

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Wednesday, 12th June, 2019**

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

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

PRAYER**COMMUNICATION FROM THE CHAIR**

VISITING DELEGATION FROM PRECIOUS BLOOD
RIRUTA GIRLS SCHOOL, NAIROBI CITY COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Precious Blood Riruta Girls School in Nairobi City 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 welcome and wish them a fruitful visit.

I thank you.

(Applause)

Sen. (Dr.) Langat: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. I join you in welcoming the students from Precious Blood Riruta Girls School. One time, while I was serving as a principal in another school, we made a benchmarking trip to Precious Blood Riruta Girls School. We discovered that Precious Blood Riruta Girls School encourages moral values in our children. I was surprised that the school did not have theft cases. The students went to class without locking their metallic boxes and nothing would be stolen.

The then principal of the Precious Blood Riruta Girls School told us that they did not have cases of missing books in their library for about 15 years. No student had stolen any book from the school library. I therefore welcome the students to the Senate and encourage them to continue being disciplined because they will go far in life.

*(Sen. Mutula Kilonzo Jnr. and
Sen. Cherargei consulted loudly)*

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Mutula Kilonzo Jnr. and your colleague from the ‘tea county’, the Senator for Nandi County.

(Laughter)

Order, Senators.

VISITING DELEGATION FROM KIDS ZONE
ACADEMY, KIAMBU COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Kids Zone Academy in Kiambu 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 welcome and wish them a fruitful visit.

I thank you.

(Applause)

Next Order.

MESSAGE FROM NANDI COUNTY ASSEMBLY

FORMULATION OF LEGISLATION ON
SHARING OF PROCEEDS FROM TAXES
LEVIED ON TEA

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.43(3) and (4), I have received the following Message from the Speaker of Nandi County Assembly regarding the passage by the Assembly of a Motion requesting the Senate to consider formulating legislation requiring the national Government to share taxes that the national Government levies on tea with the tea growing counties and the national Government.

“PURSUANT to Nandi County Assembly Standing Order No.42 (1), I hereby convey the following Message to the Senate.

THAT on the 3rd of April, 2019 the County Assembly considered and passed a Motion on tea taxes requesting the Senate to consider formulating legislation to have tea taxes levied by the national Government shared among tea growing counties.

THEREFORE through the provisions of the Standing Orders, I refer the Message to the Senate for consideration”

Hon. Senators, Standing Order No.43(7) provides that-

“When the Speaker reports a message from a county assembly under paragraph (5) and (6), the message shall be deemed to have been laid before the Senate and the Speaker may-

- (a) direct that the message be dealt with forthwith;
- (b) appoint a day for the consideration of the message; or
- (c) refer the message to the relevant Committee of the Senate for consideration.”

Consequently, I refer the Message to the Standing Committee on Agriculture, Livestock and Fisheries.

I thank you.

(The Message was referred to the Standing Committee on Agriculture, Livestock and Fisheries)

Sen. Ndwiga: Mr. Deputy Speaker, Sir, that is a valid request from Nandi County. I promise that my Committee will deal with the request expeditiously. We shall have a report before the House in two weeks.

(Sen. Mutula Kilonzo Jnr. consulted loudly)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Mutula Kilonzo Jnr. I have taken parliamentary notice that there is no tea in Makueni County.

(Laughter)

The Chairperson of the Committee on Agriculture, Livestock and Fisheries will liaise with the other Senators who have an interest to consider the Message from Nandi County Assembly. I am sure that the Senator for Nandi County will be interested in that Message.

I will give the Senator for Nandi County Sen. Cherargei, one minute to comment on the Message now that I had said something about tea and Nandi County previously.

Sen. Cherargei: Mr. Deputy Speaker, Sir, I thank the Nandi County Assembly for sending this Message.

Out of the six sub-counties in my county, more than three quarter of them grow tea. This Message has come at the right time when we are considering The Tea Bill (Senate Bills No.36 of 2018) by Sen. Cheruiyot. As the Chairperson of the Committee on Agriculture, Livestock and Fisheries has promised, we need to process this Message expeditiously.

There has been a big challenge on the use of the cess; the revenue collected from private companies, individuals and multinational companies that grow tea in our counties. I know that most of the Senators from tea growing areas are interested in this Message. I hope that we will discuss this matter to conclusion so that our people can benefit from the revenue.

Mr. Deputy Speaker, Sir, statistics have shown that tea is the second highest revenue earner to the Republic of Kenya and Nandi County grows most of the tea. Therefore, I fully support this Message and hope that it will be dealt with as Kenya and the rest of the world continue consuming the tea from my county.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Cherargei, I hope that your statistics still stand even with the recent reports of reduction in acreage of tea farms.

(Laughter)

Next Order.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Wetangula? Are you on a point of order?

(Sen. Wetangula spoke off record)

The Deputy Speaker (Sen. (Prof.) Kindiki): What are you on? We have disposed that matter. The Chairperson will---

Sen. Wetangula: Mr. Deputy Speaker, Sir, I had flagged interest in this matter.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Wetangula, not all interest will be accommodated because our time is finite. Otherwise, we will talk until come---

Sen. Wetangula: Mr. Deputy Speaker, Sir, now that I am facing the microphone--

The Deputy Speaker (Sen. (Prof.) Kindiki): Okay, you can get away with it for now. You have two minutes.

Sen. Wetangula: Mr. Deputy Speaker, Sir, first of all, the Chairperson of the Committee on Agriculture, Livestock and Fisheries has assured the House that this matter will be done in two weeks. This is a little too ambitious. This Message requires the Senate to legislate. However, that is not the point I want to make.

First, I congratulate Nandi County Assembly because since the second Senate of the Republic of Kenya started, this is the first time an Assembly has passed a resolution and sent a Message to the Senate to ask for legislation.

More importantly, I advise the Committee on Agriculture, Livestock and Fisheries that, in fact, I believe that this Message, as important as it is, is misguided. This is because agriculture is fully devolved. Assemblies have legislative powers and authority under the Constitution to pass legislation to levy local taxes on agriculture.

I believe that Nandi County Assembly, properly guided by their Senator, who is a lawyer, would come up with a legislation that covers the management of agriculture in their county and be able to levy taxes on the multi-nationals and other tea farmers if they wish. The danger of this request is that, very soon, you will have a flurry of very spurious and unnecessary requests and Messages where people will now want to levy taxes through this House on cattle, sheep, fish, coffee, maize and so on.

I would have expected a distinguished lawyer that is on the Chair today to have given that direction because I know that you share these sentiments. If you read the Fourth Schedule of the Constitution carefully, this House does not need a request to pass the legislation that we are being asked to.

The Deputy Speaker (Sen. (Prof.) Kindiki): Now, the directive stands. Sen. Ndwiga, there is nothing to canvass. I will only amend the directive a bit in light of part of what Sen. Wetangula has said; to add that perhaps the enormity of the matter requires a little more time.

I direct that you take a bit of time so that you deal with the matter exhaustively. It is my position that the relationship that exists between the Senate and county assemblies in terms of providing national frameworks for legislation must mean something.

So, when a Message like this one comes, it must be dealt with in such a way that not only Nandi County benefits, but the entire country wherever tea is grown – I am sure there are many counties which have an interest – from Bomet to Kericho, Tharaka-Nithi,

Meru and even Mombasa County. It even includes tea consuming and conveying areas like Mombasa County.

Therefore, Sen. Wetangula, I appreciate what you have said, but it is also important to consider it under Article 191 on Conflict of Laws. It will be in the interest of the country for the Senate to make broad legislative frameworks that will cut across many counties. This is because even if Nandi County, for example - which I agree with you - provided for his kind of legislation, it will only apply to Nandi County. A proposal coming from this House would cut across the country and provide a remedy in a one-fit-all kind of situation.

(Sen. Mutula Kilonzo Jnr. spoke off record)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator for Makueni County. Have you taken tea today? You seem to be overly interested in tea and tea matters.

(Sen. Ndwiga stood up in his place)

Sen. Ndwiga, are you on a point of order?

Sen. Ndwiga: On a point of order, Mr. Deputy Speaker, Sir. While I appreciate what the Senator for Bungoma County has said, we have just been through The Tea Bill (Senate Bills No. 36 of 2018) and as a Committee, we already know that you cannot legislate in the counties for taxes. Tea has about 42 taxes along the value chain. So, you cannot legislate in Nandi or Embu counties for taxes on tea.

Therefore, I knew what I was saying when I said that I need two weeks. We have all that information. Perhaps, it is not even necessary to even bring a Bill here; not yet. However, in two weeks' time, we will be able to bring a report to this House on the progress on what we are doing about this Message.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered. Two weeks, if you are comfortable. It was for your comfort that we needed to extend the time. If you are comfortable with two weeks, it is so ordered.

What is out of order, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, nothing is out of order. Only that I appreciate the direction given by the Chairperson. The law is very clear that you cannot impose policies that will ideally affect national issues. The Chairperson is right but I thought the finance aspect of that proposal by Nandi County Assembly would concern the Senate because it would then border on Article 114.

Let us wait for the report but there is a substantive issue as to whether this Senate can legislate on matters of taxes or, this is one of those opportunities we can draft a legislative proposal and agree with the National Assembly for them to commence a Bill and then we can deal with it later.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. That bridge will be crossed when we reach there.

Next Order.

(Sen. Cherargei stood up in his place)

Order, Sen. Cherargei.

PETITION

ALLEGED VIOLATION OF THE CONSTITUTION AND ABUSE OF OFFICE BY THE COUNTY GOVERNMENT OF BUNGOMA

The Deputy Speaker (Sen. (Prof.) Kindiki): Pursuant to Standing Orders Nos.226(1)(a), and 230(2)(b), I hereby report to the Senate that a Petition has been submitted, through the Clerk, by Mr. Moses Wanjala Lukoye, a resident of Bungoma County.

As you are aware, Article 119(1) of the Constitution states that -

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

The salient issues raised in the said Petition are as follows-

(1) THAT, there is alleged gross violation of the Constitution and other laws, embezzlement of public funds, contravention of the law and abuse of office by Governor Wycliffe Wafula Wangamati and his executive in the following ways -

(a) Initiating mega projects, for example, Kanduyi-Musikoma dual carriageway, Masinde Muliro Stadium, identifying contractors against the provisions of the Public Procurement and Asset Disposal Act and without public participation against Article 10(2)(a) of the Constitution;

(b) Embezzling public funds through exaggerated budgets of public participation meetings that are just done to justify some already spent monies;

(c) Initiating and forcing mega projects, for example, dual carriageway and Webuye Industrial Park which are functions of the national Government to be done by the county using limited resources sent to the county for urgent functions of the county as per the Fourth Schedule of the Constitution;

(d) Grossly violated Section 107(c) of the Public Finance Management Act, 2012 as read with Regulation 25(b) of the Public Finance Management (County Governments) Regulations, 2015, which requires that wages and allowances of public officers shall not exceed 35 per cent of the total county revenue.

When Wycliffe Wangamati took over office, he increased the wage bill to Kshs2.72 billion which is 54 per cent of the total county revenue through the following ways-

(i) Unprocedurally and illegally employed all the then FORD-(K) Party Office bearers to his office on very high job groups without following due process;

(Loud consultations)

(Laughter)

Order, Senators! Your interruption has assisted Sen. Mpaayei to find some respite.

I will repeat that when Hon. Wycliffe Wangamati took over office, he increased the wage bill to Kshs2.72 billion which is 54 per cent of the total county revenue through the following ways-

(i) Unprocedurally and illegally employed all by then FORD-(K) Party Office bearers to his office on very high job groups without following the due process;

(ii) Coerced the County Public Service Board (CPSB) to create illegal offices such as chief officer in the Office of the Deputy Governor and County Secretary, Deputy County Secretary, County Chaplain, Investment Secretary, advisers and Deputy Chief of Staff/Personal Secretary which are not necessary as per Section 60 of the County Governments Act, 2012 but just meant to reward his cronies;

(iii) Appointed eight advisers instead of three as recommended by the consortium of the then Transition Authority (TA), Salaries and Remuneration Commission (SRC) and the Council of Governors (CoGs) in 2013;

(iv) Created unnecessary Service Delivery Unit (SDU) which is a duplication of the roles of the CPSB and the County Department of Public Administration and Management; and,

(v) Moved county directors to lower positions but at same job groups and giving room to give acting allowances to his cronies. He also moved the sub-county administrators to county departments against the law to appoint junior officers to act thus increasing the allowances and the wage bill.

*(The Deputy Speaker (Sen. (Prof.) Kindiki) consulted
the Clerk-at-the-Table)*

(2) THAT, the County Assembly of Bungoma has allegedly failed to carry out its mandate of oversight, representation, and legislation by-

(i) Refusing to discuss petitions from the public especially those touching on the conduct of the governor;

(ii) Approving appointees during the vetting process who are unqualified and whose offices are not in law or whose nomination was not done as per the due process;

(iii) Failing to undertake public participation as required in Article 196 of the Constitution; and,

(iv) Approving projects and appropriating money to projects which are still under the national Government.

(3) THAT, the Petitioner has on several occasions written to the governor and county assembly, including petitioning the county assembly on the conduct of the governor but there was no response;

(4) THAT, none of the issues raised in this Petition are pending before any court of law, constitutional or any other legal body.

Consequently, the Petitioner prays that the Senate-

(i) Hears and considers this Petition;

(ii) Directs the Auditor-General to conduct a special audit exercise in view of the foregoing issues; and,

(iii) Direct the Ethics and Anti-corruption Commission (EACC), the Directorate of Criminal Investigations (DCI), the Directorate of Public Prosecution (DPP) and the Controller of Budget (CoB) to investigate whether any criminal offences arise from the facts set out in this Petition and take appropriate action thereon.

On that part of the Petition, some of the terms used are unconstitutional, for example, directing the DPP and other independent offices. We should recommend.

Hon. Senators, pursuant to Standing Order No. 231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

This means for a period between one minute and 29-and-a-half minutes.

(Laughter)

Proceed, Senator for Bungoma.

(Loud Consultations)

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

Sen. Wetangula: Thank you, Mr. Deputy Speaker, Sir. I am in possession of a copy of that Petition. I have gone through it carefully. The petitioners have exercised their constitutional right to come to this House. Some of the allegations are clearly outrageous and ill founded. For example, that Bungoma County has an annual budget of Kshs10 billion. So, Kshs2.7 billion wage bill cannot be 54 per cent, even if you failed Mathematics.

Mr. Deputy Speaker, Sir, there are many other things that have been raised in the Petition. As the Senator for Bungoma County and the Leader for the party that forms government in Bungoma and Trans Nzoia counties, I do not want to pre-empt anything. Those who alleged must prove. I hope they will be given an opportunity by the Committee that you will direct to hear the matter to come and table their evidence.

I have no doubt that the Governor and his team will be at hand to rebut the allegations. I know for a fact that the exaggerated number of advisers listed and many other things in the Petition are outright false. Let us give them their day before the Senate and hear them because it is their right. The right to think has never been limited to good thinking and it is available to everybody. We will deal with the matter in accordance with the law.

As the Senator for Bungoma County, this is the second petition coming to this House. In the previous Parliament, we had an acrimonious and protracted petition that this House dealt with in relation to my former governor who now happens to be our Speaker. One of the petitioners in this Petition was a petitioner in the then petition. We will see what ruby they will spring out of the hut in this matter.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Omanga, you cannot have a point of order when the Chair is on his feet.

Hon. Senators, pursuant to Standing Order No.232(1), the Petition stands committed to the Standing Committee on Devolution and Intergovernmental Relations. In terms of Standing Order No.232(2), the Committee is required, in not more than 60 days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Wetangula, I hope it is a point of order.

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

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

Sen. Wetangula: Mr. Deputy Speaker, Sir, while it is not within my capacity to challenge any direction and ruling from the Chair, listening to the Petition, most of the allegations and prayers are on matters of financial probity and financial management. I thought that such a Petition would best be heard by the Committee on Finance and Budget other than the Committee on Devolution and Intergovernmental Relations because there are accountability and financial management issues. I seek your direction on whether the Committee on Devolution and Intergovernmental Relations is the right Committee to investigate this matter.

The Deputy Speaker (Sen. (Prof.) Kindiki): I have looked at the contents of the Petition carefully. There are many allegations ranging from human resource issues, the relationship between the executive and the County Public Service Board (CPSB) and issues of procurement and finance and so on and so forth. So, it is not strictly financial-related issue but generally the governance of the county as a whole. Therefore, I reiterate my directive that the matter be seized of by the Committee on Devolution and Intergovernmental Relations.

*(The Petition was committed to the Committee on
Devolution and Intergovernmental Relations)*

Sen. Omanga, there is something you were trying to do unprocedurally.

Sen. Omanga: Mr. Deputy Speaker, Sir, it was about Sen. Orengo who was walking carelessly when you were on your feet.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Orengo, what sayeth thou?

The Senate Minority Leader (Sen. Orengo): Mr. Deputy Speaker, Sir, it is bad to be accused by a lady because I do not know how to react. When I came in, I could not tell whether the Chair was on his feet, bending or sitting.

(Laughter)

I took a moment to try and find out because the Chair was engaged by the Clerk. From that engagement, I could not tell whether he was sitting, standing or bending.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is your understanding of the Chair being on his feet?

The Senate Minority Leader (Sen. Orengo): When the Chair is on his feet, not even the Clerk should be on his feet.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Orengo, how would you define the Chair being on his feet?

The Senate Minority Leader (Sen. Orengo): When he is standing upright without bending and addressing the House and not the Clerk. I took time to check because I normally respect the rules of the House. It is my word against the gracious lady's and it is upon you to decide which one you will take.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Orengo, you have done well expect for the last part. You said it is either you or the lady to carry the day. It is neither of you but the rules that we have to abide with.

I know Sen. Orengo is one of the most seasoned parliamentarians. Therefore, I will give him the benefit of doubt. I just want to mention that if the Chair is not seated on

the Chair, then he is on his feet. So, the story of bending or squatting is neither here nor there. The Chair is either seated or on his feet.

Sen. Sakaja: On a point of order, Mr. Deputy Speaker, Sir. I think you are letting Sen. Orengo get away with a cheeky statement he has made. The Chair's position is the most elevated in the House. In a cheeky manner, Sen. Orengo said he was not sure whether the Chair was standing or sitting. That means he is either casting doubt on the vertical challenge on the part of the Chair or optical challenge on his part. Since the seat you are on is the most elevated, there cannot be any doubt whether you are standing or sitting regardless of the height.

Could the Chair direct that his eyes be checked because that is where the problem could be?

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

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

Sen. Shiyonga: Mr. Deputy Speaker, Sir, you should allow them to demonstrate what they are talking about.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order. You are complicating matters for Sen. Orengo by rising on points of order. He had gotten away with it and the matter was to lie because he had been indulged by the Chair. I will not invite Sen. Orengo to respond to what Sen. Sakaja has said.

(A Member spoke off record)

It is actually worse. That is what I am avoiding. If it goes that direction, both you and the Senator for Nairobi City County will face serious consequences.

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

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

Sen. Wetangula: Mr. Deputy Speaker, Sir, I will not wade into the question as to whether the Deputy Speaker was bending, standing or sitting but I will talk about the communication between the Speaker and the Clerks-at-the Table. I sat in that seat in the Seventh Parliament. Traditionally, when the clerk goes to advise the Speaker, and they must do that all the time in any House in comparable jurisdictions, the Speaker remains seated. He only stands to communicate when the clerk has finished talking to him. I have never seen a situation where the clerk advises the Speaker when the Speaker is on his feet.

The conduct between the Chair and the Clerks-at-the Table should be consistent with the norms, precedence and practice of the House of Parliament. When the clerk is advising the Chair, the Chair should get to his seat and nobody else should stand when the Speaker is standing, except the Serjeant-at-Arms or Members who freeze in accordance to the Speaker's orders.

The Deputy Speaker (Sen. (Prof.) Kindiki): To whom is that advice directed?

(Laughter)

You have mentioned two players; the clerk and the Speaker. Who is that advice directed to?

Sen. Wetangula: Mr. Deputy Speaker, Sir, that advice is directed to two offices; the Office of the Speaker and the Office of the Clerk. The Speaker cannot be out of order, so it is out of order for the clerks to walk to the Deputy Speaker when he is on his feet---

The Deputy Speaker (Sen. (Prof.) Kindiki): You have acquitted yourself. Retreat and get seated. Do not advance that theory. I wanted to know the person who the advice was directed to.

We have one more Petition then we will go into division. I will allow Sen. Cherargei to read out his Petition. Nobody should leave the Chamber. We are going to vote in a short while.

PETITION

ABSENCE OF DEPUTY GOVERNOR IN WEST POKOT COUNTY

Sen. Cherargei: Thank, you, Mr. Deputy Speaker, Sir. The Petition concerns the absence of the Deputy Governor of West Pokot County.

We want draw the attention of the Senate to the following -

(i) THAT, since the Deputy Governor consistently absconded or deserted his duties to attend to his personal matters in United States of America (USA) at the expense of his national or county duties, the people of West Pokot have not gotten the value for money paid to the Deputy Governor since September 2017.

(ii) THAT this matter has been raised with the Governor, Prof. Lonyangapuo, and the County Public Service Board and no satisfactory response or action has been issued or undertaken.

(iii) THAT the matter is not before any investigative institution, constitutional body or before any court of law.

Wherefore, your humble petitioners pray that the Senate-

(1) Investigates the allegation of absence or desertion of national and county duties raised against the Deputy Governor of West Pokot County and establishes whether there was violation of the applicable laws of Kenya.

(2) Establishes, recommends and advises on the tenable number of days that a deputy governor can stay out of the country or county, even if he or she was ordinarily on official duties.

(3) Establish whether the County Government of West Pokot has sanctioned the absence of the Deputy Governor and legality of his continued stay outside the country.

(4) Determine whether the position of a deputy governor is significant in management of county governments and whether Kenyans should continue to bear the burden of paying for offices which are perceived to be not useful judging from the case of West Pokot County.

(5) Recommend appropriate deterrent action against the Deputy Governor and the County Government of West Pokot if it is established that there were violations against laws of the country with the aim of setting precedence.

The Petitioners are Dennis Ruto, Augustine Mataluk and Clement Losianyang. I have countersigned.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Pursuant to Standing Order No.231, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes.

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

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

Sen. Sakaja: Mr. Deputy Speaker, Sir, I stand to seek your advice. In as much as any Kenyan is entitled to bring a petition on any matter, it is important for you to advise the House, for the sake of neatness.

West Pokot County has a duly elected Senator who represents the interest of his county and the interest of the government. When a Petition of such nature comes from the people of that area, is it not neater for it to be read out by the Speaker as opposed to it being presented by another Senator? If that is allowed, Members will start picking issues from other counties.

I seek your advice on that matter.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. We will first hear from Sen. Malalah.

Sen. Malalah: Thank you, Mr. Deputy Speaker, Sir. I want to comment on the Petition from West Pokot.

The issue of deputy governors must be looked into deeply. It is our responsibility, as the Senate and legislature, to look into the County Governments Act and beef up the role of the deputy governor. There is a lacuna in law on what should happen in the absence of a deputy governor. We have counties that have not had deputy governors for almost a year. Nairobi City County is setting a bad precedent of transacting business with an incomplete Cabinet. We need to punish such counties by stopping their allocation until they put their governments in order.

The law clearly states that the national Government and the Commission on Revenue Allocation (CRA) will allocate revenue and monies to counties. By definition, a county is made up of the legislature, the county assembly and the county executive through the executive committee. If the executive committee is not properly constituted, then that county does not qualify to be called a county.

Therefore, Mr. Deputy Speaker, Sir, we should be proposing measures in which we can discipline such counties as Nairobi City County, where the governor even walks in the precincts of this Parliament with impunity, trying to interpret the law otherwise. I think the Constitution had envisioned a situation whereby a governor will have a deputy governor.

Mr. Deputy Speaker, Sir, we have counties where deputy governors do not have roles. They only go to their offices to drink tea, walk out and represent their governors in funerals and other ceremonies. It is, therefore, important for us, as we look into the law, to start looking at the definite role of a deputy governor as opposed to just a general overview.

Mr. Deputy Speaker, Sir, I want to join my brother, Sen. Sakaja, who said that we should vet the type of petitions which come to the Floor of this House. As much as people have their constitutional rights to bring petitions here, let us have a way to vet them so as to ascertain their contents.

On the issue of the Bungoma County Petition, I am shocked that this is the first time *mwananchi* is bringing a petition that the county government is building a stadium

in Bungoma. I am surprised that the Bungoma *mwananchi* is bringing a Petition that the Bungoma County Government is building a road. How I wished we looked into the merits of those petitions before they get to the Floor of this House. Otherwise, this House has got the constitutional obligation to ensure that they carry out investigation to those allegations and bring them to light.

Lastly, Mr. Deputy Speaker, Sir, I have an issue on how we implement the resolutions of this House. Kenyans have got a lot of confidence with this House, but the way we treat the resolutions of this House is questionable. We have very little implementation of the resolutions of this House. For instance, three weeks ago, I raised questions on the Matungu issue and up to now, I have not received the answers. Instead, I can see the Senate Majority Leader walking in flamboyantly, yet he has not responded to the issues of Matungu. When we ask questions---

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

(Laughter)

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

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

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, is Sen. Malalah in order to associate my humble walking with flamboyance when---

(Sen. Wetangula spoke off record)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! Sen. Wetangula, I thought you were the one who was advising certain offices on procedure just a while ago?

(Laughter)

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I do not think it is parliamentary language to associate my walking and the walking of the Office of the Majority Leader with flamboyance. I am a humble village boy---

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

(Laughter)

The Senate Majority Leader (Sen. Murkomen): Flamboyance is not well defined---

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well, Majority Leader; we have heard you.

Sen. Malalah, the comments and observations should be limited to the Petition on the absence of a deputy governor in West Pokot County and not on the walking style of Sen. Murkomen or any other matter. The observation should be on the issue of West Pokot and the deputy governor's services.

Sen. Malalah: I am well advised, Mr. Deputy Speaker, Sir. However, I still insist that the Majority Side should wake up and ensure that the questions we ask on the Floor of this House are answered. They should not only be answered correctly, but in good time. I want to challenge the leadership of the Majority side; we know that we are in the mood and season of the “handshake,” but we want to challenge and remind you of your core mandate. We, as the Senate Minority Side, shall ensure that we keep you on check, because you have started sleeping on your job as the Majority Side. We, therefore, want correct answers and in good time.

Thank you, Mr. Deputy Speaker, Sir.

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

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

Order, Senators! Sen. Malalah, have you finished?

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. Olekina for not more than two minutes.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. I will be brief and to the point. I am a little bit perplexed on this issue of West Pokot County, reason being that when we want to Uasin Gishu County, this issue of the deputy governor was brought to our attention. I remember that we questioned the Governor in our Committee of County Public Accounts and Investments on whether the deputy governor had deserted his duties or absconded his duties.

Mr. Deputy Speaker, Sir, it is important for us to note the difference between those two terms. The way I understood the petitioners, they are saying that the deputy governor has absconded his duties. I am, therefore, not so sure whether that is the case, because the Governor of West Pokot, who is the former Senator of that County, told our Committee that he had given the deputy governor permission to be out of the country. We, therefore, need to differentiate those two; on whether someone who has been elected in the same ticket with the governor can then now be considered as an employee of the governor. This is because when we look at the law, Section 35 of the Elections Act of 2007, it stipulates on how a person who absconds duty should be dealt with. These are the issues that we must canvass and figure out on how to streamline them.

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

Sen. Olekina: Mr. Deputy Speaker, Sir, I know that we are in a rush to vote, but this is a matter that this House must sit down and look at, so that if a deputy governor leaves---

We know there was that law which I think was sponsored by Sen. Wamatangi; the Assumption of the Office of the County Governors Bill. I am sure that we dealt with the issue of when the officer of the deputy governor becomes vacant---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Olekina. We are not debating this matter; it is just observations.

Hon. Senators, pursuant to Standing Order 232(1), the Petition stands committed to the Standing Committee on Devolution and Intergovernmental Relations---

(Sen. Murkomen and Sen. Kihika consulted loudly)

Order, Majority Leader and Majority Whip! Order!

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

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

(Loud consultations)

You cannot have a point of order when the Speaker is on his feet!

Order, Sen. Madzayo, Sen. Murkomen and Sen. Kihika.

Hon. Senators, subject to Standing Order 231(1), the Petition stands committed to the Standing Committee on Devolution and Inter-governmental Relations. In terms of Standing Order No.232(2), the Committee is required, in not more than 60 days from the time of reading the prayer, which is today, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

Order, Sen. Madzayo!

What is it, Sen. Murkomen?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I understand the wisdom behind terminating debate or contributions to this Petition, considering that we need to vote; which I have no problem with. However, the Standing Orders provide comments and contributions for about 30 minutes. Nothing would have stopped your office from terminating debate for the time being so that we go for the voting, and then come back to it. There was a reason why 30 minutes was provided for that in these Standing Orders. Secondly, this is such an important issue. Earlier on, we spent a lot a lot of time discussing about whether the Speaker was sitting or standing, and we are live actually.

Mr. Deputy Speaker, Sir, we should have spent the quality time that we have on air right now making our thoughts and contributions on this Petition. We should remember that once a petition comes here, it will not come here again for any contribution by any Member of this House. Considering the seriousness of the absence of a deputy governor, even if you rule me out of order, it is unfair to completely extinguish the possibility of some of us who have researched, drafted laws and said something about the office of the deputy governor. We should have had some time to discuss this matter.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Murkomen, the Speaker does not own or canvass any business. Business is canvassed by Members either as Private Members business or by the Majority or Minority Party in the House.

First things first; the observations or comments are for a period of not more than 30 minutes meaning any time from one to 30 minutes depending on the circumstances. Having said that, your own Whip, the Senate Majority Whip, is the one who put a lot of pressure on me requesting that the Majority side has so many Bills for which we must do a Division and has been on the case of the Speaker since 2.30 p.m. when you were not in the Chamber. I hope that you had delegated responsibility.

The Senate Majority Leader, you are advised to abandon that line of argument, consult your Whip and decide what to canvass before the Speaker or not. Otherwise you are making it look as if your own Whip is on a frolic of her own. That matter is therefore closed.

(Loud Consultations)

What is it, Sen. Madzayo?

Sen. Madzayo: Bw. Naibu Spika, wakati wowote ukiketi kwenye kiti hicho, wewe hutumia ‘ulazimishi’ wa kukata kauli na kuwafungia nje Maseneta wengine kuotoka mjadala unaoendelea.

(Laughter)

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

Sen. Madzayo: Bw. Naibu Spika, tafadhali, nipe nafasi niongee.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Madzayo! Sit down. I will not allow you to continue.

Let me repeat myself. The request on voting was made by the Senate Majority Party and granted.

(Sen. Murkomen consulted loudly)

Order, the Senate Majority Leader! Why are you behaving like this?

(Sen. Madzayo consulted loudly)

Sen. Madzayo, if you continue, I will move to the next level.

Sen. Madzayo: Bw. Naibu Spika, unatumia nguvu.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Madzayo! That matter is closed. Let us move to the next Order.

Any Senator who is aggrieved can approach the Chair because that matter is closed.

Next Order.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, before I lay these Papers, I must correct an erroneous impression that has been made in this House that the Senate Majority Leader is working in cross purpose with the Whip. If you heard me clearly, the Senate Majority Whip requested for voting to hold all other businesses so that we can do Division. I agree with that position. The only thing is that I am requesting pursuant to the previous request made by the Senate Majority Whip, that we hold all the other businesses including that Petition for us to go for Division then I will still be here to lay the Papers. With your permission, we can go to the Division---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, the Senate Majority Leader! Do you not want to lay the Papers?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, it was just a request. Any way, we can proceed.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): The Senate Majority Leader, proceed to lay the Papers.

PAPERS LAID

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today Wednesday, 12th June, 2019-

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS
COUNTY AGENCIES/FUNDS

The Report of the Auditor-General on the Financial Statements of Kakamega County Trade Development Loan Fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Bungoma County Bursary Fund for the Year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Bungoma County Trade Development Fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Taita Taveta County Assembly Revolving Car Loan Scheme fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Kwale County Youth, Women and Persons with Disabilities Fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Taita Taveta County Executive Car Loan and Mortgage Revolving Fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Kwale County Bursary Fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Malindi Water and Sewerage Company Limited for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Kwale County Disaster Management Fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Taita-Taveta County Datu Sawazisha Fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Kilifi-Mariakani Water and Sewerage Company Limited for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Kwale Water and Sewerage Company Limited for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Taita Taveta County Education Fund for the year ended 30th June 2018.

Report of the Auditor-General on the Financial Statements of Taita Taveta County Assembly Mortgage Scheme Fund for the year ended 30th June 2018.

(Sen. Murkomen laid the documents on the Table)

REPORT ON THE 2018 PARTNERS' FORUM

Sen. Kihika: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Wednesday, 12th June, 2019-

Report of the Senate Delegation to the 2018 Partners' Forum held from 12th -13th December, 2018 in New Delhi, India.

(Sen. Kihika laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I would like to give some directions regarding the rest of the Orders for today as follows. We will defer Order No. 8 until we finish with the Division.

BILL

Second Reading

THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)

(Bill deferred)

Let us move to Order No.9. Before we proceed, I have the following Communications to make.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM URUKU GIRLS HIGH SCHOOL, MERU COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Uruku Girls High School in Meru 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 welcome and wish them a fruitful visit.

I thank you.

(Applause)

VISITING DELEGATION FROM FRIENDS BOYS
BWAKE HIGH SCHOOL, TRANS NZOIA COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Friends Boys Bwake High School, Trans Nzoia 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 welcome and wish them a fruitful visit.

I thank you.

(Applause)

VISITING DELEGATION FROM MPEKETONI BOYS
HIGH SCHOOL, LAMU COUNTY

Hon. Senators, I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Mpeketoni Boys High School in Lamu 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 welcome and wish them a fruitful visit.

I thank you.

(Applause)

The Deputy Speaker (Sen. (Prof.) Kindiki): I now direct the Division Bell to be rung for two minutes.

(The Division Bell was rung)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators. Let us resume our seats for division. I now direct that the Bars be drawn and the door be locked.

(The Bars were drawn and door locked)

BILL

Second Reading

THE NATIONAL COHESION AND PEACE
BUILDING BILL (SENATE BILLS NO.35 OF 2018)

(Sen. Pareno on 22.5.2019)

(Resumption of Debate interrupted on 29.5.2019)

DIVISION

ELECTRONIC VOTING

(Question, that the National Cohesion and Peace Building Bill (Senate Bills No. 35 of 2018) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Omogeni, Nyamira County; Sen. Sakaja, Nairobi City County and Sen. Wetangula, Bungoma County

NOES: Nil

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, the results of the Division are as follows-

AYES: 28

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 28 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us move on to the next Order. I now direct that the Bars be withdrawn and Doors opened.

(The Bars were withdrawn and Doors opened)

(Sen. Hargura stood up in his place)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator for Marsabit County! Division is still going on.

Hon. Senators, further to my earlier directive, I now direct that we consider Order Nos.10, 11, 12, 13, 14, 15 and 16 together. That means we proceed to the Committee of the Whole.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE STATUTORY INSTRUMENTS (AMENDMENT)
BILL (SENATE BILLS NO.24 OF 2018)

(Sen. Farhiya on 27.11.2018)

(Resumption of debate interrupted on 6.6.2019)

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, we are in the Committee of the Whole to consider The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018).

Sen. Farhiya, approach the Temporary Chairperson.

(Sen. Farhiya approached the Temporary Chairperson)

Hon. Senators, we will defer consideration of this Bill at this stage.

(Committee of the Whole deferred)

I direct that the Division Bell be rung for two minutes. We will now proceed to consider The Impeachment Procedure Bill (Senate Bills No.15 of 2018).

THE IMPEACHMENT PROCEDURE BILL (SENATE BILLS
NO.15 OF 2018)

(The Division Bell was rung)

Hon. Senators, I order that the Doors be locked and Bars drawn.

(The Door were locked and Bars drawn)

Hon. Senators, you can vote now.

(Voting in progress)

DIVISION**ELECTRONIC VOTING**

(Question, that Clause 33 be deleted as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows:

AYES: 26

NOES: Nil.

ABSTENTIONS: Nil.

The 'ayes' have it.

(Question carried by 26 votes to Nil)

DIVISION**ELECTRONIC VOTING**

(Question, that Clauses 4, 9, 10, 11, 14, 17 and 28 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows-

AYES: 27

NOES: Nil.

ABSTENTIONS: Nil.

(Question carried by 27 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 2, 3, 4(as amended), 5, 6, 7, 8, 9 (as amended), 10 (as amended), 11(as amended), 12,13,14 (as amended), 15, 16, 17 (as amended,)18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 (as amended), 29, 30, 31, 32 and 34, The Schedule, 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. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows:

AYES: 27

NOES: Nil.

ABSTENTIONS: Nil.

(Question carried by 27 votes to Nil)

Hon. Senators, we will now proceed to Order No.12.

THE PREVENTION OF TERRORISM (AMENDMENT) BILL
SENATE BILLS NO.20 OF 2018)

(Resumption of debate interrupted on 6.6.2019)

(Voting in progress)

DIVISION

ELECTRONIC VOTING

*(Question, that New Clause 2A be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 26

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to Nil)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 2 and 3 of be amended as proposed,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.)

Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 26

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to Nil)

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 2 (as amended), Clause 3 (as amended),
New Clause 2A, 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. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. Kajwang' M., Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 24

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 24 votes to Nil)

Hon. Senators, we will now proceed to Order No.13 which is The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.27 of 2018). You can start voting now.

(Several Senators stoop up in their places)

Order, hon. Senators! Resume your seats. We will now proceed to the Division for this Bill.

Could Sen. Omogeni approach the Clerks-at-the Table?

(Sen. Omogeni walked to the Clerks-at-the Table and registered his vote)

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT
OF ECONOMIC AND SOCIAL RIGHTS BILL
(SENATE BILLS NO. 27 OF 2018)

(Resumption of Debate Interrupted on 6.6.2019)

DIVISION

ELECTRONIC VOTING

(Question, that New Clause 25 be now Read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows:

AYES: 27

NOES: Nil.

ABSTENTIONS: Nil.

The "Ayes" have it

(Question carried by 27 to Nil)

DIVISION**ELECTRONIC VOTING**

(Question, that Clause 5 be deleted as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows-

AYES: 27

NOES: Nil.

ABSTENTIONS: Nil.

The "Ayes" have it

(Question carried by 27 to Nil)

DIVISION**ELECTRONIC VOTING**

(Question, that Clauses 6, 8, 9, 13, 15, 19, the Schedule and Clause 2 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen.

Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows:-

AYES: 26

NOES: Nil.

ABSTENTIONS: Nil.

The “Ayes” have it

(Question carried by 26 to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 6 (as amended), 7, 8 (as amended), 9 (as amended), 10, 11, 12, 13 (as amended), 14, 15 (as amended), 16, 17, 18, 19 (as amended), 20, 21, 22, 23, 24 and new Clauses 25, the Schedule (as amended), Clause 2 (as amended), 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. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang’, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil.

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows-

AYES: 26

NOES: Nil.

ABSTENTIONS: Nil.

The “Ayes” have it

(Question carried by 26 to 0)

Hon. Senators, we will now proceed to the next Bill, The Tea Bill (Senate Bills No. 36 of 2018).

THE TEA BILL (SENATE BILLS NO. 36 OF 2018)

(Sen. Cheruiyot on 13.3.2019)

(Resumption of Debate Interrupted on 11.06.2019)

Hon. Senators, we are now considering The Tea Bill (Senate Bills No. 36 of 2018).

DIVISION

ELECTRONIC VOTING

(Question, that New Clauses 16A, 16B, 16C, 16D, 16E and 34A be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Sen. Cherargei, Nandi County; Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil

ABSTENSIONS: Nil

The Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows-

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3-27 (as amended) Clause 28, Clause 29 (as amended), Clause 30, Clauses 31-33 (as amended), Clauses 34 & 35, New Clauses 16 A, 16B, 16C, 16D,

16E& 34A, the Schedule (as amended), Clause 2 (as amended), 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. Boy, Kwale County; Sen. Sen. Cherargei, Nandi County; Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

NOES: Nil

ABSTENSIONS: Nil

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows:-

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to Nil)

Hon. Senators, we are now proceeding to Order No. 15, the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017) consideration of the National Assembly Amendments.

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2017)

(Consideration of National Assembly Amendments)

(Resumption of debate interrupted on 11.6.2019)

DIVISION

ELECTRONIC VOTING

(Question, that the National Assembly Amendments to Clauses 8, 11 and 15 of the County Governments (Amendment) Bill (Senate Bills No.11 of 2017) be approved, put and the Senate proceeded to vote by County Delegations)

AYE: Sen. Outa, Kisumu County.

NOES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. (Rev.) Waqo, Marsabit County and Sen. Wetangula, Bungoma County.

ABSTENSIONS: Nil

The Temporary Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows-

AYES: 1

NOES: 25

ABSTENTIONS: Nil

The "Nays" have it.

(Question Negatived by 25 votes to 1)

Hon. Senators, we now proceed to the next Order, which is The Care and Protection of the Older Members of the Society Bill (Senate Bills No. 17 of 2018). I will now put the Question.

THE CARE AND PROTECTION OF OLDER MEMBERS OF
SOCIETY BILL (SENATE BILLS NO. 17 OF 2018)

(Resumption of Debate interrupted on 11.6.2019)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5 including the heading of Part II, 6, 26, 27 and 30 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-

Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County ; Sen. Outa, Kisumu County; and, Sen. (Rev.) Waqo, Marsabit County.

NOES: Nil

ABSTENTIONS: Nil

The Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows-

AYES: 26

NOES: Nil

(Question carried by 26 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that the New Clauses 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H and 5I be now read a Second time, put and the Senate proceeded to vote by county delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County ; Sen. (Dr.) Lelegwe, Samburu County ;Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County ; Sen. Outa, Kisumu County; and, Sen. (Rev.) Waqo, Marsabit County.

NOES: Nil

ABSTENTIONS: Nil

The Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows:-

AYES: 26

NOES: Nil

(Question carried by 26 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3(as amended), Clause 4(as amended), Clause 5 including the heading of Part II(as amended), Clause 6(as amended), Clauses 7-25, Clause 26(as

amended), Clause 27(as amended), Clauses 28,29 and Clause 30(as amended, Clauses 31-40, New Clauses 5A,5B,5C,5D,5E,5F,5H,5G and 5I, Clause2, 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. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County ;Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Omogeni, Nyamira County ;Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Olekina, Narok County ; Sen. (Prof.) Onger, Kisii County; Sen. Orenge, Siaya County ; Sen. Outa, Kisumu County; and, Sen. (Rev.) Waqo, Marsabit County.

NOES: Nil

ABSTENSIONS: Nil

The Chairperson (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows-

AYES: 26

NOES: Nil

(Question carried by 26 votes to Nil)

The Senate Majority Leader (Sen. Murkomen): I beg to move that the Committee of the Whole do report to the Senate its consideration of The Impeachment Procedure Bill (Senate Bills No.15 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker Sen. (Dr.) Lelegwe: Hon. Members, we will now report on The Prevention of Terrorism (Amendment) Bill (Senate Bills No. 20 of 2018). Let us have the Mover.

THE PREVENTION OF TERRORISM (AMENDMENT) BILL
(SEN. BILLS NO. 20 OF 2018)

Sen. (Rev.) Waqo: Mr. Temporary Chairperson, Sir, I beg to move that the Committee of the Whole do report to the Senate its consideration of The Prevention of Terrorism (Amendment) Bill (Senate Bills No. 20 of 2018) and its approval thereof with Amendments.

(Question proposed)

(Question put and agreed to)

THE PRESERVATION OF HUMAN DIGNITY AND
ENFORCEMENT OF ECONOMIC AND SOCIAL
RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)

Sen. Halake: Mr. Temporary Chairperson, Sir, I beg to move that the Committee of the Whole do report to the Senate its consideration of The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.27 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE TEA BILL (SENATE BILLS NO.36 OF 2018)

Sen. Cheruiyot: Mr. Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of The Tea Bill (Senate Bills No.36 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE CARE AND PROTECTION OF OLDER MEMBERS
OF SOCIETY BILL (SENATE BILLS NO.17 OF 2018)

Sen. Cheruiyot: Mr. Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of The Care and Protection of Older Members of Society Bill (Senate Bills No.17 of 2018) and its approval thereof with amendments.

Sen. Cherargei seconded.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Speaker (Sen. (Prof.) Kamar): Order, Members. Please, take your seats. We want to move very fast.

Hon. Members, we will start with The Impeachment Procedure Bill (Senate Bills No.15 of 2018), report from the Committee.

REPORTS AND CONSIDERATION OF REPORTS**THE IMPEACHMENT PROCEDURE BILL
(SENATE BILLS NO.15 OF 2018)**

Sen. (Dr.) Lelegwe: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered The Impeachment Procedure Bill (Senate Bills No.15 of 2018) and its approval thereof with amendments.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to report that the House do agree with the Committee in the said Report.

I ask the Senate Minority Leaders to second.

Sen. Orengo seconded.

(Question proposed)

(Question put and agreed to)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I beg to move that The Impeachment Procedure Bill (Senate Bills No.15 of 2018) be now read a Third Time.

I ask the Senate Minority Leader to second.

Sen. Orengo seconded.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Division will be at the end.

**THE PREVENTION OF TERRORISM (AMENDMENT) BILL
(SENATE BILLS NO.20 OF 2018).**

Next is the reporting on the Bill on The Prevention of Terrorism (Amendment) Bill (Senate Bills No.20 of 2018).

Sen. (Dr.) Lelegwe: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered The Prevention of Terrorism (Amendment) Bill (Senate Bills No.20 of 2018) and its approval thereof with amendments.

Sen. (Rev.) Waqo: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report.

Sen. Farhiya seconded.

(Question proposed)

(Question put and agreed to)

Sen. (Rev.) Waqo: Madam Temporary Speaker, I beg to move that the Prevention of Terrorism (Amendment) Bill (Senate Bill No.20 of 2018) be now read a Third Time.

The Temporary Speaker (Sen. (Prof.) Kamar): Who is the Seconder?

Sen. (Rev.) Waqo: Madam Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Division will be at the end.

The next Bill for reporting is The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.77 of 2018).

THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO.27 OF 2018)

Sen. (Dr.) Lelegwe: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.27 of 2018) and its approval thereof with amendments.

Sen. Halake: Madam Temporary Speaker, I beg to move that the House do agree with the Committee in the said report and ask Sen. Paul Githiomi to second.

Sen. Mwangi: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

Sen. Halake: Madam Temporary Speaker, I beg to move that Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.77 of 2018) be now read a Third Time.

I ask Sen. Githiomi to second.

Sen. Mwangi: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Division will be at the end.

THE TEA BILL (SENATE BILLS NO.36 OF 2018)

Sen. (Dr.) Lelegwe: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Tea Bill (Senate Bills No. 36 of 2018) and its approval thereof with amendments.

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

The Temporary Speaker (Sen. (Prof.) Kamar): Who is the Seconder?

Sen. Cheruiyot: Madam Temporary Speaker, I ask Sen. M. Kajwang to second.

Sen. M. Kajwang: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

Sen. Cheruiyot: Madam Temporary Speaker, I beg to move that The Tea Bill (Senate Bill No. 36 of 2018) be now read a Third Time.

I ask Sen. (Prof.) Ongeru to second

Sen. (Prof.) Ongeru: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Division will be at the end.

THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL
(SENATE BILLS NO. 17 OF 2018)

Sen. (Dr.) Lelegwe: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Care and Protection of Older Members of Society Bill (Senate Bills No. 17 of 2018) and its approval thereof with amendments.

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

I request Sen. Olekina to second.

Sen. Olekina: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

Sen. Cheruiyot: Madam Temporary Speaker, I beg to move that The Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018) be now read a Third Time.

I request Sen. Malalah to second.

Sen. Malalah: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, we are now ready for Division. We will proceed with the Bills as per the Order Paper.

I request that the Bell be rung for one minute.

(The Division Bell was rung)

I order that the doors be closed and the Bar drawn.

(The doors were closed and the Bar drawn)

We are now ready to vote. We will begin with The Impeachment Procedure Bill (Senate Bills No.15 of 2018). We will vote on all of them and announce the results at once.

(The Senators proceeded to vote)

THIRD READINGS

THE IMPEACHMENT PROCEDURE BILL
(SENATE BILLS NO. 15 OF 2018)

DIVISION

ELECTRONIC VOTING

*(Question, that The Impeachment Procedure Bill
(Senate Bills No. 15 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. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we now have the results: They are as follows-

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to Nil)

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

THE PREVENTION OF TERRORISM (AMENDMENT) BILL
(SEN. BILLS NO. 20 OF 2018)

DIVISION

ELECTRONIC VOTING

(Question, that the Prevention of Terrorism (Amendment) Bill (Sen. Bills No. 20 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. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. (Rev.) Waqo, Marsabit County; and Sen. Wetangula, Bungoma County.

NOE: Sen. Outa, Kisumu County.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we now have the results: They are as follows-

AYES: 27

NOES: 1

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to 1)

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

THE PRESERVATION OF HUMAN DIGNITY AND
ENFORCEMENT OF ECONOMIC AND SOCIAL
RIGHTS BILL (SENATE BILLS NO. 27 OF 2018)

DIVISION

ELECTRONIC VOTING

(Question, that the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill

*(Senate Bills No. 27 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. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we now have the results: They are as follows-

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to Nil)

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

THE TEA BILL (SENATE BILLS NO. 36 OF 2018)

DIVISION

ELECTRONIC VOTING

*(Question, that The Tea Bill (Senate Bills No. 36 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. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Onger, Kisii County; Sen.

Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we now have the results: They are as follows-

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 27 votes to Nil)

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

THE CARE AND PROTECTION OF OLDER MEMBERS OF SOCIETY BILL
(SENATE BILLS NO. 17 OF 2018)

DIVISION

ELECTRONIC VOTING

(Question, that the Care and Protection of Older Members of Society Bill (Senate Bills No. 17 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. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Halake, Isiolo County; Sen. M. Kajwang’, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Outa, Kisumu County; Sen. (Rev.) Waqo, Marsabit County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we now have the results: They are as follows-

AYES: 28

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 28 votes to Nil)

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

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Hon. Senators. I now order that the Bar be drawn and the Doors be opened.

(The Bars were withdrawn and Doors opened)

Hon. Senators, we shall now go back to Order No.6. As I said, there was a change on the Orders. Order No.10 was deferred in order to allow for further consultations. We will, therefore, go back to Orders No.6 and 7. There has been a negotiation from the Senate Majority Leader and we have agreed that we will defer Orders No. 17, 18, 19 and 20. Therefore, we will move to Order No. 21 after we finish Orders No.6 and 7.

BILLS

Second Reading

THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT)
BILL (SENATE BILLS NO. 38 OF 2018)

(Bill deferred)

Second Reading

THE COUNTY HALL OF FAME BILL (SENATE
BILLS NO. 39 OF 2018)

(Bill deferred)

Second Reading

THE PERSONS WITH DISABILITIES (AMENDMENT) BILL
(SENATE BILLS NO. 1 OF 2019)

(Bill deferred)

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(SENATE BILLS NO. 2 OF 2019)

(Bill deferred)

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

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

STATEMENTS

IMPORTATION OF MAIZE BY THE GOVERNMENT

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning plans by the Government to import maize.

In the Statement, the Committee should do the following-

(1) Explain the rationale for duty-free maize importation window that the Government plans to open as from July, 2019.

(2) State how much maize was bought from the farmers from the 2017/2018 harvest, the price, and if all farmers have been paid.

(3) State how much maize is in the strategic reserves and the grain deficit that is to be plugged.

(4) State how much maize is to be imported and at what price.

(5) State how much maize the Government is planning to buy from farmers from the 2019 harvest season and the budget that has been set aside for the activity.

(6) The Committee should also tell us what exactly happened to the contaminated maize that was in the National Cereals and Produce Board (NCPB) in 2017.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Cherargei.

Sen. Cherargei: Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I thank Sen. (Prof.) Kamar, the Senator for Uasin Gishu County, which is the single biggest maize producing county in the entire Republic. Of course, we have dairy, maize and tea farming, among others in Nandi County, but we also have maize, majorly in Chesumei and Mosop sub-counties.

Mr. Temporary Speaker, Sir, I rise to support and thank Sen. (Prof.) Kamar because this issue of maize has been a very serious one. I remember that an *ad-hoc* Committee was formed to discuss the maize crisis. It is shocking that we have heard, through the Ministry of Agriculture, Livestock and Fisheries, that there are plans to import maize into the country.

Mr. Temporary Speaker, Sir, as we talk here, farmers in the North Rift continue to have excess maize, yet the NCPB and the Ministry of Agriculture, Livestock and Fisheries continue having plans to import maize into this country. If we do not take care of this issue, we will be creating another artificial shortage, which will lead to a serious problem, such as the maize crisis we saw a few years ago. This issue must be addressed because our farmers--- You have seen in our recommendations that we need about Kshs11 billion for the National Subsidy Programme that was started by President Kibaki about five or ten years ago. However, this year, the farmers did not get the subsidy through the National Fertilizer Subsidy Programme.

Mr. Temporary Speaker, Sir, when you walk anywhere in Uasin Gishu, the economy of farmers, especially maize farmers be it in Nandi, Kitale or Trans Nzoia counties, the poorest of the poor in terms of farming are the maize farmers. However, many years ago, the richest farmers were those who were planting maize in this Republic. The staple food for the entire country is *ugali*, which is gotten through planting of maize. I expected my brothers, who are the *ugali* eaters, to be here. However, since Sen. Kwamboka, as a delegate from that area--- The more we ensure the scarcity of maize in the country, the more we create an acute shortage and food insecurity.

As I conclude, Mr. Temporary Speaker, Sir, one of the Big Four Agendas of the President is food security. However, when we mishandle the maize farmers and the production of maize in this country, we create food insecurity, yet the President has put it as one of the key agendas. The only way to sustain farming in this country is for us to introduce value addition and protective measures.

Mr. Temporary Speaker, Sir, I know that you have been travelling across the country or the world. Every airport of First World countries that you walk into in Europe, they will always tell you to declare if you have any agricultural products. What does that mean? It is a protective measure to ensure that the farmers who plant in that country are given priority and protected from the cartels or people who want to take advantage. This is because food is one of the biggest businesses.

Forty million plus Kenyans need to eat daily. We have seen millers complaining and the NCPB not mopping up enough maize. We have even seen how they were mopping up maize in the entire Republic, especially in the North Rift, especially Uasin Gishu, Nandi and Trans Nzoia counties. One needed a title deed to show that they were giving out maize. I hope that our brothers in the National Assembly are listening to us. In the next one or two days, when they will be passing the budget, the allocation to the agricultural sector should be more skewed towards the maize sector. They must allocate more money to buying of maize because it is one of the key sectors in this Republic.

Mr. Temporary Speaker, Sir, I challenge the Ministry of Agriculture, Livestock and Fisheries to borrow policies from anywhere in the world, where the farmer is protected from all unfair trade businesses. We need to relook at the National Subsidy Programme (NSP), not only for the maize farmers, but also for the tea, sugarcane and dairy farmers. The other day there was a proposal of regulations that people should not use ordinary manure to plant their crops. Similarly, there was another proposal that in the dairy sector people could not sell non-pasteurized milk, yet we know that Kenyans depend on these small-scale farmers to survive.

I warn the Ministry of Agriculture, Livestock and Fisheries that if they do not take care, they will mess with the farming of this country and create a hungry country. When the citizens are hungry, it becomes insecure for all of us. They should not travel that route. They should add more subsidies to maize farmers, ensure we have friendly and better prizes for maize farmers and give them all the necessary machinery, now that changes are happening. If we do this, they can produce more. Last year we produced over 46 million bags of maize in this country.

Mr. Temporary Speaker, Sir, I support my neighbour and colleague, Sen. (Prof) Kamar. She has been passionate about this issue and gone a great length. I happened to be a Member of that *Ad hoc* Committee on maize and invite the Ministry of Agriculture, Livestock and Fisheries to look at those recommendations. They are good and we fully

support them in Nandi, Uasin-Gishu, Trans Nzoia and the rest of Kenya, where maize is planted. We hope that the Galana-Kulalu Irrigation Scheme will be shut down. Let that money that was going to that Scheme be used in the North Rift – Nandi, Uasin Gishu and Trans Nzoia counties - to improve maize growing in this country.

Sen Farhiya: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute to this conversation. I am not a maize grower or a large consumer of maize. However, if you understand economics, then you know that any country that is only consuming and not producing can never grow. If many Kenyans depend on maize, which is our staple food, we should be able to provide enough food.

I thank Sen. (Prof).Kamar for being diligent about the welfare of her people by raising the maize issue all the time. We had a food surplus in 2017 and did not have rain shortage in 2018. What happened? Where did the surplus go? Why did the farmers not grow maize in 2018? Those are the questions that we need to ask ourselves. The farmers must have made a decision that they will not grow maize in 2018. I do not think the rainfall was that little. At least there could have been maize grown in this country.

Mr. Temporary Speaker, Sir, when there was a surplus, we heard that the big suppliers should not supply to the National Cereals and Produce Board (NCPB). There were so many conditions that were put for the farmers and small-scale farmers suffered as a result. We killed the sugar industry in this country through careless importation and the sugar prices dropped. Now, people are not growing sugarcane anymore. If it is grown, it is in small-scale. The sugar value chain is dying. Are we taking maize to its death bed again?

When we make a mistake, we must learn from it. We cannot have a dependency syndrome in this country, where we depend on imported clothes. To some extent, whether legally or illegally, sugar is imported. The reason our products are more expensive than in our neighboring countries is because of the level of corruption that exists in this country.

We need people who care enough about this country and its citizens, such that at policy level, they will feel a decision is wrong. I do not know what can be done to ensure that when we have a bumper harvest we save the grains, so that next time when there is shortage, we use them instead of importing. If we do not do this, we can never prosper in terms of manufacturing.

Mr. Temporary Speaker, Sir, electricity is one of the key factors of production. However, we have discovered a lot of different means, for example, solar which was not part of the normal grid. We have also discovered geothermal and other green energy. However, the cost of electricity has never reduced. How can we be a manufacturing country when electricity, which is one of the major requirements for manufacturing, has never come down?

Mr. Temporary Speaker, Sir, if our manufacturing sector was at a different level, there could have been a way to save grains when we have a bumper harvest, so that when we have a shortage, we use them.

Mr. Temporary Speaker, Sir, this country must increase its outputs. We cannot depend on importation and expect to be food secure. These are some of the questions we need to ask ourselves and think about the welfare and development of this country. Therefore, we must maximize what we are better at, so that what we are not good at, we can add value to it through manufacturing. That will ensure that we grow this economy.

Mr. Temporary Speaker, Sir, we have a young population. Therefore, for us to create jobs, we must increase our level of production. If we cannot increase our input, I feel sad for this economy. The right decision needs to be made in the right places. This House needs to speak to that.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe: Hon. Senators, pursuant to Standing Order No. 48(1), the Statement stands committed to the relevant Committee.

Let us move on.

ACQUISITION OF KENYAN CITIZENSHIP BY INDIVIDUALS WHO
MEET REQUIREMENTS IN THE CONSTITUTION

Sen. Kwamboka: Thank you, Mr. Temporary Speaker, Sir. I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the acquisition of Kenyan citizenship by individuals who meet the requirements stipulated in Article 13(2) and 15(1) of the Constitution.

In the Statement, the Committee should-

(1) State the length of time taken to process an application for registration of citizenships.

(2) State the number of pending applications and the status of each, giving reasons for any delays in processing.

(3) Outline the measures taken by the relevant authorities to fast-track the process.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Kwamboka, to seek a Statement from the Standing Committee on Education.

Proceed.

RISE IN DEATHS OF STUDENTS IN SCHOOLS

Sen. Kwamboka: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Education regarding the rise in deaths of students while in school like the following cases: Cliff Mayieka in St. Don Bosco Secondary in Nyamira County; a Form One student in Kisumu Girls High School in Kisumu County; a Form Two student in Kimuri High School in Kiambu County; and, a Form One student at Gatanga CCM Secondary School in Murang'a County.

In the Statement, the Committee should-

(1) Explain the circumstances that led to these deaths.

(2) Explain the progress of investigations into these issues and prosecutions, if any.

(3) Expound on the state of security of students in schools.

(4) Elucidate the actions being taken to ensure that this issue is put under control and measures to prevent any future occurrences put in place.

I thank you.

Sen. (Prof.) Kamar: Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to support the Statement that has been sought by Sen. Kwamboka. I am the

Vice Chairperson of the Committee on Education and the concerns she has raised are important. Our youth die while in school and some while going to school. We have also had incidences where the youth and students in secondary schools kill themselves. We have also had cases where some kill themselves when asked to go to school with their parents.

We have different kinds of deaths nowadays. Students either kill themselves or killings are meted on them. In my county, a student was killed by somebody who was annoyed. He left Thika and travelled for over 400 kilometres, all the way to Eldoret, just to kill another student.

We need to protect our students. As the Senator has said, we need to relook at their security. We should also rethink about the kind of guidance and counseling that our students have, so that we address if there is a vacuum. Unless we address that, we may continue to lose students.

With those remarks, I support and thank the Senator for highlighting this important issue.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, pursuant to Standing Order No.48 (1), Statements (ii) and (iii) stand committed to the relevant Committees.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the House. The Senate, therefore, stands adjourned until tomorrow, Thursday, 13th June, 2019, at 2.30 p.m.

The Senate rose at 6.30 p.m.