

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 1st November, 2016

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

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

PRAYER

STATEMENTS

ALLEGED MISAPPROPRIATION AND LOSS OF PUBLIC FUNDS IN THE MINISTRY OF HEALTH

The Senate Minority Leader (Sen. Wetangula): 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 Health on the alleged misappropriation and loss of public funds at the Ministry of Health.

In the Statement, the Chairperson should:-

(a) Table the interim internal audit report on procurement and financial operations of the Ministry of Health for the Financial Year 2015/2016.

(b) Table a list of all tender advertisements of the Financial Year 2015/2016 in the Ministry of Health under audit, the corresponding firms that bid and those that were finally awarded the tenders.

(c) Table a schedule of payments to companies that were awarded the said tenders.

(d) Table the particulars of the companies that were awarded the said tenders, including details of directors, financial statements and tax returns and the invoices attached to the payments including ETR receipts, tax compliance and pin numbers.

(e) State why the funds which were allocated to be transferred as Government of Kenya (GoK) grants to various institutions and counties for free maternity were diverted in contravention of the law on misapplication of funds.

(f) Give the reasons as to why under the directive of the head of the accounting unit, the internal audit department was denied full access to the financial documents.

(g) Assure the state of the safety and security of the head of Internal Audit at the Ministry of Health, Mr. Bernard Muchere, who has received threats to his life.

Sen. (Dr.) Machage: Mr. Speaker, Sir, in view of the details required by the Questioner, I beg the House to give me two weeks.

The Speaker (Hon. Ethuro): What is it, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir. I am extremely concerned. During our vacation, the Cabinet Secretary in charge of the Ministry of Health and his Principal Secretary were supposed to appear before the Standing Committee on Health. They did not summon him. Now, they have requested for 14 days which is too long. Could you redirect that they comply with the previous direction that they were using? Alternatively, in view of the last question, where the life of the internal auditor is at risk, in fact, before we close this week, there should be an answer on the last question as to whether the gentleman has been given state security.

Sen. Ong'era: On a point of order, Mr. Speaker, Sir. We seek your intervention that the period asked of two weeks is too long. This is a very serious matter that is of public concern. A lot of money has gone underground. In fact, it is more than Kshs 5 billion. The shortest time possible should be taken so that Kenyans know where their money has gone.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. The Chairperson was too fast to rise. I thought he would ride on the questions the way I want to with a further clarification, if it is allowed.

The Speaker (Hon. Ethuro): Order! You cannot penalize the Chairman for enthusiastically undertaking his duties. I have the request here. You had not requested, he was the only one.

Proceed, Professor.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, as Sen. Ong'era and Sen. Mutula Kilonzo Jnr. mentioned, this matter has been in public domain for several consecutive days. The Chairman should also clarify what the Cabinet Secretary (CS) meant when he said that they had asked for an external auditor to do a fresh audit yet we have the Auditor-General.

Secondly, what is the role of an internal auditor versus an external auditor, all of them within the national arena?

The Speaker (Hon. Ethuro): Finally, Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I have heard the Chairman say that he requires two weeks. Given that the CS has been reading rehearsed statements on national media houses, including one where he declared the Ministry innocent, the Committee, under Sen. (Dr.) Machage, invited the same CS and his officers and they snubbed him. I urge the Chair to direct that this answer be given this week, not on Thursday, given the importance and immense public interest in this matter.

Sen. (Dr.) Machage: Mr. Speaker, Sir, I appreciate the concerns of the Members of this House. I could not agree more to their feelings over this issue. However, in writing, the Cabinet Secretary requested that he avails himself to the Committee on Tuesday, next week, with details, amongst other things, what has been asked in this House today. Therefore, since we want details of the whole subject that is not so sweet to the ears of the Kenyan citizenry; you give me two weeks to do some thorough job on this.

The Speaker (Hon. Ethuro): Order, Members! The Chair equally appreciates the concerns of Members and the desire to deal with this matter. Since the Chairman has

already acted and you need the details, it is only fair that you allow him two weeks. Meetings have been agreed on.

Hon. Members, there is a specific matter which Sen. Mutula Kilonzo Jnr. asked about the security of the internal auditor. Sen. (Dr.) Machage, that is one matter that you need to bring to the House by Thursday this week.

Hon. Members, let us move on to the Statements to be issued.

Proceed, Chairperson, Standing Committee on Agriculture, Livestock and Fisheries. Please, deal with the statement listed as (a).

DELAYED PAYMENTS TO FRENCH BEANS FARMERS
IN KIRINYAGA COUNTY

I see he is consulting. Let us move on to the next Statement to be addressed by the Chairperson of the Committee on National Security and Foreign Relations.

SECURITY SITUATION IN SOUTH SUDAN

Sen. Adan: Mr. Speaker, Sir, I have just given the Statement to Sen. Wetangula. I do not know whether he is ready so that we proceed. I do not know whether he has gone through it.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, he can proceed.

Sen. Adan: Mr. Speaker, Sir, regarding the first question on why the Government of Kenya did not send its military to protect and evacuate Kenyans in Juba, the Government of Kenya took the decision of a diplomatic approach to avoid escalating the already volatile situation with actions that could be construed as proactive. Indeed, the Chiefs of Defence Forces of Kenya, Ethiopia, Rwanda and Uganda met in Addis Ababa and Juba in July to review the security situation. They proposed the establishment of a stabilization force with international backing as way to stabilize the security situation in the country.

The proposal was taken up by the United Nations (UN) Security Council through Resolution 2304 (2016) extending the United Nations Mission in Sudan (UNMIS) Mandate, including the deployment of the Regional Protection Force of 4,000. The regional Chiefs of Defence Forces have been meeting to work out modalities for the deployment of the Protection Force. We hope the UN Security Council will go a step further to provide sustainable funding as well as the necessary force multipliers and enablers to guarantee their success in their mandate.

Concerning the second question about what concrete steps are being taken either to send escorted buses or trucks to bring Kenyans in Juba, there are no plans to send escorted buses or trucks to South Sudan as the main route to Juba from Nimule is open and operational. Indeed, Juba Airport is open and KQ, Fly 540 and other airlines are operating.

Regarding why the Government did not consider using the quickest means or methods of transport possible to evacuate Kenyans in South Sudan, the Government used the quickest means possible to evacuate vulnerable Kenyans in South Sudan at the height

of the conflict. A total of 845 Kenyans were evacuated by chartered flights from Juba to Nairobi.

The fourth question was how many Kenyans in South Sudan who are in excess of 35,000 are being catered for. The Government issued travel advisory against travels to South Sudan till the situation returns to normal. Further, Kenyans in South Sudan have been urged to contact the Embassy in Juba in case of distress for assistance. During the evacuation exercise, the Government airlifted dry ration, nitrous biscuits and water to assist Kenyans who had sought refuge at the Embassy.

In the fifth question, he wanted to know the number of refugees that have fled to Kenya so far since the conflict started. The number of refugee flows from South Sudan to Kenya is estimated at 60,000 since the new wave of violence broke out.

To answer the sixth question about what the Government is doing as the regional leader to help bring normalcy to South Sudan, the Government is fully engaged and seized of the matter of South Sudan. It has mobilized regional leaders and partners in addressing the South Sudan conflict.

The Government of Kenya took the lead on 11th July and hosted the 56th Extra Ordinary Council of IGAD Foreign Ministers meeting in Nairobi to discuss and offer solutions to the crisis in South Sudan. His Excellency the President uses various fora such as the recently concluded IGAD sideline meeting in Kigali, Rwanda on 16th July, 2016, with other IGAD Plus Heads of State or Government, the XIV UNCTAD Conference held in Nairobi from 17th to 22nd August, 2016, the 27th Extra Ordinary IGAD Plus Heads of State and Government meeting held in Addis Ababa on 5th August, 2016, among others in the effort to find a solution to the challenging situation in South Sudan.

On 30th August, 2016, His Excellency the President also made an official visit to Juba and held bilateral talks with His Excellency President Salva Kiir Mayardit. The visit was aimed at encouraging and giving support to ensure that there is peace and stability in the region. President Uhuru Kenyatta urged the Government of South Sudan to push forward and fast-track the implementation of the Agreement and the Resolution of the Conflict of South Sudan (ARCISS) and the reforms agreed under that peace agreement, including the security arrangement in order to restore law and order, consolidate peace and stabilize the country.

Kenya fully supports the UN and African Union (AU) efforts championed by His Excellency Festus Mogae, Chairperson of the Joint Monitoring and Evaluation Commission (JMEC) and His Excellency Alpha Konare, African Union High Representative for South Sudan aimed at consolidating support for the implementation of the ARCISS to restore peace and stability in the country. We all know that the road to peace in South Sudan has been long and difficult. All efforts should, therefore, be geared at pushing for a common agenda towards de-escalation of conflict, restoration of peace and political stability founded on constitutionalism, the rule of law and democratic principles in the young nation.

Ultimately, the leadership and the people of South Sudan have the primary responsibility to end conflict for peace, stability and socio-economic development. Towards that end, the full implementation of the ARCISS in good faith remains central. In that pursuit, Kenya and the rest of the world are needed to constructively engage with

the Transitional Government of National Unity assuring them of continued support in that endeavour.

The seventh question was about how many refugees the Government intends to allow into Kenya considering that the new policy on management of refugees is to close down refugee camps. The issue of refugees is an international obligation. The Government of Kenya will closely work with other international partners and organisations to take care of refugees as the need arise.

Concerning the eighth question about what informs the Government decision to use road transport to bring Kenyans back instead of continuing with the airlifts, the Government did not consider use of road transport at any time during the evacuation exercise. The exercise was stopped when commercial flights resumed operations from Juba Airport.

The ninth question was whether the Government has considered extending the issuance of travel documents to those Kenyans in South Sudan who wish to travel back home, but did not have the documents. The answer is that the Kenya Embassy in Juba continues to issue free emergency travel documents for those without valid travel documents. There are reports that Kenyans are travelling back to Juba to continue with their businesses in South Sudan. Any Kenyan who has lost a passport and needs to travel back to the country is required to visit the Embassy for application and issuance of emergency travel documents.

Regarding the question on arrangements that the Government has made in Turkana County to secure Kenyans as a result of influx of refugees from South Sudan, refugees from South Sudan have been absorbed in Kakuma Refugee Camp and are being attended to like all other in cooperation with the humanitarian organisations and agencies.

Question number 11 was about what the Government will do to bring together the warring factions in South Sudan. Kenya has continued to play a proactive diplomatic engagement to implore the leadership of South Sudan to honour the peace agreement with a view to restore peace and tranquility. Furthermore, IGAD, AU and the UN Security Council are seized with the matter and have held several meetings to map out the stabilization effort.

The International Community is doing its best and working with all parties to the conflict to resolve their differences through dialogue and honour the peace agreement. The Government, under the IGAD auspices, is working with the various actors to help bring the issue to an amicable end.

Regarding question number 12 about the Governments policy with regard to Kenyans working in conflict situations like South Sudan, under the coordination of the Ministry of Foreign Affairs, the Government continuously assesses the security situation in South Sudan and accordingly, takes actions which include, but not restricted to the following:-

(a) Issuance of Advisory

Kenyans are advised to consider or defer travel to the country, particularly the most conflict-prone areas, avoid clouded areas considered high security risk and to avoid engaging or discussing local politics.

The Speaker (Hon. Ethuro): Vice Chairperson, please, conclude.

Sen. Adan: Mr. Speaker, Sir, it is a long one. I do not know whether---

An hon. Senator: Summarise!

Sen. Adan: Mr. Speaker, Sir, I cannot summarise because all these questions were asked. We are only left with about five questions that need to be answered.

The Speaker (Hon. Ethuro): Some of them have similar answers. You can always combine.

Sen. Adan: Mr. Speaker, Sir, unless I go to the last one because I believe Sen. Wetangula has a copy of the Statement.

The Speaker (Hon. Ethuro): Go to the last one.

Sen. Adan: Mr. Speaker, Sir, the final question was about whether Kenya will petition the African Peace and Security Council of the AU and UN to call for reconstitution of an international mechanism to bring order in South Sudan. The answer is that Kenya is a member of the AU Peace and Security Council and continues to play a proactive diplomatic role in exhorting the leadership and parties in South Sudan to honour the peace agreement and guarantee peace and stability. Furthermore, IGAD, AU and UN are seized of the situation in South Sudan as demonstrated by the adoption of the UN Resolution 2304 of August, 2016.

Mr. Speaker, Sir, I thank you.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, after listening to that winding rigmarole from the Vice Chairperson of the Committee, the aggregate is that the Government of Kenya is doing nothing about what is going on in South Sudan. We asked very simple questions. When the situation was volatile, Uganda sent troops to protect its nationals and evacuate them, but Kenya did nothing. Instead, we are being told that commercial flights have resumed and Kenyans who are stranded in South Sudan should take flights back home. How many of those people; mechanics, tyre repairers and low level workers in South Sudan can afford air tickets to come back to the country?

Is the Vice Chairperson aware of the UN doctrine of the right to protection and that any country whose nationals are in danger – we have seen America doing this everywhere – can move in and protect and evacuate its citizens? We know that the situation has slightly improved, but what is Kenya doing to make sure that Riek Machar's and President Salva Kiir Mayardit's factions come back to the table to talk and bring lasting peace to South Sudan given that Kenya, the United States of America (USA) and the UN are the guarantors recognised by the UN Peace Mission in South Sudan?

Mr. Speaker, Sir, the Vice Chairperson has also omitted to answer a question which one of my colleague rode on. She did not say whether Hon. Dalmas Otieno who was with a lot of funfair announced as a special envoy to South Sudan is still such an envoy or not. If you look at the answer given, the distinguished Senator and the Vice Chairperson of the Committee read some very incoherent statements and failed to completely mention the status of Hon. Dalmas Otieno as a special envoy appointed by the President to South Sudan. Is he still in office?

Finally, how many Kenyans in South Sudan are still in dire need of assistance to come back to Kenya? It is not enough to tell us that Kenyans are going back to South Sudan. There are people who own banks there and they will still go back to check their money. However, how many stranded Kenyans are still there? What is the Government doing to bring them back home?

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, I thank the Senate Minority Leader for raising this issue in the Senate and seeking a Statement from the Government on the issue of South Sudan.

The three East African countries; Tanzania, Uganda and South Sudan are extremely important to the security and the economy of this country. The cultural linkages we have are also important. Sometime ago, a group in the National Assembly made a statement which was partisan to one faction in South Sudan. As the Senate Minority Leader mentioned, there is the Riek Machar faction and the Salva Kiir faction.

Mr. Speaker, Sir, this country has been known to be a home to the refugees from Sudan, Ethiopia and other places. This is not the time for any person in leadership, especially the legislature, to issue statements collectively condemning or denigrating a particular faction in South Sudan. You may not only put in danger Kenyans living in South Sudan, particularly where one faction is dominant, but you make it difficult to initiate the process of peace making by this nation.

May I ask the ruling party - because most of the Members who spoke were Members of the ruling party - to reign in these renegades and ensure that they respect the dignity of this nation and the process of peace making in South Sudan. It is important because we must not assume that although President Salva Kiir is the juridical legal President of South Sudan, he actually presides over South Sudan as a nation. The factions in that nation are tearing the nation apart. I hope that as we seek this Statement, the Government takes urgent action to initiate the process of peace making in South Sudan.

Sen. Leshore: Mr. Speaker, Sir, Kenya has been doing a lot in diplomatic circles using her finances to try and make peace in South Sudan. The Senate Minority Leader said that when Ugandans who are in South Sudan were threatened, President Museveni had to send the Uganda Defence Forces to go and protect the Ugandans and their properties in South Sudan. Many Kenyans have invested a lot in that country. I wonder whether the Kenyan Government has put in place a defence force so that when Kenyans or their property are threatened in Sudan, they are flown there to go and secure the properties.

Sen. Adan: Mr. Speaker, Sir, Kenya has a mandate to protect the rights of her citizens wherever they are. That is paramount. I have a seven paged document to answer all the questions that were raised by the Members in this House. I believe measures have been put in place to make sure that the warring factions make peace.

The only oversight is the issue of Hon. Dalmas Otieno which was not captured in the Statement. I will try and follow up on it so that I provide an answer to the House and to the Senate Minority Leader who requested for it.

Mr. Speaker, Sir, the Government is committed to making sure that peace prevails in South Sudan. We have given a lengthy statement to answer all the issues that were raised. However, I will pick up what has been left out so that we answer the question comprehensively.

The Speaker (Hon. Ethuro): I think Statement (a) must now be ready. Where is Sen. Ndiema, the Vice Chairperson?

DELAYED PAYMENT OF FRENCH
BEANS FARMERS IN KIRINYAGA COUNTY

Sen. Ndiema: Mr. Speaker, Sir, in the next ten minutes, I will deliver the Statement. A copy is being made for Sen. Karaba.

The Speaker (Hon. Ethuro): Let us move on to Statement (g), Standing Committee on Labour and Social Welfare.

WELFARE OF STREET FAMILIES AND URCHINS IN KENYA

Sen. Madzayo: Mr. Speaker, Sir, this is a response to the question raised by Sen. Leshore on 13th June, 2016. There were three questions that were requested by the Senator. The first one was whether there is a policy on street families and the second was whether the policy focuses on persons with disabilities and urchins in the streets. Thirdly, whether the Ministry offers any support to street families.

On whether there is a policy on street families, the Street Families Rehabilitation Trust Fund was established in 2003 through a Gazette Notice No.1558 by the then Local Government Minister, the late Hon. Karisa Maitha, to safeguard and promote the rights of the street families through tailored programmes and to address the concerns of the homeless.

There has been no specific policy on street families, but there exists some general child protection guidelines. However, the Street Families Rehabilitation Trust Fund has embarked on the development of a national policy on the rehabilitation of street families. A consultant has been engaged for this purpose and has already come up with the final draft which awaits input from key stakeholders and will soon be validated and rolled out for sensitization and implementation.

Mr. Speaker, Sir, on whether the policy focuses on persons with disabilities and urchins in the streets; the response is as follows: There exist specific policy guidelines and even an Act of Parliament dated 31st December, 2003, on Persons with Disabilities which coordinates social protection. The Act creates a national council for persons with disabilities, a parastatal that deals with the protection and promotion of interests of persons with disabilities. However, the national policy on rehabilitation of street families will address the entire population on the streets, including persons with disabilities and the homeless urchins.

Mr. Speaker, Sir, on whether the Ministry offers any support to street families, the Ministry of Devolution and Planning through the Street Families Rehabilitation Trust Fund (SFRTF) supports children and youth through partner institutions. These are charitable organizations and community based organizations which are vetted and approved for funding under the rescue, rehabilitation and reintegration of street families. Selection and funding is pegged on a set criteria based on specific parameters, which include enrollment of street families in the institutions whether day scholars or boarders under rehabilitation programmes, among others.

(Loud consultations)

Mr. Speaker, Sir, could you protect me from the loud consultations going on behind me between my brother, Sen. Boy Juma Boy and Sen. Mwakulegwa? As I am answering the question, my two senior brothers are busy consulting in a loud voice.

(Loud consultations)

The Speaker (Hon. Ethuro): Order! How could that be your problem?

Sen. Madzayo: Mr. Speaker, Sir, I cannot properly concentrate in answering this question when there are loud consultations going on behind me. That is why I am requesting for your protection.

The Speaker (Hon. Ethuro): Order, Members!

Sen. Madzayo: Thank you, Mr. Speaker, Sir.

If I may continue, the Ministry of Devolution and Planning supports the children and youth through a trust fund with partner institutions. The partner institutions are registered charitable and community based organizations which are vetted and approved for funding to undertake rescue, rehabilitation and reintegration of street families. Selection and funding is pegged on a set criteria on specific parameters which, includes enrolment of street families in the institutions whether day scholars or boarders under rehabilitation programmes, among others.

On the population of street families per county, there are no reliable non-segregated statistics on street families per county. However, available data from some sources, for example, Netherlands International Organization indicate that there are 250,000 to 300,000 street families in Kenya. Nonetheless, plans are at an advanced stage for the SFRTF, in conjunction with United Nations Children's Fund (UNICEF), and the Kenya National Bureau of Statistics, to undertake a national survey of street families in 23 major towns and cities spread across the country. These towns are Mombasa, Nairobi, Nakuru, Eldoret, Kisumu, Kisii, Migori, Lodwar, Meru, Embu, Kitale, Machakos, Bungoma, Busia, Kakamega, Nakuru, Nanyuki, Malindi, Naivasha, Garissa, Nyeri, Isiolo and Thika. More towns will be included if funds will be available.

Finally, some of the fund's successes are that there are 774 social workers and different cadres of staff working in partner institutions who have been trained.

Secondly, the SFRTF has financially supported partner institutions in rehabilitations, education and vocational programmes. For instance, in the last five years, a total of Kshs328 million has been disbursed for this purpose and over 8,200 reformed street children and youth enrolled back to primary and secondary schools countrywide. There are over 18,000 former street children reintegrated with families and communities. There are over 50 reformed street youths who are pursuing university education locally and abroad.

There is a drop in centre in Tononoka Social Hall in Mombasa. The UNICEF, in collaboration with other stake holders, supported the establishment of child protection centre countrywide. Over 800 youths underwent National Youth Service (NYS) training.

Finally, the fund created for Nyeri Children and Youth Empowerment Centre which is catering for more than 150 street families currently and has a capacity to absorb 750 more.

Mr. Speaker, Sir, there are planned activities according to the work plan which intend to undertake major rescue and rehabilitation activities in this financial year aimed at achieving its vision which have a direct social impact on the society. Towards the end, it is hoped that the plans are ready and at an advanced stage to rescue and rehabilitate over 600 street children in Eldoret, Uasin Gishu County. The same programme will be rolled out to other most affected towns and cities across the Republic.

Sen. Leshore: Thank you, Mr. Speaker, Sir. I thank the Chairperson of Standing on Standing Committee on Labour and Social Welfare for his answer which I think is inadequate. I have seen the growth of these street children in every centre in Kenya. This is a bombshell. You have heard the Chairperson say the last five years they have disbursed about Kshs328 million. I would like him to tell us the projects which have been funded in his own Kilifi County, leave alone Samburu County.

I would also like him to tell us who are these trustees in foreign governments and the five in private sector. The only thing I remember about street children is the boys who were taken to NYS and, later on, they were recruited into Kenya Defence Forces (KDF). I would like him to tell us where these 774 social workers are. Are they in Kilifi? How many have been dropped in Tononoka? How many have been rehabilitated and have gone to the university level?

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, I thank my colleague, Sen. Leshore, for seeking for this statement. I was listening very keenly to Sen. Madzayo in his response and he did mention that the Ministry of Devolution and Planning is in partnership with certain stakeholders in looking after street children. I would like to ask the Senator one specific question regarding that partnership. One, in most urban centres the world over, one of the ways of dealing with street children is to have home shelters where these children can go at night or with their parents so that they do not need to suffer the vagaries of the weather at night. We cannot stop them exercising their democratic rights on the streets and at night, they need special care. Most Kenyan towns are really advantaged by having very good churches in the centre of the city. Like here, we have the Holy Family Basilica.

The Speaker (Hon. Ethuro): Order, Sen. (Prof.) Anyang'-Nyong'o! It is Statement Hour.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, let me conclude. I was going to propose to the Senator that in one of the partnership programme, why do they not partner with those churches to become shelter home for street children, mothers and fathers at night rather than let them lie on the streets and suffer the cold weather at night?

The Speaker (Hon. Ethuro): Order, Members. We are seeking clarifications.

Sen. M. Kajwang: Mr. Speaker, Sir, I also want to thank the Chairperson of the Committee for the response. You noted from the response by the Chairperson that the SFRTF was established by the late hon. Karissa Maitha in 2003. That means that the current Government has not done anything new when it comes to this particular domain. My specific area of interest is that the SFRTF was allocated land in Pipeline Area, Nairobi. The specific land reference No.LR209/11325. Could the Chairperson of the Committee confirm to this House the following:-

(1) Whether the land that was meant for SFRTF was transferred from Kenya Pipeline Company Limited?

(2) Under whose name is the title currently?

(3) How come that so far the SFRTF has not been given access to this land to put up the model rehabilitation centre which it was meant for?

Mr. Speaker, Sir, when we talk of corruption scandals, this is another stinker because this land is estimated to be worth more than Kshs1 billion. It has obviously not been transferred to the intended beneficiary. Could the Chairperson confirm to us that the SFRTF is, indeed, the current registered owner of this land?

Sen. (Dr.) Machage: Mr. Speaker, Sir, in 2004, when I was in the Ministry of Home Affairs as an Assistant Minister, we collected a few children from the street families to be incorporated in the National Youth Service (NYS). Could the Chairperson of the Committee confirm to this House why that useful programme to the street children was stopped?

Secondly, it is a shame that the population statistics and demographic figures on street families in our own country can only be given to us by Nordic countries. How much will it cost to start a census programme for street families in Kenya?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I want to further ride on the same. We have a very interesting scenario at the gate of Parliament, where street families have been staying for the past three weeks. Could the Chairperson tell us what plans and policies exist with regard to scenarios, for example, where Parliament is taken hostage by street families?

The Speaker (Hon. Ethuro): Order, Members! That was the last registered one.

Finally, Sen. Wetangula and confine yourself to the relevant instruments.

The Senate Minority Leader (Sen. Wetangula): Absolutely, Mr. Speaker, Sir. The issue of street families in this country is something that has been on and off all through. I know the difficulty in which the Chairperson, who sits on our side, can find himself in because our philosophy, ideology and manifesto about dealing with street families is not the same as the other side that prides in looting public funds every day.

Could the Chairperson tell us whether the national Government is ready to partner with county governments in provision of funds, facilities for settlement, housing, food and other amenities, including taking children to school, so that street facilities can be managed properly and eventually eliminated with proper structures and philosophy of Government? This is because street families are found in urban areas in the counties. We do not want kneejerk and tribalist reactions, like what we saw in Eldoret where the Governor of Uasin Gishu rounded up street families that belonged to communities from the Western part of Kenya, dumped them on the highway in Busia and left. We are taking legal action against him. However, that is not a solution to street families.

The Speaker (Hon. Ethuro): Order, Members! I direct that the Chairperson will respond later after we have voted.

(Statements interrupted)

We will now proceed to Order Nos.8 and 9.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Sen. (Dr.) Machage) took the Chair]

**THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILL NO.4 OF 2016)**

(Resumption of Debate interrupted on 5.10.2016)

The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Members, we are now in the Committee of the Whole to consider Order No.8. Whips, do we have the requisite numbers in the House?

Ring the Division Bell for two minutes.

(The Division Bell was rung)

I am told we now have the numbers. Can we have the doors closed and the Bars drawn?

(The doors were closed and bar drawn)

We had done quite some work on voting on clauses and we only have four clauses to vote for in this Division.

The Temporary Speaker (Sen. (Dr.) Machage): Could we have the assisted voters like Sen. Karaba, Sen. Kembi-Gitura and the Isiolo Senator come to the Table?

DIVISION**ELECTRONIC VOTING**

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

AYES: Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West

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Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Omondi, Kakamega County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Speaker (Hon. Ethuro): Hon. Senators, the result are as follows:-

AYES: 27

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 27 votes to 0)

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

AYES: Sen. Adan, Isiolo County; Sen. (Prof.) Anyang’-Nyong’o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Hargura, Marsa bit County; ; Sen. M. Kajwang, Homa Bay County; S Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang’a County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Omondi, Kakamega County; Sen. Orenge, Siaya County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 28

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 28 votes to 0)

THE REPRODUCTIVE HEALTH CARE BILL
(SENATE BILL NO.17 OF 2014)

(Resumption of Debate interrupted on 19.7.2016)

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DIVISION**ELECTRONIC VOTING**

(Question, that New Clauses 6A, 6B, 6C, 6D, 12A, 13A, 13B, 13C, 13D, 17A, 18A, 18B, 19A, 21A, 21B, 34A and 34B, be now read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Muthama, Machakos County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Omondi, Kakamega County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Speaker (Hon. Ethuro): Hon. Senators, the result of the vote is as follows:-

AYES: 28

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 28 votes to 0)

DIVISION**ELECTRONIC VOTING**

(Question, that Clauses 9, 10, 14, 15, 25, 26, 29-33, 41-48 and 50-51 be deleted put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr.,

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Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Omondi, Kakamega County; Sen. Orengo; Siaya County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Senators, the results of the Division on the Clauses to be deleted are as follows:-

AYES: 28

NOES: 0

ABSTENTIONS: 0

(Question carried by 28 votes to 0)

(Clause 9, 10, 14, 15, 25, 26, 29-33, 41-48 and 50-51 deleted)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 5, 6, 7, 8, 11, 12, 13, 17, 19, 20, 21, 22, 23, 24, 28, 34, 35, 36, 37 and 49, Clause 2, the Long Title be amended as proposed put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Omondi, Kakamega County; Sen. Orengo; Siaya County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Senators, the results of the Division on Clauses with amendments are as follows:-

AYES: 28

NOES: 0

ABSTENTIONS: 0

The Ayes have it.

(Question carried by 28 votes to 0)

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DIVISION**ELECTRONIC VOTING**

(Question, that Clauses 3 (as amended), 4(as amended), 5(as amended), 6(as amended), 7(as amended), 8(as amended), 11(as amended), 16(as amended), 17(as amended), 18, 19(as amended), 20(as amended), 21(as amended), 22(as amended), 23(as amended), 24(as amended), 28(as amended), 34(as amended), 35(as amended), 36(as amended), 37(as amended), 38,39,40, 49(as amended), New Clauses 6A, 6B, 6C, 6D, 12A, 13B,13B, 13C, 13D, 18A, 18B, 17A, 19A, 21A, 21B, 34A and 34B, Clause 2(as amended), the Title(as amended) and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Hargura, Marsabit County; Sen. M. Kajwang', Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Muthama, Machakos 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. Omondi, Kakamega County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Senators, the results of the fourth Division on clauses without amendments are as follows:-

AYES: 27

NOES: 0

ABSTENTIONS: 0

The Ayes have it.

(Question carried by 27 votes to 0)

The Temporary Chairperson (Sen. (Dr.) Machage): Very well, the numbers differ a little bit because Sen. Fatuma Dullo somehow missed voting in a number of Divisions.

(An hon. Senator spoke off record)

No, I understood her predicament. It is accepted.

Sen. Karaba and Sen. Sijeny, please, approach the Chair. You are the Movers.

(Sen. Karaba and Sen. Sijeny consulted the Temporary Chairperson)

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So, we will start with The County Governments (Amendment) Bill (Senate Bill No.4 of 2016).

Proceed, Mover.

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILL NO.4 OF 2016)

Sen. Karaba: Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the County Governments (Amendment) Bill (Senate Bill No.4 of 2016) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE REPRODUCTIVE HEALTH CARE BILL
(SENATE BILL NO.17 OF 2014)

The Temporary Chairperson (Sen. (Dr.) Machage): We now move on to the second one; The Reproductive Health Care Bill (Senate Bill No.17 of 2014).

Proceed, Mover.

Sen. Sijeny: Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of the Reproductive Health Care Bill (Senate Bill No.17 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): Hon. Senators, let us proceed. We have done so much work. Let us finish it.

(Sen. Ndiema headed to the exit of the Chamber)

Order, Sen. Ndiema! Before you bow and go out, let me make my proposal. We have a very short time to go. We can pass both of these Bills. We can go to the Third Reading. With your consent or with the approval of the Senate, I go up to the relevant part before we go to Division so that we do one Division for both to enable us to move faster as the Minority Whip is urging me to do.

We are on The County Governments (Amendment) Bill (Senate Bill No.4 of 2016)

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Proceed, Chairperson.

**REPORTS, CONSIDERATION OF REPORTS
AND THIRD READINGS**

THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILL NO.4 OF 2016)

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Governments (Amendment) Bill (Senate Bill No.4 of 2016) and its approval thereof with amendments.

Sen. Karaba: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said report. I ask Sen. (Prof.) Lonyangapuo to second.

Sen. (Prof.) Lonyangapuo seconded.

(Question proposed)

(Question put and agreed to)

Sen. Karaba: Mr. Deputy Speaker, Sir, I beg to move that the County Governments (Amendment) Bill (Senate Bill No.4 of 2016) be now read a Third Time.

Sen. (Prof.) Lonyangapuo seconded.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, since there is no Senator who has shown interest to contribute, I will defer the matter and then put the question together with the other one so that we have one Division.

Hon. Senators, we shall now move on to The Reproductive Healthcare Bill (Senate Bill No.17 of 2014).

THE REPRODUCTIVE HEALTHCARE BILL
(SENATE BILL NO.17 OF 2014)

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Reproductive Healthcare Bill (Senate Bill No.17 of 2014) and approved the same with amendments.

Sen. Sijeny: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

Sen. Omondi seconded.

(Question proposed)

(Question put and agreed to)

Sen. Sijeny: Mr. Deputy Speaker, Sir, I beg to move that the Reproductive Healthcare Bill (Senate Bill No.17 of 2014) be now read a Third Time.

Sen. Omondi seconded.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, since it seems that there is no Senator keen on debating at this stage, I will now put the question on the County Governments (Amendment) Bill (Senate Bill No.4 of 2016). Whips, could I get a confirmation that we have the numbers before I put the question? You have done so much work and I do not want us to work in futility.

I have been informed that we do not have the requisite numbers for a division. I will put the question for both Bills, but after the Division Bell has been rang. The Division Bell will be rung for two minutes, in the first instance.

(The Division Bell was rang)

The Deputy Speaker (Sen. Kembi-Gitura): Okay. Can the bars be drawn now?

(The bars were drawn)

(Sen. Boy Juma Boy and Sen. Madzayo stood in their places)

The Deputy Speaker (Sen. Kembi-Gitura): Take your seats, Senators.

There are two Senators who did not vote on The County Governments (Amendment) Bill (Senate Bill No.4 of 2016). I do not know who they are, but they need to vote now. It is mandatory to vote and that is why I am holding the announcement. Bear with me for a minute as we check.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, there seems to be a small anomaly, but I will read the results of both of them.

THIRD READINGS

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILL NO.4 OF 2016)

DIVISION

ELECTRONIC VOTING

*(Question, that the County Governments (Amendment) Bill
(Senate Bill No.4 of 2016) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Hargura, Marsabit County; Sen. Kajwang M., Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Muthama, Machakos 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. Omondi, Kakamega County; Sen. Orenge, Siaya County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 28

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 28 votes to 0)

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

THE REPRODUCTIVE HEALTH CARE BILL
(SENATE BILLS NO.17 OF 2014)

DIVISION

ELECTRONIC VOTING

*(Question, that the Reproductive Healthcare Bill
(Senate Bill No.17 of 2014) be now read a Third Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Hargura, Marsabit County; Sen. Kajwang M., Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Moi, Baringo County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Muthama, Machakos 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. Omondi, Kakamega

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County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 28

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 28 votes to 0)

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

(Resumption of Statements)

The Deputy Speaker (Sen. Kembi-Gitura): That is the end. The Bars may be drawn.

Hon. Senators, we are going back to Statements according to the earlier order. Sen. Madzayo, did you have a Statement to issue or you were seeking a Statement?

An hon. Senator: He was issuing a Statement.

The Deputy Speaker (Sen. Kembi-Gitura): I notice that Sen. Leshore has withdrawn from the Chamber. Had you started giving the Statement?

Sen. Madzayo: Mr. Deputy Speaker, Sir. I have already given the Statement but this is in response to clarifications.

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

Sen. Madzayo: Thank you, Mr. Deputy Speaker, Sir. There were a number of questions that were put forth by Sen. Leshore, Sen. (Prof.) Anyang’-Nyong’o, Sen. M. Kajwang, Sen. (Prof.) Lonyangapuo and the Senate Minority Leader. They required some detailed response. It is in this regard that I request for a week to be in a position to sum up and get appropriate answers from the Ministry of Devolution and Planning.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): You have seven days.

DELAYED PAYMENT OF FRENCH BEANS FARMERS IN KIRINYAGA COUNTY

Sen. Ndiema: Thank you Mr. Deputy Speaker, Sir. I am ready to issue the Statement. Sen. Karaba requested for a Statement as to why French beans farmers in Kirinyaga County have not been paid for the produce delivered to Value Pak Foods Limited last year.

Secondly, he sought an explanation on the measures taken by the Government to ensure French beans farmers in Kirinyaga are paid their dues and protected from exploitation by brokers.

Mr. Speaker, Sir, on the first one, the Statement is as follows: Value Pak Foods Limited is a private company based in Airport North Road with a registered address in

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Nairobi but operates as far as Kirinyaga County. Farmers supply fresh produce to companies they have entered into private contract with and normally witnessed by the Horticultural Crops Directorate (HCD) or an agricultural field officer of the area.

Value Pak Foods Limited contracted farmers in Kirinyaga County who grow French Beans and buy at an agreed price of Kshs50 per kilogramme of beans delivered and accepted by the company. The agreement stated that farmers were to be paid by the 15th day of every month. This went on until the company got into financial problems. Value Pak Foods Limited had its major banking services with the collapsed Imperial Bank Limited which went down with their money hence their inability to honour their debt obligations.

Mr. Deputy Speaker, Sir, regarding the measures taken by the Government to ensure French beans farmers in Kirinyaga County are paid their dues and protected from exploitation by brokers; the Government has set up an arbitration office at the HCD to receive and arbitrate on conflicts, misunderstandings, breach of contracts, among others, between and within exporters and between exporters and farmers or producers. In this case, the Kirinyaga French Beans farmers reported the case to the HCD and arbitration by HCD was initiated.

The Government through HCD has set up systems for registration and licensing of all exporters citing their year of operation, farmers groups they are working with and valid contracts signed with the same farmers. This is to allow for monitoring and intervention in any case of breach of contract by either the farmers or the exporters. The companies which fail to comply are deregistered and are not allowed to export any produce. In this case, HCD wrote to Value Pak Foods Limited to explain why they have not paid the farmers' dues.

Any situations where the arbitration fails, the farmers are advised to seek legal redress for breach of contract. Based on the inability by Value Pak Foods Limited to honour their debts as a result of the collapse of the Imperial Bank Limited, HCD advised the farmers to seek alternative legal means to recover their money.

Sen. Karaba: Mr. Deputy Speaker, Sir, I am happy with the answer. However, it is unfortunate that we are dealing with small-scale farmers in Kirinyaga County. The legal documents that I have state that the farmers are advised to seek legal redress elsewhere. These documents are voluminous and they are not known to the farmers. We are dealing with a farmer who is contributing to the economy of this country with horticulture earning Kenya foreign exchange. If the farmers are not being protected by the Government, who else will protect them?

So, I am asking the Chairman to fast-track the process so as to know what will happen to the farmers who delivered the French beans before the collapse of the Imperial Bank Limited. Will it be the end of them? Will we rest and claim that since Imperial Bank Limited collapsed, that will be the end? Will we sit and let farmers languish in poverty? That is my concern.

Sen. Ndiema: Thank you, Mr. Deputy Speaker, Sir. Indeed, it is a very sad situation where small-scale farmers enter into contracts, spend their money and end up not being paid. However, these are matters of contract between the producer and the buyer. Therefore, it is important to seek legal redress because the courts are there to arbitrate. In my own view, there needs to be some sort of insurance or security bonds in

case farmers disagree with the buyers and they are compensated. There is no such arrangement as of now. Perhaps, this is something that can be taken up in future to ensure that farmers do not suffer.

Sen. Madzayo: Asante sana, Bw. Naibu Spika. Ni jambo la kusikitisha sana kumwona Mwenyekiti wa Kamati ya Kilimo akisema kwamba hakuna lolote linaweza kufanyika. Anatupa mikono yake juu ya hewa akisema sasa ile hasara ambayo wakulima wamepata hakuna lolote linaweza kufanyika. Anawashauri waende kortini kutafuta marupurupu yao ilhali korti si suluhisho.

Wakulima wanataka kujua kama ile benki imefungwa ni hatua gani imechukuliwa hivi sasa. Kuona wale wakurugenzi wa hiyo kampuni wanatembea kwa barabara wakistarehe na huku wakulima ambao walifanya bidii na mikono yao kuyakuza mazao hayo wakiishi kama masikini ama walala hoi na hakuna kitu kinaweza kufanyika.

Ni hatua gani Serikali itachukua kuona ya kwamba wakulima wa Kirinyaga na kwingineko nchini hawateseki kutokana na kuporomoka kwa benki hizi ambako pesa zilihifadhiwa? Ni hatua gani zinaweza kuchukuliwa kuweza kuwafanya wale wakurugenzi wa zile kampuni - ambao ni Wakenya na wanaishi hapa ndani ya hii nchi - kuwalipa fidia wakulima hawa?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, you had a further clarification to seek.

Sen. Karaba: Mr. Deputy Speaker, Sir, I have further clarification. Imperial Bank which has been quoted here by the Chairman of the Committee on Agriculture, Livestock and Fisheries had also been quoted by the Kenya Tea Development Agency (KTDA). The KTDA farmers in the country have invested almost Kshs5 billion and yet they have not been paid by the same bank. He has come up with another story that the same Imperial Bank has investments totaling to several millions of shillings, including the payment that should have been made to Kirinyaga French beans farmers. Are we going to just sit and hear stories? Who are these directors of Imperial Bank who cannot pay farmers after contributing to---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Karaba! I see a small problem here from a legal point of view. Actually, Imperial Bank has nothing to do with this because the farmers are owed money by this company called Value Park Foods Limited who claimed that they banked at Imperial Bank. The farmers do not know this. They would not know where their money was banked because they have no nexus with Imperial Bank. That is the problem I see.

The farmers from Kirinyaga and from every other place who are supplying food to this company are owed money by the company and not by Imperial Bank. That is an allegation by the company. We do not know whether that is true or not. So, the issue here is one between the farmers in Kirinyaga and elsewhere and Value Pack Foods Limited. That is the line that you and Sen. Madzayo should be pursuing.

The other problem I see is that you are asking what steps the Government has taken. In fairness to the Chairman, he has said that the Government can only facilitate arbitration between the farmers and the defaulting company failure to which the consequences would be legal redress. I heard him saying that it is because there is a personal contract between these two parties. Unfortunately, that may appear to be at the moment.

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Sen. Karaba: Mr. Deputy Speaker, Sir, eventually, this will contribute towards Kenya's economy through the foreign exchange earnings. I am sure the economy of Kenya thrives a lot on horticulture and more so, from French beans.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, I agree with you 100 per cent. The only question to canvass here is what the Government does.

Sen. Karaba: Mr. Deputy Speaker, Sir, I am asking the Government to first pay Kirinyaga French beans Farmers.

The Deputy Speaker (Sen. Kembi-Gitura): The Government?

Sen. Karaba: Yes, the Government because, of course, they are the custodians of Kenyans in this country. The farmers cannot go to any other person; they can only turn to the Government.

The Deputy Speaker (Sen. Kembi-Gitura): Chairman, now you understand the question. What do you have to say about it?

Sen. Ndiema: Thank you, Mr. Speaker, Sir. That was not requested in the original Statement that was sought. It has come as a request by the Senator that the Government considers paying the farmers.

The Deputy Speaker (Sen. Kembi-Gitura): I do not know that is the issue that is coming up. Is the Government part of this? I understand the pain that Sen. Karaba is going through and the pain that the farmers in Murang'a and elsewhere are going through because of this kind of situation. That is why I asked Sen. Karaba specifically what he is asking the Government to do.

Sen. (Prof.) Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. Since this was a contractual agreement between the farmers and Value Park Foods Limited, however painful the predicament is, is there any value pursuing the discussion beyond that statement? To me, we are engaging in a futile exercise.

The Deputy Speaker (Sen. Kembi-Gitura): That is the point I was trying to make.

Sen. M. Kajwang: Thank you, Mr. Deputy Speaker, Sir. Listening to Sen. Karaba who is under pressure from farmers in his county to get payment, the issue here is that the company claims that their funds are held in Imperial Bank which has collapsed. However, there is a Kenya Depositors Protection Scheme. Probably, what Sen. Karaba is canvassing is how the Government can come in through that avenue.

The Deputy Speaker (Sen. Kembi-Gitura): That is the point I was trying to make, Sen. M. Kajwang. That is not what he is canvassing if you read the Statement properly. Value Pak Foods Limited claims its money was lost in Imperial Bank Limited. We do not know. The farmer does not know. The farmer is not interested in knowing that. The farmer knows that Value Pak Foods Limited owes them money. That is the point that Sen. Anyang'-Nyong'o is making.

With great respect and appreciating the pain that is there, it looks like a personal contract. That is the view I take.

Sen. Obure, what is your point of order?

Sen. Obure: On a point of order, Mr. Deputy Speaker, Sir. I largely agree with what you are saying. It sounds like a bad story; that farmers went into a contract with Value Pak Foods Limited. They have been doing business, which has helped the economy a great deal and added value to the individual farmers and the economy as a

whole. However, it sounds like an arrangement between the farmers individually and this particular company.

The best we can do is to ask the individual farmers to take legal action against this particular company. I do not expect the Government to be called upon to enter into this arrangement, because it was not party to it in the first instance.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, I notice that a lot of money is owed to the farmers. The three farmers have claimed close to Kshs8 million which by any chance is not little money. Even if the Government was to order something to do with Imperial Bank Limited, it will have nothing to do with your farmers because there is no nexus. Even if Imperial Bank Limited pays Value Pak Foods Limited, we do not know whether it will pay the farmers. That is the point that all of us are trying to make.

Sen. Karaba: Mr. Deputy Speaker, Sir, farmers in the counties, leave alone in Kirinyaga, are supposed to be advised by the Government. We have extension officers who are supposed to advise the farmers on the kind of crops to grow in certain regions and the market outlets.

The Deputy Speaker (Sen. Kembi-Gitura): You have now brought a different issue. If it is about extension officers, then the question is in the wrong place because agriculture is devolved.

Sen. Karaba: Mr. Deputy Speaker, Sir, eventually, it will affect the Kenyan economy.

The Deputy Speaker (Sen. Kembi-Gitura): All of us are in total agreement with you about the loss, pain and suffering that you are going through, but it is important to remember that even as you ask the Government to pay, maybe you will be looking up to the Kirinyaga County Government, because agriculture is devolved and the extension officers in Kirinyaga County are from the County Government of Kirinyaga.

Sen. Wamatangi: Mr. Deputy Speaker, Sir, I understand where we are coming from when, as a House, we make that legal argument. However, it also raises a fundamental question. When the citizens of this country, for example, the farmers of Kirinyaga turn to the Government through the only means that they know, which is their representatives, to come to this House and ask such a question, the question that would come to our minds is: Should our answer be as plain and simple as to the extent by which we are bound by procedure as representatives of the people?

This House has a Committee that is relevant to the question that has been asked by the Senator for Kirinyaga. Although there are those provisions and limitations, as representatives of the people, I feel that we should go beyond that and ask the relevant Committee to make proposals or suggestions.

One thing that comes out is that farmers of this country will require some form of protection from the Government against such traders, because they have been oppressed all the way. It is an eye-opener and it should generate the debate as to whether or not farmers should be insured by the Government or through a strategy started by the Government that would protect farmers.

I know that we are bound by the law, but we have been elected by the people, so that we can break down the limitations and inhibitions that exist and provide a better future and a better tomorrow for our people.

The Senator for Kirinyaga may seem like he is pursuing a dead end, but those are the barriers that we must break as representatives of the people. We should provide solutions even where they seem not to exist.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wamatangi, the question raised is specific. The issues you have come up with could be futuristic. The Committee could look at them, but looking at the answer that has been given, I see very little that Sen. Ndiema can add or say about that Statement.

Sen. Ndiema, what do you want to say about that?

Sen. Ndiema: Mr. Deputy Speaker, Sir, the issue that has been raised by Sen. Karaba is important. It is not only those farmers in Kirinyaga that are affected. You would also get unscrupulous tradesmen who buy maize and promise to deliver the money, but they do not. In the past, even the Kenya Meat commission (KMC), which is a Government institution, took livestock---

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Ndiema, I will not allow this to escalate because you can talk about the suppliers of hides and skins and everything else. The point I am making is that even as you ask the Government to intervene, which it could, all these are personal contracts. That is the problem I have. As a Committee, you could decide to come up with certain processes and advise the House. However, with great respect, we are engaging in an exercise in futility. You have given a final answer and there is nothing much we can do about it. I do not want you to start telling us about other trades and sectors of the economy of the country. The French beans farmers are not only in Kirinyaga, but all over the country. It is a problem that is everywhere. Unless there is a policy decision to it, in my view, what you have answered now should satisfy the Statement that was sought by Sen. Karaba. There is nothing more you can do about it.

Let us proceed to the next one.

(Sen. Ndiema spoke off record)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Ndiema, why are you not speaking on the microphone?

Sen. Ndiema: Mr. Deputy Speaker, Sir, I want to assure the House that our Committee will look generally into the issue of farmers not being paid and what could be done, but not on this specific one because I have already answered it.

The Deputy Speaker (Sen. Kembi-Gitura): Very well.

Next Statement (c).

PLIGHT OF RESIDENTS OF KASARANI MALEWA
WARD, GILGIL CONSTITUENCY

Sen. Wangari is not here. Next Statement!

USE OF CORPORAL PUNISHMENT IN NYABURURU
GIRLS NATIONAL SCHOOL

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, you have a Statement to issue as requested by Sen. Nabwala. Is the Statement ready?

Sen. Karaba: Mr. Deputy Speaker, Sir, it is not ready. I presume that it will be ready by the end of the week. I assume that she will also be here to receive it.

The Deputy Speaker (Sen. Kembi-Gitura): Will you be able to issue it on Thursday?

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

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

(Statement deferred)

Statement (e). Sen. Wetangula had also sought a Statement from your Committee.

RELOCATION OF THE KENYA TECHNICAL TRAINING COLLEGE

Sen. Karaba: Mr. Deputy Speaker, Sir, I discussed with Sen. Wetangula earlier on and we agreed that the Statement could be issued on Tuesday next week when it is ready.

The Deputy Speaker (Sen. Kembi-Gitura): The Statement is deferred to Tuesday next week.

(Statement deferred)

Statement (f).

Sen. Obure, are you expecting a Statement from your own Committee?

PERSISTENT TRAFFIC CONGESTION ALONG THE NAIVASHA-NAKURU ROAD

Sen. Obure: Mr. Deputy Speaker, Sir, since I requested for the Statement, I cannot deal with it. The request was responded to in the House and I was largely satisfied. However, there are a number of clarifications that were sought, but I am not prepared. I know that the Vice-Chair was going to ask for more time so that she can bring a response.

The Deputy Speaker (Sen. Kembi-Gitura): However, that is your Committee?

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

(Statement deferred)

The Deputy Speaker (Sen. Kembi-Gitura): That is going to be the end of Statements.

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

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of order, Sen. Karaba?

Sen. Karaba: Mr. Deputy Speaker, Sir, last week, I sought a Statement from the Committee on Agriculture regarding the supply of fertilizer and seeds which was dropped because I was not here. I have now since talked to the Speaker and he has agreed that the Statement be reinstated.

The Deputy Speaker (Sen. Kembi-Gitura): If you discussed with the Speaker, why do you raise it to me? You are in safe hands.

Sen. Karaba: Mr. Deputy Speaker, Sir, he had directed that whoever will be on the seat handles that. Now that you are on the Chair, he had promised me that the moment I stand up, he will be able to explain that the question is very important and it cannot be dropped.

The Deputy Speaker (Sen. Kembi-Gitura): Is the Chairperson of the Committee on Agriculture in?

Sen. Karaba: Mr. Deputy Speaker, Sir, he was just here. Has he gone?

The Deputy Speaker (Sen. Kembi-Gitura): Is he here?

Sen. Karaba: Mr. Deputy Speaker, Sir, the Vice-Chairperson is there.

The Deputy Speaker (Sen. Kembi-Gitura): Who is the Chairperson?

Sen. Karaba: Mr. Deputy Speaker, Sir, Sen. M. Kajwang, the Third Vice-Chairperson is there.

The Deputy Speaker (Sen. Kembi-Gitura): Okay, Sen. Karaba. Since you say that you discussed with the Speaker, come early tomorrow afternoon and canvass it with the Speaker so that he can then give direction.

I do not doubt you but even the Chairperson is not there. I do not know whether the Vice-chairperson of the Committee on Agriculture is aware. So, come early tomorrow and raise the issue with the Speaker.

Hon. Senators, I will go back to Order No. 5. Can you call the order?

PAPERS LAID

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF COUNTY GOVERNMENTS

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 1st, November, 2016.

Reports of the Auditor-General on the financial statements of the county governments for the year ended 30th June, 2015 for the following county governments: Marsabit, Tharaka-Nithi, Kitui, Meru, Isiolo, Makueni, Embu, Migori, Siaya, Nyamira, Kisumu, Kisii, Homa Bay, Bungoma, Kakamega, Vihiga, Nyandarua, Kiambu, Kirinyaga, Nyeri, Murang'a, West Pokot, Nandi, Turkana, Trans-Nzoia, Uasin-Gishu, Elgeyo-Marakwet, Kilifi, Tana River, Machakos, Kajiado, Nairobi City, Mombasa, Lamu, Kwale, Taita-Taveta, Kericho, Baringo, Narok, Nakuru and Samburu.

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL
OPERATIONS OF COUNTY ASSEMBLIES

Reports of the Auditor-General on the financial operations of the county assemblies for the period 1st July, 2014 to 30th June, 2015 for the following county assemblies: Tharaka-Nithi, Kitui, Meru, Isiolo, Makueni, Embu, Migori, Siaya, Nyamira, Kisumu, Kissi, Homa Bay, Kakamega, Vihiga, Laikipia, Nyandarua, Kiambu, Kirinyaga, Nyeri, Murang'a, West Pokot, Nandi, Trans-Nzoia, UasinGishu, ElgeyoMarakwet, Kilifi, Tana River, Machakos, Kajiado, Nairobi City, Mombasa, Lamu, Kwale, Taita-Taveta, Bomet, Kericho, Baringo, Narok, Nakuru and Samburu.

REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND
INVESTMENTS ON THE FINANCIAL OPERATIONS OF THE
COUNTY EXECUTIVE

Report of the Sessional Committee on County Public Accounts and Investments on the financial operations of the County Executive for the year 2013/ 2014.

(Sen. (Prof.) Anyang'-Nyong'o laid the documents on the Table)

The Deputy Speaker (Sen.) Kembi-Gitura): Thank you, Senator. Hon. Senators, we have now finished with the Statements under Order Nos. 8 and 9. I will defer Order Nos. 10 and 11 at the request of the Senate Majority Leader and Sen. Mutula Kilonzo Jr.

DEFERMENT OF THE COMMITTEE OF THE WHOLE

THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO.46 OF 2015)

(Committee of the Whole deferred)

BILLS

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILL NO.7 OF 2016)

(Bill deferred)

Next Order!

Second Reading

THE ASSUMPTION OF OFFICE OF GOVERNOR BILL
(SENATE BILL NO. 10 OF 2016)

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

Sen. Wamatangi: Mr. Deputy Speaker, Sir, I beg to move:-

THAT, the Assumption of Office of Governor Bill (Senate Bill No. 10 of 2016) be now read a second time.

Since the promulgation of our new Constitution in 2010, through Article 180, our new Constitution created the office of the governor and the deputy governor. Although those offices were created by our Constitution, there lacked enabling legislation to oversee the smooth transition and assumption of the office of the governor and with the relevant modification of the deputy governor or the speaker of the county assembly *in lieu* of our Constitution, Article 182(2) Clause 2 and 4.

After the elections of 2013, in March when all governors-elect were supposed to be sworn in office, our Constitution had given the Transition Authority the mandate and responsibility of overseeing the process through which governors would assume office.

The confusion and mix-up that ensued then is on record. We remember clearly that at that time, the national Government provided about Kshs60 million to every county government through the Transition Authority which was given to the office of the governor-elect to oversee the assumption of office of the governor-elect. A lot of things happened at that time. There were governors, for lack of proper procedures and norms or a way of doing things; who took that money, some went to the shops and bought new cars. Some threw lucrative parties, some invited all and sundry and others held ceremonies in places of their choice. That confusion is what this Bill seeks to remedy by providing a procedure through which a ceremony and the assumption of office of the governor-elect can be conducted.

Mr. Deputy Speaker, Sir, also through the Bill, in Clause 5, I have sought to have the Bill create what I call the “Assumption of the Office of Governor Committee”. This Committee is envisaged to comprise of key people within a county government who because of their repository of knowledge of the goings on of the county on a day to day basis, because of their exposure with the happenings and the activities at the county level and also by the authority and duties conferred to them, I have proposed a number of individuals starting with the county secretary who is envisaged to be the chairperson of the Assumption of Office of Governors Committee, the County Attorney, the Chief Officer in charge of the department that deals with matters relating with county public service, the Chief Officer dealing with matters relating to Information and Communication, the Chief Officer who deals with finance, the Chief Officer who deals with Public Works and Roads and Transport, the County Commissioner, Head of National Police Service in the county, the head of National Intelligence Service in the county and the Clerk of the county assembly. It will also include some two people who will be nominated by the governor-elect.

Mr. Deputy Speaker, Sir, this committee is envisaged as composed in my Clause 6 of the proposed Bill with various responsibilities termed as their functions which include facilitating the hand-over process from an outgoing governor to a governor-elect. It may be taken for granted that after we go to the 2017 elections, this is the first time when we will be holding our first elections after the promulgation of our new Constitution and we have heard or tasted devolution.

One thing that may be taken for granted is the fact that if, for example, given the competition that ensues in the process of the election, it cannot be taken for granted that every governor would be willing to comfortably walk out of office and hand over the instruments, the powers, the luxury that some of them have been used to and the dollars that some of them have now accumulated. It is a known fact. When we embraced devolution, and as our Constitution requires, funds are now allocated to counties. It is noteworthy to remember that when we started the test of ensuring that resources can be controlled at the county and created all the offices, one anomaly that we must point out was that funds arrived at counties other than now when we have continuously as a Senate enacted various laws that have helped to create a fabric at the county level that can oversee and ensure responsible expenditure of funds. At that time, money was sent and they would arrive at the county and find an open field where there were no laws, rules, or referee and nobody would ask how the money was being used.

Mr. Deputy Speaker, Sir, as a Member of the County Public Accounts and Investments Committee, I say that from what I have seen and heard the questions that are raised on the expenditure of monies starting with the first tranche which was Kshs60 million which was purposely intended for what this Bill seeks to do or remedy. That field has been like that, endless abuse that you can continue to throw in resources and never feel it.

Hopefully, now that the county will start to embrace a legislative framework that will be anchored in various legislations, I am sure other Members of this House will continue to propose, and this House will pass this Bill to make devolution a reality, I trust that this is one. So, part of the functions that are envisaged for this committee is to facilitate that handing-over process so that it can be peaceful, smooth, effective and lawful.

Mr. Deputy Speaker, Sir, that committee is also required – if this Bill becomes law – to carry out the function of providing security for the governor elect. That is a fact which cannot be gainsaid given the fact that some times in the competition of our elections, it is well documented that there are times when violence has been visited to the extent of the loss of life for contestants. In this case, although at the expense of sounding repetitive, the truth is that amongst all the positions that have been created by devolution, the one that has been eyed mostly by those who seek to either enrich or enjoy themselves, the position of governor is the one that has been viewed by many as one they want to occupy hence, the need to provide security for one who may be elected into that position given the interest. So, this committee will be required to provide security for the governor-elect.

Mr. Deputy Speaker, Sir, this committee will also be required to carry out the function of organizing the necessary facilities and personnel for the governor-elect. Also, it is important to point out that a governor-elect cannot be effective in office after having been elected without facilitation. Because we already have sitting governors, the will to comfortably hand over the facilities that already exist cannot be taken for granted that it is going to happen automatically. This committee will be required to facilitate communication between the two; the outgoing governor and the governor-elect.

This communication has been secured through this Committee. It is outrightly clear that the outgoing governor and the governor-elect will be political rivals because

they will be contenders for the same position. In many cases, the nature of politics is such that political rivalry sometimes boils down to personal levels. This is a fact yet it should not be so. It is not unheard of to find that people who contested in politics becoming enemies. Therefore, we can imagine a situation where two people are not communicating and yet they are expected to oversee a handing over of offices, systems and other facilities. This has necessitated us to have this Committee to also carry over that function of facilitating that communication.

This Committee will also prepare a programme and organize for the swearing in ceremony. It is important for them to organize the swearing in ceremony because of what we experienced last time. We had ceremonies where some governors who are now in office carried out rituals and all manner of things in the name of a swearing in ceremony. We want to see a ceremony that is well organized and documented. It captures what is required during the swearing in such as finances and facilities. This committee will capture that and might come up with a budget to be used for that particular function.

Lastly, this Committee will be required to carry out the function of any other activities that are necessary for the performance of its own functions under this Act and to perform any other function assigned to it by any other written law. That is essentially required and necessary such that the Committee may not find itself in a strait-jacket where they cannot bend or expand to make sure that the work they have been given is carried out properly and adequately. If there is any amendment to this Bill or any other matter that may arise in the course of them carrying out this important function, this Committee will oversee that process.

In Clause 9, we have said that the governor-elect must be provided adequate security upon the declaration of the final results by the Independent Electoral and Boundaries Commission (IEBC). This is to curtail people who declare their own results even as the counting of the votes is going on. That is why this clause has specified that it is upon the declaration of the final results by the IEBC and not by any other Tom, Dick and Harry, a neighbour or a friend of a contender.

In Clause 10, we propose that the public officers will be required to provide information that the governor-elect may be require in making preparations for the purposes of assuming office. Within the same clause, this Bill will make it an offence for any officer to fail to give such information. The information captured in this clause is a necessity. It is important to have this clearly written in law. This is because there has been information that has moved in offices, sub-counties and even wards in the last five years that are necessary for the functioning and the running of a county government. This House may recall that sometimes back, Sen. (Prof.) Lonyangapuo brought a proposal on how to hire ward administrators though it never succeeded. Some amendments that were necessary were proposed, and I am also sure that the West Pokot Senator will re-look at them and reintroduce that Bill at the right time with the necessary amendments.

What I am pointing out here is that he brought out an issue which is clear and cannot be wished away. The fact is that some officers in the office of the governors today are not qualified to hold those offices. Some of them were employed because they were political supporters, henchmen, relatives, or friends to those in positions.

There are even those who were placed in certain positions to retain information so as to make sure that it does not go to the wrong hands. That is why it is necessary to

ensure that there is a process through which this law will make it mandatory for the officers who are working in county governments to provide information pertaining to the running of that county government to the governor-elect. It will also make it an offence if they fail to do so.

This information could be things such as the county funds and where they are banked, the expenses and the commitments made by that county. I will discuss that under another clause, but I thought it wise to discuss it now so as to lay the foundation for you to see that there is a lot of information to be passed on to the governor-elect and that it has to be protected in law. That cannot be left to the goodwill of the individual who has been occupying that office. He cannot be left to pass the information either selectively or if he wishes because one may choose the information to pass on and what not to pass on.

Clause 11 provides for the swearing in of the governor-elect. The swearing in ceremony must be conducted in public before a High Court Judge. We have also proposed that in the absence of such a judge, then before a Resident Chief Magistrate.

There are proposals from some of our colleagues to have some amendments. One of them is to ensure that the presiding judge has to be a judge and not a magistrate. We welcome this. They will be debated and discussed at the Committee Stage but as of now, the Bill proposes that this ceremony be in public before a resident High Court judge.

Mr. Temporary Speaker, Sir, also under this clause, we specify that this ceremony should take place on a known day. We propose this to be on a Tuesday following the 21st day after the declaration of the results of the election of that county governor. I do not want to spend much time elaborating this because it is largely obvious. First, this ceremony has to be public and open to everybody; all and sundry, good or bad, competitors and non-competitors as well. Everyone is welcome. It is an open ceremony. They can come and witness the swearing in of their governor.

More so, it will deal with some of the crimes we have seen in the past where after an election, two or three competing groups – one runs to their house and the other to another field somewhere – this is well known in the history of this country. It has happened. Another one may even run to their bedroom and conduct a swearing in ceremony. As long as they come and say that so-and-so was with me when we were having this ceremony, then they can spark off, in the absence of legislation, a debate and contest that there is another governor who has been sworn in. That is why we have specified that this ceremony must be done publicly, openly and on a known date such that after the election of a governor-elect, no pretender can say the elections were done on Friday and on Saturday morning, we met with so-and-so where my friends who are my supporters witnessed my swearing in. It can only be on that Tuesday. It can only be on the 21st day after the election. That is the only ceremony that will be recognised, and the law, through which the governor-elect will be sworn in.

Next is Clause 12. When I refer to known cases, you may remember that in the elections of 2007/2008, there was a swearing in ceremony somewhere at Uhuru Park while the main one was going on elsewhere. Contests were also raised during the last elections. Some people mooted that they wanted to have another swearing in ceremony somewhere. These are the things we want to deal with legislatively. You can imagine if this is played out in 47 counties. You could as well have more than 100 swearing in ceremonies in the counties. This will plunge the country into chaos.

In addition, Clause 12 provides for the time of taking the oath of affirmation for the governor-elect. The time of taking this oath should not be earlier than 10.00 a.m. and not later than 2.00 p.m. The reason for being specific is that sometimes they are described as night runners while others may be described as night operatives but it is not unheard of to hear somebody going at night with a few fellows, then also declaring himself and taking some oath in some language. The oath that the governor-elect is supposed to take is provided for. It is part of this Bill. So, just in case, anyone may think that by saying or reciting a few personal stories or heroic citations, that one may be declared a governor-elect, this will be dealt with by specifying the time and the oath as provided for in Clause 12.

Mr. Temporary Speaker, Sir, Clause 13 provides that the taking of oath or affirmation by a deputy governor-elect will be done immediately after the governor-elect. It is also important that we specify that when the governor is elected, he has to come to office with a deputy governor-elect. When most of the governors get elected, sometimes they use their deputy governors only as stepping stones so that they can occupy the offices. Immediately they get elected, a deputy governor becomes a liability. That is why it is clear. In more than three quarters of the counties, the relationship between a governor and a deputy governor is love-hate. We have heard cases where deputy governors have come here to petition while others have complained in the press; that, "I was denied access to my car, my car was towed away last night or my office was locked."

There is one who came here the other day and said his office was vandalized at night. It was broken into and everything including the chair he sits on was stolen only with the purpose of ensuring that the deputy governor does not sit in.

Therefore, the importance of ensuring that this swearing in ceremony includes the deputy governor-elect immediately is an entrenchment. It is a message, also, lawfully to all and sundry in the county that although the occupier of that office, having been voted for as a twin candidate with the governor, is a lawful holder of that office as per the Constitution of this country.

I also hope that sooner than later as brought to this House before, this House will find time to come up with legislation that will give specific functions and duties to deputy governors so that they can stop being "flower girls" at the county level while they have no functions where they can be disposed of at any time. We have had three occasions when we have handled petitions to remove governors from office. In each of them, it has never been even closely feasible that a deputy governor can replace a governor who has been impeached. It is nowhere within consideration.

These people have been beaten down to the ground that they do not even look like an option of becoming governors. That is the truth. We have to ensure that we do away with this mischief. I say so because the reasons envisaged in our Constitution under which a deputy governor can become a governor and lead that county, is not only through impeachment; a governor can die or be declared bankrupt. Through those reasons, that governor would cease to hold office but where in the case of every county, each deputy has already been displayed as one who is unable or capable of holding an office. So, I make the case that the purpose of this is to also entrench the office, purpose and a place for the deputy governor.

Mr. Temporary Speaker, Sir, Clause 14 of this Bill will afford the governor an opportunity to give an inauguration speech upon signing the certificate of inauguration. This speech, as envisaged in this Bill, is not a platform for empty rhetoric. We are not seeking to create a platform where a governor can find time to stand before all and sundry and say that he has defeated you fair and square. I am on record as having queried why we elect governors as we do when running a presidential election. We have always demanded that a candidate or candidates for the office of the presidency must have a manifesto. They must have identifiable goals that they can sell to this country and say that this is what we intend to do for you as a Government when we get elected.

It is the same thing that we did in the Jubilee Government when we went to run for office. We told this country precisely what we were going to do. We promised to build a railway line and provide access to affordable power for businesses in order to make it more viable to run a business. In our manifesto, we said that we will ensure that the children of this country will not see it as fantasy anymore and only watch on television when other children around the world enjoy the fruits of technology and the amazing future that it brings. We said that whether those students come from Lodwar, Wajir, Lamu or here in Nairobi, we shall level the field and every child can access that technology by provision of the tablets that we have now made a reality.

At that time, we said that we will ensure that the big dream that we had of making infrastructure in this country the bedrock of our development comes to pass. For the last 50 years, this country has only seen the realisation of less than 5,000 kilometres of tarmac road. We said that we will do everything possible to bring us as close as we can to doing double that in only one term. That is a feat that we have fought for and we have gone past the three-quarter way. As of today, we have also ensured that all other enabling projects from the expansion of the airport to opening of the berths in Mombasa County have been done under this Government. Those are the promises that were made and are required to be fulfilled by a Government that intends to come to power.

Now, the question is, when we elect a governor to lead the county, what do we say we want to see in them? Governors have been elected completely on an empty platform, an account of zero promises and no manifesto. That is why I envisage that by requiring that a governor should give his inaugural speech, my idea and hope as we propose this Bill to be law is that a governor will stand on that platform and share his dreams with the people in the county and how he plans to make life better. He should also talk of the question liners along which you can ask him when he fails to hit the targets. That is the kind of speech that a governor is expected to give at the inaugural platform as envisaged in Clause 14. I have also clearly proposed that it is after he signs the certificate of inauguration.

Mr. Temporary Speaker, Sir, I hope that as they give their speeches, they will hold and raise that certificate as the instrument and promise that they have made to the people of their county. Upon that promise, they are able to answer questions that will make devolution that we have fought for a reality. As of this day, we all know more than Kshs1 trillion has been taken to county governments. There is no secret about it. If there is, it is where the money is. This is because if one would take a value test and ask where that money is or where it can be seen, it cannot be seen. Most statisticians in this country

have released results that show almost Kshs270 billion of that money is missing. That is the promise upon which I envisage that this Bill would become a reality.

In Clause 16 of this Bill, it will require the committee to generate a report within a period of one month from the time that they have been sworn in for tabling before the county assemblies. We have said, and I have proposed that this report should capture the financial statements of that committee so that it is not used at all as a sponge to absorb funds or money intended for work in the county under the pretext that they are organizing swearing in functions and assumption of office of a governor.

The committee should provide the financial statements, a description of its activities, other statistical information as the committee considers appropriate relating to the mandate given to it and any other necessary information relating to the functions of that committee. Those are the basic touchlines along which this committee should prepare a report that it will table before the county assembly so that this report becomes part and parcel of the county records. This report, as envisaged in my Bill, is supposed to be published in the gazette notice so that it becomes an official record of what has happened at that time of transition.

In Clause 17, I envisage that this Bill will require the committee to publicise all information within its control that affects the county. It will also provide for the procedure to be followed when requesting for information from the committee. I have said that this clause also mandates this committee to decline a request for information in line with the provisions of Article 35 of the Constitution on access to information. I say this because the committee itself will be in possession of information that any member of the public may require to access. This committee is not uniquely vested with the power to hold that information without releasing it. However, I propose that we give that committee the latitude upon which it can decide which information it can provide but it has to be in conformity with the requirements of Article 35 of the Constitution.

Mr. Temporary Speaker, Sir, the consequences of this Bill are such that it should provide the procedure of assumption of office of the governor and deputy governor as I have outlined. It should also strengthen the principle of devolution as entrenched in Chapter 11 of the Constitution. I have said that, and I do not want to repeat myself. I have also received quite a number of proposals on some of the amendments that will be made to enrich this Bill and make it better.

Mr. Temporary Speaker, Sir, I am open and at the Committee Stage, the House will take in all the contributions and make this a better Bill. Some of the proposals for amendment that I have received include an amendment by the Council of Governors who had an opportunity to look at this Bill. They have proposed that we axe out at the Committee Stage the participation of the county commissioner because they feel that the county commissioner plays no role that is integral in the county. This is a fact that we have to discuss at the Committee Stage. I feel that a county commissioner may have necessary information and/or instruments in his or her control that may be of use to the committee. However, the amendment will be looked at the Committee Stage.

Mr. Temporary Speaker, Sir, I have received other proposals for amendments. Briefly, they include the requirement that we clearly state the requirement that the two persons nominated by the governor-elect shall be immediately after the declaration of the

results. This makes sense because the governor-elect can only propose two names after the declaration of the results.

In this Bill, I proposed that the quorum for the committee shall be a third of the members. Some of the proposals that I have received from the Cabinet Secretary of Devolution and Planning are that the quorum be raised to two-thirds. The feeling is that the matters under the ambit of this committee are weighty and may require wider consultations. So, their proposal is that the quorum should be raised to two-thirds.

Mr. Temporary Speaker, Sir, there is also an amendment proposed here---

The Temporary Speaker (Sen. Sang): Sen. Wamatangi, you seem to be discussing some proposed amendments and they are not part of the record of this House. If you are making references generally as you discuss the Bill, like you are doing, that will be in order. However, narrating and giving the specific amendments would be anticipating the processes in the Committee of the Whole. So, you have to find a better way of presenting it. Otherwise, if you present it in the manner you are preceding, then you are anticipating a debate in the Committee of the Whole. In the manner in which you proceeded initially, that made much sense in terms of making contribution.

Sen. Wamatangi: Thank you, Mr. Temporary Speaker, Sir. I stand guided. The reason why I was narrating that way was to save time because I am conscious that we are behind time. I am sure a number of Members may want to contribute. I wanted to run through quickly to avoid inputting a lot of material around it. With your permission, may I mention the last two? I will not refer to them specifically but in a wider way so as to save on time.

First, there is necessity to consider the widening of the scope of the Bill. One of the areas where personally I think is important is to look at this expanded mandate and requirement is, for example, to the extent whereby governors will be required before exiting office to hand over a clean, clear report on the assets and liabilities of the county. The assets and liabilities of a county is actually the balance sheet of the county. If a person is told to hand over a firm without a balance sheet that says that this is what we have, that is a failure. It is within this ambit that I hope that this can be expanded to request the input of the minds of the various Senators because we have the advantage of having very well endowed people.

The assets and liabilities requirement is also important that a clean report on the finances of that county is handed over. We do not want to have a governor who incurs debts upon debts or misuses funds and then gets away with it or just hands over a blind report.

Further, it is important that a requirement is made in these amendments that the handing over of those assets and liabilities be accompanied by a clean report on the expenses and the whereabouts of the funds that have been allocated to a county.

Finally, I envisage that we will not have a vacuum in the office of the governor by specifying the term of office a governor will run from the day when the governor is elected into office until the day when the governor-elect is sworn into office. That specific requirement is important to avoid a vacuum.

Also, on the question of how this committee will be financed, we have proposed that the financing be drawn from the county itself. As Members will remember, the

finances that undertook this particular activity last time were provided by the Transition Authority (TA) which no longer exists.

Mr. Temporary Speaker, Sir, I request Sen. (Prof.) Lonyangapuo to second the Bill.

The Temporary Speaker (Sen. Sang): Sen. (Prof.) Lonyangapuo, the tradition has always been to second a Bill from the Dispatch Box.

Before you second, there is a ritual that Sen. Wamatangi forgot to perform. Sen. Wamatangi, you are an expert in moving Bills. Are these some of the effects of the recess?

I am sure that the Senator for Laikipia, whom we are all happy to have and welcome, wants to say something. As I was moving my Bill, he was whispering behind me that I might be left alone in the House speaking to my Bill. That is why I was in a hurry.

The Temporary Speaker (Sen. Sang): Order! You are completely out of order.

Sen. Wamatangi: Mr. Temporary Speaker, Sir, I beg to move and ask the Senator for West Pokot to second the Bill.

The Temporary Speaker (Sen. Sang): I cannot allow you to gossip against Sen. (Dr.) G.G Kariuki. He is a senior Member of this House and in the academia.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, you forgot to tell him that he was seated between the two of us and was speaking a lot; we nearly stopped him. It is only lecturers and professors who stand for long---

The Temporary Speaker (Sen. Sang): Therefore, businessmen and Senators like Sen. Wamatangi need to find their balance.

Proceed, Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, I take this opportunity to second this Bill. On the outset, I congratulate Sen. Wamatangi for coming up with this brilliant Bill. It is a Bill that had been missing in the previous ritual of assumption office of the governor during the inaugural ceremonies 2013.

As the Mover of this Bill has put it, the principle object of this Bill is to provide for the procedure and ceremony for the assumption of the office of the governor by the governor-elect. This means that somebody else may be elected to take over from the immediate governor or the particular inaugural governor may be elected again. There must be a procedure of getting that person into office. It is essential that a procedure is generated because the law says that apart from having a governor, there should be a legislation that will guide how some of the activities can be run or offices assumed in the county.

Mr. Deputy Speaker, Sir, presently, there is no legal framework governing the assumption of the office of the governor. If you remember, a number of governors were inaugurated in stadia. In the case of my county, all elected leaders were not invited except the governor himself. The inauguration of some of the governors was unique because traditionalists did the ritual of inaugurating them. In the process, they ended up making them clan elders.

This is an important exercise to provide for who should be there and what should be done. Part One of the Bill essentially talks about the preliminaries. Part Two talks about the establishment of the office of the governor and the committee that will come up

with the procedure that will be formed in advance, just before or during the time of elections, so that the usual preparations are done.

I have seen the list as stipulated by the Senator that the Committee is *ad hoc* and shall consist of the County Secretary and the County Attorney. We need to know that some of the people that the Mover of this Bill has mentioned were brought by the original governor, and we need to see how responsibility can be enriched so that we do not have people who are biased in any way. This is because somewhere, we are going to introduce the tools that are going to be handed to the governor-elect, including the property and everything in the county that is being handed over as the tools of leadership. I see that the county commissioner is nominated as one of them, the National Police Service head and people nominated by the governor-elect.

Mr. Temporary Speaker, Sir, this procedure and the persons are required but we also need to see how apart from the two people given by the governor-elect, we may need to see which other stakeholders would be essential to have in this committee. It is not the prerogative of the governor-elect alone to bring people. We may need to get from the other stakeholders. We have so many stakeholders such as the youth, women and many others.

You need to state whether there is remuneration and sitting allowance because there is a terrible spirit moving around in the counties where even when people go for duty in the villages, they claim *per diem* which is a lot of money. You need to stipulate that no money is involved except lunch, tea and so on, just like the national Government arena. You normally also restrict that it must be done within the county offices to avoid going to hotels.

This is going to make people more responsible and reduce the number of meetings. You recall last year or thereabouts, the Controller of Budget showed that some county public service boards were sitting more hours than a week can accommodate in a week just to have money. However, when these rules came, they were stipulated and reduced.

Mr. Temporary Speaker, Sir, in this scenario, Sen. Wamtangi should think of how he can curtail that so that when you say 21 days, you also state how many days they can meet so that we can be precise.

Part 3 is about arrangements for assumption of office by the governor elect. I have read through and I am going to propose the originator of the Bill. What is the role of the out- going governor? I guess as many governors as possible are going home in the first term. It is happening because if you look at the behavior of some of the governors we have been watching in the County Public Accounts and Investments Committee (CPAIC), a number of them are behaving like peacocks. Even when they come with their staff, you will know the governor has arrived. It is as if there is euphoria and aura where everybody needs to listen to them and follow them.

I am not saying everybody but we never know. Kenyans might decide to send everybody home or a few may remain. What is the role? It is like the author has concentrated on the governor-elect. I want to see the role of the outgoing governor and his deputy. Apart from giving emphasis to the governor-elect, how are these supposed to behave so that they realize the law is also watching over them?

The governor-elect shall in consultation with the committee carry out such preparations as may be necessary for the purposes of assuming office including the outgoing governor. By law, for example, the author needs to think, after the election date and the governor-elect has come, how long will the other fellow continue to be called governor? We need to see that nothing is going to move quickly from the outgoing governor changing everything. He may be assigned some security as a governor-elect but the other fellow is still with the trappings of power until handing over is done.

I know some of them will take it by force and remove everything including the flag and cars but that should not be the case here because we are not some confused country. There should be order in the way we are elected and how others are coming in.

Mr. Temporary Speaker, Sir, on the day of the swearing in ceremony, the Mover of this Bill has said we need a resident high court judge or in the absence, we get a resident chief magistrate. It is true. We saw the need so that even the rehearsals are done a day or two in advance. You may need to introduce something here, Sen. Wamatangi, through the Speaker, that we need a rehearsal a day where the governor-elect is going to be taken in and how the outgoing is going to behave. Some of them might not have agreed with the results. Another one may have run to court to challenge the outcome particularly these fellows who are used to court when the Senate comes up with laws affecting them. What happens when they go to court? That is essential.

Also, a certificate is required which is going to be given just like we saw when the former President Mwai Kibaki was waving the new Constitution in August, 2010; a certificate and the documents were waved. So, it is important to wave to the citizens of that county. I do not know whether the Senator has also indicated that stakeholders from every sub-county must be present. This means there should be a rule that is going to compel this committee to bring a number of people. If you have 40 wards in Kiambu like 20 wards in West Pokot, at least, we should have a minimum of 10 people attending so that you have a proper representation.

Mr. Temporary Speaker, Sir, Part Four on Miscellaneous Provisions states what is required to be followed and what is required to be done after that. Even the oath that is supposed to be taken, a copy has been put here by the originator of the Bill which requires that we need to look at it clearly. We will also ask the originator of the Bill to check whether he has copied the one for the national Government or not. For example, the governor says, "I..... do swear solemnly affirm that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the governor or deputy in a county". That is key.

We may also need to define what is truly and diligent so that those who are coming into office may know. This is because the behaviour of some inaugural governors is very interesting. If you can recall, one of them has simply refused to come and answer to the queries raised by the Auditor-General. It is, indeed, important for them to know that they are just servants; a servant is supposed to work.

I have also seen that the Mover has suggested in Section 30 that the responsibilities of the governor and that of the deputy governor be revised. One thing that touched my attention is Section 30(2)(c) which says that the governor represents the county in national and international forums and events. When I read the function of the Senate in Article 96(1), it says that the Senate represents the counties while this one says

that the governor represents the county in national and international forums and events. We need to distinguish these two.

The governors have refused to acknowledge that Senators represent the counties outside the territory of that county and serve to protect the interest of that county and their government. The work of the governors is to present themselves in fora, exhibitions and events such as the international investment forums. That is their business. They go there to sell the agenda of the county, but the Senate protects and presents the wholesomeness of the county. That is why audit reports come here.

We will later ask the Mover of the Bill to link up with the County Public Accounts and Investments Committee so as to make sure that the governor hands over properly. He should be asked to also to hand over the certificate of clearance which could be prepared by the Auditor-General and the Comptroller of Budget. This will help us know that he has been faithful. My question is how will Governor Oparanya hand-over Kakamega County yet he has refused to appear before the County Public Accounts and Investments Committee to answer queries that were raised by the Auditor-General? How do we handle that case if he is re-elected or not-re-elected? This is the point that the Mover should think of and how a clause can be put to capture that.

I beg to second.

The Temporary Speaker (Sen. Sang): Hon. Senators, I wish to propose the question that the Assumption of the Office of the Governor, Senate Bill No. 10 of 2016 be now read a Second Time.

(Question proposed)

ADJOURNMENT

The Temporary Speaker (Sen. Sang): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The Senate stands adjourned until Wednesday, 2nd November, 2016 at 2.30 p.m.

The Senate rose at 6.30 p.m.