

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 21st June, 2018

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

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

PRAYER

MESSAGE FROM THE NATIONAL ASSEMBLY

APPROVAL OF THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 11 OF 2018)

The Speaker (Hon. Lusaka): Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order 41 (3) and (4), I received the following message from the Speaker of the National Assembly regarding the approval of the County Allocation of Revenue Bill (Senate Bills No. 11 of 2018).

“WHEREAS, the County Allocation of Revenue Bill (Senate Bills No. 11 of 2018) was published vide Kenya Gazette Supplement No. 39 of 13th March 2018 as a special Bill concerning county governments to provide for the equitable allocation of revenue raised nationally among the county governments for the financial year 2018/2019 and the responsibilities of the national and county governments pursuant to such allocation;

WHEREAS, the said Bill was passed by the Senate on Wednesday, 30th March 2018 after public participation and referred to the National Assembly for consideration;

AND WHEREAS, the National Assembly also passed the said Bill on Wednesday, 20th June 2018, without amendments and in the form passed by the Senate;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Hon. Senators, Article 110 (5) of the Constitution provides that:

“If both Houses pass the Bill in the same form, the Speaker of the House in which the Bill originated shall within seven days, refer the Bill to the President for Assent”.

Hon. Senators, in this regard, I will process the Bill and present it to His Excellency the President for Assent.

I thank you.

POINT OF ORDER**SUBSTITUTION OF ALLEGATIONS MADE BY SEN. (DR.) KABAKA
ON ILLEGAL IMPORTATION OF SUGAR**

Sen. (Dr.) Kabaka: Mr. Speaker, Sir, thank you for giving me this opportunity. Yesterday, we agreed that I would get the earliest opportunity today to put the record clear on what I said.

Yesterday, in my defence, the Senate Minority Leader, Sen. James Orengo, was very clear that what I said was cited or quoted verbatim in the HANSARD report and I now have an extract of the same. I have one copy of the yesterday's HANSARD report, 20th June, 2018. On page no.15 of the report in the second paragraph, this is how what I said has been reported;

“I hear that this man known as Rai is connected to His Excellency the President of the Republic. Mr. President, please, listen; if you are doing business with Rai disclose it to Kenyans. Otherwise, we will be going round in circles; making commissions---”

Mr. Speaker, Sir, the interpretation of the import of the statement that I issued yesterday is in plain and clear English unless those who want to attack---

(Loud consultations)

Mr. Speaker, Sir, should I proceed?

The Speaker (Hon. Lusaka): Please proceed, Sen. (Dr.) Kabaka.

Sen. (Dr.) Kabaka: Mr. Speaker, Sir, the statement that I issued yesterday is in plain and clear English. It is very clear that what I gave is not a statement of fact, as it were. Therefore, there is nothing to substantiate to that extent.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Dullo?

Sen. Dullo: On a point of order, Mr. Speaker, Sir. You gave a ruling on this particular point yesterday. You made a ruling that the Senator should substantiate. He is, therefore, going against your ruling.

Is he in order?

Sen. Wetangula: On a point of order, Mr. Speaker, Sir. In this House, like in any other House, nothing is cast in stone. In the melee of the debate yesterday, you directed the Member to substantiate. Sen. Orengo and I drew the attention of the Chair to the fact that we are going to look at the HANSARD to see and appreciate exactly what the Senator said. Indeed, as the Chair, the proceedings and the rulings of this House and the presiding over proceedings by the Chair is dynamic.

Mr. Speaker, Sir, if you read a book by the former Clerk of Parliament, Mr. Patrick Gichohi, he says:-

“The Speaker has the right to change and alter or vary any ruling upon being shown evidence that the ruling may have been done without appreciating the facts placed before the House.”

I stand here to argue the case for Sen. (Dr.) Kabaka when you will give me time after he has finished. We cannot just be in a straight jacket and in a closet and say that because the Speaker said, it must be done. The Speaker runs this House on the basis of precedence, rules, practices, usages and standing orders which allow the Speaker---

(Loud consultations)

The Speaker (Hon. Lusaka): Let him finish. He is on a point of order.

Sen. Wetangula: Mr. Speaker, Sir, I urge the distinguished lady Senator from Isiolo County not to wail louder than the bereaved, but to listen to us.

Mr. Speaker, Sir, I urge you to listen to our case and you will find that you will in fact be doing this country and the President a great favour by not engaging in short-fuse conduct but seeing things in the context within which they were made. We are going to convince you that way if you give us the time.

Sen. Dullo: On a point of order, Mr. Speaker, Sir, I have said it before and I will say it again. You made a ruling and until you change that position, the argument that is presented by Sen. Wetangula does not stand. It is also not right for him to speak for you. He is out of order.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, we have an obligation as a House to guide you so that you make a favourable ruling.

Secondly, I am not aware of any principle of law where any ruling is cast in stone and cannot be reviewed. I am persuaded that when you gave the ruling yesterday, you did not have the benefit of the HANSARD. Therefore, in that regard, Sen. "Daudi" Kabaka has a right to bring to your attention what is in the record of the Senate so that you can determine under Standing Order No. 94 whether the Senator made a statement of fact which he alleges to be true. You must make that finding so that the statement of fact, its accuracy which he claims to be true, can then be substantiated.

Mr. Speaker, Sir, the statement on record by my good friend and neighbour will not stand in a court of law. Nobody would even allow you. This is a House of record. We are like the High Court. The statement he made reads:-

"My point here is that there is a man known as Rai. I do not know who he is---,"

Who is that? Sen. (Dr.) Kabaka does not know who he is. He names a person who he does not know. What did you ask him to substantiate about that fact?

"---but he is an Asian, and I am sorry. I am saying so because a lot of this sugar was found in his warehouse. I hear that this man known as Rai is connected"
What are you asking him to substantiate when he says that he hears. Under the law of evidence, this is what is called hearsay.

Mr. Speaker, Sir, I am persuaded that you must withdraw your ruling.

(Laughter)

Sorry, not withdraw but review your ruling. This gentleman said he did not know what he was saying and he did not have any accuracy. In fact, if you ask him to substantiate what he said, it is to substantiate what he heard; to substantiate a man called Rai who he cannot substantiate based on this unless he makes another statement other than this one.

Mr. Speaker, Sir, please review the order so that you release Sen. (Dr.) "Daudi" Kabaka from Standing Order no.94.

Sen. Haji: On a point of order, Mr. Speaker, Sir, I have a problem with the statement made by Sen. Wetangula while trying to argue on behalf of Sen. (Dr.) Kabaka. This is not a court of law. Therefore, we should---

(Laughter)

The Speaker (Hon. Lusaka): What is your point of order, Sen. Wetangula?

Sen. Wetangula: Mr. Speaker, Sir, before I pursue my point, I want to tell the distinguished colleague from Garissa County that sometimes this Chamber is *quasi-judicial*. When he is in trouble, I will argue for him as well.

The point I want to amplify was made by Sen. Mutula Kilonzo Jnr. These are the words that Sen. (Dr.) Kabaka used. The demand to substantiate must be predicated on Standing Order 94(1) that says:-

“A senator will be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.”

Mr. Speaker, Sir, if you look at the HANSARD, the distinguished Senator for Machakos County did not allege any facts. This is what he said:-

“I hear that this man known as Mr. Rai is connected to His Excellency the President. Mr. President, please, listen--

He is being exceedingly respectful to the Head of State.

“If you are doing business with Mr. Rai, disclose it to Kenyans.”

If the President is not doing any business with Mr. Rai, let the chips lie where they fell. It is as simple as that.

(Applause)

The Speaker (Hon. Lusaka): Order, Members! Hon. Members, we need to make progress. I have a copy of the HANSARD with me. It is true that Sen. (Dr.) Kabaka said, “If you are doing business.” However, if he goes ahead also to mention the President---.

I want to bring the attention of Sen. (Dr.) Kabaka to Standing Order No.90. If you want to discuss the conduct of the President, then you must bring a substantive Motion to this House to be discussed.

In that case, we rest the matter and proceed.

(Applause)

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

The Speaker (Hon. Lusaka): Sen. Dullo, what is your point of order?

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members! Sen. Dullo, I hope you are not challenging the ruling that I have made.

Sen. Dullo: Mr. Speaker, Sir, I am not challenging your ruling. However, with all due respect, what Sen. (Dr.) Kabaka needed to substantiate on is association of the President with one, Mr. Rai as a business partner. That was the substantiation and the rule that you made yesterday.

According to Standing Order 90, in all fairness, he has to substantiate.

The Speaker (Hon. Lusaka): order! Hon. Members, I have a copy of the HANSARD. I have looked at what was said and made a ruling cautioning Sen. (Dr.) Kabaka, that if he wants to discuss the conduct of the President, he brings a substantive Motion under Standing Order No.90.

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

The Speaker (Hon. Lusaka): Sen. Ndwiga, what is your point of order?

Sen. Ndwiga: Mr. Speaker, Sir, your ruling cannot be challenged. However, you need to guide this House because it cannot be a House where people come to spread rumours by saying that they “heard”. That is the shortcut to besmirching peoples’ names; that people will always stand here and say, “I heard some weird thing”.

It is not honourable at all for a Senator and Member of this House to stand here and tell us about what he heard. Supposing we also tell him what we hear about him?

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members. I made a ruling and I want to caution Members that the country is watching us. Let us, therefore, be careful and cautious about what we discuss and, of course, obeying the Constitution and our Standing Orders.

I have made a ruling on that. Let us make progress hon. Members.

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

The Speaker (Hon. Lusaka): What is your point of order?

Sen. Wambua: Mr. Speaker, Sir, many Senators in this House bring different strengths. I am a linguist by training. The word that was used by Sen. (Dr.) Kabaka was “if”---

The Speaker (Hon. Lusaka): Order, Member! I have made a ruling on that matter. Let us make progress. You know we are breaking our own rules because I have already made a ruling.

MESSAGE FROM THE NATIONAL ASSEMBLY

APPROVAL OF THE ENERGY BILL (NATIONAL ASSEMBLY BILLS NO.50 OF 2017)

Hon. Members, I wish to inform the Senate that pursuant to Standing Order No. 41(3) and (4), I have received the following message from the Speaker of the National Assembly regarding the approval of the Energy Bill (National Assembly Bills No.50 of 2017).

WHEREAS the Energy Bill (National Assembly Bills No.50 of 2017) was published vide Kenya Gazette Supplement No.194 of 29th December, 2017, as a Bill concerning county governments; proposing to *inter alia* consolidate the laws relating to energy to provide for the establishment of powers and functions of the energy sector entities, promotion of renewable energy exploration, recovery and commercial utilisation of geothermal energy, regulations of mainstream and downstream petroleum and coal activities, regulation, production, supply and use of electricity and other energy forms;

AND WHEREAS, the National Assembly considered and passed the said Bill on Thursday 21st June, 2018, with amendments in the form attached hereto; NOW THEREFORE, in accordance with the provisions of Article of 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Hon. Senators, pursuant to Standing Order 151 which requires that a Bill originating in the National Assembly be proceed with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order 133; I direct that the Bill be listed for First Reading when the Senate sits next.

I thank you.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF PUPILS/TEACHERS FROM KITUNDU, KITHUNGU DIVISION, MAKUENI COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kitundu, Kithungu Division in Mbooni Constituency, Makueni County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

The students comprise the top performers in the 2017 Kenya Certificate of Primary Education (KCPE) and best Class Eight performers in the 2018 from the division.

I thank you.

(Applause)

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir; the above students are from my ward. I requested them to come to the Senate as a way of congratulating them for being the best performers and being admitted to the national Schools. It is also a way of encouraging the current students in Class Eight to do well. These are the best performers that we have. They are on midterm. This is a treat from their Senator for doing very well.

(Applause)

I thought the best thing I could do is show them what we do as their leaders. I take pride that they have come to visit us. I welcome them and I hope they have learnt a lot in Parliament today.

The Speaker (Hon. Lusaka): Let us have Sen. (Prof.) Ongeru Samson.

Sen. (Prof.) Ongeru: Thank you, Mr. Speaker, Sir. In the same vein, I take this opportunity as a former Minister for Education to congratulate these students who have a great deal of performance to be able to transcend beyond the competitive nature of their

examination and shining as the best example of our output in our educational system. They represent the best.

I want to wish them well. The future belongs to them and they should look around at what stands as a good lesson for them to pick from the society and from the environment within which they operate.

Obviously, the most important thing is decorum and order. You can already see that when the Speaker in this House says "Order," we all sit down; we do not argue with the Speaker.

I wish you well.

The Speaker (Hon. Lusaka): Proceed, Sen. Haji.

Sen. Haji: Thank you, Mr. Speaker, Sir. I join my colleagues in welcoming these students, who have performed exemplarily. I also thank the teachers who made them pass their examinations.

I want to tell you, young people, that you have one of the best Senators. On Tuesday, I was travelling on a plane from Garissa, and it could not land at Wilson Airport. It got diverted to Jomo Kenyatta International Airport (JKIA). I, therefore, had to take a taxi, and it happened that the taxi driver was a Kamba. I asked him about Kamba leaders and finally, I told him that the future leader of the Kamba will be Sen. Mutula Kilonzo Jnr.

(Laughter)

So, take that message to your people back at home.

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me an opportunity to join you in welcoming the students from Makueni County, who have come to be in this House.

Mr. Speaker, Sir, the teachers and students from the school have done a commendable job. The teachers' work is not in vain; the fact that they have planted a seed and have decided to bring their students here, the students are going to watch us and see how we are going to debate national issues. Given that they will become future leaders, this is a plus for this nation, because they are going to be strong leaders. In future, they will flash back on the day when they visited Parliament and saw Senators and their leader, Sen. Mutula Kilonzo Jnr., representing them and the nation. Consequently, they are going to do the same.

Mr. Speaker, Sir, I welcome them and thank the teachers for making it possible to bring the children to watch us, as we talk about pertinent issues of this nation.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Proceed, Sen. Pareno.

Sen. Pareno: Thank you, Mr. Speaker, Sir. I rise to welcome the students from Mbooni in Makueni County. We have a leader in your Senator, Sen. Mutula Kilonzo Jnr. He is our leader at the National Super Alliance (NASA) Coalition and a leader in this House by right. I can see that he is leading by example by bringing the best of the students to come see what we do here. More of us will also do the same. I can assure you that if you go by his example, we will see more of you in Parliament in the future.

Therefore, welcome and feel free to learn from this House.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Speaker, Sir. I also join my colleagues in congratulating students from Kitundu Ward of Mbooni Constituency for finding time to visit this House to follow the proceedings of the Senate.

Mr. Speaker, Sir, I encourage the students that the future is bright and the sky is not even the limit for them. Therefore, as they follow proceedings of the Senate, I wish that this will be a learning experience for them, so that as many of them as possible will be inspired and will, one day, represent their people in different capacities. I thank your teachers for their efforts and congratulate each of these students for doing so well in the national examinations.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Kabaka.

Sen. (Dr.) Kabaka: Thank you, Mr. Speaker, Sir. Let me join my colleagues – especially the Senator for Makueni County, who happens to be my neighbour – to congratulate the students from Makueni.

Mr. Speaker, Sir, these students should know that I am a living testimony, because the first time I entered the National Assembly, I was in standard six sometime back in late 1970s. I vowed that I will fight hard until I join Parliament one day. The second time I entered Parliament or rather the Senate here now, is when I became Senator. Therefore, what you are doing is not a far-fetched dream. You will achieve it.

God bless you.

Asante.

The Speaker (Hon. Lusaka): Proceed, Sen. Haji Farhiya.

Sen. Farhiya: Thank you, Mr. Speaker, Sir. I also welcome the students from Mbooni.

Mr. Speaker, Sir, I congratulate them, first of all, for being the best students in Makueni County; however, that is just the beginning. You still have to beat everyone in this country. As the world is becoming a global village, you need to compete with the world and be the winners and leaders for this country.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Proceed, Sen. Amos Wako.

Sen. Wako: Thank you, Mr. Speaker, Sir. I welcome you to the Senate and congratulate you for coming here. Even more so, I congratulate the Senator for Makueni County for enabling you to come here.

I understand that two of you may be students at “The” Alliance High School, where I also schooled. If you look at who the school captain was in 1965, you will see my name somewhere there. If you are in Dormitory 11, you will also see my name, as a prefect there. Alliance High School, of course, tops everything. However, for those who are in national schools, a national school is a national school, and I congratulate you.

Makueni County has produced good leaders and that is why I am confident that you will also continue the good---

The Speaker (Hon. Lusaka): Sen. Wako, address the Chair.

(Laughter)

Proceed.

Sen. Wako: Thank you, Mr. Speaker, Sir. I am so moved by this brilliant team which has come here. You are in national schools, including Alliance High School, which is where I was focusing.

Mr. Speaker, Sir, Makueni County has produced very good leaders, for example, the late Sen. Mutula Kilonzo, his son Sen. Mutula Kilonzo Jnr. and even Governor Charity Ngilu, who originate from Makueni County. Mr. Andrew Mulei, the former Governor of the Central Bank of Kenya (CBK), also originates from Makueni County. Makueni County has, therefore, produced good leaders who have led this country well. I am sure that you will be following in their footsteps and that you will even do even better that they have done.

Therefore, welcome.

The Speaker (Hon. Lusaka): Next Order!

(Sen. Wako spoke off record)

You are off record, Sen. Wako.

PETITIONS

OPERATIONS OF KAREBE GOLD MINING LIMITED

The Speaker (Hon. Lusaka): Proceed, Sen. Samson Cherargei. He is not here so we defer the Petition.

(Petition deferred)

The Speaker (Hon. Lusaka): Proceed, Chairperson of the Standing Committee on Lands, Environment and Natural Resources.

Sen. Mwangi: Mr. Speaker, Sir, I beg to lay the following Petition Reports on the Table of the Senate today, Thursday 21st June, 2018:

REPORT ON PETITION: OPERATIONALIZATION OF THE WILDLIFE CONSERVATION MANAGEMENT ACT 2013

Report of the Standing Committee on Lands, Environment and Natural Resources on a Petition regarding the operationalization of the Wildlife Conservation Management Act, 2013, by the Chairperson of the County Wildlife Conservation and Compensation Committee.

REPORT ON PETITION: PROPOSED MITUBIRI SANITARY LANDFILL PROJECT

Report of the Standing Committee on Lands, Environment and Natural Resources on a Petition by residents of Murang'a County on the proposed Mitubiri Sanitary Landfill Project.

REPORT ON PETITION: ENACTMENT OF SINGLE LEGISLATION
ON MANAGEMENT OF WATER RESOURCES AND
RIPARIAN ZONES IN KENYA

Report of the Standing Committee on Lands, Environment and Natural Resources on a Petition to the Senate for enactment of a single legislation on the protection and sustainable management of water resources and riparian zones in Kenya.

(Sen. Mwangi laid the documents on the Table)

The Speaker (Hon. Lusaka): Sen. M. Kajwang', what is your intervention?

Sen. M. Kajwang': On a point of order, Mr. Speaker, Sir. The Chairperson of the Standing Committee on Lands, Environment and Natural Resources has laid several Reports on the Table, which are in response to Petitions to this House.

First of all, if you allow me, I wish to congratulate the Chairperson for bringing back a report to this House because many petitions have been unaddressed whenever they go to the Committees. It is within your discretion to allow debate on a petition within a limited duration. May I beg that since these petitions raised very weighty issues and the Reports shall be conveyed to the Petitioners, you allow limited debate on these petitions and the Chairperson to give us highlights of the recommendations they are making to the petitioners.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. M. Kajwang', whereas I appreciate what you are saying as per the Standing Orders, when I looked at my screen there was no interest from anybody to speak. So, as the Speaker, I cannot just pick Members to make comments involuntarily.

Yes, Sen. M. Kajwang'.

Sen. M. Kajwang': Mr. Speaker, Sir, I appreciate that particular limitation. The fact that the reports have been laid on the Table, it means that Members have not---

Sen. Khaniri: On a point of order, Mr. Speaker, Sir. I want to bring to your attention the provisions of Standing Order 226 (2) and inform Sen. M. Kajwang' that he is misleading the House. It is only when a petition is being presented that the Speaker has the discretion of allowing debate.

The Standing Order 226(2) is very explicit that:-

“Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed---

Hon. Senators: But?

Sen. Khaniri: “but the Speaker may”--- I stand corrected, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Thank you. However, since I did not see any interest---

Sen. M. Kajwang', what do you want to say?

Sen. M. Kajwang': Mr. Speaker, Sir, I am sure sufficient interest would have been generated if the Chairperson could have given highlights. I know that, that particular

Standing Order does not allow the Chairperson to get into details of the findings. However, with your leave, if you were to direct the Chairperson to give a five-minute highlight of the recommendations, I am sure that it shall generate some interest from Members. This is because when these petitions were brought to this House, there was very high interest in them. I am sure that Members would want to know what has been recommended.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Chairperson, are you able to give some highlights on the reports on petitions that you have brought forward?

Sen. Mwangi: Yes, Mr. Speaker, Sir. I can give highlights.

(Sen. Mwangi perused documents)

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir. The Chairperson of the Standing Committee on Lands, Environment and Natural Resources is not ready. He was not ready to make a comment or highlight. So that we can move quickly, would it be in order for me to suggest that we move to the next Order, in order to allow him to study the highlights, so the Members who have Statements can read them. If he rushes to make the highlights, we may not contribute. We also do not want the Chairperson to shuffle papers the way he is doing.

(Laughter)

The Speaker (Hon. Lusaka): The Chairperson, can you confirm that you are ready to make highlights?

Sen. Mwangi: Mr. Speaker, Sir, I said that I am ready. I do not know why the Senator is speaking on my behalf.

The Speaker (Hon. Lusaka): Okay, proceed, Chairperson.

Sen. Mwangi: Mr. Speaker, Sir, one of the petitions was on the operationalisation of the provisions of the Wildlife Conservation and Management Act. Those concerned wanted to be paid honoraria---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members! Let us consult quietly.

Sen. Mwangi: Mr. Speaker, Sir, unfortunately, honoraria is not provided for. We talked with the Ministry of Environment and Forestry and they told us that they cannot do it because it is not within the law. The only provision they had was payment of allowances.

Mr. Speaker, Sir, the Ministry confirmed---

Sen. Kinyua: On a point of order, Mr. Speaker, Sir. The Chairperson is reading the Report, yet he had already tabled it. We can read the Report for ourselves.

Sen. Mwangi: Mr. Speaker, Sir, the hon. Senator did not even see what I was doing; I was addressing the House. I do not know how he assessed that I am reading. However---

The Speaker (Hon. Lusaka): Order, Member!

What is your point of order, Sen. (Dr.) Zani?

Sen. (Dr.) Zani: Mr. Speaker, Sir, would I be in order to suggest that, probably, this is something new that we are trying in the Senate and it is important. The next Chairperson of a Committee who shall make a presentation on a Petition should come ready with that Petition. Probably, we should have some version of it already in the Order Paper, so that we can contribute constructively. We will have time to go through the Report and identifying the gaps. We need our memories to be jogged. That might be a good idea.

What the Chairperson is doing and what Sen. M. Kajwang' suggested is quite commendable. However, we need to do it in a meaningful way. I propose that we could just push this as another Order and then we come prepared, so that we can do full justice to that Report that has been tabled.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Chairperson, can you do a quick summary with clarity without necessarily just reading the Report?

Sen. Mwangi: Mr. Speaker, Sir, I was not even reading, but making some small references, which is allowed when somebody is presenting a report.

I was interrupted at the point that the Ministry of Environment and Forestry told us that they will not pay honoraria because it is not provided for in law. The only thing that they could do is to pay allowances. They told us that they had paid all the allowances and have nothing left to pay. We concluded the Report, considering that the Ministry had paid what it was supposed to pay.

On the Mitubiri Sanitary Landfill Project, the County Government of Murang'a was not interested to pursue that issue. When we talked to the Ministry of Transport, Infrastructure, Housing and Urban Development, they said that it was supposed to be concluded by Murang'a County Government. Therefore, we could not have gone further. We decided to terminate the Petition at that point, but we had a lot of other evidence. We decided to write the Report and submit it to this House.

Mr. Speaker, Sir there is not much to say about the two petitions, that is what transpired when we were doing our investigation.

The Speaker (Hon. Lusaka): Next order!

PAPERS LAID

REPORT ON THE PUBLIC PARTICIPATION BILL, 2018

The Speaker (Hon. Lusaka): Yes, Chairperson Standing Committee on Justice, Legal Affairs and Human Rights.

Sen. Linturi: Mr. Speaker, Sir, I beg to lay the following Paper on the table of the Senate today, Thursday, 21st June, 2018.

This is a report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Public Participation Bill (Senates Bills No.4 of 2018)

(Sen. Linturi laid the document on the table)

The Speaker (Hon. Lusaka): Report on the 138th Assembly of the Inter-Parliamentary Union (IPU) to be presented by Sen. Wambua.

REPORT OF THE 138TH ASSEMBLY OF IPU
AND RELATED MEETINGS

Sen. Wambua: Mr. Speaker, Sir, I beg to lay the following Paper on the table of the Senate today, Thursday, 21st June, 2018.

A Report of the 138th Assembly of the Inter-Parliamentary Union and related meetings held in Geneva, Switzerland between the 22nd and 28th March, 2018.

(Sen. Wambua laid the document on the table.)

The Speaker (Hon. Lusaka): Yes, Sen (Dr.) Zani.

REPORT ON THE WOMEN POLITICAL LEADERS
GLOBAL SUMMIT

Sen. (Dr.) Zani: Mr. Speaker, Sir, I beg to lay the following Paper on the table of the Senate today, Thursday, 21st June, 2018.

The report of the women political leaders global summit held in Vilnius Lithuania from 6th to 8th June, 2018.

(Sen. (Dr.) Zani laid the document on the table.)

The Speaker (Hon. Lusaka): Next order!

NOTICES OF MOTIONS

The Speaker (Hon. Lusaka): Yes, Sen. Kinyua.

PAYMENT OF HONORARIUM AND PENSION TO
FORMER COUNCILORS

Sen. Kinyua: Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, AWARE that National Forum of Former Councilors petitioned the Senate regarding the need for legislative interventions to address the plight and welfare of former Councilors;

FURTHER AWARE that the Senate Standing Committee on Labour and Social Welfare considered the Petition and tabled its report on Tuesday, 16th February, 2016;

ACKNOWLEDGING that the Committee's report on the Petition made five recommendations among them that-

1. a one-off honorarium of Kshs1.5 Million be paid to former councilors who served a minimum of one term since independence; and

2. monthly pension of at least Kshs30,000 be paid to former councilors.

APPRECIATING that the recommendations were based on the fact that former Councilors did not receive fixed emoluments and experienced disparities with regard to access to pension services and terms and conditions of pension schemes over the years, which made it difficult to fairly and equitably determine each councilor's rightful benefits retrospectively;

CONCERNED that the State Department for Social Services and Security, State Department for Devolution and the National Treasury have to date not implemented the Committee's recommendations on the Petition;

NOW THEREFORE, the Senate calls upon the Principal Secretaries to the said State Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

USE OF SIGNING EXACT ENGLISH (SEE) TO INSTRUCT
LEARNERS WITH HEARING IMPAIRMENT

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

AWARE that Article 43 (f) of the Constitution stipulates that every person has a right to education;

FURTHER AWARE that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the parties undertook to ensure that persons with disabilities are not excluded from the general education system and that the education of persons, in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

ACKNOWLEDGING that hearing-impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English;

COGNIZANT that hearing-impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

NOW THEREFORE, the Senate calls upon the Ministry of Education to-

1. ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;

2. develop SEE instructional materials for learners with hearing impairment;

3. work with linguists and researchers to develop sign language resources; and
4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

I thank you.

The Speaker (Hon. Lusaka): Yes, Sen. Wambua.

ADOPTION OF REPORT OF THE 138TH ASSEMBLY
OF IPU AND RELATED MEETINGS

Sen. Wambua: Mr. Speaker, Sir, I beg to give Notice of the following Motion:

THAT, this House notes the Report of the 138th Assembly of the Inter – Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22nd – 28th March, 2018 laid on the Table of the Senate on Thursday, 21st June, 2018.

The Speaker (Hon. Lusaka): Next Order!

STATEMENTS

MANAGEMENT OF THE HEALTH SECTOR
IN THE COUNTRY

Sen. Khaniri: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.46(2)(a), to make a statement on a matter of general topical concern; that is the management of health sector in the country.

In the last five years since 2013, the Ministry of Health has been shrouded in corruption, mismanagement, obvious waste and disorganization in the management of public health.

The First Schedule of the Constitution outlines the distribution of functions between the national and County governments. Accordingly, health is a devolved function. In the Schedule, the National Government is tasked with the development of health policies and, management of National Referral health facilities.

However, this has not been the case in practice as the national Government has continually bullied the counties into signing questionable contracts. The major ones being the managed Equipment Service Contract, procurement of mobile clinics and, most recently, the hiring of Cuban doctors to serve in county hospitals.

Mr. Speaker, sir, as I give this statement, the most recent has not been revealed. A report is emerging that we may have lost Kshs7 billion in purchase of Computerized Axial Tomography scan machines.

It is important to examine the management of the health sector in the country in the last five years to get a better perspective of my concerns. On 10th February, 2016, I sought a Statement under the then Standing Order 45 (2) (b) regarding the status and distribution, management and operation of medical equipment sourced through the Managed Equipment Service (MES) project for all the 47 Counties. At that time, the

programme was shrouded in mistrust, dishonesty, high-handedness, accusations and counter-accusations.

I questioned the whole rationale of having one-size-fits-all approach towards the tendering, procurement and financing of the medical equipment regardless of the specific circumstances and needs in the specific county and ignoring the procurement structures in the devolved units. Four years after the implementation of the project forcefully in some counties, the Government cannot pinpoint the value for the money in the whole exercise.

It should be noted that in the response then, the Ministry of Health provided a vague answer that left much to be desired. So far, counties in totality have spent in excess of Kshs25 billion on the project yet most of the machines have remained unused to date. Some governors have come out to assert that in their counties, the machines have never been put to use because of either lack of the necessary enabling infrastructure or trained personnel or both. I hope the Senate Committee on Finance and Budget will provide more answers to the numerous questions on Kenyans' minds today concerning the Leasing of Medical Equipment Vote in the County Allocation of revenue Bill of 2018.

Then came the mobile clinic initiative that was meant to supply custom made containers to be used as mobile medical clinics in the counties. To date, despite the supplier having been paid fully, the mobile clinics are gathering dust and rust in Mombasa. Why this is happening, even the Ministry of Health cannot explain. The report to the effect that the mobile clinics market value is Kshs525 million yet the Government paid almost Kshs1 billion is depressing.

Kenyans were then treated to the longest industrial action of doctors and nurses in 2016/2017. Surprisingly, the Ministry of Health ignored this core function of providing policy guideline and timely resolutions of the strike. It is during that time that the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) leaders were arrested, sentenced and sent to prison while the real culprits plunder and execute corruption deals at the Afya House. During the time of the strike, in my county visits, I met and saw the real suffering that majority of Kenyans went through as Government hospitals were abandoned by doctors and nurses. This is inhumane to say the least.

However, devolution has worked in some areas with homegrown solutions to the local problems. For instance, in my neighbouring Kakamega County, the Oparanya Care has improved the general health of newborn babies and their mothers by providing stipend and ensuring a hundred per cent prenatal and postnatal clinic visits. Makueni County Government has also rolled out a universal healthcare programme which is now a benchmark for other counties. This shows that county governments have the potential to provide lasting homegrown solutions to their specific unique local problems, which is the actual essence of devolution.

The current arrangement between the Kenya Government and Cuba to have 120 doctors in Kenya for two years is a waste of resources; both human and financial. As it is the norm with the Ministry, the details of the contract are scanty and it is a one-size-fits-all. Verily, this might turn out to be another white elephant that will fail miserably.

How and why our country which is experiencing one of the highest unemployment rates in the region can offer jobs to expatriates at exorbitant salaries and other allowances yet thousands of our own trained doctors are unemployed is perplexing. I believe we need to employ specialists but they will only be effective in a proper, well equipped working environment and probably in the referral facilities.

The main reason given for failure of leased medical equipment is the lack of necessary infrastructure in terms of buildings, lack of trained personnel and lack of maintenance services. In reality, counties have wasted close to Kshs25 billion in this scheme. I call upon this House to step in and prevent the planned wastage.

I believe the Senate, the Council of Governors (CoG) and Members of County Assemblies (MCA) have given the national Government a leeway to first usurp the constitutional mandate of counties in managing the health sector and to disorganize and promote wastage of public funds in the name of improving healthcare services. We need to rethink the saga of wholesomely importing doctors from Cuba without consideration of all factors. It begs the question; why has the Government not made such arrangements for the three referral hospitals in the country?

The main grievances from the KMPDU during the numerous strikes in the past three years has been the poor working environment and poor pay; something that the Government is willing to freely offer the Cuban doctors.

Lastly, it is important to keep in mind the fact that currently, we are grappling with the largest budget in our history, which is also accompanied by huge unsustainable debts that accrue interest with each passing day, all of which are to be paid by the citizens of this country. It is unfair to continue appropriating for programmes and projects that do not offer any value for money for the millions of Kenyans. As a society, we are investing so much to educate our children and it is unfair to deny them the opportunity to work once they acquire the requisite skills and qualifications.

Mr. Speaker, Sir, I thank you.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I would like to congratulate the Senator for Vihiga, hon. George Khaniri, who is also a Commissioner, for a very well thought-out Statement. Health is an important sector and particularly for the Senate because we have a responsibility to intervene in areas that touch on counties, putting great focus on Part 2 of the Fourth Schedule of the Constitution. Health is integral just like agriculture and a few other sectors that have been devolved. Health is almost 90 per cent devolved to the counties except policy which still lies at the national level and the two referral hospitals.

I congratulate the Senator because he captured the vision and purpose for which health sector should be managed. I agree with him that the question of doctors from Cuba is such an important policy position. We laud the national Government and congratulate the President and the Ministry of Health for leading a team, including governors led by Gov. (Dr.) Kuti and Gov. (Prof.) Anyang'-Nyong'o, who went to Cuba to negotiate the deal to bring in the doctors to improve our health sector.

There is something that saddens me. Many major policy positions and decisions, particularly touching on counties, are being made without reference to this House. This House has never debated anything about any agreement on health; whether devolution of health function or the place of referral hospitals and Sen. Khaniri has captured that well.

I think governors have abdicated their responsibilities because the law is so clear that every decision that is to be made by the CoG on policy position must be debated in this House. A few weeks ago, I said that every policy decision that is made by the national Government touching on county functions; whether via agreement or law, it is must be brought to this House.

I was part and parcel of the people who drafted the Intergovernmental Relations Act and it is mandatory that this House debates those policy positions. I do not know how many Senators in this House – I have been asking my colleagues in this House whether they understand the details of what that arrangement is all about. I do not understand it and I do not know how many Senators understand.

In fact, I fault Sen. Khaniri for standing here and saying “Oparanya Care.” What is “Oparanya Care” when we all know of county governments and the national Government? We do not believe that there is “Malalah Care” and “Oparanya Care”. In this House, we only recognize county governments and the national Government. We do not believe that there is “Malalah Care” and “Oparanya Care”. We only believe that functions in the Fourth Schedule have been divided between two levels of government and must not be personalized to any individual. That is why this House must have a say in these policies.

Mr. Speaker, Sir, with utmost due respect to the President and the national Government and the Council of Governors, I hope that through the Statement of the Chairman of the Committee on Health, Sen. Khaniri, will do us a favour and summon the Cabinet Secretary in the national level; summon the Council of Governors including the Chair that is in charge of health so that they can shed light on what exactly this issue is about. Is it true that doctors from Cuba are being paid Kshs1 million?

I do not believe it is true; because it is not possible. It is not possible that a group of doctors are paid Kshs1 million in the same hospital with the same qualifications with those who were trained here and schooled abroad. I know many doctors in Kenya who went to University of Nairobi and Masters abroad in the United Kingdom, USA, Australia and China and have similar, if not better qualifications than those who came from outside.

I would never want to believe as a Senator in this House and the Majority Leader that it is possible that there are two sets of doctors in the same hospital with one being paid Kshs100,000 and the other Kshs1 million. I do not think that is possible and true. The only way we will be able to know the truth is if the Committee responsible for health---

Sen. (Dr.) Kabaka: On a point of order, Mr. Speaker, Sir. Is it in order for the Majority Leader to say that the President is paying Kshs1 million to the Cuban? Could he substantiate?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, Sen. (Dr.) Kabaka has a certain obsession with the President. I was told before I came here, he had made other wanting allegations. I do not want him to drag me to his side of arguments. I was very clear in my mind that I actually do not believe there is anyone being paid Kshs1 million vis-a-viz Kshs100,000. I will only believe when this House summons the necessary officers at the national and county level. Let us get the information on the table and end this madness.

We need to have a session with the governors. We must formalize everything that will happen between the national and county government. We want all summit decisions to be brought to this House in writing as is required by law.

Mr. Speaker Sir, almost three or four years ago, I complained in this House because I was the Chairman of the Committee on Devolution, that we never get through the devolution agreements under Inter-Governmental arrangements in this country

coming to this House. So, how are we able to debate and oversight key issues that we have not seen?

Governors come to complain to us and say: We agreed this about roads, health, this other sector, but the only way the Senate can oversight and protect counties and their governments is if those agreements are brought to this House and this House becomes the guarantor and the precedent in this House as required by law and this House becomes the guarantor because it is the leading constitutional institution that is in charge of Government relations.

Thank you, Mr. Speaker, Sir.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I wish to support the Statement given by Sen. Khaniri and commend him because Sen. Khaniri does a lot of research before he says anything or presents anything in the nature of a Statement like the one we have seen.

Before touching on the content of that Statement, I think we have got a bigger problem. I am also surprised that the Leader of Majority is talking the way he did. If he does not know, then who is supposed to know? We are beginning to get into a situation where the operations of the Senate are falling into question. The Government is becoming dysfunctional. If you heard what is happening in the other Chamber where Papers are being laid against those in the Government by the voice of Government in Parliament, then you begin to wonder whether there is a Government in place or not.

Yesterday Sen. Murkomen even mentioned the word “President”; Sen. (Dr.) Kabaka was almost torn apart. Today, we can see that Sen. (Dr.) Kabaka was quite right in his comments.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. I have heard from the Minority Leader, who is also my friend and my mentor. He is also very cunning. Is he in order to try to insinuate that the Majority Leader in this House who is in charge of the business of the Senate which overlooks counties and its governments should not say anything if the national Government is not doing something in regard to devolution?

Sen. Wako: On a point of order, Mr. Speaker, Sir. I heard the Leader of Majority, whom I respect, call the Leader of Majority after very nice superlatives, he slipped in the word “cunning”. He slipped in the word “cunning” in a very cunning way. Is he in order to use the word “cunning” when he is referring to his opposite Member?

Mr. Speaker: Proceed, Leader of Minority.

The Senate Minority Leader (Sen. Orengo): I will not make heavy weather from what Sen. Murkomen has said, particularly when he paraphrases his comments by saying I am his mentor. So, the use of the word “cunning”, I am sure that he is going to think about it twice now that the Attorney-General *emeritus* has talked about it.

Having said that, I think the problem is not just with the counties; the problem is with the national Government. The national Government should begin to realize that when there are functions which belong to the counties, if they want to make an intervention at the policy level, then the matter should be brought to the Senate for discussion. When the national Government decided to bring mobile clinics and equipment for the counties, they were brought without sufficient consultations.

Some of the counties tried to resist and they were called names and the Senate was not involved at all as to how the equipment was bought and under which

circumstances. I think what Sen. Khaniri has brought out here is lack of synergy between policies which are being made at the level of the Executive but without getting the sanction and approval of the Senate.

Mr. Speaker, Sir, I believe I am not a passenger in the Senate. When the Government decides to come up with a matter or a policy, although it may not require legislation, but matters of policy should be brought to the Senate for discussion and approval if necessary or even for comment. Most of the time, these decisions are made and the voice of the people through the Senate is never heard.

Therefore, this issue of the doctors is yet another example of what the Government is implementing. The national Government is trying to implement a policy decision and also make an Executive decision without consultations with the people's legislature.

Therefore, I hope that at the end of the day, this may go, but I think the suggestion which is being given by the Leader of Majority that we should have a committee of the Senate to look into this issue is a good suggestion. I think this may look all right now but down the line when problems arise, the matter will come back to us.

In conclusion, I just want to give an example. There was a time when, during the Moi Government, there was the "Dream Team". That Dream Team was supposed to resolve all problems which were facing the Executive at the national level. When the dream team came on board, the people in the public service who were in the higher echelons, but below the level of the dream team, said let them do the work. However, within a year, the dream team had collapsed.

Therefore, the Cuban doctors cannot resolve the health problems and deficits in the medical sector without our own local doctors. Let us have an honest conversation about the issues of the doctors *vis-a-vis* the needs of the common *mwananchi*.

I commend Sen. Khaniri for this Statement.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, two weeks ago, I sought a Statement here on what Sen. Khaniri has raised, but mine was on the medical equipment.

Last week, I had the privilege of visiting Makindu Trauma Centre. Makueni County has built a new hospital and has stocked part of the equipment that they received from the Government. I would like to urge my colleagues that when we go to Uasin Gishu County, we find an opportunity to visit Moi Teaching and Referral Hospital where this equipment is.

The equipment was donated to very few hospitals. However, counties are paying Kshs100 million for that equipment every year. They will continue paying that amount for seven years. With the recent increase that we made from Kshs4.5 billion to Kshs6.4 billion and from Kshs4.5 billion to Kshs9.4 billion, respectively, Makueni and every other county will pay Kshs200 million from this year for that equipment.

When I inquired about the extra amount of money which is equivalent to Kshs100 million from the Executive in charge of health, I was told that it is for Information and Communications Technology (ICT) infrastructure of the existing equipment.

Everything that the national Government is doing is clawing back on devolution. Our counties are paying Kshs200,000,000 in advance without question for this equipment. Universal health care will take away the function. My Statement was directed to my good Chairperson, Sen. (Eng.) Mahamud who together with the Sen. (Dr.) Mbiti, who chairs the Committee on Health. We must interrogate this issue.

I am happy that Makueni has two operation centres in one hospital. It has a very good machine that can clean equipment. It has a machine that can detect the bones that are being put on people who have broken theirs as well as examine whether they have been done properly. However, the cost of these machines is exaggerated. This is corruption. If we do not talk about it, nobody will and yet our counties are suffering.

The amount of money being deducted can be used for good service. In fact, my dear colleagues, if counties were allowed to do Public Private Partnership (PPP), possibly they would have saved a lot of money by purchasing the equipment themselves on need basis.

When Sen. Orenge says he is amazed by the revelation made by Sen. Murkomen, I am also amazed. I thought that he would be having more information than us because he spends time with the powers that be. He should know more than we do. Therefore, if he does not know, then who knows? It is sad that the Senate does not know. We see Sen. Murkomen as our institution for he is the Senate Majority Leader.

When we land in Eldoret, one of the things that we should do is visit Moi Teaching and Referral Hospital. We need to find out how many X-rays machines which are cleaning equipment are there in that hospital. We will get an opportunity to do a very basic interrogation. How much is the cost of one equipment? By the time we will be leaving Uasin Gishu County, we need to know how much they would have paid for the equipment.

Let us face this thing head on rather than waiting for mercury to get into our sugar, the Ngiritas to go to jail and the fertilizer to have mercury like I have learnt from the paper that I am holding.

This is one case where we can intervene before it becomes a very bad scandal.

Sen. (Dr.) Mbitio: Thank you, Mr. Speaker, Sir. First, I stand to support the Statement by Sen. Khaniri. I thank him for bringing up this important Statement which is a matter of national importance.

Health matters have gone to the dogs in this country. I want to agree with the Senate Majority Leader when he says that some policies are being pushed without involving us. We are being told about the Cuban doctors and medical equipment much later after a tendering procedure had been finalized and yet there is no improvement in the health situation in this country.

My Committee is currently handling a Petition from West Pokot County which is neighbouring my county. When I received it, I decided to first visit my county to see if things are okay because I knew my Committee would visit West Pokot County. However, when I went there, I was told that they get better medical services from West Pokot County. That revelation made me wonder what was happening in Trans Nzoia County. I wondered how the people of West Pokot were complaining about services in their hospitals.

After a few weeks, I received a copy of a Petition from my constituents which I handed over to the Clerk of the Senate. I do not know where it is, but it had very serious allegations of mismanagement of health in my county. I am sure that the Petition will get to you. It is dated 8th June, 2018.

Some of the things highlighted in it do not even need investigation. One of the things that they have talked about is ghost workers. They have given the name of a specific doctor who is working in Kisumu County. He earns a salary there and yet he is

on the payroll of Trans Nzoia County. A doctor informed me the said doctor who works in Kisumu was promoted last year. He was given arrears of over Kshs2 million for “working very hard” and yet he does not report on duty. That is something that does not even require an investigation. It is a criminal act; that doctor should be arrested and charged in a court of law.

I support Sen. Khaniri’s Statement. We, as a Senate, must call for a proper consultation. We need to sit down and discuss our role in leadership. Do we have to sit and then act when things go wrong, or should we not be the people to ensure that the right things are done?

Right now in Trans Nzoia, despite the fact that there are no medicines and surgical gloves in the hospital stores, Kshs142 million is being paid as advance payment to “tenderpreneurs” who are trying to build a hospital in Kitale. That hospital is nowhere near completion and it may be completed in maybe three or four years, yet here we are, paying more than Kshs140 million.

They are paying Kshs36 million today for medical gases which will be needed when the hospital starts functioning in two years’ time. The Kenya Medical Supplies Authority (KEMSA) is on record complaining that county governments have been collecting medicine from them but not for paying for them. For example, in Trans Nzoia County---

The Speaker (Hon. Lusaka): Hon. Senator, you will have to speed up your contribution.

Sen. (Dr.) Mbito: I stand guided, Mr. Speaker, Sir.

Trans Nzoia County owes KEMSA Kshs41 million. Therefore, instead of paying Kshs142 million to traders as advance payment – I do not know who allowed them to make this payment – why not use this money to pay their debt with KEMSA and get more supplies for the hospitals?

Therefore, instead of us, as the Senate, complaining, we should all agree on the way forward, because we seem to be powerless. All we do is wait for all these scandals to happen, maybe document them, recommend for their prosecution and then the matter rests there. Is that what we want to do, as a Senate?

With these few remarks, Mr. Speaker, Sir, I want to support the statement of my brother, Sen. Khaniri, and request that we sit down as a House and agree on what our role is in devolution.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senator, you are the Chairperson of the Standing Committee on Health and, therefore, that matter rests squarely in your court. You should spearhead that discussion that you have proposed.

Hon. Senators, I gave Sen. (Dr.) Mbito more time because he is the Chairperson of the Standing Committee on Health. I will now limit the debating time to two minutes.

Proceed, Sen. Cheruiyot.

Sen. Cheruiyot: Mr. Speaker, Sir. I start on a protest note. The people who speak for 20 minutes are always the first ones to tell us: “We want to go for division, please now give two minutes to the remaining Senators.” I find that to be completely unfair.

(Laughter and applause)

They know themselves and they are even afraid right now!

The Speaker (Hon. Lusaka): Hon. Senator, you are already wasting your time. You should be getting into the content of your argument.

Sen. Cheruiyot: Mr. Speaker, Sir, I am speaking on behalf of almost 40 Senators, who always suffer this plight.

Hon. Senators: Yes!

Sen. Cheruiyot: It is not right, Mr. Speaker, Sir. If you are a leader and you know that we want to consider an issue like Division, donate your minutes for the House to vote and then allow the other Senators to speak. That is leadership, because you show the way.

Hon. Senators: Yes!

(Laughter)

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. It is for the good of this House and for the record that, one, the Speaker cannot be challenged. You should not entertain people challenging you because that is the only power you have. Two, when you made your ruling, you did not say that you are giving us two minutes each so that we can go to Division; you did not say that. You just said that you are limiting Members' contributions to two minutes and you did not give reasons for that ruling. You are supreme when it comes to rulings in this house; do not be challenged *hivi! hivi!*

(Laughter)

The Senate Majority Leader (Sen. Murkomen): Order, Senate Majority Leader! I know my powers. Unless you are also trying to advise the Chairperson, then I rule you out of order.

Proceed, Sen. Cheruiyot.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I want to congratulate my colleague and elder brother, Sen. Khaniri, for a well thought out statement on something that is important. This should prick our conscience as Senators, if we know exactly what we came to do in this House.

Mr. Speaker, Sir, it may interest you to know that when the Commission on Revenue Allocation (CRA) did their report to the National Treasury, one of the recommendations they made was that because Kenyans continue to suffer the plague of cancer, they should provide resources of up to Kshs8 billion to build two regional cancer centers in Kenya in the Budget Statement for 2018/2019.

However, the mandarins at the National Treasury never considered that to be a genuine request. Instead, they went ahead and did what has been described by my colleagues from the Standing Committee on Finance and Budget as cutting deals and forcing medical equipment down the throats of governors and county governments without prior and proper consultations with the Senate.

Mr. Speaker, Sir, this House must rise to the occasion and question itself. When we were sworn in last year, we all took an oath to defend and protect the Constitution. Statements like the one brought by Sen. Khaniri remind us each afternoon that when such

matters come before us, we need to begin questioning the different issues that still continue to happen in this country. However, because we may not be adversely affected by those issues, we do not put our foot down.

Mr. Speaker, Sir, it should baffle us, as a House of Parliament, that despite agriculture, for example, being completely devolved, Kshs80 billion still remains at the Ministry headquarters. The same applies to the Ministry of health. This is the money that is being looted through the National Cereals and Produce Board (NCPB) and fertilizer scandals; and it is all because we have not put our foot down as a House.

Mr. Speaker, Sir, I give up because---

The Speaker (Hon. Lusaka): You have put your foot down Senator!

(Laughter)

Sen. Cheruiyot: The “Orders” of the House have spoken.

The Speaker (Hon. Lusaka): Proceed, Sen. M. Kajwang’.

Sen. M. Kajwang’: Thank you, Mr. Speaker, Sir. I thank Sen. Khaniri for bringing this topical issue to this House. The question I pose is; are we healthier today than we were at Independence? At Independence, we prioritized eradication of poverty, illiteracy and disease. However today, many years later, we still have the Big Four Agenda featuring health care. That tells you that there is something that we have not done quite right when it comes to healthcare.

Mr. Speaker, Sir, I want to be fair to the pioneer governors who set up the structures for devolution. As they say, facts do not lie. If you looked at the number of health centers, doctors and nurses over the years, there has been an increase. I do not want to bore the House with numbers, but one critical measure is infant mortality, which has decreased from 56 to 49 out of every 1,000 births from 2013 to date. This tells you that there is some slight improvement.

I want to convince the House that before the universal health care is rolled out – which is an area where Sen. Murkomen can help us, because I heard Sen. Mutula Kilonzo Jnr. say that he wines, dines and flies with the powers that be – can the Senate commission a performance audit on investments that have gone into healthcare?

Mr. Speaker, Sir, when we were in Kakamega, the Cabinet Secretary (CS), Mr. Mucheru took us through a presentation, and the people there did not take keen notice of it. The presentation was about an integrated electronic platform for universal healthcare. If we are not careful, this is going to be another scandal, like the Integrated Financial Management Information System (IFMIS). Nobody listened to that presentation because it came after “Baba” had spoken and, therefore, their attention was distracted.

Mr. Speaker, Sir, I want to encourage Sen. Khaniri to bring a Motion that this House commissions a performance audit of healthcare before we pour more money into universal healthcare.

The Speaker (Hon. Lusaka): Proceed, Sen. Halake Abshiro.

Sen. Halake: Thank you, Mr. Speaker, Sir. I rise to support our colleague, Sen. Khaniri, on this topical issue, which plays right into the discussions around corruption and mismanagement of our resources. The Ministry of Health, of course, attracts that in very big measure. However, I agree with Sen. M. Kajwang’ on the proposal for a

performance audit. I actually wrote down the 2015-2018 performance audits and I think it will be quite in order for us to commission that audit.

Mr. Speaker, Sir, what happened to the Managed Equipment Service (MES) is that there was a contract with some five multinational firms. These are Philips, some company from China, another one from India and General Electric (GE). These firms were supposed to maintain, replace and manage this equipment and I wonder if they ever did that.

Mr. Speaker, Sir, we were told that in the Supplementary Budget for 2016/2017 that there are certain contractual obligations which were not met by the Ministry of Health. As a result Kshs80 million was added to the payments because of non-performance of contract obligations. As we speak, there is more “bleeding”, not just from the initial payments, but also from non-compliance to the obligations of the contracts that were signed by the national Government.

All this is unfair to counties because they were not consulted on the contractual obligations. They are not even party or privy to the court papers. The former Governor, Isaac Ruto, is the only governor who did not sign this contract eventually. When he took this case to court, I remember him saying: “We do not know what is in those contracts. Can we also in that performance audit make sure that we are given the contracts, so that we know exactly what to look at?”

Additionally, I would like to---

(Sen. Halake’s microphone went off)

The Speaker (Hon. Lusaka): Your time is up.

Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice. I congratulate Sen. Khaniri for coming up with this Statement.

We realise that it is even very clear in Article 43 (1) (a) of our Constitution that everyone has a right to the highest attainable standards of healthcare. Health is very important because it has to do with improving the lives of people. You also realise that in the Big Four Agenda, health comes out conspicuously. A healthy nation is a productive nation. Management of the health sector and resources is important because once we manage the health sector, it means that we will ensure that the resources of this country do the things they are supposed to do. We are using tax payers’ money and it should be used well.

Let me comment on an issue that is topical in the country concerning cancer. As a cancer survivor, there is need for the nation and leaders to be fair in this country with regard to cancer. Equipment and machines cannot redeem the lives of cancer survivors. We need to have resources put in that sector, so that we have the capacity and personnel like oncologists and other specialists who can redeem us from this menace. A lot of money will go into---

(Sen. (Dr.) Musuruve’s microphone went off)

Mr. Speaker, Sir, kindly add me two minutes?

The Speaker (Hon. Lusaka): Order, Member! You have put across your point. Sen. Hargura, proceed.

Sen. Hargura: Thank you, Mr. Speaker, Sir. I thank Sen. Khaniri for this Statement, which I support.

I join my colleagues in urging that we need to go a step further and have the Committee interrogate this issue. We know very well that health is an important right for all Kenyans. We also have two levels of government which are supposed to be cooperating, but the national Government seems to be making decisions for the county governments without consulting them. As the Senate, which is supposed to protect county governments, we need to come in and ensure that county governments are consulted.

For example, when we bring equipment, it needs to be put somewhere and have other support equipment and necessary staff. However, if we just dump equipment in counties, they will not be useful and yet, we will be paying for them. When we bring doctors, they need other medics to support them. However, when we create discrepancy in terms of remuneration and all that, then we are not assisting the public. We will be creating confusion within the sector and services will not be delivered. So, we need to take this Statement to a higher level and do further interrogation.

Thank you.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir. I support this Statement and congratulate Sen. Khaniri for bringing it to this House.

If health is actually a devolved function and this House is not aware or did not approve the supply or hire of machines worth a lot of millions for our counties, then we are failing in our oversight and protection mandate. It is high time that we stood strong, supported and protected counties from these exploitations that are being entrenched in the counties.

It is interesting that this House is not aware of the doctors that are being brought from Cuba, when we actually have a lot of issues in our counties with the doctors that we already have. We should be serious as the Senate. We should even go ahead and issue a statement to even stop those doctors from working, unless it is approved by this House. We must take our work seriously, so that people may know there is a Senate.

For the first time, I would like to congratulate our former Governor of Bomet County for resisting the move. This is because it would be exploitation of our counties. Nothing should go to our counties, either in the health sector or anything else that is devolved, that this---

(Sen. (Dr.) Langat's microphone went off)

The Speaker (Hon. Lusaka): Sen. Wako.

Sen. Wako: Thank you, Mr. Speaker, Sir. I commend Sen. Khaniri for the excellent Statement that he has made. It is a clear summary of the provision of health services in this country since it was devolved. It is really absurd.

Maybe part of the problem is that we were too much in a hurry to devolve the health sector. I remember complaining at that time that we were in too much of a hurry. The Constitution had given us three years and that we could do a phased one and think about it as we go. However, we did it just at once. In fact, in the first year, the health sector was devolved. That was one problem.

The other problem was the reluctance of the centre to clearly support county governments in the provision of health services. Part of this is the disease that we have in this country of corruption. The centre was more interested in big contracts and they wanted to control those contracts without properly consulting county governments. They were also in a hurry because we find that most of this equipment is now rotting at the county level. They will tell you that they do not have personnel to operate the machines.

I support those who are calling for the body to audit all these to see how much the country has lost.

The Speaker (Hon. Lusaka): Finally, Sen. Shiyonga.

Sen. Shiyonga: Thank you, Mr. Speaker, Sir, for giving me the opportunity to support the Statement. The mismanagement of health facilities and, especially services, is rampant in this country. I wonder if any evaluation *vis-à-vis* specific health service needs in the healthcare sector is ever done, specifically with regard to all the requirements and estimates being done at the national level.

Mr. Speaker, Sir, it is sad to see the challenges the country is facing in terms of health services. Being a Member of the Committee on Health, I look forward to sit with other Members of this House to discuss these issues and the challenges affecting this particular sector.

Mr. Speaker, Sir, we have well trained doctors and health personnel who are wallowing because they have nowhere to go and nobody to absorb them, yet they have knowledge and skills that can be utilised in those facilities. It is time the Senate came up with specific regulations that will enable us to regulate this and perform our oversight role in the country.

The Speaker (Hon. Lusaka): Hon. Senators, we have two more Statements which I will defer in the meantime so that we move to Order Nos. 8, 9 and 10 then come back to them.

LISTING OF NAROK COUNTY FARMERS IN CRB

STATE OF KAPSABET-CHAVAKALI ROAD

(Statements deferred)

Next Order!

COMMITTEE OF THE WHOLE

(Order for the Committee read)

[The Speaker (Hon. Lusaka) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Nyamunga) in the Chair]

The Temporary Chairperson (Sen. Nyamunga): We are in the Committee of the Whole to vote for Order Nos.8, 9 and 10.

I order that the Division Bell be rung for five minutes.

(The Division Bell was rung)

Hon. Senators, kindly take your seats so that we confirm if we have the requisite numbers for a division. Could you lock the doors and draw the bar?

(The doors were closed and the Bars drawn)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are starting with the National Flag, Emblems and Names (Amendment) Bill, Senate Bills No.8 of 2017).

Hon. Senators, the business is on.

Hon. Members, please do not vote for any Member who is not in the Chamber. It is bringing a lot of confusion.

Hon. Members get ready to vote. You can now vote. Hon. Senators, kindly vote.

Senators, we will now go to the third Bill, that is, the County Governments (Amendment) (No. 2) Bill (Senate Bills No.7 of 2017). It has only one Division.

I will now put the question, that Clauses 2, 3, Title and Clause 1 be part of the Bill.

Hon. Senators, you can now vote. This is the last Division.

(The Senators proceeded to vote)

THE NATIONAL FLAG, EMBLEMS AND NAMES
(AMENDMENT) BILL (SENATE BILLS NO. 8 OF 2017)

(Resumption of debate interrupted on 13.6.2018)

DIVISION

ELECTRONIC VOTING

*(Question, that the New Clauses 3A, 4A and 4B
be now Read a Second Time put, and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang, Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga,

Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 25

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 25 by 0)

DIVISION

ELECTRONIC VOTING

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

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang’, Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 25

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 25 by 0)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 2, 3, 4 (as amended),5, 6,

*New Clause 3A, New Clause 4A, New Clause 4B,
the Title and Clause 1 be part of the Bill put, and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 24

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 24 by 0)

THE ASSUMPTION OF OFFICE OF THE COUNTY
GOVERNOR BILL (SENATE BILLS NO. 1 OF 2018)

(Resumption of debate interrupted on 20.6.2018)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 11, 12, 13 and 14
be deleted put, and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Shiyonga, Kakamega

County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 25

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 25 by 0)

(Clauses 11, 12, 13 and 14 were deleted)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 5, 6, 7, 9, 15, 16, 17 and 23
be amended as proposed put, and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang’, Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 25

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 25 by 0)

DIVISION

ELECTRONIC VOTING

*(Question, that New Clauses 19A, 23A, 24A
and the New Schedule be read a Second Time put,
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Orenge, Siaya County; Sen. Poghisio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 25

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 25 by 0)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 3, 4, 5 (as amended),
6 (as amended), 7 (as amended), 8, 9 (as amended),
10, 15 (as amended), 16 (as amended), 17 (as amended),
18, 19, 20, 21, 22, 23 (as amended), 24, 25,
New Clause 19A, New Clause 23A, New Clause 24A,
the Schedule, New Schedule, Clause 2, the Title
and Clause 1 be part of the Bill put, and
the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Orenge, Siaya County; Sen. Poghisio, West Pokot County; Sen. Shiyonga, Kakamega

County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 25

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 25 by 0)

THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO. 7 OF 2017)

(Resumption of debate interrupted on 20.6.2018)

DIVISION

ELECTRONIC VOTING

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

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang’, Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Orengo, Siaya County; Sen. Poghisio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 25

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 25 by 0)

The Temporary Chairperson (Sen. Nyamunga): The Mover of the first Bill, that is, the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 8 of 2017), to proceed.

Sen. Mutula Kilonzo Jr.: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 8 of 2017) and its approval thereof with amendments.

Sen. Mwangi seconded.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): The Mover of the Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018).

Sen. Wamatangi: Madam Temporary Speaker, I beg to move that the Committee of the Whole report to the Senate its consideration of the The Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): The Mover County Governments (Amendment) (No.2) Bill (Senate Bills No.7 of 2017).

Sen. Mutula Kilonzo Jr.: Madam Temporary Speaker, I beg to move that the Committee of the Whole do to the Senate its consideration of The County Governments (Amendment) (No.2) Bill (Senate Bills No.7 of 2017) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House Resumed)

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

REPORT AND CONSIDERATION OF REPORT

THE NATIONAL FLAG, EMBLEMS AND NAMES
(AMENDMENT) BILL (SENATE BILLS NO.8 OF 2017)

The Temporary Speaker (Sen. Pareno): The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.8 of 2017), chairperson.

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the whole has considered The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.8 of 2017) and its approval thereof with amendments.

Sen. Mutula Kilonzo Jr.: Madam Temporary Speaker, I beg to move that the House doth agree with the Committee on the said report and request the Senator for Busia County, Sen. Wako, to second.

Sen. Wako seconded.

(Question proposed)

(Question put and agreed to)

Sen. Mutula Kilonzo Jr.: Madam Temporary Speaker, I beg to move that The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No.8 of 2017), be now read a Third Time. I request Sen. Wako to Second.

Sen. Wako seconded.

(Question proposed)

The Temporary Speaker (Sen. Pareno): Hon. Senators, I now direct that the Bell be rung for one minute.

(The Division Bell was rung)

I now direct that the Doors be locked and the Bar be drawn.

(The Doors were closed and the Bar drawn)

The Temporary Speaker (Sen. Pareno): Senators, let us proceed to vote.

(Hon. Senators proceeded to vote)

THIRD READING

DIVISION

ELECTRONIC VOTING

(Question, that the National Flags, Emblems and Names (Amendment) Bill (Senate Bill No.8 of 2017) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. Kajwang' M., Homa Bay County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County;

Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga; Kisumu County; Sen. Olekina, Narok County; Sen. Orengo, Siaya County; Sen. Poghisi, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

The Temporary Speaker (Sen. Pareno): Hon. Senators, the results of the Division are as follows:-

AYES: 25

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 25 votes to 0)

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

The Temporary Speaker (Sen. Pareno): I direct that the doors be opened and the Bar drawn.

(The doors were opened and the Bar drawn)

Let us move on to next Bill.

REPORTS AND CONSIDERATION OF REPORTS

THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILLS No.1 OF 2018)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that a Committee of the Whole has considered The Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018) and its approval thereof with amendments.

Sen. Wamatangi: Madam Temporary Speaker, I beg to move that the House do agree with the Committee of the Whole in the said report.

Sen. Farhiya seconded.

(Question proposed)

(Question put and agreed to)

Sen. Wamatangi: Madam Temporary Speaker, I beg to move that The Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018) be now read a Third Time.

Sen. Farhiya seconded.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): Division will be later. Let us move on to the next Bill.

THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL
(SENATE BILLS NO.7 OF 2017)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered The County Governments (Amendment) (No.2) Bill (Senate Bills No.7 of 2017) and its approval thereof without amendments.

Sen. Mutula Kilonzo Jr.: Madam Temporary Speaker, I beg to move that the House doth agree with the Committee of the Whole in the said report. I request Sen. Olekina to second.

Sen. Olekina seconded.

(Question proposed)

(Question put and agreed to)

Sen. Mutula Kilonzo Jr.: Madam Temporary Speaker, I beg to move that The County Governments (Amendment) (No.2) Bill (Senate Bills No.7 of 2017) be now read a Third Time.

Sen. Olekina seconded.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Pareno): I direct that the Division Bell be rung for one minute.

(The Division Bell was rung)

The Temporary Speaker: Order, Senators! I now direct that the bar be closed and the doors be drawn.

(The doors were locked and the bar drawn)

Hon. Senators, we shall vote on the Assumption of Office of the County Governor Bill (Senate Bill No.1 of 2018).

You can start logging in. You can start voting.

THIRD READINGS**DIVISION****ELECTRONIC VOTING**

(Question, that the Assumption of Office of the County Governor Bill (Senate Bill No.1 of 2018) be now read a Third Time put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.)Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Farhiya, Nairobi County; Sen. (Dr.) Kabaka, Machakos County; Sen. M..Kajwang', Homa Bay County; Sen. Kang'ata, Murang'a County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County ; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Poghishio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County and Sen. (Dr.) Zani, Kwale County).

NOES: Nil

The Temporary Speaker (Sen. Pareno): Hon. Senators, the results of the Division are as follows-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to 0)

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

DIVISION**ELECTRONIC VOTING**

(Question, that the County Governments (Amendment) (No.2) Bill (Senate Bills No.7 of 2017) be now read a Third Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cheruiyot, Kericho County; Sen. Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Farhiya, Nairobi County; Sen. (Dr.) Kabaka, Machakos County; Sen. Kajwang' M., Homa Bay County; Sen. Kang'ata, Murang'a County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo

Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Poghio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County and Sen. (Dr.) Zani, Kwale County .

NOES: Nil

The Temporary Speaker (Sen. Sen. Pareno): Hon. Senators, the results are as follows:

AYES: 24

NOES: 0

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 24 votes to 0)

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

I now direct that the doors be unlocked and the bars be drawn.

(The doors were opened and the Bars drawn)

The Temporary Speaker (Sen. Sen. Pareno): Hon. Senators, as you are aware, we had not concluded on the Statements. I now ask that we go back to Statements.

(Resumption of Statements)

STATEMENT

LISTING OF NAROK COUNTY FARMERS BY CRB

Sen. Olekina: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No. 46(2)(a), to make a Statement on a county issue being the listing of farmers from Narok County at the Credit Reference Bureau (CRB) and the demand of the alleged outstanding arrears from the farmers by the Co-operative Bank of Kenya.

The Co-operative Bank of Kenya Limited has adversely forwarded names and details of farmers from Narok County to be listed in the CRB and has been issuing demand letters to farmers claiming amounts allegedly owed in respect of the input Financing Loan Scheme for barley and sorghum farmers entered into between the East African Malting Limited (EAML), the Co-operative Bank of Kenya Limited, UAP and CIC Insurance companies. This is having far reaching consequences which are detrimental to the said farmers. In the said demand letters, the Co-operative Bank of Kenya Limited has further threatened to take legal action against the farmers and or forward the matter to the debt collectors for recovery of the outstanding loan amounts.

The agreement between the farmers and EAML was that the farmers would pick inputs from EAML, use them to farm and subsequently sell barley to EAML. The said agreement also authorized EAML to deduct the loan amount owed by the farmers from

the proceeds payable to them and remit the same to the financing entity, the Co-operative Bank of Kenya Limited.

There was no third party agreement signed between the farmers of Narok and the Co-operative Bank of Kenya Limited. As such, the Co-operative Bank of Kenya Limited is not the intended beneficiary of the agreement entered between the farmers and EAML and cannot, therefore, purport to enforce it.

The CRB was introduced into the banking industry by the Central Bank of Kenya (CBK) to ascertain the credit worthiness of customers for loans. This was done following the gazettement of the Banking (Credit Bureau) Regulations 2008 on 11th July, 2010. The regulations were issued pursuant to an amendment to the Banking Act 2006.

The work of the CRB is noble. However, in some cases, it has brought a lot of agony and misery to many Kenyans as they find themselves listed by the bureaus without being heard or given notice to explain themselves.

This is the case in Narok County where many farmers are victims of these lending institutions that they have listed them at the bureaus, therefore, hindering their operations as they cannot borrow any more to fund their activities. I urge this House to review the legal framework that created the bureaus with a view of not only protecting the lender but also the borrowers.

I, therefore, bring this matter to the attention of the Senate and urge the relevant Government agencies to investigate this fraud on farmers from Narok County with a view to reconcile the accounts of the affected farmers; compel the Co-operative Bank of Kenya Limited to immediately delist the said farmers from the CRB and withdraw the demand letters it has written to them on the basis that the bank has no lawful authority under the aforesaid agreement to demand for payment directly from farmers.

Farmers were introduced to insurance policies in 2009. At that time, the rate of households in Kenya where farmers were taking insurance policies against their crops, it was about seven per cent. Subsequently, by 2014, that rate had increased to 34 per cent. Today, that rate has gone down to three or four per cent. The reason farmers have opted not to take insurance policies is because the insurance companies are not honouring their commitment.

The farmers of Narok have suffered. It is wrong for EAML to contract the out growers to grow barley for them and allow two companies; that is, UAP and CIC, to insure their crops. However, when the crops are damaged by heavy rainfall, the insurance companies and the EAML disappear leaving farmers on their own. The farmers who did not have an agreement with the Co-operative Bank of Kenya Limited are forced to pay the loans.

This matter has been brought to this House as a Petition. However, after talking to the Speaker, he agreed to commit it to a relevant Committee so that farmers in Narok County get what is rightfully theirs.

As I said earlier, listing the farmers in the CRB hinders them from getting any other support. I urge the Committee that you will direct to investigate this matter to invite all the parties, including the farmers.

There are over 450 barley farmers in Narok County. They have been growing barley for many years. However, two years ago, they were told they could not be supported anymore because they had been listed with the CRB. These farmers have never signed any agreement with the Co-operative Bank of Kenya Limited. The farmers of

Narok are just like any other farmer in this country. They are young people who are between the ages of 18 and 35. These people should be given an opportunity to contribute positively to our economy.

It is important to look at the way the insurance companies operate their businesses. It is sad that the financial institutions in this country are now playing the role of insurance companies with regard to compensation of farmers. This is not their primary role. They should keep off.

With your indulgence, I would like to urge this House to commit this Statement to the committee so that farmers of Narok County get justice.

The Temporary Speaker (Sen. Pareno): I can see only four more requests, but I will give each Member three minutes only because we still have a lot of business to dispense with.

Proceed, Sen. Were.

Sen. Were: Thank you, Madam Temporary Speaker, for the opportunity to contribute to this Statement, which is highlighting the plight of barley farmers of Narok.

Madam Temporary Speaker, we have been told that there was no agreement between the Cooperative Bank of Kenya and the farmers. Why, therefore, would the Credit Reference Bureau (CRB) target farmers and not the East Africa Malting Limited (EAML), which contracted these farmers? I think there is bad blood between all the players in the barley business, and they should all be investigated. The CRB should not abuse its powers or nobility; the rules of natural justice must apply. One of them being that these farmers – and any other person – if they have issues with the being listed by the CRB, they have a right to be heard before being listed. The CRB, on the other hand, should also not be quick to put people on their list for non-credit worthiness without doing due diligence.

Madam Temporary Speaker, this is for the sponsor of this Statement, Sen. Olekina, if all these endeavours fail, the parties must then be taken to court by the farmers. However, it is up to us, the Senate and the Committee that will be tasked to deal with these issues raised in this statement, to help these farmers so that they do not have to seek legal redress in courts.

Madam Temporary Speaker, the relevant committee tasked with these issues should summon the EAML and all parties involved in the barley business so that this does not recur in any other county. We now know that Narok is affected because their Senator is active enough to represent their issues.

Thank you, Madam Temporary Speaker.

I beg to support the Statement.

The Temporary Speaker (Sen. Pareno): Proceed, Sen. Kajwang’.

Sen. M. Kajwang’: Thank you, Madam Temporary Speaker. I rise to support this Statement by, Sen. Olekina.

Madam Temporary Speaker, input financing is a model that has been used in different industries like tobacco, sugar, milk and even maize production. However, most often, it has left a bitter taste in the mouths of farmers. This statement indicates that the arrangement was that premiums on the cost of input financing would be deducted when farmers sold their produce to malting firms or whoever was consuming the end product. However, it is clear that, that deduction was not done.

Madam Temporary Speaker, under the input financing scheme, there is usually a financier and an underwriter; and that is where the CIC Insurance Group Limited and UAP Insurance Company Limited come in. My belief is that they are providing some crop insurance. I used to be in this industry and we pioneered some of the earliest weather index-based insurance products in Kenya. I am glad that when the Cabinet Secretary (CS), Mr. Rotich, last week said that the National Treasury will provide regulations on that.

However, Madam Temporary Speaker, the problem that we are dealing with is the listing of innocent farmers with the CRB. The statistics we have is that more than 400,000 Kenyans have been listed with CRBs for owing Kshs200 or less; and 300,000 Kenyans have been listed for owing Kshs100 or less. Most of these loans have been taken from mobile money platforms. What is the implication of this? Once you have been listed, you have to pay at least Kshs2,000 for you to get a certificate of clearance. Therefore, you will find a Kenyan took a loan of Ksh100 on the mobile money platform, thinking that he will pay it back at some point, and he or she fails to do that. This Kenyan will then be listed and he or she must find Kshs2,000 to get a certificate of clearance. We have become so ridiculous that to get a job in the Public Service in Kenya, you must provide a certificate of clearance, even for small undertakings like to become a watchman. The other day, I saw an advert for a cook in a public school, where a certificate of clearance was required.

Madam Temporary Speaker, I support this Statement. The call to action should be, one, that the Committee on Delegated Legislation and the Senate Standing Committee on Finance and Budget must revisit the regulations for the CRBs; especially the ones cited by Sen. Olekina. Two, we must tell banks to stop being lazy, because they are using a “yes” or “no” kind of assessment. If you are listed in the CRB, then you do not get a loan. Banks must start doing credit scoring because they have got the money to invest in technology. The person who is listed for Kshs100 and the one listed for Kshs50 million should be treated differently. Unfortunately, banks are treating the two defaulters in a similar manner. Banks---

The Temporary Speaker (Sen. Pareno): Your time is up, Senator.

Proceed, Sen. Ekal.

Sen. (Prof.) Ekal: Thank you, Madam Temporary Speaker, for allowing me to contribute to this Statement by Sen. Olekina.

Madam Temporary Speaker, this is a fundamental issue that Kenyans should look into. This is a situation where farmers are being victimised by shady deals from the banks and insurance firms. Therefore, we should look into this as a country and ensure that Kenyans are not being taken advantage of. I know that insurance companies make a lot of money from these shady deals of insuring people. However, when it is their turn to come to the aid of those farmers, in case of some natural catastrophe like floods or hail storms, they disappear. Subsequently, these poor farmers end up not getting the help they are supposed to get from an insurance firm that they thought was covering them against such odds.

Therefore, Madam Temporary Speaker, we need to look at the credibility of some of these insurance firms and the deals that banks promise our farmers. We do not want farmers to suffer because they are the people who feed the nation and keep our children

happy. We should, therefore, ensure that they do not suffer because somebody is making money out of their misfortunes.

Madam Temporary Speaker, I support the idea that we should create a Committee to will look into these concerns to ensure that the right thing is done.

Thank you very much, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Proceed, Sen. Kabaka.

Sen. (Dr.) Kabaka: Thank you, Madam Temporary Speaker, for giving me this opportunity to present my contribution.

First, Madam Temporary Speaker, I have listened keenly to Sen. Olekina's Statement with regard to the unfortunate situation of the barley farmers of Narok. One thing has come out very clearly; that this is a legal issue which can be effectively handled by a court of law. It is an issue of breach of contract which has legal ramifications. In the first instance, I know that Sen. Olekina knows that he needs to obtain conservatory orders like a court injunction against the parties herein – the insurance companies and the EABL – before Parliament intervenes. This is because we know that our processes here are a bit lengthy and tedious. I have also heard Sen. (Prof.) Ekal from Turkana trying to cast aspersions on the credibility of the CIC Insurance Group Limited and UAP Insurance Company Limited. These are household names and they are known to be very liquid. However, it is sad for them to have run away from the poor farmers of Narok when they needed them most.

Two, Madam Temporary Speaker, it is important that the legal framework of the Central Bank of Kenya Act be amended to put in place a clause where banks should consult their customers before the listing is done. This is important because these banks just rush names to the CRB.

Third, Madam Temporary Speaker, the CRB charge of Kshs2,000 - as mentioned by Sen. Kajwang' – is exorbitant. This charge should be a nominal fee like Kshs500. It is very interesting that university students have also faced a similar fate. They are listed when the Higher Education Loans Board (HELB) forwards their names to the CRB. This is very unfortunate for the students because they cannot transact anything after that.

Lastly and on a light touch, I hope that those who are seeking to marry will not be required to obtain a certificate of clearance.

The Temporary Speaker (Sen. Pareno): Your time is up, Sen. (Dr.) Kabaka.

Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me the opportunity to support this Statement by Sen. Olekina. I thank him for bringing it. Bringing the Statement shows how concerned he is about the people of Narok County. They need to know they have a good representative in this House.

We cannot afford to ignore the big role that farmers play in this country. There is need to support and encourage farmers so that they continue with their noble work. Sen. Olekina mentioned that about 450 farmers had been blacklisted. This is a very huge number to be blacklisted because these farmers are even creating employment. Jobs are not easy to get, but these farmers have gone ahead to create employment for themselves and their work adds to the economy of this country.

It is unfortunate that when things go well for farmers and they get a bumper harvest, brokers come in and reap the farmers of their benefits. When things go sour, farmers are helpless. This Senate should ensure that farmers are protected. If there are

any arrears, there is need for dialogue, so that the cooperative societies, the farmers and the insurer know how the money will be paid. This is because from what the Senator has said, there was no agreement or contract at all between the credit bureau and the farmers. So, there is no need to blacklist the farmers. When they are blacklisted, they are helpless. If they are helpless, then we will have people who are not adding to the economy of this country, yet we are thinking of how to create jobs.

Madam Temporary Speaker, there is need for this Statement to go to the right Committee so that investigations can be done and farmers are bailed out of this. It is important that we intervene with speed, as the Senate, and see how to protect the farmers in Narok County. They are looking up to this Senate to react. The reaction should be positive so that they know we are concerned about them as productive Kenyans.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Hon. Senators, there being no other request and having listened to the issues raised in this Statement, I commit it to the Standing Committee on Agriculture, Livestock and Fisheries. I direct that the Committee reports back to this House within 30 days.

Next Statement.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 3RD JULY, 2018

Sen. Kang'ata: Madam Temporary Speaker, pursuant to Standing Order No. 46(2) (c), I hereby present to the Senate, the business of the House for the coming week.

The Senate is scheduled to proceed on a ten-day recess at the rise of the House today, until Monday, 2nd July, 2018. In this regard, the Senate Business Committee (SBC) has not scheduled any business for next week. It is however expected that committees of the House will hold more sittings in order to conclude pending business before them.

The Senate will resume its sittings on Tuesday, 3rd July, 2018. As such, the Senate Business Committee (SBC) will meet on that day to schedule the business of the House for the week. Subject to further directions by the SBC, the Senate will continue with consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 4th July, and Thursday, 5th July, 2018, the Senate will consider business that will not be concluded on Tuesday 3rd July and any other business scheduled by SBC. Hon. Senators, we have a lot of business including Motions, Statements, Petitions and Bills to consider. I urge Standing Committees to use the short recess to expedite consideration of these businesses and table reports on them.

Madam Temporary Speaker, when the House resumes its sittings on Tuesday, 3rd July, 2018, the following Bills will be scheduled for Second Reading:

- (a) The Public Participation Bill (Senate Bill No.4 of 2018);
- (b) The Disaster Risk Management Bill (Senate Bill No.8 of 2018);
- (c) The Retirement Benefits (Deputy President and Designated State Officers) (Amendment) Bill (Senate Bill No.2 of 2018);
- (d) The County Statistics Bill (Senate Bill No.9 of 2018);
- (e) The Local Content Bill (Senate Bill No.10 of 2018);
- (f) The Physical Planning Bill (National Assembly Bill No.34 of 2017);
- (g) The Irrigation Bill (National Assembly Bill No.46 of 2017);

- (h) The Kenya Roads Bill (National Assembly Bill No.47 of 2017);
- (i) The Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No.12 of 2018);and,
- (j) The County Governments (Amendment) Bill (Senate Bill No.13 of 2018);

Further, the following Bills will be scheduled for Committee of the Whole:

- (a) The County Governments (Amendment) (No.2) Bill (Senate Bills No.7 of 2017);
- (b) The County Boundaries Bill (Senate Bill No. 6 of 2017);
- (c) The County Governments Retirement Scheme Bill (Senate Bills No.6 of 2018);
- (d) The Office of the County Printer Bill (Senate Bill No.7 of 2018);
- (e) The Office of the County Attorney Bill (Senate Bill No.3 of 2018); and,
- (f) The Food Security Bill (Senate Bills No.12 of 2017).

As you will note in today's Order Paper, there are three Bills at the Committee of the Whole stage. I urge Hon. Senators to be available to ensure that they are concluded.

I thank you and hereby lay the Statement on the Table of the House.

(Sen. Kang'ata laid the document on the Table)

The Temporary Speaker (Sen. Pareno): Next Order.

MOTION

SITTINGS OF THE SENATE OUTSIDE PARLIAMENT BUILDINGS, NAIROBI

THAT, AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out in Article 96 of the Constitution, is to represent and serve the interests of the counties and their governments;

FURTHER AWARE that the Senate plays a critical role in the linkage of the devolved governments and the national government;

NOTING that since its inception the Senate has held its sittings in Nairobi with its committees occasionally visiting the devolved governments on fact finding missions;

COGNIZANT of the need to enhance the interaction between the Senate and county governments as a means of bringing the Senate closer to the counties and the general public;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, in order to –

(i) provide an opportunity to members and staff of county assemblies

(ii) to learn and borrow best practices from the Senate;

(iii) promote the role and work of the Senate;

(iv) highlight existing opportunities for people to get involved in the work of the Senate; and,

(v) develop and strengthen partnerships at the county level and enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and Standing Order 31 (1) of the Senate Standing Orders, the Senate resolves that its plenary and committees sittings be held in Uasin Gishu County from 26th to 28th September, 2018.

(Sen. Kang'ata on 19.6.2018)

(Resumption of Debate interrupted on 20.6.2018)

The Temporary Speaker (Sen. Pareno): Sen. Waqo, you had a balance of 19 minutes.

Sen. Waqo: Thank you, Madam Temporary Speaker, for allowing me to resume my contribution to this important and historical Motion on the Senate sittings outside Nairobi.

We know very well that at the grassroots, people have a lot of expectation on Senators. The only way that we can be relevant to the people and demonstrate to them our good leadership is by going to the people and demonstrating or giving them quality service while we are there. I support this Motion because it will give us the opportunity to demonstrate our leadership style. Many people in different counties have different challenges because they do not even know how to do different things. We can be role models to the people in the county governments. Just by going to different counties, we can boost their morale.

Our presence in the county will boost the economy. If you can all remember, when we were in Kakamega County the other day, the economy of that town went up. My only request is that they will not declare it a 24 hour economy because it has some negative impact. I support this because we seriously need to be on the ground to offer our service to the people.

Madam Temporary Speaker, by going to the counties, we will understand the dynamics on the ground. Every county has its own unique challenges and blessings that they can count and be proud of. If we go to the different counties, we will understand what happens on the ground. The Committees of the Senate will also meet and interact with different people on the ground and solve some of their problems. Devolution means that services are brought closer to the people. By us going there, we will touch and improve their lives.

As I conclude, whatever number of Senators that will go to the counties be it 47 or 67, we will demonstrate to people that we work together as a team. We will give our views and also promote national cohesion which is an important aspect of this historical Motion that we are about to adopt. Kenya suffers from different things. Therefore, when we go to the counties, we will promote peaceful coexistence as we talk to people to see how we can create the one nation that we all desire.

This first sitting is proposed to be in Uasin Gishu County. Many of us have not had the opportunity to visit or interact with people from that county but we hear and read a lot about it. When we go there, we will identify ourselves with that particular county.

I am of the opinion that we go round and make sure that all the 47 counties are fully covered by the time we come to the end of our term. Most of the times when we consider going out, we give different conditions. We look for good comfortable hotels in big towns where people can enjoy themselves. I encourage my colleagues; hon. Senators, to humble themselves and go to villages, for example, Marsabit County, Turkana County and beyond, whether they have good hotels or not, we should visit and identify ourselves with the people because they need our services.

With those few remarks, I support this Motion and aim at visiting different counties.

The Temporary Speaker (Sen. Pareno): I, therefore, put the question on the amendment that was moved by Sen. Petronila Were and seconded by Sen. Naomi Shiyonga.

(Question of the amendment put and agreed)

(Question of the Motion as amended proposed)

The Temporary Speaker (Sen. Pareno): Hon. Senators, we now move to the Motion as amended.

Sen. M. Kajwang: Thank you, Madam Temporary Speaker. I was not aware that we were discussing the amendment earlier. However, it has passed and it makes a lot of sense. I support this Motion. We have said before that the Senate needs to go to the grassroots. There are those who called it Senate *mashinani*. We need the Senate to be felt at the grassroots.

Many people in the counties have got hope in the Senate. Every time we come here and speak, people out there listen and take what we say seriously. When it comes to issues of oversight, counties that have lost hope in their Public Accounts Committees (PAC) and county assemblies to carry out oversight, have hope that the Senate will rise to the occasion and be the ultimate savior for the counties. We need to go to the counties so that we give hope to our people that for devolution to thrive, it needs more resources, support and also good oversight.

Madam Temporary Speaker, this Motion not only encourages the Plenary of the Senate to be at the grassroots but also its Committees. In the County Public Accounts and Investment Committee (CPAIC) that I chair, we have made a resolution that we shall review the financial statements of the reports of the Auditor-General for three counties while we are in Uasin Gishu.

On the first day, we shall review the report of the Auditor-General on Uasin Gishu County. We want the people from Uasin Gishu to be present as we discuss with their governor and the county assembly the report of the Auditor-General.

On the second day, we shall review the report of the Auditor-General on Nandi County and on the third day, we shall review the report of the Auditor-General on Elgeyo-Marakwet County. We have chosen these three counties due to adjacency. They

are the three counties that are closest to Uasin Gishu County. We not only want to take the Senate plenary *mashinani* but also the CPAIC.

Madam Temporary Speaker, I urge other Chairs of Committees to schedule their meetings in Uasin Gishu and make sure that when they are there, they discuss issues of topical concern to the citizens of that area. One particular area that we must resolve to address as the Senate when we go to Uasin Gishu is the issue of maize and food security. I will urge the Chair of the Committee on Agriculture, Livestock and Fisheries that I also sit in to ensure that we do public hearings with maize farmers from Uasin Gishu and the North Rift to understand the challenges that they face.

As we speak, the national Government owes farmers Kshs2 billion. Most of the first installment that the national Government paid went to traders and brokers. When the Cabinet Secretary (CS) came before the Senate, he was not embarrassed at all to tell the Senate that we did not lose money, we only lost opportunities. A lost opportunity for a farmer is bigger than the loss of a dollar or a Kenya Shilling. I hope that we will have some engagements with maize farmers from Uasin Gishu County through the relevant Committee.

Madam Temporary Speaker, I also urge my colleagues to know that oversight is not exercised by only one Committee of the House. Each Committee of this House has a duty to carry out oversight. In fact, proactive oversight is best carried out by the standing committees. If there are challenges around maize farmers of Uasin Gishu, the Committee on Agriculture, Livestock and Fisheries can be seized of the matter and discuss it early before things start to go bad. If there are problems around the road sector, the Committee on Roads and Transportation can do something. We have seen a statement come to this House regarding the health sector. That is the proactive oversight that Kenyans expect this House to carry out, not the mortician bit that the CPAIC that I chair undertakes.

The manner in which the mandate of the CPAIC is crafted means that we are morticians and not physicians. We are required to come up with an opinion on the report of the Auditor-General on the finances of the counties. Therefore, I urge that we have proactive oversight. We should also not forget that ours is secondary oversight, while primary oversight is supposed to be carried out by the county assemblies. In part of the objectives for the county visit, we have captured that part of it will be to share and strengthen the capacity of county assemblies to undertake their mandate.

Madam Temporary Speaker, let me also mention that for the Senate to be effectively felt at the grassroots, it will not just be about sending Plenary and committee meetings out there. As part of the outreach programme, the Senate has traditionally relied on events like Parliament open days and, therefore, I hope that we will have an open day this year.

Parliament has also resorted to sports, which is a great channel for creating visibility and awareness of the work of the Senate. Therefore, I urge all Senators that whenever you are called upon to undertake or participate in sporting activities, you are not going there just to burn calories, the bigger objective and picture is that you are doing outreach and making people feel that the Senate is a body composed of men and women who have got a determination and the zeal to serve this nation. When we played in Kakamega County during the Fifth Devolution Conference, we got very good feedback. Eventually, they have realized that the Senate has got human beings. Whether our legs were crooked or our bellies were too big, people felt that Senators are human like the

people they represent. So, we can continue using sports and outreach as a way of creating visibility.

Madam Temporary Speaker, in terms of communication, we are failing. We can go to Uasin Gishu County all of us and if we do not create visibility for our activities in Uasin Gishu County through the social media and traditional media, then all that we will be doing there will only be known by the people of Uasin Gishu County. Therefore, I urge the office of the Clerk to ensure that the communications office is equipped with modern techniques, particularly social media, so that we can tell our own story. We do not have to rely on the traditional media to report on events one after they have happened. I encourage that we use new media and digital media to tell our story.

There is no reason why, at this moment, the proceedings of the Senate cannot be followed on live television. The Kenya Broadcasting Corporation that carries the live transmission of the proceedings of this House goes off at a certain point in time. Why can we not continue the coverage using free tools like Facebook? There is nothing stopping us from using these cameras to capture the feed or video and then beaming it on Facebook or social media. We need to be innovative and do not need to carry the entire Senate to a desert for the desert to know about the Senate. All we need to do is to create this visibility and have good communication channels.

As I conclude, I will share with my fellow Members that last weekend, I had an opportunity to visit West Pokot County and I was accompanied by Sen. Poghismo. We have seen the kind of projects that counties can do if the leadership is visionary and has got a transformative agenda. We were able to eat maize in areas of West Pokot County where before it was bush and nothing grew. We sat with Pokot warriors, who before, their diet was blood, milk and meat. Today, they are able to eat maize and make ugali. That is devolution at work. We also went to a place called Turkwell Gorge and found that there was fishing at man-made lake called Lake Pokot. I found people from Homa Bay County already fishing in West Pokot County. We gave out bulls and he-goats to change and to improve the herd. So, I encourage Senators that during weekends and whenever we have time, let us go out to the counties and support each other and we will pick good ideas that we can replicate in our counties.

In my opinion, the final idea that I can share is that when the Senator and a governor are on the same page and working together, it does not necessarily mean liking each other or agreeing on everything. It means that the interest of your county becomes number one. If Senators and governors could rally around the interests of their counties, then there is a lot that can be done through devolution. Unfortunately, we see disconnect and petty rivalry between governors and Senators. We were all elected to do different tasks which are complementary. Therefore, from the example of West Pokot County, I hail Gov. (Prof.) Lonyangapuo and Sen. Poghismo for showing unanimity as far as the interest of West Pokot County is concerned. They could be people with different thinking, but for West Pokot County, they say that their priority is number one.

I support this Motion, although I do not agree with Sen. (Rev.) Waqo that we should not be concerned about where we are going to sleep. Members should be sufficiently comfortable so that are also not seen as a desperate House.

I support the Motion.

The Temporary Speaker (Sen. Pareno): Yes, Sen. Kang'ata.

Sen. Kan’gata: Thank you, Madam Temporary Speaker. May I thank the Members for the good expositions and contributions towards this Motion. Also, I take this opportunity to thank the Attorney-General, Emeritus Sen. Wako, for the good amendment. It is a logical amendment because it ensures that we do not have to keep coming back to amend the schedule or introduce specific motions in respect to each county. So, to that extent, I thank each and every person for those good expositions.

With those few remarks, I beg to move.

The Temporary Speaker (Sen. Pareno): Hon. Senators, I have established that this matter does not affect counties. I therefore proceed to put the question.

(Question of the Motion as amended put and agreed to)

Resolved accordingly-

THAT, AWARE that the Senate of Kenya is established by Article 93 of the Constitution and its main role, as set out in Article 96 of the Constitution, is to represent and serve the interests of the counties and their governments;

FURTHER AWARE that the Senate plays a critical role in the linkage of the devolved governments and the national government;

NOTING that since its inception the Senate has held its sittings in Nairobi with its committees occasionally visiting the devolved governments on fact finding missions;

COGNIZANT of the need to enhance the interaction between the Senate and county governments as a means of bringing the Senate closer to the counties and the general public;

APPRECIATING the recommendation of the Senate Business Committee that a Sitting of the Senate be held away from the traditional premises in Parliament Buildings, Nairobi, in order to –

(i) provide an opportunity to members and staff of county assemblies

(ii) to learn and borrow best practices from the Senate;

(iii) promote the role and work of the Senate;

(iv) highlight existing opportunities for people to get involved in the work of the Senate; and,

(v) develop and strengthen partnerships at the county level and enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and Standing Order 31 (1) of the Senate Standing Orders, the Senate resolves that its plenary and committees sittings be held in Uasin Gishu County from 26th to 28th September, 2018,

THAT, a programme of sittings outside the Parliament Buildings in Nairobi be drawn to ensure that such sittings take place in all regions during the term of this Senate.”

The Temporary Speaker (Sen. Pareno): I hereby defer Orders No.12 to 18 and proceed to Order No.19.

MOTIONS

REGISTRATION OF PERSONS WITH DISABILITIES

THAT, AWARE that the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

FURTHER AWARE that registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

ALSO AWARE that persons living with disabilities are estimated to be about 10 per cent of any given population;

COGNIZANT that for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

CONCERNED that of the nearly four million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

AWARE that medical services are now a devolved function;

FURTHER CONCERNED that without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

ALSO CONCERNED that owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

NOW THEREFORE, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

(Motion deferred)

FRAMEWORK TO PERMANENTLY ADDRESS EFFECTS OF FLOODS

THAT, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

NOTING with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

CONCERNED that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

COGNIZANT that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

ALSO CONCERNED that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

NOW THEREFORE, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things:

(i) developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and

(ii) preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within three months of the adoption of this Motion.

(Motion deferred)

THE STATUS OF EDUCATION IN NORTHERN KENYA

THAT, AWARE that Article 43 (f) of the Constitution of Kenya stipulates that every person has the right to education, and Article 53(1)(b) provides that every child has the right to free and compulsory basic education;

ALSO AWARE that education is a basic need and a tool for intellectual empowerment and social-political development;

FURTHER AWARE that education is a shared function between the National and the County levels of Government with the National Government being responsible for Primary, secondary and Higher education while the County Government is responsible for preprimary education, village polytechnics and home craft centers;

COGNISANT that both levels of Government complement each other in promoting sustainable education;

CONCERNED that the intake, uptake and quality of education in the Northern Kenya have adversely been affected owing to discrepancies in public resource allocation, insecurity, skewed staffing and teacher training in the region;

FURTHER CONCERNED that both the school completion rate and the national examination outcomes in region are poor and that the number of students from Northern Kenya who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country;

NOTING WITH CONCERN that due to insecurity and other related concerns, the Teachers Service Commission (TSC) which is the body responsible for the employment and deployment of teachers, has in the recent past, taken steps to transfer non-local teachers from the northern region of Kenya to other parts of the country;

CONCERNED THAT, the transfers have led to shortage of skilled teachers which has been a major cause of the dismal performance in examinations in schools in the region;

NOW THEREFORE, the Senate resolves to task the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in

Northern Kenya with a view to:

1. evaluating the effect of the teacher transfers from the region and recommending to the Ministry of Education, policy measures to address the challenge;

2. evaluating the status of the education infrastructure in the region and proposing solutions to mitigate the current and looming challenges;

3. proposing mechanisms for enhanced resource allocation at both levels of government to facilitate improved education facilities; and

4. assessing school intake compared completion levels in the region in order to ascertain the impact of the challenges facing the schools and how these disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

And that the Committee submits a report to the Senate within three months of adoption of this Motion by the Senate.

(Motion deferred)

ADOPTION OF REPORT ON THE FIRST EXTRAORDINARY SESSION
OF THE FP-ICGLR IN KINSHASA, DRC

THAT, this House adopts the Report of the proceedings of the First Extraordinary Session of the Plenary Assembly of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FPICGLR) held in Kinshasa, Democratic Republic of Congo from 19th – 20th March, 2018, laid on the Table of the Senate on Tuesday, 15th May, 2018.

(Motion deferred)

ADOPTION OF CPAIC REPORT ON FINANCIAL OPERATIONS OF
KAJIADO COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kajiado County Executive for the Financial Year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Thursday, 10th May, 2018.

(Motion deferred)

ADOPTION OF CPAIC REPORT ON FINANCIAL OPERATIONS OF NAROK
COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Narok County Executive for the Financial Year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Thursday, 10th May, 2018.

(Motion deferred)

ADOPTION OF CPAIC REPORT ON FINANCIAL OPERATIONS OF TURKANA
COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Turkana County Executive for the Financial Year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Thursday, 10th May, 2018.

(Motion deferred)

The Temporary Speaker (Sen. Pareno): Let us move to the next Order. Sen. Kang'ata, be as brief as possible.

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE SENATE PURSUANT TO
THE APPROVED CALENDAR FOR
THE 2018 SESSION

Sen. Kan'gata: Thank you, Madam Temporary Speaker. I beg to move-
THAT, pursuant to Standing Orders 28 and 29, the Senate does adjourn until Tuesday, 3rd July, 2018.

The Senate needs to adjourn for about 10 days so that we give the Members the opportunity to recharge. They will also take advantage of that period to hold committee meetings. I know my friend who is the able Chairman of the County Public Accounts and Investments Committee (CIPAC), Sen. M. Kajwang', requires this period to hasten many voluminous reports lying in his table. I want to congratulate him for the good work that he is doing. Most importantly, I know that the 10 days recess will be taken good care of.

Madam Temporary Speaker, I also take this opportunity to inform Members about The County Wards Development Equalisation Fund Bill. We intend to hold a stakeholder's meeting to ensure that we clarify some of the areas which people have raised issues on. Therefore, we shall be inviting Members to come for the seminar to give their views.

Madam Temporary Speaker, I urge the Members to support this Motion for us to adjourn until Tuesday, 3rd of July, 2018. I call upon Sen. M. Kajwang', the Senator for Homa Bay County to second.

Sen. M. Kajwang': Madam Temporary Speaker, I beg to second the Motion that the House goes on recess for 10 days.

As stated by Sen. Irungu Kang'ata, it will enable us to recharge and do other things. The recess will also give us an opportunity to carry out our oversight function that has always been handicapped by lack of facilitation for effective oversight.

I support.

(Question proposed)

Sen. Wako: Madam Temporary Speaker, I beg to support this Motion of Adjournment. I hope that the Senators will use the opportunity to spread the gospel of the handshake in their various counties. By the time we come back, we will have moved further in reconciliation, ensuring inclusivity and tackling issues of corruption.

I support.

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, having concluded the business of the day, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 3rd July, 2018 at 2.30 p.m.

The Senate rose at 6.30 p.m.