

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Tuesday, 27th March, 2018**

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

[The Deputy Speaker (Sen. (Prof.) Kindiki) in the Chair]

PRAYER**PAPER LAID****THE PFM SENATE MONITORING AND EVALUATION
REGULATIONS 2018**

Sen. Dullo: Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Tuesday, 27th March 2018.

The Public Finance Management Senate Monitoring and Evaluation Regulations 2018.

I thank you.

(Sen. Dullo laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Next order!

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kindiki): It is now Statements hour and the rules apply as agreed before. If you are not here, the Senate will not wait for you. Let us start with the Statements to be requested.

The Senator for Lamu County, please proceed. You have the Floor

**MANAGEMENT OF PUBLIC HEALTH SERVICES
IN LAMU COUNTY**

Sen. Loitip: Mr. Deputy Speaker, Sir, pursuant to Standing Order 46(2)(b), I rise to seek a Statement from the Chairperson of the Standing Committee on Health regarding the Management of the public health services in Lamu County.

In the Statement, the Chairperson should:-

(1) Explain the nexus between the national and county governments in management of the health sector in the county.

(2) Explain the state of the public health facilities and preparedness to offer health services to citizens in Lamu County in terms of number, cadre of staff, equipment and all other facilities.

(3) Explain the mechanisms put in place by the Ministry of Health to ensure that the health personnel are not intimidated by the Ministry officials through threats, coercion, harassment and arbitrary transfers.

(4) Explain the Government policy on service and risk allowances for the employees in the health sector, specifically drivers, clerical officers, store keepers and support staff working for the Ministry of Health at the county level.

(5) Table the circular from the Salaries and Remuneration Commission (SRC) reference No. SRC/TS/HWI/3/23 VOL.1 C (61), dated 9th March 2017, on the allowances for staff working in the Ministry of Health at the county level. Explain why the circular has not been fully implemented in the county and when the county plans to implement the same.

(6) Explain the criteria that were used by the Ministry of Health to give some staff in the health sector risk allowances and leave out other such as the drivers, clerical officers, store keepers and support staff.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Where is the Chairperson of the Committee on Health?

Daktari, give us an undertaking.

Sen. (Dr.) Mbito: Mr. Deputy Speaker, Sir, I undertake to give a comprehensive answer to this question within two weeks.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Loiptip, is that okay with you?

Sen. Loiptip: Mr. Deputy Speaker, Sir, I kindly request for the response to be given in one week's time because there have been strikes in the county due to the grievances that have been raised.

The Deputy Speaker (Sen. (Prof.) Kindiki): Mr. Chairman, is one week okay?

Sen. (Dr.) Mbito: Mr. Deputy Speaker, Sir, one week is okay.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

We also have another request for Statement from Sen. Fatuma Dullo.

DELAY IN CONSTRUCTION OF ROADS IN HIGHWAY SECURITY RISK AREAS IN ISIOLO COUNTY

Sen. Dullo: Mr. Deputy Speaker, Sir, pursuant to Standing Order 46(2)(b), I rise to seek a Statement from the Chairperson of the Committee on Roads and Transportation regarding the inordinate delay in the construction of roads in highway security risk areas in Isiolo County such as Merti, Oldonyiro, Leparwa, Korbasa and other surrounding areas. These roads have been impassable due to heavy rains experienced in the area and they have not been repaired for the last 10 years.

In the Statement, the Chairperson should:-

(1) State and explain why there has been an inordinate delay in the development of roads in high security areas in Isiolo County such as Merti, Oldonyiro, Leparwa, Soko Mjinga in the North, Korbasa in the South and the surrounding areas.

(2) State and explain what the Government is doing to improve the state of Bulapesa and Marire Bridges which have led to the death of three people during the recent floods.

(3) State and explain when the Government plans to develop the roads and bridges in these high risk security areas and their environs.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Can the Chairperson of the Committee on Roads and Transportation give us an undertaking.

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, I request for two weeks.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Dullo, is two weeks okay?

Sen. Dullo: Mr. Deputy Speaker, Sir, there are a lot of problems, especially with the bridges now that it is raining. We are going on recess, therefore, I request Sen. (Eng.) Hargura to give us preliminary answers by Thursday.

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, I would have liked to give the answer as soon as possible. However, considering the mode of communication to Government Departments to get answers, it will not be practical to get a response within two days.

Sen. Dullo: Mr. Deputy Speaker, Sir, I plead on the bridges. Three people have died in the last three weeks. Can they just tell us when they will repair that bridge?

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Eng.) Hargura, report progress on Thursday.

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, I am obliged.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Lastly, Sen. Kwamboka, please proceed.

CITIZENSHIP STATUS OF MR. MIGUNA MIGUNA

Sen. Kwamboka: Mr. Deputy Speaker, Sir, pursuant to Standing Order 46(2)(b), I rise to seek a statement from the Chairperson, Standing Committee on National Security, Defence and Foreign Relations regarding the citizenship status of Mr. Miguna Miguna.

In the statement, the Chairperson should as for now:

(1) Confirm the current Kenyan citizenship status of Mr. Miguna Miguna.
(2) Explain why Mr. Miguna Miguna was denied re-entry back into the country on Monday, 26th March, 2018 despite a High Court Order requiring him to be in the country.

(3) Explain the measures that the Government has put in place to facilitate Mr. Miguna Miguna's re-entry into the country as per the High Court Order.

(4) Explain the circumstances that led to the clobbering up of Mr. Stephen Letoo, a *Citizen* Television journalist and Mr. Robert Gichira, a *Nation* Television (NTV), cameraman at the Jomo Kenyatta International Airport (JKIA) on 26th March, 2018.

5. State the actions that will be taken against the police officers who clobbered the journalists and the cameramen and confirm if the Government shall compensate the two for the injuries sustained.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, Standing Committee on National Security, Defence and Foreign Relations.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I will give a response in two weeks' time.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Kwamboka is that okay?

Sen. Kwamboka: Mr. Deputy Speaker, Sir, this is an urgent on-going national matter of concern. It is trending.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is urgent?

Sen. Kwamboka: Mr. Deputy Speaker, Sir, nobody knows the whereabouts of Mr. Miguna Miguna. He has been held at the JKIA since yesterday. He has a right to be in the country because he is a citizen. We do not know whether he has taken anything since yesterday. He has not even showered.

We even need an interim response from the Chairperson as they do further investigations.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, you have heard that the citizen has not showered.

(Laughter)

Sen. Sakaja: Mr. Deputy Speaker, Sir, that is a concern of the Committee on Health.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Chairperson, Standing Committee on National Security, Defence and Foreign Relations. Do not trivialize human rights.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I am responding to that concern. The response to a Statement does not change the ongoing situation; it just gives information to the House. This question is similar to what has been asked before on the Floor of this House regarding his citizenship, and it was answered. The Government ascertained that Mr. Miguna Miguna is a Canadian citizen.

Mr. Deputy Speaker, Sir, I will strive to bring an interim response possibly on Thursday. However, I request for two weeks in order to answer the other subsidiary questions that she has asked. I am also concerned because all that is happening in Embakasi East Constituency in my county. We also want to know what is going on because we want people to be able to travel in and out of the country. This country is known to be very welcoming to tourists and accommodative to Canadians and countries that are friendly to us. I will, therefore, give that response on Thursday.

The Deputy Speaker (Sen. (Prof.) Kindiki): So, we expect you to issue a Statement on Thursday?

Sen. Sakaja: Yes, Mr. Deputy Speaker, Sir. I will issue an interim Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): There is nothing like an interim Statement in the Standing Orders!

(Laughter)

Sen. Sakaja: Neither is there a comprehensive Statement, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): You will issue a Statement which will entail the information you would have received by that time.

Sen. Sakaja: Yes, Mr. Deputy Speaker, Sir; you are absolutely right.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Sen. Kwamboka, do you want to say something?

Sen. Kwamboka: Mr. Deputy Speaker, Sir, I agree that the Statement be issued on Thursday.

Thank you, 'super' Senator of Nairobi County.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator! We officially have no 'super' Senator in this House. You are completely out of order!

(Laughter and loud consultations)

Order Senators! Let us now go through the many Statements which are due to be issued. If, for example, Senators who requested for Statements are not here and they have not told the Chair why they are not here, we will drop the Statements. As for the Chairpersons, it is expected that you have shared the response to the Statement with the Senator who requested for it and they have internalized it.

Therefore, when it is time for issuing the Statement, please, just give highlights the way lawyers highlight their submissions in court. Thirdly, if there are any supplementary questions arising out of a Statement issued, they should be very specific and restricted to the matter. This should not be used as an opportunity to advance your thirst for knowledge on all matters on the face of the earth.

(Laughter)

Finally, Senators, there has been a creeping culture of Senators 'riding' on Statements requested by other Senators, which should be discouraged. If you want to raise a matter, just request for a Statement yourself. Otherwise, we will have one Statement with 46 or even 67 others 'riding' on it. This claws away time for our Business and makes the work of Chairpersons extremely difficult, because they have to carry out extensive research before they bring the Statement. So, those are the rules.

What is it, Sen. Malalah?

Sen. Malalah: On a point of order, Mr. Deputy Speaker, Sir. I want to believe that as we are seated in this House, we represent the citizens of this Republic. Therefore, when an honorable Member raises a question through a Statement, he is asking the Statement on behalf of the people of Kenya. Therefore, if he or she is not in, I would suggest that we do not drop the Statement, but rather Table it before the House for future reference. Dropping it will be an exercise that will not help this nation in terms of responding to pertinent issues that are raised in this House.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): I totally agree with you, Sen. Malalah. I amend my earlier Statement by saying that it will only apply if both the

Chairperson and the one who requested it are not there, and the Chair has no idea where they are. However, the Statement will be tabled if the Chairperson is around and has the Statement. It also takes a lot of energy and effort by the Chairperson, the Committee and the State officers involved, including the Cabinet Secretary (CS), to provide that information, which is for the wellbeing of the people of Kenya. I agree with you on this one, Sen. Malalah.

Sen. (Prof.) Ogeri: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. (Prof.) Ogeri?

Sen. (Prof.) Ogeri: Thank you, Mr. Deputy Speaker, Sir. I seek your indulgence on a matter that you have ruled upon. Standing Order No. 46 (2) (a) states that:-

“A Senator may make a Statement on a county issue or on an issue of general topical concern”

There is a corollary to the issue raised by Sen. Kwamboka on Mr. Miguna Miguna. I would like to seek your indulgence to ask the Vice Chairperson of the Committee on National Security and Foreign Relations to clarify on an adverse report that the United States of America (USA) has withdrawn the contract for direct flights from Kenya to the USA. You will recall that this country invested so much money in trying to get those contracts in place and also in hiring the dreamliners. Could he give us an indication whether this is true and, if so, what the Government is doing to forestall that situation?

Sen. Seneta: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Mary Seneta?

Sen. Seneta: Mr. Deputy Speaker, Sir, I think you had already made a ruling concerning Sen. Kwamboka’s Statement and we had already made progress on Statements. Is my senior, Sen. (Prof.) Ogeri, in order to take you and the House back to a Statement that you had already ruled on?

The Deputy Speaker (Sen. (Prof.) Kindiki): Ideally, you are right, Sen. Seneta, because I had already given direction on that matter. However, the whole idea is to also prevent other Senators from unnecessarily ‘riding’ on a request for a Statement until it becomes a humongous task and loses focus. Given the circumstances and considering the issues at hand, which involve alleged violations of fundamental rights and freedoms of an individual, that is a grave matter.

Therefore, Vice Chairperson, as you provide your response on Thursday, I direct that you also tell the House whether it is true, as Sen. (Prof.) Ogeri has said, that the country has lost the contract for direct commercial flights to the USA and how the Government plans to address the whole issue. More importantly and of greater concern to this House is not the commercial issue, but the fundamental rights and freedoms of an individual. That surpasses every other consideration.

It is so ordered.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Deputy Speaker, Sir. Now that you have mentioned fundamental rights of that individual, he has a right to food and medical care. In fact, I am now reading *Twitter* messages that he has been locked in a toilet. Is it possible to find out whether the wellbeing of that citizen – Mr. Miguna Miguna – can be brought to the attention of this House tomorrow?

The Deputy Speaker (Sen. (Prof.) Kindiki): I still believe that the Chairperson has tomorrow to give this House credible and holistic information. For that reason, I still maintain, as directed, that let us have the Statement on Thursday. Let us not go beyond what we have said.

Chairperson, give us the information that you will have gathered by Thursday. However, please, bear in mind that the fundamental rights and freedoms of an individual are involved.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I completely agree with your direction and the concern of Members. The fundamental rights of this individual are important to us, whether or not we agree with his political philosophy. In fact, I will be in contact today with the relevant authorities to ascertain the current situation. However, I will give the response on Thursday. So, immediately I will be in touch with the Police, the Kenya Airports Authority (KAA), the County Commander of Nairobi City County and all other relevant authorities, to make sure that even as they pursue the immigration issues, he gets what he deserves as a human being.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well.
Let us now go to Statements due.

INCESSANT INSECURITY IN ADC NDABIBI
FARM, NAIVASHA

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Kihika is away on official duty outside the country. I would rather we indulge her because I do not think there is urgency. So, the Statement is deferred.

(Statement deferred)

The next Statement is by the Chairperson of the Committee on Education, Sen. (Dr.) Langat.

TRANSFER OF TEACHERS FROM NORTHERN KENYA

Sen. (Dr.) Langat: Mr. Deputy Speaker, Sir, this Statement is not ready, but I have taken an initiative because it is a serious matter. On Friday, I went there with Sen. Omogeni and Sen. Kinyua to meet the Teachers Service Commission (TSC) Chief Executive Officer. In fact, we even discussed further to meet her on Thursday in our Committee. I have discussed with the concerned Senators from North Eastern and we will meet together on the same.

The Deputy Speaker (Sen. (Prof.) Kindiki): When will the Statement be ready?

Sen. (Dr.) Langat: Mr. Deputy Speaker, Sir, we will meet on Thursday morning and I am sure it will be ready in the afternoon.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered; Thursday.
Sen. Farhiya, do you want to say something?

Sen. Farhiya: Mr. Deputy Speaker, Sir, it is okay.

(Statement deferred)

STATE OF TOURISM IN MALINDI, KILIFI COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, Committee on Tourism, Trade and Industrialisation, Sen. Kibiru, proceed.

Sen. Kibiru: Mr. Deputy Speaker, Sir, I have the answer.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Zawadi, have you seen the Statement? Sen. Kibiru, have you shared the Statement with Sen. Zawadi?

Sen. Kibiru: Yes, Mr. Deputy Speaker, Sir. I did it a long time ago. This has been---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Sen. Zawadi, have you seen the Statement?

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, proceed by way of summary and highlights.

Sen. Kibiru: Mr. Deputy Speaker, Sir, the Statement is in regard to the state of tourism in Kenya. Here are the responses from the Ministry.

First is on figures of tourists who visited Kenya in 2016 and 2017. We had 1,342,899 tourists in 2016 and 1,474,671 in 2017. We have a specific breakdown---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! If you proceed like that, we will not make progress. If you look at the Order Paper, you will understand the gravity of this matter.

Sen. Kibiru: Mr. Deputy Speaker, Sir, I am summarising.

The Deputy Speaker (Sen. (Prof.) Kindiki): If Sen. Zawadi has already internalized the Statement, please, give us broad highlights of the responses. If Sen. Zawadi requires a clarification or two, we will entertain that and then go to the next Statement.

Sen. Kibiru: Thank you, Mr. Deputy Speaker, Sir. I was doing exactly that. I had just mentioned that there is a detailed breakdown, which I did not intend to go through.

On the number of tourists visiting Malindi and why it has gone down, the answer is there. It is because of insecurity in the region. It is detailed and I shared the same with Sen. Gona.

Regarding what the Government will undertake to deal with pollution, likewise, there is a detailed answer to that effect. The Senator who asked the question told me that she is satisfied.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Zawadi.

Sen. Gona: Asante, Bw. Naibu wa Spika. Ni kweli kuwa nimetosheka na majibu kutoka kwa Mwenyekiti. Hata hivyo, kuna jambo ambalo sikuridhika nalo sana. Niliuliza kuhusu wageni ambao wanatembelea sehemu ya Malindi na Mwenyekiti akaleta ripoti ya Pwani nzima. Niliuliza kuhusu Malindi peke yake.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Zawadi. Sen. Kibiru, Are you able to isolate the figures for Malindi?

Sen. Kibiru: Mr. Deputy Speaker, Sir, we can do that and present the same to the Senator.

The Deputy Speaker (Sen. (Prof.) Kindiki): On Thursday?

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

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Sen. Kiburu: Thank you, Mr. Deputy Speaker, Sir.

Sen. M. Kajwang': On a point of order, Mr. Deputy Speaker, Sir. Sen. Zawadi made a detailed request for a Statement on the Floor of this House, to which a fairly detailed response ought to have been given. My concern, which I beg your guidance on, is that there is the HANSARD and anyone looking at our proceedings five years from today will want to find out what was said. Sen. Kiburu has said what he said, which is not much. He has just said that he has talked with Sen. Zawadi. Between them, they know what the issues are, but the rest of the Members of this House and the people in future ---

The Deputy Speaker (Sen. (Prof.) Kindiki): It is noted, Sen. M. Kajwang'. We have already made extensive discussions. We have explained the context in which we are operating. We will try and balance all those interests. Again, Statements is just one Order in the Order Paper which has so many other Orders, including Bills and Motions which are equally important for this Senate.

We do not want to go to that route. In fact, in the National Assembly, they have had to drop statements altogether. They deal with them in *Kamukunjis* and other places. I would rather we accommodate what we have. However, the concern raised by Sen. M. Kajwang' is valid.

Hon. Chairpersons, the way to go about it is to reduce the statements into a one or two pages summary document which captures the major issues. You do not have to read word for word what the Government functionary has provided in the statement.

Sen. (Eng.) Maina: On a point of order, Mr. Deputy Speaker, Sir!

The Deputy Speaker (Sen. (Prof.) Kindiki): What is out of order, Sen. (Eng.) Maina?

Sen. (Eng.) Maina: Thank you, Mr. Deputy Speaker, Sir. I have listened to you and I agree with your sentiments. However, telling us to summarize these documentations from the Ministries is asking a lot from us. I would rather suggest that you use your good office to engage Cabinet Secretaries. Tell them that when they give these big documentations to us, they do a summary of it. They are the ones who have the knowledge of what their documentation is about. Otherwise, we do not have the capacity with our secretariats and the clerks you have given us to go through volumes of documents and summarize them. The relevant Ministry should do so.

The Deputy Speaker (Sen. (Prof.) Kindiki): Good suggestion, Sen. (Eng.) Maina. That should be taken up although, at the end of the day, the person with the responsibility of issuing statements in this House is the chairperson. In fact, it is your statement. However, we can administratively see how we can encourage some form of executive summary if the statement is lengthy to assist the chairperson to highlight the key issues.

Let us move on to statement (d). Proceed, the Chairperson of the Committee on lands, Environment and Natural Resources.

USE AND MANAGEMENT OF RIPARIAN
AREAS IN KENYA

Sen. Mwangi: Mr. Deputy Speaker, Sir, this statement is not ready. However, I have talked to the Senator who requested for it. I request for more time because the

Ministry said that it had written to the National Environment Management Authority (NEMA) to respond, but they have not done so.

The Deputy Speaker (Sen. (Prof.) Kindiki): How much time are you seeking?

Sen. Mwangi: Mr. Deputy Speaker, Sir, one week will be adequate.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Seneta, is that okay with you?

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

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Let us move on to statement (e). The Chairperson of the Committee on lands, Environment and Natural Resources, is the statement ready?

COMPENSATION FOR PERSONS AFFECTED BY OIL
SPILLAGE AT THANGE RIVER

Sen. Mwangi: Mr. Deputy Speaker, Sir, in the last Parliament, this question was being handled by the Committee on Energy. I would request that it goes back to the Committee on Energy. The statement is not ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): There must have been a direction from this Chair that it be referred to that specific committee. That is why it is appearing in the Order Paper. When will the Senate have that statement, Sen. Mwangi?

Sen. Mwangi: Mr. Deputy Speaker, Sir, I suggest that we refer it to the Committee on Energy because it is the one that was dealing with it in the last Parliamentary.

The Deputy Speaker (Sen. (Prof.) Kindiki): You mean the same question, same issues and same facts?

Sen. Mwangi: Yes, Mr. Deputy Speaker, Sir. It is the same issue of the spillage of oil.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, first, I admit that the question was handled by the Committee on Energy in the last Parliament. However, the Speaker, in his wisdom and the Speaker is forever wise - this question was directed to the Committee on lands, Environment and Natural Resources. It is not the Ministry that has redirected. Before they redirect the question, they should have given us progress; that when the statement was sent to his Committee, it was redirected, or it went to the wrong committee. Otherwise, to suggest that it should be redirected three weeks later is to take us for that ride which we have been avoiding.

Could you, please, stamp your authority?

The Deputy Speaker (Sen. (Prof.) Kindiki): I agree with you, Sen. Mutula Kilonzo Jnr.

Sen. Mwangi, a determination had already been done and that is not the way to undo it. It is not by midway that you decide that another committee should handle that matter. When can the House expect the statement?

Sen. Mwangi: Mr. Deputy Speaker, Sir, I respect what you have said and the orders you have given. However, I plead for another one week because the statement is not ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Mutula Kilonzo Jnr., is that okay?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I have little choice in this regard. Now that he has confessed that one week is enough, please, order that this statement be issued without much delay because people are suffering.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Let us move on to statement (f). The Chairperson of the Committee on National Security, Defence and Foreign Relation, is that statement ready?

I can see Sen. Farhiya is here.

CLAN CLASHES AND TERROR ATTACKS
IN WAJIR COUNTY

Sen. Sakaja: Mr. Deputy Speaker, Sir, this statement was issued. However, there was additional information requested. It was just issued on Thursday, if I am not wrong. So, it should not be appearing in the Order Paper today because this is the next sitting after the last sitting. In a week's time, we should have the additional information that was requested. After that I hope it will not appear again in Order Papers because you cannot have it in perpetuity.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have the statement on Thursday, the Chairperson of the Committee on National Security, Defence and Regional Integration.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Let us on move to statement (g). The Chairperson of the Committee on Roads and Transport is the statement ready?

MANAGEMENT OF KPA

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, I have tried to follow up and the statement is not ready. It will be ready on Thursday because we have tried and we have been told it is not signed.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Faki, is Thursday alright?

Sen. Faki: Yes, Mr. Deputy Speaker, Sir, it is fine with me.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

The next statement is by the Standing Committee on Agriculture, Livestock and Fisheries. Proceed, Chairperson, Vice Chairperson, or member.

Sen. Naomi Shiyonga, proceed.

Sen. Shiyonga: Mr. Deputy Speaker, Sir, please, I missed the point.

(Sen. Shiyonga stood in her place)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Shiyonga! Resume your seat.

(Sen. Shiyonga resumed her seat)

Sen. Ndwiga is not here. I can see, Sen. Lelegwe. Sen. Lelegwe, where is the statement? It is either you have it or not. Do you have it?

CLIMATE CHANGE AND ITS EFFECTS ON
PASTORALISTS AND LIVESTOCK

Sen. Lelegwe: Mr. Deputy Speaker, Sir, I have the statement ready here. I have already summarized it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have you shared it with Sen. Seneta?

Sen. Lelegwe: Yes, Mr. Deputy Speaker, Sir. I have shared the detailed response with Sen. Seneta.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed by way of highlights.

Sen. Lelegwe: Thank you, Mr. Speaker, Sir. The specific concerns raised and the corresponding responses by the Cabinet Secretary are as below:-

The Government is fully aware that the climate change is real and the drought which used to recur every three years is now more frequent. The Livestock off-take Programme has not stopped in the Arid and Semi-Arid (ASAL) regions of Kenya. Over the last two years, through the Livestock Off-take Programme implemented by the Kenya Meat Commission (KMC) and the Agriculture Development Corporation (ADC), a total of 28,966 livestock was purchased from the West Pokot, Baringo, Kajiado, Narok, Samburu, Marsabit, Mandera, Garissa, Wajir and Tana River counties.

The State Department of Livestock has put in place appropriate policy measures and programmes to permanently address the problem of lack of pasture and fodder for livestock in ASAL areas. Among the initiatives include: Purchase and distribution of ten tonnes of assorted perennial pasture, range seeds like *African fortori* and the Maasai rough grass in the counties of Tana River, Kisumu, Kajiado, Narok, Garissa, Wajir, Mandera, Marsabit, Isiolo, Laikipia, Samburu, Baringo, West Pokot and Turkana under the Regional Pastoral Livelihood Resilience Project supported by the World Bank(WB).

Mr. Deputy Speaker, Sir, over 385 acres of Boma Rhodes grass have been established in Turkana, Baringo, Marsabit, Isiolo, Samburu and West Pokot under the Drought Resilience Programme supported by the African Development Bank (ADB). Nineteen thousand four hundred bales of hay and 750 kilograms of pasture seeds have been harvested from these sites for distribution to the communities.

The programme has also built the capacity of the communities in the ASAL areas in the form of training and establishment, harvesting and conservation of these pastures for future use by livestock farmers. The Regional Pastoral Livelihood Resilience Project under the Drought Emergency Response has allocated Ksh176 million to facilitate livestock restocking exercise in 14 ASAL areas including the counties of Tana River, Lamu, Kajiado, Narok, Garissa, Wajir, Mandera, Marsabit, Isiolo, Laikipia, Samburu, Baringo, West Pokot and Turkana.

Mr. Deputy Speaker, Sir, we have provided the detailed response to Sen. Seneta. That is the response from the Committee. Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Let us hear from Sen. Seneta.

Sen. Seneta: Thank you, Mr. Deputy Speaker, Sir. As much as I appreciate the efforts made by the Chairperson of the Committee, I am not satisfied with a few responses. One, in terms of capacity building of the pastoralist communities, we cannot be feeding people every time there is drought. Therefore, the best is to empower them to

do pasture management and production. I therefore, agree that the capacity building aspect should be done in every single county---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Seneta! You are not analysing the Statement. You either---

Sen. Seneta: Mr. Deputy Speaker, Sir, I am pointing out just---

The Deputy Speaker (Sen. (Prof.) Kindiki): You are either in concurrence or seeking further information. Go straight to the point.

Sen. Seneta: Mr. Deputy Speaker, Sir, I am seeking further information on the concept of the Livestock off-take Programme and that the restocking programme should be done in our county.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! What do you want the Chairperson to do or to inform the House?

Sen. Seneta: Mr. Deputy Speaker, Sir, I want the Chairperson to seek more clarification on what the Ministry of Agriculture, Livestock and Fisheries is doing ---

The Deputy Speaker (Sen. (Prof.) Kindiki): About?

Sen. Seneta: Mr. Deputy Speaker, Sir, about how they are doing capacity building which they have indicated that they are doing. On the Livestock off-take Programme, we are not aware of how much was allocated to our counties on the hay that they are giving to the counties, we want to know the strategies they are using to distribute hay.

The Deputy Speaker (Sen. (Prof.) Kindiki): Those are three issues, Chairperson, Committee on Agriculture, Livestock and Fisheries; capacity building, livestock off-take programme and the hay distribution, specifically for Kajiado County. Are they covered in your Statement?

Sen. Lelegwe: Yes, Mr. Deputy Speaker, Sir. The information is there and we have provided a list of counties that this programme is covering and the amount of money that the Government of Kenya, through the World Bank, has put in the programme. This programme which includes hay distribution, the livestock off-take programme and capacity building is being undertaken in these counties: Tana River, Lamu, Kajiado, Narok, Garissa, Wajir, Mandera, Marsabit, Isiolo, Laikipia, Samburu, Baringo---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Chairperson! Sen. Seneta wants to know whether the Livestock off-take Programme, capacity building and hay distribution is taking place in Kajiado County. Do you have that information in your Statement?

Sen. Lelegwe: Mr. Deputy Speaker, Sir, we have it in the detailed Statement that we have provided to the Senator, and Kajiado is among those counties that ---

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Seneta, the Chairperson has confirmed the information is in the Statement.

Sen. Seneta: Mr. Deputy Speaker, Sir, I was seeking for more information concerning how they are doing it. For example, if they just say they are doing capacity building or the livestock off-take programme yet, on the ground we are aware that it has not taken place. I want the Ministry of Agriculture, Livestock and Fisheries to come out clearly concerning Kajiado. It might have been done in other counties but not Kajiado.

The Deputy Speaker (Sen. (Prof.) Kindiki): The Chairperson, Committee on Agriculture, Livestock and Fisheries, let us bring this to an end. Isolate the Kajiado-

specific information and consult with the Senator and then inform the Chair whether you have reached a consensus. That is the direction.

Next Statement.

(Sen. Lelegwe remained standing in his place)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Chairperson! You are supposed to say, "Most obliged" so that we close the matter.

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

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kindiki): The next Statement is from the Chairperson, Committee on National Security, Defence and Foreign Relations. Let us have the Vice-Chairperson, Sen. Sakaja.

KDF OPERATIONS IN LAMU COUNTY

Sen. Sakaja: Mr. Deputy Speaker, Sir, we have discussed with the good Senator for Lamu County and agreed that the Statement can come later on Thursday and he will confirm that.

Sen. Loititip: Mr. Deputy Speaker, Sir, Thursday is in order.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Statement deferred)

The next Statement will be issued by the Senate Committee on Health. Let us have the Chairperson Senate Committee on Health Sen. (Dr.) Mbito, is it ready?

DISAPPEARANCE OF PATIENT LEMELOI SHONKO FROM COPTIC HOSPITAL

Sen. (Dr.) Mbito: Mr. Deputy Speaker, Sir, the Statement is ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have you shared it with Sen. Mpaayei?

Sen. (Dr.) Mbito: Mr. Deputy Speaker, Sir, I have not traced him.

The Deputy Speaker (Sen. (Prof.) Kindiki): So we go by what we discussed at the beginning. Have you made efforts to reach him?

Sen. (Dr.) Mbito: Mr. Deputy Speaker, Sir, I do not think he is in the country.

The Deputy Speaker (Sen. (Prof.) Kindiki): Would you want to proceed or we defer?

Sen. (Dr.) Mbito: Mr. Deputy Speaker, Sir, let us defer it to the next sitting.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Statement deferred)

Sen. Sakaja: On a point of Order!

The Deputy Speaker (Sen. (Prof.) Kindiki): We still have a long way to go. What is out of order Sen. Sakaja?

Sen. Sakaja: Mr. Deputy Speaker, Sir, I seek your guidance on your earlier ruling or position. In as much as it is quite prudent for Chairs to seek out those who have asked questions, when other Senators might prove to be elusive, can we serve them by depositing responses in their pigeon holes?

As Chairs, we take time to look for responses from Cabinet Secretaries. We cannot start looking for other Senators yet there is an address where every Senator can get this information.

The Deputy Speaker (Sen. (Prof.) Kindiki): I totally agree with you Sen. Sakaja. Senators should cooperate with Chairpersons for the interest of the country and the electorate. That is why I asked Sen. (Dr.) Mbito whether he would want to indulge the Senator who had asked this question and he accepted.

Otherwise, if he insisted, I would have allowed him to proceed to issue the Statement.

The next Statement is from the Chairperson, Committee on Roads and Transportation. Where is the Chairperson, Vice Chairperson or any Member of that Committee? For your information, the Chair has the list of Membership, so you will not hide.

DELAY IN UPGRADING THE LAMU-GARSEN ROAD

Sen. Lelegwe: Mr. Deputy Speaker, Sir, the Vice Chairperson of the Committee is around.

The Deputy Speaker (Sen. (Prof.) Kindiki): Who is?

Sen. Lelegwe: Sen. (Eng.) Hargura.

The Deputy Speaker (Sen. (Prof.) Kindiki): Where is the Senator? Where is the Vice Chairperson or any Member of the Committee? We cannot wait for Senators that we cannot see in the Chamber. We do not know where they are if they are not in the Chamber. Sen. Dullo, are you a Member of that Committee?

Sen. Dullo: Mr. Deputy Speaker, Sir, no, I am not a Member of that Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Order Senator! Who is a Member of that Committee? Yes, Sen. Kasanga. Is the Statement ready?

Sen. Kasanga: Mr. Deputy Speaker, Sir, I will have to check. I do not know.

The Deputy Speaker (Sen. (Prof.) Kindiki): The Committee on Roads and Transport, we want to make progress. Where is the Statement requested by Sen. Loitiptip? They have no idea; the Committee is completely lost.

Who are the other Members of that Committee? I have the list here for your information. So, Sen. (Eng.) Hargura, Sen. Mpaayei, Sen. Lelegwe, where is the Statement?

Sen. Lelegwe: Mr. Deputy Speaker, Sir, I request that you proceed to other Statements.

The Deputy Speaker (Sen. (Prof.) Kindiki): Where is the Statement?

Sen. Lelegwe: The Statement is with the Vice Chairperson.

The Deputy Speaker (Sen. (Prof.) Kindiki): He has it?

Sen. Lelegwe: Yes, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Has it been shared with Sen. Loitiptip?

Sen. Lelegwe: No! It has not been shared.

The Deputy Speaker (Sen. (Prof.) Kindiki): So, I defer it to tomorrow, they will share it with the Senator, summarise it and issue it tomorrow.

(Statement deferred)

The next Statement is by the Chairperson, Committee on Devolution and Intergovernmental Relations. Where is the Chairperson, Vice Chairperson or any Member of Committee? Yes, Sen. Cherargei.

DELAY IN HANDING OVER OF THE LAKE
BASIN MALL TO LBDA

Sen. Cherargei: Mr. Deputy Speaker, Sir, the Statement is ready but I have discussed with Sen. Outa that we issue it tomorrow.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Outa, is that the case?

Sen. Outa: Mr. Deputy Speaker, Sir, we have agreed that tomorrow they should have an answer.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so, ordered.

(Statement deferred)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM NAROK COUNTY ASSEMBLY

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators! I have some Communication to make. The first one is on visiting staff from Narok County Assembly.

Hon. Senators, I wish to recognise the presence of visiting staff from the Sergeant-at-arms Department from Narok County Assembly. They are seated in the Speaker's Gallery.

I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition. They are; Nickson Kipng'etich Mutai and Sororua Sengenyi.

(Applause)

On behalf of the Senate and on my own behalf, I welcome them to the Senate and do wish them well in the remainder of their stay.

Thank you.

VISITING DELEGATION OF COMMITTEE ON
IMPLEMENTATION FROM MAKUENI COUNTY ASSEMBLY

Hon. Senators, I also have a Communication on the visiting delegation of the Committee on implementation from Makueni County Assembly.

I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of the Members of the Implementation Committee of Makueni County Assembly.

I request each member of the delegation to stand when called out so that you maybe acknowledged in the Senate tradition. They are as follows:

- (1) Hon. Jadis Mwema Kalunda (MCA) - Chairperson
- (2) Hon. (Eng.) Joseph Mwema, MCA
- (3) Hon. Isaac Mwema Munyai, MCA
- (4) Hon. Mariam Ngena Musyoka, MCA
- (5) Hon. Abbanas Kyalo Wambua, MCA
- (6) Hon. Diana Musenya Mwendo, MCA
- (7) Hon. Janet Mwikali Kitung'a, MCA
- (8) Hon. Nicodemus Mutua Muthoka, MCA
- (9) Hon. Harrison Mwanzia Mutie, MCA
- (10) Hon. Joseph Kivinda Kihindu, MCA
- (11) Hon. Magdalene Nduku Mulwa, MCA

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, I wish them a fruitful visit. Thank you.

(Applause)

Senators, we resumed Statements. Now we are on the Statement by the Chairperson, Committee on lands, Environment and Natural resources. Sen Mwangi, is the Statement ready with you?

STATUS OF COMMUNITY RANCHES IN
TAITA TAVETA COUNTY

Sen. Mwangi: Mr. Deputy Speaker, Sir, the Statement is ready with me, except for question No.1. I have talked to Sen. (Eng.) Maina and we have agreed that I can give Statement No.1 to him on another day.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Chairperson. I thought that Statement was requested by Sen. Mwaruma?

Sen. Mwangi: Sen. Mwaruma's Statement is not ready. Give us another one week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Mwaruma, you have heard the Chairman, what do you have to say?

Sen. Mwaruma: One more week is okay.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Statement deferred)

The next Statement is by the Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration; Sen. Naomi Waqo with a “Q.” Is the Statement ready?

DEROGATORY SONG AGAINST THE KAMBA COMMUNITY

Sen. (Rev.) Waqo: Thank you, Mr. Deputy Speaker, Sir. This matter was last deferred to be issued today. I still want to confirm that the Commission is working with the Directorate of Criminal Investigation. The matter is in court and it will be coming up for mentioning on 11th April, 2018, before a magistrate at the Milimani Law Courts.

I want to draw your attention to Standing Order ---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Are you issuing the Statement?

Sen. (Rev.) Waqo: I am reading the response from the Ministry of National Cohesion---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! Are you issuing the Statement?

Sen. (Rev.) Waqo: No---

Hon. Senators: Yes!

Sen. (Rev.) Waqo: Yes, Mr. Deputy Speaker, Sir.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): The reason I want to know that is because I would want you to consider that the Senator who requested for that Statement, Sen. Enoch Wambua, is in Geneva on official duty. He requested if you could indulge him so that you respond at a later date when he is in the House.

Sen. (Rev.) Waqo: I am Most obliged, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Thank you, Chairperson.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is out of order, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I need your attention. The good Senator – and I borrowed that word from Sen. Sakaja – was about to mention Standing Order---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator for Makueni County! Some of these adjectives like, ‘good’ Senator and the ‘super’ Senator are derailing us. You know the rules of the House; you refer to your colleagues as Senator so and so, or the distinguished Senator so and so of this county, *et cetera*. However, when you introduce other descriptive qualifiers, are you telling us that some Senators are not good? What are you trying to imply by saying things like the ‘super’ Senator, the ‘good’ Senator or the ‘courageous’ Senator?

(Laughter)

You are out of order Sen. Mutula Kilonzo Jnr! However, proceed with your point of order.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, at some point there was a 'king' in this House. Nevertheless, my point was that the Senator was about to refer to Standing Order No. 92. Although Sen. Wambua is away, maybe there is an issue that ought to be addressed before he comes back. The issue is that, it is the direction of the Speaker that, upon being satisfied that this is a matter before a court of law, it then becomes *sub judice*.

The Deputy Speaker (Sen. (Prof.) Kindiki): Fair enough; we will revisit that matter later.

Chairperson, is the matter is before court?

Sen. (Rev.) Waqo: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have the Government functionaries provided you with evidence in terms of the case number, the parties involved and before which court?

Sen. (Rev.) Waqo: Yes, Mr. Deputy Speaker, Sir. The case is before the Milimani Law Court.

The Deputy Speaker (Sen. (Prof.) Kindiki): Yes, proceed. What is the court case number?

Sen. (Rev.) Waqo: They have just given the individuals names.

The Deputy Speaker (Sen. (Prof.) Kindiki): Now, since Sen. Wambua is away, I would want you to transact that in his absence, because we have to ascertain if the matter is truly before court. You know the rules; the standing orders will not allow us to prosecute it because of the *sub judice* rule.

Sen. Sakaja: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is out of order, Sen. Sakaja?

Sen. Sakaja: Mr. Deputy Speaker, Sir, I have two issues and the first one is on the descriptions. Some of these descriptions can be very accurate like 'super' and 'good.' Anyway, on to---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! What is out of order? Are you trying to say that the Chairperson was out of order?

Sen. Sakaja: No, Mr. Deputy Speaker, Sir. I was just trying to persuade you about these prefixes that are not too much of a superlative nature. However, on this particular statement, I want to correct the Chairperson. Is she in order to try and bring up the matter of *sub judice*, yet the answer to the question is what she has already said; that the matter is in court? That, in itself, is the answer to the question of what is going to be done to the musicians who did the derogatory song against the Kamba community.

In her response, by saying this matter has been investigated and the two young musicians are in court itself suffices to be the answer. What other answer is she looking for after the court case? The reason I am saying this is because we do not want to keep repeating the same statements on and on, because there are other important statements being asked. If the matter is before court, it is a matter of *sub judice*. However, that action itself of the police arresting the musicians, charging them and taking them before a court of law is the answer in itself.

The Deputy Speaker (Sen. (Prof.) Kindiki): That does not change what I have directed.

(Laughter)

(Statement deferred)

But thank you, Sen. Sakaja. Can we move on to the next Statement by the Chairperson of the Standing Committee on lands, Environment and Natural Resources? Sen. Githiomi, is this the statement you were referring to as having discussed with the Senator for Kirinyaga County?

DESTRUCTION OF FORESTS IN KENYA

Sen. Mwangi: Yes, Mr. Deputy Speaker, Sir, I have the statement but one of the questions – question one – is not complete. I spoke to Sen. (Eng.) Maina, who requested for this Statement, and we agreed that I can give the statement on question one at a later date. However---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! When are we having the response on the final leg of that question so that you can have one comprehensive Statement? What you are doing with that bilateral agreement is to try and give two responses out of one Statement request, yet parliamentary time that we have is so limited. When can we have the last bit?

Sen. Mwangi: Thank you, Mr. Deputy Speaker, Sir. We can have it tomorrow.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Sen. Mwangi: Thank you, Mr. Deputy Speaker, Sir.

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kindiki): The next Statement as requested by Sen. Boy Issa Juma and it is to be issued by the Chairperson of the Standing Committee on lands, Environment and Natural Resources. Is the statement ready?

TITANIUM MINING IN KWALE COUNTY BY VARIOUS MINING COMPANIES

Sen. Mwangi: Mr. Deputy Speaker, Sir, this Statement is not ready. Give me two weeks to issue it because it is loaded.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Boy, the Chairperson requests for two weeks indulgence.

Sen. Boy: Thank you, Mr. Deputy Speaker, Sir. I do not mind that. However, I would really appreciate if it was issued next week because it is an urgent matter.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is one week enough, Sen. Githiomi?

Sen. Mwangi: It is okay, Mr. Deputy Speaker, Sir. I can do it within one week.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Statement deferred)

The next Statement is to be issued by the Chairperson of the Standing Committee on Education. Sen. (Dr.) Langat, I saw you here earlier on; do you have the response to the Statement requested by Sen. Milgo

REGISTRATION AND PROVISION OF FACILITIES
IN PRIMARY AND SECONDARY SCHOOLS

Sen. (Dr.) Langat: Yes, Mr. Deputy Speaker, Sir. We were given a response that answered it half way and both of us were not satisfied with it. So I rejected it---

The Deputy Speaker (Sen. (Prof.) Kindiki): When was that?

Sen. (Dr.) Langat: It was yesterday. We studied it and it was not satisfactory---

The Deputy Speaker (Sen. (Prof.) Kindiki): So, when have you agreed to issue it?

Sen. (Dr.) Langat: I have given them one week so that I can respond to it effectively. The response answered it half way.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is that the position, Sen. (Dr.) Milgo?

Sen. (Dr.) Milgo: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Statement deferred)

Next statement!

We are not doing well. We are coming to the tail end of our Statement Hour. Let us see how much we can do with the remaining ones. So, very strictly, let us move to statement (s). The Chairperson of the Standing Committee on Tourism, Trade and Industrialization, do you have that statement ready.

LICENSING OF LIQUOR AND CO-ORDINATION
OF LIQUOR RELATED LAWS

Sen. Kibiru: Mr. Deputy Speaker, Sir, what we communicated last time was that this question is supposed to be answered by the Standing Committee on National Security, Defence and Foreign Relations.

The Deputy Speaker (Sen. (Prof.) Kindiki): Who said that?

Sen. Kibiru: That is what I was advised by the Secretariat.

The Deputy Speaker (Sen. (Prof.) Kindiki): Do you have the Order Paper with you?

Sen. Kibiru: Yes I have it.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is reflecting that you are supposed to issue this statement now.

Sen. Kibiru: Mr. Deputy Speaker, Sir, I seek your indulgence and ask that we be given up to Thursday to issue the Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is Thursday okay, Sen. Mary Seneta?

Sen. Seneta: I agree, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Statement deferred)

Next is Statement (t) to be issued by the Chairperson, Committee on lands, Environment and Natural Resources

DIVISION OF REVENUE OBTAINED FROM
MINING IN TAITA-TAVETA COUNTY

Sen. Mwangi: Mr. Deputy Speaker, Sir, this statement is also not ready. Give me about a week.

Sen. Mwaruma: Mr. Deputy Speaker, Sir, this was a question about sharing of revenue between the miners, national and county governments and the owners of the land. If three weeks down the line there is no response, I do not know how the response will come in a week's time. I do not know what is happening with the statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct that the Chairman issues the statement on Thursday.

Sen. Mwaruma: Obligated.

Sen. Mwangi: Okay, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

(Statement deferred)

Next!

SEVERE DROUGHT IN ISIOLO COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): This statement was directed to the Committee on Devolution and Intergovernmental Relations. I can see the Chairperson is not around. Is the Vice Chairperson or any Member of the Committee around?

Sen. Cherargei: Mr. Deputy Speaker, Sir, I want to hold brief for the Chair. Unfortunately the statement is not ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): When will it be ready?

Sen. Cherargei: We are still waiting for the response. Just give us a week and we will deliver a solid reply.

The Deputy Speaker (Sen. (Prof.) Kindiki): What do you mean by "solid"?

(Laughter)

Are there liquid replies? Why are you qualifying some of these things which are standard? It is either a statement or not. You cannot say you will deliver a solid statement.

Sen. Dullo: Mr. Deputy Speaker, Sir, it is surprising that both the Chair and the Vice Chair of the Committee on Devolution and Intergovernmental Relations are not in the House but I recall that last week they requested that they issue it today. The statement

should be issued tomorrow or Thursday because if we do not do that, then it will be overtaken by events.

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct the Chair to issue the statement on Thursday and that is so ordered.

(Statement deferred)

Let us go to Statement (v).

SHOOTING OF RESIDENTS IN LUANDA MARKET,
VIHIGA COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Sakaja, do you have the statement on police action in Luanda Market by Senator George Khaniri?

Sen. Sakaja: Yes Mr. Deputy Speaker, Sir, I am super ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): Did you say you are super ready?

Sen. Sakaja: I said I am ready as always.

The Deputy Speaker (Sen. (Prof.) Kindiki): How shall the Chair in future differentiate between when you are ready and when you are super ready?

Sen. Sakaja: I used the prefix “super” because I have stayed with this statement for close to a month in my folder and I want to let go of it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Unfortunately Sen. Khaniri is on official duty in Brazil. I ask you to consider indulging the Senator.

Sen. Sakaja: I will do so.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you.

(Statement deferred)

Next is Statement (w).

INVASION BY ILLEGAL SETTLERS/ILLEGAL
SUB-DIVISION OF KALRO LAND

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us have the Chairperson of the Committee on lands, Environment and Natural Resources. Sen. Mwangi, this statement was requested by the Senator for Taita-Taveta County. Do you have the response?

Sen. Mwangi: Mr. Deputy Speaker, Sir, again this statement is not ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): When will it be ready? Senator, do not make this like a ritual where you wake up and say it is not ready and then you proceed to ask for one week because that is not interesting in the eyes of the public. This is a House that represents the interest of millions of the people of this country.

So, could we have it tomorrow?

Sen. Mwangi: Mr. Deputy Speaker, Sir, it cannot be ready tomorrow. The problem is with Ministries and you and all Senators here know that. Today I have been to three Ministries looking for responses but I only got one from the Ministry of Environment and Forestry. So, if I commit myself to bringing the statement tomorrow, I will not be telling the truth yet I am a godly person.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is another qualification; the godly Senator for Nyandarua.

(Laughter)

Senator Mwangi Githiomi, how much more time are you asking for?

Sen. Mwangi: Mr. Deputy Speaker, Sir, another one more week but I think we will be on recess. So, I will have adequate time.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator! Is that why you are asking for one week?

Sen. Mwangi: No, but in less than a week's time.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator! For your information, the Senate can meet at any time even during recess on a special sitting. If you had alluded to the fact that you are going on recess and that is the end of the matter, if the statement is so critical and urgent, the Senate can be recalled.

Sen. Mwangi: Mr. Deputy Speaker, Sir, I will be ready after one week. We are in the same committee with the Senator.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Mwaruma, do you want to indulge you Chairman?

Sen. Mwaruma: Mr. Deputy Speaker, Sir, it is very disheartening that most of my statements are not available but I am reliably informed that there are some activities going on around Statement (w). It requires that people go to the ground and do some research and so on. So, I request that the Chairman does a letter demanding stoppage of further subdivision of the land.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senator, let me assist you a bit. If that is happening on the ground, the letter by the Chairman will not do much. I would rather the Chairperson issues that statement by Thursday this week. That is a more concrete way of addressing it, so that when the statement is issued on Thursday then the issues can be canvassed and concrete measures directed by this House accordingly.

Sen. Mwangi: Most obliged, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well.

(Statement deferred)

I think we can finish in the next few minutes. Let us go on.

CONSTRUCTION OF APARTMENT BLOCK ON
THE NAIROBI RIVER BANK ALONG RIVERSIDE

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us have the Chairperson of the Committee on lands, Environment and Natural Resources

(Sen. Mwangi consulted with Sen. Kibiru and Sen. Kang'ata)

Order Senators for Kirinyaga, Nyandarua and Murang'a! This is not the time to do regional caucusing of Senators!

(Laughter)

You can do that over the weekend. If you want to do a regional economic bloc or an annual cultural festival, do not come to the Chamber to do regional caucusing.

Chairperson of the Committee on lands, Environment and Natural Resources, considering that Sen. Haji is not here, I direct that we defer the statement whether it is ready or not and also looking at the time.

Sen. Mwangi: I was ready, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): On this one only! Unfortunately I defer it to tomorrow.

Sen. Mwangi: Most obliged.

(Statement deferred)

Let us move on.

AUCTIONING OF CATTLE OF KENYAN
HERDERS BY THE TANZANIAN GOVERNMENT

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us have this statement responded to by the Chairperson of the Committee on National Security, Defence and Foreign Relations as requested by Sen. Pareno.

Sen. Sakaja: Mr. Deputy Speaker, Sir, this one is not ready because the matter is still alive. As you are aware, the President of the Republic of Kenya interacted with the President of the Republic of Tanzania.

I have discussed with Sen. Pareno and we will try to give a report on Thursday because they should have all the information by now.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Pareno, is Thursday okay?

Sen. Pareno: Mr. Deputy Speaker, Sir, we discussed but I am disappointed that this has taken almost a whole month to get the report. We had agreed that it is a matter that needs an urgent response and he has promised to give a report by Thursday.

The Deputy Speaker (Sen. (Prof.) Kindiki): From where I sit, the Committee on National Security, Defence and Foreign Relations is doing a fairly good job compared to other committees which I do not want to name. However, colleagues, we need to take the work of this House seriously because these matters are not just academic issues and are not in the abstract but deal with the lives of the people of this country who are being affected by some action. Some are losing property and so it is that grave.

On that note, I direct Sen. Sakaja to issue the statement on Thursday.

(Statement deferred)

The next Statement is, again, by the Chairperson of the Committee on National Security and Foreign Relations. It was requested by Sen. Kwamboka.

STATUS OF WOMEN AND GIRLS HELD IN
PRISONS AND REMAND FACILITIES IN KENYA

Sen. Sakaja: Mr. Deputy Speaker, Sir, I have the response and the Senator is in the House.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have you shared it with her?

Sen. Sakaja: Mr. Speaker, Sir, apart from the response, we have held discussions with her, the Department of Kenya Prisons and the Ministry of Interior and Coordination of National Government.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is very commendable. Would you like to highlight it?

Sen. Sakaja: Thank you. Can we resume the prefix 'super'?

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Do you want to annul the commendation by the Chair by going back to the controversial aspects of the debate?

(Laughter)

Sen. Sakaja: Mr. Speaker, Sir, I withdraw. Let me give quick highlights of the response because the Senator is involved.

The Deputy Speaker (Sen. (Prof.) Kindiki): Please, proceed.

Sen. Sakaja: Mr. Speaker, Sir, it was a Statement on the status of women held in prisons and remand facilities in Kenya. She asked for the statistics of women and children, which were given per the former provinces, based on how our prisons are currently structured. In total, we have 2,984 women and 274 children accompanying the mothers.

She asked for the capacity of the facilities vis-à-vis the women. Those numbers have been given and so, we know where the shortfalls are in the different provinces. The total prison capacity is 3,124 and we have 2,984 currently in prisons.

The third question was on the number of trained personnel manning the facilities and whether they are sufficient to guarantee the safety and security of the detainees. The response clearly shows a total of 3,448. Out of these, there is a good number of female officers who are dealing with that matter. The curriculum is listed in there and all initiatives to deal with specialized manpower, because women in prisons must be looked at in a special manner.

Mr. Deputy Speaker, Sir, the fourth question was about whether they enjoy their rights and fundamental freedoms in line with Article 51 of the Constitution. The response highlights the reforms that have been made in our prisons over time, including all female prisons being headed by female officers, visitors of male officers being restricted to certain times, medical services and allowing family members to visit. There are a total of 11 initiatives that are listed and are currently going on. This report will be available to all Senators to see.

There is also the special provision for children who are accompanying their mothers. This includes early childhood education, freedom to stay with their mothers up to the age of 4 years, daycare centres, medical care for children, pediatric attention and other such initiatives. In addition, there is registration of newborn children by the Registrar of Persons, so that they can also get their birth certificates while in the prisons.

Mr. Deputy Speaker, Sir, the fifth and final question, was on the measures that have been put in place to ensure safety and security of women and children in correctional facilities. The first one was the establishment of new prisons and a borstal institution for girls. They go on to elucidate that up until six initiatives. There is the issue of Closed-circuit Television (CCTV) cameras, which is very important currently in most of the prisons, especially the female prisons. They have acquired modern working equipment, which includes metal detectors, permanent walls, vehicles that are designed to ensure security and a unique key system.

Finally, there is the issue of upgrade of prisons to maximum security status. Some of the prisons have grown in population; prisons with serious offenders have been upgraded. Therefore, effective management requires exposure and adoption of relevant rehabilitation programs.

Mr. Deputy Speaker, Sir, the intention, focus and philosophy of our prison facilities is not to have more prisons, but to have less prisons and rehabilitate the women and men who are in our prisons as it is.

I will table the response. Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Well done.

Sen. Kwamboka.

Sen. Kwamboka: Mr. Deputy Speaker, Sir, the issues have been well elaborated by the Chairman and it was spiced up at the Committee retreat. That is why I addressed him as my 'super Senator.'

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator. Senator, the risk you run is grave when you start going on that trajectory. Stay on the straight and narrow and you will be safe.

The next Statement is to be issued by the Chairperson, Agriculture, Livestock and Fisheries.

Where is the Chairman? Vice Chair of the Committee on Agriculture, Livestock and Fisheries, do you have the Statement?

IMPLEMENTATION STATUS OF THE FISHERIES DEVELOPMENT AND MANAGEMENT ACT

Sen. Lelegwe: Mr. Deputy Speaker, Sir, the Statement is not ready. I request that we table it on Thursday.

The Deputy Speaker (Sen. (Prof.) Kindiki): Since Sen. M. Kajwang' is not here, it is directed accordingly.

(Statement deferred)

The next Statement is by the Chairperson of the Committee on lands, Environment and Natural Resources. The request was by Sen. Mutula Kilonzo Jnr. concerning the Construction of Mulima Dam in Mbooni Constituency.

Is the Statement ready?

DELAYED COMPENSATION FOR PERSONS DISPLACED
BY THE CONSTRUCTION OF MULIMA DAM

Sen. Mwangi: Mr. Deputy Speaker, Sir, I was in the Ministry of Lands, Housing and Urban Development this morning and was told that the dam was constructed way back in 1980's.

The Deputy Speaker (Sen. (Prof.) Kindiki): Are you issuing the Statement?

Sen. Mwangi: Mr. Deputy Speaker, Sir, I am trying to prepare---

The Deputy Speaker (Sen. (Prof.) Kindiki): Do you have the Statement?

Sen. Mwangi: Mr. Deputy Speaker, Sir, I do not have the Statement with me here.

The Deputy Speaker (Sen. (Prof.) Kindiki): When can you have the Statement ready?

Sen. Mwangi: Mr. Deputy Speaker, Sir, I talked to them and they told me to give them time. However, they did not tell me exactly when they will give me the response. So, let me commit myself to two weeks.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator. I understand the challenges the Chairpersons go through to discharge their duties to this House. However, the Statements being requested are not just for entertainment or fun. As I keep on repeating, this is about the property and livelihoods of the people of this country, and that is why we are here.

Secondly, it is not upon Government functionaries to decide when to give answers to Parliament. This House has options.

Sen. Mutula Kilonzo Jnr., the Chairperson of the Committee on lands, Environment and Natural Resources is asking for two weeks. However, he should not have said: "Let me commit myself in two weeks." It looks a bit casual.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, it is worse than casual because the Chairman spoke to me and never disclosed that. I am happy that before this he had mentioned that he is a godly Senator. In fact, he mentioned to me that they are unable to trace records. What you have mentioned is true; that this is a serious matter. People were displaced in the 1980's for the construction of a national dam, and yet, somebody appears to not to know where it is. What is worse is that the Cabinet Secretary had made an undertaking to the Senate to answer that question.

Is this good time to suggest, particularly to the Chair, that the Cabinet Secretary in charge of the matters falling under his docket should be summoned for a meeting at the Senate? This will enable all of us to ask him these questions because he is playing around with the lives of Kenyans.

The Deputy Speaker (Sen. (Prof.) Kindiki): Which Ministry is that?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, Ministry of Lands, Housing and Urban Development.

The Deputy Speaker (Sen. (Prof.) Kindiki): The Cabinet Secretary for Lands, Housing and Urban Development?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, yes.

The Deputy Speaker (Sen. (Prof.) Kindiki): I have seen that the Chairperson of the Committee on lands, Environment and Natural Resources has nearly ten pending Statements. Are they all from the same docket?

Sen. Mwangi: No, they are from different Ministries.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. So, this is a unique case for lands and is isolated.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Is this is a unique case for the Ministry of lands and is it isolated?

Sen. Mwangi: Yes, Mr. Deputy Speaker, Sir. It is isolated in the sense that the Cabinet Secretary (CS) had committed himself in writing that he be given two weeks to respond. I was there today in the morning, but there was no response.

The Deputy Speaker (Sen. (Prof.) Kindiki): There is a new CS so you can take that as a consideration. I direct that you go back to your sources and issue that statement on Thursday.

Sen. Mwangi: Mr. Deputy Speaker, Sir, I will endeavour to do so.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is the order of this Chair that you do so, on Thursday.

Sen. Mwangi: Most obliged, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is not a request to endeavour; it is the order of the Chair that you issue it on Thursday.

Sen. Mwangi: Most obliged, Mr. Deputy Speaker, Sir.

(Statement deferred)

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): I hope that it is not in connection with this, the Senate Majority Leader. Can it come a little later because we are looking at the clock and we are not doing very well.

Could we have the next statement? We will give you a minute, the Senate Majority Leader, to say something if it is concerning the entirety of statements. Could we have the third last statement? Where is the Chairperson of the Committee on Roads and Transportation? The statement was requested by Sen. Shiyonga.

RAMPANT ROAD ACCIDENTS ON
THE NAKURU-ELDORET HIGHWAY

Sen. (Eng.) Hargura: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Do you have the statement?

Sen. (Eng.) Hargura: Mr. Deputy Speaker Sir, it was issued earlier and found not to be satisfactory thus we returned it back to the relevant department. I followed it up and they told me that they expect the detailed statement from the National Transport and Safety Authority (NTSA). I commit to give a reply on Thursday.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Shiyonga, the statement is to be given on Thursday, next week.

Sen. Shiyonga: Mr. Deputy Speaker, Sir, Thursday is okay although this it has been on the Order Paper since January. Last week, they said that they will issue it, including the response to questions that the other Senators had asked.

The Deputy Speaker (Sen. (Prof.) Kindiki): Issue it on Thursday without fail.

Sen. (Eng.) Hargura: Most obliged, Mr. Deputy Speaker, Sir.

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Could we move on to the second last statement? Let us hear from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations. The statement was requested by Sen. (Dr.) Musuruve. Is it ready and have you shared it?

ALLEGED MURDER OF MS. MARY NATEMBEA
BY HER HUSBAND

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Can we proceed in the normal way and, please, do not say 'the super way'.

Sen. Sakaja: You have said it.

The Deputy Speaker (Sen. (Prof.) Kindiki): No, I did not.

(Laughter)

Sen. Sakaja: Thank you, Mr. Deputy Speaker, Sir. The statement sought by Sen. (Dr.) Musuruve was about the circumstances surrounding the death of Mary Natembea. The response tells us of when the murder was reported. It was reported by Albert Otude. He said that he visited a shop rented by Mr. Stanley and his wife Mary Natembea and found the shop locked from inside on 5th February, 2018.

On checking, a strong smell was coming from the shop prompting him to report the matter to the police. The scene was visited and it was established that the body of the late Mary Natembea aged 24 years from Lugari, Lumakanda, was hanging from the roof inside the shop.

The body was moved to the Webuye Mortuary after which a search was done. Apart from the personal effects, there was a suicide note that explained the reasons as to why she took her life. The note was addressed to the deceased parents stating that she decided to take her life because her husband was forcing her to abort a six months pregnancy and that he had taken everything in the rented shop, including her Kshs 30,000.

Investigations were launched and the husband was suspected because of injuries noted on the body. However, a postmortem report that has been done by the Government Pathologist indicates that the deceased died due to asphyxia, as a result of hanging. An Inquest File was opened. The injuries might have been occasioned by a physical fight with the husband who is at large, but efforts are being made to trace him in order to shed more light on what transpired. Copies of the postmortem report are attached.

Finally, the Government is sensitizing the public through *barazas* on the need of solving domestic problems amicably. Perpetuators of Gender Based Violence (GBV) will be arrested and prosecuted promptly when such cases are reported to the police.

Children of victims of GBV will be assisted through the Government Safety Net programme and those in need of care and protection will be taken to children's homes in liaison with the Children Department.

In addition to this, the Committee went a step further and engaged the National Police Service (NPS) together with the Kenya Prisons to ensure that the victims of GBV who go to report, especially children, are able to get safe houses within our cells. Those cells are to be designed specifically for the children and they are to get an officer who does not deter victims of GBV from reporting these crimes because of the stigma attached.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Could we hear from Sen. (Dr.) Musuruve?

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir, for the opportunity. I have just interacted with the report.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is not a report, it is a statement.

Sen. (Dr.) Musuruve: Thank you for that, Mr. Deputy Speaker, Sir. I have just interacted with the statement right now and I am not satisfied with it.

The Deputy Speaker (Sen. (Prof.) Kindiki): What do you want the Chairperson to tell the House?

Sen. (Dr.) Musuruve: Mr. Deputy Speaker, Sir, I want the Chairperson to clearly state whether it was suicide or was Mary Ntembea killed by her husband and what the Government is doing about it.

Part two of the question is not comprehensively answered and part three of the question---

The Deputy Speaker (Sen. (Prof.) Kindiki): What is missing in part two?

Sen. (Dr.) Musuruve: Mr. Deputy Speaker, Sir, in part two, the Chairperson needed to come out clearly and say the measures that the Government is putting in place to deal with GBV. The measures have not come out clearly.

In the third part, it has not come out clearly on what measures the Government has put in place to ensure that children who are faced with GBV are counseled or what interventions are being made. I do not know how to put it clearly, but I am not satisfied with the response.

The Deputy Speaker (Sen. (Prof.) Kindiki): We have heard you.

Sen. Sakaja, on the first issue, it is my opinion that you have only told the House that investigations are ongoing; that the postmortem report has already indicated the cause of death and the suspect is being looked for. On that one, we should not ask the Chairperson to do impossible things because he cannot arrest the suspect.

However, regarding the second and the third issues raised by Sen. (Dr.) Musuruve on measures to address GBV and to protect the victims, I do not know if the Chairperson will look at that in detail or do you think that your response is satisfactory?

Sen. Sakaja: Mr. Deputy Speaker, Sir, in terms of the specific questions asked and the response from the Government, the response is holistic in terms of what the Government is doing. The onus is on us, as a Committee, to interact with these departments so as to make sure that they do more though they have told us what they are doing, which is what was sought after. We think that more can be done, especially for victims of GBV and how to prevent GBV. That will be in the interaction of the Committee with these departments.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is Sen. (Dr.) Musuruve a Member of that Committee?

Sen. Sakaja: No, Mr. Deputy Speaker, Sir. She is not a Member of this Committee, but she is a Member of a relevant Committee where I am also the Chairperson. That is the Committee on Labour and Social Welfare where we are addressing the issues of women and children who are victims of GBV. We will still handle the same matter in that Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): The issues she is raising are general. What measures are being taken? I would rather you engage Sen. (Dr.) Musuruve at the Committee and you could, probably, invite her to have a discussion on what the Committee can do to help address this issue at a national level.

I think that we should leave it there for now.

[**The Deputy Speaker (Sen. (Prof.) Kindiki)**]

(Loud consultations)

Order, Senators!

(Sen. Sakaja stood in his place)

Sen. Sakaja, I have not given you the Floor. Just leave that matter there.

Sen. (Dr.) Musuruve, you need to engage with the Committee. If you are not happy with that Committee, you are free to again frame a more specific issue.

(Sen. Mutula Kilonzo Jnr. spoke off record)

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, on the first question, the Senator is asking a very serious question, and I thought I should help. The help that Sen. Sakaja, the Super Senator, can give with his super way of doing things is, if you want to find out whether the asphyxia was either caused by manual strangulation or by another human being, the post-mortem report would help. The Committee will not answer that question. It is far much better to get the post-mortem report which will help you to determine that issue.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I agree with Sen. Mutula Kilonzo Jnr. We have attached the post-mortem report on the Statement which says it was asphyxia as a result of hanging. However, the police have gone beyond that and opened an inquest. They are trying to seek out the husband of the deceased on top of what have come out from the post-mortem. They want to see if, maybe, he might exhibit certain suspect behavior. This is because you can die of hanging, but you were hanged.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well, Senators. We leave it there as directed.

We move to the final Statement which is to be issued by the Standing Committee on lands, Environment and Natural Resources which was requested by Sen. Seneta. Chairperson, is it ready or do you want one week?

Order, Senator! Do you have the Statement ready?

PROVISION OF WATER SERVICES TO KITENGELA
TOWNSHIP AND ITS ENVIRONS

Sen. Mwangi: Yes, Mr. Deputy Speaker, Sir. I have the Statement. It is because you had told me that I would not be issuing the Statement today. So, I am tracing it from my file.

The Deputy Speaker (Sen. (Prof.) Kindiki): It was not this one, Senator. In fact, it is another one. Is it ready?

Sen. Mwangi: Yes, it is ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): Have you shared it with Sen. Seneta?

Sen. Mwangi: Mr. Deputy Speaker, Sir, it is true that Kitengela Town and its environs are experiencing severe water shortage---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Have you had an opportunity to share it with Sen. Seneta?

Sen. Mwangi: Yes, Mr. Deputy Speaker, Sir. I had given her a copy of the Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator!

Sen. Seneta, have you looked at it?

Sen. Seneta: Mr. Deputy Speaker, Sir, I have a copy and have looked at it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson, if that is the case, kindly, highlight to the House the key issues and then we close that matter.

Sen. Mwangi: Thank you, Mr. Deputy Speaker, Sir. It is true that Kitengela Town and its environs are experiencing severe water shortage. Part of the reason why this is so, is reduced water flow due to prolonged drought affecting the volume of available water from Nairobi Water and Sewerage Company, which supplies Mlolongo, Athi River, Export Processing Zones (EPZ) Company, including Kitengela Town.

The other reason is lack of an effective institutional setup for provision of water to Kitengela Town and surrounding areas. The Ministry has taken the following immediate actions to address the water shortage:-

(i) They have written to the Governor of Nairobi City County requesting to extend water from Nairobi directly to Mavoko and Kitengela towns.

(ii) They have initiated the formation of a Water Service Provider by supporting the County Government of Kajiado with the necessary guidelines.

I am aware that plans to amalgamate water services provision under Olkejuado Water and Sewerage Company are at an advanced stage.

Kitengela Town was served water from EPZ Company Limited. However, as I have stated above, the County Government of Kajiado with support from the Ministry has initiated the formation of a Water Service Provider for Kitengela Town and its environs.

Due to the challenges of locating water sources for supplying the area, including Kitengela Town, an arrangement was reached by stakeholders in the area requesting EPZ Company to extend surplus water to the town. However, due to the reduced water supply to the company, this arrangement has become untenable. As a result of ensuing conflicts between and among various interested parties in the area and the EPZ Company, a solution is being sought through establishment of a Water Supply Provider (WSP) dedicated to serving the Kitengela Town only.

The EPZ Company has sufficient storage of water via two storage tanks at Mlolongo and Nonkopir with a capacity of 8,000 cubic metres and 2,500 cubic metres, respectively. Currently, it does not have any surplus water to extend to other consumers.

Mr. Deputy Speaker, Sir, the Government, through the Ministry of Water and Sanitation, is addressing lack of water in Kitengela and its environs as follows:-

(i) With the concurrence of the County Government of Nairobi, they have commenced immediate separation of a dedicated pipeline to Kitengela while maintaining the pipelines to Mavoko and EPZ Company.

(ii) It involves the implementation of a short term intervention where the Ministry will, during the fiscal year, drill two boreholes at Kitengela Town near the existing one to increase available water to the town. It is expected that the boreholes will be operational by July 2018.

However, in the long term, the plan is to construct Ndarugu Dam at the confluence of Ndarugu and Komu Rivers in Kiambu County to impound---

The Deputy Speaker (Sen. (Prof.) Kindiki): Summarise, Senator.

Sen. Mwangi: Okay, Mr. Deputy Speaker, Sir. They will do that to impound 225 million cubic metres of water of which 173, 000 cubic metres of water per day will be available for supplying Kitengela Town. With 173, 000 cubic metres of water per day, that water will be adequate for the people of Kitengela.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Yes, Sen. Seneta.

Sen. Seneta: Mr. Deputy Speaker, Sir, I am not satisfied with the response from the Chairperson. I would wish to have heard the institutions responsible for this task that they are saying they will put in place. Who is supposed to follow up? That has not been mentioned. I have also not heard the deadline of the connection and separation of dedicated pipeline to Kitengela. When is it going to be in place, having in mind that this was a presidential directive in 2014 and it has not been done up to date? So, I expected them to give us a deadline.

The Ministry, through the Chairperson of the Committee, has not even indicated the measures they have put in place to prevent Export Processing Zones Authority (EPZA) from exploiting the people of Kitengela by selling them water exorbitantly. So, I am not satisfied with the response. I am going to seek for more clarification.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well.

Chairperson, look for that further information. Can we have it on Thursday?

Sen. Mwangi: Mr. Deputy Speaker, Sir, I was saying that there is a dam in Kiambu, the Ndarugu Dam, which is to be constructed and it will hold 225 million cubic metres of water. One hundred and seventy three thousand cubic meters of that water will go to Kitengela. Personally, I think that the water will be adequate.

Mr. Deputy Speaker, Sir, you are aware that Government projects take some time to be completed.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is good, Chairperson.

Sen. Seneta, part of the water from the dam which will be constructed will go to Kitengela.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. You have answered it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senators, that brings us to the end of Statements. We have not done very well today. We just have to find a way of dealing with this item. Otherwise, we will find it difficult to deal with the huge responsibility placed on us, especially on legislation.

COMMUNICATION FROM THE CHAIR

VISIT BY THE SPEAKER, MAKUENI COUNTY ASSEMBLY

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery, this afternoon, of the hon. Speaker of Makeni County Assembly, hon. Douglas Mbilu.

(Applause)

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to the hon. Speaker.

On behalf of the Senate and on my own behalf, I wish him a fruitful visit.

I thank you.

We proceed to the next Order.

BILLS

First Readings

THE OFFICE OF THE COUNTY ATTORNEY BILL
(SENATE BILLS NO.3 OF 2018)

*(Order for the First Reading read- read the
First Time and ordered to be referred to the
Standing Committee on Justice, Legal Affairs and
Human Rights)*

First Reading

THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL
(SENATE BILLS NO.6 OF 2018)

*(Order for the First Reading read- read the
First Time and ordered to be referred to the
Standing Committee on Labour and Social Welfare)*

*Second Reading*THE FOOD SECURITY BILL
(SENATE BILLS NO. 12 OF 2017)

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, we will defer Order No.10.

(Bill deferred)

We will move on to Order No.11 which is a time bound legislation and it should not take more than 14 days to arrive here. In any case, the financial year is coming to an end and so we need to get this done. The Committee is urged to make progress. Hopefully by Thursday, we can dispose of this legislation in totality.

Clerk, you can now call out the next Order.

*Second Reading*THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO. 7 OF 2018)

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir. I beg to move that The Division of Revenue Bill (National Assembly Bills No.7 of 2018) be now read a Second Time.

(Sen. Mutula Kilonzo Jnr. consulted loudly)

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Senate Majority Leader. It is allowed to approach the Chair.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, first of all, I thank you for giving me an opportunity to move this important Bill. Senators who are participating in debate on the Division of Revenue Bill for the first time will be reminded that the journey for the Senate to sit and determine the amount of resources that goes to the counties - though it is so obvious in the Constitution - was not so obvious to many people.

[The Deputy Speaker (Sen. (Prof.) Kindiki) left the Chair]

[The Temporary Speaker (Sen. (Prof.) Kamar) in the Chair]

Madam Temporary Speaker, it took a lot of effort from some of us who were in the inaugural Senate under the new Constitution to give Senators the right, duty and responsibility to participate in the Division of Revenue Bill and the County Allocation of Revenue Bill.

We were forced to go to the Supreme Court for an advisory opinion; a decision that was taken by the whole House under the leadership of the first Speaker, Sen. Ekwee Ethuro under the new Constitution. We had to do what we had to do. I am proud to have

been part of that history. Having served as the Chairperson of the Committee on Devolved Government, I mobilized my colleagues to participate in this very important venture.

Therefore, the role of the Senate in the Division of Revenue Bill is anchored in an important advisory opinion that required the intervention of the courts for us to participate. That is why when we are debating this important Bill, it is important for all of us to participate and be aware of what goes to our counties.

Madam Temporary Speaker the purpose of this Bill is obvious as provided for in Article 203 of the Constitution, which is to ensure that the revenue raised nationally is shared equitably between the national Government and the county governments. The Constitution provides that at least 15 per cent of the revenue raised nationally based on the last audited accounts should be devolved to the counties. The actual revenue raised nationally in every financial year, sometimes falls short of or gets higher than the estimates.

Madam Temporary Speaker, some of the challenges being faced by the counties at the moment is because the responsible entities that are dealing with collection of revenue, particularly, the Kenya Revenue Authority (KRA) are unable to meet their targets which is partly attributed to the political environment we were operating in during the election period and the great amount of “noise” that followed.

However, I am happy that we are past that level now so that our country can be busy growing our economy to ensure that our counties get the necessary resources that will be used to serve people at the county and the national level.

Madam Temporary Speaker, when we talk about division of revenue, we are not only concerned about resources that are going to the counties but also the overall raising of resources by the entities at the national level. When we discuss this, there is the right expectation by the counties to get the resources that they can use from the national level because they do not operate in utopia or in the vacuum; they operate within the same entity, Kenya, which the national Government is presiding over. Counties do so through various economic activities that facilitate raising of the revenue. It is sad that some counties only want to talk about revenue raised nationally and not discuss locally raised revenue.

When we were dealing with oversight responsibilities, we realised that in the Financial Year 2014/2015, revenue raised in Eldoret Municipality, Uasin Gishu County dropped from what former councilors used to collect, yet we believe there is an elaborate, funded and facilitated government in place which is expected to have a universal mandate from the people, unlike councilors who were elected by their colleagues to preside over either as a mayor or chairman, for example, of Wareng or Eldoret municipalities.

We asked ourselves why; it is because some counties – not all of them – have this habit of now hiding behind revenue raised nationally to allow inefficiencies in the revenues that are collected locally. This has further led to situations where corruption is thriving at the county level because all of us are focused on the resources raised nationally. The thinking is that Senators will come and follow up because it is their responsibility to oversight, but no one is focusing on the resources raised locally, despite the fact that the taxation bracket was widened when the county governments came into place. There was madness and a competition in the counties as to what to tax. Keeping dogs, cats, cows, and even chicken became taxable.

Madam Temporary Speaker, if I go back to what happened in the first term of many counties, there was madness around because the people in the counties wanted to tax anything and everything so that they could raise revenues. Despite all that, we still realised that counties were falling short of the responsibility to raise resources locally. Therefore, even as we devolve these resources, our message to counties must be very clear; that we cannot lose focus of the situation on the ground level to ensure that resources being raised locally must also be accounted for and must be used to benefit and serve the people.

Secondly, the ability for us to devolve resources from the national Government to counties does not stop counties from working hard to attract investors. When we talk about investors, we are talking about the real investors. We do not want governors traveling to Bangkok in Thailand, saying that they are coming with investors because we know where investors are in this world. We know where you can get credible investors who are willing to invest.

When we talk about investors, our minds must not just go to foreign investors. We have so many investors locally who have been frustrated by the legal regime and the political environment. Counties must now work hard to ensure that they facilitate these local investors to invest in various counties so that they can create employment and widen the tax brackets in order to enhance collection of local revenue.

Thirdly, counties must also take advantage or allow projects that are happening in their counties to thrive. If you talk about mining, for example, they must facilitate a good environment for mining. There are a lot of complaints that are being raised by Members of County Assemblies (MCAs) and governors at the local level plus us, who are elected to Parliament, making so much noise about investments. This may be because someone wanted a small share of that investment or they were looking at smaller issues at the expense of what that investment will do to change the lives of the people.

Madam Temporary Speaker, let me talk about Turkana County, for example. The day oil will be exploited there; or let me use my own County, because we are part of the *Organization of Petroleum Exporting 'Counties.'* It is expected that Elgeyo-Marakwet will be part of the oil producing and exporting counties. If oil will be found in Keiyo Valley in places like Chepsikot — and you know it because that is your ancestral land — there is a percentage by law that will remain in Elgeyo-Marakwet County.

If the leadership of Elgeyo-Marakwet County works to frustrate that investment, then we will be denying our county revenue that would have been raised and used to better the lives of our people. Therefore, there are other avenues that can raise resources that if counties can innovatively work together with the national Government, we can have enough resources for us to deliver services to our people.

Madam Temporary Speaker, we all remember that last year, counties were allocated Kshs302 billion from the national revenue. There is an adjustment growth this year of about 4 per cent so that the proposal in the Division of Revenue Bill is for the counties to get Kshs314 billion. This is not a little amount of money; this is serious money. It is the sweat of the people of Kenya; taxes and revenue that has been raised by poor people in markets, those toiling to buy goods and services; the employees who are earning meagre amounts of money ranging from Kshs30,000 to Kshs40,000 and struggling to raise these resources. These resources must be used adequately.

That is why this Senate is saying that it will be futile for us to give Kshs314 billion to counties and then tell the Senate and Senators: “Now, go ye and oversight using your own hands and your personal resources.” In this Kshs314 billion, I can estimate that Elgeyo-Marakwet County will get about Kshs4 billion, which is not a little amount of money. Even when the county councils existed, there was nothing there. That is why this Senate is proposing that as we approve the revenue going to our counties, it is important that it must be followed with the County Oversight Fund (COF) to facilitate Senators to audit counties.

(Applause)

Madam Temporary Speaker, I want to request our colleagues that when we talk about these resources – let me disclose here that I have had extensive discussion with National Assembly Majority Leader on this– and he is very supportive. I even heard his comments on the Floor of the National Assembly – although he added some derogatory terms here and there – he was very supportive on the resources going to counties. The Chairperson of the Committee on Budget and Appropriations, Hon. Kimani Ichung’wah, was very supportive of the resources going to counties. I believe that the National Assembly Minority Leader, whom I am going to talk to shortly, is also supportive of those resources going to the counties.

Madam Temporary Speaker, people must realise that these resources in counties are nothing compared to the National Government Constituencies Development Fund (NG-CDF) and that they require someone to do oversight. If the allocation for the NG-CDF in Elgeyo-Marakwet County is Kshs400 million, the devolved resources is 10 times more, which is Kshs4 billion.

If we are going to become innovative enough to carry out that oversight, we must get the resources to enable a Senator to hire an auditor, organise meetings in counties to see exactly which projects are said to be funded using the development funds there. These resources are also to facilitate Senators to have officers on the ground to enable them get the necessary information to ensure that this message is getting to our counties.

Madam Temporary Speaker, I am saying this with great humility because I know that most governors who are serving a second term are eying to be Senators. Sen. Faki, you must stand by because you might need to change tune to become the Governor for Mombasa County. This is because I suspect that the next place your Governor will try to go to, is here in the Senate. The same applies to your Governor, Madam Chairperson, although I am not supposed to say this. The same applies to the Governors for Kisii and Kakamega counties. There can only be one President and for all these governors, the next office that they want to come to is the Senate.

Forget about the stories people tell you about the Senate not being prestigious or a good place. The next position that all those men and women at the county level are targeting – forget about the Presidency – is this House. That is why we must make sure that this House is having the necessary resources so that when other leaders come – even when it is not ourselves – they will be able to carry out that oversight responsibly.

Therefore, Madam Temporary Speaker, all those governors who are thinking and saying that there will be a vendetta with Senators, no; we are not discussing Sen. Murkomen or Sen. Sakaja as individuals. We are discussing the Senate as an entity and as an institution that will outlive those who are sitting here today. Those who will come

from the “Lower” House to this House – and as we have seen in this term where we have more than five of them – you will find a House that is functioning and able to deliver on the responsibility as provided for in Article 96 of the Constitution.

Therefore, I continue to urge my colleagues and friends in the National Assembly – Hon. Duale, Hon. Ichung’wah and the team that is responsible for budgeting – to ensure that those resources that have been set aside for oversight by the Senate are quickly approved. These resources will enable us to carry out this very onerous task of ensuring that our counties are accountable. If we do not do that, we will be the ultimate losers, as the people of Kenya.

Madam Temporary Speaker, the resources going to counties are not just the Kshs314 billion; we have more resources going there. You will remember that there is a very important programme for leasing medical equipment. It was resisted by some counties in the first few days or months but, ultimately, I think all counties have signed up with the programme and it has made a big difference.

From Makueni, Elgeyo-Marakwet, Mombasa, Kisii, Turkana, Nairobi to Nandi counties, all these equipment have made a big difference. It has been allocated Kshs9.4 billion to ensure that hospitals in places like Chebiemit in my county and Iten Referral Hospital have the necessary equipment. It is sad that, for example, in Marakwet where I come from, you have to travel all the way to Eldoret to do a Computed Tomography (CT) scan. With these resources being given to the counties to ensure necessary equipment is available for medical protection, this should be something of the past.

We do not want our people to struggle. There was a report that most people are seeking medical attention in India. That is true. Most of us here attend many fundraisers of people from our counties travelling for medical care in India and other places. We can make this place very beautiful and wonderful, where people can get all the medical attention they require. I thank the President for putting health among his first priorities; that health is an important component of the Big Four agenda that he wants to deliver in the next four years.

Madam Temporary Speaker, we have the Level 5 hospitals that are also being given Kshs4.3 billion. We had a lot of quarrels here among ourselves. For example, some argued that Level 5 hospitals are not in Elgeyo-Marakwet or Trans Nzoia counties, but only in Uasin Gishu, Nakuru or Nyeri counties. However, we realized that even when a Level 5 hospital is in Nyeri, it serves the people from that entire region, travelling from as far as Murang’a, Kirinyaga and Nyandarua counties.

For that reason, two years ago, we passed in this House that it was necessary for these hospitals not to be crippled, but get extra resources. That is why they are getting conditional grants under this Division of Revenue Bill.

We also have other resources for the construction of county headquarters for five counties. A Motion was passed in this House to that effect. Again, if you have ever been to Tharaka-Nithi County, they are not sure where their headquarters is. They have a headquarters at the moment, there was a debate going on. They do not have infrastructure for their county. Nyandarua County is also struggling. There are some who claim that Nyahururu should have been in Nyandarua County. I do not want to enter into that debate because I know Nyahururu is in Kenya; that is what is important for me. These resources are being given as conditional grants to serve Lamu, Isiolo, Tana-River, Tharaka-Nithi and Nyandarua counties to have at least decent offices for running county functions.

Madam Temporary Speaker, there is also rehabilitation of youth polytechnics. This is important because youth polytechnics are county functions. This is an area that you have greater interest, having served in the Ministry before. About Kshs2 billion has been given to counties to rehabilitate specific youth polytechnics. You will find the details in this Bill.

There are also donor funds which are loans, grants and conditional allocations, which come to Kshs33 billion. Kenya Devolution Support Program (KDSP) is giving Kshs2.3 billion. Again, KDSP Level 2 grant is Kshs2.4 billion and Transformation Health System for Universal Care (THSUC) Project, Kshs3.6 billion. The Danish International Development Agency (DANIDA) is giving Kshs1 billion for universal healthcare for devolved systems; International Development Association (IDA); National Agricultural and Rural Inclusive Growth (NARIG) Project, Kshs2.9 billion; European Union's (EU) Instruments for Devolution Advice and Support (IDEAS), Kshs1.1 billion; Kenya Climate Smart Agriculture (KCSA) project, Kshs3 billion; World Bank Kenya Urban Support Program (KUSA), Kshs11 billion and Water and Sanitation Development Project (WSDP), Kshs3.8 billion.

Madam Temporary Speaker, the total amount of money that is going to the counties under this Bill is Kshs372, 741, 930,770. This is not little resources. It is about 39.8 per cent of the total resources that are being raised nationally. This is an important Bill and I urge my colleagues that we pass it on time. It will be good for our counties. Last time there was a lot of delay, but this year it seems that the Bill is moving progressively. It has been tabled at the right time. Hopefully, if it will be passed in good time then it will facilitate the budgeting at the national and county levels, so that we can come back here and deal with the County Allocation of Revenue Bill.

We would have wished to give our counties more money. I hope that even the amount we have given, we will meet the target at Kenya Revenue Authority (KRA) and in economic growth as a country that will facilitate even the Kshs 314 billion under the Division of Revenue and other grants to get to the counties. If the Kshs372 billion will get to the counties, it will make a big difference in various parts of this country and this nation will never be the same again.

Madam Temporary Speaker, I beg to move and request that the Chairperson of the Committee on Finance and Budget, Sen. (Eng.) Mahamud to second.

Thank you.

Sen. (Eng.) Mahamud: Madam Temporary Speaker, I beg to second the Division of Revenue Bill. Article 218 of the Constitution requires that the Division of Revenue Bill be brought to Parliament two months before the end of the financial year. Although there were delays in other years, this year we are within time.

The Bill was introduced in the National Assembly and passed on the 20th of March – only last week - and it is today before us. The Bill proposes to share Kshs1,688,492,000,000 in this current budget. This is from the ordinary revenues and the revenues that are raised. Out of this, it is proposed that Kshs1,369,792,000,000 be shared revenue to the national Government and Kshs314 billion allocated to the county governments.

In the Financial Year 2016/2017, the total sharable revenue was Kshs1.380199 trillion and in the Financial Year 2017/2018 it was Kshs1.56028 trillion. Today, it is Kshs1,688,492,000,000. Out of that the national Government in the Financial Year

2016/2017 had Kshs1,093,890,000,000; 2017/2018, Kshs1,238,340,000,000 and this year it is proposed that the national Government gets 1,366,990,000,000.

The Equalisation Fund has a lot of problems because ever since it was enacted in the Constitution, 2010, only Kshs1 billion of that money had been utilized. I remember the National Assembly appropriated about Kshs12 billion of that money in the Financial Year 2015/2016. There is a lot of balance still with National Treasury. This financial year, they proposed to put Kshs4.7 billion, which is 0.5 per cent of the total revenue.

Madam Temporary Speaker, on equal share to the counties, we recall that in the Financial Year 2016/2017, Kshs280,309,000,000 was allocated to the counties. In Financial Year 2017/2018 it was Kshs302 billion and this financial year it has proposed to allocate Kshs314 billion.

In addition, there are quite a number of other proposals. The monies that we see here appear to be a lot, but it is not enough. In fact, we have been engaging the National Treasury and other stakeholders such as the Commission for Revenue Allocation (CRA), the Council of Governors (CoG), among others. However, we will never have enough money.

Quite a number of other issues have been raised. Out of this Kshs314 billion, CRA had proposed a bigger figure. The CoG maintained the same figure although they wanted more money allocated from the Fuel Levy. Currently, 15 per cent of the Fuel Levy is allocated to counties. A proposal of allocation of 25 per cent of Fuel Levy to the counties was brought to us.

Madam Temporary Speaker, the Kenya Roads Bill, 2017 (National Assembly Bills No.47 of 2017) is before the National Assembly. Funds raised under the Fuel Levy are normally shared in proportions which are in the current Act that has not yet been amended. A figure of 15 per cent was taken out of the allocation to other entities like the Kenya Urban Roads Authority (KURA), the Kenya Rural Roads Authority (KeRRA) and the Kenya National Highways Authority (KeNHA). Therefore, we thought it was not proper to raise this figure of 15 per cent to any other figure until that law is amended.

Madam Temporary Speaker, counties have been getting sufficient amounts of money for the last six years we have had devolution. As I said, money is never enough. However, counties must collect money from their Own-Source Revenue (OSR). Counties have been almost dependent on the shared revenue from the national Government and neglected or ignored that part of their revenue. Under conditional grants, there is the Kenya Devolution Support Programme which is also supposed to help counties raise their revenues. Revenues must be raised where possible so that dependence on national revenue is limited.

We, as a Committee, also notice that whereas there is a requirement to send money to the counties on monthly basis as per the schedule which this Senate passes, it has not been forthcoming because of lack of revenue and the Kenya Revenue Authority (KRA) failing to meet its targets. However, there was a proposal last time that came from the Cabinet Secretary (CS), Treasury, to amend the Division of Revenue Bill. In my view, it is never amended once it is passed by Parliament. With regard to shortfall in revenue collections, Clause 5(1) of this Bill provide as follows:-

“If the actual revenue raised nationally in the financial year falls short of the expected revenue set out in the Schedule, the shortfall shall be borne by the national

Government to the extent of the threshold prescribed in the Regulations by the Cabinet Secretary.

(2) If the actual revenue raised nationally in the financial year exceeds the projected revenues set out in the Schedule, the excess revenue shall accrue to the national Government, and may be used to reduce borrowing or pay debts.”

The proposal by the CS, in my view, is not feasible unless he wants to amend this Clause 5, which actually we, as Parliament, should resist because there was a reason this requirement.

Madam Temporary Speaker, looking at this Bill and taking into consideration that resources in our country are limited, an attempt had been made to increase this figure because of inflation rate and other issues. However, we, in the Senate Committee on Finance and Budget, differed a little with the Treasury on this figure. However, our report will be tabled before you and you will see we had no intention of raising it given the status of our economy.

When this Bill is passed, it is important that the monies that get to the counties are utilised for the purposes for which they are allocated. As the Mover of the Motion said, the issue of oversight by the Senate is very important and we have fully engaged the National Assembly. Although in the previous estimates in the Budget making for the Parliament, Senate did not have a direct input, here we are proposing money for monitoring, evaluation and operational cost of the Senate. We want this to be taken into account so that the Senate can do its work properly. We hope that our colleagues in the National Assembly will act in good faith and make sure our proposals are taken on board so that we do our work properly.

The conditional grants that have been allocated to the counties have been enumerated very well in the Bill. There is a new one which is the Kenya Urban Support Programme which is allocated over Kshs11 billion. This is a new allocation which was signed between the Treasury and the International Development Association (IDA). They were supposed to introduce part of it this financial year. They requested us to amend the County Allocation of Revenue Act (CARA), but we told them we could not so. I can see they have put a sum of over Ksh11 billion.

Going forward, we, as a Committee, think that a lot of monies on conditional grants are channeled through Ministries to counties. However, we are not sure if those monies actually get to the counties. We propose to engage these Ministries even at the time of printed estimates so that we can oversight them. This is to ensure that monies that have been actually put in the budget for the purpose of going to the counties, conditional grants as they said, actually go there. We do not want it just to be on paper and money is used for something else. This is something that we are going to take up as a Senate Committee on Finance and Budget.

Madam Temporary Speaker, there a few questions about clarity in terms of what is being done. The medical equipment that is given to the counties; the monies that are being paid over the years I think was Ksh4.5 billion in the last three years. This time it is Ksh9.4 billion. We have queried it. We intend to query it further so that we know we are surely paying for something which is proper and not exaggerated. I am also told also maybe other hospitals have been added, but we will check.

With regard to Level Five Hospitals, the figure for last year has been increased again. I am told one more hospital was added. These hospitals are the seven former

provincial hospitals, including Machakos, Embu and others. We are now adding Kiambu General Hospital to this category. The figure for these hospitals has risen by a slight figure which is Kshs126 million more than what was here last year. This is the explanation we are getting. We want to see that all these money goes to the counties so that it is properly utilised.

There is a lot of clamour and request for money. We, in Senate, would like to see counties have a lot of money. I realise that devolution was a God-given thing to us. However, we possibly realised that there was too much money in a short a time with very little capacity to utilize it. I hope the governors will build the capacity of our people in the counties for them to do what they are supposed to do. It is very unfortunate that money is being sent to the counties, but there is nothing to show on the ground.

Today, my county is ranked among corrupt counties. There is rampant corruption in our counties. We want to really avoid devolving corruption. Devolution has come and we would like to support it. We want as much money as possible to go there, but it should be properly used. We want more money to go there but it should be properly used. We would also like to have a say in the budgeting process of the counties.

The Controller of Budget submits quarterly Budget Implementation Reports to this House but we want to see whether those budgets are realistic. Then there must be something which matches the funds that goes with their budget implementation so that money is not misapplied midstream. I believe that a lot of misapplication of funds is done by starting projects which are never completed. When we have a new administration, these projects are abandoned and new ones started.

As of today, we have a serious problem, because most counties have new governors and projects which were initiated by their predecessors are not being funded. Instead, they are initiating and funding new projects. The same thing happened at the Constituencies Development Fund (CDF). We would like to get a commitment from the county governors that they will complete the projects which were started for a good reason by their predecessors, irrespective of who the governor is.

As the Senate, we should strengthen our oversight role. We should not just wait for petitions from our people to say this and that. We need to find a way of helping these counties to function. There is a lot of capacity building under conditional grants. We would like to see how this is done and how the money is utilised so that proper capacity building is done.

Madam Temporary Speaker, as a Committee, we agreed that counties have adequate funds and it is incumbent upon them to utilise it properly. However, we will not allow the Treasury to amend The County Allocation of Revenue Act or The Division of Revenue Act midstream. There is no room for amending those two Acts. Nobody should contemplate amending those two Acts once they are assented to and have become Acts of Parliament. Counties can reallocate funds within their budget and do things within their counties. The national Government should let them do it within their budgets and they also must fund them.

The Senate must be funded properly. We are currently funded under the Parliamentary Service Commission (PSC). We want, going forward to have our own vote-head like the National Assembly so that we can run our budget properly. We do not want to be a small department within the PSC just like the National Assembly does not want to be a department in the PSC.

With those many remarks, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Yes, Sen. Cherargei.

Sen. Cherargei: Thank you, Madam Temporary Speaker, for this opportunity.

The main issue has been; how our counties can move forward in terms of having enough resources. My colleagues have said a lot. The Division of Revenue Bill (National Assembly Bill No.7 of 2018) has come at the right time.

I want to emphasise what my colleagues have said. Even as this money is being disbursed to the various counties, it should be used for the intended purpose so that we do not devolve corruption but development to counties.

I have seen the issue of the police has been addressed. We do not want to see our security agencies being disadvantaged in terms of funding. I hope the crisis that we are having at the National Police Service Commission (NPSC) will be a thing of the past.

I have seen they have allocated Kshs1.2 billion to the Strategic Grain Reserve. However, they have not ensured that there is a model to mop up the grains we harvest in partnership with our counties.

Madam Temporary Speaker, we come from the same region. As we talk, there is a crisis in the North Rift because of challenges of accessing fertilisers. Food security is one of the four pillars of the President. Last week when we were discussing The Food Security Bill, 2017, we said there can be no food security when there is no food production. There can be no food production when there are no proper supplements and implements to ensure we have a steady bumper harvest to sustain this country so that we do not end up in the vicious cycle of hunger that we have in this country. Farmers cannot access fertiliser. How can we set up strategic grain reserves to mop up the grains if the farmers cannot produce enough grains that can be put in these strategic grain reserves?

In Eldoret Depot, we have challenges accessing of fertiliser. There are allegations that some of the fertiliser that was brought was not DAP but top dressing. In my own county, Nandi County, we have a problem. They have brought the wrong fertiliser. Instead of DAP, they have brought top dressing fertiliser that comes in later after you have planted. The National Cereals and Produce Board (NCPB) should take its work seriously. The Ministry of Agriculture and Irrigation must pull up their socks.

You will be shocked that from an ordinary farmer who plants half-an-acre to the farmer that plants 1000 acres--- It is interesting that you should have a letter from the chief, the extension officer, your pastor, or from your *mpango wa kando* to get fertiliser. It should be rectified so that we have a proper way of obtaining a letter so that the right farmers can benefit. This is why we are hearing of corruption.

Madam Temporary Speaker, it is good that you come from Uasin Gishu County, which is why when you go to Lessos Depot, people are allegedly paying between Ksh2000 to Kshs2500 to get clearance letters from the chief to be cleared to get those fertilisers. We have also seen that happening in Mosoriot Depot, amongst other areas.

As I support The Division of Revenue Bill (National Assembly Bills No.7 of 2018), the Ministry and the Treasury must reengineer and restructure their processes to help farmers access fertiliser quickly so that we do not have to put money in strategic grain reserves and yet farmers have not been paid on a timely basis. There are many

challenges facing farmers in the North Rift where the two of us come from and even other regions like Trans Nzoia and Kuria. When farmers sell their produce to the NCPB, they are not paid in full. They are paid in instalments which do not show what they have supplied.

Despite the fact that the planting season has started, farmers do not have adequate farm inputs to ensure that we have a sustainable food production. Some of the officials of the Ministry must go to the ground and see for themselves the challenges facing farmers and provide solutions because food is one of the Big Four Agenda of the President. I hope some of these issues will be handled expeditiously to avoid a scenario where we set up strategic grain reserves and there is no grain. Where will the money go?

Madam Temporary Speaker, let me now comment on the issue of prudent use of resources that we are disbursing to the counties. I have seen the Auditor General's Report of 2017/2018. It is sad that during an election year, most counties fall short on revenue collection. As the Senate, we are telling counties that they must be accountable and like Caesar's wife, be above suspicion before they get revenue from the National Treasury.

From the revenue that they generate, we are getting allegations from some of the revenue collectors that governors demand Kshs1million every weekend from them to facilitate their mobility and their fundraising contributions. So, the loopholes in revenue collection at the counties must be sealed so that we have prudent use of resources.

Madam Temporary Speaker, on prudent use of resources - as my colleagues have reiterated - moving forward, the present governors must ensure that they continue with projects. It is sad that in today's newspapers, my county; Nandi County is in the limelight for wanting to demolish - according to the National Construction Authority - the Governor's office which has consumed KShs150 million. We need to be serious and seal such loopholes so that, in future, a structure is not built then other people come and condemn it yet taxpayers' money has been spent on the construction of the structure.

Counties will have the correct priorities and we will not have cases of some counties buying fingerlings and throwing them in a river without proper planning and in others, people producing magazines instead of doing things like fertilizer allocation.

Moving forward as the Senate, we must be proactive in our oversight roles. This should not be seen as a threat to governors. As governors implement projects, we must be there to ensure that there is proper oversighting. Therefore, the Senate must be given more resources to ensure that we deliver and execute our mandate - as somebody said - with military precision.

On medical issues, we are all in agreement that even though we have a challenge in our counties in the health sector, we should address it once and for all. One of the President's four pillars of administration is affordable healthcare. I hope the money will be directed to the right places so that this agenda is entrenched in the counties. Then, we will have the best medical care in the counties and there will be no need for people to go to India and other places to seek medical attention.

On the Equalization Fund, because the process has started, I hope in future, places like Tinderet in Nandi County where I come from, that have challenges will be included in the Fund so that there is fairness. Some areas have received the equalization funds based on merit, but moving forward, we should ensure that such places are brought to focus.

I support this Bill. We must devolve development and call upon the governors and all the key stakeholders to use money in a prudent way. When the Senators will be facilitated to do oversight, we should ensure that when the Controller of Budget Report for 2018/2019 comes out, we will have less wastage of resources in our counties.

I thank you.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Mutula Kilonzo Jnr. you have the Floor.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker. I rise to support this Bill. At the onset, just from reading the Bill and its explanations, I want to say that under the Constitution, the Commission on Revenue Allocation (CRA) is supposed to give recommendations on this Bill and the Treasury in a memorandum that is appended to the Bill and give reasons for deviations.

I am not happy as a Member of the Standing Committee on Finance and Budget, having sat on the Committee for several years about the explanations on the deviations. The first explanation of the 4 per cent growth factor is something we have disputed. Our Report to the Senate through the Budget Policy Statement (BPS) is available. In fact, this growth factor is not the correct one. The correct one is 7.1 per cent that is rounded off to 7 per cent. There is no logical and economical explanation for this growth factor of 4 per cent.

Madam Temporary Speaker, we have tabled documents to show that this 4per cent growth factor is picked from the constant Central Bank of Kenya (CBK) rate as a result of the interest rate cap. Therefore, if you consider fuel and food prices and others, you can only be at 7 per cent. That deviation has only been done through a political arrangement.

In the opening statement by the Majority Leader of Senate, he said that one of the most fundamental reasons, in fact, may be the only one that keeps this Senate is this Division of Revenue Bill. If we are not careful from what I am gathering, we will become either a rubber stamp or a conveyer belt for decisions made in other places other than this Senate.

Why do I say so? The Council of County Governors (CoG) tabled a Report in our Committee. In the Report they said: "We have no objection to the baseline of Kshs302 billion and the adjustment of 4 per cent, we have cut a deal and that is what we are going to do." That means that through the Committee chaired by the Deputy President called the Inter-Governmental Budget and Economic Council (IBEC) the CoG will negotiate for this allocation from this year, next year and any other year then circumvent the Senate. Unless we challenge some of these things, the purpose of going to the Supreme Court does not make sense.

That growth factor as far as I am concerned, is not justifiable. In the explanations the CRA has given in its recommendations, there must be justification. If we give CRA that role, then it is their recommendation that we ought to consider.

On the allocation of leasing of medical equipment for counties, in the last Division of Revenue Bill, we allocated Kshs4.5 billion. How Treasury has adjusted to Kshs6.9 billion for 2017/2018 and Ksh9.4 billion for this Financial Year has no explanation. Why the increase of 100 per cent for leasing? Where is this equipment and did we buy more equipment than what we purchased? Which counties are going to get

this extra equipment for these two health facilities in each county? When was this negotiated?

We once had a dispute with the Ministry of Health and the Cabinet Secretary, (CS) Mailu at the time told us that he exercised this function on behalf of the counties but under the Intergovernmental Relations Act, the counties should have delegated their role under the health function to him as the CS to negotiate on their behalf. During the public hearing that begins tomorrow, I will be asking questions about these negotiations that appear to have been done without the consent of governors.

On funding for level five hospitals, I am unhappy about the increase; it is too little. As we increase other functions, the function of health is not properly funded and we must continue saying that the 11 Level five hospitals mentioned by my Chairman, Sen. (Eng.) Mahamud are completely underfunded. That is the reason the Kenya Medical Supplies Authority (KEMSA) is saying that county governments owe them Kshs2.8 billion for supply of medicine. Why is that so? One is delay in disbursements and two, inadequate funding.

Madam Temporary Speaker, we must tell the National Treasury that once we pass the Division of Revenue Bill and the County Allocation of Revenue Bill into Acts of Parliament, they do not have discretion under Article 229 of the Constitution to say: "Since Makueni County is prudent in spending their money and they have x amount in their account, we are not going to send them resources." This Senate must stand firm, irrespective of the political consequences, the "handshake" notwithstanding. No discretion is allowed on the Schedule that we have passed as a House.

We must have that as a principle, otherwise the National Treasury will be looking at the country revenue as a dashboard and send money as they please. The second consequence is that governors will be withdrawing money from their accounts haphazardly for whatever purpose so that they satisfy the National Treasury that they are spending it.

So, the principle should be that if money is allocated to a county which it has planned for and it is in the account, there should be no discretion by the National Treasury to see whether the money is being spent. As we speak, Makueni County has received only 33 per cent while Mombasa, Kiambu and others have received 59 per cent. We are not endowed the same. Nairobi and Mombasa have the benefit of being the major cities. Therefore they collect their own revenue and can sustain themselves. That is not a parameter under the law.

Again, the Senate must pronounce itself concerning the marginalisation policy on the Equalisation Fund because arrangements are being done by our colleagues in the National Assembly. They are sending lists to the national Government for the Equalisation Fund yet those matters affect counties.

I am aware that the Commission on Revenue Allocation (CRA) has requested to meet the Senators concerning the marginalisation policy. They have proposed to either use wards or sub-locations. In both ways we will benefit. I am of the view that since sub-locations were structures under the provincial administration that should have been abolished under the new Constitution, they should use the wards. Whatever the instance, I am not convinced that some sub-location somewhere in counties like Makueni will find itself in the 1,400 or so locations that they have identified as having been marginalised for water, health and other facilities.

Sen. Cherargei mentioned something and I want to ask a fundamental question. How can it be that the Strategic Grain Reserve for 2014/2015 was Kshs2.7 billion, 2015/2016 was Kshs2.2 billion, which was the same for 2016/2017 and 2017/2018 was Kshs4.294 billion yet this year it is Kshs1.281 billion? Does that mean that we do not need a strategic grain reserve or we have stored more food than we need or for some reason are we expecting a bumper harvest? History has shown us that because of the excessive rain we have had, we will most likely have drought because people have not been able to plant crops and crops have been destroyed. These are questions we need to ask the Cabinet Secretaries when they come.

Again they have just changed the name to youth empowerment which should just be the National Youth Service (NYS) and they will receive Kshs18.1 billion. I know Sen. Sakaja has a Bill on this matter and I asked him where the money goes. If we do not ask these fundamental questions, we will pass the allocations here and there will be no reserve.

The Chairperson and the Senate Majority Leader did not talk about the public debt which has increased tremendously. In Paragraph 11 of the memorandum, the National Treasury should have explained the reason why there is an increase of the national debt to Kshs687 billion. The reason they have given here is extremely shallow and we must ask those questions. The public debt is considered in division of revenue before they allocate money to counties. For Senators who have this Bill, if you look at the Schedule and the Appendix, you will see that the balance to be shared by two levels of government only comes right at the bottom after they have considered everything else including the national debt. So, we must speak about it.

Sen. Sakaja and I are sponsoring a Bill on disaster management. The money allocated every year for contingencies should not sit at the National Treasury because contingencies are happening in counties. Therefore, we must interrogate this issue. Disaster management under the Fourth Schedule is a shared function the same way health is. If these questions are not asked, again we will have a disaster like we have had because of the rains and many others and counties will suffer. Even the money they allocate in their budgets under Section 200 of the PFM Act is not enough and it cannot be enough because we have not done enough.

I now want to speak on the conditional grant on maternal health. Why did this Senate not speak about the conditional grant on maternal health? Maternal health care has now been transferred from counties to the National Hospital Insurance Fund (NHIF). This simply means that this matter has gone out of the hands of counties. If health is truly a devolved function, why should a conditional grant come through the Senate and then be reallocated to a department of the Ministry of Health which gives conditions like asking for the number of babies born in for example Sultan Hamud in Makueni so that the allocation can be given?

Maternal health care includes antenatal care. So, you cannot give conditions that funds will be released once a woman gives birth. That is not maternal health care but postnatal care. These are the questions that must be asked but we have not asked them. Therefore, what the Chair said in terms of interrogation about these allocations is something that is boring us.

The Chairman mentioned conditional grants like Kenya Devolution Support Programme (KDSP) and I am glad that my colleagues and MCAs of Makueni are here.

This conditional grant has bothered our committee. The conditional grant is supposed to help strengthen public financial management, county human resource management and improve county planning. However, the grant is given only to the executives. Who is supposed to monitor public finance management systems in terms of oversight if not the county assemblies?

The money that we passed in the last budget has not been sent to counties. Somebody wants to restrict us to a very small corner with only Kshs314 billion which has to be adjusted by 2 per cent. They determine it at the Intergovernmental Budget and Economic Council (IBEC) and ask us to pass it. We must say “no” because there are people who are encroaching on the mandate of the Senate.

If we do not take pride in this mandate granted to us by the good people of Kenya under Article 96, we will live to regret it because there is nothing governors will enjoy the most than circumventing the Senate and they will do that when the right time comes. While I support the usual practice, we need to find a method of interrogating conditional grants which have increased tremendously every year.

Lastly, we do not want this Senate to be in the problem that it was in in 2017/2018. The National Treasury amended the CARA stating that there are problems with the schedules. I have proposed an amendment which I will move to separate the schedules of sharable revenue from conditional grants, since the national Government issues the conditional grants on conditions entered between them and development partners which in most cases have nothing to do with counties. The National Treasury should be told that sharable revenue allocated to counties should be sent on time without any deduction, condition and hindrance from conditional grants which have very little, if at all, to do with counties.

Before that amendment comes, the Committee on Finance and Budget will propose that the schedule that comes from The Treasury must be separated. Never again should salaries of workers of counties be delayed for over four months. Never again for the life of the Senate should we allow the Cabinet Secretary for the National Treasury to come say: “Now that we are broke, we are going to make sure that we allocate revenue to you according to your spending.” We must say no, for the protection of counties under Article 96. It is not politics; it is the law. The law must be followed.

With those few remarks, I beg to support.

Thank you.

Sen. Farhiya: Thank you, Madam Temporary Speaker, for giving me this opportunity. Sen. Mutula Kilonzo Jnr. has stolen some of my ideas and so, I will emphasize some of the issues.

I wish to comment on the issue of audited revenue. The audited accounts must be fast-tracked because it is giving distorted figures in terms of what is sharable. I am saying this because the sharable revenue right now is Kshs1.7 trillion. On the other hand, if you look at the basis for the Equitable Revenue Share Allocation, it reads 33.6 per cent. I want to clarify that this is not real. If the revenue was audited on time, the figure would be 18.69 per cent of what counties are getting, which is Kshs314 billion.

In terms of Equitable Share, 14 counties were supposed to receive funding. However, what has been spent so far is only Kshs1 billion. It is only fair that the initial Kshs12.1 billion that was allocated should first be spent in the 14 counties, before this money is subjected to other counties and changing of the law, because this not fair.

Otherwise, it would mean that, in the first instance, we never intended the 14 counties to benefit from the equitable share.

Madam Temporary Speaker, on the issue of increase in debt finance, in the same breath we are saying there is a decrease in the Gross Domestic Product (GDP). According to my evaluation, if there is an increase in debt, then the output should be higher. As a result, our GDP should also have grown. There is a mismatch between the two and that needs to be followed up.

I concur with Sen. Mutula Kilonzo Jnr. in terms of inflation and growth in Equitable Revenue Share Allocation for 2018/19 and its implication. If the counties have been given a 4 per cent increase and the inflation is at 7.1 per cent, that means the counties cannot give the same services to the people. They will give much less, notwithstanding the fact that out of the Kshs302 billion that they were entitled to, some have received as low as 33 percent and the financial year is almost over. The last time we contacted the Treasury, there were some counties that had received 33 percent. If this money is not disbursed we will see the implication.

The other amendment that this Senate should consider is that the interest incurred by counties as a result of the national Treasury not releasing funds on time, should be charged to the national Treasury. This is because if counties were entitled to a certain amount of money and they do not receive it on time, it forces them to borrow. As a result, they get punished by paying the cost of financing from the small funds. This is unfair and given that the Senate exists to protect counties, this is an amendment that this honourable House needs to consider.

Madam Temporary Speaker, another issue is about additional conditional grants by counties, under Paragraph 7. There is a section on national agriculture and rural inclusive projects to which Kshs2.9 billion is allocated. My opinion is that the pastoralist communities have not been covered. Since livestock is under the Ministry of Agriculture, Livestock and Fisheries, my fear is that livestock benefits are no longer there. I speak on behalf of the all the pastoralist communities.

The other issue is the Kenya National Devolution Support Programme, which is for capacity building. There is Kshs2.3 billion and it lists certain things in terms of strengthening public finance and human resource. On the same, there is Level Two which remains the same. What is the difference between Level One and Level Two? In addition, in terms of capacity building, why is there no section where counties' capacities are built, so that they can generate revenue? This also impacts on the sustainability of county governments. The intention was to ensure that counties are supported initially, and with time, they become self-sustainable, so that they can generate enough revenue to run their affairs.

Madam Temporary Speaker, the other issue is about sustainability of revenue allocation. There is need to have a lot of investment in terms of building capacity for the counties. This is by having a digitalized way of revenue collection. However, some digital platforms can be misused. There should be a digital platform that has strong financial controls and security, so that nobody can hack the system.

In addition to the gaps in the Budget that were mentioned by Sen. Mutula Kilonzo Jnr. there was a Collective Bargaining Agreement (CBA) signed between the Government and the doctors that was worth Kshs11.6 billion. That is not reflected anywhere and it needs to be taken care of.

The Senate also needs monitoring and evaluation fund. It is not enough to say corruption has been devolved and yet we are not doing what we are supposed to do in terms of ensuring county funds are utilized in the right manner. It becomes difficult if we do not have any evidence to back up our claims of corruption in the counties. If we do not have this fund, we will not only have devolved corruption, but also marginalised our communities further. That is one of the things that we need to consider in this Bill.

I support.

Sen. Cheruiyot: Thank you, Madam Temporary Speaker, for giving me the chance to make my contribution. From the very onset, I want it to be on record that I support the Division of Revenue Bill (National Assembly Bills No.7 of 2018).

It is also good for me to say I support the sentiments expressed by my fellow Senators. We all know all Bills we discuss in this House are important. However, in terms of rank of importance and the strata of where this particular Bill stands, I think it sits at the apex. This is because it gives us a sense of life as an institution in regards to our contributions and thoughts that we share as Senators on behalf of the people that we represent here. We hope the contributions that we make year in, year out, will be taken into consideration by the Treasury.

We, as an institution, will continue improving our thoughts that we share together. This includes the reports that we table here either from the Committee on Finance and Budget, which is a Committee that I have served in a number of years now--- We enjoy working on this Bill, especially where we engage both the CRA and Treasury. We listen to the reasoning that informs some of the decisions captured in this Bill.

Article 218(1)(a) of our Constitution guides me as I make my contributions. This is something that I have grappled with as a leader for a long time. It says:-

“A Division of Revenue Bill, which shall divide revenue raised by the national government among the national and county levels of government in accordance with this Constitution---.”

The operational word here is ‘raised.’ It means that it is an event that has already taken place thus what we are doing is dividing what is readily available. That is the vision and the aspiration of our Constitution. In many occasions, I have observed that the drafting and the writings on this Constitution are aspirational. These are things we are supposed to live with. We may not be in a position to achieve them right now. However, it is our hope that we will achieve it in the future.

I want to believe that the drafters of our Constitution envisioned a time whereby at the end of a particular financial year, we would be able to say during financial year (x), (y) and (z), we collected this amount of money. When that is done, we can then divide some to go to the counties. It has to at least meet the parameters that have been set out in our Constitution of 15 per cent with a growth factor and those many things.

However, the practice which should worry this House and us, as Senators, because it consistently continues to happen, is that what we divide is not readily available. It should worry us because even after the passage of the Division of Revenues Bill and the County Allocation of Revenue Act (CARA), it is not a guarantee that what has been allocated to a specific county reaches them at the time that was envisioned by the Constitution.

This is a known fact. A few weeks ago in this Senate, we heard that more than half of our counties had not received at least 50 per cent of their sharable revenue from

the national Government. This should concern us and be given the due attention it deserves.

I listened to the Auditor General when he appeared before us asking for an additional fund which is not provided in this Division of Revenue Bill. This is because for the Auditor General to be able to do their work sufficiently and give us timely update of what is happening within our counties, he needs to have enough personnel.

I heard one of the Senators saying that they have seen the audited accounts for 2017/2018. It could have been a slip of the tongue. I almost rushed to them to find out where they might have seen those accounts because what is before the County Public Accounts and Investment Committee (CPAIC) are accounts for 2014/2015. The audited report for the year 2015/2016 is not complete. The Auditor-General is yet to table a report before this House

Each year, we will be looking at history. As they say, you cannot revise history. We shall only know that a certain governor misappropriated funds and that he did this and that. However, we will never say we have realized that last year, this is what the governors did thus as you pass the Division of Revenue Bill and CARA, we need to include this and that regulation. We cannot make such regulations presently because even 7 per cent and 33 per cent was an increase based on the 2013/2014 audited reports of accounts of Government.

I would want to know of a serious economy in the world that still continues to pride itself knowing that it is doing is the right thing, but it cannot propose a solution. It is time that this House took its place of pride and spoke on behalf of Kenyans because that is what we are primarily elected to do.

We should ask; what plan does the Government have in terms of giving due capacity to the office of the Auditor General for them to check and audit books of account properly? When we pass the Division of Revenue Bill for 2018/2019, for example, we would have already looked into the books of 2016/2017 and even 2017/2018, if it is possible. If blue chip companies are able to achieve it and do their budgets based on audited accounts for the previous year, then Kenyans should also be able to do it for they are not children of a lesser God. We need to be serious about it and address some of these issues.

[The Temporary Speaker (Sen. (Prof.) Kamar left the Chair]

The Temporary Speaker (Sen. Nyamunga) in the Chair]

The amount being proposed of Kshs314 billion is colossal. One of the things that should concern us and boggle our minds as Senators is; how is the money going to counties being accounted for? Are there measures to make sure this money is put in proper use? Do we follow it up to see how it is spent? What will be said of me when I will be the age of my good neighbour, Sen. (Prof.) Ongeru? Will I proudly say I was a Member of the Twelfth Parliament and that I sat in the Senate and we passed this monies year in, year out, but there was nothing to show for it on the ground? I feel embarrassed and discouraged.

A question that will continue bothering our minds as we pass this Bill is not getting timely reports of how the resources that are being devolved to counties are spend.

How long are we going to continue with this practice? Is year 2021 the time when we shall be scrutinizing audited accounts of the Financial Year 2016/2017? This would mean that there shall be two sets of governors who will have exited office without appearing before CPAIC. Timely audit is a big question that we need to address before considering other things.

I want also to talk about the issue of conditional grants. As a good citizen and young as I am, I wonder where the people who formulate programmes for Kenyans - which schools they attended. When we pass the Divisions of Revenue Bill, we always allocate a colossal amount of money to be used for paying for the leased medical equipment. Senators had reservations about it and it is absolutely nothing to be ashamed of. We spoke and asked very serious questions on the Floor of this House and even out there in public places.

I know, for example, in a county like Kericho County that I represent, part of the equipment they got included Intensive Care Unit (ICU) beds. Two years down the line, those beds are still not operational because we are told that specialised nurses and doctors have been sent for training and have never come back. How could you procure equipment without first questioning who will operate it? This is the story across many referral hospitals in our counties.

I challenge Senators to visit these counties and see for themselves what is obtaining on the ground. We continue to pay it while passing the same cost to Kenyans yet no benefit is being derived from this equipment. It is a sin. Those of us who are Christians believe that this is not right and we must speak against some of these things. Even as we continue to pass and send monies to support this particular programme, we need to question those who are in authority or managing these programmes. As we send conditional allocations, we request them to streamline their operations.

I have seen a figure of Kshs2 billion that has been set aside for youth polytechnics. I am a passionate supporter and defender of youth empowerment programmes. They are the biggest constituents who vote for me in each and every election. However, I must be on record that this particular programme is not well thought out.

I know for a fact that, with the Constituencies Development Fund (CDF), if most of our constituencies do not have a Kenya Medical Training College (KMTC), they already have a youth polytechnic that is being built. Why are we sending additional funds for rehabilitation? This is like giving a blank cheque to governors who want to pilfer public resources. They will put a fresh coat of paint in old retired youth polytechnic buildings and say that they were told to use that amount of money for rehabilitation.

A well thought out programme would have been to question how much in terms of equipment do the existing youth polytechnics have. We should have one youth polytechnic per constituency, as it is in the present case, to serve the entire youth population of that particular constituency. This programme should establish the training equipment that we can buy for our young people so that they can go and learn masonry, tailoring, *et cetera*. If those were the programmes that were being put forth or maybe the rehabilitation that is being thought about and sent forth here, then I would not have any reason to object to this.

However, from experience, we have seen how these conditional grants are administered and the kind of crazy things that the county governments are doing because

of misdirection from the Treasury. Having in mind the saying that “Once bitten, twice shy”, I am very hesitant to support such a programme that I know will not achieve the well-intended purpose, as it may be.

The question of level five hospitals is a disaster waiting to happen. Even counties that neighbour each other grapple with this issue day in, day out. It is not a hidden secret for some of us who come from counties that are even monolithic in terms of the epic population. Despite being neighbours, I have seen, for example, if you go to Litein Level 5 Hospital in my county, you will find the residents confirming their various counties in the queue as they wait to see the doctor.

They will regulate themselves on who is to see the doctor first and those from the neighbouring counties will have to wait until the residents of that particular county are served before they see the doctor. They do this because they know the drugs will run out and the doctor will also say that he or she has had enough for the day and will go home. This points to disorder in the management of our health facilities.

(Sen. Mwaura entered the Chamber without bowing)

The Temporary Speaker (Sen. Nyamunga): Order! Sen. Mwaura, Please, go back to the Bar.

(Sen. Mwaura went back to the Bar and bowed)

The Temporary Speaker (Sen. Nyamunga): You can continue, Senator.

Sen. Cheruiyot: Thank you, Madam Temporary Speaker. I was speaking about level five hospitals and how we manage our health system generally.

They say that in the absence of order, then disorder becomes the order. That is why citizens are regulating themselves by telling each other that; “if you are not a resident of this county, please, go and seek medication from another county.” As leaders, we cannot watch as this continues to happen. We need to examine the plans and implementation policies that county governments are putting in place in terms of shared resources.

The thought that guides this, for instance, a very well-intentioned principle from counties is that, since not every county in Kenya has a level five hospital, they receive additional revenue to support the weight that they bear from the neighbouring counties. However, if this programme is not well-intentioned and implemented, it will lead to segregation of our citizens. When passed The Kenya Roads Bill, 2017, that is now being considered by the National Assembly – I know this because we debated it here in the Senate in the last Parliament and part of the proposals that we made were extremely interesting in terms how division of this fuel levy was going to be shared.

We must put a demand that before the county and national governments consider how to share road funds that are being allocated to them, we must have a national mapping of all our roads. It is not unusual to hear that a road has been tarmacked or murramed by the county government from point A to B; yet the national Government will still come to do the same road using funds under the National Government-CDF (NG-CDF). This is a continuous wastage of public resources that we must begin to question and ask what we can do as the Senate to stop it. If the same Bill is brought before us next year and we are told that fuel levy will continue to be channeled to our counties, yet we

are not being told how it is being put to prudent use, then we may be forced to take extremely difficult decisions.

As I draw near to the closure, I must also point out my reservations as a Member of the Committee about the thoughts behind the Kenya Devolution Support Programme (KDSP). This World Bank programme is well-intentioned but poorly thought out. You cannot capacitate the executive and ignore oversight bodies that are looking into the functions of those executive bodies. Even if you do not like the Senate, keep us out, but at least, capacitate the county assemblies.

Give those Members of the County Assemblies (MCAs) the power to oversight and check on the operations of the county governments. Unfortunately, these people are in a rush and they want to execute programmes, but do not want to listen to most of our proposals despite the fact that we, as elected leaders, are the people who interact with *wananchi* on a daily basis and we get to hear and see the results.

Our thoughts are not given the place that they need to be given. This is not the first time we are making our comments on this matter. We have raised them before under the KDSP I which was done in the last Parliament. We raised the same comments. It is also not the first time that I am saying this in the Senate, yet people do not seem to be listening. It seems like they have chosen not to listen.

One of the things that we also need to consider and perhaps think critically about, is the way counties can raise their own revenues and how we can capacitate them to cease this overreliance on funds and resources from the national Government. The reason why our county governments continue to be crippled and hung down on operations is due to this overreliance on resources from the national Government. This normally happens yet we know that, if they collect their revenues properly and it is put to prudent use, it can keep our counties operational and functional even in times of difficulties as it is being experienced right now.

As we go to the point of discussing and deliberating on the Third Generation Formula, we must put an index of how counties that generate more revenue can continue to benefit more and those that do not work hard do not enjoy from the sweat of others. We must think about this issue critically as the Senate so that we encourage good practices.

Madam Temporary Speaker, with those many remarks, I beg to support.

Sen. Wetangula: Thank you, Madam Temporary Speaker, for giving me an opportunity to raise a few issues on this Bill. As we support this Bill because it is important that we pass it to move to the next level, it is important to appreciate that under our mandate in Article 96, this is one of the key roles of this House. In doing so, we have to reflect on how devolution is developing and moving in the country.

First and foremost, if there is going to be any constitutional conversation in this country that will reach the reengineering of the Constitution, one of the things that ought to be addressed is to redefine what is shareable. You cannot share revenue based on audited accounts of three or four years ago on the budget of today.

Given the inability of both the Office of the Auditor-General and Parliament to keep abreast with financial years in auditing public revenue, we need to shift gear and base the shareable resources on the national Budget so that if a Budget is Kshs2 trillion and we are talking of 30 per cent going to the counties, then that percentage must reflect

those trillions. We should not talk of billions when the Budget is in trillions. We must keep abreast with that.

Madam Temporary Speaker, secondly, is on the issue of how the funds for the last five years sent to counties have been managed. The institutions of governance in this country are weak, inept or totally unable to function. We have many institutions of governance; oversight from the assemblies, oversight in the Senate, Office of the Director of Public Prosecutions (DPP), Office of the Director of Criminal Investigations (DCI) and above all, we have the Office of the Auditor-General and the Ethics and Anti-Corruption Commission (EACC). However, all these governance institutions are unable to arrest the misapplication and pilfering of public funds to the extent that you find in certain counties, programmes that reflect in the books are non-existent on the ground.

Today, I was amused to see the EACC naming two or so counties as the most corrupt with no corresponding statistics to show that; these being the most corrupt, they have arrested and prosecuted this number of people for these specified offences of corruption for us to call them so. When you look at the performance of the counties being called most corrupt, they are performing better than the ones that are left out. You wonder what criteria are being used.

Madam Temporary Speaker, back to the Bill, I would like to point out the issue of leasing of equipment. The contract for leasing of equipment to our hospitals was tabled in this House in the last Parliament. I think my brother, Sen. Hargura, who was in that House, can remember. This was a contract for a fixed period running for seven years. The figure for repayment had been pegged at about Kshs4.6 or Kshs4.7 billion; I am not exact on the figures. How has this figure moved to over Kshs9 billion? Are we repaying the debt so that we can finish paying for it earlier, or has something happened?

I do not know of any debtor who would rush to pay a debt when they can use the funds on something else, more-so when it is a fixed payment period. We, therefore, need a proper explanation on how the cost for this equipment leased for hospitals shot up from Kshs5.4 billion to Kshs9.4 billion, almost doubling. What are we paying for? I remember that documents tabled in this House indicated that we are leasing things that are not leasable at all; they are all in the bandwagon.

Madam Temporary Speaker, healthcare is a major challenge in this country. Those Members who frequent their constituencies know that apart from challenges of security, most of the issues brought to Members by their constituents are issues of education and health. People are unable to pay their bills in hospitals; some even have bodies of their loved ones detained by hospitals because they cannot afford to pay; people are dying of very preventable diseases, and so on, and so forth.

We, therefore, want to see the funds allocated to the health sector serving the people of Kenya properly. We do not want a situation where leased equipment is lying in containers in certain counties and we are still paying for it. I want the Senate Committee on Health to bring a report here telling us of how many counties have received the leased equipment, how many have been installed, commissioned and are functioning. This is so that we know whether we are getting value for our money or whether money is just being given away on issues that are not particularly helpful.

Equally important, Madam Temporary Speaker, is the question of agriculture, which is a fully devolved function. However, increasingly there is a claw-back, where more money is kept at the centre rather than going to the counties. Even if we obligated

counties to adhere to the Maputo Protocol of giving a minimum of 10 per cent of their budget to agriculture, with the amount of money that counties receive, they will not be able to do that; yet money for agricultural subsidies in terms of fertilizer and other things is still retained at the centre.

Even if this money was sent to counties as conditional grants, if we are talking about security, strategic grain reserves or good nutrition, we must realize that food is produced in the counties. You will find that in the counties that are endowed with good rainfall and which ought to be supported in terms of farm inputs; the subsidized fertilizer usually arrives after planting and weeding. The farmer, therefore, ends up not utilizing it. This issue should be addressed.

Madam Temporary Speaker, there was an issue that was brought to our Committee about building two new referral hospitals in each county. This flies in the face of logic because health facilities are built for the people and two referral facilities cannot just be irrationally built in each county. These facilities must be built in accordance with the population in each county.

For instance, Nairobi County with 3.5 million people, Kiambu County with more than a million people and Bungoma County with more than a million people are, certainly, in terms of equity, not at par with our sister counties probably of Lamu or Isiolo, which have less than a 100,000 people. This is illogical. If you want to give counties health facilities, give them where the population pressure is heavy, where the existing facilities are inadequate and need to be expanded.

I am not saying that other counties should not have facilities. However, where population is smaller, they should get facilities that are commensurate with serving that population. That way, the logic of equity will be more evident than what we are trying to do.

Madam Temporary Speaker, we have seen the re-classification of roads. Now, Class D roads have been lifted from counties to the national Government. That notwithstanding, there are many areas in this country where roads need to be opened up, classified, graded and paved so as to make it easy communication. In Bungoma County, for example, areas like Mt. Elgon with serious security challenges, has even bigger challenges in communication. This is because for you to move from Point A to B, which may be just about 10 kilometres, you have to detour and make a trip of more than 50 kilometres to reach where you want to go. We would want to see resources being channeled to these areas, so that they can open up and spur economic growth.

The public debt in this country has become unbearable. More importantly, when you charge your national revenues, the first charge is public debt. Now, one expects that this House and the National Assembly have to interrogate this public debt. How has it been incurred and how does it spread across the country to benefit everybody? How does an El Molo person in Loiyangalani, who pays taxes every time they buy kerosene, salt, matchboxes and so on, benefit from the grandiose programmes that we have in areas that do not benefit them?

We cannot put up the Standard Gauge Railway (SGR) everywhere. Likewise, we cannot put up a Thika Super Highway in every county. However, when a huge sum of resources will benefit specific areas and exclude others, how do you compensate those areas? People in Loiyangalani may not be looking for a super highway, but they are looking for water, schools and security. Even those, they do not get. How do we

compensate them so that their contribution towards the management and payment of the public debt is also worth their while as Kenyans? This is something that needs to be addressed as we look at this Bill.

Madam Temporary Speaker, there has been a figure allocated to capacity building. Capacity building is very relative. One time we went to Israel and visited an agricultural institute. The Director asked us: "For how long do you, in your country, build capacity? When the first delegation from Kenya came to this institution, I was an intern. Now, I am an MD, having grown through the ranks and Kenyans are still coming here for capacity building. Surely, can those who came earlier not go and build capacity at home?"

I thought that the young man, who people thought was rude, was very candid with us. This is because we continuously train on what we have trained, without evaluation and efficacy of what we have gotten out of it and all this is a waste of public funds. If you look at the counties one of the weakest areas is financial management. However, you will find that they make trips to all manner of places benchmarking on this and that, but nobody is talking about capacity building on financial management as a top priority.

This is where the rain started beating us. We started devolution and imposed on counties, structures of defunct county councils that did not have the wherewithal of managing huge sums of money. Assets of the defunct county councils cannot be fully accounted for in many counties. Accountability is still a serious challenge. We want to see that the issues of accountability that are at the rock bottom of managing of public funds are addressed in this capacity building.

Equally important is the ping pong between the office of the Controller of Budget, the Treasury and the counties. There is absolutely no reason or justification, four months to the end of the financial year, to be told that some counties have been given a disbursement of only 33 per cent of their national annual allocation. Counties should not be micromanaged. They should be held to account for the money they get so that when you are sending 20 per cent of Kiambu or Nairobi City counties' allocation also send 20 per cent of Uasin Gishu, Marsabit or Mombasa counties' allocation and hold them to account.

Some counties are slow in the procurement process because of the complications in the law. Some counties do not have sufficient capacity of contractors to do their roads. That does not mean that they cannot do their roads. Let the money be there and hold them to account. We cannot be saying that we will not send money to Marsabit County because their credit balance has Kshs10 billion. That Kshs10 billion is sitting in the account because it has to pay contractors who have not met the obligations of meeting the expected demands within the contract. Send them their money and make sure the money is put to good use.

Madam Temporary Speaker, I heard Sen. Cheruiyot speak to the issue of local revenue collection. Local revenue collection should not be used as a means or an excuse to deny counties national revenue share because this is their entitlement. The philosophy about local revenue collection is that when you collect more revenue as a county then you have a broader and better opportunity to develop faster than those who do not collect good revenue.

While counties are obligated to send the money to the accounts at the Central Bank of Kenya (CBK), the money they collect is exclusively theirs. If you collect more,

you will pave more roads, provide more water and improve your health facilities. We cannot say that because county (a) is collecting more money as local revenue, therefore, its share of the national cake should diminish. That defeats logic. The share of the national revenues must be given in accordance with the formulae approved by this House and counties be encouraged to collect more revenue.

I learnt with a lot of satisfaction recently about the new Governor for Kiambu County. I do not know whether it is true or not that the revenue collection that he has put in place is shifting gears from a collection of Kshs800 million to Kshs2.5 billion. If that is true then that is extremely encouraging. I would want to see that other counties do the same by improving the automation of revenue collection, but more importantly, make sure that this money they collect from individuals in the counties is ploughed back for the benefit of the counties. We want to see good schools, good health centres, water and all the facilities that are required.

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

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, I see a lot of interest on this. It is important that you know it will still be on the Order Paper tomorrow for those who may not have an opportunity today.

Proceed, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Madam Temporary Speaker, for giving me this opportunity. I rise to support the Division of Revenue Bill (National Assembly Bills No.7 of 2018). As I support, I want to make comments on about three areas.

First, it is the issue of county governments' equitable share which has risen by a small margin of 4 per cent. I believe we could do better because the development that has taken place over the past five years has not given us the impact that we were looking for when we were clamouring for devolution.

If we increase the revenue, we will realise more development. The Constitution of Kenya 2010 came about as a realisation that unless we reach the people in development, we will not move forward as a country. The Constitution of Kenya 2010 has emphasised on grassroots development and people making decisions on what they want done.

Although this was negotiated in the Intergovernmental Budget and Economic Council (IBEC), I would encourage that in future, we need to find space for our Senate Committee on Finance and Budget in IBEC. This will help us to negotiate from that point since it is the beginning. Nonetheless, I support the move to increase the 4 per cent. My areas of contribution will be concentrating more on the additional Conditional Allocation to county governments, which I think has moved very well.

Madam Temporary Speaker, I would like to touch on the issue of additional Conditional Allocation for Rehabilitation of Youth Polytechnics, which is Ksh2billion. In the write-up, this is the second year of allocation. I agree with my colleagues who have spoken earlier, that, however much we release funding to county governments, unless we have a structured way of oversight, we may just be releasing money without realizing exactly what has been done.

Although I support that there is need for rehabilitation of the youth polytechnics, especially as we look forward to increasing our technical staff towards Vision 2030, it is very important that we look back and ask ourselves what exactly the first year allocation did. Hence, the importance of this Senate which has a role of doing oversight.

Oversight is a very noble task and should be accepted, not only by the Legislature, but also the Executive. Our governors must come to the realisation that even a need to have an internal audit in any organisation is to enable it have prudent management of its resources. Therefore, having a Senate to do oversight is extremely important so that we check ourselves and ensure that we keep looking back and forward, even as we allocate resources for these noble tasks.

When it comes to the issue of youth polytechnics, the question that arises is that this is for equipping technical and vocational centres as well as capitation for students. I support the capitation for students because unless you support them and fees is paid for them, it is very difficult for parents to pay. Most parents are concentrating on secondary schools and until we realise a fully free secondary school education, parents will ignore these youths who have completed secondary or even primary school and have no otherwise but to go to these technical and vocational training centres.

When I look at Uasin Gishu as a county, the distribution of the youth polytechnics is so erratic that if we concentrate on equipping those which are already built, then we are going to have a problem with sub-counties that do not have youth polytechnics to begin with. Therefore, it is very important that we again relook at how this funding can be used.

In future, it is very important that this allocation should be not only for rehabilitation of existing youth polytechnics, but we need to look at those which do not exist. We have sub-counties in this county that do not have a single youth polytechnic. It is so important that we take stock of what we have first and see whether rehabilitation is the word we should be using or we should be enhancing and increasing the number of polytechnics to spread them all over the county.

In Uasin Gishu county---

(Sen. (Prof.) Kamar's microphone went off)

The Temporary Speaker (Sen. Nyamunga): I am sorry, Sen. (Prof.) Kamar. Tomorrow you will have fourteen minutes to continue with your contribution.

ADJOURNMENT

The Temporary Speaker (Sen. Nyamunga): Hon. Senators it is now 6.30p.m; time to interrupt the business of the Senate. The Senate stands adjourned until tomorrow, Wednesday, 28th March, 2018 at 2.30p.m.

The Senate rose at 6.30.p.m