

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 19<sup>th</sup> February 2019

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Speaker:** We can commence.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM THE PARLIAMENT OF THE REPUBLIC OF SERBIA

**Hon. Speaker:** Hon. Members, I wish to introduce to you a delegation of Members from the Parliament of the Republic of Serbia seated in the Speaker's Row. The delegation comprises of the following:

1. Her Excellency Maja Gojkovic, MP - Speaker of the National Assembly of the Republic of Serbia and Leader of Delegation;
2. The Hon. Prof. (Dr.) Zarko Obradovic MP - President of the Foreign Policy Committee;
3. The Hon. Dragomir Karic - MP;
4. Mrs. Dragana Djurasinovic Radojevic- Advisor in the Cabinet of the Speaker;
5. Ms. Marjana Jeremic - Advisor for Media in the Cabinet of the Speaker; and,
6. Ms. Jasminka Urosevic - Senior Protocol Officer.

The delegation is accompanied by the His Excellency Dragan Zupanjevac, Ambassador of the Republic of Serbia in Nairobi and Mr. Milan Varadinovic, Deputy Head of Mission in the Embassy.

Hon. Members, the delegation arrived in the country yesterday, 18<sup>th</sup> February 2019 on a parliamentary diplomatic mission aimed at strengthening the bilateral cooperation between our two institutions. To this end, the Hon. Speaker Maja and I have today signed a memorandum of understanding that speaks to the implementation of this objective. Amongst other areas of cooperation, the MOU provides that, and I quote-

“The Parties shall encourage establishment and development of cooperation at the highest parliamentary level, between parliamentary working bodies, parliamentary friendship groups, as well as staff of the two Parliaments.”

On my own behalf and that of the House, I wish to once again welcome the Hon. Speaker Maja and her distinguished delegation to the National Assembly of the Republic of Kenya and wish them fruitful engagements and a pleasant stay in Kenya.

Thank you, Hon. Members.

*(Several Hon. Members walked into the Chamber)*

**Hon. Speaker:** Hon. Members making your way into the Chamber, take a seat somewhere.

### MESSAGE

#### NOMINATION OF PERSONS FOR APPOINTMENT AS CHAIRPERSON AND MEMBERS OF THE NATIONAL POLICE SERVICE COMMISSION

**Hon. Speaker:** Hon. Members, this is Message from the President No.2 of 2019 on nomination of persons for appointment as chairperson and members of the National Police Service Commission.

Pursuant to the provisions of Standing Order No. 42, I wish to convey the following Message from His Excellency the President relating to nomination of persons for appointment to the offices of the Chairperson and Members of the National Police Service Commission.

In the Message, the President conveys that, in exercise of powers conferred by Article 246(2)(a) of the Constitution and section 6(6) of the National Police Service Commission Act, 2011, as read together with Section 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he nominates the following persons for appointment to the respective offices of the National Police Service Commission:

- |       |                               |   |              |
|-------|-------------------------------|---|--------------|
| (i)   | Mr. Eliud Ndung'u Kinuthia    | - | Chairperson. |
| (ii)  | Ms. Lilian Mutio Kiamba       | - | Member.      |
| (iii) | Mr. Eusebius Karuti Laibuta   | - | Member.      |
| (iv)  | Mr. Naphtaly Kipchirchir Rono | - | Member.      |
| (v)   | Dr. Alice Atieno Otwala       | - | Member, and, |
| (vi)  | Mr. John Tentemo ole Moyaki   | - | Member.      |

Hon. Members, His Excellency the President therefore seeks the approval of this House on the nominees for appointment to the aforementioned positions.

Standing Order No.45 requires that upon receipt of notification of nomination for appointments, such nominations shall stand committed to the relevant Departmental Committee of the House for consideration. I therefore refer the Message together with the curriculum vitae of the nominees to the Departmental Committee on Administration and National Security for consideration.

Hon. Members, Section 6(6) of the National Police Service Commission Act requires the National Assembly to either approve or reject the nominees to the respective positions within twenty one (21) days. In this regard, the Committee should expeditiously notify the nominees and the general public of the time and place for holding the approval hearings, commence the necessary hearings and submit its report to the House on or before 6<sup>th</sup> March 2019 to enable the House to consider the matter within the statutory timelines.

Thank you.

## PETITIONS

## UNFAIR DISMISSAL OF EX-CORPORAL BENJAMIN CHELANG'A BY KENYA DEFENCE FORCES

**Hon. Speaker:** Hon. Members, this is Petition No.4 of 2019 regarding unfair dismissal of Ex-Corporal Benjamin Chelang'a by the Kenya Defence Forces (KDF).

Pursuant to the provisions of Standing Order 225(2) (b), I hereby convey to the House that my office is in receipt of a petition from one Ex-Cpl Benjamin Chelang'a Lombelo regarding unfair termination of employment by the Kenya Defence Forces.

Hon. Members, the petitioner alleges that while serving as a corporal at the Kenya Defence Forces, he was unfairly disciplined on false accusation, imprisoned for 42 days and later dismissed from service even after seeking early retirement. The petitioner claims that this action contravenes Article 41 of the Constitution and the provisions of the Employment Act, 2007 (Cap.226).

The petitioner, therefore, prays that the National Assembly examines the legitimacy of the process applied in his dismissal and in the classification of his conduct as 'Good' instead of 'Very Good' as indicated in the termination of service certificate.

Hon. Members, you will agree with me that the prayers sought by the petitioner can be settled at the Court Martial or any other appropriate court. However, Article 95 (2), which provides that the National Assembly deliberates on and resolves issues of concern to the people, obligates the House to also attempt to address such matters with a view to resolving them. It may be well that the grievances of the petitioner may be resolved without having to result to a Court Martial process.

This petition therefore stands committed to the Departmental Committee on Labour and Social Welfare for consideration. The Committee is requested to consider the petition and report its findings within 60 days in accordance with Standing Order 227 (2).

I thank you, Hon. Members.

There is a petition by Hon. Sunkuyia, Member for Kajiado West.

DE-GAZETTEMET OF THE 400 YARDS STRIP IN NGONG-HILLS FOREST  
FOR SETTLEMENT

**Hon. George Sunkuyia** (Kajiado West, JP): I, the undersigned, on behalf of the residents of Oltiyani Settlement Scheme, Kajiado West Constituency, Kajiado County, within the Republic of Kenya, draw the attention of the House to the following:

THAT, one of the principles of land policy as enshrined under Article 60 of the Constitution of Kenya is that land will be used and managed in accordance with the principle of sustainable and productive management of land resources, sound conservation and protection of ecologically-sensitive areas;

THAT, forest land is vested in the National Government which holds it in trust for the people of Kenya and administered by the National Land Commission;

THAT, Section 34 of the Forest Conservation and Management Act, 2016, confers powers to Parliament to vary boundaries and /or revoke allocation of public forests;

THAT, following the setting a part of the Ngong-Hills Forest, an area which is approximately 400 yards strip known as Oltiyani Settlement Scheme has been home for over 3,000 people for a long time. In 1973, the then Commissioner of Lands, through the former

Olkejuado County Council, gave consent for the settling of residents of Kajiado West on the said 400-yard strip where they built permanent homes, schools and churches in the area;

THAT, in 1984, following a Presidential Order, 400 yards of Ngong Forest were set aside to establish a settlement scheme and people have settled on the strip since then;

THAT, as a result of the settlement, sub-division of the land and issuing of title deeds to the residents whose property is within the strip without Parliament's approval of setting aside the land has been a challenge;

THAT, efforts to have the matter resolved amicably and render permanent solution through the relevant authorities has been unsuccessful; and,

THAT, the matter in respect of which this petition is raised, is not pending in any court of law, constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands:

- (i) Investigates the matter and causes the Ministry of Lands and Physical Planning to de-gazette the 400-yards strip in Ngong-Hills Forest land for purposes of sub-division and issuing of title deeds to the residents of Oltiyani Settlement Scheme in Kajiado West Constituency, Kajiado County; and
- (ii) Makes any other direction that it deems fit in the circumstances of the matter for the benefit of the people of Kajiado West Constituency.

And your petitioners will ever pray.

**Hon. Speaker:** I can see the Member next to you is desirous of making some comments and/or clarifications. Hon. Manje, do you want to say something?

**Hon. Joseph Manje** (Kajiado North, JP): Thank you, Hon. Speaker, let me take this opportunity to thank the Member of Parliament for Kajiado West for bringing this very sensitive issue on the partition of Oltiyani Village that has existed since 1984 when President Moi gave out that particular piece of land. The family involved has been struggling to get title deeds. It is high time the Departmental Committee on Lands went there and released the land to them because there is a very good demarcation - it is only four yards from where the animals live. May they get what they deserve.

Thank you. I support.

**Hon. Speaker:** Except that the petitioner seeks the intervention of the Departmental Committee on Environment and Natural Resources, not lands.

Member for Kathiani.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Speaker. I also want to support my colleague in this petition. There is a big problem in this country on issues land. The Constitution gave us a commission that was meant to deal with these issues and probably sort out historical injustices on land issues. As we get a new commission, it is high time we dealt with these issues with finality so that every so often, we do not have petitions to do with land. There are so many cases of people who were settled and still they have to be moved and all that.

Machakos County borders Kajiado County and we have a similar problem. The East African Portland Cement Company land is just about to be grabbed by people because the company is unable to use it for the purpose for which it was given. It is important that this

petition be forward to the proper committee, which is the Departmental Committee on Lands, so that it can be addressed appropriately as is expected.

Thank you.

**Hon. Speaker:** Well, but the petitioner seeks the intervention of the Departmental Committee on Environment and Natural Resources.

Member for Igembe Central!

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker for giving me this opportunity to add my voice to the petition from the Member of Kajiado West. Land issues are very emotive. Some of these issues are perpetuated or ignited by leaders and people who try to encroach on other people's land. This happens all over in this country and it is high time this is harmonised and dealt with accordingly. In addition, I would urge the petitioner to request for the forwarding of this petition to the Departmental Committee on Lands because they are the best people to handle it. The National Land Commission is better placed to handle this issue other than the Departmental Committee on Environment and Natural Resources.

**Hon. Speaker:** Unfortunately, none of you seems to have grasped the reason for presentation of this petition and that is why you are talking about the National Land Commission and the Departmental Committee on Lands. The Hon. Sunkuyia is absolutely right in seeking the intervention of the Ministry of Environment through the Departmental Committee on Environment and Natural Resources. So, he is aware of what he is seeking because of the processes that go towards gazettelement and those other things that are pertinent to that process. Member for Samburu North, you want to make a comment on this?

**Hon. Alois Lentoimaga** (Samburu North, JP): Thank you, Hon. Speaker, I also rise to support this petition and it is high time we took these matters related to land seriously. These issues are emotive and they cause a lot of problems within the community, if they are not corrected at an early stage.

**Hon. Speaker:** Very well, the petition stands committed to the Departmental Committee on Environment and Natural Resources which should adhere to the strict timelines of the Standing Orders, and should report to the petitioner within 60 days from the date today. It is so ordered.

Next Order.

## PAPERS LAID

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House,

The Reports of the Auditor-General on the Financial Statements in respect of the following Institutions for the year ended 30<sup>th</sup> June, 2018 and the certificates therein:

- a) The Presidency;
- b) Ministry of Lands and Physical Planning;
- c) Revenue Statement for the Ministry of Lands and Physical Planning;
- d) Kenya Broadcasting Corporation Digital Terrestrial Television Coverage Roll Out Project;
- e) Nepad/APRM Kenya Secretariat;

- f) Ministry of Defence;
- g) State Department for East African Community Integration;
- h) National Council for Persons with Disabilities (NCPWD);
- i) Government Press Fund;
- j) National Intelligence Service;
- k) Parliamentary Service Commission Car Loan Scheme Fund; and
- l) Parliamentary Service Commission Mortgage Scheme Fund.

Thank you, Hon. Speaker.

**Hon. Speaker:** Leader of Delegation, the Hon. Dr. Otiende Amollo.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Delegation Report on the Fourth Statutory Meetings of the Committee on Peace and Security and the Committee on Democracy and Good Governance on the Forum of Parliaments of the International Conference on the Great Lakes Regions (FP-ICGLR) held in Khartoum Sudan, from 13<sup>th</sup> to 15<sup>th</sup> November 2018.

Very well, Chairperson of Special Funds Committee, Hon. Kathuri.

**Hon. Kathuri Murungi** (South Imenti, Independent): Thank you, Hon. Speaker. I beg to give notice of the following Motion...

**Hon. Speaker:** Sorry, we are not yet there. Yours is a Notice of Motion. The Chairperson, Departmental Committee on Sports, Culture and Tourism, Hon. Munyaka.

**Hon. (Dr.) Victor Munyaka** (Machakos Town, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Sports, Culture and Tourism on its considerations of the Sports (Amendment) Bill 2018. I thank you.

**Hon. Speaker:** Very well, next Order.

## NOTICE OF MOTION

### ADOPTION OF THIRD REPORT OF SPECIAL FUNDS ACCOUNTS COMMITTEE

**Hon. Kathuri Murungi** (South Imenti, Independent): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Third Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for constituencies in Kisumu County for 2013/2014, 2014/2015 and 2015/2016 financial years, laid on the Table of the House on Wednesday, 28<sup>th</sup> November 2018.

Thank you.

**Hon. Speaker:** There is indication that Hon. Sabina Chege, Chair of the Departmental Committee on Health was to give notice of something but I do not see her making any request. I think she is still in Murang'a. Are you in the Chamber?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Speaker. I request that the Bill appearing under Order No. 14 in today's Order Paper be stood down until such a time that consideration of Health Laws (Amendment) Bill with respect to the Memorandum from the President will be concluded by this House.

Part of the legislation in this Bill has already been addressed by the Health Laws (Amendment) Bill and so, I request that the Bill is stood down until we conclude and see the matters that will remain.

I thank you, Hon. Speaker.

**Hon. Speaker:** I had seen your letter, and I had indicated that you needed to liaise with the person who owns the Bill. I suspect that is why the Leader of the Majority Party wants to rise in his place.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I have no problem with Hon. Sabina Chege stepping down her Bill but for proper management - today you know you are going to chair the House Business Committee - she should have the courage to say that the issues that I have raised in the Bill have been addressed by the Health laws because she happens to be the Chair of the Committee on Health, or that they will be addressed by the memorandum that the President has sent back to the House. She could also say that my Bill will continue so that we schedule it, but she has just flip-flopped. She wants to take the good time of the House Business Committee. I can see the Leader of the Minority Party is keenly listening to me. We want this Session to be more organised. I have a list of all the Reports and agreements which are pending which I want to present to the House Business Committee tonight. So, she should have the courage to say that my Bill has collapsed so that we should not schedule it for Second Reading, or we continue with it. She cannot just tell us to wait for the President's memorandum. The President's memorandum has been read and we know what it contains. In fact, it was referred to her committee and she is supposed to bring back a report by the 28<sup>th</sup> of this month which is next Tuesday. So, for good management, I really want her to decide either way. There are times when ladies decide and there are times when they flip-flop. This time I want her to decide.

**Hon. Speaker:** Well, I have dealt with the matter in my earlier remarks to her letter. Her letter was in a different tone. She was seeking to withdraw the Bill but now she has modified her intention. That is why I told her to consult the person in whose name the Bill is.

Nevertheless, I think the request is a fair one. Maybe as I allow that request by Hon. Sabina Chege to stand down the Bill, I also wish to advise the House that in our meeting with the staff, on the request of the Chair of the Departmental Committee on Sports, Culture and Tourism, we agreed to step down the businesses appearing in the Order Paper as No.11 and No.14 today. Those two businesses will not be considered today. But with regard to the Sports Bill, the House Business Committee will address itself on it when it meets later in the evening, so that it can be

debated either tomorrow afternoon or Thursday afternoon, whichever is convenient. That is for the House Business Committee to decide.

Hon. Members, before we proceed to the next Order, allow me to recognise the presence, in the Public Gallery, of students from the following institutions: St. Jacinta Girls' Secondary School, Marakwet East Constituency, Elgeyo-Marakwet County; Kapsigilai Girls' Secondary School, Tinderet Constituency, Nandi County; and Kameji Mixed Secondary School, Rongo Constituency, Migori County.

They are all welcome to observe proceedings in the National Assembly this afternoon.  
Next Order.

### QUESTION BY PRIVATE NOTICE

**Hon. Speaker:** First Question by Private Notice, Hon. Alfred Keter.

*Question No.021/2019*

#### STATUS OF PRIMARY TO SECONDARY SCHOOL TRANSITION PROGRAMME

**Hon. Alfred Keter** (Nandi Hills, JP): Hon. Speaker, pursuant to the provisions of Standing Order 42A(5), I would like to ask the following questions to the Cabinet Secretary (CS) for Education:

(i) Could the Cabinet Secretary provide details regarding the achievement and sustainability of the 100 per cent transition from primary to secondary schools?

(ii) Could the Cabinet Secretary confirm if secondary schools' infrastructure and facilities have the capacity to accommodate the large number of students admitted?

(iii) Is the Cabinet Secretary further aware that many schools have exceeded the appropriate number of streams and students per class as well as not adhered to the recommended teacher-student ratio?

Thank you, Hon. Speaker.

**Hon. Speaker:** That being a Question by Private Notice, given the enormity of the problem as explained, it is referred to the Departmental Committee on Education and Research to prioritise the appearance of the CS to respond.

Next are Ordinary Questions. Member for Konoin Constituency, Hon. Brighton Leonard Yegon.

*Question No.006/2019*

#### POLICY ON COMPENSATION OF VILLAGE ELDERS

**Hon. Leonard Yegon** (Konoin, JP): Hon. Speaker, pursuant to provisions of Standing Order 42A, I would like to ask the CS for Interior and Coordination of National Government:

What is the policy in place regarding compensation of village elders who offer support services to administrators especially in dispute resolution in villages across the country?

Thank you very much.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Administration and National Security to prioritise appearance of the CS.

Next Question by the Member for Laikipia County.

*Question No.015/2019*

ADMINISTRATIVE CHALLENGES AT NYAHURURU POLICE STATION

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Hon. Speaker, pursuant to the provisions of Standing Order 42A(5), I wish to ask the CS for Interior and Coordination of National Government:

(i) Is the Cabinet Secretary aware that Nyahururu Police Station in Laikipia County is administered from Nyandarua County thus creating conflict and negatively affecting service delivery for cases reported from areas that lie in Laikipia County?

(ii) Are there plans to address the said administrative challenges in the station as well as similar challenges affecting other police stations located along the border of Nyandarua and Laikipia counties?

Thank you.

**Hon. Speaker:** It is referred to the Departmental Committee on Administration and National Security. Next Question, the Member for West Mugirango, Hon. Kemosi.

*Question No.016/2019*

CONTRIBUTIONS TO AND EXPENDITURE BY NHIF

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No. 42A(5), allow me to ask the CS for Health the following Question:

(i) Could the Cabinet Secretary provide the total amount of monthly contributions to the National Health Insurance Fund (NHIF) and the total monthly and annual expenditure by the Fund?

(ii) Could the Cabinet Secretary provide the list of hospitals, both public and private, covered by the NHIF and the amount owed to these hospitals, if any?

Thank you, Hon. Speaker.

**Hon. Speaker:** It is referred to the Departmental Committee on Health. Next, Hon. Anthony Tom Oluoch, Member for Mathare Constituency.

*Question No. 018/2019*

MEASURES TO PROTECT PUBLIC PRIMARY SCHOOLS FROM  
INTERFERENCE BY COUNTY GOVERNMENTS

Next Question is by the Member for Lurambi, Hon. Bishop Titus Khamala.

*Question No.019/2019*

## POLICY ON DEPLOYMENT OF TEACHERS

**Hon. Titus Khamala** (Lurambi, ANC): Thank you, Hon. Speaker.

Could the Chairperson explain the policy on deployment of teachers and delocalisation of management of learning institutions?

**Hon. Speaker:** Your Question is to the Chairperson of the Teachers Service Commission (TSC)?

**Hon. Titus Khamala** (Lurambi, ANC): Yes, Hon. Speaker.

**Hon. Speaker:** I think it is important so that everybody knows that the Question is directed to the Chairperson of that commission. You sought a written reply, Hon. Khamala. So, it is directed that the TSC will give you an answer in writing. That is what this means. It is so ordered.

Next Question, Member for Navakholo, Hon. Wangwe.

*Question No.020/2019*

## DUPLICATION OF ROLES AT MINISTRY OF EDUCATION AND TSC

**Hon. Emmanuel Wangwe** (Navakholo, JP): Hon. Speaker, pursuant to the provisions of Standing Order 42A(5), I seek to ask the CS for Education:

(i) Is the Cabinet Secretary aware that there is duplication of roles by the Directorate of Quality Assurance in the Ministry of Education and the Department of Quality Assurance in the Teachers Service Commission?

(ii) What action is the Ministry taking to ensure standard quality assurance for the education sector?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Education and Research. For the second time, Question No.018 by the Member for Mathare. The Member for Mathare is always present in the House.

*(The Speaker consulted with the Clerk)*

I have information that he had earlier been seen around. I am aware that there are some committees which I have authorised to sit from 3.00 p.m.

*(Hon. Daniel Maanzo interjected)*

Do not tell me, Member for Makueni. You can see your height; now you start shouting. You are likely to be very loud because you have to cover for something.

*(Laughter)*

Because I think I saw the Member for Mathare here and since I have allowed certain committees to sit from 3.00 p.m. because of the Budget Policy Statement, I will defer this

Question to another date when the Member will be at liberty to have it rescheduled in the Table Office.

*Question No. 018/2019*

MEASURES TO PROTECT PUBLIC PRIMARY SCHOOLS  
FROM INTERFERENCE BY COUNTY GOVERNMENTS

*(Question deferred)*

Hon. Members, there is a statement by the Chairman of the National Government Constituencies Development Fund (NG-CDF) Committee, Hon. Maore Maoka.

Sorry Hon. Members, before Hon. Maore gives his statement, allow me to recognise also the presence of students from Chebwagan Boys High School from Bureti Constituency, Kericho County. They, too, are welcome to observe the proceedings of the House.

Proceed Hon. Maore.

**STATEMENT**

STATUS OF DISBURSEMENT OF FUNDS BY THE NATIONAL GOVERNMENT  
CONSTITUENCIES DEVELOPMENT FUND BOARD

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to issue a statement on the status of disbursement of funds by the National Government Constituencies Development Fund (NG-CDF) Board during the Financial Year 2018/2019. The Committee has since deliberated on the matter and engaged the Board and has come up with the following update:

- (i) During the Financial Year 2018/2019, following approval of the Budget ceiling for each constituency by the National Assembly, the Board management issued a circular on 30<sup>th</sup> October 2018 requiring each constituency to submit their project proposals by 30<sup>th</sup> November 2018.
- (ii) The Board, in meetings held on 6<sup>th</sup> and 19<sup>th</sup> December 2018 and 7<sup>th</sup> February 2019, deliberated on 281 project proposals that had been received from the constituencies. One constituency submitted its proposals after the Board meetings referred to above, hence it is awaiting deliberations by the Board in its next meeting. Eight constituencies are yet to submit their project proposals.
- (iii) In the 2018/2019 Financial Year, the Fund has been allocated Kshs33.28 billion, out of which Kshs10 billion has so far been received as follows: On 26<sup>th</sup> October 2018, Kshs4 billion; On 23<sup>rd</sup> November 2018, Kshs2 billion; on 8<sup>th</sup> February 2019, Kshs2 billion; and on 11<sup>th</sup> February 2019, Kshs2 billion; total, Kshs10 billion. On disbursement of the funds to the constituencies, due to the pace of replenishment of the Board's main account, the following criteria was adopted and used by the Board: First, priority was given to constituencies' requisitions with respect to previous financial years; second,

constituency's bank account balances; third, approval status of the project proposals for the 2018/2019 Financial Year; and, fourth, availability of funds.

Hon. Speaker, based on the foregoing, the Board disbursed the funds to 282 constituencies with respect to 2018/2019 Financial Year, totalling to Kshs6.348 billion. The balance of Kshs3.654 was disbursed to constituencies with pending balances for the previous financial year's allocations.

I think that is where the Members have to reflect and see the efficacy of the next sentence.

An analysis of pending receipts from the National Treasury for the years 2011/2012, 2012/2013, 2013/2014 and 2014/2015 Financial Years indicates an outstanding arrears amounting to Kshs4,976,750,000. The gap between allocations and receipts constrains the Board's ability to finance all the approved constituencies' project proposals.

Hon. Speaker, you will appreciate that we are nearly at 70 per cent inside the current financial year and looking at the disbursements of Kshs6.4 billion against a total of Kshs33 billion, we are talking of nearly 80 per cent of the money that is supposed to be with the NG-CDF Board still being with the National Treasury. We are almost approaching the end of the financial year. There is no much time left for absorption of these funds. The pressure and the demand for this money is enormous. So, given the enormity of the matter, the Leader of the Majority Party, the Chairman of the Departmental Committee on Finance and National Planning and I went to the National Treasury on Thursday and the Cabinet Secretary said he has so far disbursed Kshs10 billion. When we went back to check with the Board, they said it is Kshs10 billion with the arrears of previous years, including the 2017/2018 Financial Year.

When we have a scenario where money flows slowly or not at all, all Members of Parliament find themselves under pressure from demand for bursary and the other projects that we had already approved and partially financed.

That is where are. The National Treasury has been pledging every time we meet them to be releasing Kshs2 billion a week. However, after that they do not remember. The next time they have a chance of making a statement is when they release funds, like the Kshs2 billion in the last two weeks. They said they will release another Kshs2 billion this week.

That is the status, Hon. Speaker.

**Hon. Speaker:** This is very strange. The Chairman spoke of arrears dating way back to 2011. I see many faces here that would have absolutely nothing to do with what was happening in 2011.

*(Laughter)*

If any monies have been paid to settle pending bills incurred in 2011, how are the current Members going to deal with the demands of the Financial Year 2018/2019?

Hon. Members, you are the people who are supposed to deal with these matters. Your Committee has reported what they have been given by the National Treasury and your Board. However, I think it is instructive to note that thing of pending bills. This is because, if funds which were meant to go to constituency "A" in the Financial Year 2018/2019 go to pay pending bills of 2011, 2012 and 2013, it will make planning by the current Members useless. Why would you plan? And who is being paid any way because those bills should have been incurred during those financial years for which they must have had provision.

Hon. Members, I see the Leader of the Minority Party desirous of expressing himself on this matter.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker, the matter that is before us, which has been presented by the Chair of the National Government Constituencies Development Fund, is very grave. I think it is a matter that this House, in one way or another, needs to find a way of dealing with. When we create a fund, and this is provided for in the Public Finance Management (PFM) Act, the money allocated should remain there until it is fully utilised. That is the law. First of all, I would like the Chair to address himself on how money that dates back to 2011, or any other previous years, as he has just mentioned, is not in the fund.

Secondly, I think the Chair should not go back to the National Treasury but instead he needs to summon or invite the Cabinet Secretary, National Treasury and Planning before the Committee so as to deal with him professionally and formally. When you deal with a CS informally, then informal arrangements remain informal like a friendly chat. If you invite the CS before a Committee and he commits himself to transfer Ksh10 billion to the NG-CDF fund, then he will have to do so, because it is a commitment to a formal Committee of Parliament.

Finally, I think we need to ask ourselves whether this country is struggling in terms of cash flow. We are in the month of February, just four months shy to the close of the financial year and the money that has been effectively received is 19 per cent. Yet, we are 67 per cent into the financial year. This has happened for the first time. It is affecting NG-CDF, all other Government agencies and county governments where the National Treasury sends money.

In fact, if you get the data on how much has gone to the counties as at today, you will see why counties are not developing. If they get insufficient money, development suffers. You cannot tell staff working at the counties to wait for their salaries or get half or a portion. You will definitely pay salaries and meet other recurrent expenditure while development suffers.

The effect of this on the economy is very serious. You see the reason why we use statistics to project economic growth is because it is assumed that money voted for development at the beginning of the financial year is going to be applied uniformly throughout the year to stir economic growth. The moment you do not release funds for development or even release it towards the end of the financial year, it affects the economic growth of a country, hence creating a multiplier and ripple effect on the economy.

As a House, we need to debate seriously on whether this country is struggling to meet its obligations. You know if it is a company and it is struggling to meet its day to day obligations, then, it is moving towards insolvency. I tend to think that our country, without admission from the National Treasury, is probably becoming insolvent. This is my comment and I think this House needs to devote time to discuss the issue of cash flow in this country.

**Hon. Speaker:** I think, if you go the route of discussing the cash flow then, you will have lost what we are dealing with here. First of all, I thought you needed to know when you are getting your money. Whether there is cash flow, let it come from that meeting. Hon. John Mbadi, you started off very well, that indeed the Committee should have a formal meeting with the CS in the presence of the Chief Executive Officer (CEO) of the Board. Hon. Maore, do you want to say something?

**Hon. Maoka Maore** (Igembe North, JP): Thank you, Hon. Speaker. The Committee met the CS, National Treasury and Planning, regarding the Ksh4.974 billion that has been outstanding for several years. We undertook a resolution that no money should be given out of the current allocation to settle the old arrears of Ksh4.974 billion.

The Members who were in the 10<sup>th</sup> and 11<sup>th</sup> Parliament cannot understand or read from the same script with the Board. They keep rolling and bothering us with these outstanding figures yet, we made a decision and the HANSARD and minutes are available. We agreed not to touch this money. So, we do not know why the Board is insisting on us repaying the pending Bills yet, the CS, National Treasury and Planning agreed with the Committee that no monies should be paid to these arrears as long as we have not been given money for the current financial years.

**Hon. Speaker:** You see, you resolved as a Committee. You should have resolved to table your Report to the House, so that it adopts the resolutions. Anybody going against the resolution of the House will be...What you discussed in the Committee did not come to the Floor of the House. That Report on what you decided should be here, so that Members can look at it.

Hon. John Mbadi has raised a very pertinent issue about this fund. The 2011/2012 Financial Year or past financial years had funds dedicated to them. Therefore, the 12<sup>th</sup> Parliament has no business listening to any such stories about arrears. Therefore, your Committee needs to table its Report so that Members can look at those arrears. In fact, maybe some of the Members here like Hon. John Mbadi, may be having something pending from his constituency since he was a Member then. Also, Hon. Aden Duale, Hon. Cecily Mbarire and a number of other Members' constituencies could be having something pending.

So, it would be best, if your Committee tabled that Report. Actually, what the Board has given you, table it here so that Members can scrutinise it because some of these stories might be fake. Maybe there are some Members who are sitting pretty here without knowing they are listed as having pending bills in their constituencies for the Financial Years 2011/2012, 2012/2013, 2013/2014, 2014/2015.

So, it is important for your Committee to bring that Report, with the annexure so that Members can interrogate it and make a resolution of the House which none of those entities will be at liberty to disregard. Of course, if they disregard then there is a risk of sanctions by this House. The Board is supposed to be answerable to this House because that story about funds being given to cater for some balances from past years should never happen. Every year there is a specific sum meant for every constituency. If anybody has any claims from those constituencies, then they should lodge complaints with the constituency managers of those days. So that Members of the 12<sup>th</sup> Parliament do not carry a burden they do not understand.

This financial year, what has been earmarked for each constituency should not go to pay anything else other than the programmes that have come from the counties for this financial year. Hon. Maore, I think your Committee should sit as urgently as possible, if need be tomorrow. At that meeting you should invite the CEO of the Board so that, afterwards, Members can deal with the National Treasury. As you know, this House knows how to deal with the National Treasury. This House cannot have problems dealing with the Treasury because that is something which is in the budget and indeed this is... We are now towards the end of February. Four months down the road, how are Members going to spend? I do understand many Members have even come to me complaining about bursaries. How is that particular aspect of the National Government Constituencies Development Fund (NGCDF) kitty going to be addressed?

So, Hon. Members, perhaps before we go to discuss the issue that Hon. John Mbadi raised about cash flows and the rest, I think it is better to deal with this one. Hon. Maore's committee should sit. It seems to be the view of the House that the Committee should sit tomorrow so that by Thursday the House can debate. It is possible because there are several Members who have come to see me complaining about the difficulties they are experiencing.

Hon. Members, I think instead of debating, because we will be debating nothing since we do not have any report, let us get a formal report tabled by the Committee so that the House can express itself appropriately. So, Hon. Maore, they say in Swahili, *kazi kwako. Ndio hivyo nimeagiza* on behalf of the House. So, meet as early as possible and make sure that you get all those details so that Members can scrutinise them in their times.

Let us have Hon. Dennitah Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you, Hon. Speaker. Thank you very much for acknowledging Kameji Secondary School which comes from the county I come from. Hon. Speaker, pursuant to Standing Order No. 43, I will be making a statement regarding ease of access to the upcoming Bus Rapid Transport (BRT) system for persons with disabilities. The statement is informed by the many cases of marginalisation of persons living with disabilities in the provision of the necessary facilities to enable them access various services. On the BRT system that is coming up, I urge the Government and the government officials to ensure that the system caters for the unique requirements of persons with disabilities in terms of spacious pavements, signals for the blind, hydraulic systems and ramps among other features to ensure accessibility by the physically challenged.

I thank you, Hon. Speaker.

**Hon. Speaker:** Sorry. Hon. Dennitah Ghati, do you want to make a statement under Standing Order No. 43, which is the Zero Hour?

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you very much, Hon. Speaker. Hon. Speaker, pursuant to Standing Order No. 43, I wish to make a statement regarding ease of access to the upcoming Bus Rapid Transport (BRT) system for persons with disabilities. For many years, persons with disabilities have been marginalised in the provision of the necessary facilities to enable them to access various services. For instance, the transport sector has not provided access to user-friendly modes of transport.

**Hon. Speaker:** Hon. Dennitah Ghati, I just wanted a confirmation that it is under Standing Order No. 43 so that what you are explaining can come at that time. Indeed, you have confirmed that you want to make a statement under Standing Order No. 43. I have looked at your intended statement and I am in agreement. It is a matter that requires ventilation by the House. So, I direct that you make the statement at 6.30 p.m. today or such earlier time as the House will desire to rise, that is, if there is no business before 6.30 p.m., then you can make the statement even if it is at 5.00 p.m. the net effect of what I am saying.

Let us move to the next Order.

## BILLS

### *Second Reading*

#### THE INSURANCE (AMENDMENT) BILL

*(Hon. Isaac Ndirangu on 6.12.2018)*

*(Debate concluded on 14.2.2019)*

*(Hon. Leonard Yegon walked in the gangways)*

**Hon. Speaker:** Hon. Members, including the Member for Konoin, debate on this Bill was concluded last week and what remained was for the Question to be put, which I hereby do.

*(Question put and agreed to)*

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

Next Order!

*Second Reading*

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

*(Hon. Isaac Ndirangu on 6.12.2018)*

*(Debate concluded on 14.2.2019)*

**Hon. Speaker:** Again, debate on this Bill was concluded last week and what remained is for the Question to be put, which I hereby do.

*(Question put and agreed to)*

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

Next Order!

*Second Reading*

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

**Hon. Speaker:** Let us have the Chairperson of the Departmental Committee on Administration and National Security.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Speaker. Hon. Speaker, the Report contains the Committee's proceedings during its consideration of the County Governments (Amendment) (No. 2) Bill (Senate Bill No. 7 of 2017). The Bill was read the First Time on Tuesday, 24<sup>th</sup> July 2018.

**Hon. Speaker:** Move the Motion first.

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Speaker, I move that the County Governments (Amendment) (No. 2) Bill (Senate Bill No. 7 of 2017) be now read a Second Time.

**Hon. Speaker:** Proceed. It is a very simple process to move the Motion because it is you beg to move that the County Governments (Amendment) (No. 2) Bill (Senate Bill No. 7 of 2017) be now read a Second Time. It is a very simple Bill. You just need to familiarise yourself. You

have many Bills which you have been moving here. By now I thought you should have been a master. Proceed.

**Hon. Paul Koinange** (Kiambaa, JP): The object of the Bill is to amend the County Governments Act to provide for the procedure for the disposal of a report of a commission of inquiry established under Article 192(2) of the Constitution and to provide for the termination of a suspension of a county government under Article 192(4) of the Constitution by the Senate.

During the Committee's deliberations, the Committee noted that there is a lacuna in the law on how the said report is to be disposed of especially where an appointing commission does not recommend for a suspension of a county government or where the President is dissatisfied with the recommendations of an appointed commission.

In compliance with the principle of public participation, the Clerk published an advertisement in print media inviting the public to present submissions and memoranda on the Bill which were to be received on or before Thursday, 2<sup>nd</sup> August 2018 at 5.00 p.m. I wish to report that the Committee received views from various stakeholders and I thank them for participating in this process. The Committee, therefore, complied with Article 118(1) of the Constitution.

The Committee, having considered the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) will be proposing amendments to the Bill in order to provide for further clarity on the following issues and drawing from the observations.

First, there is the issue of process. There is a need to provide for the closure of the process where the commission does not recommend the suspension of a county government.

Secondly, there is a need for procedure. There is a need to provide for a clear procedure where the President is dissatisfied with recommendations for the suspension of a county government.

Thirdly, there is need to provide for the closure of the process where the President is not satisfied with the recommendation of the commission. The Committee shall propose an amendment to the Senate amendments on the issues so as to provide clarity on the same issues.

Fourthly, there is need to provide a timeline within which the President is required to act on the Senate resolutions where the suspension of a county government is approved by the Senate.

Fifth, there is need to limit the powers of the Senate in a procedure for the suspension of a county government on matters related to the framed issues.

The Departmental Committee on Administration and National Security considered the County Governments (Amendment) Bill (Senate Bill No.11) which was read a Second Time on 7<sup>th</sup> November 2018 and awaits committal to the Committee of the whole House. The intention of the Committee, therefore, is to consolidate these two Bills - the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) and the County Governments (Amendment) Bill (Senate Bill No.11 of 2017) which seek to amend the County Governments Act, 2012.

With those few remarks, I beg to move the Bill

**Hon. Speaker:** Who seconds?

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Speaker, we are consolidating these two Bills.

**Hon. Speaker:** What do you mean?

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Speaker, I ask Hon. Wamalwa to second the Bill.

**Hon. Speaker:** Hon. Koinange, it appears the weekend was a bit hectic. You have been doing all these things. It is now your sixth year. Proceed, Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Speaker. I rise to second. This is the work that the Senate is supposed to do. The Constitution is very clear that the core business of the Senate is to legislate on matters affecting the counties. This is the first time I have seen the Senate doing good work.

It is true that there exists a lacuna in the law. There is an incident that happened in Makueni where a commission was set up. It then gave its recommendations and the President had to exercise his discretion. I am happy that this Bill will address that lacuna. This is a straightforward Bill. I request the honourable Members to support it so that we finalise it and move on to the next stage.

I beg to second.

**Hon. Speaker:** Hon. Members, including the Member for Gem, please, take your seats.

*(Hon. Daniel Rono crossed the Floor)*

Member for Keiyo South, how is it that the Speaker can be on his feet and you are walking straight towards him?

*(Hon. Jude Njomo walked along the gangways)*

The Member for Kiambu is also loitering all over. Hon. Members, it is good to pay attention to the goings on in the House so that we can be orderly.

*(Question proposed)*

I can see several Members desiring to contribute, one of them being the Member for Kimilili.

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Speaker for giving me this opportunity to contribute to this very important Bill that, if approved by this House, will provide guidelines on how such a process should be followed. I want to make it clear from the outset that I support this Bill because it is very important and it provides for the procedure of the disposal of a report of a commission of inquiry. It guides the termination or suspension of such a report.

Previously, it was not quite clear. The people of Makueni were in suspense. They did not know what was to follow. However, with this Bill, every Kenyan will be aware that, if such a matter comes up, then those are the procedures that will be followed. Even for those people who think they can just wake up one morning and say they want to dissolve or suspend any county in this country, they will know that there is a procedure to follow before venturing into wishful thinking of dissolving a county government.

This Bill will protect our counties. We have seen development in areas where it never existed. To ensure that devolution works, such Bills should be approved.

I support this Bill.

**Hon. Speaker:** Let us have the Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker for giving me this opportunity to contribute to this Bill. I support and commend the Senate for coming up with this Bill. This is one of the areas that the Senate should concentrate on especially looking at the County Governments Act and some of the gaps that exist. This particular Bill provides clarity on

the implementation of the County Governments Act, especially Sections 123 and 129 in line with Article 192(2) and (4) of our Constitution.

Hon. Speaker, this Bill looks at the gaps which are in the principal Act. Clause 192(2) talks about putting in place a commission of inquiry which is asked to expeditiously make a report. That gave room for the commission of inquiry to take as much as it wanted and provided room for manipulation, as well as abuse. This Bill sets out a timeline of 90 days for it to make a report to the President.

Hon. Speaker, this Bill also looks at how the commission of inquiry can either support or oppose recommendations to suspend a county government. Initially, the County Governments Act looked at the case where the commission of inquiry recommended or concurred with the suspension, but there was a gap where the commission of inquiry did not agree with the recommendation. As alluded to by our Chairman, I would also like to propose that where the commission of inquiry does not agree with the report, the President should provide a memo either concurring or disagreeing with the commission.

This Bill also looks at how to kick off the process of the Senate to set aside the suspension of a given county government. The County Governments Act states that the Senate can suspend the suspension, but it does not say how it kicks off that process. The County Governments (Amendment) Bill proposes that a Member of the Senate can propose the suspension of the suspension of a county government. This removes the gap that existed.

It also brings in the relevant House committee in the Senate to review and make a contribution on the suspension or a proposal to suspend a county government. The County Governments Act does provide for that. It talks about a Motion being kicked off. The proposal should come from the President, go straight to the Senate and then it kicks off a Motion without the relevant committee having a chance to review it and make its contribution. This Bill looks simple but it is very important and vital in the implementation of the relevant clauses of the County Governments Act which are Clauses 192(2) and (4), 123 and 129 in line with our Constitution. Therefore, I urge this House to support it. I also urge the Senate to also look at other gaps in the County Governments Act and bring such amendments as quickly as possible as we get into the implementation of our Constitution, in relation to our county governments.

I support the Bill.

**Hon. Speaker:** Member for Kitui Central. He is not in the Chamber. This is very interesting. The next on line is Member for Kathiani.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Speaker, for giving me this opportunity to support this Bill. First and foremost, I believe the Senate is doing what is expected of it, which is to legislate and make sure that the Constitution works for the counties of this Republic. In the wisdom of Kenyans, when they were coming up with this Constitution under Article 192, they came up with a proposal to suspend a county government which is not working, especially due to very poor working relationship between our governors and members of the county assemblies (MCAs), which is a constant headache in this nation.

I was wondering why there is chaos in many of our county assemblies. I realised that it is because the county leadership, which comprises the governors, the executive and the MCAs, is not very sure about how to relate with each other. The county government is a replica of the national Government. The county assembly is a miniature version of the National Assembly. When you look at the responsibilities that are given out to the MCAs at the county level, you find that they replicate exactly what we do. They represent, legislate and oversee, which is basically what we do at the national level. There is a lot of clamour for positive relations between

the governors and MCAs. That is where many counties are missing the point. When you are elected as an MCA, you are supposed to carry out your responsibilities as per the law, and the governor and his government are supposed to do the same. Unfortunately, from where I come from, Machakos County, you find there are so many complications and fights on a daily basis. Some of them are brought by the fact that the Executive arm of government has absolutely no respect for the legislative arm. I am happy because this Bill is here to give direction, so that whenever a county government fails to carry out its responsibilities, a commission of inquiry will be informed to go and discuss with the people and find out what the problems are. If they cannot be sorted out, then they will come up with a report and give a recommendation to the President who will forward it to the Senate for debate.

I am also happy to note that much as a county government can be suspended, within a short time, any Member of the Senate can table a Bill and terminate the suspension. This means that a county government can have problems. However, if the Senate is convinced that they can be overcome, they can terminate the suspension and the governor, the deputy governor and all MCAs can go back to work. This is an excellent Bill. I am very happy to see the Senate finally doing the job of the upper House as they are expected to be.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Member for Endebess.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. I stand to support this Bill, which is very important. It is a repeal of the County Governments Act. It looks at how to dissolve the various county governments.

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

*[The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya) took the Chair]*

The Senate is trying to clamour for supremacy as the upper House. It is supposed to be the upper House with the county assemblies. Its role is clearly defined. At times, you look at the Senate and ask why they duplicate committees of the National Assembly. This creates problems. For example, when they invite the Cabinet Secretary for Energy to appear before the Committee, what does he tell them? Is it just a talk show or appearing before them? The Constitution in the Fourth Schedule gives county governments the role of reticulation which can be looked at by the county assemblies. If there is an issue that can be discussed at the Senate level, then they can do that.

By the Senate duplicating committees of the National Assembly, it brings confusion and issues of supremacy are brought in. In the current clamour for constitutional reforms, we need to define the position the Senate can hold in the country. What it holds in legislation can be properly defined by proper functions. For example, in the Bill, the role of the Senate in dissolving a county government is provided for. A Senator from the county or another county can, after considering all factors, bring a Motion to suspend a county government. This is an important role for the Senate that can redefine the proper working of the Senate.

Article 96 of the Constitution clearly gives the functions of the Senate in defending the counties, in making sure that county governments run properly and in making sure that resources allocated to county governments are properly defined.

Hon. Speaker, that is one of the challenges that we meet in county governments and that is why many of them are facing challenges.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Pukose, there is change of guard. We do not have the Hon. Speaker in the Chair.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): My apologies, Hon. Temporary Deputy Speaker. You were seated here. Thank you for that correction.

Counties are facing challenges because the costing of the devolved functions has never been done up to date. Has a service at a dispensary level, health centre level or county referral hospital been defined on how much it will cost? This is where the Senate needs to up its game so that they look at proper functioning of the counties to make sure the functions that have been devolved are delivered with the resources the country has.

With those few remarks, I support this Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. John Bunyasi, Member for Nambale. Is he in the House? Hon. Member for Nambale. Hon. Bunyasi, are you with us?

**Hon. Sakwa Bunyasi** (Nambale, ANC): Yes, I am.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Do you want to contribute to the Bill?

**Hon. Sakwa Bunyasi** (Nambale, ANC): No. I wanted to contribute to something else. I will skip this one.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Lentoimaga. He is not in the House either. Hon. David Gikaria, are you contributing on this one?

**Hon. David Gikaria** (Nakuru Town East, JP): Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Okay. Go ahead.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. Happy new year, my former Chair. It is good to see you in good health.

I rise to support this Bill. First, I take this opportunity to thank His Excellency the President for believing in devolution. He would have accepted to dissolve Makuani County Government, but in his wisdom as a person who believes in devolution, he never accepted the resolution that had been taken to dissolve that county government. I do not know what the drafters of the Constitution had in mind when they came up with the article that provides for the dissolution of a county government.

We came up with a system that has the national Government and the county governments. If there are issues in a county government, there are better ways of dealing with them rather than dissolving a county government. However, the Departmental Committee on Administration and National Security has done a commendable job when you look at what they have proposed. The lacuna in the Act has driven us to this amendment Bill. Even the commission might not make a recommendation and the President may not agree with the recommendations or he is dissatisfied with them. So, all these have been taken care of in this amendment Bill. Some of the amendments will be taken to the Senate for it to concur so that we have the lacuna cured by removing the grey areas that hinder the dissolution of countries.

The timelines that have been given are a very critical component. In a specific period of time, a resolution must be reached. That is critical so that it does not take a very long time when something is brought before the commission or before the President to be concluded.

Most importantly, the Bill has provided for the limit of the powers of the Senate. For now, every senator wants to land in the gubernatorial seat. So, a witch-hunt starts if a senator is given the slightest of an opportunity to contribute. I would not say that if you come from Narok

and I come from Nakuru, for example, we are the same people in the same Parliament and we would want to go the same direction. If a resolution to dissolve Nakuru County is brought, they will support it.

I agree with the Committee on the many amendments they have proposed and the observations that they have come up with. There is need to remove the grey areas for there to be a clear way or some light at the end of the tunnel and when the issue is brought before the commission or before the President, there is a law that has corrected some of the mistakes that had not arisen when we did the County Government Act. I remember this was one of the Acts that we were supposed to enact in a specified period of time and it was important.

I agree with what Hon. Mbui has said. What is happening at counties is very sad. Services are not given at county level because of many issues being raised by members of the county assemblies against their speakers or governors. I wish our county assemblies would copy what we have. I agree that Hon. Duale is doing a good job for us. But in some counties, a leader of the majority party does not last two or three weeks. Even the government cannot move. We want county leadership to allow a person given a position to articulate his issues and support the government. I am saying this not forgetting to include the Temporary Deputy Speaker. These days, as the Temporary Deputy Speaker, you are on your toes all the time. I want to thank Hon. Duale. He is on his toes all the time even on matters to do with trips.

These are some of the issues we want to address. County governments ought to learn from the national Government. Sometimes, we have had our lowest moments. But as an Assembly, we have done our best. In the 11<sup>th</sup> Parliament, we passed many laws. In the 12<sup>th</sup> Parliament, with the same leadership we have, we hope to do better. I hope county governments will do a better job. We were supposed to have public participation regarding the Financial Year 2019/2020 in Nakuru County yesterday. It had to be suspended because the County Assembly on its own accord decided that they would not allow the Governor. They had to suspend a very important stage of the budget-making process because of a few individuals.

With those few remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Well said, Hon. Gikaria. Hon. Leader of the Majority Party, are you contributing to this one?

**Hon. Aden Duale** (Garissa Township, JP): Yes, I am not sleeping. I am very much awake. I want to contribute to this County Governments (Amendment) (No.2) Bill from the Senate. This Bill ideally seeks to amend the County Government Act, No.17 of 2012 just to provide for the procedure for the disposal of a report of a commission of inquiry which is established under Article 192(2) of the Constitution.

Again, it is to provide for the termination of a suspension of a county government under 192(4) of the Constitution. Thus, can the Senate terminate a suspension, as a House that has the powers in the Constitution on county matters? Starting with Article 192, the procedure of suspension of a county government is laid down. Article 192(1) provides for the suspension in an emergency arising from either war or conflict. So, a county can be suspended. This is good time. Our friends in North Rift, if the war between the Pokot and the Turkana escalates, there is a procedure to suspend those two counties. So, the leadership of those regions has to be very careful. We do not want devolution to become victim of clan conflict but in case of war or conflict, there is provision in the law that a county government can be suspended.

In fact, Section 192(1)(b) provides for other exceptional circumstances. Section 123 of the Act provides the exceptional circumstances. Section 123(2) requires that a petition be supported by at least 10 per cent of the registered voters in that county. If they collect that as they

did in Makeni... It is good sometimes to go that route. Governor Kivutha Kibwana went through hell but now he is the best governor in the country. Sometimes, it is good to be baptised by fire. There was a big war between him and the county assembly. Today, we are proud. Makeni is one of success stories.

Section 123(3) provides that upon receiving the petition, the President submits the same to Intergovernmental Relations Committee to look at it and then he appoints a commission with the approval of the Senate in 123(4). The law provides for how that Commission should be composed. That Commission again under Clause 123(7) makes recommendation to the President. Section 8 of 123 states that if the President is satisfied with the recommendation for a suspension, he forwards the report to the Speaker of the Senate. Section 123(9) states that the Senate will consider the report and make a resolution accordingly. Where the Senate adopts the recommendation for an approval, the President dissolves the county government through Section 123(10). That is how the law exists. What does this amendment want to remedy? This Bill seeks to introduce a timeline for commission of inquiry. A commission is established to go and look into it but there is no timeliness. This amendment gives the timelines; it is not open-ended. A Commission cannot investigate for months. The Senate cannot keep that. It is providing a timeline for the commission of inquiry into the suspension of a county government.

Two, in an instance where the commission of inquiry does not make a recommendation for a suspension, what happens? The current provision in law does not provide for the same. So, what happens if the commission says they have not found anything tangible and no evidence to suspend this county? We are also trying to fill a lacuna in law on that matter.

Three, this amendment is creating an elaborate procedure where the President is satisfied with the recommendation of a commission of inquiry and an instance where the President is dissatisfied. What happens? What happens if the President is dissatisfied with the report? That procedure does not exist in law. We are treating it.

Further, if you look at Clause 3 of the Bill...I am happy the Committee chaired by Hon. Koinange has done a good work. In fact, Members should pick the Report of that Committee which I have used to prepare my notes. Clause 3 of the Bill seeks to provide for the procedure of termination of a suspension by the Senate. A county can be suspended but midway, the Senate can say: "Yes, we are the ones who are custodians of county governments. We have re-looked at it and this county is now back and we want to lift that suspension." So, we are giving the Senate that power.

This House will recall that the law provides that where the President is satisfied with the report of the commission of inquiry, he forwards the same to the Senate for determination. When the President sends the report to the Senate, it is just to concur with him. What happens if the Senate does not agree with the report of the Commission as sent to them by the President? Article 192(4) gives the Senate the powers to terminate a suspension. So, the proposed clause provides for an elaborate way of terminating. So, already, the Senate has that power in the Constitution. Article 192(4) of the Constitution gives the Senate the powers to terminate a suspension. What this Bill is doing is to set the procedure – an elaborate way of terminating it. You cannot just terminate it the way you want. The amendment therefore seeks to fill a lacuna in law and I call Members to support it.

When you look at these Bills, the Senate has a lot of work. But six years down the line, it has got no grip of what it is supposed to do. All the issues we are talking about - the many audit queries from counties, why counties are not collecting their own revenue, where they keep it when they collect, where we have bloated human resource in counties and corruption, the Senate

has been created to deal with them. I saw the Deputy President in Chatham House trying to profile the Senate. I disagree with him. The Senate of the Republic of Kenya cannot be like the Senate of the United States of America (USA). The framers of the Constitution in Kenya - and Hon. Otiende Amollo is here - had very seasoned Senators, people like James Orengo, Kiraitu Murungi, Anyang' Nyong'o and Moses Wetangula, who sat in the Committee of Experts. They knew that the role of the Kenyan Senate is to safeguard the interests of county governments. We have a history of people fighting devolution. There are those who believe in the centralism and there are those who believe in devolution. I think this Bill is very good and the Senate...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Chachu Ganya, what is out of order?

**Hon. Chachu Ganya** (North Horr, FAP): It is not really a matter of being out of order, but I just want to inform my brother that those senior Senators sat with me in Committee on Constitutional...

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Are you informing him or you are on a point of order?

**Hon. Chachu Ganya** (North Horr, FAP): It is a point of order. Is it in order for my brother to mislead the House that the senior ranking Senators sat in the Committee of Experts, when actually, as Members of the National Assembly, they sat in the Constitutional Review Committee of this Parliament which I was a member?

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Leader of the Majority Party, please, clarify.

**Hon. Aden Duale** (Garissa Township, JP): I am only saying that when the Parliamentary Select Committee on the making of the Constitution represented us, they had a right to review and give us a Senate which is the upper House; one that is powerful. But they knew where they were going. In fact, all of them went to the Senate. So, you cannot change the rules of the game midway.

Last time, Man-U lost, but last night, we won. So, today is a good day for me. My team qualified to the quarter finals of FA Cup.

**Hon. Members:** (*Off record*)

**Hon. Aden Duale** (Garissa Township, JP): My team is known. It starts with 'man' and it ends with 'united'. The other day, we were beaten badly by PSG of France. But last night we revenged. We did very well.

I was saying that if we want to deal with the Senate, let us put it in one of the questions in the referendum. There are many referendum questions. This is a very important Bill. We are just treating the process and the gaps on how a county can be suspended through the laid down procedures.

In conclusion, I urge Members to read the comprehensive Report of the Departmental Committee on the clauses committed to them in order to fully appreciate and enrich the debate. I further urge Members to adopt the recommendations of the Committee as contained in their Report, before we come to the Committee of the whole House stage.

I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Well put. Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this Bill. As my colleagues have said, this is a fantastic work that has been done by the Senate. Our Constitution has suffered many setbacks and there are situations where it has been thought that the Constitution and devolution are not

working. The issue has been; we have not gone into details to look at the Constitution at every step. In the first place, we did not follow the Sixth Schedule. The Transition Authority ended prematurely and did not do its works. But arising from our experience, we can see that the Senate has a lot of work to do, and has brought in the issue of how dissolution of county government can be undertaken in a very clear way. There is a commission of inquiry which will be set up and which will indicate whether they agree that there should be dissolution or there will be no dissolution. In either case, there should be a time limit on how long the commission should work. Once the commission of inquiry completes its work, there is a very clear time limit on when it should report to the President. Even the President is given clear time limit on when he should refer the matter back to the Senate. It clearly states that if the President is in agreement with the report of the commission, he gives a memorandum that actually states what his views are and that goes to the Senate. That will be discussed in the Senate. Where the President does not agree, there is a provision that the President will give a memorandum on his views. When the Senate has gone through that, the Senate itself must have a Report which must go back to the President and it is clear what the President will do with the Report.

We have to ask the President and the Senators to do that. People cannot go around and bring political issues where the process is extremely clear. Once it has been decided, for example, that the county government will be suspended, how do you terminate the suspension? It is clearly provided for in this Act that a Member of the Senate will actually move a Motion on that. This Motion will be taken to a committee of the Senate, then the committee of the Senate will discuss it and bring it back to the Senate. It is so clear. That is exactly what we should do. We should look at issues as they arise, not only when we have a problem. In my view, the Law Reform Commission of Kenya, the Intergovernmental Relations Technical Committee and the Council of Governors... There should be a body that is constantly looking at the laws. We all know that in the Constitution, we had laws relating to the county governments and the national Government. We had the Commission for the Implementation of the Constitution. I think even that was ended a bit prematurely. Those processes should have continued and the new organs that take over, should be looking at the laws, and ask where the gaps are. This is good but I am sure it has been precipitated by what happened in Makueni. As a nation, before we jump and say this is not working; this part of the Constitution is not working or this function should be brought back, we should look at the process of devolving that function.

If you are now taking functions that have been in the national Government for years to devolution, you have to look at them in fair amount of detail. If people, laws and institutions are involved, they have to be looked at and re-formatted so that they can work in a devolved function. The only way to do that is to look at the laws as we put them in. No body, commission or taskforce, will sit in an office or in panels even for months and imagine all that will happen if a new law is enacted. You can get some, but the most important test is when it is put in action, what issues come, then we can come in and look at them again as the Senate has done. It clearly shows that the Senate has a function that is cut out for it in stabilising the counties. This is the best example we have had of what the Senate can do and many more should follow.

With that, I support this Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): The Hon. Member for Sirisia.

**Hon. John Waluke** (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the County Government (Amendment) Bill (No.2) (Senate Bill No. 7 of 2017). The Senate has now proved that it is moving in the right direction. It is not like before. This is why I

am excited to contribute to this Bill today. The Senate has come up with a good Bill. This Bill is going to support the county governments in so many aspects. It is vital to the nation and to the county governments that a Bill like this has come from the Senate that has been doing duplication work from the National Assembly. I also want to thank President Uhuru for two things. President Uhuru believes in devolution. Many people did not believe when President Uhuru took over the Government. They thought that the Jubilee Government would not support devolution. We thank the President and his deputy for believing and supporting devolution. Another point for which I thank President Uhuru is that I trust he respects the Constitution of this country. So for those two aspects, I want to thank him.

With those few remarks, I support the Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Dr. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. Let me also support this County Governments (Amendment) Bill. As many speakers have said, it is supposed to provide clarity in a situation where dissolution of a county government might be necessary. You realise with the current law there are gaps. These are the gaps which we are trying to address in this Bill.

I agree with Members who are saying that the Senators have their job cut out for them and it is unfortunate that we see a lot of sideshows. Their work is clearly cut out for them, when you look at the gaps. One of the critical areas which I think has been addressed is the issue of timelines. The current law does not have clear timelines in terms of how long should a commission take to do its work once it is formed. Once they have done their work and forwarded their recommendations to the President, how long does it take the President to look at the recommendations, make a decision and send feedback to the Senate?

It also addresses areas where there are gaps in terms of, in case the commission makes recommendations and the President does not agree with those recommendations, what happens? Is it that we are always assuming that the commission's recommendations will have to be accepted or approved by the President? I think the President can also say he does not agree with the recommendations. What the law is proposing now is to make sure that in a situation where the President does not agree with the recommendations of the commission, what happens is clearly stipulated. At the same time, once this report is sent to the Senate, it might not have to agree with what the commission and the President have said. In a situation where the Senate disagrees, what happens? Currently, there are gaps. This law fills those gaps by providing clearly what will happen in case any of the teams does not agree with each other. Where they agree, what steps need to be taken? That is why this law becomes very critical.

In fact, by all assessment, this law should have come long time ago. It is only by God's mercy that we do not have many cases of county governments being dissolved. It was only in the case of Makueni. If that happened more frequently, we would have faced a lot of challenges. Now that the law is coming before we get to that challenge, it is important that, as a House, we support and fast-track its conclusion to become an Act of Parliament so that in case there will be need, then it will be addressed.

Even as we address matters to do with dissolution of county governments, there are other areas which I think are also very urgent and which the Senate also needs to fast-track. One of them is the issue of budgets. Currently, the county assemblies' budgets are factored in the county executive budget. It is the county executive which, at the operational level, administers the budget of county assemblies. This causes a lot of conflicts at that lower level. At times, that

budget, being a tool, is used by the county executive to either delay the work of the county assemblies or even make sure that it is not even implemented. Where no money is provided, there are always challenges.

The other thing that needs to be addressed is the issue of the speakers. You realise most of the speakers of county assemblies, unlike at the national level where to some extent the Speaker can make independent decisions without fear of anything, are at the mercy of the MCAs. They do not have the power to make independent decisions because they are always being threatened with impeachment. Any time it seems they do not agree with the MCAs, impeachment looms. The Senate needs to take this opportunity and think through that problem and come up with a legal framework which will solve it, so that speakers can do their work without any fear in terms of impeachment or without really thinking about whether the decision is the position of the MCAs. So long as you lose independence in terms of decision-making, then the assemblies cannot be effective in their work.

The point which is important is how to solve conflicts at the county level. There are conflicts arising in different counties, where the county assembly may not be in agreement with the county executive. Since they do not seem to have a very clear conflict resolution mechanism, there are lots of unnecessary delays in terms of solving the matters so that work can continue. At the end of the day, service delivery suffers at that level. The Senate needs to move very quickly and think about how conflicts can be resolved within a very short time so that service delivery is not disturbed.

If those issues are addressed by the Senate, devolution will become very effective and Kenyans will benefit from it. Personally, I believe in devolution. If you look at research reports which have been done in the past, devolution has been proved, even in theory, to be the best practice everywhere in the world. If we get over these small challenges, automatically we will have good services delivered through devolution. It is important that the Senate, since they are in charge of county government... Because the Constitution clearly stipulates that the Senate will be in charge of county governments in terms of their requirements. It is high time that the Senate focused more on things which touch the counties and then these other things like interrogating Kenya Airways (KQ) or Kenya Pipeline Company (KPC) on how they use money. Those national functions can take the second level. Matters to do with county governments should be activity number one to the Senate. They need to be a priority. So, we would want to see more of this kind of Bill so that we can help the country grow.

With those remarks, I support. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Rasso.

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this Bill. It is, in effect, operationalising Article 96(1) of the Constitution on the roles and functions of the Senate. The Senate represents the counties and serves to protect the interest of the counties and their governments. Going further, there are two levels of government operations in Kenya: the national Government and the county governments.

In the 2010 Constitution, in the Fourth Schedule, Part II, it has clearly been spelt out that devolution to the county government will only be autonomous in the implementation of distinct functions as listed there.

Hon. Temporary Deputy Speaker, what we have seen clearly since 2013 is the clamour between the senators and governors or MPs to attempt to overreach and bring down those entities. What is placed before us today and the laws as spelt out is indicative that, that is not possible again.

Hon. Temporary Deputy Speaker, It is about constitutionalism. When we say that a county should be suspended, the threshold is not about individuals fighting over resources. Rather, it is clearly spelt out in Article 192 as the state of emergency or war. So, the threshold removes the individuals or pecuniary interest of leaders fighting over the control of the county.

Clearly, Makueni was never suspended but it was the wish of the then Governor that Makueni was to be suspended because he thought it was ungovernable. However, looking at the Constitution then and now, we must absolve ourselves to clearly say that if we live the moment of the Constitution, it will be hard to have the county government dissolved unless there are clear issues that are there pointing to the fact that the county government is not running primarily within the national interests or for the good of the people of that particular county.

Hon. Temporary Deputy Speaker, under Article 192, the President is given power to suspend a county government under certain conditions. However, it also goes further to state that when the commission reports to the President, he is at liberty to look at the law itself to be convinced if the commission might have overstepped or gone beyond the boundary that was laid for a county not to be suspended.

The other area that is given here and that Hon. Members have alluded to is the issue of timeline. That of 90 days beyond which a county should not remain suspended. For obvious reasons, if a county is suspended before that time, the health and wellbeing of the citizens in that area and nation at large will be affected.

There are also areas of concern where the national Government is supreme to the county government. That is true in as far as legislating is concerned and if there is conflict at the two levels. However, under the Fourth Schedule, it clearly says that the national government is constitutionally not allowed to wilfully interfere with the county government at will. Maybe, the personality in a given county government is not liked by the top executive and so this law clearly gives a road map in terms of how a county can be suspended. We are getting rid of human prejudice and pegging it to law.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Let us have Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I also take this opportunity to support the County Government (Amendments) (No. 20 Bill (Senate Bill No.7 of 2017) for many reasons. It is just by sheer luck that we have not had a case where our 47 county governments have been dissolved. This amendment provides clarity in dissolving the county government. I know had it happened, given the clamour for positions by our elected MCAs in various county governments, we would not have had peace. I do not even see how it would have ended save as mentioned by one of us here, for the act of emergency, which we also have not experienced.

The amendment here is giving us a clear direction on what should be done in case there is need for dissolution and time frame so that we have the time determined.

The Senate has also been given guidelines as to when to lift the suspension of that county government. So, in supporting this amendment, it is very clear that it has come at the right time. Thanks to the Committee on its clarity as to what ought to be done. In the past, we had county councils or local authorities. They were suspended because they could not function and I could see it coming. For example, most MCAs in our counties have been urging for dissolution, and kicking out of governors if he or she is not doing well according to them. My county MCAs can only be appeased when they are given what they want. They are crying babies.

I am sorry I have to mention this because that is what happens. They have to go for retreats on weekly basis. My County Government appeases the MCAs by facilitating their going out for retreats, whose objectives cannot be explained.

They went to Rwanda for two weeks, but I do know what came out of it. This Bill is timely. It informs us and gives direction to the President on what to do in case of dissolution of a county government.

Lastly, after the promulgation of the Constitution of Kenya 2010, the procedure was not very clear. At the Third Reading stage, we will support the Chair and as friends of the Committee, we will present our inclusions. We all come from the various counties where a number of things need to be changed. So, during the Third Reading, the Chair should count on us to give some input which cannot be discussed here vividly.

Therefore, I support the Bill because it is very timely. The only thing I see is the need to dissolve some county governments because, as mentioned by some Members who have spoken before, services are not forthcoming. A devolved function like health is almost impossible. As we can see, nurses are on strike and are not ready to report back to work. This is because of poor management in the counties. Also, water services have failed. In fact, drainage is affected and I am afraid some constituencies in swampy areas will be affected by floods. So, some devolved functions in the counties are wanting.

There is need for us to have one or two county governments dissolved, so that they can serve as a lesson to the others, so that they can pull up their socks. We should look forward to meeting the Committee during the Third Reading stage, in order to come up with various amendments to beef up the Bill.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. David Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. Happy new year and welcome back. We have really missed your voice and guidance especially on that good day when you said the Ayes have it. I cannot recall what happened because my crutch landed on somebody below the belt and while he was screaming, you said “the Ayes have it”.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Sankok, are you admitting to have acted in a disorderly manner?

**Hon. David ole Sankok** (Nominated, JP): No! I was almost falling down and my crutches landed on somebody below the belt and while he was screaming, you said, “the Ayes have it”. I support the County Governments (Amendment) Bill (Senate Bill No.7 of 2017). The Bill seeks to streamline county governments, seal loopholes and gaps which have been there especially on the dissolution of county governments.

For the first time, I am happy with what the Senate is doing. They are carrying out their mandate and putting the record straight. That is what they are supposed to do instead of having the supremacy battle between them and county assemblies. They are supreme and should guide the county assemblies. When such a Bill comes here, the National Assembly should support it. It is also good for the Senate to try and empower county assemblies through a legislative framework. If possible, they should advise them to come and benchmark in the National Assembly. This is because we are under the guidance of...

*(Technical hitch)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Sankok, you can try the Dispatch Box.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. This microphone is better. Please, protect me from the Members of this House. Before I was rudely interrupted by the gadgets, I was saying that the Senate should empower county assemblies through a legislative framework. If possible, they should assist county assemblies to benchmark with the National Assembly because we work very well with the Speaker and the leadership of the House. They need to benchmark to avoid the irrational wars that are happening in county assemblies.

Therefore, it is better to strengthen this Bill even further. Without capacity building in county assemblies, such good laws and Bills may not be useful if the members of county assemblies are not empowered through capacity building. I still do not know what is happening to the Nairobi County Government and Assembly because the last time I heard, they did not have a deputy governor, speaker and county executive committees (CECs). Such issues can be resolved through a legislative framework.

Once, we have county assemblies working and their capacity built, I do not think we will need the Senate. We can disband it. At the moment, we have two centres of power overseeing one entity and sometimes, this causes confusion. I support the Bill and urge the House to ensure that the relevant committee follows it up so that it is fully implemented.

We support devolution. That is why this House supports all Bills concerning county assemblies. We know devolution has brought inclusivity in our country. Instead of fighting to share power and for the presidency, we have devolution working. We have 47 heads of government who are like presidents. They have an allocation and manage resources. So, already we have inclusivity in our country. I support the Bill because it supports devolution and the party that nominated me to this House supports and believes in devolution.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Maanzo.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to support this very important Bill and the proposed amendments. Makueni County has been quoted severally.

The original intention when there was a possible dissolution of any county government, one of the key things which the framers of the Constitution were thinking about was in a situation where there was conflict in a county which was beyond that county, especially if the country was at war. At that particular moment, it was tenable. However, the experience of Makueni taught Kenya that we need to relook at this law. The situation in Makueni really did not warrant that strife or dissolution of that particular county government. A commission was set up and there was a hearing which took a long time. A lot of vital time for development went into waste. Many things were not done right during that particular time. As things would be, that particular commission proposed the dissolution of the Makueni County Government. However, when it went to the President, upon briefings and consideration of one thing after another and another possible election and the sort of use of public resources, the President was convinced otherwise. He did not dissolve the county government. Today, Makueni County has performed very well and better than many other counties which never went through any problems.

As such, it has now necessitated strengthening this law and implementing it. Now even the position of the Senate is far and clear under this Bill. I believe this House is going to pass it. The Senate has a role and can reconsider the status and relook at the whole suspension issue

before it finally goes to the President. I believe the committee which was handling this has done a very good job. We have now synchronised the two systems. County governments are still very much dependent on the national Government. Devolution is meant to take development to the grassroots. Right now, it has a good percentage of money allocated to it although most of it has not been used well and that has been the cause of the fight. When a county assembly does its job properly, then the governor feels it is time to wind up the government and all of them go back to election even when it is unnecessary.

Therefore, unless they have good reasons, it is not going to be business as usual. No county government will be dissolved unnecessarily. This is a very big improvement of the County Governments Act and it is going to make devolution much better. Even with future constitutional amendments, which is the mandate of the people through a referendum, devolution is a big thing in the country and many Kenyans have supported it. I believe strengthening it by these amendments is a good thing and it is good for all Kenyans.

One clause of the Bill says that upon termination of a suspension of a county government, at a point where a county government has already been suspended, then an interim county management board appointed under Section 126 shall stand dissolved. Then the governor, the deputy governor, members of the county executive committee, the speaker and members of county assembly shall resume their functions and continue to receive their benefits in full from the date of termination of the suspension and shall hold office for the remainder of their term.

This is one of the new developments which have come in and it settles the situation in county governments so that there is not going to be a gap, a moment of confusion, a moment when no one is in charge of resources or when the county assembly is not doing its oversight duty. This had not been seen and was not present in the previous law. In the event a county government was terminated before you conduct another election, there was going to be a big gap and a problem and no one in charge of that county. You know even preparation and planning of a new election will take a minimum of three months. What will be happening in that county? What will happen to the people and development? This Bill has sealed those gaps. It has even gone ahead to introduce new definitions, clearing issues and problems which the first County Governments Act, before its amendment, had. This will go a long way to make sure that Kenyans are served better and for longer and the purpose of devolution is realised.

Hon. Temporary Deputy Speaker, I thank you. I support the Bill and urge other Members to support this important Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Akai, are you leaving?

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Bill. I support it. Devolution, being new in Kenya, is a learning experience where gaps and challenges are continually being identified and addressed through amending legislations. This is one such legislation that the Senate has come up with and we are really happy. It seeks to give effect to Article 96(1) of the Constitution on the functions of the Senate and also seeks to amend the County Governments Act No.17 of 2012 specifying on issues of disposal of inquiry reports and lifting of suspensions of county governments. It also gives timeliness. We know of many commissions of inquiry that have taken many years without yielding any results. I am happy that this Bill is giving a timeline that a commission of inquiry into the suspension of a county government should take. It also gives the procedures that lead to His Excellency the President's acceptance and rejection of the

suspension. It gives a threshold so that the President does not just use his whims to reject or accept. There is a procedure.

This Bill enables the Senate to terminate suspension. It details the procedures. There are many things that happen in the counties and there is a lot of confusion. There are high levels of corruption and in-capabilities both in the county assemblies and in the performance of the CECs and chief officers. There is poor performance, insubordination, wars between CECs, MCAs and even up to the Senate level. This Bill seeks to clarify all this.

This Bill will also popularise the possibilities of suspending a county government and circumstances that may lead to the same where it will enable the common *mwananchi* to be knowledgeable enough to raise queries, petitions and issues that will necessitate suspension of a county government. We know the nearest we came to suspension of a county government was the Makueni case which never took place. When the Leader of the Majority Party spoke, he alluded to the fact that the war in Turkana and Pokot really makes the two county governments risk being suspended. We know it has to be a serious issue. We know that the national Government, being in charge of security, has to intervene. There is a lot going on now in Kainuk in Turkana County and there is no way the Turkana people will rise against themselves in their own county. It is an issue of incursion, invasion and aggressors from neighbouring counties. These are some of the issues that should come out in such a Bill, so that we know the steps to be taken when a county aggressively attacks another county.

Thank you, Hon. Temporary Deputy Speaker. With those few remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Godfrey Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Temporary Deputy Speaker, I did not want to contribute to this Bill because I am waiting for the Bill after this one.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Then you need to take your card out.

Let us have Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Temporary Deputy Speaker, thank you for this opportunity to contribute to this important County Governments (Amendment) Bill (Senate Bill No.7 of 2017). I must commend the Senate because, at least, something positive has come out of there. Many times, they spend all their time complaining, whining and trying to compete with the National Assembly.

From the outset, one of the best things that has ever happened and ought to be working in this country is the devolved governments. I must commend my party, the Orange Democratic Movement (ODM), for spearheading the devolution debate. Our party leader, the Right Hon. Raila Amollo Odinga, has been at the forefront in ensuring that devolution works. Devolution was entrenched in the Constitution, but we have had challenges in the implementation and the functions of the county governments due to the gaps in law and generally poor governance structures. We hope this amendment Bill will bring forth some stability and organisation in the management of county governments.

Articles 176, 178 and 179 of the Constitution collectively establish the county government that comprises of the county assembly and the county executive committee. We need to note that the proposed Senate Bill No.7 of 2017 generally provides circumstances under which a county government may be suspended. This should be clear from the outset that it is different from what is provided under Article 181, namely, the circumstances in which a governor may be suspended or recalled from office. Suspension of a county government is provided under Article 192 through the process of an independent commission appointed by the

President. The report has to be approved by both the President and the Senate before a suspension can be effected. Sub article 4 provides that the suspension can be terminated by the Senate at any time. The gap in law is that there has been lack of timelines under which that can happen. We must commend the Senate for having seen the gaps, probably by learning from what happened in the Makueni County Government. The Senate has generally provided for the grounds or timelines under which the process of suspension can happen.

However, there are several issues that need to be clear as we support this Bill. The grounds remain open-ended. The Bill provides for internal conflict or war. As my colleagues have said, what is happening in the North Rift could easily fall under that category. But more essentially is the issue of exceptional circumstances. The Bill talks about situations that go against the wishes, interests or the common needs of the citizens of a county and provides the threshold. Probably an amendment needs to be brought to tighten up what the common needs and interests of the citizens of a county are. Leaving that to the commission of inquiry to determine might leave room for many issues that cannot be precisely defined. That is what might have informed the President when he refused to accept the report of the commission of inquiry in the Makueni case. Probably in the fullness of time or in due course, there might be need to clearly stipulate what constitutes common needs and interests of the citizens of a county.

Section 123(7) of the parent Act provided that the commission of inquiry should expeditiously inquire into the matter, report on the facts and make recommendations without giving a timeline. Many of us have seen commissions of inquiry taking all the time they could without making recommendations. The timeline now set within a particular number of months gives certainty that this will happen within a reasonable period of time. The time set for the President and the Senate gives room for us to be certain of what will happen in due course.

During the period of suspension, the Bill provides that an interim county management board shall be established and run the county in the interim. However, there seems to be another lacuna that has emerged that in the event the suspension is not terminated, it is contemplated that there will be an election of the county government as provided under Clause 130. Again, there is a provision under Clause 129 that the county government shall stand dissolved after 90 days. That means that there will be a conflict in the law. If after 90 days the suspension has not been lifted, it will, therefore, mean that we head into another election. Knowing the timelines provided under the Elections Act, it means that a mechanism must be provided for where the term or mandate of the interim county management board can stand extended until after the rigours and the process of election as provided under Section 19 of the Elections Act No.24 of 2011.

We must appreciate that we have come through a new system of county governments which we have not internalised. It will take time. I can assure you that people in most counties are starting to get impatient with the slow pace under which services are being delivered. One of the areas that we need to tighten, and which could be a ground for suspension, is where there is justifiable outcry because of poor performance of county governments. It is unfortunate that many times - and we must note this - our county assemblies have not been of much help in overseeing and bringing the county executive and governors to account for their actions. One of the issues that we could tighten in the amendments is to clearly redefine the role of county assemblies and provide capacity building to ensure that we have MCAs who know exactly why they are MCAs, who understand their calling and are not hecklers or scarecrows for the county speakers and county governments such that they simply hold them to ransom and nothing happens. County governments and speakers generally focus on appeasing MCAs to avoid cases of impeachment however unwarranted they might be.

With those few remarks, I support the Bill. I hope to review or support the amendments that will be brought up by the Committee during the Committee of the whole House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Sorry, Hon. Chachu. I have skipped you several times because of the technical hitch.

**Hon. Chachu Ganya** (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker. That is okay. You have always been a very considerate Speaker.

I stand to support the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017). This Bill brings clarity to the ambiguities that existed in the County Governments Act (No.17 of 2012). It is an amendment to an existing law.

The few amendments that are in this Bill provide clarity. They provide clear procedures on the disposal of a commission of inquiry report. This is a commission which is established to terminate or suspend a county government. What we learnt from the Makueni County case informed our Senators. They felt that there is need to amend the County Governments Act. Going forward, if we may need to suspend or terminate any of our county governments, may God forbid it, then we shall have clarity in the law for that to happen.

The few amendments in this Bill remove all the ambiguities. They give a clear timeframe to the authorities concerned in terms of what they are mandated to do. I am talking about the commission of inquiry, the Senate as well as the presidency. When it comes to suspension or termination of a county government, these are the three major organs that have a role to play. In addition to giving clear roles and mandates, it also provides a very clear timeframe for necessary actions to be taken by the three authorities, namely, the Senate, commission of inquiry and the presidency. For instance, the Senate committee responsible for this role is given only three months to do its investigation, make a decision, forward it to the Senate plenary for deliberations and a decision to be made. As some of my colleagues have said, this shows that if our Senators are committed to the constitutional mandate that they have, they can do a lot of good in strengthening devolution and county governments. Their constitutional mandate can also be clearly articulated. We can also have clear procedures and roles for us to dispense with the positions that they have.

I agree with my colleagues that the Senators in the 11<sup>th</sup> Parliament did not, just as the current ones in the 12<sup>th</sup> Parliament, commit their time to do what they were supposed to do according to the Constitution. That is why we have supremacy battles about functions that are clearly provided for this House to undertake. There is an ambiguity in the Constitution. It says that the Senate is responsible for anything that affects the counties. The Fourth Schedule in the Constitution clearly states the functions of the county governments and the national Government. However, Senators still want to be relevant where they are not supposed to execute their mandate. Most of the time, they spend quality time on issues which do not concern them at all. They give us a lot of difficulties. We end up forming mediation committees in which we negotiate with them on contentious issues especially concerning Bills. Members of mediation committees come from both the Senate and the National Assembly. At times we lose a whole day simply because we cannot agree! The reason is that we are not very clear on our roles.

This House is largely very clear on its role. The Senate can learn from us. We, however, commend them for this Bill. We hope more Bills, similar to this one, will come from that House.

I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Dennitah Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for giving me the opportunity to support the County Governments

(Amendment) Bill, Senate Bill No.7 of 2017. Devolution is the best thing that ever happened to the people of this country. For the first time, people in remote areas who had not seen electricity and other small things that were originally found in Nairobi are benefiting from devolution.

At the same time, I see a situation where devolution is working for those who are ready. Devolution will work for the counties, constituencies and people who are ready for it to work. We have been experiencing many situations in this country. For instance, we have seen war in counties like Migori, Embu, Homa Bay, and Machakos especially between MCAs and speakers. Those are people who will derail devolution which we know has good intentions. I am happy because this Bill comes from the Senate, which is the institution that is mandated to ensure that devolution works. I want to congratulate the Senate because it has the best interest of our counties at heart. It is up to the people at the grassroots to make it work. I am also using this opportunity to call for sobriety in our county assemblies.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Member for Kimini, what is out of order?

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I have a lot of respect for Hon. Dennitah Ghati. Is she in order to mislead the House that the Senate is there to ensure devolution works? This is something that has been happening in the public. When you read the Constitution, you will know that the Senate has the mandate to legislate laws that affect the counties. However, there is nowhere in the law where it says that the mandate of the Senate is to ensure devolution works. Even the National Assembly has the mandate to make devolution work. It is not proper to mislead the public because this is a narrative that has been pushed by the Senators. It is not true. I want my friend, Hon. Dennitah Ghati, to clarify. I know it was a slip of the tongue. This is the perception outside there that the Senate is there to ensure devolution works. Even the National Assembly and county assemblies are there to ensure devolution works. Article 96 of the Constitution is clear on matters of legislation on counties, which is the core business of the Senate. We need that clarity, so that we do not mislead the public.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Wamalwa, I will not purport to speak for Hon. Ghati, but the Senate oversees the counties. If you oversee something, you do it for it to work. It is a matter of how you frame your statement, Hon. Wamalwa. The National Assembly is responsible in terms of making sure that devolution works. It is the same thing for the Senate and county assemblies. I will leave it to Hon. Ghati to clarify her statement.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I accept Hon. Wamalwa's contribution. As you rightly put it, the mandate of the Senate at the national level is to ensure that devolution works because it has the responsibility of overseeing the counties. You cannot oversee an institution that you have no intention of ensuring that it works well. That is my point. That is the responsibility I am giving the Senate, together with MCAs, to ensure that devolution works.

Allow me to say that this is a very timely Bill from the Senate. As Members have alluded, this Bill seeks to seal the loopholes that exist. For example, when a vacuum arises within a county, a shorter time should be taken to sort out the matter. The Bill outlines timelines to ensure that when commissions of inquiry are set up in the counties, they complete their mandate in a specified period of time.

Hon. Temporary Deputy Speaker, as I speak, counties and the Senate bring to this House cries from some of our counties. I come from Migori County, a county with different communities. For example, the Kurias are talking about inclusivity in terms of allocation of resources within the county. Those are the parameters that need to be sorted out to ensure equity and equitable distribution of resources, so that counties move on properly.

Now that we are discussing the County Governments (Amendment) Bill from the Senate, I ask that we ensure our counties prosper. We need to ensure that devolution works well. The intention of the Bill is right, correct and timely. It is our responsibility as Members of Parliament to ensure that we support the Senate and the county assemblies so that the Bill passes.

I support the Bill and ask MCAs and Members of this House to support it.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Soipan Tuya): Hon. Members, I see top on the request list Hon. Nyikal, who has already spoken to this. He is anticipating the next one. I do not know who on the request list is anticipating the next Order and who wants to contribute to this one. Let us have Hon. Ali Athman, Member for Lamu East.

*[The Temporary Deputy Speaker,  
(Hon. (Ms.) Soipan Tuya) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Christopher Omulele) took the Chair]*

**Hon. Ali Sharif** (Lamu East, JP): Asante sana, Mhe. Spika wa Muda. Ningependa kuungana na wenzangu kuunga mkono marekebisho haya ya Mswada huu kuhusu serikali za kaunti.

Tunapaswa kama Wakenya kujipongeza wenyewe na kuipongeza nchi hii kwa Katiba tuliyopitisha kuhusiana na mambo mengi, mojawapo ikiwa suala la serikali za kaunti. Leo marekebisho tunayofanya hapa ni kutokana na hofu kubwa kuwa serikali za kaunti kuonekana namna zitakavyojiendeleza na namna zitakavyodumu katika kuendeleza mambo yao. Ndiposa mwongozo huu tuko nao leo waonyesha hofu iliyokuwapo ni kwamba serikali 47 za kaunti huenda zizifanye vyema ama kutokuwa na usawa. Ndiyo sababu kukawekwa mikakati kama hii ili mambo haya yatakapojitokeza ifahamike ni vipi yatarekebishwa. Ukweli ni kwamba, ningependa kuzipongeza serikali za kaunti takriban zote. Kutoka zianze masuala haya hakuna kaunti imepitia changamoto hizi isipokuwa tu kaunti moja. Imetajwa na wenzangu hapa lakini vile vile, haikufika kiwango cha hofu iliyokuwepo kwa Wakenya wakati walipokuwa wakipanga Katiba hii.

Lazima tukubali pakubwa fikra ya kuwa na serikali za kaunti imechangia pakubwa maendeleo ya nchi hii. Tumeshuhudia mambo mengi yamebadilika na maendeleo yamekuwapo katika sehemu mbali mbali katika nchi hii. Ingawaje hakuna jambo ambalo halina changamoto, lakini ukweli ni kwamba tunashukuru Mwenyezi Mungu kutokana na serikali za kaunti kuonyesha mabadiliko makubwa. Kumekuwa na tofauti kubwa katika nyanja tofauti tofauti. Ingawaje, ni vizuri kuendelea kuhakikisha kwamba zimepigwa darubini ama kuhakikisha kwamba zitadumu na kufuata sheria na utaratibu unaotakikana.

Naunga mkono Mswada huu nikiamini pakubwa haya yote ambayo tumeyaweka wazi hapa yatakuwa ndio mwongozo na uangalifu wa serikali za kaunti. Tuhakikishe kwamba

panapotokezea matatizo tuna mwongozo kamili wa kuhakikisha kwamba matizo hayaleti athari ama hayatatanishi utaratibu ambao unaendelea hivi sasa wa kisheria.

Naunga mkono na naungana na wenzangu kwa kupendekeza na kuhakikisha ya kwamba haya mambo na utaratibu huu umepitishwa.

Ningependa kukomea hapa. Asante.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Maero Oyula, Member for Butula.

**Hon. Joseph Oyula** (Butula, ODM): Thank you, Temporary Deputy Speaker, for giving me this opportunity to add my comments on the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017).

This is a good move by the Senate in clearing the uncertainty that exists. With this Bill, it is clear that should anything happen where a county government is suspended, we have a law and rules on the ground to be followed by the authorities.

This amendment Bill clears many doubts as to what would have taken place if there was to be a suspension of any county government. All the procedures have been laid out quite clearly in the amendment Bill and all we need is to ensure that the necessary authorities follow the rules to the letter.

The major problems that we have in our county governments are related to corruption, particularly by the officers. This destroys the smooth running of county governments and creates conflicts. If county governments can listen to the cries of the people, corruption should be reduced so that we do not have conflicts between the MCAs and the executive.

I add my voice in supporting this amendment Bill as it clears any doubts should any county government be suspended.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Machakos County, Hon. Kamene, had you spoken to this?

*(Hon. (Ms.) Joyce Kamene spoke off record)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): You are anticipating the next one. Hon. Joshua Kimilu, Member for Kaiti.

**Hon. Joshua Kivinda** (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this important Bill. Those who came up with the idea of county governments had a very good plan and intention. Right now, we can stand here and say that county governments are doing a good job although there is still a lot to be done. For example, in Kaiti Constituency, a lot has been done by the county government. For example, in the health sector, health centres have been built. The community is happy because there are health centres in all parts of the constituency. There is also the water sector, where the county government is doing a good job. County governments are doing a good job and we need to support them.

However, there are some challenges in respect of which we cannot just sit down and watch. For example, in terms of spending of resources, in almost all the 47 counties, there is an outcry. There are a lot of complaints from the MCAs and the national Government. This is as a result of corruption and misuse of funds. It is high time we woke up from slumber and came up with an effective oversight system at the county level.

There are also conflicts between the governors and the MCAs. We know that one of the roles of the MCAs is oversight, but most of the MCAs are voiceless. This is something we cannot sit down and let go. We need to support oversight mechanisms over the counties. We need to make sure that counties do what they are supposed to do and ensure that there is accountability.

With those remarks, I support the Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): There being no further interest in this, I call upon the Mover to reply.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Temporary Deputy Speaker. I thank the Members for their contribution on this Bill. On the changes that Members would like to be done, this can be done at the Committee of the whole House. It is important that this Bill be passed by the Members because it will bring a lot of changes at the county governments. It will bring transparency, accountability and discipline within county governments.

I thank the Senators for this Bill because it shows clearly that they are very serious about oversight of county governments in order to move in the right direction. This Bill will support the success of devolution at the county level. It will also embrace the issue of fighting corruption and ethnicity at the county government level.

With those remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Christopher Omulele): Hon. Members, for clear reasons, I direct that further action on this Order be taken at a later time, when the matter will be set down for consideration.

*(Putting of the Question deferred)*

Next Order.

**Hon. Daniel Maanzo** (Makueni, WDM-K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Maanzo, what is out of order?

**Hon. Daniel Maanzo** (Makueni, WDM-K): With your kind permission, it is clear that the House is not properly constituted in terms of quorum, which is a requirement of the Standing Orders and the Constitution. I request that the bell be rung because the matters which we are about to debate are very serious and definitely need the attention of the House.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Maanzo, you are well within your rights. I, therefore, direct that the bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): *(Off record)*

The House rose at 6.00 p.m.