

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 13<sup>th</sup> July, 2016

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

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

### PRAYERS

### NOTICE OF MOTION

RESOLUTION TO HOLD A MORNING SITTING ON  
THURSDAY, 14<sup>TH</sup> JULY, 2016

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT pursuant to Standing Order No.30(3)(b) the Senate resolves to meet on Thursday 14<sup>th</sup> July, 2016, tomorrow from 9.30 a.m. to 12.30 p.m.

**The Speaker** (Hon. Ethuro): Next order, Sen. Wetangula.

### SENATOR'S GENERAL STATEMENT

#### VOLATILE SITUATION IN SOUTH SUDAN

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Mr. Speaker, Sir, for allowing me to make a Statement under Standing Order No.45(2)(a) on a matter of general topical concern. In fact, it is a matter of national concern. I can see the Vice-Chairperson of the Committee on Security and Defence in the House.

We are all aware that the situation in South Sudan is very volatile. There have been very serious fights on the 9<sup>th</sup> July, 2016 where over 200 people were killed because of exchanges of fire between the combatants of the President and his first Vice President.

We are aware that we have many Kenyans in South Sudan who are either working there with United Nations agencies, Non-Governmental Organisations (NGOs) and business people. In fact, most banks in Juba, South Sudan, are Kenyan banks. We also have truck drivers who drive long distances delivering fuel and other merchandise. As the situation is unfolding and I have been seeing on national televisions, Kenyans being

affected and herded into various places. I even heard on radio today that Kenyans in Juba, South Sudan, have been unable to reach or access the embassy to get assistance. I would want the Committee concerned and the Government in general to assure Kenyans:-

(1) What steps are being taken if the situation continues being volatile to evacuate Kenyans back home?

(2) How many Kenyans have been caught up into this mess and lost their lives or properties? If any life has been lost, how do we get those who have lost lives to be brought back to their loved ones?

(3) If properties have been lost because we have very heavy investments by Kenyans in Juba, could the Government undertake to engage the Government of South Sudan to make sure that those who may have lost property are adequately compensated?

(4) Kenya, as a leader in this region and the Inter Governmental Authority on Development (IGAD) and the East Africa Community where South Sudan is in the process of admission, what are we doing to lead the region into pacifying the situation by engaging the African Union (AU), the UN and any other international agencies that may be available to help.

(5) Lastly, we are aware that the international community has allowed this very dangerous situation to happen in South Sudan by allowing the President and his Vice President to have their own military wings within a small town like Juba. What will the international community do to demilitarize Juba and disarm the combatants that are fighting, but more importantly, to fuse the army of the President and the Vice President into one national army? How can you have a small town like Juba with two armies: one army for the President and the other one for the Vice President facing each other with a lot of hostility?

**Sen. Kagwe:** Mr. Speaker, Sir, I want to congratulate the Senate Minority Leader for the very profound issues that he has raised. As a matter of fact, the major concern is both the Kenyan people who are living in South Sudan as well as the Sudanese themselves. We all know the impact that the instability in Somali has had in Kenya. We would want to urge that the situation in South Sudan be resolved in a way that will not cause the long term problem of refugees flowing again back into our country. We would, therefore, urge that this matter be taken at the top level of global geo-political settings so that the situation in South Sudan is settled amicably and very quickly.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I want to congratulate the Senate Minority Leader for he never disappoints every time he speaks on international matters. He has a good grasp of international events. I can see the Senate Majority Leader smiling sheepishly. He thinks that I am saying these good things about the Senate Minority Leader because he is my party leader. No, it is the truth.

**The Speaker** (Hon. Ethuro): Order, Sen. (Dr.) Khalwale! The Senate Majority Leader was affirming that good testimony that you are giving to your Leader. The Chair is equally confirming that position. It is the correct one.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. One cannot start imagining what will become of Turkana County if South Sudan collapses. Not just by way of refugees that Sen. Kagwe has spoken to, but also the small arms and light weapons that will be brought into the country. We urge none other than the President himself to

develop a personal interest in South Sudan. There is room for two things. I would like to seek the following clarifications:

(1) Is the Government considering moving the international community so that peace-keeping forces can be taken to South Sudan?

(2) Could the Chairperson confirm to the country whether the Government is considering the important issue of sanctions; not sanctions to hurt the people of South Sudan, but sanctions to wake up senior officers and senior military officers who do not care for the dying children? Their children are in Kampala and Nairobi attending special schools there. They live better lifestyles here in Nairobi even better than Kenyan children.

(3) Could the Chairperson confirm whether the Government is considering serious steps, including closing of those accounts? We want pressure piled on military officers, including President Salva Kiir and his first Vice President, Riek Machar.

**Sen. Hassan:** Mr. Speaker, Sir, like Sen. (Dr.) Khalwale, I commend the Senate Minority Leader for bringing up this issue. There is a template that we had in the resolution of the crisis in Liberia. The rebirth of the State of Liberia was done minus Charles Taylor. Could our Chairperson confirm that options are being explored to build South Sudan outside Riek Machar and Salva Kiir?

Is the International community prepared to avert any potential genocide and prosecute those who have committed crimes so far? There was a bout of violence where crimes were committed. The fact that those crimes were not punished, more crimes are being committed. Could the Chairperson confirm whether Kenya is moving the international systems towards the prosecution of those who commit these crimes unto their people?

Lastly, with respect to the current initiatives that are going on in terms of bearing immediate ceasefire, can it be confirmed that the guns have actually fallen silent in South Sudan? This can enable us take up processes of lasting peace and security of this region. What is happening in South Sudan is threatening the peace and security, not only of the region, but of the entire world.

**Sen. Ong'era:** Mr. Speaker, Sir, first of all, I congratulate Sen. Wetangula, our Senate Minority Leader for bringing up this very important issue. South Sudan was really the hope and dream of Africa. It proved that we, as Africans, had come of age and were able to give birth to a new nation. In my further request, the chairperson should tell us what the Jubilee Government is doing with regard to Kenyans living in South Sudan, particularly truck drivers. What is their welfare? What has been done in evacuating them?

We would also like to know in that statement what the state of preparedness of Lokichogio Airport is with regard to evacuations and emergency landing. The last time we had problems in South Sudan during the civil war, Lokichogio Airport was really overwhelmed with aircraft movements. I am very passionate about the airport because I am the one who built it. What is the preparedness of our Government in dealing with it?

We also want to know how prepared the Jubilee Government is in dealing with the issue of refugees, particularly now that they are closing the Dadaab Refugee Camp. This is a matter that needs the international community coming together. It is not just the President calling for a ceasefire. There are also internal problems here in Kenya where I

expected that ceasefire to be called. I expect the international community to rise up and deal with this matter. South Sudan is the hope of Africa.

**The Speaker** (Hon. Ethuro): Finally, Sen. Karaba and the Senate Majority Leader.

**Sen. Karaba:** Mr. Speaker, Sir, I thank the Senate Minority Leader, Sen. Wetangula. He was once the Minister for Foreign Affairs. At one time, he was marooned somewhere in Central Africa where he lived like someone who was besieged. He could not leave the airport due to problems emanating from that country. Therefore, this is a real problem. It is only Sen. Wetangula who can tell us some of these things. It is good that he has told us. We will support that.

Mr. Speaker, Sir, we note that Kenyans living in South Sudan can be evacuated. This is what we should be discussing now. What effort is the Government taking now that the situation in South Sudan is volatile? How many planes and food have been sent there to rescue Kenyans who are already languishing in poverty and various problems in south Sudan? How many Kenyans have died as a result of the civil strife in South Sudan?

If we deem it necessary, we can think of diverting the water from River Nile, if it is possible. The water they get is from Kenya and Uganda. They enjoy fruits from our country. Some of those things should be reconsidered in the Nile Agreement signed in 1954.

I support the Motion which was moved by my friend, Sen. Wetangula.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I thank my brother, the Senate Minority Leader, for bringing out the issue of South Sudan. South Sudan is a friendly country and a neighbour of Kenya. Kenya has borne the brunt of instability in South Sudan. For many years, we have hosted refugees from South Sudan and we brokered the peace process. I assure Sen. Wetangula and the rest of Kenyans that the President is fully seized of this matter. For the last two days, he has been engaged continuously on a 24-hour basis of the situation in South Sudan. We hope that some form of stability can be established.

The only concern I have is the matter raised by Sen. Hassan about the future without the two major protagonists. That could be a possible political solution. However, I am not sure whether it can be raised in this House. One cannot discuss the Head of State of a friendly foreign country without following certain procedures. Therefore, we cannot do that here. However, all options are open. I wish the people of South Sudan well and pray that they find lasting peace. Once more, I thank my brother, Sen. Wetangula, for raising this matter.

I support.

**Sen. Adan:** Mr. Speaker, Sir, this is a statement that has attracted a lot of interests and a matter of concern both nationally and internationally. It is an urgent matter. I request Members to give the Committee till Thursday, next week. We will then give a comprehensive answer to the issues raised. Some of the issues touch international organizations. It is good that we consult and give a proper Statement.

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

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Speaker, Sir. This matter is so urgent that the Vice Chairperson cannot request the

Speaker to give her until Thursday, next week. If it is true as the Senate Majority Leader has said that the President is engaged fulltime---

**The Speaker** (Hon. Ethuro): Order, Sen. Wetangula. Learn to persuade your colleague.

**The Senate Minority Leader** (Sen. Wetangula): Yes, Mr. Speaker, Sir. I am a Member of that Committee. I persuade her that it is desirable even if she brings a preliminary statement by Tuesday, that tackles more particularly the issue of the safety of Kenyans as she deals with other issues that can come on Thursday.

**Sen Adan:** Mr. Speaker, Sir, I will try my best to bring the preliminary issues by Tuesday.

**The Speaker** (Hon. Ethuro): Order, Sen. Dullo! In fact, your own submissions were very clear. The matters are topical, urgent and essential. In fact, the Chair was following you, knowing that you would actually talk of the next sitting day, which is tomorrow. Therefore, attempt for a response for Tuesday in entirety. If it is difficult to do so, at least, ensure that you get the very essentials on Tuesday.

**Sen Adan:** Much obliged, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Order, Members! We will still go back to that particular Order on Statements. I had given my directives for committees to expedite their work, and they have been working long, hard and late. Therefore, some reports came after we had commenced. We need to go back to the Order on Papers to allow them to lay the documents for the benefit of the House. Therefore, we go back to order No.5 on the Order Paper.

### PAPERS LAID

**Sen. Sang:** Mr. Speaker, Sir, I beg to lay the following Papers on the Floor of the Senate, today, Wednesday, 13<sup>th</sup> July, 2016.

#### REPORT ON THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL, 2015

Report of the Standing Committee on Legal Affairs and Human Rights on the preservation of Human Dignity and Enforcement of Economic and Social Rights Bill, 2015.

#### REPORT ON PETITION: LEGAL FRAMEWORK FOR VOTER REGISTRATION AND VOTING DURING ELECTIONS

Report of the Standing Committee on Legal Affairs and Human Rights on the Petition by David Gesicho concerning the legal framework for voter registration and voting during elections.

Thank you.

*(Sen. Sang laid the documents on the Table)*

REPORT ON THE HEALTH BILL (NATIONAL  
ASSEMBLY BILL No.14 OF 2015)

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, on behalf of the Chairman of the Committee on Health, I beg to lay the following Paper on the Table of the Senate today, Wednesday, 13<sup>th</sup> July, 2016:-

Report of the Standing Committee on Health on The Health Bill (National Assembly Bill No.14 of 2015).

Thank you, Mr. Speaker, Sir.

*(Sen. (Dr.) Machage laid the document on the Table)*

REPORTS OF THE COMMITTEE ON INFORMATION AND TECHNOLOGY

**Sen. Kagwe:** Mr. Speaker, Sir, I beg to lay the following papers on the Table of the Senate today, Wednesday, 13<sup>th</sup> July, 2016.

First, a Report of the Standing Committee on Information and Technology on the County Outdoor Advertising Bill (Senate Bill No.11 of 2015).

Secondly, a Report of the Standing Committee on Information and Technology on Universal Postal Union 20<sup>th</sup> Post Conference and Expo held in Hong Kong from 23<sup>rd</sup> to 26<sup>th</sup> May, 2016.

Mr. Speaker, Sir, thank you.

*(Sen. Kagwe laid the documents on the Table)*

**The Speaker** (Hon. Ethuro): That is the end of that Order. Let us go back to Order No.7.

What is it, Sen. Kembi-Gitura?

**POINT OF ORDER**

SECURITY WITHIN PARLIAMENT PRECINCTS

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I thank you for allowing me to stand on a point of order. This is an issue that I raised earlier. I will keep on raising it. It is about security in the Senate.

Mr. Speaker, Sir, when I was in the Ninth Parliament as a Member of Parliament (MP) for Kiharu, it was not possible to access Parliament Buildings or the Parliament Chamber itself if you were armed because there was a security system that could detect it and not allow you to go through. I can see there is a security system here, but I do not know whether it works or not. I would like to have that confirmation.

We invite governors and other people to come and answer certain queries. I know that on more than one occasion, some people had to be disarmed after they were found to

be wearing arms into committee rooms. I think that poses an extremely great danger to the Senate, Members of the National Assembly to all of us who work in this Parliament. I would like to know whether the security can be enhanced because we all need security. It should be clear that nobody can access a chamber or any committee room while armed in any way.

Mr. Speaker, Sir, there must have been a reason lady MPs, for instance, were not allowed to carry handbags into the Chamber. There was a reason men MPs were not allowed to come with *rungus* and things like those. There is a reason water is now served in plastic bottles and not the glasses and glass jugs we used to have in the Ninth Parliament. So, I want to plead with you that security should be taken seriously and enhanced and that everybody, regardless of who they are, particularly strangers, are frisked before they enter any committee room of the Senate or of the National Assembly or even before they can access Parliament Buildings.

I am sure that this is an issue that will be supported because everywhere in the world today, security is paramount. In Europe, you cannot access any public building without being frisked regardless of who you are or where you come from because these are matters of very great importance.

Mr. Speaker, Sir, I thank you for the opportunity.

**Sen. Kagwe:** Mr. Speaker, Sir, mine is a question on a statement issue.

**The Speaker** (Hon. Ethuro): Let us process this one first.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, as I support the very important point raised by the distinguished Senator for Murang'a, you may recall that in the Fifth Parliament when the late Hon. George Anyona came to the House to table documents about corruption which was going on in Mombasa, commonly known as "Karafuu", a senior administrator sitting in the Gallery kept on pointing a gun at him on the Floor. That rule of the jungle can be very dangerous, indeed.

Mr. Speaker, Sir, I have been here long enough to know this. I hope some of my colleagues here are not in the habit of carrying around guns because they have bodyguards. When you enter Parliament Buildings, you should surrender your weapon to the Serjeant-at-Arms to keep it for you and only be given back when you leave the precincts of Parliament.

Mr. Speaker, Sir, you have seen how reckless handling of guns is costing lives in the United States of America (USA). You never know when a person who legitimately carries a gun turns into a lunatic and opens fire on anybody in sight. It could be anyone of us. The issue raised by the Deputy Speaker is very important, that we urge you as our leader in this House to take it up with the Parliamentary Service Commission (PSC), so that they strengthen the management of Parliament, particularly visitors and MPs themselves who bear arms. You have seen fist fights. They could degenerate into use of arms if the people fighting have got those kinds of weapons.

I remember one time in the Ninth Parliament when a Member pulled a gun to shoot another. He could have shot him if we were not there to restrain him and it was just a bar argument. This kind of danger is avoidable if the rules are enforced strictly and properly. I want to urge that even when our lady colleagues come in, their handbags

should be x-rayed before they come in because there are serious women criminals all over these days.

*(Laughter)*

**Sen. (Eng.) Muriuki:** Mr. Speaker, Sir, I was seeking a point of order on something else, but allow me to comment on this one as well. Those of us who happen to be Members of the County Public Accounts and Investments Committee (CPAIC) have witnessed such occasions. We do not frisk governors when they come, but you can tell that a person is armed. Recently, we had a very nasty situation in one of the committee sittings. It is fair that the matter raised by the Deputy Speaker be taken very seriously institutionally, so that nobody; whether us, visitors or whoever they are, comes with arms. If they are registered firearm holders, they should be kept under custody of somebody whom we know.

That is all I have to say, but I will be seeking---

**The Speaker** (Hon. Ethuro): Seek when it is necessary.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, Standing Order Nos.102 and 103 give us guidance on what should be done on firearms. Standing Order No.104 talks about bags and briefcases in this House. With regard to Standing Order No.103, the Senator are only prohibited to carry firearms to the---

**The Speaker** (Hon. Ethuro): Order, Sen. (Dr.) Machage! If you are aware of where you are seated---

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I am trying to say something.

**The Speaker** (Hon. Ethuro): That is for me. Say your point.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I have drawn your attention to Standing Order Nos.102, 103 and 104. Let me not pre-empt what might be on your mind.

**Sen. Ong'era:** Mr. Speaker, Sir, may I also commend the Senator for Murang'a for bringing this important matter to the House. Security is as strong as its weakest link. Our security is very paramount in this Parliament. I am particularly horrified that the weakest link to our security here is the Senator's entrance. It is the only one that does not have metal detectors. We urge you, through your good and able leadership, to speak to the Parliamentary Service Commission (PSC) to look for all the weakest links in this Parliament, so that they are properly enhanced and we can be assured of our security.

Mr. Speaker, Sir, again, I am not sure whether the distinguished women Members of Parliament are criminals.

**An hon. Senator:** Who said so?

**Sen. Ong'era:** Mr. Speaker, Sir, I have not alluded to anybody who said so. I need protection.

**The Speaker** (Hon. Ethuro): Order, Senator! You cannot be protected for saying things that have not been said, regardless of whether you name an individual or not. You are referring to a matter that was not there.

**Sen. Ong'era:** Mr. Speaker, Sir, I did not seek for any protection. I was making my statement and was not given an opportunity to finish. What I was saying is that there are rules as to what the size of a lady's handbag should be.



**The Speaker** (Hon. Ethuro): Order, Senator Ong'era! Please, finish. Let me not condemn you unheard.

**Sen. Ong'era:** Mr. Speaker, Sir, I want to support the important point of order that was raised by Sen. Kembi-Gitura. It really behooves all of us to take care of our security.

**Sen. Hassan:** On a point of order, Mr. Speaker, Sir. I am a bit concerned by the point of order raised by Sen. Kembi-Gitura. Knowing him, he cannot just raise anything in abstract. Are there specific instances where people have entered Committee rooms or the Chamber while armed? Who are these people? Looking at stopping it in the future, can we first take action against them? As Sen. Wetangula has said, some of these fistfights could degenerate into gun battles. If there are people who are traversing the corridors of Parliament and the Senate with guns--- In fact, I do not think that any legislator must even cross the gate of Parliament with a firearm, notwithstanding where it is, because somebody can go pick it up and come in.

Sen. Hargura and Sen. Mutula Kilonzo Jnr. have been wondering what Sen. Kembi-Gitura is trying to say. Have these instances been reported and is there action being taken against these people? In this day and age, we cannot take things for granted. We need to know in specific terms what has been happening and the Speaker needs to give us a full report on the basis of this alarm or caution. Who are these people, so that we can avoid them whenever we see them because they are armed? When I see you and know that you have a gun---

**The Speaker** (Hon. Ethuro): Order, Sen. Hassan! I think you are done. Sen. Kembi-Gitura, you do not need to respond to that; I will deal with it.

**Sen. Okong'o:** Mr. Speaker, Sir, I want to reiterate the sentiments of my colleagues; that the matter that has been raised by the Deputy Speaker is very serious. I sit in the CPAIC which deals with cases of corruption. I will not name names, but I have seen two governors appearing before the Committee while armed. I raised the issue with the Serjeant-at-Arms. I have also seen bodyguards escorting governors while armed. I thank our Serjeant-at-Arms because they have dealt with these situations. I believe that Parliament has men and women, who are fairly trained in the military and police, to take care of our security.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Speaker, Sir, thank you very much for allowing this discussion to take place on this issue of arms in Parliament. It would be better if we took the precaution in ensuring that guns and other ammunition, like the bows and arrows, do not come into the precincts of Parliament. I am very worried about the effectiveness of the control at the main gate. First, the rate at which the sentries are changed and the quality of the sentries who come and go, leaves a lot to be desired regarding the perfection of ensuring security at the gate.

Secondly, there is no God-given reason we cannot have an electronic system of surveillance at the main entrances to the House, rather than that haphazard system at the main gate. It is upon us, as a House, to ensure that there is proper inspection of individuals entering the precincts of Parliament; not just focusing on guns, but any other weapon of small or mass destruction that can come into the House.

**Sen. Haji:** Mr. Speaker, Sir, as the Chairman of the Committee on National Security and Foreign Relations, I am also very concerned. I personally own three small guns and three big guns – six licensed guns - but I never carry them to my office, let alone the Senate. The concern raised by the Deputy Speaker is valid. Some of the Senators have said that some governors come with bodyguards. We do not come to the Chamber with our bodyguards; we leave them in the vehicles.

Mr. Speaker, Sir, with your wisdom, I am sure that you will do something about it.

**The Speaker** (Hon. Ethuro): Order, Members! I want to thank the Deputy Speaker and Senator for Murang'a for bringing this issue to my attention, and also all the Members who have spoken to it. It is definitely a topical and important matter. Since there is a basis for being apprehensive, I want to commit myself. Since the incident that we had last time, I had already directed some ways in which even the sitting arrangements between witnesses and certain Members should be and the beefing up of the Serjeant-at-Arms in those situations. You have now raised additional issues which I consider extremely important in terms of that access. Everybody must be screened; there is nothing to talk about there to anybody. If the facility is not available, it will be purchased. In the meantime, every witness must be frisked before entering the Committee room or chamber.

I said “every person” In the legal use of the word “person”, every person, small or big will be frisked. I want to assure every person coming to Parliament that there will be enough security within Parliament Buildings. You do not need to carry your own battalion.

Are there statements to be sought?

## STATEMENTS

### INCLUSION OF RELEVANT OFFICES IN POLICE RECRUITMENT EXERCISE

**Sen. Njoroge:** Mr. Speaker, Sir, about a month ago, I sought a statement from the Chairperson of the Committee on Interior regarding the recruitment of police. To date, I have not been given an answer because there was time I was away and also, the Chairperson who was supposed to give the response was away.

I, therefore, request that I get the response since it has taken too long.

**Sen. Khaniri:** On a point of order, Mr. Speaker, Sir. Did you hear the hon. Senator say that he sought a statement from the Committee on Interior? Probably, now that explains why he has not got his statement because we do not have any Committee like that one in this House.

*(Laughter)*

**The Speaker** (Hon. Ethuro): Order, Members! I will not allow a bilateral discussion between two Senators.

Hon. Members, we have the numbers. So, we will move on with speed to Order Nos. 9, 10, 11 and 12. Before we proceed to the others, we should dispose of them.

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

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, we have just been told that we have the numbers. Let us vote. That is a request that I am making to you.

Hon. Senators, we will deal with Division now; that is Order Nos.9, 10, 11 and 12. We will do one Division, but vote separately.

*(Sen Murkomen stood on his feet and consulted loudly)*

Order! Sen. Murkomen, there was relative peace before you got in. Let us listen to the Orders being called.

*(The Clerk-at-the-Table read out the Orders)*

Hon. Senators, the bell will be rung for two minutes.

*(The Division Bell was rung)*

Has the bell stopped? Okay, draw the bars and lock the doors.

*(The Bar was drawn and the doors closed)*

*(Sen. Kagwe and Sen. Haji stood in their places)*

Order, Sen Kagwe and Sen. Haji! Take your seats.

Hon. Senators, I will put the question on each of the individual divisions, but we shall vote on each of them. I will announce the results after we are done with all the four Orders.

Hon. Senators, you have one minute to vote.

*(Hon. Senators proceeded to vote)*

Order, Senators! The Bars may be opened. The results are in and I will announce them one by one. Once I finish, we shall go for the Committee of the Whole and carry out a Division.

*(Sen. Sang consulted loudly)*

Order, Sen. Sang! You are a Member of the Speaker's Panel. I request that the Members remain in the Chamber so that we go for a Committee of the Whole and carry out a Division.

## BILLS

### *Second Reading*

#### THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL (SENATE BILL NO 2 OF 2016)

*(Sen. (Prof.) Lesan on 28.6.2016)*

*(Resumption of Debate interrupted on 29.6.2016)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that the Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No 2 of 2016) be 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang', Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. (Dr.) Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi 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:** 30

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 30 votes to 0)*

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

*Second Reading*

THE BASIC EDUCATION (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 38 OF 2014)

*(Sen. (Prof.) Kindiki on 6.7.2016)*

*(Resumption of Debate interrupted on 6.7.2016)*

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the Basic Education (Amendment) Bill (National Assembly Bill No. 38 of 2014) be) 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang', Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. (Dr.) Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi 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:** 30

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 30 votes to 0)*

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

*Second Reading*

THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY  
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)

*(Sen. (Prof.) Kindiki on 6.7.2016)*

*(Resumption of Debate interrupted on 6.7.2016)*

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the Agriculture, Fisheries and Food Authority (Amendment) Bill (National Assembly Bill No. 17 of 2015) be 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang', Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. (Dr.) Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi 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:** 30

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 30 votes to 0)*

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

*Second Reading*

THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL  
(SENATE BILL NO. 12 OF 2015)

*(Sen. Wamatangi on 12.7.2016)*

*(Resumption of Debate interrupted on 12.7.2016)*

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the Micro and Small Enterprises (Amendment) Bill (Senate Bill No. 12 of 2015) be 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang', Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. (Dr.) Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi 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:** 30

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 30 votes to 0)*

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, we shall deal with the Committee of the Whole in the same manner that we have dealt with the previous one.

### COMMITTEE OF THE WHOLE

*(Order for Committee read)*

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

### IN THE COMMITTEE

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

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

*(Resumption of Debate interrupted on 28.6.2016)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, with the withdrawal of Sen. Mutula Kilonzo Jnr.'s amendments and dropping of Sen. Hargura's amendments, we will proceed to Division.

Can the Division Bell be rung for 30 seconds?

*(The Division Bell was rung)*

The 30 seconds are over. Could the Whips report on whether we have quorum to vote?

Draw the Bar and close the door.

*(The Bar was drawn and door closed)*

Let us proceed to vote.

### DIVISION

### ELECTRONIC VOTING

*(Question that, the New Clause 9A 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa, County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.)Machage, Migori County; Sen. Mohamud, Wajir County; Sen. (Eng.)Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County .

**NOES:** Nil

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

**AYES:** 31

**NOES:** Nil

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 31 votes to 0)*

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question that, the Schedule 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. Hassan, Mombasa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.)Machage, Migori County; Sen. Mohamud, Wajir County; Sen. (Eng.)Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

**NOES:** Nil

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, the results of the Division to amend the Schedule as proposed by the Committee are as follows:

**AYES:** 29

**NOES:** Nil

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 29 votes to 0)*

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question that, Clauses 3-15, New Clause 9A, the Schedule (Amended), Clause 2, 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hassan, Mombasa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong’o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

**NOES:** Nil

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

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 30 votes to 0)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): We will move straight away to Order No.14: The Cancer Prevention and Control (Amendment) Bill (Senate Bill No.3 of 2015).

THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL  
(SENATE BILL NO.3 OF 2015)

*(Resumption of Debate interrupted on 28.6.2016)*

**DIVISION**

**ELECTRONIC VOTING**

*(Question that Clause 3 (as amended) and Clause 4 (as amended), 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa, County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Mohamud, Wajir County, Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County, and; Sen. Wetangula, Bungoma County .

**NOES:** Nil.

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

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 30 votes to 0)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Next Order.

THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT) BILL  
(SENATE BILL NO. 14 OF 2015)

*(Resumption of Debate interrupted on 29.6.2016)*

**DIVISION**

## ELECTRONIC VOTING

*(Question, that Clauses 3 and 4 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa, County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Mohamud, Wajir County, Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County, and; Sen. Wetangula, Bungoma County .

**NOES:** Nil.

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

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 30 votes to 0)*

## DIVISION

## ELECTRONIC VOTING

*(Question, that Clauses 2, 3 (as amended), 4 (as amended), 5,  
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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa, County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Mohamud, Wajir County, Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru

County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County, and; Sen. Wetangula, Bungoma County .

**NOES:** Nil.

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

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The "Ayes" have it.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Let us go to Order No.16.

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL  
(NATIONAL ASSEMBLY BILL NO.18 OF 2014)

*(Resumption of Debate interrupted on 30.6.2016)*

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clauses 10, 33, 35, 36, 37, 39, 84, 85, 87,104, 112, 114, 200 and 201 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. Chelule, Nakuru County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa, County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Mohamud, Wajir County, Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County, and; Sen. Wetangula, Bungoma County .

**NOES:** Nil.

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

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 30 votes to 0)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Next Order!

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that Clauses 3 -9, Clause 10(as amended) Clauses 11- 32, Clause 33(as amended), Clause 34, Clause 35(as amended), Clause 36(as amended), Clause 37 (as amended), Clause 38, Clause 39 (as amended), Clauses 40 – 83, Clause 84 ( as amended), Clause 85(as amended), Clause 86, Clause 87(as amended), Clauses 88 – 103, Clause 104(as amended), Clauses 105 – 111, Clause 112(as amended), Clause 113, Clause 114 (as amended), Clauses 115 – 199, Clause 200 (as amended), Clause 201 (as amended), Clauses 202 – 211, First Schedule, Second Schedule, Third Schedule, Fourth Schedule, Clause 2, The Title And Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

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

**AYES:** 30

**NOES:** Nil

**ABSENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 30 votes to 0)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): We will only use Order No.16 on the Order Paper for the purposes of the Chairperson going back to the Chair to report on everything else.

Where is the Mover of the Natural Resources (Classes of Transaction subject to Ratification) Bill (National Assembly Bill No. 54 of 2015)?

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

**Sen. Khaniri:** Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its consideration of The Natural Resources (Classes of Transaction subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) and its approval thereof with amendments.

*(Sen. Boy Juma Boy stood in his place)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Order, Members. Your Standing Orders are very explicit on the behavior while voting. Sen. Boy Juma Boy, you have to be seated.

**Sen. (Prof.) Lesan** seconded.

*(Question proposed)*

*(Question put and agreed to)*

Next Order No. 14; the Cancer Prevention and Control (Amendment) Bill (Senate Bill No. 3 of 2015).

THE CANCER PREVENTION AND CONTROL (AMENDMENT)  
BILL (SENATE BILL NO. 3 OF 2015).

**Sen. (Prof.) Lesan:** Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its considerations of the Cancer Prevention and Control (Amendment) Bill (Senate Bill No. 3 of 2015) and its approval thereof with amendments.

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): Let us move to Order No.15 on the Order Paper; The Kenya National Examinations Council (Amendment No.2) Bill (Senate Bill No.14 of 2015).

THE KENYA NATIONAL EXAMINATIONS COUNCIL  
(AMENDMENT NO.2) BILL (SENATE BILL NO.14 OF 2015).

*(Loud consultations)*

If I must remind you, voting must be done in silence. That is what your Standing Orders say.

**Sen. Obure:** Mr. Temporary Chairperson, Sir, I beg to move that the Committee do report to the Senate its considerations of the Kenya National Examinations Council (Amendment No.2) Bill (Senate Bill No.14 of 2015) and its approval thereof with amendments.

**Sen. Prof. Lesan** seconded.

**The Temporary Chairperson** (Sen. (Dr.) Machage): This team of Sen. Murkomen and others must have been very naughty in primary school!

*(Question proposed)*

*(Question put and agreed to)*

Let us move to Order No. 16 on the Order Paper; The Fisheries Management and Development Bill (National Assembly Bill No.18 of 2015).

Mover, proceed.

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL  
(NATIONAL ASSEMBLY BILL NO.18 OF 2014)

**Sen. Murungi:** Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Fisheries Management and Development Bill (National Assembly Bill No.18 of 2014) and its approval, thereof, with amendments.

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

*[The House resumed]*

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

**The Temporary Speaker** (Sen. Sang): Order Senators! We will now have the Temporary Chairperson report progress from the Committee of the Whole. Progress will be reported on all of them but we will defer the Division so that we do one Division for all of them.

REPORTS, CONSIDERATION OF REPORTS  
AND THIRD READINGS

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

**Sen. (Dr.) Machage:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Natural Resources (Classes of Transaction Subject to Ratification) Bill (National Assembly Bill No.54 of 2015) and its approval thereof with amendments.

**The Temporary Speaker** (Sen. Sang): The Mover.



**Sen. Khaniri:** Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

**Sen. Obure** seconded.

*(Question proposed)*

*(Question put and agreed to)*

*(Loud consultations)*

*(The Temporary Speaker (Sen. Sang)  
consulted with the Clerk-at-the-Table)*

**The Temporary Speaker** (Sen. Sang): Order, Senators. That was oversight from our side. Could the Bars be withdrawn?

*(The Bars were withdrawn)*

The Mover, could you proceed?

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, I beg to move that the Natural Resources (Classes of Transaction Subject to Ratification) Bill (National Assembly Bill No.54 of 2015) be now read a Third Time.

**Sen. Obure** seconded.

*(Question proposed)*

*(Sen. Wetangula spoke off record)*

**The Temporary Speaker** (Sen. Sang): Senate Minority Leader, I hope you appreciate very well that we need to complete the business before us because we have made tremendous gains and progress this afternoon.

*(Loud consultations)*

Order, Senators!

Hon. Senators, I will defer the putting of the Question so that we put the questions for all the Bills at the end.

Next Order!

THE CANCER PREVENTION AND CONTROL  
(AMENDMENT) BILL (SENATE BILL NO.3 OF 2015)

**Sen. (Dr.) Machage:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the Cancer Prevention and Control

(Amendment) Bill (Senate Bill No.3 of 2015) and its approval, thereof, with amendments.

*(Several Senators walked out of the Chamber)*

**The Temporary Speaker** (Sen. Sang): Before the Mover moves, I hope the Whips will help us ensure that we have the numbers. Hon. Senators, it makes a lot of sense that once we have made progress to this extent, we should complete the business in this House.

Sen. (Prof.) Lesan, proceed.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

**Sen. Kagwe** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Sang): The Mover.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, I beg to move that the Cancer Prevention and Control (Amendment) Bill (Senate Bill No.3 of 2015) be now read the Third Time.

**Sen. Kagwe** seconded.

*(Question proposed)*

**The Temporary Speaker** (Sen. Sang): We will defer the putting of the question. Next Order!

THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT)  
(No. 2) BILL (SENATE BILL NO. 4 OF 2015)

**Sen. (Dr.) Machage:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered The Kenya National Examinations Council (Amendment) (No. 2) Bill (Senate Bill No. 14 of 2015) and its approval thereof with amendments.

**Sen. Obure:** Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

**Sen. Hassan** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Obure:** Mr. Temporary Speaker, Sir, I beg to move:-  
That The Kenya National Examinations Council (Amendment) (No. 2) Bill (Senate Bill No. 14 of 2015) be now read a Third Time.  
**Sen. Hassan** seconded.

*(Question proposed)*

**The Temporary Speaker** (Sen. Sang): I will defer the putting of the question to the end.  
Next order!

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL  
(NATIONAL ASSEMBLY BILL NO. 18 OF 2014)

**Sen. (Dr.) Machage:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered The Fisheries Management and Development Bill (National Assembly Bill No. 18 of 2014) and its approval thereof with amendments.  
**Sen. Murungi:** Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.  
**Sen. M. Kajwang** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I beg to move that The Fisheries Management and Development Bill (National Assembly Bill No. 18 of 2014) be now read a Third Time.  
**Sen. M. Kajwang** seconded.

*(Question proposed)*

**Sen. Hassan:** On a point of order Mr. Temporary Speaker, Sir. Today, several groups of school children came in and went out of the Public Gallery of the Senate and outside our tradition, we did not recognize them. It is so encouraging to these schools, when they are seated in that gallery, for us to acknowledge them. So, in future, make sure that there is communication. Let us recognize them even as we transact our business. It has become a tradition and it is crystallized.

**The Temporary Speaker** (Sen. Sang): Order, Senators. That is noted. Let us proceed to finalize the Third Reading.

Hon. Senators, we will now proceed to consider Divisions on the Third Reading for the four Bills.

We will start with The Natural Resources (Classes of Transaction Subject to Ratification) Bill (National Assembly Bill No.54 of 2015) be now read a Third Time.

Ring the Division Bell for 15 seconds.

*(The Division Bell was rung)*

The 15 seconds are over. Hon. Senators, ensure that you are logged in. We are voting on Order No.13. The voting period will be 30 seconds. Proceed to vote.

*(The Senators proceeded to vote)*

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015 be now a 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. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hassan, Nairobi County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County, and; Sen. Wamatangi, Kiambu County.

**NOES:** Nil

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

**AYES:** 31

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 31 votes to 0)*

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

**DIVISION****ELECTRONIC VOTING**

*(Question, that the Cancer Prevention and Control (Amendment) Bill (Senate Bill NO.3 of 2015 be now a 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. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hassan, Nairobi County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo- Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wamatangi, Kiambu County.

**NOES:** Nil

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

**AYES:** 31

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 31 votes to 0)*

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

**DIVISION****ELECTRONIC VOTING**

*(Question, That the Kenya National Examination Council (Amendment) (No.2) Bill (Senate Bill NO.14 of 2015 be now a 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.

Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hassan, Nairobi County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo- Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wamatangi, Kiambu County.

**NOES:** Nil

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

**AYES:** 31

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 31 votes to 0)*

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

## **DIVISION**

### **ELECTRONIC VOTING**

*(Question, that the Fisheries Management and Development Bill  
(National Assembly) Bill No.18 of 2014) be now read  
a Third Time be now a read a Third Time, put and  
the Senate continued 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. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hassan, Nairobi County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo- Marakwet County; Sen. Murungi, Meru County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans-Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira

County; Sen. Omondi, Kakamega County; Sen. Sang, Nandi County and Sen. Wamatangi, Kiambu County.

**NOES:** Nil

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

**AYES:** 30

**NOES:** 0

**ABSTENTIONS:** 0

The “Ayes” have it.

*(Question carried by 30 votes to 0)*

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

**The Temporary Speaker** (Sen. Sang): Hon. Senators, as we draw the Bar and open the doors, obviously, from the outcome of this Division, one Member did not vote in the last Division. The outcome in all the other Divisions is 31, but in the last Division, it is 30. The clerks should find out who did not vote, as you know, that is out of order.

Hon. Senators, we are done with the Divisions. We now go back to the Order on Statements.

**Sen. Hassan:** Jambo la nidhamu, Bw. Spika wa Muda. Kesho umeitisha kikao maalum cha Seneti. Vile vile, Kamati nyingi zimetangaza mikutano kesho. Kwa hivyo, kesho kuna uwezekano wa kupata shida ya idadi ya kupitisha Miswada katika Seneti. Ningependa utoe amri kwamba vikao vyote vya Kamati vihairishwe mpaka tutakapomaliza kikao maalum cha Bunge. Nimepata jumbe kwenye simu kuhusu mikutano mbali mbali ya Kamati kesho. Karibu kila Kamati iko na kikao, ilhali tuko na kikao maalum cha Seneti.

**The Temporary Speaker** (Sen. Sang): Order, Senator. Sen. Hassan, you are completely out of order. We are on Order No. 7 on Statements. You are speaking to a matter to be considered under Order No. 8. We will deal with those issues when we get there.

Let us proceed to Statements. We were remaining with some Statements that needed to be sought. Is there anyone who wants to seek a Statement?

*(Resumption of Statements)*

## STATEMENTS

### TRAFFIC CONGESTION ON NAIROBI-NAIVASHA ROAD

**Sen. Obure:** Mr. Temporary Speaker, Sir, pursuant to Standing Order No. 45 (2) (b), I rise to seek a Statement from the Chairperson of the Standing Committee on Roads and Transport regarding the heavy traffic congestion experienced on the Nairobi-

Naivasha Road specifically between Rironi and Mai-Mahiu section, commonly referred to as the escarpment.

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

(1) Whether the Roads Authority responsible is aware that the capacity of the road as designed can no-longer cope with the increasing volume of traffic.

(2) Measures put in place to provide relief to travelers whose security and comfort is often compromised by traffic congestion between Rironi and Mahi-Mahiu section.

(3) Whether the national Government has any plans to establish an alternative route for travellers between the capital city and the counties in the Rift Valley, western and south western regions of the country and when those plans will be actualised.

Thank you.

**Sen. Sijeny:** Mr. Temporary Speaker, Sir, I seek the indulgence of the Chair to give the Committee two weeks to provide the Statement.

**Sen. Obure:** Mr. Temporary Speaker, Sir, I am comfortable with that.

**The Temporary Speaker** (Sen. Sang): It is so ordered.

DISAPPEARANCE AND BRUTAL MURDER OF CHILDREN  
IN CHESUE VILLAGE, NANDI HILLS

**Sen. Cheruiyot:** Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 45 (2) (a) to seek a Statement from the Chairperson of the Standing Committee on National Security and Foreign Relations on the increased disappearance and brutal murder of children aged between eight and 16 years in Chesue Village, Nandi Hills Sub-County of Nandi County.

In the Statement, the Chairperson should:-

1. state whether the government is aware that five children have disappeared in the last one week;
2. state whether the government is aware that two mutilated bodies belonging to two of the said five children were recovered by the community members who were on a search mission with little or no support from the responsible local government agencies;
3. explain the progress made in the search for the three missing children;
4. state if the government is aware that one of the suspected kidnappers who is now in police custody is a repeat offender who had previously been arrested but later released from police custody in suspicious circumstances;
5. explain what investigative measures and mechanisms the Government has put in place to unravel the mysterious kidnappings and to bring to book the responsible criminals; and,
6. explain what support the government will give to the affected families to support funeral expenses and possibly compensate them for the untold suffering and loss.

Thank you.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I just want to ride on that Statement that as the Chairman looks at the issues raised, we also need to understand why the police are dealing with young people in that sort of manner.



Is it possible that there might be a squad within the police that is being used by ordinary people to do what is currently happening?

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, this is a special issue. To lose five children is horrendous. Sen. Cheruiyot and I were in Kayole last Sunday and there were many complaints about the abduction of children around Nairobi. It is worrying that one would think that this phenomenon was happening around urban areas because one would hide in buildings but it is now happening in villages, for instance, Nandi Hills.

As the Chair gives chance to the Chairperson to respond to this issue, this cannot be a normal question and it is not a normal situation in the country. The number of lives we have lost are too high. To even imagine that children are being abducted is worse.

We as lawyers have come from the situation of the slain advocate Willy Kimani. He was well known to me and the Chair because we were in the university almost at the same period. I do not know if it is a reaction of the Chair that will suffice. If anything, I will request that the Chair relooks at this issue and perhaps comes up with a Motion.

The seeker of the Statement who is the Chair or the Chairperson of the Committee should request that we form a special joint committee of the National Assembly and the Senate to look at this issue of abduction of persons with an intention of getting money from people.

Mr. Temporary Speaker, Sir, the Committee should consider whether the police is an accomplice or whether some bad elements within the police force are accomplices to this matter.

There is a worldwide wave of police irresponsibility. I watched President Obama last night speaking in Dallas in the commemoration of the five policemen who were killed. The rogue policemen killed black people in America but the American society from Donald Trump, despite the fact that he is running against the Democrats, to Hillary Clinton and President of the United States of America stopped the blame game of complaining about President Obama's Government or the democrats and sat down as a collective society to ask themselves what they can do to get rid of such problems.

Mr. Temporary Speaker, Sir, it is not time for blame games and we need to sit as the Senate and the National Assembly. It has become normal to read in the newspapers that a person has been abducted and killed. We must do something. I thank the Chair of the Committee for coming up with this question. However, it should be more than a question brought by the Chair of the Committee. We must take action as Parliament.

Thank you.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I am also concerned about the same because a number of students have disappeared in the past. What we read in the newspapers is like there is a clique of people trying to abduct students from schools and recruit them to join the Al-Shabaab. If that is true, the Government should come up with a clear policy on how to prevent the menace spreading from one school to another or from one region to another. The same thing happened a decade ago when some students in Nairobi disappeared only to be seen in Somalia. Therefore, it is important that we note that one. We read in today's paper that in Kakamega, 40 students have disappeared.

**Sen. Bule:** Asante Bw. Spika wa Muda. Jambo hili ni la ajabu na la kusikitisha sana. Ningependa kusema kwamba, jambo hili la kupoteza wananchi wetu kila wakati ni la ajabu. Serikali lazima iwajibike.

Kama mwakilishi wa Kaunti ya Tana River, hili ni jambo la kawaida. Tumepoteza vijana takribani 30 wakiwemo wachungaji. Hatuwezi kulaumu Serikali ama Al-Shabab lakini ni mujibu wa Serikali kuajibika. Serikali lazima iwajibike na kutuarifu linalofanyika na anayehusika.

Bw. Spika wa Muda, tunataka tuwe na mbinu mwafaka za kuhakikisha kwamba haya yamekoma.

Asante.

**Sen. Lesuuda:** Mr. Temporary Speaker, Sir, thank you for this important question that has been raised. Last weekend, we buried a Kenya Defence Force (KDF) soldier in my county who had been killed under mysterious circumstances. He had worked in various places including Somalia. It is sad that a soldier can serve in Somalia and escape death from Al-Shabaab but come to die under mysterious circumstances at home and yet we think it is normal.

Mr. Temporary Speaker, Sir, what we have been seeing in the country is something that we should not take lightly. We should know that every life counts. As Sen. Murkomen said, after we get the answers to these questions, we need to get a proper update on what is going on in this country. This is something that we cannot take lightly or ignore.

**Sen. Ongoro:** Mr. Temporary Speaker, Sir, I would like to add my voice to what has been raised by colleagues. The magnitude of abductions and extra-judicial killings that we are experiencing in the country qualifies to make the matter a national crisis. This is not the time for finger-pointing, blame game or making reference to particular Ministries. It is time for the nation to come up with lasting solutions.

We need to be sober and serious when dealing with this issue. This is because when it gets to a point that even those we expect to give security to us are the suspects, then we do not know whom to turn to. Even as a witness, you are not sure whether the police officer interrogating and collecting evidence from you will not kill you later in the night.

This is so serious a matter that if we do not deal with it, we will have a judicial system that is completely useless. No one will offer himself as a witness because he will fear for his life. Lawyers will also become very choosy on the cases to handle because they will fear that if a case is sensitive, they will be abducted and killed because of simply doing their professional duty.

We cannot just expect the line Ministry to give an appropriate answer to this. We demand from the line Ministry and the Executive arm of the Government to bring to the Senate a proposal that is serious and which will stop these senseless killings. What action is the Government putting in place to ensure that we end up with a special department and trained force that will interrogate this matter to give us a lasting solution?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, the issue of the people reported to have been abducted and killed, extra-judicial killings and other disappearances is very disturbing. I would like the Chairperson to come up with two

positions by the Government. One; why is it that in all these cases, the Office of the President has been completely mute? They said nothing when Mr. Jacob Juma was killed as well as when Mr. Willy Kimani, the taxi driver and his client were killed. They have continued to keep quiet as more extra-judicial killings take place.

Secondly, I would like the Chairperson to speak on whether there is any nexus between these killings, especially of the lawyer and the current ongoing vetting of senior police officers.

**Sen. (Prof.) Anyang'- Nyong'o:** Mr. Temporary Speaker, Sir, this is a very important issue and I would like to pick up from where Sen. Ongoro anchored. We Senators and Members of the National Assembly have no time or skill to look into this matter. We shall depend on evidence given to us by those in Government to make decisions. Why go around it? I believe that we have a National Intelligence Service (NIS) which is a great improvement on the former Special Branch whose responsibility is to provide intelligence to Government in all sectors of life; economy, security and defence. We also have the military police who give special intelligence to the military.

Mr. Temporary Speaker, Sir, the Government has necessary arms that can deal with this issue. What we should recommend along the lines of Sen. Ongoro is for the President to recognize that there is a national crisis of insecurity for all Kenyan people irrespective of ethnic identity or religion, anybody and everybody is endangered because of the wanton killings.

In my own City, Kisumu, a week does not pass without hearing of somebody was stopped at night by a motorbike rider and shot or somebody was abducted and the body found somewhere in a sugarcane plantation. Some of these incidences do not reach the limelight of the media.

We need to have a thorough national investigation on this matter. We, as the Senate, through the relevant Committee, can help shape the issue by calling the relevant Cabinet Secretary and propose that a commission of inquiry be established by the Government. That commission should be given a specific time framework to report and recommend concrete actions that the Government will take to stop these extra-judicial killings.

Our responsibility is straightforward; to frame the problem, propose the kind of committee to be formed, draft our terms of reference that we propose to them and give them a time action plan to do that. However, if we take it upon ourselves to form a Committee like my friend, Sen. Murkomen says, a joint committee between us and the National Assembly, we are not going to deliver the kind of product that is needed urgently to deal with this issue.

**The Temporary Speaker** (Sen. Sang): Thank you, Senators. This is a statement sought on behalf of the Chair by the Senator for Kericho. This is an important issue for me because to have five children between ages 8 and 16 years disappear; and only for two bodies to be found mutilated with some parts of their bodies missing, is a serious matter.

As Sen. (Prof.) Anyang'- Nyong'o has said, this has escaped the attention of the media. Such a serious issue affecting the future of this country and the children in such a remote village in Nandi County has managed to escape the attention of the media. I,

therefore, direct that even as the Chairperson of the Committee proposes to give the timeframe to respond to this particular issue, we also look at the riders that have come from the Senators in terms of widening the scope of this particular issue.

This issue should be taken more seriously. Therefore, the Chairperson of the Committee on National Security and Foreign Relations---

What is your point of order, Sen. Sijeny?

**Sen. Sijeny:** Mr. Temporary Speaker, Sir, I forgot. I wish to present a rider on it. May I do so with your permission? It is on the same issue. The other day, it was reported in the media that in Oldonyo Sabuk River, there are young people who retrieve bodies. That is how they earn a living. Every now and then, they are called upon to retrieve bodies. We want thorough investigations to be done around that river. We should know why bodies are being dumped there every now and then. It is sufficient for people to survive on it. That is a very serious issue.

**The Temporary Speaker** (Sen. Sang): Where is the Chairperson of the Committee on National Security and Foreign Relations, the Vice Chairperson or any Member of the Committee?

Proceed, Sen. Hargura.

**Sen. Hargura:** Mr. Temporary Speaker, Sir, I will inform the Chairperson so that the response can be provided in two weeks' time.

**The Temporary Speaker** (Sen. Sang): Hon. Senator, I hope you were in the House when the matter was raised. This is a serious issue that cannot wait for two weeks. You are talking about disappearance of five children. Two bodies have been found while two are missing. You are required to give progress yet you are telling us it will be delivered in two weeks' time.

**Sen. Hargura:** Mr. Temporary Speaker, Sir, I request for two weeks because we also had two cases before and nothing is forthcoming.

**The Temporary Speaker** (Sen. Sang): Senate Deputy Majority Leader, the Senator for Marsabit County has pointed out that he is requesting for two weeks to respond to this matter because in most cases, responses from Ministries take time. This is an urgent matter which you have spoken to. You know the urgency of the matter. Being the Senate Deputy Majority Leader, what undertaking are you giving in response to this issue as a matter of urgency?

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, I request the Committee Chairperson and the clerks to expeditiously forward the question, a copy to the Ministry and another one to the Inspector General (IG) of Police. I undertake to do a follow up and bring a response on Tuesday next week.

**The Temporary Speaker** (Sen. Sang): The Statement shall be issued on Tuesday next week. I also direct that the HANSARD of today's proceedings with regard to this matter be forwarded to the Committee so that a number of the other riders over and above the statement sought by Sen. Cheruiyot can be addressed appropriately.

We will proceed to the next statement by Sen. Madzayo and then we will come to the final one by Sen. Lesuuda.

ASSAULT OF A *MATATU* DRIVER BY TRAFFIC POLICE OFFICER

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order No.45 to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations. In the statement, the Chairperson should address the following issues:-

(1) Why the traffic police officer popularly known as Mr. Ken, the only traffic officer plying along the Mombasa-Kilifi Road, assaulted a *matatu* driver by the name Mr. Benson Kalo on 15<sup>th</sup> June, 2016 while carrying passengers in his *matatu* vehicle registration No. KCF 619M at Mtwapa Bridge in the presence of two armed prison police officers who dragged him up to Shanzu Law Court Gates.

**The Temporary Speaker** (Sen. Sang): Hon. Senator, as you proceed with that Statement, just for the record, has it been approved by the Speaker?

**Sen. Madzayo:** Yes, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Sang): Okay, proceed. You will deliver a copy to the Clerks-at-the-Table.

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, I thought they have a copy.

(2) This matter was immediately or thereabouts reported to the Regional Traffic Officer for coast region whose office is situated at the Kenya Police Headquarters at Kizingo in Mombasa under Officer Commanding Police Station (OCS), Mtwapa Police Base, Kilifi County by the mother. Despite the report, and displaying the assault video taken by *wananchi* and passengers who were travelling in the *matatu*, what action has the IG taken against this traffic police officer named Ken who is stationed at the dog section department which is a branch of Nyali Police Station who caused this serious harm - head injuries - to this *matatu* driver?

(3) Why have the police at Bamburi or Mtwapa Police Station refused to give Mr. Benson Kalo, the driver of the *matatu* who was assaulted by this traffic officer, a P3 Form despite the fact that he identified who assaulted him?

**The Temporary Speaker** (Sen. Sang): Where is the Chairperson or any Member of the Committee on National Security and Foreign Relations?

Proceed, Sen. Hargura.

**Sen. Hargura:** Mr. Temporary Speaker, Sir, I undertake that the Chairperson will provide a response in two weeks' time.

**The Temporary Speaker** (Sen. Sang): Sen. Madzayo, is that okay with you?

**Sen. Madzayo:** Mr. Temporary Speaker, Sir, the assaulted person is at home. He has not been given the P3 Form. It is over a week. I am afraid. The P3 Form should be filled when the person has fresh wounds. It is important that the Chairperson assures the House that in a week's time, he will respond. It is a straightforward matter. It has generated a lot of interest countrywide. Citizens are being tortured by police. Some are killed and others harmed like in this case. I urge the Chairperson to hasten the process and make it about seven days. Next week on Thursday will be quite appropriate.

**The Temporary Speaker** (Sen. Sang): I am sure Sen. (Dr.) Khalwale can advise us how urgent it is to fill a P3 Form as indicated by Sen. Madzayo, who is my senior in the profession.

Proceed, Sen. Hargura.

**Sen. Hargura:** Mr. Temporary Speaker, Sir, because of that part, that there is some urgency, then we will communicate immediately to the relevant Ministry and the IG so that in that process even the documentation could be speeded up.

**The Temporary Speaker** (Sen. Sang): So, we work with Thursday next week?

**Sen. Hargura:** Yes, Mr. Temporary Speaker, Sir.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, if it is about completing the P3 Form, I do not know whether the distinguished Senator can afford my fee.

**The Temporary Speaker** (Sen. Sang): Sen. (Dr.) Khalwale, you are famed as *mtetezi wa wanyonge*. You are now threatening the *wanyonge* with very high service fee for you to fill in the P3 form. I hope Sen. Hargura can expedite the process and make sure we have a response even if it is by Thursday next week.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, with maximum respect, allow me to correct the assumption you want to leave the House with; that I am abdicating my role of *mtetezi*. Our medical oath is very clear that under emergency situations like what happened in the High Court the other day when one of the “Pangani Six” collapsed in court, we not only give service, but we give for free. However, when it is sought out in the manner that he is saying, then we are allowed to give a fee note.

**The Temporary Speaker** (Sen. Sang): Sen. Madzayo will receive the response on Thursday next week.

#### UPGRADING OF FORMER PROVINCIAL SECONDARY SCHOOLS TO NATIONAL SCHOOLS

**Sen. Lesuuda:** Mr. Temporary Speaker Sir, I rise to request a Statement on behalf of Sen. Kagwe on the upgrading and elevation of some former provincial secondary schools to national school status. I rise pursuant to Standing Order No. 45(2)(b) to seek a Statement from the Chairperson of the Standing Committee on Education regarding the same.

In the Statement, the Chairperson should:-

- (a) State the number of national schools and provide the list of such schools per county in the country.
- (b) State how much money was allocated to each school to enable them transform to national school status.
- (c) Explain the rationale that guided the aforementioned allocation of funds in “b” above.
- (d) Explain whether there are plans to allocate more funds to the same schools in the future; and,
- (e) Explain the mechanisms put in place by the Ministry to ensure the new national schools match with the national school standards that earlier existed.

**The Temporary Speaker** (Sen. Sang): Let us have the Chairperson, Sen. Karaba.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, since the question involves a lot of statistical data both in collection and corroboration, you can give me two weeks.

**The Temporary Speaker** (Sen. Sang): Sen. Lesuuda.

**Sen. Lesuuda:** Mr. Temporary Speaker Sir, I am much obliged.

**Sen. Sijeny:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Sang): Sen. Sijeny, what is your point of order?

**Sen. Sijeny:** Mr. Temporary Speaker, Sir. I wish to remind the Chairperson of the Health Committee that there is a Statement I had sought on 16<sup>th</sup>, June and to date, it has not been given. I request if there is any Member of the Health Committee.

**The Temporary Speaker** (Sen. Sang): The Deputy Senate Majority Leader.

**Sen. Sijeny:** Mr. Temporary Speaker, Sir, I could repeat the Statement if they want me to.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, three weeks.

**Sen. Sijeny:** Mr. Temporary Speaker, Sir, they had asked for one week and it passed a long time ago and I have not been given the Statement.

**The Temporary Speaker** (Sen. Sang): The Deputy Senate Majority Leader, this is not a fresh statement being sought but that is already overdue---

**Sen. Sijeny:** Mr. Temporary Speaker, Sir, I want to find out if the Statement could be provided by Tuesday next week. I will appreciate.

**The Temporary Speaker** (Sen. Sang): The Deputy Senate Majority Leader, use the powers of your office to ensure that that Statement is issued on Tuesday next week. Let us go back to the Statements to be issued.

#### SHOOTING OF ULANDA GIRLS HIGH SCHOOL STUDENT

The first Statement (a) is by Sen. Wangari who is not in the House.

#### FINANCING OF THE JARAMOGI OGINGA ODINGA HOSPITAL

*(Statement deferred)*

The second Statement by consensus; the Statement sought by Sen. (Prof.) Anyang'-Nyong'o, be scheduled to appear on the Order Paper for tomorrow afternoon.

*(Statement deferred)*

#### MANUFACTURE AND CONSUMPTION OF SECOND GENERATION ALCOHOL IN THE COUNTRY

This Statement was sought By Sen. Khaniri, who is not in the House. It is deferred.

*(Statement deferred)*

We are done with Statements and, therefore, proceed to the next order. Let us have the Senate Deputy Majority Leader, Sen. Murkomen.

**PROCEDURAL MOTION****RESOLUTION TO HOLD A MORNING SITTING  
ON THURSDAY, 14<sup>TH</sup> JULY, 2016**

**Sen. Murkomen:** Mr. Temporary Speaker Sir, I beg to move the following Motion:-

THAT, pursuant to Standing Order 33(b), the Senate resolves to meet on Thursday, 14<sup>th</sup> July, 2016, from 9:30 a.m. to 12:30 p.m.

This is a straightforward Motion, since as a House we have pending Bills which have constitutional deadlines. They have been pending in our House for long. Gladly, today, we did tremendous work to ensure that we dispose most of those Bills. There are many other pending Bills like The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015), The Health Bill (National Assembly Bill No. 14 of 2105), The Protection of Traditional Knowledge and Cultural Expression Bill (National Assembly Bill No. 48 of 2015), the Energy Bill (National Assembly Bill No. 50 of 2015), The Access to Information Bill (National Assembly Bill No. 36 of 2015), The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015) and The Seeds and Plants Varieties(Amendment) Bill( National Assembly Bill No. 43 of 2015).

All these Bills are supposed to bring into effect the new Constitution and their deadline has been extended severally. The most important thing about these Bills is the role of this House, which is to bring the county governments into play when it comes to questions that relate to matters like energy, protection of the environment, petroleum, fisheries management and development, and; forest conservation.

Mr. Temporary Speaker, Sir, I would like to speak to the Health Bill (National Bill No.14 of 2015) to emphasize that the Health Bill has been pending for a long time. The Bill is very critical because the health sector is one of the devolved functions under our Constitution. This is a very important social function and very critical to the well-being of the country, yet, we have no enabling legal framework that can define the relationship between the national and county governments, that deal with the definition of a referral hospital, the expectation of the graduation of a hospital from county to national referral and the mobility of staff from one county to another.

Mr. Temporary Speaker, Sir, Sen. (Dr.) Khalwale will agree with me that the greatest disadvantage that health staff go through is the fact that we have segmented the counties into 47 public services. Mobility, for example, from Kakamega to Uasin Gishu County has become very difficult. It is our responsibility to provide uniform norms and standards of practice that will today make it possible for a young man working in Mandera to transfer to work in Nairobi under the terms that are provided for in law that are uniform. These terms should protect their pension and jobs.

This sector affects women a lot. Young ladies who are employed and working in different places and get married should be able to swap to another county. Since this is not possible because there is no enabling legal framework, most of our health staff have felt disenfranchised.



Mr. Temporary Speaker, Sir, as a House, we finally have a negotiated Health Bill with certain amendments that we must deal with tomorrow in the Committee of the Whole and we must do this expeditiously so that we can take care of the interests of our people. We have Bills like The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015), that we must make forest management and conservation a function that is shared between the national and county government as the Constitution provides.

The role of the Kenya Forests Service (KFS) and all those institutions that are supposed to partner with county governments must be clearly provided for as it is in this Bill. Therefore, despite the fact that we should be sitting in our committees which is very important, we request Members that we pass this Motion. Let us forego the interest having a House sitting tomorrow in the morning instead of committees, so that we expeditiously complete this business. If we put a lot of effort in our normal calendar, we can always dispose of these Bills in good time. It is a matter that we need to take seriously going forward, so that we process all the Bills.

There was a time when many people used to say that the Senate is an idle place and there is no business to be done. You can imagine how we have too much work to the extent that we are even forcing ourselves to sit tomorrow morning. The difference between us and the “Lower House” is the fact that you cannot pass any Bill--- This is something that I realised many public officers and citizens of this country do not know. We are the only House that needs more than 50 per cent of its membership to be able to pass anything that concerns counties and anything that concerns counties includes all Bills that must come to the Senate.

Mr. Temporary Speaker, Sir, it is akin to saying that for the National Assembly to pass any Bill, there must be 175 Members present at any given time. If the same provision was to apply to the “Lower House,” there would be no single Bill that would have passed in the “Lower House” because it is very difficult for them to get 175 Members at any given time, yet some people try to belittle the constitutional responsibility of this House on account that we are slow in passing Bills. We do not just come here to shout “Aye! Aye!” We are a House that must count every single head to ensure that we have 24 delegations before we pass any Motion.

The ignorance of members of the public, Members of the “Lower House”, any person who serves in the Executive or the Judiciary or whatever sector, is not an excuse. They must read the Constitution and understand that the people of Kenya wanted quality Bills to be passed and the only way to do that is to ensure that you have a majority in the House to do that but not a majority of those sitting. Despite the fact that the quorum of this House is 15 Members, we still need more than 24 people to pass a Bill. The world must appreciate and understand that this House is not an easy place to sit but a place of negotiation.

The other thing which I like about this House is the fact that nothing just passes here. You always have to walk across the House to convince someone and tell them that this is something we can do together. Sometimes when you are sitting on this side, being the Senate Deputy Majority Leader, my eyes are always around Sen. (Dr.) Khalwale, Sen. Mutula Kilonzo Jnr. and the Senate Minority Leader. I sometimes wonder what they

might say about a certain Motion or Bill or whether or not we will get the numbers. There is nothing that we can rush around without the involvement of everybody.

**The Temporary Speaker** (Sen. Sang): You may also include Sen. Ongoro.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, for a different reason, I deliberately did not want to mention Sen. Ongoro because in most cases, she manages the process from that Chair. At that point in time, you do not want her to say you are out of order. Of course, she does a fantastic work. If Sen. Ongoro was the same Senator that sits on that Chair, definitely, we would be making a lot of progress in other areas. She is a wonderful manager when she sits on the other side but she also has fears about the Orange Democratic Movement (ODM) and the Coalition for Reforms and Democracy (CORD) when she sits on the other side; a role that perhaps suits her very well. I have never heard her being referred to as “a mole”. I think she is a fanatic of the other side. I say that on a light note.

Mr. Temporary Speaker, Sir, I request our Members to do the same so that we move forward. This is a very straightforward Motion. Now that you mentioned Sen. Ongoro, I request her to second.

**Sen. Ongoro:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I rise to support this Motion, but wish to make it abundantly clear that it is always difficult to support a Motion by the Jubilee leadership. The fact that I am supporting this Motion---

**Sen. Murkomen:** On a point of order Mr. Temporary Speaker, Sir. Is it in order for Sen. (Dr.) Khalwale to try to call this a Motion of the Jubilee leadership, when actually it is a Motion of the Senate Business Committee, where the Senate Majority Leader, the Senate Minority Leaders, other Members of that Committee and I agreed to sit tomorrow morning to conduct the business of the Senate, and not the business of the Jubilee Government?

**The Temporary Speaker** (Sen. Sang): Sen. Murkomen, how did you expect Sen. (Dr.) Khalwale who does not sit in the Senate Business Committee to know that?

Proceed, Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I want to thank Sen. Murkomen for now giving me the information that he should have given us at the beginning. While moving the Motion, there was nothing wrong in him saying that it is a bi-partisan Motion that was discussed in the Senate Business Committee and so on. But all the same, I have two compelling reasons I support this Motion.

The first one is that it is becoming abundantly clear that we are starting to get bogged down with business.

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

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

Madam Temporary Speaker, the House will remember that a few years ago, we sat and expanded the number of committees in this Senate. Maybe with the benefit of hindsight, we should not have done that. We need to re-merge smaller committees into few and meaningful committees so as to create room for quorum in these committees and for business to be condensed in those committees, so that we can rise to the occasion.

Madam Temporary Speaker, if you take, for example, the County Public Accounts and Investments Committee (PAIC) where I sit, the backlog has started worrying me. It looks like this Senate might conclude the Reports of the Auditor-General on only one financial year; 2013/2014. The work is heavy. The case is not different from the Committee on Finance, Commerce and Budget. For this reason, I want to support this Motion, as an acknowledgement of the fact that we are starting to have too much work in our hands.

Secondly, we also sat and passed that this House should not be sitting on Wednesday mornings. Again, we must reconsider this, so that we do the traditional parliamentary way where we sit Tuesday afternoon, Wednesday morning, Wednesday afternoon and Thursday afternoon.

*[The Temporary Speaker (Sen. Ongoro) left the Chair]*

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

Lastly, I support the Deputy Majority Leader on the issue of the urgency of addressing certain critical Bills. He spoke to the issue of the Health Bill, which is very important. Unknown to members of the public, simply because we have not done proper legislation on how billions of shillings that are given to governors for purposes of running and managing the health sector should be spent, people think that the difficulties and challenges that the health sector is experiencing in counties is because of lack of money and that this docket should be given back to the national Government. No! It is because the legislation has not been made watertight. What reason would you give, for example, in a hospital like the former Kakamega Provincial General Hospital? In this Level 5 Hospital, we have hundreds of millions of shillings that are given every financial year to the Governor of Kakamega County as foregone user fees.

Secondly, the Governor of Kakamega is given conditional allocation. In all the last three financial years, he has never received anything below Kshs400 million. Further to that, he is given hundreds of millions for free maternity care. This is not to mention the County budgetary allocation that he puts under health in his budget. In spite of these billions of shillings, the amount of rot in the former Kakamega Provincial Level 5 hospital is not acceptable.

I thank the wife of the Governor of Kakamega County for doing the unthinkable. She went and blew the whistle on the rot in the hospital. She visited the hospital in full glare of the cameras and demonstrated to all the people of Kakamega County the rot in the hospital, where patients are sleeping on beds without mattresses. The beds are covered with carton boxes. The billions that I have explained and which go to the Governor cannot be left unchallenged because, instead of this money being used to better

the health services in Kakamega County, it is being spent like hot groundnuts by the Governor through pilferage, haemorrhage and theft right, left and centre.

I, therefore, support this Motion and hope that we will not pass this Motion in vain. May the Senate Deputy Majority Leader also, by dint of this energy that he has moved this Motion, ensure that – especially the Jubilee side which is very notorious for not bringing in enough Members – we will be here in the morning.

I support.

**The Temporary Speaker** (Sen. Sang): Sen. Cheruiyot.

*(Sen. Cheruiyot remained seated)*

It seems that you no longer have interest to contribute to the Bill.  
This is not a matter affecting counties.

*(Question put and agreed to)*

Next Order!

## COMMITTEE OF THE WHOLE

*(Order for Committee read)*

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

## IN THE COMMITTEE

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

### FOREST CONSERVATION AND MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)

**The Temporary Chairperson** (Sen. Sang): Hon. Senators, we are in the Committee of the Whole to consider The Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015).

*Clauses 3 and 4*

*(Question, that Clauses 3 and 4 be part of the Bill, proposed)*

*Clause 5*

**Sen. Kivuti:** Mr. Temporary Chairman, Sir, I beg to move:-  
THAT, Clause 5 be amended-

(a) by deleting the marginal note and substituting therefor the following new marginal note-

Public Forest Policy

(b) in sub-clause (1) by inserting the words “county government and” appearing immediately after the words “in consultation with the” and

(c) in sub-clause (2) by inserting the words ‘in consultation with the county governments’ immediately after the words “forest policy to the reviewed”.

(d) in sub-clause (2) by deleting the word ‘national’ appearing immediately after the words “the Cabinet Secretary shall cause”.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Chairman, Sir. With due respect to the Mover, it is not just enough for him to read the clauses that he is amending. He should, in few words, attempt to justify those amendments. Otherwise, when your son comes here 50 years from now, he will not understand what you were trying to do, neither are you able to carry those Senators who might not have read the Bill. Is he in order?

**The Temporary Chairperson** (Sen. Sang): Mover.

**Sen. Kivuti:** Mr. Temporary Chairman, Sir, my brother, Sen. (Dr.) Khalwale, is trying to make me do a lot of what we used to call in primary school ‘hard work’. Correcting the notation on the side of a Bill does not need an explanation. The import of changing the Bill to denote ‘national’ in forestry matters is coming in the next amendment, which will be more substantial than this preliminary one.

**The Temporary Chairperson** (Sen. Sang): Sen. (Dr.) Khalwale, since you are a sharp legislator, the Chairperson believes that you should have understood, since much of the amendment deals with the formatting and marginal notes, but I think you have a point.

*(Question of the amendment proposed)*

#### *Clause 6*

**Sen. Kivuti:** Mr. Temporary Chairman, Sir, I beg to move that:-

THAT, Clause 6 be amended-

(a) by deleting the marginal note and substituting therefore the following new marginal note-  
Public Forest Strategy

(b) in sub-clause (1) by deleting the word ‘national’ appearing immediately after the words “formulate a” and substituting therefor the word “public.”

Again, to avoid Sen. (Dr.) Khalwale’s interjection, in the many amendments we have removed the word “national” and replaced it with the word “public.”

Mr. Temporary Speaker, Sir, wherever we had the word ‘national forest’, we are amending it to “public forest”. So, the same is carried as for Clause 5 and in (b) (i), by deleting the word ‘national’ appearing immediately after the word ‘formulate’ and substituting with the word ‘public’. It is exactly the same issue I had in Sub-Clause 5.

**The Temporary Chairperson**(Sen. Sang): Very well. That is just to realign the wordings to the provisions of the Constitution. That is okay.

*(Question of the amendment proposed)*

**The Temporary Chairperson**(Sen. Sang): Division will be at the end.

*Clause 7*

*(Question, that Clause 7 be part of the Bill proposed)*

**The Temporary Chairperson**(Sen. Sang): Division will be at the end.

*Clause 8*

**Sen. Kivuti:** Mr. Temporary Chairman, Sir, I beg to move:-

THAT, Clause 8 of the Bill be amended in Paragraph (f) by deleting the word ‘national’ appearing immediately after the words ‘ceremonial use of’ and substituting thereof the word ‘public’.

Again, we are aligning the law with the Constitution. The forests will not be national forests but public forests.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. Sang): Division will be at the end.

*Clause 9*

**Sen. Kivuti:** Mr. Temporary Chairman, Sir, I beg to move that Clause 9 of the Bill be amended-

- (a) in paragraph (f) by deleting the words “Director-General” appearing at the beginning of the paragraphs and substituting thereof the words “Chief Conservator of Forests”.
- (b) by deleting sub-paragraph (iv) of paragraph (g) and substituting therefor the following new paragraph “one person nominated by the council of governors”; and,
- (c) by inserting the following new sub-clause immediately after sub-clause (3)-
  - (3A) A person shall not be appointed to the board if the person-
    - (a) is convicted of a criminal offence and sentenced to imprisonment by a court of competent jurisdiction for a period exceeding six months without the option of a fine;
    - (b) is a member of a governing body of a political party;
    - (c) is disqualified under any written law to hold office of director in a public company, corporation or similar organization;

- (d) has previously been removed from public office for contravention of the provisions of the Constitution or any other written law;
- (e) is adjudged bankrupt or enters into a composition or arrangement with his creditors;
- (f) was previously involved in the management or administration of a scheme which was deregistered for any failure on the part of the management or the administration thereof;
- (g) is disqualified under any other written law, or his holding office as such is deemed by the Authority as being, in any way, detrimental to the scheme; and,
- (h) is disqualified under Chapters Six and Thirteen of the Constitution or any other provisions thereof or any written law.

Mr. Temporary Chairman, Sir, I do not think I need to explain that further.

**Sen. (Dr.) Khalwale:** Mr. Temporary Chairman, Sir, I thank the Mover for these two amendments. Allowing the Council of Governors (CoGs) to participate in identifying a Member to that board is a very critical inclusion. This is because we now appreciate that governors will continue to play a critical role in the management of these important resources.

I also thank him for the addition of Clause 3(a) which, amongst other things, you have now provided sub-clauses that will ensure that the people who are appointed are people of high integrity. This is important because a big number of abusers of forests have been the foresters themselves, forest *askaris* and sections of the defunct provincial administration.

I beg to support.

*(Question of the amendment proposed)*

**The Temporary Speaker** (Sen. Sang): We shall have Division at the end.

*Clauses 10 - 13*

*(Question, that Clauses 10, 11, 12 and 13 be part of the Bill, proposed)*

*Clause 14*

**Sen. Kivuti:** Mr. Temporary Chairman, Sir, I beg to move:-

THAT clause 14 of the Bill be amended in-

- (a) Sub-clause (1) by deleting the words “Director-General” appearing immediately after the words “shall be a” and substituting therefor the words “Chief Conservator of Forests”;
- (b) Sub-clause (3) by deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”;

(c) Sub-clause (4) by deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”;

(d) Sub-clause (5) by deleting the words “Director-General” appearing at the beginning of the sub-clause and substituting therefor the words “Chief Conservator of Forests”.

The purpose of this amendment is to replace the word “Director-General” with “Chief Conservator of Forests” as I had explained earlier.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Chairman, Sir, the Mover is making a small error. In sub-clause (3), he has only spoken of the “Director-General.” Please, note that the word “Director-General” also appears in sub-clauses (4) and (5). For purposes of record, he should indicate that he is replacing the word “Director-General” in all the clauses and sub-clauses where they appear with “Chief Conservator of Forests”.

**Sen. Kivuti:** Mr. Temporary Chairman, Sir, Sen. (Dr.) Khalwale may have forgotten that this came earlier on, and I said that wherever in this Bill, the word “Director-General” appears, we have replaced it with the words “Chief Conservator of Forests”. In the same vein, wherever we have “national forests”, we have replaced it with “public forests” unless he needs me to keep on reading the same thing. I said that in sub-clauses (1), (3), (4) and (5), the content of the amendment is exactly the same.

*(Question of the amendment proposed)*

**The Temporary Speaker** (Sen. Sang): We shall have Division at the end.

*Clauses 15 - 19*

*(Question that Clauses 15, 16, 17, 18 and 19 be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. Sang): Division will be at the end.

*Clause 20*

**Sen. Kivuti:** Mr. Temporary Chairperson, Sir, I beg to move:-

THAT, Clause 20 of the Bill be amended in sub-clause (4) paragraph (a) by deleting the words “a chairman” and substituting therefor the words “a chairperson”.

This is obviously to take care of gender issues regarding whoever may be the Chair. It does not have to be a man.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Chairperson, Sir. The good English that we speak does not agree with the justification that the Chairperson is giving. He is suggesting that if we use the word “Chairman”, we shall be insensitive to gender. In the good English that we speak, we know that the word “Chairman” when used in this manner is unisex. Where you think while speaking that it is not clear, then you add to the word “Chairman” the word “Madam.”



**Sen. (Dr.) Zani:** On a point of order, Mr. Temporary Chairperson, Sir. Vocabulary keeps changing all the time. We are in a new format of approaching gender issue moving towards “Chairperson” rather than “Chairman.” Yes, the connotation “Chairman” can also mean woman but why should we have doubts about it? Why do we not just go for “person” rather than have “man” and say man also can be a woman. The vogue and practice now is to move towards “chairperson” rather than “chairman.”

**The Senate Minority Leader (Sen. Wetangula):** Mr. Temporary Chairperson, Sir. I can assist the House. As a colleague lawyer, you know that in law and legal drafting, the word “man” is unisex. Where you use “Chairman,” it means either sex in law. In fact, if you look at the entire common law structure, every statute and all legal systems use “Chairman.” I would like to persuade Sen. (Dr.) Zani that there is no point of moving away from the beaten track. We are not making laws just for gender but for posterity. In many instances when you have a lady as a Chairman, you say exactly what Sen. (Dr.) Khalwale has said. It is up to us to decide but it will not be for the reason that “Chairman” is not unisex. In law “Chairman” is unisex, as it is in the Bible.

**Sen. Kivuti:** Mr. Temporary Chairperson, Sir, we are being academic. I have seen many new legislations and literature particularly when it comes to international matters. The move is to drift away from using “Chairman” in almost all documentations. I do not know if you would want us to vote on a small matter like this; whether to use “Chairman” or “Chairperson.” I propose that we go by the findings of the Committee because we interrogated this matter not as an individual but as a Committee. We had public participation to that effect. We listened to feelings and sentiments of many contributors. I would like to convince my colleagues, including, the Senate Minority Leader. I do not think this would dilute the content of the Bill if we recognise the gender issue.

**Sen. (Dr.) Khalwale:** Mr. Temporary Chairperson, Sir, this is not a small matter. It is so important that even in the Constitution the drafters went out of their way and wrote that the official language is Kiswahili and English. Therefore, if it is official, then when making that record, you should do it in good English. You and the Senate Minority Leader have confirmed that, in law, the word Chairman is unisex. We are making law. What better place to write the word “Chairman” than this one?

Maybe, Chairman of the Committee, we do not have to vote about it. You should consider just withdrawing that amendment because you have that power. This is so that we do things in proper English. I want my daughter, when she is reading aspects of law as I contributed here, to know that we are doing it in proper English. Have you ever known how bad it feels when your child speaks broken English?

**The Temporary Chairperson (Sen. Sang):** Sen. (Dr.) Zani.

**Sen. (Dr.) Zani:** Mr. Temporary Chairperson, Sir, when we say man or woman, there is a difference. A man is a man and a woman is a woman. There is both the biological and the social contrast. It is exactly that, that we are running away from. The legal position that “chairman” represents both is a position that people still debate. That is why people are slowly moving towards being progressive. This is because when we say chairman, it can be a man or a woman. Why presume that we have to say man and that will be inclusive of woman?

I support the Chairperson's position that we be progressive on this. After all, we keep changing and improving and even that definition can change so that we move from chairman to chairperson as the right terminology to be used. We cannot say that we are going to use chairman because it has been used before and that there is a legal premise for it. Is there a legal premise for the word chairperson?

**The Temporary Chairperson** (Sen. Sang): Very well. This is a matter that could go either way. I must indicate that in a number of Bills that we have considered in this House, we have used the word Chairperson and those were legislations. So, whereas the legal definition of chairman would include a woman chairperson, that is still okay, but the practice in the recent past in the Bills that we have presented in our Committee on Legal Affairs and Human Rights, we have used Chairman when referring to the person chairing.

Since this matter will be voted on, those who have an issue with it can vote against, and those who are uncomfortable can express their position at the vote.

*(Question of the amendment proposed)*

Let us have the Senate Minority Leader.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Chairman, Sir, there is logic in what we are saying. Why is God referred to as "He" and not as "person" in the Bible? Why have our sisters; the womenfolk, not contested the masculine description of God?

**Sen. (Dr.) Zani:** On a point of order, Mr. Temporary Chairman, Sir. We are trying to move away from this sort of patriarchal tendency. The writers of the Bible were men and they made the assumption that God must be a man. We are moving towards removing gendered titles. As more approaches and discussions are made, we need always to look for gender neutral terminology. We cannot say that God is called "He". Why was He so called? It was because the Bible was written by men who did not want to imagine that God might be woman. We do not know what God is. He might be a woman.

**The Temporary Chairperson** (Sen. Sang): Order, Senators. It is now 6.30 p.m., and we need to report progress. I now call upon the mover. The Chairman of the Committee on Land and Natural Resources, you need to move that we report progress.

**Sen. Kivuti:** Mr. Temporary Speaker, Sir, before I move---

**The Temporary Chairperson** (Sen. Sang): Just proceed to move.

**Sen. Kivuti:** Mr. Temporary Chairman, Sir, I beg to move, pursuant to Standing Order No.139, that the Committee do report progress on its consideration of the Forest Conversation and Management Bill (National Assembly Bill No.49 of 2015) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*[The House resumed]*

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

### **PROGRESS REPORTED**

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

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, I beg to report progress that the Committee has considered The Forest Conservation and Management Bill (National Assembly Bill No.49 of 2015) and seeks leave to sit again tomorrow.

**The Temporary Speaker** (Sen. Sang): The Mover.

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

**Sen. (Dr.) Khalwale** seconded.

*(Question proposed)*

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Temporary Speaker** (Sen. Sang): Hon. Senators, it is now time to interrupt the business of the Senate. Therefore, the Senate stands adjourned until tomorrow, Thursday, 14<sup>th</sup> July, 2016, at 9.30 a.m.

The Senate rose at 6.35 p.m.