

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 29th June, 2016

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

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

PRAYERS

PETITION

COLLABORATION BETWEEN KAJIADO COUNTY GOVERNMENT AND KACIPAFO IN SERVICE DELIVERY TO RESIDENTS OF KAJIADO NORTH SUB-COUNTY

Sen. Mositet: Mr. Speaker, Sir, I beg to present a Petition to the Senate to investigate and cause the County Government of Kajiado to collaborate with the Kajiado North Sub-County Citizen Participation Forum (KACIPAFO) and deliver services to the residents of Kajiado North Sub-County. The Petition is as follows:-

“We, the undersigned, the residents of Kajiado North Sub-County and officials of Kajiado North Sub-County Citizen Participation Forum; Mr. Francis Waganju, Ms. Halima Guyo Arero, Mr. Gikera Kahara, Mr. Elvis Mmaiti Mwashu, Ms. Mercy Wanjia, Mr. Robert Mpenzi Ndolo, Mr. Francis Persimei, Mr. Joshat Kapaya and Ms. Ruth Gitu on behalf of the residents of Kajiado North Sub-County-

Realising the need to bring the people of Kajiado County together to lobby and influence policy and Government action in one voice;

Acknowledging the social equity that is bound to be brought about by effective societal integration;

Driven by the provisions of Article 174 of Chapter 11 of the Constitution of Kenya, 2010 which outlines one of the objectives of devolution as giving powers of self-governance to the people and enhancing their participation in the exercise of the powers of State and in making decisions affecting them;

Informed further by the contents of Chapter One of the Constitution of Kenya on the sovereignty of the people:-

“ (1) All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.”

Inspired by the provisions of Article 1 (2) of the Constitution which states that the people may exercise their sovereign power either directly or through their democratically elected representatives and that this sovereign power is exercised at both levels of Government as stated by Article 1(4) of the Constitution;

Aware of the fact that Articles 37 and 119(1) of the Constitution give provision for petitions to public authorities and Government on matters that the people of Kenya feel aggrieved by;

Having established the Kajiado North Sub-County Citizenship Participation Forum on realizing the weighty responsibility and obligation entrusted to both the national and county government by the Constitution and the enabling laws to work in partnership with both levels of Government to fast track the formulation and development of the said integrated development programmes;

Now hereby resolve to petition the Senate as hereunder:-

1. THAT there is an urgent need to harmonise land rates within the urban areas of Kajiado North Sub-County. Following a long outstanding dispute on this matter, the easiest resolution of the matter should be done by the County Government appointing her own valuer and the KACIPAFo to appoint one member on behalf of the Plot and the Home Owners Association of Ongata Rongai, Ngong and Kiserian with an aim of establishing an agreeable rate and rent level in addition to establishing the requisite register as directed by the court. To fast track this, the county to avail two officers to work with the chairmen of the three associations in the harmonization Task Force.

2. THAT the above matter, the subject of long drawn case since 2010 MIS.APPLIC No. 192 of 2010 has been pending for too long. Attempts by the county government to implement charges on rents and rates without a joint valuation as ordered by the court has polarized the situation. It is imperative to obey a court order. This will enhance revenue collection for the county as well as promote business growth.

3. THAT the county conducts a rationalization of licensing fee for various business clusters to eliminate numerous discrepancies which do not promote the spirit of business development. Currently, large retail shops are charged one licence even with tens of specialty shops and hundreds of products range while a small *duka wala* is charged a licence for each category of business, for example, grocery and Mpesa. This anomaly discriminates and curtails the growth of small and medium micro enterprises.

3. THAT the approval fees charges for development of physical infrastructure and associated services are unaffordable. A punitive development approval fee regime discourages formal development as well as slowing down the rate of physical development. When there are less business or residential premises, the rents and subsequent costs of business go up thereby discouraging business growth within urban centres. Favourable approval fees promote accelerated formal development and subsequent business growth, triggering high revenue collection by authorities.

4. THAT there is need to address the perennial traffic jam in Ongata Rongai and the one building up in Ngong. The County Government should urgently put all the proposed by-passes and feeder roads by Kajiado North Sub-County Citizenship Participation Forum into all weather and serviceable state as a short term measure so as to create a functional and efficient transport network. After the attendance to the emergency by-

passes the remainder must be reflected in the budgetary provision currently under formulation for the Financial Year 2016/2017 as a quarter attendance. This should include the aspects of space management, creation of functional termini pick up and drop off points and keeping the existing infrastructure in a serviceable state. For the Bomas-Kiserian-Ngong-Karen Road, it is imperative that KeNHA keeps it not only in a serviceable state but creates a dual carriage to accommodate more inter model traffic now that the road has been reclassified to a Class “B”.

5. THAT waste management challenges in Kajiado North impedes development. The need to address the waste management challenge in Kajiado North Sub-County is overdue as every urban area has been littered with both solid and liquid waste thus becoming not only an eyesore but a health hazard due to heaps of decomposing solid waste and flowing open sewage.

6. THAT the County Government urgently formulates traffic and urban management by-laws to equally address both the traffic and space management menace in Ongata Rongai, Kiserian and Ngong.

7. THAT the County Government must employ traffic marshals in Ongata Rongai, Kiserian and Ngong for enforcing traffic laws and county-urban management by laws.

8. THAT the conferment of municipality status to Kajiado North Sub-County is now over due. The Sub-County is close to the capital city County of Nairobi thereby adversely being affected by the effects of urban sprawl. Resolution of the urban challenges such as liquid and solid waste management, water, energy, infrastructure, social amenities *et cetera* requires colossal capital outlays, which the young devolved units with expansive land masses such as Kajiado cannot afford without compromising the less developed pockets of its populace. Urban challenges can perennially present themselves as emergency challenges and will, therefore, require resource mobilization outside the limited county or national revenue basket. There are tens of regional and global development partners which cities and municipalities can engage directly for partnership in their respective development programmes. This is the only way to guarantee serviceable infrastructure and efficient service delivery to its citizenry.

9. THAT in the past, capital projects have been implemented without requisite supervision. This has led to loss of public funds by roads being short lived or being washed away by rains.

10. THAT efforts and engagement with the national Government on the above issues in the past have not yielded any concrete action which the Senate’s attention is now invited.

11. THAT the issues on which the Petition is made are not the subject of any court case. Where there is a court case, we are seeking to have the County Government enforce a court order which is self-explicit.

WHEREFORE your humble petitioners pray that the Senate:-

Conducts its own investigation with a view to directing the respective county or national Government to take necessary steps, including budget provision, to ensure the realization of the matters raised in this Petition and ensure the following:-

(a) Cause the Kajiado County Government to harmonise land rates within Kajiado

North Sub-County.

(b) Cause the County Government to conduct a rationalization of licensing fee for various business clusters to eliminate numerous discrepancies which do not promote the spirit of business development.

(c) Cause the County Government to formulate a development approval regime and other county charges that are rational and not punitive---

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.225(5) which states that:-

“A Senator presenting a Petition shall not speak for more than five minutes, unless with the permission of the Speaker.”

The distinguished Senator of Kajiado County has been speaking for the last 15 minutes. Could you confirm that he is doing so with your permission?

Sen. Mositet: Mr. Speaker, Sir, I am just winding up. While I understand what my brother, the Senator for Kakamega County is saying, I request for two more minutes to conclude.

The Speaker (Hon. Ethuro): You have two minutes and not more than that. The first thing you must do is to accept that you had contravened the Standing Orders.

Sen. Mositet: Mr. Speaker, Sir, I have accepted and apologise. I request for the extra two minutes.

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir. I want to congratulate Sen. (Dr.) Khalwale for raising this issue. I also congratulate you for the direction. However, for the record, I wonder whether it is also true that when a Senator speaks for more than the time that they have been allocated, without being interrupted either by the Chair or the timer, then that Senator is speaking with implied permission from the Speaker. Permission can be express, in which you give them more minutes or it can be implied by conduct. We are likely to have a similar situation in the future.

The Speaker (Hon. Ethuro): Sen. (Prof.) Kindiki, I thought you made the correct observation that a Senator contributing continuously without interruption by either the Chair or any other person--- How does my conduct imply approval? Unless it is such a serious aberration, the Speaker is always supposed to be blind until the issue is raised. Definitely when it is raised, I have to spring to action and enforce the Standing Orders. No Member should always assume that by conduct or otherwise they can violate the Standing Orders, especially when they are plainly stated.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. I would like you to find a re-reading of Standing Order No.225 and give directions. There is a difference between what Sen. Mositet is doing, which is presenting the Petition and what he will do later, when he is allowed to speak to the Petition.

In my opinion, Standing Order No.225(3) provides that---

The Speaker (Hon. Ethuro): Order, Sen. Murkomen. Start with Standing Order No.225(5).

Sen. Murkomen: Mr. Speaker, Sir, in my reading of the Standing Orders, there is a difference between when you are presenting the Petition and when you speak to it.

Standing Order No.225(3) requires the presenter of the Petition to just read it and confine himself to the subject matter. It is my reading that Standing Order No.225(5) states:-

“A Senator presenting a Petition shall not speak for more than five minutes, unless with the permission of the Speaker.”

This means speaking to that Petition. If today we were to say---

(Loud consultations)

The Speaker (Hon. Ethuro): Order, Members! Allow the Member to conclude.

Sen. Murkomen: Mr. Speaker, Sir, if we say petitions will be presented for five minutes only, then we are placing limitations on them. This means that when a petition is brought to the House, one of the requirements of the petitioner is to ensure that it can be read for five minutes only. Unless we change the rules to state that a petition being presented to the House need not be read. However, if the Speaker has already given permission for a long petition to be presented in the House, then there is no way a Member can confine himself to five minutes.

I do not want the Chair to rush into giving directions on this, but my reading is that there is a difference between presenting the petition and speaking to it. This is because when Sen. Mositet has finished reading it, all of us here, will make comments in so far as it concerned. I suppose that the one who is presenting it, will only take five minutes and the rest of us---

The Speaker (Hon. Ethuro): Order, Sen. Murkomen! I hope you are not repeating yourself to justify your arguments. Contrary to the wishes of Sen. Murkomen, that I should not be seen to be rushing to give directives, this one I will actually rush with lightning speed to give directives because it is so plain, simple and clear.

The Senate Minority Leader (Sen. Wetangula): Let me assist the Chair---

The Speaker (Hon. Ethuro): Order, Sen. Wetangula! I do not need your assistance! I will express myself when I need it.

This matter is very clear. Sen. Murkomen is confusing paragraphs (3) and (5). He is confusing the petition in totality and its presentation. That is content and what he needs to present. I know for a fact that he being a scholar of his repute and who has written academic papers, knows that when presenting a particular paper, he does not need to read everything. We can do away with certain things like the names of the petitioners if you see that it is a lot of time, so that you only deal with the key issues for purposes of presentation. Therefore, the presentation of the petition is what is confined to the five minutes, but the petition in its totality is then tabled so that we have the record of the entire document available to the Senators. That is my reading of the Standing Orders. It is the correct reading even in the way we conduct any other business.

The Senate Minority Leader (Sen. Wetangula): Even from a layman point of view.

(Laughter)

The Speaker (Hon. Ethuro): So, five minutes for the presentation of the petition.

In fact, the difficulty in the whole of this thing is in the Standing Order No.226 which gives the total time allocated to the Petition as a maximum of 30 minutes. That is where the period of five minutes becomes even more important. You use five minutes to present it, so that you allow other Members to also contribute. That is where there is a challenge, but not in the presentation within five minutes.

What is it, Sen. (Dr.) Machage?

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. Whereas that privilege is provided for in the Standing Orders, would I be in order to refer Sen. Mositet and Sen. Murkomen to Standing Order No.110(1)(e) which states:-

“--- Otherwise abuses his or her privileges.”

The Speaker (Hon. Ethuro): Order! Sen. Murkomen, you are making your case worse.

Proceed Sen. Mositet.

Sen. Mositet: Mr. Speaker, Sir, the next prayer is:-

(d) Cause the County Government to develop and implement waste management plans for Ngong, Ongata Rongai and Kiserian.

(e) Cause the County Government and the national Government to come up with a feasible work plan to issue title deeds in the informal settlement in the county, including the villages of Kware, Gicagi, Mathare, Ole Kasasi, Bulbul and Line Saba in the Kajiado North Sub-County which has been exploited in the past during political seasons due to lack of security of tenure for their properties.

(f) Cause the County Government to form project Committees for every capital project from the residents where the project is taking place. This must be done in consultation with the Kajiado North Sub-County citizen participation forum.

(g) Cause the County Government and the national Government to come up with a replicable implementation programme leading to the conferment of a municipality status for the Kajiado North Sub-County and towns of qualifying urban areas.

(h) In putting in place the remedial measures prescribed above, both the County Government and the national Government to acknowledge the rights and place of citizen participation forums as enshrined in the Constitution. Any initiative to be, therefore, put in place through committees/task forces with Kajiado North Sub-County Citizen Participation Forum (KACIPAFO) representatives.

It is signed. I will not take more time so as to allow Hon. Senators to give their views.

The Speaker (Hon. Ethuro): Hon. Senators, I will now allow comments, observations or clarifications in relation to the petition.

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Speaker, Sir. I congratulate the distinguished Senator for Kajiado County for bringing this petition. I hope that the Senate will act decisively to help the urban growth that we are witnessing within the environs of Nairobi. If you take time like once in a while I do and drive to the northern part of Nairobi bordering Kiambu towards Thika and Ruiru, you will be amazed at the level of physical infrastructure development that has been there and that is going

on. There are new roads, pavements and all manner of things that are improving the lives of people and the value of real estate there.

For a long time, the southern end of Nairobi has suffered serious neglect to the extent that if you go to a town like Ongata Rongai which is literally a city right now, it is blossoming as a slum and the same thing is happening in Ngong and Kitengela towns. However, nobody has made any effort to do proper planning or even put up infrastructure. You can imagine Ongata Rongai with a population of close to half a million people does not even have a sewer. It has nothing.

I would want this Senate to go beyond rhetorical findings and obligate the national Government with trillion of shillings left at the centre in the Budget, to be used to improve the planning processes, the physical infrastructure, but not limited to water, electricity, roads, streets, alleys and proper housing. The other day I heard one Senator – I think it was Sen. (Prof.) Anyang'-Nyong'o – saying that Kajiado, Kitengela, Ruiru and Kiambu are bedrooms of Nairobi. People who work in Nairobi go to sleep in these places. So, they should live and sleep in decent bedrooms, so to speak.

As I congratulate Sen. Mositet, I urge that this is arguably one of the best issues that he has brought to this Floor. We will give it full support to ensure that what we are seeing developing towards Kiambu and Thika can also be developed towards Kajiado, Ngong and other parts of the country. We must desist from flawed and biased development in this country so that we develop each part of the country with equity and the interest of the nation at heart.

Sen. (Dr.) Machage: Mr. Speaker, Sir, one of the reasons why the citizens of this country voted overwhelmingly for the new Constitution was the charter on devolution. It was giving a promise to the marginalised that the marginalization that had, hitherto been the practice, would come to an end. However, it is apparent that even within those small “kingdoms” so created, that factor has cropped up, in total disregard of Article 174 of the Constitution. That is Chapter 11 on the objectives of devolution and Article 56 on the rights of the minorities.

When the people of Kajiado North have to complain of services ---

(Sen. Murkomen consulted loudly)

Order!

Sorry, Mr. Speaker, Sir. That is for you.

(Laughter)

Protect me from the young Sen. Murkomen.

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Machage! While I appreciate the fact that it can be confusing because you sit in different positions in the House; you must always be alive to the position that you are in at any one time.

Sen. (Dr.) Machage: Mr. Speaker, Sir, I take my position in the right way. It is apparent that some regions of this country are obviously marginalised in terms of infrastructure development. For instance, in Kuria, a road that was being constructed by

the Government under the previous Constitution, Isebania-Kehancha-Witembe Road, has stalled after the new Government came to power despite the new Constitution. This is a real example of marginalisation because some areas are not towing the line of Jubilee.

Sen. Mositet's Petition to this House, as put to us by the people of Kajiado North, is worth supporting.

Sen. Karaba: Mr. Speaker, Sir, this Petition ---

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.224, which reads:-

"The total time on the Order "Petitions" shall not exceed 30 minutes".

I notice that from the time that we began, it is now 34 minutes later. Could you confirm whether Standing Order No.224 still has force in this House?

(Loud consultations)

The Speaker (Hon. Ethuro): Order, Senators! First, for those Senators who are eager to discourage others from pointing out misconduct, I want to tell you that you are very wrong. Those who raise points of order on the Standing Orders are very right. Standing Orders are here for a purpose. The only unfortunate thing with this one raised by Sen. (Dr.) Khalwale --- I wonder why he is doing so because even in the first argument, he won. So, he did not need to prove otherwise. He is now going to lose this second one.

I thought you were present in the House when I responded to Sen. Murkomen's issues against your earlier point of order. I said that, in fact, the contradiction is in the fact that the totality is not exceeding 30 minutes. However, if you look at Standing Order No.224, it says:-

"The total time on the Order "Petition" shall not exceed 30 minutes."

Go to Standing Order No.226 and it says:-

"The Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed 30 minutes."

On numerous occasions, I have pointed out that contradiction within the Standing Orders. Until we change, you will just have to depend on my authority for now.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir. You have ruled twice now. I suppose the Senator for Kakamega was not listening to you initially. However, could you rule further – if it is within your powers – that the new Rules and Business Committee (RBC) of the Senate that we passed last week, relooks at all these Standing Orders that may contradict each other? They can then come back within a particular period of time, maybe in a month's time, so that this House can revise. The contradiction is very glaring.

The Speaker (Hon. Ethuro): I agree with you. Not only this one but in my various communications, I have hinted at the possible areas for that Committee to look into. I think what you have brought is a sense of urgency that we need to start. So, I direct. I do not know why you think I have no such power. I confirm that it is my business to direct committees to discharge their mandate. It is so ordered.

Sen. Karaba will be the last one because Sen. (Dr.) Khalwale also has a point, in the sense that we should not spend a lot of time on one item.

Sen. Karaba: Mr. Speaker, Sir, most appreciated. It is good that we go by the timetable. This Petition is very crucial because it tries to give us the direction of what is urban planning and even how to make use of land as a facility. You realise that when urban development takes place, there are other factors that should be taken into consideration and they should expand proportionally to what urban development is taking place.

Many at times, you find that even when the facilities are there, they are outstripped by development. It is just like the way it has been stated here in Nairobi, Kajiado, Mombasa and so on and even Kerugoya where I come from. Kerugoya has overgrown to a point where the sewerage system is absent. What was there before was just carts pulling buckets. These days, because of rapid development, you find that there is need for a sewerage system.

In line with development, there should be systematic and proper development taking place according to the plan, because haphazard development may cause hazards, some of which can lead to outbreak of diseases and even increase in crime rates.

I support this petition.

The Speaker (Sen. Ethuro): I want to vary my own orders in term, because I wish to recognize the Senator for Mandela, given that he is chairing the Finance, Commerce and Budget Committee.

Sen. Billow: Mr. Speaker, Sir, I thank the Senator for Kajiado for bringing this petition. It is instructive to note that in this country we have abandoned the very useful culture of planning for development in urban centers. There are many towns and urban centers in this country that have not even seen electricity or a piece of tarmac road. The country used to have a blueprint for development, that is based on needs and equitable development. What is now happening is the situation where development of urban centers and other parts of this country is based on political expediency and other aspects that are not based on the need.

We need to examine that petition critically, but its recommendations should be made in such a way that it is expanded to include the many other places that are facing a similar situation. This is a major concern. This is why we have a lot of inequalities and differences.

I agree with the Senator for Migori that this Constitution addresses historical issues, including marginalization, so that going forward, we should not be perpetuating the same things. That is why we have the equalization fund to address infrastructure in some of those counties. If today we are again doing the same thing in terms of resource allocation, then it defeats the whole purpose of having those kinds of funds. I think it is important that these Members have brought this kind of petition that specifically examines concerns regarding development in some parts of this country.

The Speaker (Sen. Ethuro): Hon. Senators, this petition falls within the mandate of various Committees, among them Standing Committee on Land and Natural Resources, Roads and Transportation and Budget, Finance, Commerce and Budget. I direct that the Standing Committee on Land and Natural Resources takes the lead in

considering this petition because the emphasis is on planning. Where required, the other committees will always give their input.

In terms of Standing Order No. 227(2):-

“ ---the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate---“.

What is it, Sen. Wetangula?

The Senate Minority Leader (Sen. Wetangula): I am sorry to raise this issue, Mr. Speaker, Sir, but this is the first time I have seen the Speaker delivering a ruling while seated. You always deliver all rulings while standing in honour and respect of the House.

(Laughter)

The Speaker (Sen. Ethuro): Order, Sen. Wetangula. It has been my tradition to be up when doing so, but this is not a ruling. This is not a ruling and because it is so commonplace and so procedural, I am just doing it as a matter of course. If it is a ruling, I will do it normally because it will be on a different subject. These are just normal things in your Standing Orders.

Next Order!

STATEMENTS

The Speaker (Sen. Ethuro): Sen. Wangari, are you seeking a statement?

SHOOTING OF ULANDA GIRLS HIGH SCHOOL STUDENT

Sen. Wangari: Mr. Speaker, Sir, yes. I rise pursuant to Standing order No.45(2)b to seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the case in Migori county where a form two student from Ulanda Girls' High School was hit by a bullet fired by a prison warder on 27th May, 2016. In the Statement, the Chairperson should state:-

- (a) The circumstances under which the innocent girl was hit by the stray bullet.
- (b) The steps the Government has taken to serve justice to the innocent girl who now has a permanent disability.
- (c) The disciplinary action on the officer who fired the bullet.
- (d) The existing guidelines of compensation rates for different injuries occasioned by stray bullets and procedures to be followed by citizens seeking compensation.
- (e) The statistics of cases of stray bullets in the country in the last four years and the action taken on each case per county.
- (f) The steps the Government is taking to ensure responsible handling of firearms by our disciplined forces.

The Speaker (Sen. Ethuro): The Chairperson? Vice Chairperson? Member? Sen. Hargura.

Sen. Hargura: Mr. Speaker, Sir, I undertake to contact the Chairperson and get an answer in two weeks.

The Speaker (Sen. Ethuro): In two weeks time. What is it, Sen. Musila?

Sen. Musila: Mr. Speaker, Sir, I am sorry, I do not know whether I am late. I wanted to ride on Sen. Martha's request---

The Speaker (Sen. Ethuro): I will allow you.

Sen. Musila: Thank you very much, Mr. Speaker, Sir. I thank Sen. Wangari for raising the issue of "misuse of firearms" by the police or the security agents. The police have been misusing teargas by throwing to people all over. Can we request that the response to the statement should include misuse of teargas and firearms?

The Speaker (Sen. Ethuro): Next Statement by the Chairperson Energy?

PRIMARY AND SECONDARY SCHOOLS CONNECTED
WITH ELECTRICITY

Sen. Mwakulegwa: Mr. Speaker, Sir, I would like to respond to a Statement requested by the Senator for West Pokot Sen. (Prof.) John Lonyangapuo. In that Statement, he wanted the Ministry of Energy and Petroleum to give details as to how many schools in Kenya both primary and secondary, have been connected to electricity to date.

Mr. Speaker, Sir, in the last three years, from 2013-2016, Rural Electrification Agency (REA) has been focusing on electrification of public primary schools in preparation for the digital learning, lap-top program. A total of 22,423 primary and 9,275 secondary schools have been electrified. I have given a detailed list to the professor for him to analyse.

Secondly, he wanted the Committee to state how many schools per county are on solar connectivity and explain why the Ministry of Energy is not performing maintenance and operations on the solar batteries. The response is that there are 4,379 schools on solar throughout the country. An annex has been provided.

The maintenance and operation of solar systems in public secondary schools has not been done but the Ministry through the Rural Electrification Authority (REA) has now developed a maintenance programme that would be implemented from this year.

The Senator also wanted the Committee to state when all schools in West Pokot will be connected to the national grid. The response is that REA targets to complete all identified primary schools within this financial year and resume electrification of other public facilities including trading centres, secondary schools and health centres in the coming financial year.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I want to thank the Vice Chairman for giving a detailed response to the Statement sought although he has really delayed despite you directing them to keep deadlines. The Vice Chair has given me a huge annex showing the summary of primary schools that have already been connected to the grid. He is also saying that out of the 619 primary schools in my county, 274 are connected to the national grid and that 339 are on solar connectivity. I want to confirm to him that for the solar panels he is talking about, the batteries are dead. Therefore, it means that the

339 schools are in darkness. Whatever you are trying to show here that the Ministry has achieved, there is nothing that has been achieved. All the batteries are dead.

He is further saying that in the coming year, 2016/2017 a policy will be developed. Who will it assist when the children are in the dark now? The schools, that are purported to be connected to electricity, constantly lack power. The entire Pokot North, which is Kacheliba Constituency, has no power. What the Vice Chairman is showing here needs to be revisited. Do not depend on data that has been sent to the office and there is nothing on the ground. If that is what is happening, then the neighbouring county is worse, that is, Turkana County. He has also gone further to talk about secondary schools. Unfortunately, he has said that all the secondary schools in my county are not connected to the national grid.

Therefore, the issue of purporting to prepare public primary schools for digital learning programmes will fail, especially in my county. Why is my county then being prepared by the Ministry not to enjoy the status that the children of Kenya are going to have next year.

The Speaker (Sen. Ethuro): I think that is loaded enough, you can take it first before we take some more.

Sen. Mwakulegwa: Mr. Speaker, Sir, the first clarification is that the solar batteries are dead and therefore, there is no power. I have said that REA has now developed a maintenance package which is ready and all batteries that are not working will be made to function fully starting now and will be maintained progressively.

Secondly, in terms of solar batteries, where the national grid is extended, they are actually converting from solar to the national grid. That is why the summary I gave earlier indicated 4,379 but the one that I have given for all the schools is now 4,175. What has happened is that when they extend the national grid, they are actually providing power through the national grid and also supplementing with solar power. Therefore, it is incumbent upon the Ministry to make sure that when the national grid is extended they should supply power to many schools. The solar connectivity is not removed but left to complement the national supply.

Regarding Kacheliba Town, I have provided a list of schools that have been connected to electricity. In West Pokot, 39 schools have been connected to the national grid. Only 58 schools are remaining and work is ongoing. Some of the works are at the design level and some have not yet started. I have also provided a list of primary schools in the whole country per county. I have not done so for secondary schools because that is what I need to answer.

The Speaker (Sen. Ethuro): Mr. Chairman, you may appreciate where the Senator for West Pokot County is coming from. That, in the last 50 years or so, they were marginalized and now that we have a new programme from the Government, is it perpetuating the same? He is afraid that he does not want to lose again. So, when you talk of designing now when other schools are already on the grid, it is failing to appreciate the historical injustices that have been visited to some parts of this country particularly the northern Kenya.

Let me take more interventions and clarifications.

Sen. (Dr.) Machage: Mr. Speaker, Sir, whereas we appreciate the electrification programme in the country, could the Vice Chair confirm that actually putting poles and pulling wires is not the same as electrification. Could he be constructing bird landing platforms? Could he also tell us how many hours per week does the electrification programme succeed in giving the service to the people? In my area, those poles are like flowers serving as bird landing and monkey playing platforms.

Sen. Karaba: Mr. Chairman, Sir, the Chairman has given us a list of schools which are connected to electricity in Kacheliba but he is not telling us what happens to those schools which are not connected. In examinations, there is a topic called electricity. If that topic is to be taught in schools and is supposed to be examined, how do you ensure that those schools which are not connected will perform?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, looking at the list presented by the Vice Chair, the following comes out; that jubilee leaning counties have the lowest balance of schools that require to be connected. Examples are as follows: Embu County has 100 per cent connectivity, in Kirinyaga County only one school lacks power and in Kiambu, only two schools lack power. Now, let us go to Kakamega. In Kakamega, 58 schools do not have power. That is according to that table. With the high population in primary schools in Kakamega, this translates to 40,600 pupils being denied power that is paid for by taxpayers.

Could the Chairman tell this House why the Jubilee Government is discriminating against primary schools, particularly in Kakamega County and other counties that are deemed to lean towards the Coalition of Reforms and Democracy (CORD)? Do the people in those areas not pay taxes?

Sen. Wangari: On a point of order, Mr. Speaker, Sir. Is it in order for the Senator for Kakamega to mislead this House and country? If you want to do comparatives, then it has to be in percentages or ratios. You cannot just talk about schools without giving numbers. Is it in order for the Senator to make such a serious allegation, based on some figures that do not show the comparatives?

(Sen. (Dr.) Khalwale spoke off record)

The Speaker (Hon. Ethuro): Order, Sen. Wangari! Order, Sen. (Dr.) Khalwale! Percentages are not the only known parameters in comparison, but I agree with you that they usually give a better picture. I was listening very carefully to Sen. (Dr.) Khalwale and he did not use percentages in one way or the other. The only thing that he did selectively was to invoke absolute figures in his county and not in others. Two schools in Kiambu could have more pupils than the 40,000 in Kakamega. When you decide to compare statistics, then use comparable data. If it is a mean or mode, you use the same.

Sen. (Dr.) Khalwale: On a point of order, Mr. Speaker, Sir. It is because of time constraints. The table is very clear; it shows the number of schools connected per county, out of the 22,000 and the remaining schools that are yet to be connected in every county. Let me give two examples of CORD-leaning counties and three examples of Jubilee-leaning counties. On the Jubilee side, the balance of schools in Embu is zero, one in Kirinyaga and two in Kiambu. In Kakamega there are 58 primary schools; 29 primary

schools in Kitui and 56 primary schools in Bungoma. Since this is a House of equity it must forever remain clear to the people in power that the money used to connect electricity to primary schools is not a gift from whoever is in the Executive office; it is from taxpayers.

The Speaker (Hon. Ethuro): Order! You had already finished your clarification. Since you were only giving the figures, you should have stopped there.

Order, Members! Since the interest in this matter is high, I will allow everybody a minute or two to seek clarifications.

Sen. Billow.

Sen. Billow: Mr. Speaker, Sir, we have raised this issue of power and lighting so many times in this House.

The Speaker (Hon. Ethuro): Order! Please, seek your clarification.

Sen. Billow: Mr. Speaker, Sir, there is no national grid in some of our areas and we have stand-alone generators. Could the Government undertake to invest significantly in the solar system, so that towns can be on proper national grid using solar, instead of stand-alone generators that break down every other day? This is a matter they need to resolve.

Sen. Lesuuda: Mr. Speaker, Sir, so many schools, especially those that did not have electricity for the last 50 years, will be connected to solar power. However, are there plans to actually connect these areas to the national grid, because it is not only schools that require electricity? Many homes can be connected to the national grid as opposed to having solar panels in schools. We have even been told that batteries are not working in some schools.

The Senate Minority Leader (Sen. Wetangula): Could the Chairman tell this House and the country why the Bungoma and Kakamega counties are singled out to be the counties with the highest number of schools – 58 for Kakamega and 56 for Bungoma – that are not connected?

Sen. Cheruiyot: On a point of order, Mr. Speaker, Sir. The request for the statement was with regard to the number of schools that are connected to the national grid. It did not go further to request for statistics that would answer the question being asked by the Senate Minority Leader. The two counties that he has mentioned have got a high number of schools. Over 800 schools have been connected and you are saying that--

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, one of the duties we owe to the new Members is to tell them what Standing Orders say about being out of order.

I was simply asking a question; that---

The Speaker (Hon. Ethuro): Order, Sen. Wetangula. Sen. Cheruiyot rose on a valid point of order and prosecuted his matter quite convincingly. If there is anything we need to tell the new Senators, it is that they should never be intimidated by the older Senators.

(Laughter)

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I would be the last to intimidate anybody, least of all, the distinguished and pleasant young Senator for Kericho.

Why do Bungoma and Kakamega counties have the highest schools unconnected? The connection reflects the commitment at budgetary level, to counties, schools and regions. Secondly, I have seen in Trans Nzoia County, where Sen. Mukiite and Sen. Ndiema come from, schools that are barely a kilometer away from the gridline being installed with solar panels. Is this to service the usual corruption and kickbacks in the Jubilee regime, for those who are importing these panels? Everybody knows that a connection to the gridline is more durable and sensible. As the distinguished Nominated Senator said, it helps more people because power is not only necessary to schools. It is for the benefit of neighbours to schools and the rest of the populations as well. Why are they installing solar panels in schools along gridlines?

Lastly, could the Chairman tell us the timeline for the connection of all the schools in the country? Is it the end of this year or next year? Are you holding it so that it becomes a campaign gimmick in the next elections?

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I would like the Vice Chairperson to tell us how many schools, which were previously connected, have no power now because of the regular and prolonged breakage of transformers that were initially connecting those schools.

Sen. Omondi: Mr. Speaker, Sir, out of the schools that have been connected, how many special schools have benefitted from this programme? It has become routine that issues of the disabled are not considered when it comes to matters of education.

Sen. Musila: Mr. Speaker, Sir, I want to commend the Ministry of Energy because despite these problems, it is one agents of Government that have done very well compared to the others. Having said that, Article 174(f) on the Objects of Devolution states that:-

“The objects of the devolution of government are—

(f) to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;”

This is clear that services should not just be in one area. So, for us in Kitui County to have 29 schools not connected and others have none, as the Speaker of this House and, therefore, the custodian of devolved governments, am I in order to ask that you draw the attention of the Jubilee Government to the inequalities in development that they have continued to practice in this republic, not only on matters of power, but in also in general infrastructure including roads?

Sen. Sijeny: Mr. Speaker, Sir, I wish to state that whereas it is recorded that in Siaya County there are only three schools left, I know this was done when the leader of our Coalition was the Prime Minister. However, I have seen that Migori County is still lagging behind. Can they do something?

The Speaker (Hon. Ethuro): Order, Sen. Sijeny. I am sure you thought you are helping the former Prime Minister. You are making his life more difficult because he comes from Siaya County.

Sen. Wamatangi: Mr. Speaker, Sir, could the Vice Chairperson, in providing the answer, also include the data as to how many schools have been connected from 2013 to date. In the provision of that data, it may help to disabuse some of the insinuations that may be wrongly created. Some of the so-called Jubilee leaning and others non-leaning areas, probably those are the bigger beneficiaries because within the period when the Jubilee Government has been in power, probably Bungoma, Kakamega and other counties have had more schools connected within that period. Could the Vice Chairperson provide that data and break it down per county? This is so that the Senator for Kakamega County can stand and tell the country the truth, that, indeed, he has been a beneficiary at this time when the Jubilee Government is in power.

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. We are one nation and one country. The greatest purpose of devolution was to bring equity. The point that is being canvassed is important. However, it is important for the public that we represent to know the truth.

Sen. (Dr.) Khalwale has raised this issue and I seek his indulgence to put the figures. If you look at the case of Kakamega County, apparently it has the largest number of schools in this country. They are 874. Out of that number, only 58 have not been connected. In the case of Kiambu County, which he is raising issue with, there are only 484 schools. This is less than half of Kakamega. Only two have not been connected. In the case of Murang'a County, which I represent, there are only 490 schools of which five have not been connected. We should take the stand taken by Sen. Musila that we need to appreciate when good work is done. This is partly one of the most equitable things that has been done---

(Several Senators stood up in their places on points of order)

I am on a point of order!

We need to appreciate when a Government does something which is equitable for the whole nation, so that we do not have to go to what Sen. Wamatangi is asking for because this might bring up other issues. In 2013 when this Government came into power, how many schools were connected in Kakamega, for instance? Maybe very few. So, we take responsibility but for the period that the Government is in power and authority--- This shows just how equitable the Jubilee Government has been under the Constitution. We should not be misleading the people we represent.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I want to appeal to you to prevail upon Senators, at least on matters of equity, to speak for themselves. If Murang'a County has got only five schools waiting for power, they have every reason to congratulate the Jubilee Government. However, if Kakamega County has got 58 pending schools, I have every reason to---

(Several Senators stood up in their places on points of order)

Mr. Speaker, Sir, can you control these Senators so that they listen to me?

The Speaker (Hon. Ethuro): Order, Members! Let us listen to him.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, by all means the Senators of Murang'a and Kiambu should speak for themselves. Since your need is only two and five schools, leave the Senator for Kakamega County to use all means possible to remind the Jubilee Government that we pay taxes. By the way, we do not want anything for free. We want to benefit from the taxes the two million people of Kakamega pay. We want power in our primary schools!

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Khalwale, you are done.

Yes, Sen. (Dr.) Machage.

Sen. (Dr.) Machage: Mr. Speaker, Sir, I believe most of us in the House use the base ten to calculate some figures presented to us because that is what is normally used.

Secondly, two out of 400 can never be more than 58 out of 800. If he talked about five out of 400, then we may think of the same. Base ten still shows us that Kiambu and Murang'a are still favoured in electrification. Can we use Standing Order No.110 to reprimand the Deputy Speaker of this House for raising a false point of order and giving false information?

Sen. Kembi-Gitura: On a point of order, Mr. Speaker, Sir. We are discussing a very serious issue. In my estimation, it is wrong to polarize a country along party lines because you claim to be a Government in waiting. Let us look at this list logically because we are misleading the people we represent. In Siaya County, out of 665 schools, only three have not been connected. They said that there is a leaning towards a certain side. If you look at Migori and other counties, you will see – and I will say this without fear of contradiction or being intimidated---

(Loud consultations)

The Speaker (Hon. Ethuro): Order, Members. Let us hear Sen. Kembi-Gitura.

Sen. Kembi-Gitura: Mr. Speaker, Sir, if we are talking about equitability and realizing the amount of time this has taken, then we should agree that we are on the right path going forward. The promise has been given by the Jubilee Government that every school will be connected and they will have laptops. Why can we not be patient? Why was it not done before? Why is it so successful now? This is the question we should be asking ourselves instead of bringing issues that are not helpful.

The Speaker (Hon. Ethuro): Order, Sen. Kembi-Gitura. You had done very well until you got distracted by the distracters.

First, I want to confirm and appreciate that this particular matter must attract your interest, emotions and take you to a political divide. If you did not argue the way you have argued today, I would have been a very disappointed Speaker. I wish to direct as follows:-

One, let the Committee go back and look at the HANSARD in terms of the contributions of Members today, so that you can address each and every matter that has been raised, including a complete list of secondary schools.

Sen. Wetangula raised an issue that there was supposed to have been a deadline on which this was to be done. Really for purposes of everybody benefiting from our new governance, it is important that some of these basic things, especially when we are

talking about investments to our children, that the entire country must benefit equally and at the same time. In my view, this is not a project that should be done in phases. This is a project where every county must be given the people to conduct the job at a particular duration to complete the assignment. I would like the Committee to be quite hard. To me it does not matter, a Kenyan child in Kakamega or Kiambu county deserves electricity.

Sen. Lesuuda: On a point of order, Mr. Speaker, Sir. I know you have ruled on this matter but I wanted to add one thing. I want to find out whether the schools which are connected to solar are able to charge the laptops and tablets. I would like the Vice Chairperson to respond to this and not by Members heckling.

The Speaker (Hon. Ethuro): Order, Members. The Vice Chairperson is in this House. You can forward more issues to him. So far from where I sit, the Vice Chairperson of the Committee on Energy has been one of those very effective Chairpersons who has always delivered in good time and does a good job. I am sure he will take into consideration all these other issues.

(Interruption of statements)

COMMUNICATIONS FROM THE CHAIR

SUBMISSION OF MEMORANDA ON BILLS REFERRED TO MEDIATION COMMITTEE

Hon. Senators, as you recall, at the sitting of the Senate yesterday, 28th June, 2016, I invited Senators to a half a day workshop to consider various crucial Bills that are subject to the Constitutional deadline of 27th August, 2016. The workshop was successfully held this morning as scheduled. The Bills considered at the workshop include the Community Land Bill (National Assembly Bill No. 45 of 2015) and the Land Laws (Amendment Bill) National Assembly Bill No.55 of 2015, The Health Bill (National Assembly Bill No.14 of 2015) and the Physical Planning Bill (National Assembly Bill No.46 of 2015).

As you are aware, hon. Senators, the two Bills, pursuant to Articles 112(1)(a) and 113 of the Constitution have been referred to mediation. On account of the critical importance of the two Bills to our country as a whole and to the system of devolved governance in particular, it was resolved that a further opportunity is accorded to the Senators to submit written memoranda on the said Bills.

In this regard, I hereby direct that Senators who may wish to give further submissions do so, particularly on the Community Land Bill (National Assembly Bill No. 45 of 2015) and the Land Laws (Amendment Bill) National Assembly Bill No.55 of 2015 and submit such comments to the Office of the Clerk of the Senate through delivery of a hard copy or through email on cSenate@parliament.go.ke by mid-day of Saturday, 2nd July, 2016 for onward transmission to the Senate Members of the Mediation Committee.

We considered all those. We are running late. The Committee starts its work on Monday. I am sure if we appreciate the importance of this, we have been more than generous with that additional time.

For ease of reference, the two Bills and their digest on the said Bills by our legal department are available on the Senate's website of the Parliament of Kenya.

I thank you.

VISITING DELEGATION OF TEACHERS AND STUDENTS FROM
PRECIOUS BLOOD SECONDARY, RIRUTA, NAIROBI

Hon. Senators, I wish to recognise the presence of students and teachers from Precious Blood Secondary School, Riruta, Nairobi County. They are seated at the public gallery.

In our usual tradition of receiving and welcoming our visitors, I extend a warm welcome to them. On your behalf and my own behalf, I wish them a fruitful visit to the Senate.

Thank you.

(Applause)

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, may I join you in welcoming the students and teachers of Precious Blood Secondary School, Riruta. This is one of the most distinguished and successful schools in this country that has consistently done exceptionally well in examinations. I hope that as they visit the Senate, the young girls are picking up some good habits from the Senators and discarding the bad ones. We look forward to the school maintaining its lead in academia. I hope your principal, Mrs. Akatsa, maintains the decorum to keep the school to what it is. Congratulations.

The Speaker (Hon. Ethuro): I will only give a chance to Senators with certain responsibilities. One such person is not Sen. Hassan. I will recognise the Chairperson of KEWOSA, Sen. Sijeny.

Sen. Sijeny: Mr. Speaker, Sir, for those who do not know KEWOSA, it is the Kenya Women Senators Association.

I had the privilege of attending a funds raising in the school recently. I listened to a poem which was narrated by one of the students. What they were crying and urging for is good leadership and mentorship so that they may become role models. They also wanted to be given an opportunity to learn to be the best leaders and future parents.

I congratulate the teachers, the school and the Catholic Church for their hard work. I wish them a good time, to learn the best they can. The sky is the limit. I would like to see them here.

Sen. Hassan: Mr. Speaker, Sir, the particular responsibility I hold in this matter is, to first, welcome Precious Blood Riruta. It was the school behind the back exit of my former school; that is Lenana High School. We would pass by Riruta commonly referred to as "Rirush" and sneak to the girls school. They used to sing and win trophies alongside

Lenana School. We were actually music partners. Mr. Anami Sylvester was my head of the house. He was the choir master of the two schools. I did not have the fortune of singing. Mrs. Akatsa, the current Principal, used to be my teacher in Lenana School. If you ask her, she will tell you that I was a very good student.

I am urging students to be like us so that they aspire for the sky which is the limit. I urge them also to work extremely hard and they will achieve their goals. Whenever I meet young people, I only ask them one thing: "Please, shun ethnicity if this country must grow." They look like nice young girls and bonded in one school. However, when they come out of school, rigors of ethnicity start to persuade them to behave otherwise. Your sister or your brother in high school, who was your keeper, no longer becomes your keeper, but instead becomes somebody from another tribe. They should build that unity called Kenya and I believe the teachers are helping them to do so. It is for that reason that I remember the greatness of these schools because Lenana School taught me to be a Kenyan. I believe Precious Blood Riruta, must teach you to be Kenyans.

God bless you and I wish you the very best in your forthcoming national examinations. We expect good grades from you.

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

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

Sen. Karaba: Madam Temporary Speaker, I am very happy that you have recognised that I have done something for girls in this country. While I appreciate the welcome that has been extended to Precious Blood Riruta by the Senate, it is important to note that the word "precious" means just that. It means precious, good looking and dignified. In fact, I can use all the positive adjectives to describe this school. I have been to that school. I would encourage members from this House to visit it and see how busy these girls are. Even if it is lunch time, you will not find any girl idling anywhere within the compound. Instead you will find them studying under the trees. That is the reason they have maintained the word "precious". I would, therefore, expect the same adjective to be extended to the Senate for us to also be precious like them.

Sen. Lesuuda: Thank you, Madam Temporary Speaker. I would like to congratulate and welcome the students and the teachers of Precious Blood Riruta, to this honourable House. As the Vice Chairperson of the Kenya Women Parliamentarians Association (KEWOPA), I would like to tell them that they can aspire to be anything that they want to be. We look forward to some of them being elected Senators in the near future and even to be Presidents or anything they desire to be.

I would also like to reiterate what Sen. Hassan has said, it is like he read my mind. They should continue being their sisters' keepers after school even when they go back to their communities just the same way they are one when they are in school. Congratulations for your continued hard work and for putting your school on the Kenyan and the world map.

The Temporary Speaker (Sen. Ongoro): Thank you, Sen. Lesuuda.

Sen. (Prof.) Lesan, you will have the last intervention.

Sen. (Prof.) Lesan: Thank you, Madam Temporary Speaker. I also want to join you to congratulate the girls and the teachers of Precious Blood Riruta. My daughter is an alumnus of this school. I am aware of the kind of discipline that exists in this school. I want to congratulate the girls in this school for this. This is very significant having in mind the issues that are rising in other secondary schools. I like Precious Blood Riruta girls because they love their school. They also like their buildings and that is why they cannot burn them. This is very significant considering that some students in other schools are burning their buildings. I congratulate this particular school because of the way they handle the physical facilities in the school. I know they are very disciplined like my daughter. She is now a successful lady and I hope on day she will become a Senator for Bomet County and join KEWOPA.

The Temporary Speaker (Sen. Ongoro): Thank you, Sen. (Prof.) Lesan. That will be last intervention on that. On my behalf and on behalf of Nairobi County, we want to congratulate Precious Blood Riruta for the excellent performance and the high level of discipline that they have.

We move on to the next Statement.

(Resumption of Statements)

STATUS OF THE EQUALIZATION FUND

The Chairperson, Standing Committee on Finance, Commerce and Budget has just walked out, but we have Sen. (Prof.) Lonyangapuo. Under those circumstances---

Sen. (Prof.) Lonyangapuo: On a point of Order, Madam Temporary Speaker. Yes, you are right, the Chairperson is not in and he has requested that he issue it tomorrow because it is bulky and he needs time to go through it.

(Statement deferred)

The Temporary Speaker (Sen. Ongoro): Is that okay with you?

Sen. (Prof.) Lonyangapuo: Yes, Madam Temporary Speaker.

(Statement deferred)

STREET FAMILIES AND URCHINS IN KENYA

The Temporary Speaker (Sen. Ongoro): We will have it tomorrow. Let us move on to the next Statement?

HARASSMENT OF *BODA BODA*
RIDERS IN NAIROBI COUNTY

Sen. Elachi is not in the House.

Let us go on to the next Statement by Sen. Leshore

STATUS OF STREET URCHINS AND FAMILIES
IN KENYA

Sen. Leshore is in the House, but I am informed that the answer is not ready. That is the information that I have. Hon. Senator, what do you have to say about it?

Sen Leshore: Thank you, Madam Temporary Speaker. I would like to say that this statement has been appearing in the Order Paper for the last one month. Could the Chairperson be gracious enough to bring it tomorrow?

The Temporary Speaker (Sen. Ongoro): Sen. Leshore, your question is valid. It is true that it has been on the Order Paper for the last one month and I hereby direct that the answer be brought by the Chairperson tomorrow. Avail yourself and you will have this attended to. On that note, we will put a stay on the statements and move on to the next item on the Order Paper.

(Statements deferred)

Before we move to the next order, I can see that the Deputy Speaker is the only Member of the panel in the House. Mr. Deputy Speaker, we have to move on to the Committee of the Whole and you are the only other Member in the House.

We can skip that segment because I can see the Deputy Speaker is here. However, he has notified the Chair that he has a meeting that was starting at 4 p.m. We do not have any other Member of the Panel. So, we cannot proceed with the Committee of the Whole. So, let us move on to ---

I think because this has also been in the Order Paper for some time, we can proceed with the Committee of the Whole in the meantime because we have enough Senators. We will appoint a Temporary Speaker when the time comes for me to report.

COMMITTEE OF THE WHOLE

(Order for Committee read)

(The Temporary Speaker (Sen. Ongoro) left the Chair)

IN THE COMMITTEE

(The Temporary Chairperson (Sen. Ongoro) took the Chair)

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

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, I think this was handled yesterday. I am informed that all the amendments had been canvassed. We will now handle the amendment proposed by Sen. Musila who is in the House and then proceed.

New Clause 9A

Sen. Musila: Madam Temporary Chair, I confirm that we have discussed this matter with the Chairperson of the Committee. He has abandoned the proposed amendment which is on the Order Paper in reference to the amendment which I am going to make just now. This is in relation to New Clause 9(a) as circulated.

Madam Temporary Chair, I beg to move:-

THAT the Bill be amended by inserting the following new Clause immediately after Clause 9 —

9A. (1) The process of approval of an agreement shall commence in the National Assembly.

(2) The National Assembly shall consider an agreement within 60 days of its submission to the National Assembly and shall forward its resolution to the Senate for consideration.

(3) If both Houses —

- (a) approve the ratification of an agreement; or
- (b) do not approve the ratification of an agreement;

The Speaker of the National Assembly shall, within seven days of the decision, notify the relevant Cabinet Secretary.

(4) Where either the National Assembly or the Senate votes to reject an agreement, the agreement shall be deemed to have been rejected by Parliament and the Speaker of the National Assembly shall, within seven days of the rejection, notify the relevant Cabinet Secretary (CS).

(5) If within 60 days of submission of an agreement to the National Assembly, the National Assembly has not forwarded its resolution on the agreement to the Senate under sub-section (2), the National Assembly shall be deemed to have approved the agreement and the Senate shall commence its consideration of the agreement.

(6) Where the Senate considers an agreement under subsection (5), the Speaker of the Senate shall, within seven days of the decision, notify the relevant Cabinet Secretary.

The import of this amendment is that the original version talked about 30 days. I am proposing that we amend to 60 days, the reason being that the National Assembly which is supposed to begin may need to do public participation and, therefore, 30 days may be too few for the exercise to be undertaken.

Therefore, I propose that we amend the number of days to 60. If after 60 days the National Assembly has not completed the consent on this matter, it will be brought to the Senate and the Senate will deal with the matter. It will be deemed that if they will not have done it in 60 days, it will be deemed that it has already been done. Therefore, the

Senate will take it over and finish it totally without having to refer it back to the National Assembly.

I have also made an amendment there that the Senate Speaker is the one who shall notify the relevant Cabinet Secretary (CS) of the decision. The original version states that the Senate Speaker would refer back to the National Assembly so that the National Assembly Speaker can inform the relevant Cabinet Secretary (CS). In this case, the Senate will finish and the Speaker of the Senate will notify the relevant Cabinet Secretary (CS). That is the import of the amendment that I have proposed.

I beg to move.

(Question of the New Clause proposed)

(The New Clause was read a First Time)

*(Question, that the New Clause be read a
Second Time proposed)*

The Temporary Chairperson (Sen. Ongoro): Any interventions?

Sen. Obure: Madam Temporary Chairperson, just to say that as a Member of the Committee on Land and Natural Resources, I confirm that we have considered the amendment proposed by Sen. Musila. We think it is an improvement of what we had and appears on the Order Paper. I confirm that that is the version that we would like to see in the Bill.

The Temporary Chairperson (Sen. Ongoro): I do not see further requests. However, we will have the Division at the end.

The other amendments are on the Schedule and this has been canvassed before and agreed upon. The next one is an amendment proposed by Sen. Hargura who is not in the House. We will leave it pending. We have done even Clause 2, The Title and Clause 1.

Therefore, that brings an end to that amendment proposal until tomorrow.

I now call upon the Mover. You will do it on behalf of ---

Sen. Musila: Madam Temporary chairperson, pursuant to Standing Order No.139, I beg to move that the Committee of the Whole reports progress on its consideration of the Natural Resources (Classes of transactions Subject to Ratification) Bill (the National Assembly Bill No.54 of 2015) and seek leave to sit again tomorrow.

Sen. (Prof.) Lesan seconded

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

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

The Temporary Speaker (Sen. Ongoro): I request Sen. (Prof.) Lesan to report.

Sen. (Prof.) Lesan: Madam Temporary Speaker, I beg to report progress, that the Committee Of The Whole has considered The Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) and seeks leave to sit again tomorrow.

The Temporary Speaker (Sen. Ongoro): Sen. Musila.

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

The Temporary Speaker (Sen. Ongoro): who is seconding?

Sen. Obure: I second, Madam Temporary Speaker.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Ongoro): With a lot of shuttling up and down, we will still do the next. Order No.9 stands deferred because of the numbers and because we do not have the Chairperson. We move to Order No. 10 which is a Committee of the Whole.

BILLS

Second Reading

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

(Resumption of Debate interrupted on 28.5.2016)

(Division)

(Deferred)

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

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

Clause 2

(Question that Clause 2 be part of the Bill proposed)

Clause 3

The Temporary Chairperson (Sen. Ongoro): The mover, Sen. Obure.

Sen. Obure: Madam Temporary Chairperson, I beg to move:-

THAT clause 3 of the Bill be amended by inserting the following new definition immediately before the definition of the term “Technical and Vocational Education and Training Authority”-

No. 14 of 2013. “County Director of Education” means a Director appointed under section 52 of the Basic Education Act.

(Question of the amendment proposed)

Clause 4

The Temporary Chairperson (Sen. Ongoro): The mover, Sen. Obure.

Sen. Obure: Madam Temporary Chairperson, I beg to move:-

THAT clause 4 of the Bill be amended

(a) in subsection 2 of the proposed new section 40A by-

(i) deleting the words “one person” appearing immediately before the words “nominated jointly by the associations” and substituting therefor the words “two persons” in paragraph (b);

(ii) inserting the following new paragraph immediately after paragraph (b)-
(ba) one person having at least ten years’ experience in marking examinations;

(iii) deleting paragraph (c);

(iv) deleting paragraph (d);

(b) deleting subsection (3) of the proposed new section 40A;

(c) by inserting the following new subsection immediately after subsection (5) in the proposed new section 40A-

(5A) A person shall not be eligible for appointment under section (5) if at the time of appointment the person is an employee of the Council or was the employee of the council five years before the date of appointment.

(d) in the proposed new section 40I-

(i) by inserting the following new subsections immediately after subsection (1)-

(1A) Notwithstanding the provisions of subsection (1), an application made under subsection (1) may be made to the Tribunal through the County Director of Education in the county in which the applicant is resident.

(1B) The County Director shall transmit the Tribunal applications received pursuant to subsection (1A) within five days of receipt.

(e) by deleting the proposed new section 40O and substituting therefor the following new section-

Rules and 40O. (1) The Tribunal shall make rules, within procedures of ninety days of the coming into effect of this Act, for the Tribunal. regulating the practice and procedure for the Tribunal.

(2) Notwithstanding the provisions of subsection (1), the Rules regulating the practice and procedure of the Tribunal shall not provide for the payment of any fees by any of the parties to an appeal under this Part.

(Question of the amendment proposed)

Clause 5

The Temporary Chairperson (Sen. Ongoro): I can see no proposed amendments.

(Question, that Clause 5 be part of the Bill proposed)

The Title and Clause 1

(Question, that the Title and Clause 1 be part of the Bill proposed)

The Temporary Chairperson (Sen. Ongoro): We are done with that.

Sen. Obure: Madam Temporary, Chairperson, pursuant to Standing Order No. 139, I beg to move that the Committee do report progress on its consideration of The Kenya National Examinations Council (Amendment) (No. 2) Bill, (Senate Bill No. 14 Of 2015, and seek leave to sit again tomorrow.

The Temporary Chairperson (Sen. Ongoro): Thank you, Senator.

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Sen. (Prof. Lesan) seconded.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

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

The Temporary Chairperson (Sen. Ogoro): Mover? The Chairperson, Senator (Professor)?

Sen (Prof.) Lesan: Madam Temporary Chairperson, I beg to report progress; that the Committee of the whole has considered The_Kenya National Examinations Council (Amendment) (No. 2) Bill, (Senate Bill No. 14 of 2015) and seeks leave to sit again tomorrow.

The Temporary Chairperson (Sen. Ogoro): Thank you, Senator.

Sen. Obure: Madam Temporary Chairperson, I beg to move that the House do agree with the Committee on the said Report.

The Temporary Chairperson (Sen. Ogoro): Who is seconding?

Sen. Musila: Madam Temporary Chairperson, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Ogoro): Next Order. We are proceeding but on Order No. 11, I see a lot of proposed amendments and the Senate Majority Leader is not in the House. So, I will Order that it be deferred and we move to the next Order No. 12.

Second Reading

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

(Sen. (Prof.) Lesan on 28.06.2016)

(Resumption of Debate interrupted on 28.06.2016)

The Temporary Speaker (Sen. Ongoro): Hon. Senators, this is resumption of debate. Who was on the Floor?

The last person to speak was Sen. (Prof.) Anyang'-Nyong'o and I can see from this Statement that he had already concluded his contribution. So, the Floor is open to any further contributions. I am not seeing anybody logging in.

There being no requests, I can see Sen. (Prof.) Lesan in the House and we also have other business. We will not always be waiting for Senators to be in attendance. So, I call upon the Mover to reply.

Sen. (Prof.) Lesan: Madam Temporary Speaker, I beg to reply. From the onset, I would like to thank all Senators who made contribution on this very significant amendment as far I am concerned and as far as many other Kenyans are concerned. These Kenyans are affected by the existing legislation which gave very soft grounds for people who flout the regulations in the previous laws. As I said, this is a minor amendment but it has far reaching implications as far as the safety of Kenyans is concerned, in terms of being attended by qualified persons. I want to thank my colleagues who have made contributions yesterday; and today, there are reports in the media of unqualified people who are continuing to abuse the medical healthcare services to the public.

I am happy that Senators who made these contributions have supported the amendment. I want to urge the Senate to support the enhancement of penalties that we have recommended in this amendment so that this abuse of the population of this country who trust the health professionals to give them service and gain the confidence over the health services. It is a reality that there exist fraudulent people and quacks who practice medicine and benefit commercially at the expense of people.

Madam Temporary Speaker, as a medical person, I am very concerned about the level of abuse of the healthcare services. We hear of many cases through the media and also see the abuse in our healthcare centres. These amendments are dear to my heart knowing very well that they will go a long way to assist and protect the Kenyan citizens who continue to receive healthcare.

I want to thank the Senators who made contribution and urge that when this Bill comes for the vote, they should support it because it will go a long way in protecting Kenyans from unqualified personnel in the country.

Thank you, Madam Temporary Speaker and I hope Senators will support this Bill.

The Temporary Speaker (Sen. Ongoro): You are aware that all Bills must be put to Question but because of the numbers, you should add something on that request.

Sen. (Prof.) Lesan: Madam Temporary Speaker, pursuant to Standing Order No.54(3), I beg that you defer the putting of the Question to tomorrow.

The Temporary Speaker (Sen. Ongoro): Your request is granted. We will defer the putting of the Question to tomorrow.

The next Order is Order No.13 and I can see the Senate Majority is not in the House. The same applies to Order No.14 because Sen. Lonyangapuo is not also in the House. The same applies to Order No.15. I will therefore use my discretion to defer the

Bills considering the circumstances that the Senate Majority Leader and the other Senators are not in House and to also adjourn the House.

Second Readings

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

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILL NO.21 OF 2015)

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

(Bills deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, I will use my discretion to adjourn the House. Therefore, the House stands adjourned until tomorrow Thursday, 30th June, 2016 at 2.30 p.m.

The Senate rose at 4.40 p.m.