at a more affordable cost than one would pay to transport a patient to Nairobi, host them and feed them.

The role of county governments in NHIF is also critical. The constitution of the Board of the NHIF, Section 4, Cap 255 states that the board came into being when county governments were not existing. All the representation here does not touch on county governments. There is one person who was appointed by the President; the Principal Secretary to the Ministry of Health or his representative; the Principal Secretary to the Ministry of National Treasury or his representative; the Principal Secretary of personnel management or his representative; the Director of Medical Services; one nominee of the Federation of Kenya Employers (FKE); a nominee by the Central Organization of Trade Unions (COTU); One nominee of the Kenya National Union of Teachers (KNUT); a nominee by the Kenya National Farmers’ Union (KNFU); two members appointed by one Cabinet Secretary; one from the Association of Kenya Insurers (AKI) and another nominated by the Non-Governmental Organizations (NGOs) making healthcare providers; another from the Kenya Medical Association (KMA); then NGOs dealing with provision of healthcare services and finally there are healthcare and religious organisations represented.

We do not have any representation of the county governments. This Bill seeks to ensure that since the county governments are very serious stakeholders considering the devolution of health services and the roles as stipulated in Schedule 4(2) that allocates duties to county governments, it is mandatory that they have representation. Therefore,

these other amendments that is, Section 4, Cap. 255 are meant to ensure that there is representation to the Board by the Council of Governors (CoG). Therefore, we will have the CoG because it is recognised by law. They will nominate one person to that Board. That way, we will take on board the issues of concern to the county governments.

The Standing Committee on Health in this House has been bombarded by very many issues of health facilities that lack medical personnel, unpaid medical personnel, delayed payments and absence of medicine. In fact, one of the most recurring issues in the County Public Accounts and Investments Committees is the issue of referral hospitals. During the County Allocation of Revenue Bill we had an issue because there was a reduction of the money meant to go to referral hospitals. These referral hospitals serve counties all across the country. Again, the conditional grants for medical facilities are very limited in terms of use. Most counties have complained that they are unable to reallocate money to ensure they keep up with their duty of promoting primary healthcare. That amendment will ensure the CoG is represented in that board.

The other issue is that of the Workmen Compensation Act. This is procedural because it was repealed and it is still in the Bill. We are supposed to clean up these laws and align them to devolution and adjust to the new Constitution. That amendment is basically to replace that with the Work Injuries Benefits Act as it should be; Cap 236. The issue of NHIF and healthcare in this country is still far off from being the best. However, that does not mean that we as the Senate abscond our duty. It is important that county governments feel a part of it.

Article 189 of the Constitution ensures that despite these two levels of government being distinct, they are also very interdependent.

Article 189(2) states:-

“(2) Government at each level, and different governments at the county level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities.”

That is the spirit of the Constitution. When people suffer from NHIF contribution or lack of it, one realizes that these people are in the counties and the national government also serves those counties.

During the Committee Stage or at a later level, we can address the issue of dissemination of information on NHIF. They are not doing enough in terms of enlightening the population on the importance of having the NHIF card. Though NHIF has had very many scandals, and other funny stories, in terms of services they have improved. In some hospitals, one is able to get dialysis for some sessions paid for by NHIF. One is also able to do some more specialized treatments including dentistry. If that can be made known to the population, we will be able to get more people interested in contributing to this Fund per month.

Sometimes Kenyans need a little pushing. Even now when we talk of continuous voter registration, we are still the same people who still wait for the last minute. People do not know the importance of this card until they have a sick person in their families or circles. That is when they realize this card helps. Every weekend I get medical appeals including this coming weekend. These people do not know the existence of NHIF. It would be upon the board to actually disseminate the information through the Ministry of Health. They need to sensitize us and tell members that they should take up NHIF. Those are the simple amendments that this Bill seeks to include in the principal Act.

I hope we can enrich it and get the county government representation which should not be negotiable. Penalties should be reduced and more Kenyans should be encouraged to join the Fund, including those from such sectors as the Small and Medium Enterprises (SMEs), the youth-owned businesses and the *jua kali* sector. They should know that they can take control even when unemployed and get members to contribute and be part of the scheme.

I beg to move and ask Sen. Sijeny to second the Bill.

Sen. Sijeny: Mr. Deputy Speaker, Sir, thank you for the opportunity to contribute to this wonderful and marvelous Bill. First, I congratulate Sen. Wangari who has thought very considerably to prepare this Bill and present it at the Senate. It is a very sensitive and humane Bill. In our country, the poverty level is still very high and medical expenses are extremely on the higher side. We have been trying to champion some facilities which, like for the assisted reproduction, are still very expensive. A full medical session for this, for example, would cost kshs500,000. Most Kenyans cannot afford this.

Mr. Temporary Speaker, Sir, the National Hospital and Insurance Fund (NHIF) came in as a saviour. It has helped so many. Personally, I did not understand the importance of this Fund until recently when my baby sister was admitted because of breast cancer and the Bill was exorbitant. She was in hospital for about two months and we could not afford to pay. If we are complaining, then how about *Wanjiku* in *Mashinani*?

The NHIF came in handy after all the deductions and the payment that they effected on our behalf. We were then able to settle the Bill. I wish to confirm that they have become efficient and you only need to apply and abide by the rules in order to obtain the assistance.

Mr. Temporary Speaker, Sir, it is on that note that we wish to encourage many Kenyans to subscribe to this NHIF and to ensure that they remit their subscriptions. However, they should not be penalised exorbitantly when they fail. These are things that at times when people change their employment; they do not follow up because that is what the employer does. Personal contributors need to be told what to do. These are the things that the chiefs in the villages should disseminate and encourage Kenyans to embrace.

We know that the health sector has been devolved but Kenyans are still suffering. We have the Vision 2030 and Kenya has subscribed to the Social Development Goals (SDGs). Not long ago, we were in New York and we saw a lady from the grassroots who sat at the table when the SDGs were being drafted. This was encouraging because we know that health is one of the issues that affect Kenyans and especially women. Many women have died because of pregnancy related complications. The complications arise because the health facilities may not be within their reach or they cannot afford the private hospitals and do not have the NHIF cover. Once this is done, they are able to protect their health accordingly.

Mr. Temporary Speaker, Sir, when a woman is expectant, the medical emergencies cannot be postponed and therefore one cannot think otherwise. When a patient cannot afford to pay for healthcare, it becomes very painful. We have seen many lives lost and some stay with injuries or complications because they cannot afford to pay for treatment. When a patient is told that he or she has a kidney problem, they worry much about how they will obtain the medical cover. Chemotherapy and such related

medication are expensive. I am glad to tell Kenyans that NHIF can support and has supported my relative and many other people that I know. They need not suffer quietly. The little contribution is all that they need to give and they will be supported.

We know that if Kenyans are not healthy, they cannot participate in developing the economy. A healthy nation is a wealthy nation. We need to ensure that Kenyans get the correct medical care so that they can end poverty. With extreme poverty and poor health, there is no success. The social status too, will not improve and therefore the people will not take up these leadership roles. The children will not attend schools because they are unwell. Instead of approaching properly trained medical personnel, people will buy painkillers across the counters to ease the pain. I encourage Kenyans to avoid that and visit hospitals where they will be treated accordingly. The NHIF is the saviour. Now, with Sen. Wangari's Bill, there should be no worry about hefty penalties. The burden of the medical care shall be eased accordingly.

Mr. Temporary Speaker, Sir, the inflation rate has hit the country. When we enact such laws, it is because we are sensitive. The inflation will not hit the country always because of our faults but because of unforeseen and unavoidable circumstances like global warming, epidemics and terrorist attacks, among others. These are not necessarily man-made. Corruption could be part of it but we know Kenyans are suffering because of high inflation. Like now, when the maize supply is inadequate, part of it is imported. Fish is also imported and all these will affect the Kenyans. If the people from Nyanza region cannot support themselves because their daily trade has been affected, they will not afford the expensive medical care.

Complications arise everywhere and we normally hear myths and stories, but the rate at which cancer disease is rising is alarming. We have seen young children suffering from diabetes and Human Immuno-Deficiency Virus (HIV)/Aids related complications affecting many. All these require money to obtain medical care. Therefore, we need to see how to shield ourselves from this difficult problem.

Mr. Temporary Speaker, Sir, when Sen. Wangari proposed that there should be proper representation at the board by the person nominated by the Council of Governors, it is important because the county governments are governing the economy down at the devolved units. They have the latest information and they know how the environment is. They have a way of finding out where everyone lives and their needs. What is important is that the two governments work together and come up with harmonised policies which will ensure that all Kenyans obtain medical attention without discrimination.

Mr. Temporary Speaker, Sir, once we take care of the health sector, then there are other things like education that will prosper. All our children will obtain education to the highest level that they can achieve. Even if free education is rolled out but the health of the child is wanting, then it is a waste of time. We shall lose a generation because we cannot provide the services that are required. If at the secondary or the university level, people cannot access or afford the medical care they need because of the exorbitant fee, we as a nation shall not prosper.

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

(Question proposed)

Sen. Karaba: Mr. Temporary Speaker, Sir, thank you for giving me a chance to contribute in support of this Bill. To me, it is an important Bill and it has been brought at the right time when counties are struggling to devolve medical facilities and equipment to the counties. This Bill should have been introduced immediately we attained Independence. If you visit the countryside, you will get the surprise of your lifetime. Many people die due to lack of medical care and ignorance. The National Hospital Insurance Fund (NHIF) should provide services at the village level to reach “Wanjiku”.

This Bill is important to most Kenyans. Many Kenyans - when they get sick - they only pray to God to heal them. Some of them pray facing Mt. Kenya or wherever they believe their God resides. It is due to ignorance that they do not know what to do, and also lack of money. It is extremely expensive to get sick in the rural areas. Most times when they get sick, they eventually die because they cannot access medical care. For example, imagine somebody in the northern part of Kenya who requires specialized treatment in Nairobi at the Kenyatta National Hospital (KNH) or Nairobi Hospital. He has to be flown to save his life.

How many choppers do we have to patrol some of those areas as they do reconnaissance tours to see what is happening in the villages? How are our roads? How fast can a patient be rushed to Nairobi Hospital during peak hours in this city? It is impossible to transport a patient to Nairobi Hospital or even KNH between 5.00 p.m. and 7.00 p.m. because of traffic jams. Our people are ignorant that even when they hear the siren, motorists will not give way to the ambulances.

Mr. Temporary Speaker, Sir, we have a lot to learn from our friends in other countries like South Korea, Japan, Britain or the United States of America (USA). For example, in London and other towns in the world, there are designated lanes for ambulances, the traffic police and public buses. That road is not used by any other motorist. We do not have such a road here. I remember that in the Ninth Parliament, I moved a Motion where I proposed for us to have a lane designated for use by ambulances, fire brigades and visiting dignitaries instead of holding traffic for one person to pass or pave way for ambulances. Not very many people know what an ambulance siren means. Therefore, you will find some people taking advantage to follow ambulances, others are blocking the road and others taking advantage of the road paved for ambulances. Some time the patient ends up dying before getting to the hospital. Ambulances are sometimes forced to use the opposite side of traffic.

Mr. Temporary Speaker, Sir, those are some of the problems that we must understand in order to know why we have to suffer in the medical field. It is also important to note that ours is not a welfare state like Britain and the USA. The state pays for services which are rendered by the Government. We are yet to get to that level here. The NHIF is one way towards making Kenya a welfare State in East Africa. We will be proud to be in that category. We should be able to take care of the elderly in our society. Part of our population is aging yet we do not have facilities that will give them free medical care. We do not provide enough medicine to our people. Some of them have to wonder whether to use money to feed their children or to go to hospital. They end up dying due to lack of medical care, medicine, hospitals and knowledge.

A large number of our population lives in the rural areas. Hospitals in the urban areas are not well equipped to the desired level so that the population migrating to urban centres can get proper medical care. According to this Bill, there is need for the

Government and every other person who is serious about the population of this country to bring about such a service. The NHIF should be devolved to the level of the village, but there should be some authority used where even if we cannot afford to pay what the NHIF would like to be paid in the premiums, some people can make meagre contribution so that we take care of the people who cannot afford to pay because they are the majority as they are the people who will eventually die due to lack of medication.

Mr. Temporary Speaker, Sir, once this Bill is passed, we will get closer to the famous 'Wanjiku' that we normally talk about. It is important that when we talk about something like this one that is close to our hearts, close in the sense that every other weekend, we go to attend fundraising to raise money for patients to go to India, Nairobi Hospital and many other hospitals for specialized treatment. We will be saved by this Bill once the NHIF spreads to the people who cannot afford to take themselves to hospitals.

It is also important to note that in the recent past, there has been an increase in the number of cancer patients in this country. We have cancer of the breast and many other parts of the body. The dietary systems should be stressed in this Bill so that people get to know the right food to eat. People are ignorant and do not know what to feed on. I, therefore, suggest that the NHIF Bill should be passed as soon as possible so that our people can access the hospitals that we have.

The Government should also pay more attention to what is happening in the counties. If they are taking equipment there, they need also to post well trained personnel so that when those machines breakdown, they can be repaired immediately. They should not be transported to Nairobi for repairs due to lack of technicians in the field. Technicians should be trained. They should be deployed to county hospitals. For instance, the moment a fridge or a dialysis machine has a problem; it should be repaired immediately so that we prevent the exodus of people from rural areas to the urban centres. That is what this Bill seeks to address. It is important.

Very few people have information. We have the National Hospital Insurance Fund (NHIF). Some people do not even know what it is. It is important to ensure that this becomes a serious authority, so that people are informed about the existence of NHIF. It is a remedy to very many medical problems. Without this one, many people will die due to inability to pay hospital bills. Some medical personnel in these hospitals do not allow people to be treated without paying the bills. To ease the bill burden, they should be informed about the NHIF.

Therefore, let us facilitate our chiefs, Members of County Assembly (MCAs) and those employed by the county governments to ensure that everybody knows what NHIF stands for and are recruited to be members. It should be a compulsory recruitment drive. It is necessary for them to be safe when the time comes. Majority of them may not know that it is important until they have a problem. There are many people who will get the problem without a solution. If the solution is NHIF, then the Government should ensure that every person joins NHIF. Those who fail to fill NHIF registration forms should be penalized. They should be prosecuted. We lose money in fund raising for hospital bills yet they can be assisted through the NHIF. It will solve all hospital related problems. It will also ease pressure on our hospitals.

Mr. Temporary Speaker, Sir, as the Senator for Kirinyaga County, I wish this is spread to every village and more so in Mwea. People live in recreated villages. It should be easily available to these villages. You only need one person in charge of the village to

spread the word that NHIF forms are out. They should fill them. The chiefs in those villages will expedite the process and forward them to the relevant authorities.

When it comes to distribution of machines, governors should note that some of the machines, particularly in Kirinyaga should be distributed to populous areas like Kimbimbi. We have Kimbimbi Hospital which is the largest water borne disease hospital in Africa. If the Government has water borne disease machines to distribute, Kimbimbi Hospital should be considered.

The Temporary Speaker (Sen. Mositet): Senator, what is Kimbimbi?

Sen. Karaba: Mr. Temporary Speaker, Sir, it is a town in Kirinyaga County. It is the largest water borne disease hospital in Africa, south of the Sahara and north of the Limpopo. In this case we exclude Cairo and South Africa; for those who may not know what Limpopo and Sahara is.

Those hospitals should be properly equipped.

The Temporary Speaker (Sen. Mositet): Order, Senator. Your time is up. Do you support?

Sen. Karaba: Mr. Temporary Speaker, Sir, with those remarks, I beg to support.

The Temporary Speaker (Sen. Mositet): Proceed, Sen. M. Kajwang.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, I thank you for giving me this opportunity to contribute to this Bill. I thank and congratulate the Mover of the amendment Bill, Sen. Wangari, who is blazing the trail. She has been quite successful in getting her Bills considered. I will talk to her to find out what the secret is.

The amendments that she has brought to this House are quite fundamental and significant. They touch the core of what a nation should provide to its citizens. I support this amendment Bill. I will suggest areas where we could amend and make the mother Act, the NHIF Act more effective.

First, Sen. Wangari has proposed that someone from the Council of Governors (CoG) should sit on the NHIF Board. I have some reservations on this which I will explain. The NHIF Board is currently bloated. In the establishment of the Board, you have got A to L. You already have 12 members of this Board. You have people representing bodies like the Kenya National Farmers Union (KNFU). I am a farmer. I farm fish, sorghum and maize in my County of Homa Bay but I have never known about the KNFU and how I can be a member. I wonder who then it represents on the board of NHIF.

Then you have a member representing NGOs involved in the provision of healthcare services who is nominated by the NGO Council. Then there is Kenya National Union of Teachers (KNUT) and Kenya Union of Post Primary Education Teachers (KUPPET). You will also argue that they also need representation. Very soon you will have the trade union for civil servants demanding that they should also be part of this.

Mr. Temporary Speaker, Sir, I urge the Mover of this Bill to look at Section 4 of Cap. 255 and come up with a better formula for the NHIF Board. This is a Board of 12 people and we are now proposing to add another person coming from the CoG; that will be a board of 13. That is too busy. When I was in the private sector, we were taught that the ideal size of a board would be a number that could best be fed on one big pizza. In other words seven or nine could be ideal. Regarding the number of members in this board, we can relook at it and offer a better approach. Some organisations that we know have become moribund.

Secondly, the Bill proposes to reduce penalties on lapses. I support that because the current plan talks of five times the amount in default. Sen. Wangari proposes that should be twice. There needs to be an argument whether when you lapse you are still under cover. We are talking of premiums. Those contributions are basically insurance premiums. So, if you do not pay your premium for a month or two, then your cover has basically lapsed. This is not a life insurance where there will be a fund, an investment and a projection of some benefits or sum assured at the end of the term of the policy.

Therefore, it cannot be that when someone lapses for whatever reason then the fine is that punitive. If it has to be punitive on anybody, it should be on an employer. We need to differentiate and say that the fine on an employer who fails to remit contributions of employees should be much higher than even the five times. Why should an employer fail to remit an employee's contribution yet they have already deducted that from the employee? This will ensure that we have a different set of penalties for the house help who earns Kshs10,000 or Kshs15,000 and maybe has paid been late by her employer then she forgot to remit her contribution. Those two categories need to be treated separately. There can be no forgiveness for an employer who has already deducted NHIF dues from an employee and fails to remit the same. As we go ahead we can look at those two distinctions.

The third key thrust of this Bill is to drop the reference to the Workman's Compensation Act which has become defunct. A dignified society should strive to offer certain things to its citizen. One should be food. I do not think we have reached the level of a dignified society as a nation because we still find malnourished children because that cannot get food, yet in some parts of the country, people are pouring milk and throwing away maize for lack of market. It is a good thing that this Senate has already come up with a food security Bill which I believe has become an Act of Parliament and I believe has already been assented to. That Bill was processed in this House to ensure that no Kenyan goes hungry.

Secondly, a dignified society should provide shelter. The situation where our slums like Kibera have become tourist attractions where pop idols such as Madonna come to take photos and they do so in the worst of corners of those slums so that they can raise funds globally for their own charities is completely unacceptable. We must come up with a policy which ensures that all Kenyans have a right to descent shelter which is a right already in the Constitution. We only need to come up with enabling legislation.

Thirdly, is education. Already we are toying with free primary and secondary education. Lastly, is healthcare. The National Hospital Insurance Fund (NHIF) should be the agent through which we achieve universal health care. When you listen to top government officials in this country, talking about their scorecard, they will tell you that there is free primary healthcare in Kenya. We know that it is a lie. When you go to Level Four, Five or any other public hospital in this country, there is nothing like free primary healthcare.

It could be free because there is no cashier to collect money but the patient will have to go and buy the latex gloves, cotton wool and syringes. How free is that? Yet this Senate every year approves disbursement to counties of money called User Fees Forgone, which is some compensation to counties so that where they will not charge user fees, there is an allocation from the national Government. We disburse User Fees Forgone and yet, our citizens are still being forced to buy items which should have been

provided in these hospitals. We need to stand up and speak strongly about this. May be we should advocate for abolishment of this User Fees Forgone. It is not little money. Every county gets some money on User Fees Forgone in addition to the allocation on maternal healthcare. We should demand accountability for that User Fees Forgone.

Either, people get all the services free or we stop sending money to counties when they continue to impose non-tariff barriers to citizens.

Mr. Temporary Speaker Sir, the NHIF currently covers 90 per cent of the insured population which is only 18 per cent of the insurable population. This means there is a huge gap that still needs to be filled. I was in private practice in insurance. One of the last projects I was doing before I came to this House was establishing a medical insurance division in a financial services group and that entailed a lot of research and visits to find out how best it could be done.

For medical insurance practioners, this line of business is toxic and no one wants to touch it, because it is not making money for them. Of the registered insurance companies in this country, there is only one company that is making profits out of medical insurance, because they have got an eco-system where they own hospitals, research facilities and insurance companies.

The rest of the insurance companies that just operate as financial services providers are not making money. They are, therefore, not eager because they are not in business for social purposes, the way we are in politics to help people. They are in business to make money. We must create an environment where private players get an incentive to get into medical insurance business. One key area this Senate and Parliament can help to encourage is in promotion of micro insurance. Micro health insurance has gone a long way in economies like India to increase coverage to the poor population beyond the mandatory Government schemes like what we have in the case of NHIF.

The problem with micro insurance is the attitude of regulators in the industry. They want to regulate micro insurance the same way they regulate the other property classes of insurance. They tell you that for you to start an insurance company, you need a share capital of several hundreds of millions. A micro insurer sometimes does not have that money. We, therefore, need to look at the Insurance Regulatory Authority (IRA) Act and make sure that we have got provisions that promote micro insurance and that look at it separately from the mainstream insurance classes.

Mr. Temporary Speaker Sir, even with these changes to the NHIF Board, there are still many issues that need to be addressed. First, the NHIF should not be seen as a field for political reward. All the past chairpersons of the Board are former politicians. Some of them are well known. The predecessor of the current one was Mr. Kirgotty who is a famous politician in Maasailand. We cannot make NHIF a place where we send people who have been rejected by the electorate

The Temporary Speaker (Sen. Mositet): You are wrong when you say that. Mr. Kirgotty has been a civil servant all through and has never been in politics.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, you understand the terrain better than I do. He might not have been in elective politics but we understand the politics he plays behind the scene, but I will be guided by your clarification.

The Temporary Speaker (Sen. Mositet): He was the Registrar of Motor Vehicles before becoming the Chief Executive Officer (CEO) of NHIF.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, did he ever attempt to vie for a political seat?

The Temporary Speaker (Sen. Mositet): He never.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, I am guided and will not make that reference. However, the Chairperson of NHIF is a presidential appointee, and the trend in this country is that rejected politicians or retired civil servants are posted to chair some boards. When someone has retired from the Civil Service, what other incremental value is he going to bring into these boards? We have to look at the composition of parastatal boards.

This Jubilee Government promised to undertake significant reforms in parastatals, which has not been delivered. Legislation in this House keeps coming up with a new parastatal and authority and we are always in a rush to fill them because that is the only way we can fulfill some electoral promises. We need to see to it that we let professionals run NHIF, not just in the board but also in the management. This is because I also have information that appointment to top managerial positions is usually skewed; based on ethnic or political affiliation.

We must allow NHIF to be run as a professional body. It must also adopt technology. I am aware that the National Hospital Insurance Fund (NHIF) has many times attempted to modernize its operations but it is people in politics and Government who want to influence multi-million tenders and derail the efforts of state corporations from achieving the efficiencies that they want.

Mr. Temporary Speaker, Sir, as I conclude, the NHIF must also move beyond the employed because right now, they are milking the employed and they are not creative enough to broaden their net. The reason why the NHIF has got 90 per cent of the insured population is because it is its mandatory. If it was not mandatory, maybe it would not have those kinds of numbers. So, it needs to be more creative to attract more people. They need to create incentives for people to join and opt in.

Finally, we must also ask ourselves this: There is the cash transfer programme that has been in this House several times where we send money to orphans, vulnerable groups, children and widows, but is that working? Is the solutions sending cash or is it creating certain social cushions so that when I fall sick and I am an orphan, I know that I have got cover that will take care of me in hospital, I know I have got free primary education, free shelter and food security as guaranteed in the Constitution. We need to audit the Orphaned and Vulnerable Children (OVC) programme.

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

The Temporary Speaker (Sen. Mositet): Sen. Ong'era.

Sen. Ong'era: Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to also contribute to this Bill. Let me join my colleagues from the outset in congratulating Sen. Wangari for bringing up this very important and fairly straightforward Bill. This Bill aims at entrenching devolution right into the counties. As we know, health services have been devolved to the counties. Therefore, amending Section 4, which I fully support so that we get a member from the Council of Governors (CoG) sitting in the board, is a very acceptable and straightforward matter. However, I feel that time has come when even the NHIF should be fully devolved to the counties. Since we have already devolved health services, I do not see why we should now have a national umbrella body that manages insurance schemes.

Mr. Temporary Speaker, Sir, we know that right now, there are many insurance schemes in the world which benefit our people, just like the one Sen. M. Kajwang spoke about on micro insurance. These are the kind of schemes that we need, like the ones in the USA. When Sen. (Prof.) Anyang'-Nyong'o was the then Minister for Health Services, I remember he attempted to introduce an insurance scheme yet it was rubbished. He was made to look like the villain. Had he been given the opportunity then, that health service scheme that he intended to introduce would have really benefited our ordinary people right in the counties.

Mr. Temporary Speaker, Sir, I also support the second amendment which intends to reduce the penalties which have been imposed by The National Hospital Insurance Fund Act. There is no need of making defaulters pay such a hefty penalty when this scheme is actually supposed to support the poor. You know that majority of members of this scheme are really in the bracket of what we call "the youth and young people." Therefore, I welcome that amendment.

Mr. Temporary Speaker, Sir, I can also see that there is another amendment for the recovery of compensation of damages which I also support. However, there is an elephant in this House. The elephant is that we are all the time debating on Bills which when we send to our sister House, the "Lower House" which is the National Assembly are never passed. So, I do not see why we should be wasting our time debating on Bills here in the House and yet we do not agitate through your Office to ensure that, indeed, the National Assembly passes them just as we pass theirs. We are on record in this House saying that when the National Assembly Bills come here, we do not waste our time but debate on them, just as we are honourable Senators, and pass them. Therefore, I feel that it behooves the National Assembly to pass our Bills. Right now, I believe over 39 Bills have gone there.

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

The Temporary Speaker (Sen. Mositet): I want to assure you that Members of the National Assembly are also doing something. This afternoon, they were debating the County Assembly Powers and Privileges Bill. Therefore, they are also doing their best.

Sen. Ong'era: Thank you, Mr. Temporary Speaker, Sir, I stand guided.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, let me join my colleagues in congratulating Sen. Martha Wangari. I thought she had a third name but I can only see two here. If she does not have a third one, I will call her Esther.

Mr. Temporary Speaker, Sir, indeed, if we continue putting all our efforts the way Sen. Wangari has done here and the previous Bills she has brought, we will really be on the right track and be able to secure and make devolution which is the pride of every Kenyan work. These are the type of leaders that we will propose in future. For example, if Nakuru County needs a Senator, Martha Wangari should be elected as the first woman Senator. If she chooses to be an MP for Gilgil or the neighbourhood, it will still be okay.

Mr. Temporary Speaker, Sir, I would like you to recall the phrase that was pronounced in 1963 by our forefathers when Mzee Jomo Kenyatta stood and said that there are three enemies that must be eliminated immediately the Whiteman leaves. These were ignorance, disease and poverty. If you analyse it keenly, you will realise that our successive Governments have endeavoured to fight ignorance by introducing very many schools. We have not failed in that area and we are doing quite well. Another one that we are struggling and trying but not really managing is the issue of eliminating poverty

where people suffer shortage of food. We would have eliminated it if we continued with the policies of 1960s, 1970s and early 1980s where agriculture was the prime choice in the Republic and everybody thought of it. Today, it is lost and no wonder we just depend on people from outside.

We import food from other countries but do not know what minerals are used in the production. Maybe that is why we have very many strange diseases nowadays such as cancer and very many others that historically we used not to have in huge numbers.

Lastly, one enemy of Kenyans and Africans that we were supposed to fight was disease. We have been defeated regarding that. Whether you are rich, in the middle income bracket or the poor who are the majority of Kenyans, disease has terrorized people seriously. That is why Sen. Wangari talked about some amendment in this prime Act in order to find a way of how people can benefit and also fight this enemy that has been becoming stronger each year. Even the rich also cry. You have heard of many cases of many Kenyans going to India. India was just as poor or, if not, worse off than us in 1972. Now, we are going there in order to get support.

Mr. Temporary Speaker, Sir, this amendment is key in the sense that it now focuses on the establishment of a board. I would join my brother Sen. M. Kajwang to say that 13 is a huge number and we need to reduce it to a number that makes sense, that is, five or seven. My county does not need to sit there or somebody from a region does not need to sit there if we put rules that we can have such kind of positions that we require especially these associations; we do not need them. There is nothing for them to protect. Even workers, they do not need their representative there because you go to be represented if you think there is a malpractice in that board for you to protect your interest. We need only one and the other one for the National Treasury for the guarantee of Funds.

Mr. Temporary Speaker, Sir, I would urge Sen. Wangari to go further. Where are Kenyans found? They are found in the counties. They are found in 47 such units. Is there need that we should have 47 small units of National Hospital Insurance Fund (NHIF) boards that can be operated by three or four people in that small board per county? Why? It is because we want the health of the people in that county to be guaranteed as follows; since you have several civil servants there and other people who are contributing to this fund, can the base be expanded by having a committee in the counties such that you can now expand your reach?

I was going also to sit with Sen. Wangari at the amendment stage because we need to introduce and say since the contribution is normally around kshs1,200 per month which is about Ksh13,000 every year, how much money do we contribute every weekend particularly those of us from North Rift and Western Kenya and other parts, for the sake of bills in hospitals? It is a lot. I was talking with Sen. Martha and she was telling me she has almost four or five *harambees* to go to. We now have even misrepresented that terminology of *harambee* of 1963 which was meant to build our nation and not to go and get money to save a life there. It is because of these things that it would have been very easy for the person to save himself if this fund is going to be available to everybody.

Mr. Temporary Speaker, Sir, we will also need to introduce a compulsory clause. When we have these small boards in the counties, it is therefore, compulsory for every citizen of that county to contribute an amount for them to have a card. That card is as cheap as you can see. If it is Kshs10,000, it is two goats for those of from the pastoral

regions and you are okay in a year. If that can be guaranteed, and the businessman here, Sen. M. Kajwang, who is a fish farmer can also go to Lake Victoria and work overnight and the next day he has enough fish to generate the amount he wants to pay. Let us treat it as such. I am saying it is compulsory because when sickness comes, it compels all of us to rescue life. Before that arrives, why do we not be civil enough to say this is compulsory? We now have people called the village administrators and the ward administrators; we can have them in the villages and task them to register people with the NHIF.

Mr. Temporary Speaker, Sir, another amendment that is going to be introduced is when a civil servant retires. Unfortunately, Sen. Wangari needs to hear this. This NHIF funds ceases as soon as you retire. Why is it so? At your retirement age of 60 years and above, that is the time you now need medical attention more than when you were young. Why would NHIF in their own wisdom decide to terminate it? We should pay from our pension funds. They should deduct that Kshs1,000 per month from your pension for the time you are there. It is not a choice. It is still compulsory because we want to take care of you.

In Singapore, it is compulsory. As soon as you finish school, you aim at five things; one is a car, the other is to become a club member, you have an insurance card, salary card and a house card called condominium. If other nations that had prime time like Kenya have done it – I went to Singapore and when you pass by, you see a hospital which is so clean and you do not see a human being. Then I asked myself what it is and I am told it is a hospital. In Kenya, a hospital without people is not a hospital.

Again, we have a huge number of Kenyans who are in the diaspora. Sen. Wangari should think about it here. Can they send their money or do they want to give it while in the diaspora? We can give them a slight increase of how much they want to pay to acquire that card so that they can be able to enjoy those services outside the country. There are those in Tanzania, Uganda and other countries, and we are getting a lot of money through the diaspora. In this way, we get our income and the nation is build because of that. That is what we need to address as well.

Mr. Temporary Speaker, Sir, this is a very well intended amendment and if we can introduce as much as we can, it is going to move this nation. Associations such as Central Organization for Trade Unions (COTU) – what is COTU doing here? This is the time to remove warriors who are permanently fighting, thinking that they are fighting for the welfare of workers. Again, we will be asking Sen. Wangari or anyone of us to also bring amendments to the National Social Security Fund (NSSF) which is like a serious milk cow for some people. You can also see how much we can be able to address and we should not be told this is not a county matter. The people that are affected by this Bill are in our counties.

Mr. Temporary Speaker, Sir, it is true that we need to address this. I do not know whether we need any county governor to sit in the national arena. We may not need. If we have decentralized those levels, it is key. Just like we now have the County Public Service Boards, we have the national one called the Public Service Commission. So, you can already see that they do not come to address issues of counties but with the challenges we have there, we can make progress.

I support this Bill and ask Sen. Wangari to put more efforts and see how - all of us collectively and I offer myself that we can work together – so that we can see how this

can be done. The Act currently states that if you fail to pay you are given penalties. How can you be given penalties for voluntary option? I am happy to note what the Cabinet Secretary for National Treasury did the other day during the budget by deleting these funny arrangements of tax collectors that were just rushing to your door and knocking. Even this one that is collecting money illegally by saying you have not paid your money---. These levies should stop. It is voluntary. When you cease to pay, the nation moves. So, I want us not even to move from five per cent but go to zero and then you are going to be told why you did not do it.

So Mr. Temporary Speaker, Sir, I support this Bill and I encourage my colleagues to support it as well so that we can move and make progress.

The Temporary Speaker (Sen.) Mositet): I now call upon the Mover and the sponsor of the Bill to reply.

Sen. Wangari: Mr. Temporary Speaker, Sir, I thank my colleagues, from the Secunder to the other Senators, who have contributed to this Bill. To Sen. M. Kajwang, there is no magic in getting your Bill signed. In fact, the Bill that I sponsored and was signed; the County Governments (Amendment) Act, was authored when the late Sen. Gerald Kajwang was in office. So, it tells you how far it goes. It has been two or three agonizing years to actually trace it from where it was. So, I share the frustration in terms of expediting our Bills which has also been cited by Sen. Ong'era. We hope that the same attention and seriousness that we give the National Assembly Bills will be given to ours so that at the end of the day, we can show our work to the electorate, who expect us to yield fruits by coming to this House.

Let me touch on a few issues that have been alluded to by Senators. One is on the issue of cash transfers. I sit in the Committee on Labour and Social Welfare as the Vice Chairperson and this is one of the issues that we have a problem with in terms of tracking and oversight of these monies. We took it upon ourselves as a Committee to use public participation as required in Article 10 of the Constitution to go to counties to find out what the issues are. We went to Kiambu and Nakuru counties. One issue that was constant was the fact that the elderly, even with the Kshs2,000 that they get, end up spending it on medical care. In fact, it is not enough. The object of the cash transfer was to afford the vulnerable people a meal. It is meant to go to food but it ends up on medical expenses.

This tells you where the gap of the National Health Insurance Fund (NHIF) comes in. If you have an NHIF card, then you can access outpatient services, most of which are needed by the elderly. There has been a very radical proposal that we were dealing with the Government taking up the contribution of NHIF of the over 65 year olds, in terms of their social responsibility as the Government. It definitely has quite a huge cash burden. However, we talk of billions of shillings that are lost – Kshs400 billion that is not accounted for in the country. So, we should explore this matter.

Mr. Temporary Speaker, Sir, Sen. Kajwang talked about the issue of employers. Allow me to defend employers in this case. I am looking at a young person or group of young people who have employed a few others and are making, say, bricks or providing cleaning services to the Kenya Airways and their payment is delayed maybe by a day. Those who have Government tenders know that it happens a lot. Being a small organisation, even if your pay is delayed for a day, you should pay five times. What are we doing to these young organisations?

I know, Sen. Kajwang, as a Member of the Young Parliamentarians Association, you will agree with me that most Kenyans and young people are employed in the white collar jobs and they are looking at chances to start these businesses and keep them afloat. So, I would really push and hope that we can see the sense of reduction in that sense. This is because the contribution is supposed to be done on the first day of the month according to the Act. How many, even in your businesses, can pay salaries on the first day? If you are late by two days, you pay five times.

For me, that is the argument that, we must protect the small and medium enterprises, the youth owned businesses and Persons With Disabilities (PWDs) whom we have given a chance to do business with the Government and other organisations. However, the payments are still not as good. In fact, they say that you will be paid within 30 days. So, if you delay by a day, you pay five times. This is too punitive for these young businesses. We cannot put them in the same category as the international businesses. That is why I still insist that, yes, we need a fine for deliberate non-contribution but we also need to encourage and give these incentives that you are talking about to these upcoming enterprises.

The other issue is one which Sen. Kajwang has alluded to. In fact, when I put it on *Facebook* that I was to move this Bill today –new media is the way to go at this time – I got very interesting responses. The responses were in terms of how to deal with NHIF in the social aspect to give this cover but also have a minimum for commercial interest. It is quite interesting but we must look into it and see how to make it profitable in a way, hoping that we can deal with it. The problem with NHIF is that it has been riddled with scandals and so it becomes very hard. That also brings into question the issue of appointment of the Board and how professionally they will run it. If the scheme is properly and professionally run, it should do business ---

The Temporary Speaker (Sen. Mositet): Sen. Wangari, speak to the issues that were raised. It should not be like you are debating again.

Sen. Wangari: Thank you Mr. Temporary Speaker, Sir. That is also an issue that we should explore. I agree with Sen. (Prof.) Lonyangapuo and Sen. Kajwang on the composition of this Board. I agree that in the Third Reading, we should look into whether we need farmers associations, the Kenya National Union of Teacher (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) represented here. In terms of making it efficient, we can look at it during the Committee Stage.

The other issue is one that is quite critical. It is not addressed in this amendment. When it comes to the issue of choices of hospitals, you realise that most outpatient services are not offered in big hospitals. You cannot access Nairobi Hospital or Kenyatta National Hospital. I think we can also look at that in the Committee Stage. I remember that it was raised during public participation that we need to look into how these hospitals are settled on. This is because if you pay your premium, you should have an array of choices. They limit these hospitals to some very small enterprises and lock out the Karen, Nairobi and Kenyatta National hospitals. It then becomes very hard to attract contributors to NHIF. If you have that card and you have paid your premiums, then you should be accorded services in any hospitals of your choice.

With those remarks, I beg to move and thank all the Senators who have contributed.

Pursuant to Standing Order 54(3), I request that you defer the putting of the question to another day.

The Temporary Speaker (Sen. Mositet): Okay, I defer putting of the question to next week.

(Putting of the question on the Bill deferred)

Since the Mover of OrderNo.20 and 21 is not there, let us defer both Orders.

Second Readings

THE PARLIAMENTARY POWERS AND PRIVILEGES
BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2014)

THE PHYSICAL PLANNING BILL(NATIONAL ASSEMBLY
BILL NO. 46 OF 2015)

(Bills deferred)

Next Order!

Second reading

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILL NO.4 OF 2016)

Sen. Karaba: Mr. Temporary Speaker, Sir, I beg to move that the County Governments (Amendment) Bill (Senate Bill No.4 of 2016) be now read a Second Time.

The principal object of the Bill is to amend the Third Schedule of the County Governments Act No.17 of 2012 so as to change the physical location of the headquarters of Kirinyaga County from Kerugoya Urban Area to Kutus Urban Area. This comes as a result of misunderstanding of placement of names where ‘urban area,’ according to many people, was misunderstood to mean Kerugoya Town. The main object of the Bill is that Kerugoya Urban Area extends up to Kutus. At one time I represented a constituency called Kerugoya-Kutus and there was a municipality called Kerugoya-Kutus. When I was representing both the towns of Kerugoya and Kutus as a municipality and also as a constituency, the two names were used synonymously. In this amendment Bill, Kutus will appear before Kerugoya. Kutus Urban Area will now be the headquarters of Kirinyaga County.

Mr. Temporary Speaker, Sir, Kutus is in a central position. It is along the main road between Sagana and Embu. It is the northern town of Mwea sub-county; Mwea being the largest sub-county in Kirinyaga with the highest population. The elders of Kirinyaga met and agreed that the location of the headquarters be moved from Kerugoya to Kutus. A lot of consultations have been done and meetings held, and 90 per cent of the population has agreed that Kutus be named the headquarters. Naming Kutus as the

headquarters of Kirinyaga will not change much because, as I had indicated, it was earlier referred to as Kerugoya-Kutus.

Mr. Temporary Speaker, Sir, Kutus will be the most convenient location, noting that it is not only a central place, but also situated along the busy road from Sagana, all the way to Kagio, passing through Kutus and Embu. It is also linked to Kerugoya by a C73 road, which is all weather. The road passes via Kerugoya and then leads to Karatina and Nyeri. The same road also connects other parts of northern Kenya. Therefore, in terms of communication, Kutus is centrally located. In terms of other social infrastructure, Kutus houses two universities; Kirinyaga Technical University, which used to be called Kirinyaga Technical Institute (KTI), and AHITI Ndonga, a constituent college of the University of Nairobi. Recently, it has attracted a population of 20,000 people as a result of the two universities. In this case, we require a centre which will be used not only as a catchment area, but a centre to provide services to both students and the population which will be attracted by the two important institutions.

It is important to note that a number of commercial centers have also come up around Kutus. There are quite a number of banks, for example, the Family Bank, Fortune Bank, Cooperative Bank, Equity Bank and quite a number of other micro-finance institutions. It is one of the largest market centers in Kirinyaga and the former Central Province for both livestock and cereals. There is also River Thiba which passes through and can be useful in terms of refuse disposal in case it requires water. Therefore, most people in Kirinyaga would feel comfortable to transact their businesses from Kutus, as the headquarters of Kirinyaga County.

The distance between Kerugoya and Kutus is about five kilometers and the road connecting the two towns are all weather and in good state. The other overhead infrastructure like telephone wires and electricity are provided by the relevant companies. Therefore, Kutus has been selected as the centre to be the headquarters. Once the devolved system was enacted, Kutus still remained steadfast. A total of Kshs400 million has been allocated to set up the headquarters in Kutus. Housing schemes have also come up to cater for the rising population of university students and the personnel that will work in the headquarters.

Mr. Deputy Speaker, Sir, the area is also flat and not rugged like many other headquarters that we have in the country. It has minimum disruption of transport, adequate water supply and so many other factors which are relevant to an urban centre. Therefore, many of the residents of Kirinyaga prefer Kutus to be the headquarters of their county.

Mr. Deputy Speaker, Sir, I beg to move.

Sen. M. Kajwang: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Mositet): Since he has already moved, you cannot interrupt him. Who will second?

Sen. Karaba: Mr. Temporary Speaker, Sir, I ask Sen. M. Kajwang to second.

The Temporary Speaker (Sen. Mositet): Sen. M. Kajwang if your intervention was on seconding you now have the chance. However, I want to clarify that flatness cannot qualify an urban centre to be the headquarters. When it rains you should expect a lot of water to stagnate. You can quote all other characteristics, but flatness of the area may not qualify.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, the point of order that I wanted to raise was not regarding the Mover. I want to seek your guidance on this specific matter before I proceed to second.

Section 6A of the County Governments Act talks about the location of county governments. It states:-

“A county assembly may by a resolution supported by at least two-thirds of the Members of the County Assembly (MCAs) and with the approval of Parliament, transfer the headquarters of the county government from the physical locations specified in the Third Schedule to such other physical location as it may consider appropriate.”

Mr. Temporary Speaker, Sir, I am seeking the guidance from you because when you read Clause 6 (a) (2); could it be that the county assembly has already with a two-third support approved the change of headquarters such that what we are doing now is the approval of Parliament that is required by that Act? The county assembly begins but Parliament must approve.

*(The Temporary Speaker (Sen. Mositet)
Consulted the Clerks-At-the -Table)*

The Temporary Speaker (Sen. Mositet): Sen. M. Kajwang, you are correct when you say that for the Act to have been amended, it required a two-third. However, this was a Bill that had passed through the Senate and this House can still amend it. There is nothing wrong with the Senator coming up with the Bill and the amendments.

Further, he said this was in consultation with all the stakeholders of the county. Therefore, it is not just his views but he is representing the views of his county. It is therefore, correct. You may now second.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, I appreciate the Ruling and I am still troubled in my mind but because the Speaker is always right, I will go by your direction. Ordinarily, I would have assumed that there will be evidence of the resolution of the county assembly. The fact that this matter has reached this level, I assume that the resolution was furnished and that the matter would not have come for Second Reading.

The Temporary Speaker (Sen. Mositet): Sen. M. Kajwang, I said that this is a Bill which came through this House and we passed it. So, we are amending some provision that we had passed. Are we together?

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, there is no doubt that the Senate has the power to amend any Bill that it has passed but the matter in contention is not Clause 6A. As long as we are not amending Clause 6A, then for us to amend the Third Schedule, we must go by the provisions of Clause 6A which requires a resolution of the county assembly by two-thirds majority.

*(The Temporary Speaker (Sen. Mositet)
Consulted the Clerks-At-the -Table)*

The Temporary Speaker (Sen. Mositet): The Senate has the powers to make the amendments or come up with the Bills. Therefore, even if there were no resolutions from the County Assembly in Kerugoya, at least, somebody came up with a Bill in the Senate,

in consultation with the county itself. There will not be any problem. We now have one. Therefore, we have to continue.

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, backed your ruling, it is my pleasure to second this Bill. In as much as I am not very familiar with the many factors that have been brought up by the Senator, I am convinced that the Senator, being the one who defends and protects the interests of devolution and represents the county where the Third Schedule of the County Governments Act has designated its headquarter as Kerugoya urban area. Therefore, there must be significant and fundamental reasons to change the physical location of the headquarters of Kirinyaga County to Kutus urban area.

As I second this particular Bill, I would like to draw our attention to some of the issues that have been going on particularly following the presidential assent to the County Governments Amendment Bill, which introduced the Third Schedule and solidified the physical locations of county headquarters in law. There are a number of counties where there was contention with different political groupings and sectors of society wishing that the headquarters could fall in places different from those that were designated in the Act.

Mr. Temporary Speaker, Sir, there is no single day that everyone will agree on a particular matter. That is very difficult because humanity is wired in such a way that diversity of thought will always be there. I, therefore, urge that the residents of Kirinyaga County should ensure that they provide full political support and backing to this move. That needs to be demonstrated. It will not be a 100 per cent even though the Mover says that the assembly supports this fully. Maybe they support it 99 per cent. There will always be that person with dissenting view.

It will important that the county supports this and moves with it so that it is not seen as a creation of the Senate, sitting in Nairobi, eating good food and deciding whether the county headquarters should be without consultation of the people. I also hope that public participation has been undertaken on this and that what we have in front of us reflects the deep wishes of the people of Kirinyaga County. This will not open another battle front between the Senate and the Council of Governors (CoG) or the people of Kirinyaga County.

Mr. Temporary Speaker, Sir, as I conclude, I reiterate my support, which is borne out of my respect for the Senator for Kirinyaga County who is a gentleman who is extremely committed. You will always find him in this House even when the 'voting machines' have left. He always remains behind as a 'debating machine'. I am, therefore, sure that by the time he brings a Bill to this House, it is something that has been well conceptualized and reflects the wishes---

The Temporary Speaker (Sen. Mositet): Sen. (Prof.) Lonyangapuo, what is your point of order?

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Temporary Speaker, Sir. Could the distinguished Senator for Homa Bay County describe and explain to us what he means by 'voting machines'? In the Senate, we only have Hon. Senators, unless you have come across that terminology anywhere, can he describe what he means.

The Temporary Speaker (Sen. Mositet): Sen. M. Kajwang, what did you mean by the word "voting machines?" Is it the ones which hon. Senators use to vote? Did you refer to somebody?

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, I am obliged to treat all hon. Senators of this House with respect and not impute any improper motives on them. I would withdraw that and say, the operators of the voting machines have left rather than the voting machines.

The Temporary Speaker (Sen. Mositet): Do we have operators?

Sen. M. Kajwang: Mr. Temporary Speaker, Sir, that is accurate. One of the activities we undertake in this House is to vote. We do that by manipulating the voting machines. Invariably there are those colleagues of ours who love that particular exercise of pressing the voting machine more than they love debating. So, those are the operators of the voting machines that I am talking about.

Mr. Temporary Speaker, Sir, I have to wrap up. This is a straightforward matter. I reiterate my conviction that Sen. Karaba has the best interest of the people of Kirinyaga County. I hope that he has not bought land where he wants this headquarters to move to as in Lamu where people bought huge tracks of land in anticipation of a windfall. I hope that he is not planning to sell his land to the county or national Government to set up some of the facilities for the new headquarters. I hope that the people of Kirinyaga County have been consulted and fully support this amendment.

(Question proposed)

Sen. Ong'era: Mr. Temporary Speaker, Sir, I thank you for giving me this opportunity to contribute to this Bill. I rise to support this Bill. It is within the mandate of our role as the Senate, of representation and law making, on issues that concern the county under Article 96 of the Constitution. I also support it because I have a lot of respect for the Mover of this Bill, the distinguished Senator for Kirinyaga County, Sen. Karaba.

The Senator has exercised due diligence on this Bill. He has ensured that there is proper participation and that the people are moving with him as they make the request of changing the headquarters of Kirinyaga County from Kerugoya Urban to Kutus Urban Area. I recall that Members of the National Assembly had attempted to make a different order. I stand to be corrected. This matter went to court. Since we do not have any injunction restraining the Senate from participating in this matter, I do not see any reason why we should not support this Bill.

As we look at this Bill and the approval of the amendment, I hope that due diligence has been done, there has been proper publication and that this is the wish of the people. I also reiterate what Sen. M. Kajwang said and hope this has not been done on political gerrymandering, so that it benefits a few. I hope that it is a people driven movement which has the support of the county government.

Finally, I urge our distinguished Senator to ensure that as he makes these amendments, he can also look at other amendments in the County Government Act, so that we have clear criteria as to how to move a Bill, to ensure there is a headquarter so that it is never at any time in contention and Section 6 complies exactly with the Third Schedule.

I beg to support.

The Temporary Speaker (Sen. Mositet): Let us have Sen. (Prof. Lonyangapuo).

Sen. (Prof. Lonyangapuo): Mr. Temporary Speaker Sir, I thank Sen. Karaba for bringing this amendment Bill. However, the County Government Act, Section 6(a) which talks about location of county governments says:-

“Each of the county governments shall be located in the respective physical locations set out in the Third Schedule”.

Sen. Karaba, the Senator for Kirinyaga County, seeks to amend the physical location for Kirinyaga County as stated in No. 20 in the list where he seeks to change from Kerugoya Urban area to take it to Kutus Urban area. The procedure of change is found in the County Governments Act, Section 6(a) which says:-

“A county assembly may, by a resolution supported by at least two thirds of the members of the county assembly and with the approval of Parliament, transfer the headquarters of the county government from the physical location specified in the Third Schedule to such other physical location as it may consider appropriate”.

Section 6(3) states:-

“A county assembly shall before passing a resolution under Subsection 2; facilitate public participation in the entire county”.

Lastly:-

“The county governor shall confer the status of an urban area to the seat of the physical location of the county government in accordance with the provisions set out in the Urban Areas and Cities Act, No.13 of 2011 after all the procedures have been done”.

In this context, I share the concerns given by the seconder of this Bill, Sen. M. Kajwang who asked whether there was a resolution that came from the County Assembly to Parliament which means the Senate, so that the representative for the people of Kirinyaga who is Sen. Karaba would now drive this amendment.

Mr. Temporary Speaker, Sir, in the absence of that resolution, we cannot proceed with this Bill until we have a written resolution that has come to the Speaker and then be backed up by this. If we do it without that, it means that even myself, the Senator for West Pokot who has discovered that Kapenguria Urban area has been messed up by the current County Executive, would quickly run mad, and change the location to the empty Pokot land.

Kapenguria is a very small, nice area but the governor decided to plant houses for every County Executive Member (CEC). For every CEC, there is a headquarters. So there are ten headquarters, instead of building one. The little space we had which is three acres is finished. I can easily run mad and say that we should change the location to an empty land in Pokot but there is a procedure for that. So, I will oppose this Bill until we are convinced, through your Office, that we have the resolution from the County Assembly, citing this.

I know Sen. Karaba has given us eloquent presentation and mentioned that Kshs440 million was spent to build. We visited that place when we were looking at the siting locations recently. That was done by an *Ad hoc* Committee that was chaired by Senator Sen. (Eng.) Muriuki of Nyandarua. We found that the governor, in his own wisdom, decided to buy land and put up his massive building very fast. Sen. Karaba being a father sympathises with the whole issue and the building is ready. When we were there, there were still some scrambles because the County Assembly and the County Headquarters were very far apart.

We are not saying that we want to deprive the people of Kutus the proximity to the governor and other services. Maybe, the population of Kutus is higher than that of Kerugoya and so on and so forth but that is not the way to do it. Just because this issue is in the Third Schedule of the Constitution, it does not mean that we just change like that and ignore the procedure that has been cited there.

Mr. Temporary Speaker, Sir, we need the Mover of this Bill to certify and convince the Senate, through your Office, that, indeed, that procedure was followed. If it was not followed, then we will shoot it down and the Mover will have to go and start afresh because it is allowed. You can change it but you have to follow that procedure.

Mr. Temporary Speaker, Sir, lastly, there is a lot of politics now. This is the year that people are trying to position themselves a lot. I am very happy that Sen. Karaba has been very consistent in fighting for the people of Kirinyaga. He has sought statements and Motions that have had something to do with them until some of us have been envious. He has talked about roads in Kirinyaga County yet some of us do not even have an inch of a tarmacked road. It has made some of us feel that he is asking too much from this Government. This is the way a leader is supposed to work and we appreciate him for that. However, I do not agree with him on this one. Let him follow the procedure that is required and we will support.

The Temporary Speaker (Sen. Mositet): Sen. (Prof.) Lonyangapuo, the Senator for Kirinyaga moved the Bill properly in the House and he was seconded properly. Are you doubting? You can only oppose because the Bill has already been moved and seconded. It should be debated now. You can only debate on it and say you do not support.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, you know this is a very peculiar Bill. It is not an ordinary Bill because it strictly touches on the life of one county. The only way we can generously contribute is not to say “yes” or “no” but to know whether the procedure was followed. If it was followed, all of us will approval it, in fact, in the shortest time possible. If the right procedure was not followed, then we will do better by assisting our colleague to bring it here procedurally.

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

The Temporary Speaker (Sen.) Mositet): I am going to allow the Mover of the Bill to reply and since Sen. (Prof.) Lonyangapuo insisted on something the seconder had questioned, we will give out the ruling of that before the Division of the same Bill is done in this House. So, before Division on the Bill, we will give out the ruling concerning what was raised by the seconder and by Sen. (Prof.) Lonyangapuo. Continue to reply on your Bill.

Sen. Karaba: Thank you very much Mr. Temporary Speaker, Sir and to my colleagues as well for contributing positively to the amendment Bill which is in the House today. As I thank my colleague Senators, it is important to note that this matter had been discussed earlier even before devolution and people agreed that we are going to have Kutus as the headquarters of the county. They agreed even before the 2013 election was done. The earlier headquarters which is Kerugoya; historically, people would have the attachment by saying they would like to have that remain the way it is. When the matter was put to the vote, the vote that carried the day was that Kutus be the headquarters. By that time, even the governors and the Senators did not know they were going to be elected because it was before the devolution government of 2013.

Mr. Temporary Speaker, Sir, as I stand here, I represent the will of Kirinyaga people that Kutus be the headquarters. The stakeholders were involved and quite a number of people were involved including the then Members of Parliament. So, I am happy that even today, Senators have found it fit to go by what I am advising because I am from there and I know what it means if this is contrary to the feeling and opinion of the majority of the people. Since I know what the majority of the people of Kirinyaga County would like me to say, I am saying it because I have no fear. There is no contradiction over this matter. The only contradiction was when the printing was done. It was printed like it was Kerugoya because most of the towns were the former towns and it also included "Kerugoya urban area". The words "urban area" could be the contagious phrase.

Kerugoya area stretches up to Kutus. Some of you might not know the geography of that area. The difference between Kerugoya and Kutus is only six kilometres and not very far. It is almost like a walking distance to me. It is even shorter than the 21 of 42 kilometre marathons.

I thank my colleagues for agreeing with me and supporting that the headquarters be moved to Kerugoya. To me, this amendment is coming at the right time. If it does not come now the way we are discussing, it will haunt the residents of Kirinyaga for the rest of their lives. Students, sons and daughters in Kirinyaga will hold us responsible for not amending the Bill the way I am doing now. I hope that all should be well ---

The Temporary Speaker (Sen. Mositet): Are you cursing the Senate?

Sen. Karaba: Mr. Temporary Speaker, Sir, no. I am trying to thank the Senate for allowing me to move this amendment.

Pursuant to Standing Order No.54(3), I request that you defer putting of the question to another day.

The Temporary Speaker (Sen. Mositet): Okay, I defer. As I said, the Division will not be done without the ruling from the Chair on the subject matter or the issues which were raised by the Seconder and Sen. (Prof.) Lonyangapuo.

(Putting of the question on the Bill deferred)

Second reading

THE TREATY MAKING AND RATIFICATION (AMENDMENT)
BILL (SENATE BILL NO.5 OF 2016)

(Bill deferred)

MOTIONS

ADOPTION OF REPORT OF CPAIC ON THE
FINANCIAL OPERATIONS OF HOMA BAY COUNTY
EXECUTIVE FOR THE FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments (CPAIC) on the Inquiry into

the Financial Operations of Homa-Bay County Executive for the Financial year 2013/2014 laid on the Table of the House on Wednesday, 4th November, 2015.

NOTING OF REPORT OF THE COMMONWEALTH WOMEN
PARLIAMENTARIANS REGIONAL CAPACITY BUILDING WORKSHOP

THAT, the Senate notes the Report of the Commonwealth Women Parliamentarians Regional Capacity Building Workshop held in Dar Es Salaam, Tanzania on 20th – 23rd January, 2016 laid on the Table of the House on Thursday, March 17, 2016.

COUNTRYWIDE AUDIT OF THE DISTRIBUTION
OF TEACHERS IN ALL PUBLIC SCHOOLS

WHEREAS Article 43(1)(f) and 53(1)(b) of the Constitution guarantees every citizen a right to education and every child a right to free and compulsory basic education, respectively;

NOTING that the Teachers Service Commission is mandated to handle employment, deployment, remuneration and discipline of teachers in public schools in Kenya;

CONCERNED that there are great disparities in the distribution of teachers in public schools across the country leading to oversupply in some schools and undersupply in others and ultimately leading to major teacher shortage especially in rural and marginalized areas;

APPRECIATING efforts made by the national government to improve the teacher pupil ratio to international standards in all public schools through yearly employment of teachers;

FURTHER CONCERNED that the statistics on the number and distribution of teachers in public schools is not readily available;

NOW THEREFORE, the Senate directs the Ministry of Education, Science and Technology to conduct a countrywide audit on the distribution of teachers in all public schools indicating the requisite establishment per school and the corresponding number of teachers who are in-post and further that the Ministry submits a report to the House on the matter within ninety (90) days.

(Motions deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Mositet): Hon. Senators, it is time to interrupt the business of the House. The Senate stands adjourned to Thursday, 21st July, 2016 at 2.30 p.m.

The Senate rose at 6.25 p.m.