

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 24<sup>th</sup> November, 2015

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

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

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### CONCURRENCE OF THE SENATE ON THE PARLIAMENTARY POWERS AND PRIVILEGES BILL (NATIONAL ASSEMBLY BILL NO.35 OF 2014)

**The Speaker** (Hon. Ethuro): Hon. Senators, I have a Message from the National Assembly on the approval of the Parliamentary Powers and Privileges Bill (National Assembly Bill No.35 of 2014).

I wish to inform this House that on 19<sup>th</sup> June, 2014, I wrote to the Speaker of the National Assembly pursuant to Article 110 of the Constitution seeking concurrence on several Bills that were published by the Senate, including the Parliamentary Powers and Privileges Bill, 2014.

In response, in a letter dated 11<sup>th</sup> July, 2014, the Speaker of the National Assembly indicated that the Bill did not concern county governments and, therefore, cannot originate from the Senate because the Bill did not affect the powers and functions of county governments as set out in the Fourth Schedule of the Constitution. In replying by way of a letter dated 30<sup>th</sup> July, 2014, I indicated that the Bill concerns county governments.

On 7<sup>th</sup> August, 2014, the Speaker of the National Assembly responded to my letter reiterating his position that the Bill did not affect counties.

On 27<sup>th</sup> August, 2014, the Speaker of the National Assembly wrote a letter bringing to the attention of the Speaker of the Senate the publishing of two Bills by the National Assembly among them the Parliamentary Powers and Privileges Bill, 2014 and indicated that in his view, the Bill did not affect county governments. Needless to say that I did not concur with the Speaker of the National Assembly and on 10<sup>th</sup> September, 2014, I responded by way of a letter stating my position that the Bill concerned county governments.

Hon. Senators, I am now in receipt of a Message from the National Assembly on the said Bill and in the Message, the Speaker of the National Assembly has indicated that the Bill passed by the National Assembly now affects county governments in terms of Article 110 of the Constitution.

Hon. Senators, I now wish to report to the Senate that, pursuant to Standing Order No.40 (3) and (4), the Clerk has delivered to me a Message from the National Assembly regarding the approval of the Parliamentary Powers and Privileges Bill (National Assembly Bill No.35 of 2014) by the National Assembly.

The Message states as follows and I quote:-

“PURSUANT to the provisions of Standing Order No.41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly:-

WHEREAS the Parliamentary Powers and Privileges Bill (National Assembly Bill No.35 of 2014), which was published in the Kenya Gazette Supplement No.125 of 11<sup>th</sup> August, 2014 as a Bill originating in the National Assembly to provide inter alia, for the powers, privileges and immunities of Parliament, its committees, the Leaders of the Majority Party, the Leaders of the Minority Party, the Chairpersons of Committees and Members and to make provision regulating admittance to and conduct within the precincts of Parliament, was passed on 22<sup>nd</sup> October, 2015;

WHEREAS the Bill passed by the National Assembly now – and it is underlined - affects county governments in terms of Article 110 of the Constitution;

NOW THEREFORE, the National Assembly seeks the concurrence of the Senate in the said Bill in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly Standing Orders.”

Hon. Senators, without prejudice to my position that Article 110(3) of the Constitution was contravened in respect of the Parliamentary Powers and Privileges Bill (National Assembly Bill No.35 of 2014), I now direct that the Bill be read a first time today, Tuesday, 24<sup>th</sup> November, 2015, after which it shall stand committed to the relevant Standing Committee, in this case, the Standing Committee on Legal Affairs and Human Rights.

I thank you.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Allow me to congratulate you for standing your ground. By the very meaning and wording of that Bill, “Parliamentary Powers and Privileges”, it indicates clearly that “Parliament” refers to the Senate and the National Assembly.

Secondly, allow me to laud and congratulate the Speaker of the National Assembly because he changed his mind. It is only fools who do not change their minds. That the Speaker of the National Assembly has changed his mind, we must congratulate him and allow him all the time to be exercising events and matters in his mind, as and when they arise.

**Sen. Khaniri:** On a point of order, Mr. Speaker, Sir. I want to bring to your attention that the Senator for Kakamega County, my brother Sen. (Dr.) Khalwale is out of order because provisions of Standing Order No.40(6) are very clear on how a Message is treated in this House. It gives three options on how to dispose of a Message. I think you exercised Standing Order No.40 (6)(c) by referring the Message to the relevant Committee.

Sen. (Dr.) Khalwale is out of order.

**The Speaker** (Hon. Ethuro): Order, Sen. Khaniri. You are the one who is completely out of order.

Proceed, Sen. Omar Hassan.

**Sen. Hassan:** Mr. Speaker, Sir, I follow in the steps of Sen.(Dr.) Khalwale to accolade you for standing your ground and for waiving part of the rights that you have under Article 101 in terms of prior consultations. However, it must be stated that as we execute this Bill, that this concurrence must be sought prior. I hope, as practice, rather than to come and concur at the very end, we must concur at the very beginning. This is the affirmation of the Supreme Court which the Speaker of the National Assembly is bound to and must respect.

**The Speaker** (Hon. Ethuro): Members, I was just wondering, from the intervention of Sen. (Dr.) Khalwale, do you have to demonstrate that you are not a fool in order to change your mind when the provisions of the Constitution have been clear from 2010? You should change your mind with new information.

Next Order!

### POINT OF ORDER

#### DELAY IN DELIVERY OF REPORT TO THE PETITION BY THE COUNCIL OF ELDERS OF THE KIRINYAGA *MIHIRIGA KENDA* REGARDING THEIR CLAIM TO THE MWEA TRUST LAND

**Sen. Karaba:** Mr. Speaker, Sir, I rise on a point of order on an important matter for which I seek your direction.

On 13<sup>th</sup> May, 2015, I presented a Petition on behalf of the Kirinyaga *Mihiriga Kenda*, that is; “nine clans”, concerning the boundary dispute between Kirinyaga and Embu counties in respect of the 54 acres known as Mwea Trust Land. The Petition was thereafter committed to the Standing Committee on Legal Affairs and Human Rights which, pursuant to Standing Order No.227, was required to respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the Senate in not more than 60 calendar days.

My point of order relates to the time it has taken to have the Petition heard and determined by the said Committee. Under Standing Order No.227, the Report of the Committee should have been tabled before the Senate on or before 13<sup>th</sup> July, 2015. It is now 135 days from the date the report of the Committee was due. We have no indications when the Committee will consider the Petition and present its report as required under the Standing Orders.

This matter is very important to the people of Kirinyaga County. When I presented the Petition on 13<sup>th</sup> May, 2015, I informed the House that tension in the affected areas was rising by the day as result of the claims by the *Mihiriga Kenda* people of Kirinyaga on one hand and the Mbeere and Kamba people of Embu County on the other hand.

This was primarily on the question of adjudication and demarcation of the land which the Embu County Government had commenced unilaterally. It would alienate the people of Kirinyaga from what is their ancestral land. It was, therefore, important that the matter be resolved urgently and decisively to prevent the situation from escalating further.

The situation in Mwea has continued to worsen. It is important that something be done urgently to prevent it from escalating further. I seek your direction.

I thank you.

**The Speaker** (Hon. Ethuro): Before my direction, let us hear from the Standing Committee on Legal Affairs and Human Rights. I see the Vice Chairperson, Sen. Sang, in the House.

**Sen. Sang:** Mr. Speaker, Sir, on this particular one, the substantive Chairperson was handling it. However, he is not around. I request to be given until Tuesday next week to appraise the House on the progress of this particular matter.

**The Speaker** (Hon. Ethuro): Order, Sen. Sang! We expect Committees to work as one entity. The absence of any Member, Chairperson or the Vice-Chairperson should not stall the working of the Committees. So, I direct you in the next couple of minutes to approach the Chair with a better explanation. The Senator is already asking why this has taken so long and you say it was being handled by the Chairperson. That is not good enough. I have directed you to approach me with something better within half an hour.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, it is becoming a very worrying trend if you think about Petitions. I cannot remember any Petition that has been fully answered. Standing Order No.227, talks about a mandatory of 60 days. It does not have an extension period. What direction would you give to this House and the Committees because it is becoming very frustrating?

It is partly because Committees are finding it difficult to sit for lack of quorum. This issue has risen here severally. In the case of Sen. Karaba, it has taken more than eight months before even an indication about his Petition has been given. There are very many petitions pending in this Senate.

**The Speaker** (Hon. Ethuro): Sen. Kembi-Gitura, I cannot give direction on the basis of just one Petition. You have made a serious assumption that you cannot remember any other. If you can give me all those, then I will appreciate the gravity of the problem.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, on behalf of the petitioners, you have given petitions here and indicated that the Committees must give answers within 60 days. Sen. Karaba's is not the only one pending. There are more than 20 petitions pending, including the one on the Standing Committee on Agriculture which was petitioned by tea farmers.

Although Sen. Murungi went out of his way and convened a meeting of stakeholders, still there is no answer to the petitioner that has been laid on the Table of the House and debated as provided for under Standing Order No.227.

It is a constitutional provision about petitions under Article 219 of the Constitution. It is a serious issue that citizens have sought the Senate to help them reach certain answers and have waited for eight months without any answers. It is such a serious issue that it requires guidance from the Speaker himself so that we know how to proceed, going forward. Committees should not take petitions for granted and that they cannot go to infinity without getting answers to them.

**The Speaker** (Hon. Ethuro): Sen. Kembi-Gitura, I still need that you petition me on the specifics. I do not just give petitions on assumptions. So far, you have added one for tea.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, let me give specifics; we have the one for Mary Gakenda from Sen. Karaba and the one he has just talked about. He sought it in March and still no answer has been given. I have not heard any indication from the relevant Committee asking for an extension of time or that they have certain meetings or

interviews and have been unable to finish in time. In that case, under Standing Order No.227, they should request for an extension of time by this House.

**The Speaker** (Hon. Ethuro): I have already directed the Vice Chairperson to come up with an appropriate response before the end of this particular Order today. I will respond to the specific one by Sen. Karaba along those lines.

However, I suppose the Committees are listening to Sen. Kembu-Gitura. If you are a suspect, make sure you get your act together.

Next Order!

### NOTICES OF MOTIONS

#### ADOPTION OF REPORT ON DISAPPEARANCE OF TWIN BABIES AT PUMWANI MATERNITY HOSPITAL

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, the Senate adopts the report of the Standing Committee on Health on the circumstances that led to the disappearance of the twin babies who were delivered at Pumwani Maternity Hospital on 6<sup>th</sup> January, 2015 laid on the Table of the Senate on Tuesday, 15<sup>th</sup> September, 2015.

#### ADOPTION OF REPORT OF MEDIATION COMMITTEE ON COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO.1 OF 2014)

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, this House adopts the report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No.1 of 2014) laid on the Table of this House on Wednesday, 18<sup>th</sup> November, 2015.

**The Speaker** (Hon. Ethuro): Next Order!

### STATEMENTS

#### DELAYED TRAVEL OF THE NATIONAL SOCCER TEAM FOR THE RETURN LEG OF THE 2018 FIFA WORLD CUP QUALIFIER MATCH AGAINST CAPE VERDE

**Sen. Hassan:** Mr. Speaker, Sir, pursuant to Standing Order No. 45 (2) (b) I seek a Statement from the Chairperson of the Standing Committee on Labour and Social Welfare regarding the nearly aborted travel of the national soccer team, Harambee Stars, for the return leg of the 2018 International Federation of Association Football (FIFA) World Cup qualifier match against Cape Verde which was played on Tuesday, 17<sup>th</sup> November, 2015.

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

(a) Explain the circumstances surrounding the team's travel to Cape Verde as well as the reasons that prompted the trip to be delayed by over eight hours as a result of which the team arrived barely three hours to the kick-off?

(b) Confirm that the Government had released money to Mr. Sam Nyamweya, the President of the Football Kenya Federation (FKF) to facilitate the trip and if so, how much was it and how was it spent?

(c) Confirm that the FKF President was arrested by Flying Squad over the matter on Tuesday, 17<sup>th</sup> November, 2015 and if so, what was he being investigated for and what were the findings of the investigation?

(d) Clarify whether FKF is registered with the Ministry of Gender, Sports and Culture and if not, why did the Government release money to the entity?

(e) What measures has the Government taken or planned to take against the officials that were responsible for this particular incident and to sort out the mess in the sport in Kenya once and for all?

**The Speaker** (Hon. Ethuro): Who is the Chair of the Committee?

**Sen. Madzayo:** Mr. Speaker, Sir, I would like to be given at least up to next week on Thursday.

**The Speaker** (Hon. Ethuro): Order Chair. Today is a Tuesday. I will give you up to Tuesday next week. This is a straight forward matter. You do not need a lot of time.

**Sen. Madzayo:** Mr. Speaker, Sir, most obliged.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I am waiting for the Statement to be ready. We can move to the next Statement.

**The Speaker** (Hon. Ethuro): We can now move to the next Statement. It is time for responses.

#### RISING INTEREST RATES AND STABILITY OF SMALL BANKS IN THE COUNTRY

**Sen. Mositet:** Thank you, Mr. Speaker, Sir. This Statement was given out last week but what was remaining was the intervention from the seeker. I think it would be wise if I refresh and may be---

**The Speaker** (Hon. Ethuro): Order! I recall that the Statement was issued by the Chair and it was the turn of the Member who sought the Statement to interrogate. So, we are proceeding from that point.

**Sen. Mositet:** Thank you, Mr. Speaker, Sir.

**Sen. Kagwe:** Thank you, Mr. Speaker, Sir. The Question that I sought regarding the closure or otherwise the suspension of the operations of the Imperial Bank by the Central Bank of Kenya is that the situation from the time we asked has not changed. The Central Bank has been given a way forward by the directors of the Imperial Bank including the reopening of this bank so that the 54, 000 account holders do not suffer. The proposal that has been given by the directors is that they are willing to put in Kshs 10 billion to salvage the bank. The shareholders are willing to put in 23 per cent of their deposits as equity.

The directors have subsequently indicated that the Central Bank knows who conspired to steal Kshs 38billion from the bank. They are seeking the assistance of the Central Bank and the Government to recover the money so that the bank can reopen. The

Central Bank continues to indicate via the media that there is no way forward that has been provided or suggested by the directors. That is not true.

It is in the public domain that the directors want the bank reopened and are willing to put their money where their mouth is. It appears that there could be individuals who do not want this bank reopened for their own selfish reasons. If it is not reopened, the fate of the Kshs38 billion that has been stolen from the bank will disappear and it becomes a case of the bank closing and that is the end of it.

It is important that this House and particularly the Committee on Finance, Commerce and Budget intervenes in this matter and interviews the directors of the bank so that we know exactly where the problem is. The Central Bank inspectors had passed a clean bill on this bank on two occasions after whistleblowers had told them that there was a problem in the bank. It is within the bounds of imagination that people in the Central Bank do not want to expose themselves, their inadequacies, inabilities so that they close the bank to escape taking responsibility for 54000 account holders.

Mr. Speaker, Sir, may I seek that the Chair of the Committee gives further information on this matter and in absence of further information to agree that the directors of Imperial Bank should be called to the Committee to give the correct position. Currently, my view is that we do not know the truth about this bank.

**Sen. Hassan:** Mr. Speaker, Sir, I agree on the issue raised by Sen. Mutahi Kagwe - interestingly, he does not have a Christian name - on the complexity surrounding the Imperial Bank - on the fact that the Committee on Finance must inquire further into the---

**The Speaker** (Hon. Ethuro): Order, Sen. Hassan. There is a Standing Order providing how you address another Senator.

**Sen. Hassan:** Mr. Speaker, Sir, he is Senator Mutahi Kagwe.

**The Speaker** (Hon. Ethuro): On this one, his title is printed on that Statement.

**Sen. Hassan:** Mr. Speaker, Sir, yes, he is Senator Mutahi Kagwe.

Mr. Speaker, Sir, I have known Sen. Kagwe for the last 22 years. It is likely that I could not make a mistake on his name. It is just that I discovered that we do not know Sen. Kagwe's Christian name.

I agree with him that the Committee on Finance, Commerce and Budget should conduct an inquiry for two reasons. First, is to bear criminal responsibility on the perpetrators of this fraud in Imperial Bank.

Secondly, is to usurp the opportunity particularly with the development actors offering assistance to Kenyans to recover stolen assets and money to recover the Kshs38 billion in *toto*.

Therefore, I agree that the Committee on Finance, Commerce and Budget should conduct an inquiry with the sole purpose of interrogating by summoning those with evidence and apportioning responsibility within the Central Bank. Thirdly is to recover the lost monies that were stolen.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, it is on the record of this House that senior management at the Central Bank of Kenya (CBK) usually ignores advice from the experts working at the CBK. Could the Vice Chairperson table copies of minutes of the two meetings that gave a clean bill of health to the bank? Secondly, could he also table the expert opinion that must have informed the board meeting prior to the decision to give the bank a clean bill of health? I say this remembering that when Kenya lost Kshs1.8

billion, through printing of new currency notes, senior managers and experts at the CBK actually gave contrary advice. We want to break the cartel at the CBK.

I thank you.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, a number of ordinary Kenyans deposited their money into the bank which they need access to for their day to day use. Some have children in school and some may need that money for any other purpose. What measures has the CBK and the national Treasury put in place to rescue and remedy people in that category who deposited their money and suddenly discovered that the bank had been closed, yet they want to eat, dress and do all that pertains to the usage of their money? Was there any provision for intervention by the CBK and the national Treasury for the sake of the depositors with the bank, so that they do not perceive themselves as if they harmed anybody?

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, this statement is of great importance because we all know that pursuant to the alarming story about the Imperial Bank, there was almost a run against some smaller banks. I noted that in answering this question, the CBK has also provided liquidity support to the banks experiencing liquidity runs, due to the customers deposit withdrawals. That is the answer that has been given. I would like to know whether that was the normal overnight lending or a bail-out to the smaller banks so that they do not suffer the consequences of a run. Under what terms and conditions was the shoring up of the smaller banks given, to avoid a run in their respective banks?

**Sen. Mutula Kilonzo Jr.:** Mr. Speaker, Sir, the former CBK Governor, Dr. Andrew Mulei, was suspended and later fired from the CBK for procuring very expensive software equipment that was primarily supposed to detect bank fraud, following the lessons that were learnt from Charter House Bank. I would like to know from the Chairman what happened to the software that was procured by the former CBK Governor, Dr. Mulei, causing his dismissal in terms of bank supervision. Under the CBK Act, the Bank Supervision Department of the CBK can visit a bank without notice. How many times did the CBK visit or conduct supervision on the Imperial Bank under the law before they declared the said bank to be under statutory management?

**Sen. Karaba:** Mr. Speaker, Sir, it is a pity that we are discussing a bank which is closed and involves a lot of money to the tune of billions and about 54,000 families. This matter should not be left to the CBK alone, but the Government should also take it upon itself and save the clients involved because it is embarrassing.

There was a time when there were rural banks. All banks that belonged to a famous banker called Mr. Ngumba had to be closed and there was no explanation for it. Therefore, the same reason could have been used to have the Imperial Bank closed. There could be some financial magnets involved and it is time we exposed them. The Government should come in handy.

**The Speaker** (Hon. Ethuro): Let us have the last two; Sen. Nabwala and then Sen. (Prof.) Lesan.

**Sen. Nabwala:** Mr. Speaker, Sir, the CBK should have mechanisms in place to detect when a bank is under receivership. Imperial Bank shareholders are very wealthy people. What surprises me is why a bank like that should go under unless there has been diversion or theft of funds. If that is the case, the CBK has some mechanisms where you cannot write a cheque of more than Kshs1 million. How could billions be siphoned out without being detected by the CBK unless they are part of the whole issue?

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, the last time we had serious bank runs in 1992, a Deposits Protection Fund (DPF) was created within the CBK in order to take care of the immediate needs of those who deposited their money. As my colleague expressed, there is serious worry about how the depositors with the bank will survive in the meantime as the process goes on. I would like to know from the Vice Chairperson what happened to the DPF held within the CBK.

**The Speaker** (Hon. Ethuro): Vice Chairperson.

**Sen. Mositet:** Mr. Speaker, Sir, the CBK Governor was very much cooperative when we met him, together with the Senator who sought for the statement. He assured us that the CBK will ensure that the bank reopens. However, quite a number of Senators have risen to interrogate the issue further.

From what they raised, the Committee needs some more time so that we can call the directors of the bank to get more information from them. However, I can assure the House that we have the Kenya Deposit Insurance Corporation (KIDC) which will take care of those with small deposits. I believe that no depositor will lose his or her money.

**Sen. Kagwe:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Sen. Mositet, do you wish to be informed?

**Sen. Mositet:** Yes, Mr. Speaker, Sir.

**Sen. Kagwe:** Mr. Speaker, Sir, I just want to inform my colleague that as much as we have got the deposits protection team, it is a question of the merit. He should know the amount of money that is actually given to an individual when a bank collapses. The directors of the bank said that 86 per cent of their depositors are people with money below Kshs1 million. They indicated that upon opening of the bank, they would pay everybody with amounts Kshs1 million and less on the spot on the day the bank reopens. The deposits protection team does not pay up to Kshs1 million. In fact, the amount of money you can expect to be paid if a bank collapses is Kshs100,000. Therefore, it is crucial that it does not---

**The Speaker** (Hon. Ethuro): Order, Sen. Kagwe! I thought you were giving information.

**Sen. Kagwe:** Indeed, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Your information should be better. How much does the DPF give?

**Sen. Kagwe:** It gives Kshs100,000.

**The Speaker** (Hon. Ethuro): So, if I had savings of Kshs50,000, would I get Kshs100,000?

**Sen. Kagwe:** Mr. Speaker, Sir, if you had savings of Kshs50 million, you would get Kshs100,000.

**The Speaker** (Hon. Ethuro): What if I had savings of Kshs50,000?

**Sen. Kagwe:** You would get your Kshs50,000.

**The Speaker** (Hon. Ethuro): That was the missing point.

Proceed, Vice Chairperson.

**Sen. Mositet:** Mr. Speaker, Sir, I will request for more information so that the Committee on Finance, Commerce and Budget can interrogate the matter further and even get the directors so that they can come and shed light. We will then know whether the information that we were given by the Governor of the CBK is the right information or if maybe there could be some other things which are ---

**The Speaker** (Hon. Ethuro): How much more time, Vice Chairperson?

**Sen. Mositet**: Mr. Speaker, Sir, let us say a week.

**The Speaker** (Hon. Ethuro): Tuesday, next week?

**Sen. Mositet**: Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Order, Members! Let us now move on to Statement 2(b) on the Order Paper.

#### NON-PAYMENT OF SEPTEMBER SALARIES TO TEACHERS

**Sen. Karaba**: Mr. Speaker, Sir, I am still waiting for the answer from the Cabinet Secretary. There is somebody who is waiting for the statement there. The Cabinet Secretary was outside the country and I am reliably informed that he has not come back, but we are using the Principal Secretary (PS) to have it written. Any time now, I will release the answer as soon as I get it.

**Sen. Khaniri**: Mr. Speaker, Sir, I must express my deepest disappointment with the way the Jubilee administration and Cabinet Secretaries are treating matters emanating from this House of Parliament. You will agree with me that the issue of teachers and the strike was a matter of national importance. In the old dispensation, we used to call these Questions by Private Notice where answers were expected within 48 hours. It is now four weeks since I raised this matter and we are being told that the Cabinet Secretary has been away and that is why this House has not been provided with answers to these very pertinent questions that we wanted answered.

This situation is getting out of hand. We, as a House, must find a way around this. This is in contravention of Articles 153 and 125 of the Constitution that require Cabinet Secretaries to give information to this House promptly or when they appear before Committees.

This matter is kind of being overtaken by events. In view of this, may I get your guidance? We cannot wait forever.

**The Speaker** (Hon. Ethuro): Order, Senators! A while ago ---

*(Sen. Sang crossed the Floor)*

Order, Sen. Sang!

A moment ago Sen. Karaba was up in arms on a delayed Petition. He was ably and convincingly supported by Sen. Kembi-Gitura. Now, it is your turn, Sen. Karaba. If you felt aggrieved by a delayed response, you should imagine the same extends to Sen. Khaniri and the House.

Under the circumstances, Sen. Karaba, you will give us a statement tomorrow. Failure to do so, you should summon the Cabinet Secretary. Not by inviting, but summon because it will attract more severe punishment if he fails to act.

*(Sen. Karaba stood up in his place and bowed)*

**Sen. Karaba**: Mr. Speaker, Sir, not on me, but the Cabinet Secretary.

**The Speaker** (Hon. Ethuro): Definitely to the Cabinet Secretary and not you.

*(Statement deferred)*

Next Statement!

*(Sen. (Prof.) Lesan stood up in his place)*

Sen. (Prof.) Lesan, are you standing in for the Chairperson of the Committee on Health?

**Sen. (Prof.) Lesan:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Proceed.

CIRCUMSTANCES SURROUNDING THE  
DEATH OF MS. ELIZABETH AKALA

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, I stand to give the statement requested by Sen. (Dr.) Khalwale on the death of Ms. Elizabeth Akala.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Could the Chairperson direct that I be served with a copy of that statement, so that I look at it before he reads it in accordance with our tradition?

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, as I walked in this afternoon, this report had just come. In fact, I was going to request that first, this report be tabled in my Committee, so that we can put it together in a manner that it will answer Sen. (Dr.) Khalwale's question more thoroughly than it is, at the moment. This is a report of 39 pages and my Committee has not seen it. We beg your indulgence that it is tabled in the Committee first and then we can bring it back to the House may be, if you allow, next week on Wednesday or Thursday.

**The Speaker** (Hon. Ethuro): Sen. (Dr.) Khalwale, what do you have to say to that?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, most obliged.

**The Speaker** (Hon. Ethuro): Sen. (Prof.) Lesan, all that you have said, including your request should not have stopped you from making a copy for Sen. (Dr.) Khalwale. I have said several times in this House that I do not entertain ambushes. We should all share information, so that we can interrogate the matter from an informed position.

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, as I speak, we have ordered some copies and one of them is for Sen. (Dr.) Khalwale.

**The Speaker** (Hon. Ethuro): So, how much time does your Committee need to look at the report?

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, as I requested, we will need to table this in the Committee. We should be ready next week on Wednesday or Thursday.

**The Speaker** (Hon. Ethuro): Order! Do whatever it takes. That statement should appear on Tuesday in the Order Paper. It is because to do so, is just falling into the same trap like whoever brought the Statement.

*(Statement deferred)*

Next Statement is by the Vice Chairperson of the Committee on National Security and Foreign Relations.

#### THEFT AT KAPENGURIA CDF BUILDING

**Sen. Adan:** Mr. Speaker, Sir, on 12<sup>th</sup> November, 2015, Sen. (Prof.) Lonyangapuo requested for a statement on the break-in at the Kapenguria Constituencies Development Fund (CDF) office. In the request, he particularly sought a statement on:-

- (a) Whether investigations into the break-in were being carried out;
- (b) An explanation on whether all documents, including sensitive land documents and computers that were stolen during the break-in have been recovered;
- (c) Whether any person has been arrested in connection with the break-in; and,
- (d) Measures taken to prevent a similar occurrence in the future.

I wish to state that on the night of 11<sup>th</sup> /12<sup>th</sup> October, 2015, there was a break-in at the CDF Building in Kapenguria. A report on the same was made at Kapenguria Police Station vide OB No.11 of 12/10/2015. On visiting the scene, the police established that there was no external damage to any part of the building. However, a number of offices within the building had been broken into and various items, including computers stolen.

One suspect, a Mr. Wilson Lopita Kamoi, a watchman at the premise was arrested and charged before a court of law for failing to prevent a commission of a felony. So far, no recoveries have been made, but investigations are ongoing.

The following security arrangements have been put in place to avoid similar incidents in future:-

- (a) The fencing of the premises for access control,
- (b) Deployment of armed national police reservists to guard the premises.
- (c) Day and night police patrols have been enhanced.

Further, arrangements are being made to deploy Administration Police Officers to guard the building.

Thank you.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I thank the Vice Chairperson of the Committee for the response.

However, I wish to correct that the building that was broken into is not the Kapenguria CDF office; it is Kapenguria CDF Building.

**The Speaker** (Hon. Ethuro): Order, Senator! Does it house the CDF office?

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, that is one small office that was also built---

**The Speaker** (Hon. Ethuro): Was it also broken into?

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, it was broken into as well as many others that I will name.

This building houses the CDF office and so CDF documents for the last many years were in this building. The County Executive Committee (CEC) Member for Lands is also housed in that building as well as the CEC for Tourism and Culture.

Mr. Speaker, Sir, in the response, no serious details were given. It is stated that there was no external damage. It is true that the door was not broken into. The main external door, which is made of metal, was also not broken into. This means that this is

an in-house job. They just arrested a mere watchman and took him to court yet the CECs for Lands, Culture and Tourism and all associated offices were not taken to court.

The Member of Parliament (MP) for Kapenguria, who should be complaining about this, has not spoken. It is almost a month since this incident happened yet there is no significant solution that you have given. You said that no computers or files have been traced including title deeds.

**The Speaker** (Hon. Ethuro): Senator, stop being repetitive. Proceed.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, this answer is not sufficient. I would like to hear that documents, including lands documents that have gone missing have been returned.

What was the reason for taking the watchman to court yet no recoveries have been made? Was that all?

Lastly, it looks like there is conspiracy to keep this matter under wraps because nobody is talking about it; for instance, the governor and the MP. Therefore, I would like to know whether this was planned. What was it? You have not told us whether recoveries have been done. I am suspecting that there is cover up. We have not seen how CDF money for the last three years amounting to over Kshs350 million has been utilized. Was there conspiracy to destroy those documents?

**Sen. Adan:** Mr. Speaker, Sir, if Sen. (Prof.) Lonyangapuo heard me, we can only arrest an individual when there is evidence that incriminates that person. In this case, the premises was not broken into from outside. The person who was responsible there was the watchman who was taken to court.

Further, I said that investigations are ongoing. It is important if Sen. (Prof.) Lonyangapuo gives us time so that investigations are concluded, then we can follow up and give a final solution whether they have retrieved the documents or not.

Regarding the money that was stolen, this is extra information that he has requested for; we can ask for further clarifications on the same.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, the Vice Chairperson is not giving us correct information. In the answer, she did not say that investigations are still going on. She just said that arrangements have been put in place, which is fencing and so on.

**The Speaker** (Hon. Ethuro): Order, Sen. (Prof.) Lonyangapuo! But she has said it now.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, it was by word of mouth. I want a commitment on how long it would take for this House to be satisfied.

**The Speaker** (Hon. Ethuro): Proceed, Vice Chairperson. Please, tell us the period you need.

**Sen. Adan:** Mr. Speaker, Sir, I will request the department to give us a definite time that they require to finalise this investigation. We will give you feedback in due course.

**The Speaker** (Hon. Ethuro): Next statement.

FACILITATION OF PEACE COMMITTEE IN  
WEST POKOT/TURKANA COUNTIES

**Sen. Adan:** Mr. Speaker, Sir, Sen. (Prof.) Lonyangapuo requested for a statement on the facilitation of peace committees (KRAAL LEADERS) in West Pokot and Turkana counties.

First, in particular he wanted the Ministry to explain whether the Government is aware that West Pokot and Turkana Counties Peace Committee has been in existence for the last six months.

Secondly, he sought an explanation on whether the Government is aware that the committee has played a key role in ensuring that there is relative peace and calm between the two communities through the committee's peace campaign.

Thirdly, he wanted to know the measures the Government has put in place to facilitate this important committee, including provision of transport to cover these vast counties.

Lastly, to state when the national Government will fully facilitate the special district officer stationed at Turkwel.

Mr. Speaker, Sir, I wish to state that the Government is aware of the Special Peace Committee comprising of 60 reformed warriors from various communities along the Turkana-West Pokot border. The Committee has been working closely with the two counties' security committees, council of elders and elected community leaders in ensuring that there is peace amongst the communities in the above mentioned region.

The Government through the two counties security committees has been facilitating the above mentioned committees as it carries out campaigns on peaceful co-existence, persuading communities to surrender stolen livestock, facilitating community reconciliation, providing psychological support, resettlement of the displaced persons, among others. The Government has been facilitating the Committee's movement by use of Government vehicles.

Mr. Speaker, Sir, there has been limited and irregular funding of peace committees. This funding has previously been sourced through grants from development partners.

The Special Assistant County Commissioner who is stationed at Turkwel serves both Turkana and West Pokot counties. The posting was found necessary to provide liaison between the two counties. His operations are facilitated through the office of West Pokot County Commissioner.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I thank the Committee for the response. The Senate needs to be informed that there is an initiative by the local community living along the border who voluntarily decided to become peace keepers. The Government has also recognised them.

However, now that the peace keepers have stepped in to do what the national Government is supposed to be doing; the General Service Unit (GSU) are back in their camp, the Administration Police (APs) and the Anti-Stock Theft Unit are also back in their camps. On a day- today basis these 60 people have been walking from village to village preaching peace and they have made a lot of progress in the last six months. My question which has not been fully answered is: What will the families of these people eat considering that they have no other means of earning a living?

What has the national Government done to assist these people, for example, by giving them food rations? The Vice Chairperson has not answered that question. She talks about limited and regular funding, which does not exist. I have just come from there and can confirm that this does not exist. Let the Vice Chairperson delete the words “limited and regular funding” and replace them with words that make sense.

The Vice Chairperson says that much of the funding comes from development partners. You cannot outsource your business to development partners. The Red Cross distributes food once in a while, but why should we wait for them? This is a serious initiative that I expected the Ministry to join and make stronger. A serious Government cannot outsource its business. From now onwards, I would like to see these people getting recognition, food and support.

Lastly, the special District Officer (DO) who walks and is stationed at Turkwel---. A special D.O. in a sensitive area is supposed to have a car, but this specific one does not have even an office. Could you assure this House that he will be assigned a vehicle with sufficient fuel? The 60 people and many more that are joining this initiative should be supported.

**Sen. Adan:** Mr. Speaker, Sir, it is important for Sen. (Prof.) Lonyangapuo to appreciate that we have clearly stated the position the Government is in. I believe that the Senator lives in this country, because we are also facing challenges.

As regards the food rations and other tokens that he has asked for, we can discuss with the relevant Ministry to see whether it can chip in and support the communities. As I have stated, they are really doing a good job.

Finally, with regard to the vehicle that he has asked for, we will discuss that with the Cabinet Secretary and see whether there is a possibility of him being allocated one.

**Sen. Obure:** Mr. Speaker, Sir, we all know about the armed confrontation, which often occurs between the two communities; the Turkanas and Pokots. This causes a lot of destruction and anxiety among the residents in the area. We have citizens who have come up with an initiative to try and promote peace in the area. Would the Vice-Chairperson agree that this kind of initiative needs to be encouraged and that people who make personal sacrifices to ensure that there is peace in the area not only need recognition, but also support to continue with their activities and make sure that peace, which we all yearn to get, continues to prevail, so that economic activities can thrive in the area?

**The Speaker** (Hon. Ethuro): Order! That is sufficient.

What is it, Prof. Lonyangapuo?

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Speaker, Sir. A lot of money has been pumped into the National Youth Service (NYS). I expected this to be an opportunity for the Government to recruit these 60 people and many more, who have reformed, into the NYS. That way, they can get a dedicated---

**The Speaker** (Hon. Ethuro): Order! You are very clear.

**Sen. Adan:** Mr. Speaker, Sir, the Government will look into this, but I will give further feedback on the same.

**The Speaker** (Hon. Ethuro): When? The last suggestion, especially, is a good one.

**Sen. Adan:** The last suggestion is a good one, but I do not want to commit myself.

**The Speaker** (Hon. Ethuro): Order! I have not asked you to commit yourself. I was just asking about when you will give the feedback.

**Sen. Adan:** Mr. Speaker, Sir, I will give feedback on Wednesday next week.

**The Speaker** (Hon. Ethuro): It is so ordered.

Next Statement.

#### KILLING OF YOUTHS IN KAJIADO COUNTY BY KWS RANGERS

**Sen. Adan:** Mr. Speaker, Sir, I followed up this particular Statement but, unfortunately, I do not have it. The Ministry promised to give us a feedback by Thursday, which happens to be a public holiday. But I will give a final position tomorrow, even if it is a preliminary investigation report.

**The Speaker** (Hon. Ethuro): It is so ordered.

**Sen. Mositet:** On a point of order, Mr. Speaker, Sir. The two young men were killed in April as they were praying on one of the hills. The families have been requesting the Government to tell them what it is doing about it, but up to now there has been no communication. The Chair promised three weeks ago that he would give an answer. Right now the Vice Chair has promised to give feedback tomorrow. I doubt whether she will have it tomorrow. But since you have directed, I will wait and see whether they will bring a response tomorrow.

**The Speaker** (Hon. Ethuro): I have ordered that the response be given tomorrow.

*(Statement deferred)*

Next Statement!

#### DEATH OF MR. ALEX MADAGA FOLLOWING A ROAD ACCIDENT

Is the Senate Majority Leader not here? Who is representing the Majority side in the House? Sen. Kagwe, can you step in for the Majority side?

**Sen. Kagwe:** No, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Sen. (Prof.) Lesan.

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, both the Senate Majority Leader and the Deputy Majority Leader are not in the House. I do not know where they are, but I endeavour to inform them that this issue has arisen in the House and they need to give an answer.

**Sen. Khaniri:** Mr. Speaker, Sir, I will be at your mercy. This Statement has been in the Order Paper for about seven weeks now and it has been five weeks since we buried the young man in question. The family and country has been waiting to know the circumstances under which he lost his life. This Statement was supposed to have been issued by the Chairperson of the Committee on Health, but you ordered – because of the weight of the matter – that the Senate Majority Leader takes the responsibility to issue the Statement. You even reiterated last week that it must be given this week. I think you need to make some tough ruling against the leadership on the other side.

**The Speaker** (Hon. Ethuro): I sympathize with you, Senator. The reason why we were trying to give the Majority Leadership is so that they can throw their weight around

the issue. Apparently, they have not thrown their weight or if he did, the weight is light or there is no weight at all.

**Sen. (Prof.) Lesan**, as you find out what is happening, can we get some response tomorrow? You are still at liberty even to involve the original position of the Chair of the Health Committee.

**Sen. (Prof.) Lesan**: Thank you, Mr. Speaker, Sir. That is, in fact, why I was standing up and I was looking at it and saw that it is an issue that the Committee on Health would be able to investigate and, perhaps, bring a more realistic answer than the Senate Leader of Majority. So, I was thinking with your permission that this Statement can be referred back to the Committee on Health and we will be able to address---

**The Speaker** (Hon. Ethuro): Order, Senator. It was never taken away from them. We were only giving them extra capacity.

**Sen. (Prof.) Lesan**: Mr. Speaker, Sir, I want to endeavor that we will work with this office but I promise that the Committee on Health will urge the Senate Leader of Majority to drive this process.

**The Speaker** (Hon. Ethuro): Order, Members. Whichever way, the Senate Majority Leader, his deputy and the Chair of the Committee on Health must bring this Statement to the House on Tuesday next week. The responsibility will be the Majority Leader, Deputy Majority Leader, Chairman of the Committee on Health and Sen. (Prof.) Lesan in that order. Surely, you cannot go wrong. I suppose there are still some other outstanding Statements, or if they are not there, we will proceed.

**Sen. Kembi-Gitura**: Thank you, Mr. Speaker, Sir. With your permission, may I seek a Statement from the relevant committee?

**The Speaker** (Hon. Ethuro): Proceed.

REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL  
FROM OFFICE BY IMPEACHMENT OF HON. MWANGI WA IRIA,  
THE GOVERNOR FOR MURANG'A COUNTY

**Sen. Kembi-Gitura**: Thank you, Mr. Speaker, Sir. I rise under Standing Order No. 45 (2) (b) to seek a Statement from the Chairman of the Standing Committee on County Public Accounts and Investments (CPAIC) regarding the Report of the Special Committee on the proposed removal from the office by impeachment of Hon. Mwangi Wa Iria, the Governor for Murang'a County dated 6<sup>th</sup> November, 2015.

In particular, I request the Chairman of the Committee to addresses the following issues and give the people of Murang'a a way forward.

(1) On allegation two; Paragraph 212 of the Report. The Committee, having found that there was violation of the law from whom and how would the Kshs28,849,800 illegally used to fund a private enterprise from the public funds be recovered.

(2) Allegation six; Paragraph 215 of the Report. What reason did the county executive have to withhold the sum of Kshs124,969,764 due to the County Assembly and when would the same be released?

(3) Allegation 10; paragraph 219 of the Report. Can the Committee look into whether or not procurement laws were breached and make recommendations as necessary to protect public funds from misuse and/or misappropriation.

(4) Allegation 11; Paragraph 220 of the Report. Considering that the Special Committee recommended that the matter of the land measuring 34 acres or thereabouts bought for Kshs340 million be investigated by the Public Procurement Oversight Authority and the Ethics and Anti-Corruption Commission, can the Committee see to it that this is duly done and action taken as necessary to protect public funds? Can the Committee also establish the true value of the land as at the time it was bought?

(5) The Committee should give a way forward on the several recommendations given in the Report for the purpose of attaining restitutive justice where necessary and ensures that public funds are not lost.

Thank you.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I hear you. This House has made a pronouncement on all those issues. My Committee is ready and willing to proceed as requested by the Senator for Murang'a. May be, in your own way, you will also make time to guide us lest the parties that are going to be possibly affected adversely run into a bush called "double jeopardy".

Thank you. With your guidance, I require four weeks.

**Sen. Mutula Kilonzo Jnr.:** Thank you Mr. Speaker, Sir. Although I have heard the Statement by the Chair, what I am wondering is that the process of a Report like the one tabled by the Chair of that Committee, Sen. Musila, as far as the proceedings of that Report are concerned, the matter has rested. Therefore, unless you commit that Report to the County Public Accounts and Investments Committee, I am still wondering how the Senator is going to respond in four weeks.

**Sen. Kembi-Gitura:** Thank you, Mr. Speaker, Sir. Thank you for those important interventions particularly from Sen. Mutula Kilonzo Jnr. The Report was tabled in the House as the property of the House. Unusually, it made recommendations and in those recommendations, they can be pursued or they can be left to gather dust. In which case, the Committee made the recommendations in futility. I have not referred my issues back to that Report because the Committee is *fanctus officio*; its work is finished and it is closed.

However, there is a Report that is the property of the House, certain recommendations were made and I want the relevant Committee to reopen it and find whether the recommendations that were made can be pursued or whether they are going to be left the way they are, or whether the recommendations made were futile and that is the end of the situation; the case is closed.

Mr. Speaker, Sir, if the Khalwale Committee says that there are no further findings, then that would be the end of the story. There cannot be an issue of double jeopardy at all because double jeopardy is when the person suffers twice after he has been acquitted. That is a legal terminology. So, all I am asking is that that Committee should look at the Report, look at the recommendations and see whether they are seized of that matter. It is not a matter of four weeks.

I would like the Committee to take its time and look into that issue and then report back to this House on the issues that I have raised without feeling constrained for time because they are issues that might take much longer to look into than the seven days that the Committee took and came up with a Report which some of us may have found unsatisfactory.

**The Speaker** (Hon. Ethuro): Order, Members. Let me direct the following; I think Members have raised a number of issues; both the author of the Statement, the Chairman and Sen. Mutula Kilonzo Jnr., and I must admit that there are issues which even the Chair needs to interrogate further. So, let me look at them and make a determination.

Members, we will defer Order Nos. 8, 9, 10, 11, 12, 13, 14, 15 and 16. We will go to Order No. 17.

### **COMMITTEE OF THE WHOLE**

CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON  
THE PUBLIC PROCUREMENT AND ASSET DISPOSAL BILL  
(NATIONAL ASSEMBLY BILL NO. 40 OF 2014)

*(Deferred)*

CONSIDERATION OF THE PRESIDENTIAL MEMORANDUM ON THE PUBLIC  
AUDIT BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2014)

*(Deferred)*

### **BILLS**

*Second Readings*

THE OFFICE OF THE COUNTY ATTORNEY BILL  
(SENATE BILL NO. 37 OF 2014)

THE COUNTY GOVERNMENTS DISASTER MANAGEMENT BILL  
(SENATE BILL NO. 40 OF 2014)

THE KENYA NATIONAL EXAMINATIONS COUNCIL  
(AMENDMENT) BILL (SENATE BILL NO. 7 OF 2015)

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

*(Bills Deferred)*

### **COMMITTEE OF THE WHOLE**

THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL  
NO. 1 OF 2014)

*(Deferred)*

THE COUNTY EARLY CHILDHOOD EDUCATION BILL, (SENATE  
BILL NO. 32 OF 2014)

*(Deferred)*

THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL) BILL  
(SENATE BILL NO. 20 OF 2014)

*(Deferred)*

**Sen. (Prof.) Lesan:** On a point of order, Mr. Speaker, Sir. I do accept your order, deferring the items on the Order Paper which I believe is so because there is no quorum in the House for us to go to division. I have not seen anywhere in the Standing Orders that we should defer voting because there is no quorum in the House. I would really like your guidance on this so that we can continue with our business of division in the House irrespective of whether there is quorum or not.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, would I be in order to demand that Sen. (Prof.) Lesan makes his request clear? Is he telling us that we have no quorum? We want to understand what he is talking about.

**Sen. Abdirahman:** Mr. Speaker, Sir, listening to Sen. (Prof.) Lesan, it is possible to raise the issue of quorum, but when it comes to issues of voting, our Standing Orders are very explicit. It states that at the request of a Mover, the Motion can be deferred. The Speaker has the discretion to defer because if we are not careful, we could lose important Bills in the process. It is in the interest of the House that this matter is deferred. It is good to accept things the way they are, with all the guidance.

**The Speaker** (Hon. Ethuro): I agree with the Senate Deputy Minority Leader. Sen. (Prof.) Lesan, you are guided.

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

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

## BILLS

### *Second Reading*

THE WATER BILL (NATIONAL ASSEMBLY BILL NO.7 OF 2014)

**The Temporary Speaker** (Sen. (Dr.) Machage): Where is the Senate Majority Leader?

I will defer Order No.17.

*(Bill deferred)*

Next Order!

*Second Reading*

THE INTERGOVERNMENTAL RELATIONS (AMENDMENT)  
BILL (SENATE BILL NO. 36 OF 2014)

**The Temporary Speaker** (Sen. (Dr.) Machage): I am privy to information that Sen. Obure might not be in a position to move this Bill today. I, therefore, defer Order No.18.

*(Bill deferred)*

*Second Reading*

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

**The Temporary Speaker** (Sen. (Dr.) Machage): Is Sen. Wangari not here? Ring the Division Bell for one minute.

*(The Division Bell was rung)*

We will defer Order No.19.

*(Bill deferred)*

*Second Reading*

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO.43 OF 2013)

**The Temporary Speaker** (Sen. (Dr.) Machage): Where is the Senate Majority Leader? The Bill is deferred.

*(Bill deferred)*

*Second Reading*

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

**The Temporary Speaker** (Sen. (Dr.) Machage): Is Sen. Gwendo not here? The Bill is deferred.

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Senators. We have come to the end of today's business. The House stands adjourned until tomorrow, Wednesday, 25<sup>th</sup> November, 2015, at 2.30 p.m.

The Senate rose at 4.05 p.m.