

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 5th May, 2016

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

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

PRAYERS

NOTICE OF MOTION

RESOLUTION TO ALTER THE SENATE CALENDAR

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, pursuant to the provisions of Standing Order No. 28 (4), the Senate resolves to alter its calendar in respect of the First Part of the Fourth Session for the recess scheduled to commence on 6th May, 2016 to end on 30th May, 2016 instead of 16th May, 2016.

The Speaker (Hon. Ethuro): Next Order!

STATEMENTS

Let us start with Statement (b), Committee on Health. Sen. Kittony, you are the Vice Chair

DEATH OF BABY STELLA ADHIAMBO OWINO AT THE NAKURU LEVEL FIVE HOSPITAL

Sen. Kittony: Mr. Speaker, Sir, I rise to issue the Statement on the Standing Committee of Health under Standing Order No. 203.

The Speaker (Hon. Ethuro): What is it, Sen. Khaniri?

Sen. Khaniri: On a point of order Mr. Speaker, Sir. You realize that the Statement was requested by Sen. Chelule and she is not in the House. Our practice has always been that it is good for the statement to be issued when the Member who requested for the Statement is in the House. I seek your guidance on that.

The Speaker (Hon. Ethuro): I did not realize that the Member is not in the House. I will ask the Vice Chair to hold on; maybe she is on her way.

Let us go to Statement (c).

Sen. Sang: On a point of order Mr. Speaker, Sir. Would I be in order, now that the Vice Chair is enthusiastic to give that particular statement and you are aware the Vice Chair is also supposed to give a Statement that I sought, could she be able to use the same enthusiasm to issue my statement?

The Speaker (Hon. Ethuro): When was yours due?

Sen. Sang: It is due today, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): It is not just a matter of enthusiasm. It is not listed on the Order Paper.

Sen. Sang: It is not listed but you indeed directed that the Statement regarding the Nandi County Health crisis be brought today.

The Speaker (Hon. Ethuro): Get me a copy of the HANSARD to confirm that.

Sen. Sang: Obligated, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Let us move to Statements (d), (e), (f) and (g).

What is it, Sen. (Prof) Lonyangapuo?

Sen. (Prof.) Lonyangapuo: On a point of order Mr. Speaker, Sir. I thought the Chairman for Labour and Social Welfare Committee is around; the Senator for Taita---

The Speaker (Hon. Ethuro): Order Sen. (Prof) Lonyangapuo. You will notice the Chair gives you all your entitlements, attributes and accolades, Sen. (Prof) Lonyangapuo. There is no Senator for Taita, there is one Senator for Taita-Taveta County and that is Sen. Dan Mwadzo Wakulegwa, and he is not the Chairman of Labour and Social Welfare Committee. He is the Vice Chairman of the Committee on Energy. So, we will revisit the issues in the second round.

Let us go to Sen. Mwakulegwa on the Statement sought by Sen. Obure.

PROVISION OF AFFORDABLE AND RELIABLE POWER SUPPLY IN KISII COUNTY

Sen. Mwakulegwa: Mr. Speaker, Sir, I would like to apologise to the House because we were unable to get the response to this Statement on time. I promise to give an answer during the next sitting because the Statement is neither ready nor available.

Sen. Obure: Mr. Speaker, Sir, I accept that. Indeed, I know that it is not the Vice Chairman's fault that the Statement is not available. However, with your indulgence, I wish to express my dismay at the manner in which the Kenya Power is operating. Last night in my residential area, there was an incident which I thought was of an emergency nature. I tried to conduct officers of the Kenya Power on all the numbers they have given to the public for use in cases of emergency. They provided more than 10 telephone contacts and I personally called each one of them but none of them was answered. Some of the numbers given are no longer in use. I do not know what kind of service the public is being provided with.

Mr. Speaker, Sir, the Kenya Power operates an important utility for the security of this country and the economy as a whole.

The Speaker (Hon. Ethuro): Order, Sen. Obure. This is Statement hour. I allowed you the Floor because I thought you would use the minimum time possible.

Sen. Obure: Mr. Temporary Speaker, Sir, I just wanted the Chairman to convey my sentiments to the company.

The Speaker (Hon. Ethuro): Vice Chair, as you convey those sentiments, when will the Statement be available?

Sen. Mwakulegwa: Mr. Speaker, Sir, I have committed to issue the Statement next week, if the Senate does not go on recess. However, if it goes on recess, then I will issue it on the first Tuesday after recess.

The Speaker (Hon. Ethuro): You can do even better. Please, make sure that the concerns are addressed even before you issue the Statement.

Sen. Mwakulegwa: I will do that.

(Statement deferred)

The Speaker (Hon. Ethuro): Next statement.

INVASION OF BOMET POLICE STATION

The Speaker (Hon. Ethuro): The Chairman is not here. Next Statement.

STATUS OF POLICE RECRUITMENT OF 2016

The Speaker (Hon. Ethuro): I cannot see the Chair. Let us go to Statement (j)

BUSINESS FOR THE WEEK COMMENCING TUESDAY, 10TH MAY, 2016

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I rise to give this Statement on the business of the Senate for the coming week, pursuant to the provisions of Standing Order No.45(2)(c).

Hon. Senators, pursuant to Standing Order No.28(4), I will, at the appropriate time as listed in today's Order Paper, move a Motion to vary the Senate Calendar to proceed on a three weeks recess beginning this Friday, 6th May, 2016, instead of the one week which is gazetted in the Senate Calendar. This has been necessitated by the upcoming Legislative Summit that is tentatively scheduled for 16th to 20th May, 2016. If this resolution is carried, we shall resume sittings on Tuesday, 31st May, 2016.

Hon. Senators, allow me to thank and commend you all for the good work you have done so far since we resumed from the last short recess on 12th April, 2016, which culminated in, among others, the passage of the following crucial Bills, four of them after a Mediation process:-

1. The Statute Law (Miscellaneous Amendments)(No.2) Bill (National Assembly Bill No.33 of 2013);

2. The Climate Change Bill (National Assembly Bill No.1 of 2014);
3. The Mining Bill (National Assembly Bill No.8 of 2014);
4. The Anti-Doping Bill (National Assembly Bill No.6 of 2016);
5. The Political Parties (Amendment) Bill (Senate Bill No.3 of 2014); and,
6. The Division of Revenue Bill (National Assembly Bill No.4 of 2016).

Hon. Senators, I am certain that we shall continue in the same spirit when we resume as we shall be considering critical Bills that are subject to a constitutional deadline. These Bills include:-

1. The Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015);
2. The Protection of Traditional Knowledge and Cultural Expressions Bill (National Assembly Bill No.48 of 2015);
3. The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No.54 of 2015); and,
4. The Health Bill (National Assembly Bill No.14 of 2015).

Hon. Senators, I now take this opportunity to wish you a restful recess and also appeal to you to avail yourselves to attend the Legislative Summit which, as you are aware, is co-organised by the Senate and the County Assemblies Forum (CAF) and at which various important matters affecting devolution will be deliberated upon.

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

(Sen. (Prof.) Lonyangapuo laid the document on the Table)

The Speaker (Hon. Ethuro): Order, Members. Let us have a second round of issuance of statements.

Sen. Sang: On a point of order, Mr. Speaker, Sir. Before we have a second round of issuance of statements, I am expecting a statement from the Committee on Health on the health crisis in my county.

The Speaker (Hon. Ethuro): Sen. Sang, you did not protect your neighbourhood. Indeed, I have confirmed from the records that the statement is due today.

THE DECLINE OF HEALTH SERVICES IN NANDI COUNTY

Sen. (Prof.) Lesan: Mr. Speaker, Sir I appreciate that the Statement was to be issued today. However, allow me to just issue a brief on what has transpired between yesterday and today regarding the issue raised by the Senator for Nandi.

The Speaker (Hon. Ethuro): Senator, do you have the answer or not?

Sen. (Prof.) Lesan: Mr. Speaker, Sir, the Statement will probably come in the form of the meeting the Committee had today with the delegation from Nandi to deal with the same issue. I just want to brief the House of what transpired but we will give a report after consultations with the delegation from Nandi County. I thought the House would be interested in what I wanted to say. As the Senator pointed out, this is a serious crisis.

The Speaker (Hon. Ethuro): Order, Senator. I hoped that the renowned Senator for Kakamega and his neighbour, Senator Khaniri – I am sure they are waiting for their own statement – would intervene. If a committee is considering a matter and it has not yet concluded, it cannot divulge the proceedings. So, we need to know the status. First, you need to consider that you have no report and that you are still to bring a statement and, maybe, request for special consideration to make a preliminary report.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, indeed, I do not have a statement to make in the House but deliberations are going on in the Committee. Perhaps, we could request the indulgence of the House to allow us to complete what we are doing. What is happening in Nandi is a health crisis and we are working speedily to try and resolve it. Indeed, without divulging what is going on in the Committee, there is almost a resolution to that crisis in Nandi but we will give a statement to that effect.

Thank you.

The Speaker (Hon. Ethuro): Sen. Sang.

Sen. Sang: Mr. Speaker, Sir, it is really sad listening to Sen. (Prof.) Lesan. You will remember that we split the Statement that I sought into two. The major issues were to be responded to in two weeks and the period elapses today. We split the Statement and one of the components specifically relating to the Nandi crisis should have been responded to on Tuesday. Today is Thursday and the Committee is yet to give any preliminary statement towards the same.

Whereas I appreciate that the court gave an order and that the Kenya National Union of Nurses (KNUN) has called off the strike, we expect that all the facilities will be operational. However, the Committee is still taking this matter casually. They should even give us a progress report on what they have done with regard to the process of mediating, so that we hold on to that as we wait for the entire statement.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, that is precisely what I was trying to do, by reporting the progress of what happened but according to your instructions, I was pre-empting what the Committee is doing. The Committee is working very hard on the crisis. It was only yesterday when this report was requested and we had to quickly arrange for a meeting between the delegation from Nandi and the Senate Committee responsible for health matters---

The Speaker (Hon. Ethuro): Order, Sen. (Prof.) Lesan. It is not only yesterday. In fact, the first statement was to be handled on Tuesday. So, this was supposed to be concluded business.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I understand the seriousness of this issue but I would like to seek for the indulgence of this House to allow us a bit more time to deal with it. As we deal with the issue, we are pursuing avenues to see to it that health services are restored in Nandi, as we prepare to give the statement.

Thank you.

The Speaker (Hon. Ethuro): That is fair enough. See what you can do as you deal with the matter.

Let us have a repeat of the statements.

Before we go for the second round of statement sought, we can have the Members seeking Statements.

Sen. Khaniri: Mr. Speaker, Sir, I have two statements to seek from the Committee on Education.

INVESTMENTS MADE BY THE NATIONAL GOVERNMENT IN
DEVELOPMENT OF SCHOOL INFRASTRUCTURE

Pursuant to Standing Order No. 45 (2) (b), I rise to seek a Statement from the Chairperson of the Standing Committee on Education regarding investments made by the national Government towards development of schools infrastructure.

In the Statement, the Chairperson should state the following:-

(1) The amount of money allocated towards development of school infrastructure across the country since the Financial Year 2013/2014 to 2015/2016.

(2) Explain the criteria used by the Ministry of Education to identify and fund primary and secondary schools infrastructural development in the country.

(3) Explain why majority of schools throughout the country lack proper infrastructure and depend heavily on harambees and Constituencies Development Fund (CDF) for this purpose.

(4) Explain how the national Government distributes funds for school infrastructural development among the counties, including the amount disbursed so far per county.

Mr. Speaker, Sir, that is my first request statement to the Chairperson of the Committee on Education. I have another statement to seek from the same Chairperson. Could you allow me to proceed, so that he can respond to both?

The Speaker (Hon. Ethuro): Sure.

DELAYED PAYMENT OF TEACHERS WHO MARKED
THE 2015 KCPE AND KCSE EXAMINATIONS

Sen. Khaniri: Mr. Speaker, Sir. Pursuant to Standing Order No. 45 (2) (b), I rise to seek a Statement from the Chairperson of the Standing Committee on Education regarding delay in payment of teachers who marked the 2015 Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE) national exams.

In the Statement, the Chairperson should:-

(1) Explain the cause of the delay given the fact that the examiners are usually paid their dues latest with the March salary of the subsequent year.

(2) Explain why the concerned Cabinet Secretary has not explained the cause of the delay to the concerned teachers.

(3) State the timelines for payment of the dues for accountability and transparency in future.

The Speaker (Hon. Ethuro): Chairperson, Committee Standing on Education.

Sen. Karaba: Mr. Speaker, Sir, I undertake to give that Statement the first week after we come back from recess.

Sen. Khaniri: Which one?

Sen. Karaba: We are not sure when we will come back. I will bring it as soon as we come back, because non-payment of teachers is a matter of great concern.

Mr. Speaker, Sir, you can rule on that.

The Speaker (Hon. Ethuro): Sen. Karaba, that is not the way we operate here. I direct that the Statement be ready in two weeks time.

Sen. Karaba: Most obliged, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): The delivery will depend on what we are doing at that particular time.

Proceed, Sen. Khaniri.

PLANS BY THE GOVERNMENT TO BAN *MITUMBA* TRADE

Sen. Khaniri: Mr. Speaker, Sir, pursuant to Standing Order No. 45 (2) (b), I rise to seek a Statement from the Chairperson of Committee on Finance, Commerce and Budget regarding Government plans to ban trade in second-hand clothes, popularly known as *mitumba*.

In the Statement, the Chairperson should:-

(1) Explain the measures put in place by the Government to cushion thousands of traders who depend solely on the business for their livelihood against the effects of the anticipated ban.

(2) Explain how the Government plans to provide alternative clothing for the larger population that depends on second-hand clothes for their clothing and textile needs.

(3) Explain how the move will benefit the local textile industry, given the poor state of our textile factories and cotton farmers.

The Speaker (Hon. Ethuro): Chair, Committee on Finance, Commerce and Budget.

Sen. Kagwe: Mr. Speaker, Sir, we undertake to bring that Statement two weeks after recess.

Sen. M. Kajwang: On a point of order, Mr. Speaker, Sir. I wanted to ride on the statement request by Sen. Khaniri, considering that Homa Bay County is one of the counties that are blessed with cotton soil. The Committee should apprise this House on the measures that have been taken by the Government to revive the cotton sector in this country, particularly in Homa Bay County.

Sen. Wamatangi: Mr. Speaker, Sir, I also want to ride on that Statement, given the fact that there are thousands of people from my county who trade in various trading centres, from Githurai, Thika, Wangige and Limuru, and eke out a living from the sale of second-hand clothes. The Chairman of the Committee should tell this House, in the Statement sought by the Senator for Vihiga, whether there is a clear feasible roadmap to compensate these people. The plan to ban the sale of second-hand clothes should be put on hold until such a time when there is a tangible plan for compensation and alternative businesses that these people can do. There are many people who depend on this trade,

including children who depend on it for school fees. In the absence of a clear plan, banning second-hand clothes will be a disaster in the making for traders in this country.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. Is the Senator for Kiambu in order to feign ignorance of the impending banning of *mitumba* trade by His Excellency the President, when we know that he is a Member of the “kitchen Cabinet” of the President?

Sen. Wamatangi: Mr. Speaker, Sir, I do not need to deny or accept that I am in the kitchen Cabinet. The Senator for Kakamega needs to know that in the kitchen there are a thousand recipes, which do not taste the same. Even though there is a plan to halt the trade in second-hand clothes, there has to be a plan to cushion those Kenyans who will be affected by that ban. I am perfectly in order.

Sen. Sang: On a point of order, Mr. Speaker, Sir. Is the Senator for Kiambu, Sen. Wamatangi, in order to purport to belong to some kitchen Cabinet, when I know that he is a colleague Senator?

(Loud Consultations)

The Speaker (Hon. Ethuro): Order, Members. I thought Sen. Sang would even go further to indicate that even under the best of his wishes, it is not possible to be a Senator and at the same time a member of a kitchen Cabinet.

Sen. M. Kajwang: Mr. Speaker, Sir, the Senator for Kiambu has neither confirmed nor denied that he is a member of the kitchen cabinet but the Constitution under Article 152 does not talk of the kitchen cabinet. Could he substantiate, who the other members of the kitchen cabinet are? When do they meet and on what basis has it been established?

The Speaker (Hon. Ethuro): Order, Sen. M. Kajwang. The rules of substantiation are very clear. You make an allegation, then you are challenged. In the case of Sen. Wamatangi, he neither denied nor confirmed anything. So, what are you committing him to?

Sen. Leshore: Mr. Speaker, Sir, I want to ride on Sen. Khaniri’s request. When are they going to revive these industries because for the one in Nanyuki, even the land has been grabbed? Could he tell us when they are going to reclaim those parcels of land and revive the industries?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I want to seek two statements: The first one is to the Committee on Roads and Transportation, and the other one is directed to the Committee on Energy.

POOR STATE OF ROADS AND BRIDGES IN WEST POKOT COUNTY

I rise to pursuant to Standing Order No.45(2)(b) to seek for a Statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the Makutano-Kapenguria Town Bridge and the current state of Kapenguria-Kapipi-Kapsait Road. In the Statement, the Chairperson should:-

(a) state whether he is aware that the bridge at Makutano-Kapenguria Town is about to collapse;

(b) explain the immediate measures to be taken to avert this;

(c) explain if he is aware that due to the current heavy rains, the Kapenguria-Kapipi-Kapsait Road has been impassable for the last two weeks;

(d) explain whether he is aware that the Kapenguria-Kacheliba-Lale Road is equally impassable and state what the Government is doing to address the situation.

The Speaker (Hon. Ethuro): Where is the Chairperson?

Sen. Chiaba: Mr. Speaker, Sir, I seek your indulgence and we need two weeks to respond to the question.

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

Proceed with the second request, Sen. (Prof.) Lonyangapuo.

POWER FAILURE IN POKOT NORTH SUB-COUNTY

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, the last request is about power failure in the entire Pokot North Sub-County.

The Speaker (Hon. Ethuro): Order, Sen. (Prof.) Lonyangapuo. Please make efficient use of our time. What you are mentioning will be in the statement.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I rise pursuant to Standing Order No.45(2)(b) to seek for a statement from the chairperson of the standing Committee on Energy regarding the electrical power failure in Pokot North Sub-County which has adversely affected operations at Kacheliba Sub-County Hospital. In the Statement, the Chairperson should:-

(a)state whether he is aware that Kacheliba Sub-County Hospital which is in Pokot North Sub-County has had no electricity for the last two weeks and this has led to the damage of medical equipment and occasioned total collapse of operations at the hospital thereby bringing service delivery to a complete halt;

(b) explain the cause of the electrical power failure; and,

(c) state measures being taken to immediately restore power to this critical facility and to ensure that the problem does not recur in future.

The Speaker (Hon. Ethuro): Chairman of the Committee?

Sen. Mwakulegwa: Mr. Speaker, Sir, having listened to the request, I think there is some emergency and I will respond to the Senator next week, even if we will be on recess; but I will give a detailed statement upon our return from recess.

The Speaker (Hon. Ethuro): Well done, Chair. What is it, Sen. Haji?

Sen. Haji: I want to ride on the request by the Senator from West Pokot. In Hulugho Sub-District Hospital in Garissa County, the Rural Electrification Authority (REA) constructed huge staff buildings, pump house and put up some poles in the last ten years. We wish to know when the generator will be supplied and when electricity will be installed in the sub-district hospital which is only five kilometres away from the Somali border.

Sen. Mwakulegwa: I will issue that statement upon resumption from recess.

THE LEGAL AND REGULATORY PROCEDURES IN
RECEIVERSHIP OF BANKS

Sen. Kagwe: Mr. Speaker, Sir, I rise pursuant to Standing Order No.45 (2) (b) to seek a Statement from the Chairperson of the Senate Standing Committee on Finance, Commerce and Budget. In the Statement, the Chairperson should:-

(i) explain the regulatory and legal procedures followed before a bank is considered to be put under receivership - the written procedures in communication that are to be followed;

(ii) explain the extent to which regulations were followed in placing Dubai, Imperial and Chase banks under receivership;

(iii) demonstrate whether placing the said banks under receivership was the most appropriate course of action and whether it was a board decision or a sole decision of an individual or individuals; and,

(iv) clarify the remedial measures being put in place by the Central Bank of Kenya (CBK) with respect to Imperial Bank.

The Speaker (Hon. Ethuro): Where is the Chairperson for the Committee on Finance, Commerce and Budget?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I do not know what the Senator is talking about.

The Speaker (Hon. Ethuro): Order, Senator. You do not need to know.

Sen. (Dr.) Khalwale: I have already been served a copy of the answer I have been waiting for by the Chair---

The Speaker (Hon. Ethuro): Sen. (Dr.) Khalwale, you are being requested, on behalf of the Committee of Finance, Commerce and Budget, to hold brief for the Chair in terms of committing the Committee to a response.

Sen. (Dr.) Khalwale: That is now clear. I will communicate with the substantive Chair of the Committee and persuade him to provide the answer within two weeks.

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

VISIT BY SENATORS TO CONDOLE FORMER
PRESIDENT KIBAKI AT HIS RESIDENCE IN MUTHAIGA

Sen. Kagwe: Mr. Speaker, Sir, with your indulgence, I also wanted to give some information regarding the proposed visit to the former President Kibaki's house by Senators and Members of the National Assembly to condole the family. I just wanted to say that the proposed meeting as indicated yesterday is going to be tomorrow at 10.00 a.m. at the former President's residence, in Muthaiga. It is the first turning, if you approach from Thika Road. It is the first turning on the right. Some of you know the place very well, Tchui Road.

The Speaker (Hon. Ethuro): Order, Members. We will break this particular order and we will come back to it. We need to proceed with the other orders for purposes of voting.

Next Order!

BILLS*First Reading***THE POLITICAL PARTIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.2 OF 2016)**

*(Order for the First Reading read – Read the First Time and
ordered to be referred to the relevant Senate Committee)*

The Speaker (Hon. Ethuro): We will skip Order No.9 then we go to Order Nos. 10 and 11.

The Speaker (Hon. Ethuro): I order the Division Bell to be rung for one minute.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I appreciate that we are going into Division but if you may recall, I had requested you to clarify the issue of the second generation formula *vis-à-vis* the fact that now the figures that are in the First, Second and Third Schedules are pegged on the first generation formula. Maybe if you have the answer, you can give it now.

The Speaker (Hon. Ethuro): Hon. Senators, there is a point raised by Sen. (Dr.) Khalwale which is valid. If you recall, we had said that we must proceed because these Bills have timelines. The second generation formula is before the other House and they have not yet dealt with it. We are already running behind schedule on this one. We are just proposing as it is. You still have a window of opportunity during the---

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, members of the public are becoming increasingly interested in the Division of Revenue Bill and the allocation of funds horizontally across the 47 counties. Therefore, I would want to assure them that we have an avenue through which they will bring the provisions of the second generation on board.

The Speaker (Hon. Ethuro): Hon. Senators, on the matter raised by Sen. (Dr.) Khalwale, I direct that we proceed but we will give some time before we proceed to Committee of the Whole and Third Reading which we can do after the recess. Even if we are to finalize, you are always at liberty to bring an amendment to the law, depending on the approval of the formula by the National Assembly.

I hope that you have your cards ready to vote on Order No. 10, the County Allocation of Revenue Bill (Senate Bill No.3 of 2016)

Draw the Bar and close the doors.

(The Bar was drawn and Doors closed)

BILLS*Second Readings***THE COUNTY ALLOCATION OF REVENUE BILL
(SENATE BILL NO. 3 OF 2016)***(Sen. (Prof.) Kindiki on 4.5.2016)**(Resumption of Debate interrupted on 4.5.2016)***DIVISION****ELECTRONIC VOTING**

*(Question, that The County Allocation of Revenue Bill (Senate Bill No. 3 of 2016)
be read a Second Time put, and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. M. Kajwang' Homa Bay County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Sang, Nandi County and Sen. Wamatangi, Kiambu County.

NOES: 0

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

AYES: 26

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 26 votes to 0)

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

*Second Reading*THE PERSONS WITH DISABILITIES (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.43 OF 2013)*(Sen. Elachi on 27.4.2016)**(Resumption of Debate interrupted on 3.5.2016)***DIVISION****ELECTRONIC VOTING***(Question, that The Persons with Disabilities (Amendment) Bill (National Assembly Bill No.43 Of 2013) be read a Second Time put, and the Senate proceeded to vote by county delegations)*

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. M. Kajwang, Homa Bay County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Sang, Nandi County and Sen. Wamatangi, Kiambu County.

NOES: 0

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

AYES: 26**NOES:** 0**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 26 votes to 0)**(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)*

The Speaker (Hon. Ethuro): Order, Hon. Senators.
Draw the bar and open the doors.

(The Bar was drawn and doors opened)

Hon. Senators, we have four more votes to take. Therefore, I direct that no Member steps out. The conveniences are behind my Chair.

Next Order!

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Chairperson
(Sen. Sang) took the Chair]*

The Temporary Chairperson (Sen. Sang): I direct that the Bell be rang for a half a minute.

(The Division Bell was rung)

Draw the Bars. The Division Bell will be for all the four Bills. We finalised on the amendments yesterday. Under The Universities Amendment Bill (Senate Bill No. 31 of 2014), we will have two divisions.

THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)

DIVISION

ELECTRONIC VOTING

*(Question, that New Clause 3A, New Clause 3B, New Clause 3C, New Clause 4A
and New Clause 1A be read a Second Time, put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. M. Kajwang, Homa Bay County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Murkomen, Elgeyo

Marakwet County; Sen. Murungi, Meru County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County and; Sen. Wamatangi, Kiambu County.

NOES: 0

The Temporary Chairperson (Sen. Sang): Hon. Senators, I wish to announce the results as follows:-

AYES: 27

NOES: 0

ABSTENTIONS: 0

(Question carried by 27 votes to 0)

*(New Clause 3A, New Clause 3B, New Clause 3C,
New Clause 4A and New Clause 1A were read a Second Time)*

DIVISION

*(Question, that Clauses 3, 4, New Clause 3A, New Clause 3B,
New Clause 3C, New Clause 4A, New Clause 1A,
Clause 2, the Title and Clause 1be part of the Bill put,
And the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Haji, Garissa County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. M. Kajwang, Homa Bay County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Murungi, Meru County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County and Sen. Okong'o, Nyamira County.

NOES: 0

The Temporary Chairperson (Sen. Sang): Hon. Senators, I wish to announce the results as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

(Claused 3 and 4 agreed to)

(New Clauses 3A, 3B, 3C, 4A,

And 1A agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE COUNTY ASSEMBLY SERVICES BILL
(SENATE BILL NO. 27 OF 2014)

The Temporary Speaker (Sen. Sang): Order Senators! I now wish to announce the outcome of the various divisions with regard to The County Assembly Services Bill (Senate Bill No. 27 of 2014).

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 8, 9, 10, 12, 16 and 46; the First Schedule and the Second Schedule be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County and Sen. Sang, Nandi County.

AYES: 27

NOES: Nil

ABSENTIONS: Nil

(Question carried by 27 votes to 0)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 30 and 43 be deleted, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County and Sen. Sang, Nandi County.

AYES: 27

NOES: Nil

ABSENTIONS: Nil

(Question carried by 27 votes to 0)

(Clauses 30 and 43 were deleted)

DIVISION

ELECTRONIC VOTING

(Question, that New Clause 14A, New Clause 47A and New Clause 47B be read a Second put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; and Sen. Wamatangi, Kiambu County.

AYES: 27

NOES: Nil

ABSENTIONS: Nil

(New Clause 14A, New Clause 47A and

New Clause 47B be read a Second Time)

DIVISION

ELECTRONIC VOTING

(Question, that clauses 3,4,5,6, 7, 8 (as amended), 9 (as amended) 10 (as amended), 11, 12(as amended), 13, 14, 15, 16 (as amended), 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 (as amended), 47, New Clause 14A, New Clause 47A, New Clause 47B, the First Schedule (as amended), the Second Schedule (as amended), the Third Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County and Sen. Sang, Nandi County.

AYES:26

NOES: Nil

ABSENTIONS: Nil

(Question carried by 26 votes to 0)

(Clauses 3, 4, 5, 6, 7, 9, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 47 agreed to)

(Clauses 8, 9, 10, 12, 16, 46 as amended agreed to)

(New Clauses 14A, 47A and 47B agreed to)

(The First Schedule as amended agreed to)

(The Second Schedule as amended agreed to)

(The Third Schedule agreed to)

(Clauses 2 agreed to)

(Title agreed to)

(Clause 1 agreed)

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

The Temporary Chairperson (Sen. Sang): Hon. Senators, with regard to the County Government Disaster Management Bill (Senate Bill No.40 of 2014), these are the results:

DIVISION

ELECTRONIC VOTING

(Question, that Clause 7 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County, Sen. Sang, Nandi County and Sen. Wamatangi, Kiambu County.

AYES: 28

NOES: Nil

ABSENTIONS: Nil

(Question carried by 28 votes to 0)

DIVISION**ELECTRONIC VOTING**

(Question, that Clauses 3-6, 7 (as amended), 8-45 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County and Sen. Wamatangi, Kiambu County.

AYES:28

NOES: Nil

ABSENTIONS: Nil

(Question carried by 28 votes to 0)

(Clauses 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45 agreed to)

(Clause 7 as amended agreed to)

DIVISION**ELECTRONIC VOTING**

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

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi

County; Sen. (Prof) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County, Sen. Sang, Nandi County and Sen. Wamatangi, Kiambu County.

AYES:28

NOES: Nil

ABSENTIONS: Nil

(Question carried by 28 votes to 0)

(Schedule agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE COUNTY HALL OF FAME BILL
(SENATE BILL NO.33 OF 2014)

The Temporary Chairperson (Sen. Sang): Hon. Senators, with regard to the County Hall of Fame Bill (Senate Bill No.33 of 2014), the results are as follows:-

DIVISION

ELECTRONIC VOTING

(Question, that New Clause 6A and New Clause 8A be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita Taveta County; Sen. Nabwala, Trans Nzoia

County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County and Sen. Sang, Nandi County.

AYES: 27

NOES: Nil

ABSENTIONS: Nil

(Question carried by 27 votes to 0)

(The New Clauses 6A and 8A were read a Second Time)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3 – 21, New Clause 6A New Clause 8A, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Mugo, Nairobi City County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Murungi, Meru County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County and Sen. Sang, Nandi County.

AYES: 28

NOES: Nil

ABSENTIONS: Nil

(Question carried by 28 votes to 0)

(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 agreed to)

(New Clauses 6A and 8A agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairperson (Sen. Sang): Now, we need to Report Progress. Chairperson of Education Committee for the Universities (Amendment) Bill (Senate Bill No. 31 of 2014), Chairperson, Legal Affairs and Human Rights Committee for The County Assembly Services Bill (Senate Bill No. 27 of 2014), Chairperson, National Security and Foreign Relations Committee for The County Governments Disaster Management Bill (Senate Bill No. 40 of 2014) and the Chairperson, Legal Affairs and Human Rights Committee for The County Hall Of Fame Bill (Senate Bill No. 33 of 2014).

Where is the Mover for the Universities (Amendment) Bill (Senate Bill No. 31 of 2014)?

Sen. Mohamud: Hon. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Universities (Amendment) Bill (Senate Bill No. 31 of 2014) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Sen. Haji: Hon. Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of The County Governments Disaster Management Bill (Senate Bill No. 40 of 2014) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Sen. Murkomen: Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the County Assembly Services Bill (Senate Bill No.27 of 2014) and its approval, thereof, with amendments.

The Temporary Chairperson (Sen. Sang): I now put the question.

(Question proposed)

(Question put and agreed to)

Sen. Murkomen: Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the County Hall of Fame Bill (Senate Bill No.33 of 2014) and its approval, thereof, with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators.

Hon. Senators, I have a proposal which you may disagree with. I can see my friend, Sen. Khaniri, already looking at the Standing Orders. You can look at the Standing Order which talks about “with the leave of Senate.” There are very many things that we can do with the leave of Senate. That is, when no Senator objects.

We have made a lot of progress. As you are aware, we shall have a Motion for Adjournment. I do not know whether it will go through but let us assume it will go through. My request to you is that you allow us to vote on the four Bills we have dealt with and finish with them. For that purpose, with the leave of Senate, we do not have to withdraw the bars. However, if there is an objection, then we will have to withdraw the bars. I am doing that in good faith, so that we finish the business ahead of us.

An hon. Senator: Mr. Deputy Speaker, Sir, proceed.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senator. You know the thing to do is to press the console. Shall we not proceed?

Hon. Senators: Let us proceed.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much. I really appreciate that.

Hon. Senators, we shall deal with all the four of them. As you know, we shall vote and that is why I have made that request. We shall start with the report of the Committee of the Whole on the Universities (Amendment) Bill (Senate Bill No.31 of 2014).

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO.31 OF 2014)

Sen. Sang: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the Universities (Amendment) Bill (Senate Bill No.31 of 2014 and its approval, thereof, with amendments.

The Deputy Speaker (Sen. Kembi-Gitura): The Mover.

Sen. Adan: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report. I request Sen. Karaba to second.

Sen. Karaba seconded.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I now propose the question.

(Question proposed)

An hon. Senator: Put the question.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senator. I have to sit down and check the console to see whether there is anybody who wants to talk. Let us try and be as orderly as possible, so that we finish.

Since there is nobody interested in contributing, I will put the question.

(Question put and agreed to)

Sen. Adan: Mr. Deputy Speaker, Sir, I beg to move that the Universities (Amendment) Bill (Senate Bill No.31) be now read a Third Time.

(Sen. Karaba stood up in his place)

I request Sen. (Prof.) Lesan to second.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba has already seconded. Do you have a problem with that because he has already seconded?

(Question proposed)

Hon. Senators, we shall vote on the four Bills but I will put the question on this one. We will vote and then proceed to the next one.

(Question put and agreed to)

I propose that we go through all of them and then the Bell will be rung once. Therefore, we will vote in due course. Let us have the report of the Committee of the Whole on the County Government Disaster Management Bill (Senate Bill No.40 of 2014).

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

(Sen. (Prof.) Lesan spoke off record)

Sen. Sang: Mr. Deputy Speaker, Sir, protect me from Sen. (Prof.) Lesan.

The Deputy Speaker (Sen. Kembi-Gitura): You are protected.

Sen. Sang: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Government Disaster Management Bill (Senate Bill No.40 of 2014) and its approval, thereof, with amendments.

The Deputy Speaker (Sen. Kembi-Gitura): The Mover, Sen. Haji.

Sen. Haji: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report. I request Sen. Khaniri to second.

Sen. Khaniri seconded.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kembi-Gitura): The Mover, Sen. Haji.

Sen. Haji: Mr. Deputy Speaker, Sir, I beg to move that the County Government Disaster Management Bill (Senate Bill No. 40 of 2014) be now read a Third Time.

Sen. Khaniri seconded.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): Division will be later.

Hon. Senators, we are dealing with the County Assembly Services Bill (Senate Bill No.27 of 2014).

Sen. Sang.

THE COUNTY ASSEMBLY SERVICES BILL
(SENATE BILL NO. 27 OF 2014)

Sen. Sang: Mr. Deputy Speaker, Sir, I beg to report that a Committee of the Whole has considered the County Assembly Services Bill (Senate Bill No.27 of 2014) and approved the same with amendments.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

Sen. Cheruiyot seconded.

(Question proposed)

(Question put and agreed to)

Sen. Murkomen: Mr. Deputy Speaker, Sir, I beg to move that the County Assembly Services Bill (Senate Bill No.27 of 2014) be now read a Third Time.

Sen. Obure seconded.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): We will defer the putting of the question and deal with the final Report of the Committee of the Whole on the County Hall of Fame Bill (Senate Bill No.33 of 2014).

COUNTY HALL OF FAME BILL (SENATE BILL NO.33 OF 2014)

Sen. Sang: Mr. Deputy Speaker, Sir, I beg to report that a Committee of the Whole has considered the County Hall of Fame Bill (Senate Bill No.33 of 2014) and approved the same with amendments.

Sen. Murkomen: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

Sen. Melly seconded.

(Question proposed)

(Question put and agreed to)

Sen. Murkomen: Mr. Deputy Speaker, Sir, I beg to move that the County Hall of Fame Bill (Senate Bill No.33 of 2014) be now read a Third Time.

Sen. Onchwangi: Mr. Deputy Speaker, Sir, I second.

(Laughter)

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order, Sen. (Dr.) Khalwale? We are in the Committee of the Whole.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I want to beg your indulgence, so that we acknowledge the remarkable resurgence of Sen. Onchwangi.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, are you suggesting that Sen. Onchwangi has just made his maiden speech? If he has, you very well know that you cannot interrupt a Maiden Speech through a point of order.

(Laughter)

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I was careful. I said the 'resurgence' of Sen. Onchwangi. In fact, the youth in Kakamega that he represents are now very happy.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale. You have made me forget where I was.

(Question proposed)

We will now go to Division. Ring the Division Bell for a minute.

(The Division Bell was rung)

(Sen. Mutula Kilonzo Jnr. consulted loudly)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mutula Kilonzo Jnr., there was a semblance of order before you walked in; let us try and keep it that way.

We have four votes and we shall deal with them in sequence, like we did before. We will first vote on The Universities (Amendment) Bill (Senate Bill No. 31 of 2014).

BILLS

Third Reading

THE UNIVERSITIES (AMENDMENT) BILL (SENATE BILL NO. 31 OF 2014)

DIVISION

ELECTRONIC VOTING

(Question, that the Universities (Amendment) Bill Senate Bill No. 31 of 2014) be read a Third Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'- Nyong'o, Kisumu County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Leshore, Samburu County; Sen. M. Kajwang, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. (Dr.) Mungai, Nakuru County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County, and; Sen.(Dr.) Zani, Kwale County.

NOES: Sen. Wamatangi, Kiambu County;

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I wish to announce the results as follows:-

AYES: 28

NOES: 1

ABSTENTIONS: 0

(Question carried by 28 votes to 1)

(The Bill was accordingly read the

Third Time and passed)

Third Reading

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

DIVISION

ELECTRONIC VOTING

(Question, that The County Governments Disaster Management Bill (Senate Bill No. 40 of 2014 be read a Third Time put, and the senate proceeded to vote by county delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Prof.) Kindiki, Tharaka Nithi; Sen. Leshore, Samburu County; Sen. M. Kajwang' Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. Mungai, Nakuru County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County and Sen. (Dr.) Zani, Kwale County.

NOES: 0

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

AYES: 30

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 30 votes to 0)

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

Hon. Senators, we will now vote on The County Assembly Services Bill (Senate Bill No.27 of 2014).

*Third Reading*THE COUNTY ASSEMBLY SERVICES BILL
(SENATE BILL NO. 31 OF 2014)**DIVISION****ELECTRONIC VOTING**

(Question, that the County Assembly Services Bill (Senate Bill No.31 of 2016) be read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka- Nithi; Sen. M. Kajwang' Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. (Dr.) Mungai, Nakuru County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wamatangi, Kiambu County and Sen. (Dr.) Zani, Kwale County.

NOES: 0

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I wish to announce the results as follows:-

AYES: 31

NOES: 0

ABSTENTIONS: 0

(Question carried by 31 votes to 0)

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

*Third Reading*THE COUNTY HALL OF FAME BILL
(SENATE BILL No. 33 OF 2014)**DIVISION****ELECTRONIC VOTING**

(Question, that the County Hall of Fame Bill (Senate Bill No. 33 of 2014) be read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. M. Kajwang Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mohamud, Wajir County; Sen. (Dr.) Mungai, Nakuru County; Sen. Munyes, Turkana County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wamatangi, Kiambu County and Sen. (Dr.) Zani, Kwale County.

NOES: 0

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

AYES: 30

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 30 votes to 0)

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

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I will reorganize the Order Paper. We will go back to Order No. 9; the Motion to alter the Calendar. I will then stand down everything else up to Order No. 29; the Motion for Adjournment. Order No. 9 is a Procedural Motion, but the Motion under Order No. 29 is not procedural.

MOTIONS

ADOPTION OF REPORT ON THE FINANCIAL OPERATIONS OF HOMA-BAY COUNTY EXECUTIVE FOR THE FINANCIAL YEAR 2013/2014

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the financial operations of Homa-Bay County Executive for the financial year 2013/2014 laid on the Table of the House on Wednesday, 4th November, 2015.

(Motion deferred)

ADOPTION OF REPORT ON THE SECURITY SITUATION IN MANDERA, LAIKIPIA AND KAPEDO

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia county and Kapedo (border town of Turkana and Baringo counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

(Motion deferred)

NOTING OF REPORTS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY MEETINGS

THAT, the Senate notes the Report of the ACP Parliamentary Assembly and the 29th Session of the ACP-EU Joint Parliamentary Assembly held at the Grand Pacific Hotel, Suva, Fiji from 10th to 17th June, 2015, laid on the Table of the House on Wednesday, 25th November, 2015.

(Motion deferred)

INQUIRY INTO THE IMPLEMENTATION OF THE NATIONAL SPECIAL NEEDS EDUCATION POLICY FRAMEWORK

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

COGNIZANT that Article 54 (1) (b) of the Constitution provides that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;

RECOGNIZING that education in Kenya is a shared function of both the county and national governments;

CONCERNED that while significant gains have been made under the Free Education Programme introduced in the year 2003, access and participation of children with special needs is generally low across the country and their needs have not been specifically addressed;

NOW THEREFORE the Senate directs the Standing Committee on Education to inquire into the performance of the Ministry of Education, Science and Technology in the implementation of the policy statements and strategies made in the National Special Needs Education Policy Framework, 2009 and report back to the Senate within three months.

(Motion deferred)

CREATION OF AN OFFICE TO AUDIT THE
BASIC EDUCATION INSTITUTION FUNDS

THAT, WHEREAS Article 53 (1)(b) of the Constitution provides that every child in Kenya has the right to free and compulsory basic education; recognizing the importance of education in the alleviation of the main challenges facing Kenya's sovereignty identified at independence, namely; poverty, illiteracy and disease;

APPRECIATING the gains made following the implementation of the free primary education program in 2003 and cognizant of the principles set out in the Basic Education Act of 2013 whose objectives include promotion and regulation of free and compulsory basic education besides providing for accreditation, registration and management of basic education institutions; Also noting the substantial resources invested by the national and county governments, parents, sponsors and development partners in the provision of basic education;

FURTHER noting that pursuant to the Basic Education Act, the County Director of Education is vested with numerous responsibilities including facilitation of auditing of all basic educational institutions in the respective county thereby leaving fundamental gaps of governance especially in the management of the available resources;

NOW THEREFORE, the House recommends to the Cabinet Secretary for Education to facilitate the creation of the office of an auditor to specifically audit the basic education institutions' funds to enhance transparency and accountability and improve governance in the management of these institutions.

(Motion deferred)

ADOPTION OF REPORT ON COUNTY OVERSIGHT AND NETWORKING
ENGAGEMENT TO MIGORI, BOMET AND NAROK COUNTIES

THAT, the Senate adopts the Report of the Standing Committee on Information and Technology on the County Oversight and Networking Engagement (CONE) to Migori, Bomet and Narok Counties laid on the Table of the Senate on 3rd March, 2016.

(Motion deferred)

ADOPTION OF REPORT OF SECURITY COMMITTEE
ON STUDY VISIT TO RUSSIA

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15th March, 2016.

(Motion deferred)

NOTING OF REPORT OF THE COMMONWEALTH WOMEN
PARLIAMENTARIANS REGIONAL CAPACITY BUILDING WORKSHOP

THAT, the Senate notes the Report of the Commonwealth Women Parliamentarians Regional Capacity Building Workshop held in Dar Es Salaam, Tanzania on 20th – 23rd January, 2016 laid on the Table of the House on Thursday, March 17, 2016.

(Motion deferred)

NOTING OF REPORT ON THE THIRD GLOBAL
OPEN GOVERNMENT SUMMIT

THAT, the Senate notes the Report of the 3rd Global Open Government Partnership (OGP) summit held in Mexico City, from on 25th October to 1st November 2015 laid on the Table of the House on Tuesday, April 19, 2016.

(Motion deferred)

BILLS*Second Readings*

THE FOREST CONSERVATION AND MANAGEMENT BILL
(NATIONAL ASSEMBLY BILL No.49 OF 2015)

THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS
BILL (NATIONAL
ASSEMBLY BILL No.48 OF 2015)

THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL
(NATIONAL ASSEMBLY
BILL NO.54 OF 2015)

THE HEALTH BILL (NATIONAL ASSEMBLY
BILL NO.14 OF 2015)

(Bills deferred)

MOTION**RESOLUTION TO ALTER THE SENATE CALENDAR**

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT pursuant to the Provisos of Standing Order 28(4), the Senate resolves to alter its calendar in respect of the first part of the Fourth Session for the recess scheduled to commence on 6th May, 2016, to end on 30th May, 2016 instead of 16th May, 2016.

As you have just directed this is a procedural Motion. The reason this slight alteration is being proposed is to allow the Senators to participate in the on-coming Devolution Legislative Conference. It is a conference between Senators, Members of County Assemblies (MCAs) and other stakeholders of devolution. It is expected to take place in Mombasa shortly after---

(Loud consultations)

The Deputy Speaker (Sen. Kembi-Gitura): Order! Could Sen. Wamatangi, Sen. (Dr.) Khalwale and Sen. Ndiema kindly consult in low tones?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Thank you, Mr. Deputy Speaker, Sir. The conference will be convened in Mombasa between Senators, MCAs and other devolution stakeholders to look at the legislative milestones made at the national and county levels across the country. There has not been an audit of what we

have done so far as legislators. Therefore, we will look at devolution from a legislative point of view.

We will invite other stakeholders, including the offices of the Auditor-General and the Controller of Budget. The MCAs are very enthusiastic and look forward to participating. I am sure that more details will be provided by the Speaker in due course.

We are asking for an extension of the recess by a week or so to allow for the planning of this important conference, and most importantly, so that we do not resume and then go for the conference.

I will not belabour the point. I thank the Senators for the good work they have done this afternoon. I beg to move and request Sen. Mutula Kilonzo Jnr. to second this Motion.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, I second this Motion to alter the Calendar. However, while we do so, we recognize that there are important matters that have not been handled. I propose that we also have a legislative agenda. There are certain Bills, including the County Boundaries Bill that was supposed to be done at this conference. By the time we finish the conference, we should discuss a way forward on that legislation that is pending or stuck at the National Assembly.

While we do so, we will also use that opportunity to speak to Members about the County Revenue Allocation so that we can have a common position on what should be done on revenue allocation.

I beg to Second.

(Question proposed)

Sen. Kagwe: Mr. Deputy Speaker, Sir, I rise to support this Motion by the Senate Majority Leader. I do so because we have a huge problem in the counties. There is an accusation that we are not seen. As Senators, we should recognize that most people in the country do not understand what we do. Therefore, when we travel to the counties and explain to people that on Tuesdays, Wednesdays and Thursdays we are in the Senate, whereas they see the governor, for example, everyday, they do not understand.

Now and in the future, it is important for us to create a flexible calendar since our consumers; the voters, do not know that we are here and not in the counties. The more time we can get to visit our electorate, see the development projects and oversight what the governors have been doing, the better.

For that reason, I support.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I stand to support this Motion. I also support the conference with the devolution family which includes Members of County Assemblies (MCAs). Let me make my position very clear. I would not like this conference to be a mere talking shop; something that we hold just for the sake of it.

I would like the Senate Majority Leader and his Deputy; the young lady, to listen to me very carefully because they are the leaders on the Government side. To their attention and that of the House, this conference should not just be a mere show-piece; it should have proper content.

One of the things that we should do with the MCAs is to take stock of devolution to date. What, for example, have county assemblies accomplished in terms of law making? You know that the Fourth Schedule of the Constitution gives the counties specific functions. Those functions are not performed in a legal vacuum. They are performed in the context of law making in counties. For example, there is the issue of how to improve revenue collection in counties. One example of counties with cities, towns and municipalities like Kisumu County, is collecting revenue from outdoor advertisement. It will be important for counties to come up with innovative ways of collecting revenue from outdoor advertisement.

Secondly, there is the issue of waste management. Counties have tried all kinds of ways to deal with waste management unsuccessfully. They should not keep on trying to reinvent the wheel when there are known methods of doing so, provided those methods are domesticated in our municipalities and cities. The other issue that would be important in our discussion with counties is the Senate to also present to counties a balance sheet of what we, in the Senate, have been doing.

One very important issue is transparency and accountability. There is a perception being developed that when county assemblies and county executives appear before relevant committees, particularly the Committee on Public Accounts and Investments, it is a punitive expedition. It is only a punitive expedition if, indeed, there has been an abrogation on the part of the assemblies and the executives of using and accounting for public funds, that the accountability that is envisaged in appearing before these committees is just to make sure that these arms of devolution do their work properly and that public funds are properly used.

Mr. Deputy Speaker, Sir, I think if we plan carefully for this conference, it will be very productive where we will get a balance sheet of what we are doing. Secondly, we will get to know some of the issues that are facing us in devolution. Three, we will lay an agenda for the future.

Let us not have a conference where on the last week, a programme is issued which tells me: "Sen. (Prof.) Anyang'-Nyong'o, you are on this panel." Being in a panel is no longer exciting to me. What excites me is what I do in that panel. Does being in that panel make a difference to devolution and the way public funds are used in this country?

Therefore, I am appealing to the leadership of both sides of this House, the Speaker's Office and the Clerk's Office, if indeed, this House will have a conference with county assemblies and so on, preparation and content is very important. Let us not have a mere show. At this point in our lives, we are not interested in showmanship or show-womanship. We are interested in contributing to the future of this country in a meaningful and constructive way.

I beg to support.

Sen. Karaba: Mr. Deputy Speaker, Sir, I would also like to support this Motion proposed by the Senate Majority Leader. It is important that we go out and interact with MCAs in that conference to be held in Mombasa County. It is important for them to know the role of the Senate so that when we oversight them and the county projects, we will not be seen as intruders. That is what is likely to happen. Many institutions might come through governors who might have told them that they are the only ones who are in

charge of devolution. The moment we go to Mombasa and discuss this with the MCAs, I am sure that they will come out better convinced that we are the ones who provide oversight to devolution and more so, to governors.

Recently we got very concerned when the devolution conference was held in Meru County. When we were there, we learnt that governors are building their own welfare fund which is totaling to almost Kshs1 billion. You wonder where this money is coming from. Some governors even get over Kshs8 billion but they still contribute to this welfare fund. The same counties are very poor when it comes to marginalization. So, some of these issues are very important and need to be ironed out in a conference like this one. That is the reason why it is important to extend our Calendar.

I support.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I support the Motion. This is routine adjournment set by the calendar save that in this particular incident, we are extending the period for a short while for the reason that we want to have a conference on devolution. It will be a conference that will critically evaluate devolution, its pros, cons, successes, failures and challenges. It is not going to be an opportunity for masters of corruption to grandstand and pretend that they have changed the lives of people when, in fact, what they have changed is their lives, their cohorts, sycophants and their families.

This House stands in unity with devolution, and we support what we are mandated to do under Article 96 of the Constitution. As we go on recess, I encourage all Members to turn up without exception in Mombasa to meet MCAs and assembly speakers who have promised to be there without exception. Unlike the offensive cadre of our governors, we will invite them to come and see how to run a devolution conference.

Mr. Deputy Speaker, Sir, you cannot have a devolution conference in the manner that we saw in Kisumu County. The distinguished professor was not even on the list. He was not even asked to receive their valued guests and neither was he on the opening programme or anywhere. I saw the same pattern in the Meru County Conference. The distinguished Senator for Meru County as the host Senator was given exactly the same dose that the Kisumu County Senator was given when we went to Kisumu. He was not put anywhere in the programme.

I do not know if you were in Kisumu but colleagues were there and Sen. (Prof.) Anyang'-Nyong'o was there. As the leadership of the House, there was no place to sit.

The governors had paraded themselves, sitting like they had arrived and that they did not need anybody, and that the Senate is a nuisance to be confined where you can confine a nuisance. This is not how to run a country especially when we are now at a critical moment of evaluating five years after the passage of the new Constitution. The anchorage that made Kenyans of good will vote for this Constitution overwhelmingly is devolution. However, is it working? Are these high profile stories that read like an *Agatha Christie* novel of everybody with an opportunity, motive, intent and with the capacity to steal everywhere? When you look at what is going on in counties, it is a sorry state.

Mr. Deputy Speaker, Sir, when I look at my county, sometimes I feel like asking very serious questions. What is happening in this country? What has happened to the

institutions of governance? We have your own case of Murang'a County where a governor spends Kshs7 million advertising his imagined success and nobody can question him. What has happened to institutions of governance in our country? A governor goes to buy a wheelbarrow at an exaggerated price of 2.752 per cent of the ordinary off-shelf price and nobody has been found culpable to date.

I have a case in my county where a road from one point to another is given as a contract to different contractors and paid for. This is information in public the domain. I have a case in my county where a parcel of land in Bungoma County costing an average of Kshs30 million was bought by the governor at Kshs269 million and nobody asks questions. These are public funds.

The other day I said Governor (Dr.) Evans Kidero of Nairobi County may have his own failings, but when you see him on the road, there is one car ahead of him and then his car. If you go to my county, the governor is moving around with 20 Prados on the road, running like the Wild West; the mafia, knocking off people, riding over women's tomatoes by the roadside and doing all manner of things with hoodlums wearing dark glasses with hands outside the car, waving off everybody as they come. This is not the devolution we fought for. We fought for devolution to change people's lives.

Mr. Deputy Speaker, Sir, I have gone through every part of my county and I ask a question - this county has now received an average of Kshs26 billion and they collect revenue of an average of Kshs2 billion per annum - is there any youth group that has been given a small contract of just Kshs3 million to stand up? There was none. I asked if there was any women group that has received any support of just about Kshs3 million and there was none. Where is this money?

Every time you see the governors - I am told in Meru County, there was a session where each governor was describing his imagined success of his county - it is more fictitious than even great film writers; more fictitious than James Bond's movies. One even said that since he became a governor, he has bought so many cars. How can that be development? How can buying cars change people's lives in any county and who uses those cars?

Mr. Deputy Speaker, Sir, I have a case in my county where a Prado that you can take to a garage and do an ordinary service of changing oil, filter and drive out at Kshs17,000, costs Kshs500,000 for that service. This is blatant theft and not even fraud. I want to ask my brothers across the House what is happening in the institutions of governance in the country.

I am told when the Auditor-General's group goes to the governor, there is a special briefcase kept there waiting. When the Ethics and Anti Corruption Commission (EACC) people go to the governor's office for investigations, there is another separate briefcase waiting. If it is Criminal Investigations Department (CID) officers, there is a third briefcase waiting. If you have that kind of money, you can keep as many as 10 briefcases. How are we going to protect the country?

Mr. Deputy Speaker, Sir, I sometimes feel very disturbed when a very noble issue like the small fund that would enable a Senator go to Kericho County and spend on seminars to tell people you have come in recently, looked at the records and our account

has received this much money. I have looked at the records of expenditure and I see no mega developments. Where has this money gone? As we are in the Senate here every day, the governor is in every village telling people how successful he has been with a gang of sycophants around him who whenever he goes to any area, go ahead of him with money.

The other time I saw what I have never seen. My friend, the Minister for Foreign Affairs of Congo told me it is called megalomaniacs. The governor has a pickup with a driver and a co-driver with two boys sitting on top of the pickup carrying a chair from his office to take to a funeral 30 kilometres away. That is the chair in which he is going to sit on. When the Senator of the area arrives and finds no sit, he can sit on the ground, address people, condole them and go away.

Mr. Deputy Speaker, Sir, money is being spent to carry a chair from the headquarters. On a Saturday, you are deploying a vehicle, fuel, wear and tear, a driver, a co-driver and two young men sitting on top of the pickup holding the chair so that it does not fall for the governor to sit on at a funeral. When they finish the funeral, it is carried back. What kind of wastage is this? As lawyers, we say *res ipsa loquitur*; meaning, things speak for themselves. You do not need even a complainant for institutions of governance to call the governor and ask him how he is spending public resources. These things are done everywhere.

As we go to the conference in Mombasa, I want to urge Members to engage Members of County Assembly (MCAs) as a primary oversight institution. Unfortunately, many of them have been captured by governors. We need to encourage them that they have the ability, the constitutional and legal authority to setup investigative committees; leave alone the oversight standing committees. They should setup investigative committees and investigate whatever they need to find out.

Mr. Deputy Speaker, Sir, one other thing that we as Senate need to pay attention to is the collapse of the health system. People in the villages are dying like flies. In fact, today, they have grandeur names with huge sign posts written 'Nandi Referral Hospital'. Every county has a referral hospital. It is anything but referral. When you send there a patient, they go and die.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wetangula, I do not wish to interrupt you but allow me to interrupt you.

This Motion is procedural. I know you have 20 minutes by virtue of you being the leader of the minority party. But I would like us to finish this Procedural Motion not later than 6.00 p.m. so that we can do the Motion of Adjournment.

Unless you want us to extend time in which someone has to make an application, I want us to start the Motion of Adjournment not later than 6.00 p.m. So, if you allow me, I will cut you short much sooner because we still have some interest in this one.

The Senate Minority Leader (Sen. Wetangula): No problem Mr. Deputy Speaker, Sir. Let me finish by saying that the health system has collapsed everywhere. What I would want this Senate to do is for our Committee of Health to engage the national Government and turn those so called referral hospitals by name, upgrade them to true referral hospitals because referral hospitals are the domain of the national Government.

Let the national Government run those referral hospitals and leave the counties to run health centres, dispensaries and anything below it. We are even institutionalizing tribalism. I want to see a doctor from Nandi County in Mandera County and a doctor from Tharaka-Nithi County in Bungoma County. Today, if you post a doctor from another place to some referral hospitals, people summarily reject him and say that they want their own. This does not help the country.

I beg to support and wait for the main Motion.

The Deputy Speaker (Sen. Kembi-Gitura): I have two requests for the Floor from Sen. (Dr.) Zani and Sen. Ndiema. I will give you two minutes each. I hope that is fair.

Sen. (Dr.) Zani!

Sen. (Dr.) Zani: Mr. Deputy Speaker, Sir, I will try to be fast. The idea of a conference was mooted in Mombasa in the first year of devolution. The Members of the County Assemblies (MCAs) were there and said that it will be a good idea for them to meet with the Senate. It could have happened earlier but it is good that it is happening now. It gives us a chance to stock-take and a possibility of having direct links with the counties to discuss the various matters that we have talked about.

We need to zero down to the County Governments Act, 2012 and the fact that Senators should be entrenched within the counties. Facilities should be made within the county governments so that we can keep in touch and link up constantly. We also need to introduce a Speaker's Hour, just like we have the provisions of Statements within our Standing Orders. We need a clear forum for Senators to update us on what is happening in their counties, for example, the number of Bills that have been published and the various problems within the counties.

We could also have liaison officers at the county level so that we can keep in touch with the counties at all times and get consistent feedback. Our presence, as we have said, cannot be felt at the national and the county level as we would like it to be, because we are spending the same time in different places.

As we plan for the conference, we should have a clear output. The planners of this conference should have clear, tangible and measurable outputs, so that at the end of it, we can measure the specific goals that we have attained. We should also have a session for specific roles for the Senate *vis-a-vis* the other leadership. We should have a form of civic education to inform and educate the various key devolution players on our roles, which are not clear.

I support.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Ndiema, you have two minutes.

Sen. Ndiema: Mr. Deputy Speaker, Sir, I support this Motion because it will give us an opportunity to be in our counties and to do more in the Committees. There is a lot of work pending in the Committees, especially those that are engaged in oversight.

It is important and timely that we have this conference with the MCAs, because what is happening in the counties is sad. Devolution is under threat and it is the responsibility of the Senate to protect counties. Corruption and outright theft is happening in form of imprest; people are literally loaning themselves public funds for private

business and returning them when audit queries are raised. Abuse of office is not theft and we wonder why immediate action is not taken.

Mr. Deputy Speaker, Sir, in the first year, my county - Trans-Nzoia County - got an allocation of Kshs3.7 billion. The county executive signed and issued contracts through Local Service Orders (LSOs) for roads only, equivalent to Kshs3.8 billion. The health facilities are in problems. I brought a Motion in this House urging that the personnel in our hospitals be managed at the national level. The Committee on Implementation of the Constitution has not told us what they have done because we passed that Motion.

I support.

The Deputy Speaker (Sen. Kembi-Gitura): The Senate Majority Leader, do you want to reply?

The Senate Majority Leader (Sen. (Prof) Kindiki): Mr. Deputy Speaker, Sir, I beg to reply.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, this is not a Motion affecting counties. I will, therefore, put the question.

(Question put and agreed to)

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE HOUSE PURSUANT TO THE APPROVED CALENDAR FOR THE 2016 SESSION

The Senate Majority Leader (Sen. (Prof) Kindiki): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, pursuant to Standing Order 28 (3), the Senate do adjourn until Tuesday, 31st May, 2016.

I take this opportunity to first and foremost thank the hon. Senators for a job well done this afternoon. I am happy to note that this afternoon we have disposed of four Bills. We have also voted for two Bills at the Second Reading Stage. This is the kind of progress that is commendable because our core mandate is legislation. The more legislation we pass to support devolution in this country, the better.

Secondly, I note with pride that we have passed six other Bills during this Session; between February and now. We have been able to pass the Statute Law (Miscellaneous Amendment) (No.2) Bill (National Assembly Bill No.33 of 2013), The Climate Change Bill (National Assembly Bill No.1 of 2014), The Mining Bill (National Assembly Bill No.8 of 2014) and The Anti-Doping Bill (National Assembly Bill No.6 of 2016), which we passed in record 24 hours, without dissent from both sides of the House.

I am proud as a Kenyan and as a Member of this House to have been part of the leadership that spearheaded the passage of The Anti-Doping Bill (National Assembly Bill No.6 of 2016) for the sake of our country, especially in the Olympics. I take this opportunity to thank, particularly, my brother, Sen. Wetangula and his team in the

minority side because we took this matter as a national duty and worked together. Both sides of the House are proud participants in this historic moment.

[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]

[The Temporary Speaker (Sen. Sang) took the Chair]

Mr. Temporary Speaker, Sir, we have also passed the Political Parties (Amendment) Bill, (Senate Bill N0.3 of 2014) and the Division of Revenue Bill. If you add the other four Bills, that makes it ten Bills.

Mr. Temporary Speaker, Sir, this House has disposed of 10 Bills between February and now. That is a good record. If we continue that way, we will be talking about an excess of 25 Bills by the end of the Session. That is very commendable for this House. I do not want to take a lot of time so that other colleagues can also have an opportunity to contribute to this Bill. However, I would like to say that we have urgent legislation when we resume.

I hope that during the short recess, we shall do the other commitments that we have in the counties, make international travels, both official and private, so that we come back to embark on four critical Bills that have a constitutional deadline of 27th August 2016. Since we have a bicameral Parliament, once we pass those Bills, they will have to go to the “Lower House” for concurrence or mediation in case of differences.

We will be working in a very small room of maneuver because the four Bills that we have to dispose before the constitutional deadline are the Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015) which was scheduled for Second Reading today but it is impossible to go through it; The Protection of Traditional Knowledge and Cultural Expression Bill (National Assembly Bill No.48 of 2015); The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No.54 of 2015), and; the Health Bill (National Assembly Bill No.14 of 2015).

The Health Bill is important given what is happening in our counties. The Health Bill does not only have a constitutional deadline but it is also aimed at responding to the kind of thing that the Senate Minority Leader was talking about here. If we are not careful, we might lose out on the health sector and it will take a very long time to recover it.

Mr. Temporary Speaker, Sir, I am happy to note that the new Cabinet Secretary in charge of education is doing something in that sector because that is also another sector that we might lose if we are not careful and recovering it may be very difficult. The County Allocation of Revenue Bill whose Second Reading was yesterday and whose Division was today is also a critical Bill. I hope that we will pass the five Bills that I have mentioned as soon as we come back from recess.

We are going on recess at a time when the counties are facing unprecedented crisis. The hue and cry out there is about how money has been used. There is agreement from all the stakeholders and ordinary Kenyans that we are almost losing devolution to

theft, plunder and robbery. The story of corruption as has been told so eloquently here by my brother, Sen. Wetangula, is reflected in Tana River, Nandi, Bungoma, Tharaka-Nithi, Nairobi and many other counties.

Mr. Temporary Speaker, Sir, we are watching helplessly as people plunder our counties in broad day light. I, therefore, join my brother, Sen. Wetangula, in asking: "Where are the institutions of governance?" Most of those institutions are independent. Therefore, they are supposed to work without the direction, control or manipulation by any person in authority. I am shocked that until now, with all the horror stories of theft and corruption, no person has been found culpable.

We cannot continue like this as a nation. Time has come when one way or the other something has to give way. It is only corruption that can give way. We cannot say integrity will give way. We cannot say we lose hope in our country. We do not have any other country. I have said it here before - this is my sincere and honest belief - that devolution is the remaining card that we can play to bring sanity and a sense of belonging in this country. If we lose this card, we might as well have to forget about the future of our country.

Mr. Temporary Speaker, Sir, my county, Tharaka-Nithi and a few other counties have been pleading with this House for support. We have no facility whatsoever. If the same county that we have been struggling to convince this House to be magnanimous to can spend Kshs22 million to fund the fancies and fantasies of people who have lost it to ego and a false sense of importance, then it defeats logic for me to come here and belabour everyday why Nyandarua, Tharaka-Nithi, Lamu, Isiolo and Tana River counties require affirmative action from this House.

This House must find a way of dealing with corruption before it is dissolved as stipulated in the Constitution next year. We will require a referendum to change the Constitution of Kenya which will translate to changes in certain statutory laws around devolution to rescue devolution from the bandits and robbers who have taken over a very noble concept.

Mr. Temporary Speaker, Sir, I do not want to belabour that point. I hope during this short vacation we will add our voice to the increasing critical mass of Kenyans of goodwill who want to rescue the devolution project. However, we should not feel shy about it. As the Senator for Tharaka-Nithi, I am willing to be an individual complainant because corruption has swallowed up everybody. Nobody wants to provide evidence.

As my brother said, when the institutions of accountability visit, they are given a treat they cannot refuse, including in some cases, being hosted for free in hotels owned by governors and other senior county officials. So, how do you expect officers from the office of the Auditor-General who are investigating corruption in a county to have an adverse report when they have been hosted, fed, entertained and given envelopes by the same people they are investigating?

The other day, the Anti-Corruption Day was celebrated in Tharaka-Nithi. I was not invited, hence I did not attend but I was surprised to see the officials of the anti-corruption agency dancing on a lorry with corruption suspects. These are people who are supposed to be either recording statements or should be in jail. They were dancing and celebrating Anti-Corruption Day with the suspects of corruption in our county.

Mr. Temporary Speaker, Sir, I do not want to belabour this point. I wish my colleagues and their families a happy vacation, God's blessings and good health. I look forward to working with you when we resume on 31st May, 2016.

With those remarks, I beg to move. I request my brother, The Senate Minority Leader to second.

The Temporary Speaker (Sen. Sang): The Senate Minority Leader, you had 20 minutes to Move the Motion but you moved it in 13 minutes. We will have to propose the Question within the remaining time. Therefore, I request that you be brief.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, I will be brief.

First, the end of this Session is celebrated because we have worked in a positive bipartisan manner. In the process, we have done well. Secondly, we have a pending retreat for the leadership of the Senate and the National Assembly to address the issue of the frustration of Bills originating from the Senate to the National Assembly. Thirdly, I encourage Senators to turn up in large numbers for the planned conference.

Fourthly, I request that we continue to condole the family of the retired President Kibaki for the loss of the former First Lady, *Mama Lucy Kibaki*. Yesterday when I had an opportunity to visit the home with my colleagues to condole with *Mzee Kibaki* and family, we met with the retired President Moi. I told the family that the Senate ably eulogised *Mama Lucy*. There is a planned visit tomorrow and I promised the family of *Mzee Kibaki* that the HANSARD record of the eulogies that we passed in the House will be extracted and taken to the family for their record. This is in remembrance of what we said about *Mama Lucy*.

Fifthly, I encourage the reforms that are going on in the Ministry of Education. However, what shocks me in this country is that every officer appointed to the office must appear to be changing something. I asked Cabinet Secretary Matiangi; that if he wants to abolish the 8-4-4 system, then what mongrel is he introducing? Why do you not move Kenya to the standardisation of education in East Africa; to be equal to Uganda, Tanzania, Rwanda and Burundi which are using 8-4-2-3? That will make more sense. Appearing to be changing - like entering a house and adjusting the sitting arrangement - is not how to reform things.

Mr. Temporary Speaker, the sixth is about corruption. We must make these institutions that fight corruption work. Someone joked and said that the Ethics and Anti-Corruption Commission (EACC) is nowadays called the Economic and Pro-Corruption Commission.

(Laughter)

Mr. Temporary Speaker, Sir, it is not anti-corruption any more but pro-corruption. That is what they do. Things are not working well. When we have a recess like this - even without attending the conference - the House must resolve that once in a while, we take a recess for some days and reflect on what we are witnessing in our counties. The Senators may not alone do something but we can influence the executive, the National Assembly or any other organs to make things work.

If devolution dies, nobody will forgive us. It is the greatest dream of this country. It has stood out to be a great dream of a few people and a nightmare for others. It is a big shame.

I beg to Second.

(Sen. Kittony entered the Chamber while the Temporary Speaker was on his feet)

The Temporary Speaker (Sen. Sang): Senator Kittony, you may proceed to sit.

(Laughter)

(Question proposed)

Sen. Elachi: Mr. Temporary Speaker, Sir, I support this Motion for Adjournment. I wish to emphasize the importance of the conference that we are planning ahead. Money should be spent prudently and at the end, people should gain knowledge on what the county assemblies and the Senate do.

We would like to see even reviews on some of the Bills that were passed by the county assemblies that we feel are not constitutional. Some citizens also have issues with some of the Bills that were passed. I hope those who are researching on content will bring out issues that Kenyans can understand so that we can work together with the county assemblies.

Secondly, health is very critical. We only talk about the billions that go to health facilities and forget the basics on health. The Constitution requires that a Kenyan should walk into a hospital and come out better than he or she walked in.

The other issue that we need to address is ethnicity. In this conference, we need to be frank to ourselves, that we devolved ethnicity. How are we going to deal with it? We have just received the Land Bill from the “Lower House”. This Senate must bring back sanity. We cannot go the route the National Assembly has gone by proposing that Bill. I hope those are some of the issues we will look at critically. It is the Senate that will unite this country and ensure that no resources will be used by people to kill each other because the law does not allow that.

I hope that the Senate will do this country a favour by passing the Gender Bill. Today, we go home wondering whether the National Assembly really understands why the formula was the only issue we could not put as a principle in the Constitution. We have a clear principle and it is, indeed, a constitutional Bill that has a timeframe.

I would plead with the Senate Majority Leader and the Senate Minority Leader that if we bring the Gender Bill to this House, it should be passed by more than 40 county delegations. We will then take it to the National Assembly and go through mediation and agree on it in the end. It is then that this House will make history and the two-thirds gender issue will never again be an issue. We have to do this before August.

I thank you and all the Senators. I wish our staff well as we go on recess.

Sen. Cheruiyot: Mr. Temporary Speaker, Sir, I will be brief in the interest of time. I rise to support for one major reason. Having been here for the last few weeks, it is time to go back to Kericho to thank the voters for the chance they gave me.

Secondly, we are going on recess to determine whether the issues that we pass in this House translate to tangible services that affect the lives of *wananchi*, who smiled with so much hope the day they heard about devolution. It will be a good time to reflect so that we can come back as a re-energized House. We should not only narrate the problems in the counties, but find ways of surmounting them.

Lastly, I support the move to hold our own conference. The Senate and County Assemblies will take time to reflect as a legislative wing. Hopefully, we will sharpen each other. I speak as a Member of the Standing Committee on Finance, Commerce and Budget where we receive petitions on a weekly basis. From the petition one can see some sense of hopelessness that is creeping into *wananchi* concerning county assemblies. It will be an opportunity to find ways of working together with the county assemblies to make devolution a success.

I thank you.

Sen. Chelule: Mr. Temporary Speaker, Sir, I also rise to support the Motion. I thank the Senate Majority Leader for bringing this Motion of Adjournment. I support this because of two reasons: It is very important for the Senators and MCAs to meet and discuss their achievements of the last four years. It is also very important to discuss this because we are representing the people of this country.

I was so shocked during the devolution conference that 81 per cent goes to recurrent expenditure and only 19 per cent goes to development. I mean, this money that comes to the Consolidated Fund in the national Government that is later divided or given back to the county Government is for the citizens of this country.

It is really important for us, as Senators, to sit and have a meeting with the relevant authority to discuss the challenges, opportunities or what we can do as leaders or representatives of the people for this country. I believe that all the Senators will have time to attend to this important meeting.

With those few remarks, I support.

Sen. Kittony: Mr. Temporary Speaker, Sir, I also support this Motion of Adjournment. It is a sad day for the women of this country that the National Assembly lost the vote on the two-thirds gender rule this afternoon. Some of us have been fighting for women's rights for many years. When we go for recess we should take stock and talk to our men that we need one another to develop this nation.

I also take this opportunity to thank two of our MCAs who were Nos.5 and 6 from Kabomoi and Kwanza constituencies in Trans Nzoia County for being the best MCAs in terms of their contribution.

Allow me to wish all the Senators and this country a happy recess.

The Temporary Speaker (Sen. Sang): Sen. Kittony, are you suggesting that the rest of the country is going on recess? It is only the Senate and so, you are wishing Senators all the best as we proceed to the recess.

ADJOURNMENT

The Temporary Speaker (Sen. Sang): Hon. Senators, it is time to interrupt the business of the House. The Senate stands adjourned until Tuesday, 31st May, 2016 at 2.30p.m.

The Senate rose at 6.30 p.m.