

REPUBLIC OF KENYA

TWELFTH PARLIAMENT - SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

WEDNESDAY, JUNE 20, 2018 AT 2.30 PM

- 1. The Senate assembled at thirty minutes past Two O'clock.
- 2. The proceedings were opened with prayer said by the Speaker.

3. PAPERS LAID

The following Papers were laid on the Table of the Senate-

a) Report of the Auditor General on the Financial Statements of the Meru County Microfinance Corporation for the year ended 30th June, 2017.

(The Deputy Senate Majority Leader)

b) Report of the Standing Committee on Roads and Transportation on the Kenya Roads Bill (National Assembly Bills No. 47 of 2017).

(Sen. Cleophas Malalah, on behalf of the Chairperson, Standing Committee on Roads and Transportation)

4. STATEMENTS PURSUANT TO STANDING ORDER 46(2)(a)

a) The Senator for Bungoma County (Sen. Moses Wetang'ula) made a statement regarding alleged illegal importation of sugar in Kenya.

In the statement, the Senator informed the Senate that on 29th September, 2017 the Cabinet Secretary for the National Treasury and Planning issued a Gazette Notice No. 9801 citing Executive Order No. 1 of 2017 issued by the President and declared that duty shall not be payable on sugar which will have been loaded into a vessel between 1st September, 2017 and 31st December, 2017 destined to a port in Kenya and consigned to a local sugar miller.

The Senator stated that on 13th October, 2017 the Cabinet Secretary issued another Gazette Notice No. 10149 amending the date in Gazette

Notice No. 9801 from 31st December, 2017 to 13th October, 2017, thereby allegedly creating a special status for a favored sugar importer.

The Senator highlighted to the Senate that information in the public domain had indicated that the importation of sugar was illegal, following tests by the Government Chemist that found the sugar to contain dangerous chemicals that were harmful to human beings. He sought to know how such harmful sugar containing dangerous chemical substances, had found its way into the country and what role is played by Government agencies such as the Kenya Bureau of Standards, the Kenya Ports Authority, the Anti-Counterfeit Agency, the Kenya Revenue Authority and the Ministry of Health.

Sen. Wetang'ula drew the attention of the House to the fact that the importation of sugar had crippled state-owned and state-funded sugar factories that sustain livelihoods of over 10 million Kenyans. He urged the Standing Committee on Agriculture to investigate the matter in order to protect Kenyans.

b) The Senator for Kakamega County (Sen. Cleophas Malalah) made a statement regarding the contraband or poisonous products and alleged illegal importation of sugar.

In the statement, the Senator referred to the ongoing crackdown on contraband products and illegally imported consumer products, with specific reference to contaminated sugar, which he said had far-reaching implications on the economy of Western Kenya. Sen. Malalah stated that the excessive importation of sugar beyond the required quotas could result into closure of factories, loss of jobs, loss of businesses as well as injury to an already ailing sugar industry.

The Senator lauded the government for leading the onslaught on the war against the harmful and toxic substances and the fact that the Cabinet Secretary for Interior and Coordination of National Government had promised a speedy resolution, especially on sugar-related products.

Sen. Malalah stated that he was drawing the attention of the Senate to the matter because, under the Fourth Schedule of the Constitution, Agriculture was a devolved function and the Senate ought to be at the center-stage of any investigations into matters concerning agriculture.

He stated that, while appropriate action should be taken against all entities found to be culpable following comprehensive and objective investigations into the matter, withdrawal of milling licenses of the factories would be

Counterproductive, excessive and injurious to the economy of Kakamega County.

Citing the concerns expressed by Honourable Senators on the two Statements, the Speaker referred the matters to the Standing Committee on Agriculture and the Standing Committee on Tourism, Trade and Industrialization for consideration and presentation of a report to the Senate within fourteen days.

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

Motion made and Question proposed;

THAT, the County Attorney Bill (Senate Bills No. 3 of 2018) be now read a Second Time.

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights – 13.6.2018)

Debate interrupted on Thursday, 14th June, 2018 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 75 (2) and that the Division Bell be rung for one minute;

Upon the expiry of one minute, the Speaker directed that the doors be locked and the bars drawn; and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the "Yes", "No" or "Abstain" button;

Before the results of the Division were announced and, pursuant to Standing Order 75 (5), the Speaker allowed two (2) Senators to record their votes verbally.

Thereupon, the following Senators recorded their votes as "Yes"-

- 1. Sen. Hargura Godana
- 2. Sen. (Dr.) Alice Milgo on behalf of Bomet County Delegation

Following the Division, Question agreed to.

The results of the Division were as follows:-

AYES - 31 NOES - 0 ABSTENTION - 0

AYES

- 1. Sen. Adan Dullo Fatuma
- 2. Sen. Ali Abdullahi Ibrahim
- 3. Sen. Boy Issa Juma

- 4. Sen. Cherarkey Samson Kiprotich
- 5. Sen. Cheruiyot Aaron Kipkirui
- 6. Sen. Haji Mohamed Yusuf
- 7. Sen. Hargura Godana Voted verbally
- 8. Sen. Imana Malachy Charles
- 9. Sen. Kabaka Boniface Mutinda
- 10. Sen. Khaniri George
- 11. Sen. Kibiru Charles Reubenson
- 12. Sen. Kihika Susan Wakarura
- 13. Sen. Kilonzo Mutula Junior
- 14. Sen. Kimani Paul Wamatangi
- 15. Sen. Kindiki Kithure
- 16. Sen. Milgo Alice voted verbally on behalf of Bomet County Delegation
- 17. Sen. Linturi Franklin Mithika
- 18. Sen. Malalah Cleophas Wakhungu
- 19. Sen. Mbito Michael Maling'a
- 20. Sen. Seneta Mary Yiane voted on behalf of Kajiado County Delegation
- 21. Sen. Mwangi Paul Githiomi
- 22. Sen. Mwaruma Johnes Mwashushe
- 23. Sen. Olekina Ledama
- 24. Sen. Ongeri Samson Kegengo
- 25. Sen. Orengo James
- 26. Sen. Nyamunga Rose Ogendo
- 27. Sen. Poghisio Samuel Lesuron
- 28. Sen. Haji Farhiya Ali Voted on behalf of Nairobi County Delegation
- 29. Sen. Wako Amos Sitswila
- 30. Sen. Wambua Enoch Kiio
- 31. Sen. Wario Golich Juma

Question, agreed to.

Bill read a Second Time and committed to Committee of the Whole tomorrow.

6. **COMMITTEE OF THE WHOLE**

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

Order deferred.

7. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga) – in the Chair)

The Assumption of Office of the County Governor Bill (Senate Bills No.1 of 2018)

Clauses 3 and 4

Motion made and Question proposed;

THAT, Clauses 3 and 4 be part of the Bill.

Clauses 3 and 4

-vote deferred.

Clause 5

- amendment proposed

THAT clause 5 of the Bill be amended –

- (a) by deleting sub clause (2) and substituting therefor the following new sub clause-
 - (2) The Committee shall be an ad hoc committee and shall comprise
 - (a) the County Secretary who shall be the chairperson;
 - (b) the officer in charge of legal matters in the county;
 - (c) the chief officer in the department responsible for matters relating to county public service;
 - (d) the chief officer in the department responsible for matters relating to information and communication;
 - (e) the chief officer in the department responsible for matters relating to finance;
 - (f) the chief officer in the department responsible for matters relating to culture and social services;
 - (g) the County Commissioner;
 - (h) a representative of the National Intelligence Service at the county level;
 - (i) a representative of the National Police Service at the county level;
 - (j) the Clerk of the county assembly;
 - (k) a representative of the Judiciary at the county level; and
 - (l) two persons, one man and one woman nominated by the Governor-elect.
- (b) by deleting sub clause (4) and substituting therefor the following new sub clause—
 - (4) The members referred to in subsection 2(h) and (i) shall be the members serving as members of the County Policing Authority established under the National Police Service Act.
- (c) by inserting the following new sub clauses immediately after sub clause (4) -

- (4A) The members referred to in subsection 2(l) shall be nominated upon the declaration of the final results of the election of the Governor.
- (4B) The chairperson of the Committee shall convene the first meeting of the Committee thirty days before the date of the general elections.
- (4C) In the absence of the chairperson, the members of the Committee shall elect a chairperson from among the members appointed under subsections (2)(b) to (f) to preside over the meeting
- (d) in the proposed new sub clause (7) by deleting the words "section 16" appearing at the end of the subsection and substituting therefor the words "section 21":

Clause 5

- vote deferred.

Clause 6

- amendment proposed

THAT clause 6 of the Bill be amended –

- (a) in sub clause (1) by -
 - (i) deleting paragraph (b) and substituting therefor the following new paragraph -
 - (b) ensure and coordinate the provision of security services to the Governor-elect;
 - (ii) deleting paragraph (d) and substituting therefor the following new paragraph -
 - (d) co-ordinate the briefings of the Governor-elect by the relevant county public officers including submission of the following information
 - (i) an up to date assets register;
 - (ii) an up to date register of liabilities;
 - (iii) a complete list of all bank accounts and reconciled balances;
 - (iv) a report of staff establishment per department;
 - (v) a comprehensive report on county entities or corporations and agencies containing information outlined in (i) to (iv);

- (vi) a report of all ongoing projects including donor funded projects;
- (vii) an up to date report on all pending legal cases; and (viii) county source of funding.
- (iii) inserting the following new paragraph immediately after paragraph
- (fa) prepare the oath and the certificate of inauguration; and (b) by inserting the following new sub clause immediately after sub clause (2)
 - (3) The information to be provided during the briefings referred to under section 6(1)(d) shall be submitted in the form set out in the Second Schedule and shall be information for a period of up to thirty days before the date of the general elections.

Clause 6 - vote deferred.

<u>Clause 7</u> - <u>amendment proposed</u>

THAT clause 7 of the Bill be amended by deleting sub clause (2) and substituting therefor the following new sub clause —

(2) The Committee may co-opt into a sub-committee established under subsection (1), not more than two persons whose knowledge and skills are necessary for the effective functioning of the Committee.

(Sen. Cherarkey Samson on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Clause 7 - vote deferred.

Clause 8

Motion made and Question proposed;

THAT, Clause 8 be part of the Bill.

<u>Clause 8</u> - <u>vote deferred.</u>

Clause9 - amendment proposed

THAT clause 9 of the Bill be amended by inserting the word "of" immediately after the words "results of the election";

(Sen. Cherarkey Samson on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

<u>Clause 9</u> - <u>vote deferred.</u>

Clause 10

Motion made and Question proposed;

THAT, Clause 10 be part of the Bill.

<u>Clause 10</u> -<u>vote deferred.</u>

Clause 11 - amendment proposed

THAT Clause 11 of the Bill be deleted.

<u>Clause 11</u> - <u>vote deferred.</u>

<u>Clause 12</u> - <u>amendment proposed</u>

THAT Clause 12 of the Bill be deleted.

<u>Clause 12</u> - <u>vote deferred.</u>

Clause 13 - amendment proposed

THAT Clause 13 of the Bill be deleted.

Clause 13 - vote deferred.

Clause 14 - amendment proposed

THAT Clause 14 of the Bill be deleted.

Clause 14 - vote deferred.

Clause 15 - amendment proposed

THAT the Bill be amended by deleting clause 15 and substituting therefor the following new clause –

Swearing in Gazette and the county Gazette, the date, time and place for ceremony. 15. (1) The Committee shall publish, by notice in the Kenya Gazette and the county Gazette, the date, time and place for the conduct of the swearing-in ceremony.

- (2) The County Governor-elect shall be sworn-in on the first Thursday after the tenth day following the declaration of the final results of the election of the County Governor by the Commission.
- (3) The swearing-in of the County Governor-elect shall be conducted in a public ceremony before a High Court Judge.

<u>Clause 15</u> - <u>vote deferred.</u>

Clause 16 - amendment proposed

THAT clause 16 of the Bill be amended –

- (a) in sub clause (1) by deleting the words "or affiration" appearing immediately after the words "subscribe to the oath" and substituting therefor the words "or affirmation";
- (b) by deleting sub clause (3) and substituting therefor the following new sub clause
 - (3) Upon taking or subscribing to the oath or affirmation under subsection (1), the County Governor shall sign a certificate of inauguration in the presence of the High Court Judge who conducts the swearing in ceremony under section 15.

(Sen. Cherarkey Samson on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

<u>Clause 16</u> - <u>vote deferred.</u>

Clause 17 - amendment proposed

THAT clause 17 of the Bill be amended in sub clause (1) by inserting the following new paragraph immediately after paragraph (a) —

(a) the county coat of arms;

(Sen. Cherarkey Samson on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

Clause 17 - vote deferred.

Clauses 18,19,20,21 and 22

THAT, Clauses 18, 19, 20, 21 and 22 be part of the Bill.

Clauses 18,19,20,21 and 22 - vote deferred.

Clause 23 - amendment proposed

THAT clause 23 of the Bill be amended -

(a) in sub clause (2) by inserting the following new paragraphs immediately after paragraph (a) —

- (aa) the applicant has failed to satisfy the confidentiality requirements to the Committee; or
- (ab) payment of the prescribed fee has not been made.
- (b) in sub clause (3) by deleting the words "subsection (2)." appearing immediately after the words "specified under" and substituting therefor the words "this section.".

<u>Clause 23</u> - vote deferred.

Clauses 24 and 25

THAT, Clause 24 and 25 be part of the Bill.

<u>Clauses 24 and 25</u> - <u>vote deferred.</u>

New Clause 19 A - amendment proposed

THAT the **New Clause 19A** be now Read a Second Time.—

Swearing in of ceremony of a County Governor-elect shall apply, with the Deputy Governor who (a) to the swearing in ceremony of a Deputy Governor

assumes office of County Governor.

(b) to the swearing in ceremony of a Deputy Governor who is nominated to fill in a vacancy in the office of the Deputy Governor upon assumption by the Deputy Governor of the office of the County Governor.

who assumes the office of the County Governor; or

(Sen. Cherarkey Samson on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

New Clause 19 A - vote deferred.

New Clause 23 A - amendment proposed

THAT the **New Clause 23A** be now Read a Second Time.—

Funding. **23A.** The funding for the assumption of office of a governor shall be borne by the respective county government.

(390)

(Sen. Cherarkey Samson on behalf of the Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

New Clause 23 A

- vote deferred.

New Clause 24 A

amendment proposed

THAT the **New Clause 24A** be now Read a Second Time.—

Consequential amendments.
No. 24 of 2011.

24A. The Elections Act is amended in section 86 by inserting the following new subsection immediately after subsection (1) -

- (1A) Upon the nullification of an election of a county governor, the Commission shall upon receipt of certification under sub section (1), publish a notice in the Gazette within seven days
 - (1B) The notice referred to in subsection (2) shall -
 - (a) indicate that the election of the county governor has been invalidated; and
 - (b) announce the date for election of a county governor pursuant to Article 182(5) of the Constitution.

(Sen. Farhiya Ali Haji)

New Clause 24 A

- vote deferred.

The Schedule

THAT, the schedule be part of the Bill.

The Schedule

- vote deferred.

New Schedule

- amendment proposed

THAT the **New** Schedule be now Read a Second Time -

- (a) renaming the existing schedule as the First Schedule; and
- (b) inserting the following new schedule immediately after the First Schedule-

SECOND SCHEDULE

FORMAT FOR COUNTY INFORMATION

1. County Assets - Paragraph 1(d)(i)

A summary of assets currently held by the county government derived from an

up-to-date assets registers in conformity with the provisions of the Public Finance Management Act, 2012, the Public Finance Management (County Government) Regulations 2015 and Guidelines issued by the Public Sector Accounting Standards Board; the Public Procurement and Asset Disposal Act, 2015 and the Public Procurement Regulations 2006.

Assets should include those inherited from the defunct local authorities, those transferred from the National Government and those acquired by the county government since 2013 including all assets that have disputes or outstanding unresolved matters.

| No. | Category of Assets | Quantity | Status | Ownership Documents | Remarks |
|-----|--|----------|--------|------------------------|---------|
| 1. | Land | | | | |
| | Categories | | | | |
| | (i) Residential estates (rental) | | | | |
| | (ii) Staff housing | | | | |
| | (iii) Office Blocks | | | | |
| | (iv) Learning institutions | | | | |
| | (v) Farm land | | | | |
| | (vi) Rented premises | | | | |
| | (vii) Undeveloped | | | | |
| | (viii) Others | | | | |
| 2. | Motor Vehicles | | | | |
| 3. | Plant and Equipment | | | | |
| 4. | Furniture and Fittings | | | | |
| 5. | ICT equipment, computers and computer accessories | | | | |
| 6. | Intangible assets (software) | | | | |
| 7. | Heritage and cultural assets | | | | |
| 8. | Biological assets | | | | |
| 9. | Investments | | | | |
| 10. | Debtors including outstanding imprests, salary advances, car loan, mortgages and any other recoverable and advances, unpaid rent | | | | |

| (detailed | listings | to | be | | |
|-----------|----------|----|----|--|--|
| attached) | | | | | |

Note:

- (a) Land and buildings indicate whether titles are available or not;
- (b) Motor vehicles indicate whether the log books are available or not;
- (c) Plant and equipment indicate whether the log books or certificates are available or not; and
- (d) Intangible assets (software) indicate whether contracts or licenses are available or not.

2. County Liabilities - Paragraph 1(d)(ii)

Summary of liabilities currently owed by the county government derived from an up-to date schedule of liabilities. Supporting documents should be prepared and availed for scrutiny.

| No. | Category of liabilities | Amount | Status | Remarks |
|-----|-------------------------|--------|--------|---------|
| 1. | Loans and overdrafts | | | |
| | (including accrued | | | |
| | interest) | | | |
| 2. | Creditors | | | |
| 3. | Unremitted statutory | | | |
| | deductions (including | | | |
| | penalties | | | |
| 4. | Unpaid personnel | | | |
| | emoluments | | | |
| 5. | Legal liabilities | | | |
| 6. | Contingent liabilities | | | |
| 7. | Any other | | | |

3. County Bank Accounts and Reconciled Balances - Paragraph 1(d)(iii)

Summary of all bank accounts and reconciled balances currently owned by the county government. Bank statements and certificates must be availed. For Cash on hand a cash survey should be conducted.

| No. | Account name | Account No. | Bank | Amount | Remarks |
|-----|--------------|----------------|------|--------|---------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

4. County Staff Establishment per Department - Paragraph 1(d)(iv)

Summary of human resource information of the county government derived from an up-to-date personnel records in conformity with the provisions of Constitution of Kenya (2010), County government Act 2012, Public Service (Values and Principles) Act 2015 and any other legislation and guidelines issued from time to time on human resource management in the public service.

| | Department | Authorized Establishment | D.C. 1 | In post | Variance | Pensionable | Contract | Casuals | No. of Persons with Disability | Management | Annual Wage Bill | Remarks |
|-----|------------|-----------------------------|----------|------------|----------|-------------|----------|---------|-----------------------------------|------------|---------------------|---------|
| No. | De | Au Est | Mal e | Fema le | Vaj | Peı | Co | Ca | Nowit | Ma | Anr Bill | Re |
| 1. | | | | | | | | | | | | |
| 2. | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | |
| 5. | | | | | | | | | | | | |

5. County Entities, Corporations and Agencies - Paragraph 1(d)(v)

Summary of Entities, Corporations and Agencies either partially or wholly owned by the County Government.

| No. | Name of Entity | Function | Shareholding (%) | Directorship | Remarks |
|-----|-------------------|----------|------------------|--------------|---------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

6. Ongoing/multiyear projects and donor funded projects in the County - Paragraph 1(d)(vi)

Summary of all on ongoing/multiyear projects and donor funded projects in the County indicating whether the projects are active, stalled, abandoned, terminated or rescaled on the remarks column.

| No. | Project | Source of Funding | Contract Value | Expenditure to Date | Implementati on Status (%) | Remarks |
|-----|---------|-------------------------|-------------------|------------------------|-------------------------------|---------|
| 1. | | | | | | |

| 2. | | | |
|----|--|--|--|
| 3. | | | |
| 4. | | | |
| 5. | | | |

7. Pending litigations - Paragraph 1(d)(vii)

Summary of all cases where the county government is a party either as a plaintiff/applicant or defendant/respondent. It should also include proceedings under alternative dispute resolution mechanism (ADR) and cases instituted by or against the Council of Governors. Specific details on each case number, place of suing, parties, advocates on record, relief sought, status, legal fees (paid and outstanding) and any other relevant information to be prepared and availed for scrutiny.

| No · | Nature of Case | Total No. of Cases | | Remarks |
|---------|-------------------|--------------------------|--|---------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |

8. County Sources of Funding for Preceding Five Financial Years – Paragraph 1(d)(viii).

Summary of all sources of funds for the preceding five financial years and the projections for the upcoming financial year.

| No. | Revenue Source | FY 20/ 20/ (Actual) | FY 20/ 20/ (Actual) | FY 20/ 20 (Actual) | FY 20/ 20 (Actual) | FY 20/ 20 (Actual) | FY 20/ 20 (Actual) | Remark s |
|-----|--------------------------|---------------------------|---------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-------------|
| 1. | Equitable share | | | | | | | |
| 2. | Conditional grants | | | | | | | |
| 3. | Own source revenue | | | | | | | |
| 4. | Unconditio nal grants | | | | | | | |
| 5. | Developme nt partners | | | | | | | |

| 1 | 3951 | |
|---|------|--|
| | | |

| 6. | Borrowings | | | | |
|----|------------|--|--|--|--|
| 7. | Other | | | | |
| | sources | | | | |

New Schedule

-vote deferred

Clause 2, the Title and Clause 1

THAT, Clause 2, the Title and Clause 1 be part of the Bill.

Clause 2, the Title and Clause 1

- vote deferred.

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the Assumption of Office of the County Governor Bill (Senate Bills No. 1 of 2018) and seek leave to sit again <u>tomorrow</u>.

(Sen. Kimani Wamatangi)

Before the question was put and pursuant to Standing Order 73, the Acting Chairperson ruled that the Question did not affect counties;

Question put and agreed to.

8. **HOUSE RESUMED** – (The Deputy Speaker in the Chair)

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

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report.

(Sen. Kimani Wamatangi)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 73, the Deputy Speaker ruled that the Question did not affect counties.

Question put and agreed to.

11. COMMITTEE OF THE WHOLE

Order for Committee read:

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Rose Nyamunga) – in the Chair)

The County Governments (Amendment) (No.2) Bill (Senate Bills No. 7 Of 2017)

Clauses 2 and 3

THAT, Clauses 2 and 3 be part of the Bill.

<u>Clauses 2 and 3</u> -vote deferred.

The Title and Clause 1

THAT, the Title and Clause 1 be part of the Bill.

The Title and Clause 1 - vote deferred.

Progress report:

Motion made;

THAT, the Committee of the Whole do report progress on its consideration of the County Governments (Amendment) (No.2) Bill (Senate Bills No. 7 of 2017) and seek leave to sit again tomorrow.

(Sen. Mutula Kilonzo Jr.)

Before the question was put and pursuant to Standing Order 73, the Acting Chairperson ruled that the Question did not affect counties.

Question put and agreed to.

12. **HOUSE RESUMED** – The Deputy Speaker in the Chair

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

Progress reported;

Motion made and Question Proposed;

THAT, the House do agree with the Committee in the said report. (Sen. Mutula Kilonzo Jr)

There being no Senator wishing to contribute;

Before the question was put and pursuant to Standing Order 73, the Deputy Speaker ruled that the Question did not affect counties.

Question put and agreed to.

14. MOTION - SITTING OF THE SENATE OUTSIDE THE PARLIAMENT BUILDINGS, NAIROBI

Motion made and Question proposed-

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

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

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

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

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

- i) provide an opportunity to members and staff of county assemblies to learn and borrow best practices from the Senate;
- ii) promote the role and work of the Senate;
- iii) highlight existing opportunities for people to get involved in the work of the Senate; and
- iv) develop and strengthen partnerships at the county level and enhance public awareness regarding the Business of the Senate.

NOW THEREFORE, pursuant to Article 126 (1) of the Constitution and Standing Order 31 (1) of the Senate Standing Orders, the Senate resolves that its plenary and committees sittings be held in Uasin Gishu County from 24th to 28th September, 2018.

(The Senate Majority Leader)

Debate arising;

Amendment proposed

Motion made and Question proposed;

THAT the Motion be amended by deleting the full stop after 2018 and inserting a coma and the following new paragraph-

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

(Sen. Petronila Were Lokorio)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Pareno Judith), interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

15. **SENATE ROSE** – at thirty minutes past Six O'clock.

MEMORANDUM

The Speaker will take the Chair on Thursday, June 21, 2018 at 2.30 p.m.

--X--