

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 19th June, 2019

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

[Speaker (Hon. Lusaka) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM GARISSA COUNTY ASSEMBLY

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of legislative and procedural officers from Garissa County Assembly who are undertaking a week's study visit and benchmarking in the Senate.

I request the officers to stand when call out so that they may be acknowledged in the Senate tradition.

They are-

- | | | |
|-------------------------|---|------------------------|
| (1) Mr. Abdullahi Nur | - | Senior Clerk Assistant |
| (2) Mr. Abdullahi Osman | - | Senior Clerk Assistant |

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

I thank you.

(Applause)

Sen. Farhiya: Mr. Speaker, Sir, I wish to join you in welcoming the two Abdullahis from Garissa County Assembly. The Senate is the best place that they can benchmark. This is where the right decisions are made in as far as protecting counties and their governments is concerned.

Given that the county assembly is the primary oversight for counties, they need to learn as much as possible from the able secretariat in the Senate so that they can execute their mandate properly and ensure that corruption and mismanagement of resources in the counties is stemmed.

Mr. Speaker, Sir, in 2010, Kenyans voted for the new Constitution in support of devolution. I therefore urge counties starting with Garissa County that is represented by its secretariat here to ensure that county governments meet the aspirations of the voters in their counties.

In some counties like Wajir County where I come from, the first tarmacked road was constructed by the county government. There is something in devolution. This House together with the Members of the County Assemblies (MCAs) in the 47 counties need to protect devolution. Currently, there is so much talk against devolution and part of the reason for that is that county governments are corrupt and are not delivering promises to the people. The MCAs need to be counted by ensuring that they tackled the issue of corruption in the counties because poverty levels are very high in our country.

I thank you for allowing me to join you in welcoming the officers from Garissa County.

Sen. (Dr.) Ali: Mr. Speaker, Sir, I would like to welcome the two Abdullahis from Garissa County who are our neighbours. I hope that they will learn a lot from the Senate on how to perform their duties back home. *Karibuni*.

The Speaker (Hon. Lusaka): Next order.

PAPERS LAID

FINANCIAL STATEMENTS OF THE COUNTY ASSEMBLY OF NYANDARUA

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Wednesday, 19th June, 2019: –

Report of the Auditor-General on the Financial Statements of the County Assembly of Nyandarua for the year ended 30th June 2018.

(Sen. Murkomen laid the document on the Table)

REPORT ON THE NATURAL RESOURCES (BENEFIT SHARING) BILL, 2018

Sen. Mwangi: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Wednesday, 19th June, 2019: –

Report of the Standing Committee on Land, Environment and Natural Resources on the Natural Resources (Benefit Sharing) Bill (Senate Bills No.31 of 2018).

(Sen. Mwangi laid the document on the Table)

The Speaker (Hon. Lusaka): Hon. Senators, kindly, note that we are referring to the Supplementary Order Paper.

Next Order.

NOTICE OF MOTION

APPROVAL OF SENATORS TO SERVE IN COMMITTEE

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

THAT, pursuant to Standing Orders Nos.187 and 189, the House approves the nomination of the following Senators to serve in the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration -

- a) Sen. Millicent Omanga to replace Sen. Phillip Mpaayei;
- b) Sen. (Dr.) Christopher Langat to replace Sen. Gideon Moi; and
- c) Sen. (Dr.) Lelegwe Ltumbesi to replace Sen. Anuar Loitiptip.

The Speaker (Hon. Lusaka): Next Order.

STATEMENTSSTATUS OF UBER AND OTHER DIGITAL CAB HAILING
APPLICATIONS OPERATING IN KENYA

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I rise pursuant to Standing Order 48(1), to seek a Statement from the Chairperson of the Standing Committee on Labour and Social Welfare, on the digital cab hailing applications (Apps) operating in Kenya.

In the Statement, the Chairperson should address the following-

(a) State the number of Uber and other digital hailing cabs drivers currently registered in Kenya;

(b) Explain the payment agreements within the drivers, Apps managers, business partnerships amongst others under the Kenyan law or any other legislation;

(c) Explain the rationale for the remission by the drivers of 25 per cent of their collection which is an unfair labour practice tantamount to latter day slavery and violates the minimum wage principle under the country's labour laws;

(d) State whether the Government through the Ministry of Labour and Social Welfare has sanctioned the operations of these ride hailing Apps under the Employment Act and other labour laws;

(e) State how the country is benefiting in terms of revenue from these digital cab hailing Apps.

(f) State the steps that the Government is taking to shield Kenyan drivers from exploitation by App managers.

The Speaker (Hon. Lusaka): I do not see any request to comment on this Statement so we will move to the next statement.

Kindly proceed, Sen. Farhiya.

KILLING OF POLICE OFFICERS IN WAJIR COUNTY
BY AL SHABAAB TERRORISTS

Sen. Farhiya: Mr. Speaker, Sir, I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding attacks by *Al Shabaab* terrorists in Wajir county involving the use of Improvised Explosive Devices (IEDs) on 6th May, 2018 and 5th June 2019 that led to the deaths of five police reservists and 12 police officers respectively.

In the Statement, the Committee should-

(1) State what innovative measures the Government is putting in place in Wajir County and other parts of the country to deal with terrorism in general and the use of IEDs in particular.

(2) Explain the plan that the Government has in place to compensate the families of the dead officers.

(3) Provide a report of the statistics of terrorist attacks in the country making a comparison of terrorism incidents before and after the entry of the Kenya Defence Forces (KDF) into Somalia

Mr. Speaker, Sir, part of the reasons I have raised these questions is because we had a similar incident last year and this year. I wonder whether our police officers receive intelligence for them to be aware of their surroundings. There was an IED explosion last year that killed police officers. A similar incident happened this year in the same way. Did we not learn anything from the incident last year? I thought that we have security intelligence to ensure that people learn from previous experiences.

The Speaker (Hon. Lusaka): Sen. Farhiya, you have already read your Statement. You do not need to debate or explain.

Kindly, proceed, Sen. Iman.

Sen. Iman: Mr. Speaker, Sir, before I comment on the Statement by Sen. Farhiya, I would like to welcome the officers from Garissa County where I come from. I am sure that they will learn a lot from the Senate. I wish them well during their stay.

I would like to condemn the Statement by Sen. Farhiya because it is sad to lose lives.

The Speaker (Hon. Lusaka): Order Sen. Iman. Are you supporting or condemning the Statement by Sen. Farhiya?

Sen. Iman: I am supporting the Statement, Mr. Speaker, Sir. It is sad that lives have been lost. The terrorists' motive is to end people's lives. I grieve with the families of the dead soldiers. It is sad that the soldiers lost their lives while on duty. We should change on our methods of combating terrorism.

Sen. Were: Thank you, Mr. Speaker, Sir. I join my colleagues in thanking Sen. Farhiya for this Statement. I would like to ride on that Statement and request the Chairperson of the Committee to provide information on the armoured vehicles that were bought. He should also tell us if the police officers who were killed by the improvised explosive device (IED) were using those vehicles or not.

Sen. Madzayo: Ahsante Bw. Spika. Hilo jambo ni la kusikitisha. Ninatoa pole kwa familia ya wale waliopoteza maisha yao. Ni aibu ya kwamba kitendo kama hiki kinatendeka kila siku.

(Senators consulted loudly)

Bw. Spika, kuna kelele ambayo sielewi.

The Speaker (Hon. Lusaka): Senators, let us consult in low tones.

Sen. Madzayo: Bw. Spika, kuna vitengo vya ujasusi ambavyo vinaweza kuchunguza na kutuambia jinsi ya kuepuka janga kama hilo. Vitengo hivyo viko ndani ya serikali na watu hao wanalipwa mshahara. Ningependelea ya kwamba taarifa ya Sen. Farhiya ichukuliwe kwa umuhimu zaidi ili tupatiwe majibu mwafaka.

Sen. Wetangula: Mr. Speaker, Sir, I want to congratulate Sen. Farhiya for her Statement and I also want ride on it.

In answering the issues raised by Sen. Farhiya, the Committee should tell this House and the country, the number of uniformed men and women, in all armed formations, who have perished in the hands of terrorists, particularly in northern Kenya. They should also tell us what the Government has done to support the families of the deceased soldiers because most of them had young families. They should also tell us the measures undertaken by the Government to protect the soldiers. One would expect the armed men, who are working in dangerous areas such as Mandera, to be given armoured vehicles and gears. One would also expect them to have better weapons as compared to those of the terrorists. What measures have been taken?

Sen. Sakaja: Mr. Speaker, Sir, I do not want to ride on the Statement sought from my Committee. I want to give an undertaking on the issues which have been raised unless there are other Members who want to comment on that. I seek your guidance on that.

The Speaker (Hon. Lusaka): There is a Statement from Sen. Dullo that should also come to the Committee on Security, Defence and Foreign Relations. Let her seek her Statement, then you will respond to all of them.

ESCALATING INSECURITY IN ISIOLO COUNTY

Sen. Dullo: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.48(1) to seek for a Statement from the Standing Committee on Security, Defence and Foreign Relations on the escalating insecurity in Isiolo County.

Several towns along the Isiolo-Garissa border have been brought to a standstill as a result of frequent attacks that have led to loss of lives and several families have been forced to run away from their homes. Last week, we lost several lives and many people were injured.

Mr. Speaker, Sir, several meetings were held between the communities and Government officials to resolve the border dispute along Isiolo-Garissa border. However, the Government is yet to implement the resolutions. A few weeks ago, General Service Unit (GSU) officers were accused of harassing and displacing residents or Yakbarsadi. The officers used force on innocent civilians residing along the Isiolo-Meru border and

prevented them from accessing their grazing areas. The officers are currently stationed 100 meters from the chief's camp, which is affecting the daily operations of the community.

In the Statement, the Chairperson should-

(1) Explain the actions the Government is taking to urgently resolve the inter-boundary dispute between ourselves and our border counties.

(2) Explain the measures the Ministry of Interior and Coordination of National Government is taking to ensure deployment of more security officers along the affected borders.

(3) Explain the plans the Government is making to resettle the families that have been forced out of their homes in Eldera, which is almost a year ago.

(4) State the efforts the Government is making to ensure the urgent implementation of several resolutions made by the counties.

(5) Explain the actions the Government is taking against the responsible GSU officers to ensure that they are held accountable in terms of violations of rights of the people.

(6) Explain why GSU officers were deployed in that particular area and not in the affected area because they were deployed in an area with no issues.

(7) State when the GSU officers will be redeployed to the areas that are affected and not the areas that are not affected.

Sen. Sakaja: Thank you, Mr. Speaker, Sir. All these matters are quite weighty. Sen. Dullo's matter on Isiolo and Garissa came to our Committee and we scheduled to visit those areas. As we endeavoured to do that, the legislators held a meeting with the Ministry and they advised us to hold a bit.

This matter is the same as the withdrawal of reservists in the North Rift and many other matters that come to the Floor. As we follow up on these matters, I urge the Senators to always update the Committee after their engagement with the Executive on a matter that they have raised here because the Senate has to conclude that issue. However, we will follow up on this, and I will talk to Sen. Dullo to update us on what happened after her meeting with the Cabinet Secretary, Ministry of Interior and Coordination of National Government, and the security agencies. We were also scheduled to have the---

The Senate Majority Leader (Sen. Murkomen): On a point of order Mr. Speaker, Sir. I beg you to rule Sen. Sakaja completely out of order. Is it in order, if we bring Statements to this House and the Executive acts as a result of them or pre-empts the matter, that any Senator will come here and report to this House regarding the matter?

This House works through its committees. Even if an Executive Cabinet Secretary (CS) will act on something that has been asked in this House, he will still have to appear before the Committee and tell us, "thank you for your Statement, it came on this day, but we have acted this way for this period of time."

(Sen. Orengo held consultations)

I hope Sen. Orengo is listening to this because it is about traditions and the practice of the Standing Orders which he participated in drafting. Sen. Sakaja is telling us

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that if you ask a question and the CS calls you for a meeting because you come from that county, you should now come and report to this House and tell us that you met and therefore, you do not need get the answer. That is not how this House works. If you seek a Statement and the CS calls leaders from that region and has an engagement with them, still the CS has a duty to appear before the Committee and report formally as to what that engagement means for the nation.

Mr. Speaker, Sir, it will never be the responsibility of any elected leader to come and report to any committee of this House because already the Committee works on our behalf. I just thought that must be corrected so that we do not create a very bad precedent.

The Speaker (Hon. Lusaka): Proceed, Sen. Sakaja.

Sen. Sakaja: Mr. Speaker, Sir, first of all, that is not a point of order in any way. It is the Senate Majority Leader who is grossly out of order.

Secondly, it is interesting that he is asking Sen. Orenge to listen yet he did not listen to what I said. In the first scenario, I said that we had already engaged with the person who had asked for the Statement and we planned to visit the area, when the Senator came back to us and said it had been agreed upon that we hold back our visit.

For good measure, even just for neatness, once an engagement like that occurs, in as much as the Senate Committee will continue to do its work, it is important for the Senator to also update the Committee. He should even update the Chairperson on the progress so far. These are issues raised by people from your counties. If there is an update, I think information is important. However, that does not stop us as, as a Committee, from continuing to pursue the matter.

Regarding the matter on withdrawal of police reservists, we are still pursuing a date when the CS and his team will come. As far as we are concerned - as the Senate Committee - that meeting was informal. It was not the Senate but individual Senators who went to meet the CS, but the Senate as a House is still seized of this matter. It is good for the Senate Majority Leader to also listen to others.

Mr. Speaker, Sir, on the second issue on Wajir, I have heard the riders. The information we should bring to this House sought by Sen. Farhiya is quite important. I have heard the questions asked by Sen. Wetangula and the other Senators, for us to state how many uniformed Kenyan officers lost their lives in the hands of *Al Shabaab*. We cannot bring that answer to this House because we are at war.

If we bring some of these matters here, the result will be just to exalt terrorism. Even in other jurisdictions such matters are brought in confidence to the Committee but we will not come here to issue a list of Kenyans who have died in this war. Global terror is a war in which we are engaged in as a country. We will make sure, as a Committee, that the Government commits itself to take care of those families because that is the privilege and responsibility of the Senate.

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

The Speaker (Hon. Lusaka): What is your point of order?

Sen. Madzayo: Mr. Speaker, Sir, if a Member asks a question, I do not think the Chair of a respective Committee, which is supposed to answer it, should start replying to that Member the way he believes. He is not a police or an army officer. He has not been

appointed by any authority whatsoever to start lecturing us on that. He is completely out of order.

The Speaker (Hon. Lusaka): Sen. Sakaja, before you rise on your feet, I think the point they are raising is that, it is up to your Committee to look at the Statement that has been sought and check what is supposed to be presented here and what should not. That will be the prerogative of your Committee at that point when you are reporting, not now.

Sen. Sakaja: Mr. Speaker, Sir, as Chair of the Committee, I have to give an undertaking of what I will do. The question has been sought. Our Committee has dealt with these matters before and we know the limits to which we can go. It will also be very insincere of me to tell this House and Kenyans that I am going to bring a list of Kenyans killed by *Al Shabaab*; that we will not do. If Members of my Committee are uncomfortable, then we will bring it.

We must remain patriotic to this country. The questions asked in the Statement as approved by your office will be answered. I was talking about the riding Statements which cannot be brought before any parliament in the world by a country that is at war.

An hon. Member: Is there a war?

Sen. Sakaja: Mr. Speaker, Sir, yes, a war was declared. If Members are not aware, we are at war with *Al Shabaab*. I think Members need to wake up and smell the coffee. It is not a picnic in Wajir and Somalia. We are at war with terror as a country. That was declared officially in the Tenth Parliament. I am sure you were in Parliament at that time.

The last one was sought from the Committee on Labour and Social Welfare. It is a very important matter about our young people who are in the digital hailing taxi industry working for firms such Uber, Taxify *et cetera*. It is a matter that has been raised in this House before. I want to thank Sen. Mutula Kilonzo Jnr. for bringing it up. We will bring the responses. However, on top of that we have discussed this, as a Committee. We will invite the Ministry of Transport, the Ministry of National Treasury and the Competition Authority of Kenya, Uber, Taxify and Little Cab to come and explain to us the plight of our drivers who are suffering. Many are losing lives on the roads because they drive for more than 18 hours. Twenty-five per cent of the profit goes to foreign countries and yet our country is not earning a shilling out of it.

Mr. Speaker, Sir, we will bring the response to the House and invite other Senators to the Committee sittings because I know this affects at least Nairobi, Mombasa, and Kisumu where these digital hailing cabs are operating from. On top of that we have a legislative proposal by the Committee.

Thank you, Mr. Speaker, Sir.

The Senate Majority leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. First of all, I hope a new precedent is not being set where a Statement is sought and a Chairman of a Committee comes to say a lot of English on how they will go about it. It is only your duty to give the House the timeframe in which the Committee will bring the response to the Statement. Thereafter, the Report will be debated the day they are issuing the Statement.

Secondly, when we asked a Statement about withdrawal of national police reservists, the Chairman of the Committee, Sen. Sakaja, said he will call the CS and give

an interim response within a week. It is now more than a month since that time. I am speaking on behalf of my county; we have lost five people in Kerio Valley, two of whom were buried last Saturday. They were just in their farms and were shot dead by bandits because there were no police reservists to protect them.

I just cannot believe that although we had an informal meeting - which I was part of - it was not able to grill a CS from the perspective of the oversight of Parliament. Even when I was there, I told him that as long as the withdrawal of police reservists persist---

The Speaker (Hon. Lusaka): What are you raising? Is it a point of order?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, is it in order for people to continue dying and the Senate Committee which has been given the responsibility to oversight has not got back to us, for almost a month now since we asked the question and yet we want to debate how to go about it? There are enough questions that have been asked before that need answers in this House. People are dying in Kerio Valley like rats and this House must give an answer!

The Speaker (Hon. Lusaka): Of course, it is out of order for people to die. You know that, Senate Majority Leader. We cannot allow people to die.

The Senate Majority Leader has said that you made an undertaking that you would give an answer within one week and you have not done that.

Sen. Sakaja: Mr. Speaker, Sir, I repeat - the Senate Majority Leader needs to listen - that matter is still on. We have communicated to the Ministry. There is an issue with scheduling and the Cabinet Secretary (CS) is still coming. We are getting a definitive date. When we invite a CS to the House as a Committee, I wish we could drag them from their offices to come here but you understand that there are channels through which we invite these CSs.

The invite went immediately I gave that undertaking and then they were not available because of a Cabinet sitting. They are still coming. As soon as the date is confirmed, because it is supposed to be next week, although we will be on recess, we will communicate. However, we are still on that matter.

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir. That is not how this House works. This House is empowered by law under Article 125 of the Constitution which says that we have the power to summon a CS to appear before this House. You have not summoned him. You have invited him. If he is not coming under invitation, you must issue writs and summon him to come here. Why? It is because we are not talking about *maandazis* and tea. We are talking about people dying every day.

We want the Chairperson, when he stands on the Floor of this House, to demonstrate the seriousness that this issue deserves, particularly on the matter of security and not to speak here like he is an apologist for the Executive. An answer must be given about why people are dying. The Chairperson must demonstrate the seriousness that goes with the position he holds in terms of holding the Executive to account.

The Senate Minority Leader (Sen. Orengo): On a point of order, Mr. Speaker, Sir. I am also very disturbed with what Sen. Sakaja has said. He is undermining the authority of Parliament. These days, you cannot conduct a war which is not subject to the

control of Parliament. When the Executive declares a war, it must be authorised and approved by Parliament.

More importantly, let me read this section of the Constitution because when people are dying, which other authority in the land should be informed about what is happening even in a war zone other than Parliament?

Article 238(2)(a) says:

“National security is subject to the authority of this Constitution and Parliament.”

Any question that is demanded by Parliament from the national security organs must be answered. If they have any reasons not to give those answers, then Parliament should be told why they are not ready to give those answers.

It is not for the Chairperson to tell us that he cannot give us an answer unless he has some authority under the Constitution to edit the questions that we ask and the statements that we require answered. Even laws have their own laws. There is the law on wars under the Geneva Convention. We are no longer conducting wars like we used to do in the medieval days. This is a war that must be fought with the authority of Parliament and the Executive must be accountable to Parliament. We are not accountable to the Executive.

Sen. Madzayo: On a point of order, Mr. Speaker, Sir. I would like to enjoin myself with the Senate Majority Leader and the Senate Minority Leader. I remember three weeks ago, I was on the Floor of this House seeking a Statement from the Committee on National Security, Defence and Foreign Relations regarding a person who was shot dead by police in Mtwapa. Another one was shot and a bullet is still lodged in the head. Four others were shot and injured. They have been in hospital and some of them are detained because of hospital bills.

I have received a response from the ‘super Senator’ who is a close friend of mine. I am a bit disappointed particularly when he casually comes and tries to inform the Members and yet you had already ruled that it is the Committee’s duty to come up with certain resolutions for the House. That is not the approach that my brother, the ‘super Senator’ for Nairobi City County should bring to the House.

Sen. Wetangula: On a point of order, Mr. Speaker, Sir. If it is true what I am hearing, that the distinguished Senator for Nairobi City County said on the Floor of this House, it is a terrible outrage. This House can deal with anything and everything concerning our country and the people of this country. The only exception that any Member or Chairperson of a Committee can request you – only if you find it plausible, sensible and reasonable – is to ask that answers be given in camera. However, anybody who shies away from answering questions on a misconceived idea of security and confidentiality is an affront to the Constitution.

I urge this House that we are completely unfettered in doing our work. The moment we start censoring ourselves and looking over our shoulders before we speak, then that is the end of this House. I encourage the chairpersons of committees that when we ask for the numbers of the dead---

The United States of America (USA) tried with Vietnam and failed. They tried in Afghanistan and failed. They tried in Iraq but they ran away. They tried it here in Somalia

and they ran away. Confidentiality does not secure you anything. It is openness and sharing information--- Even the Bible says that truth shall set you free.

The Speaker (Hon. Lusaka): Sen. Sakaja, before you even clarify, that is the danger of trying to respond on behalf of a Committee that has not met. You run into that kind of problem.

Please, in two minutes, clarify so that we make progress.

Sen. Sakaja: Mr. Speaker, Sir, we can make progress on these issues. The HANSARD will bear me out. Sen. Wetangula, I think you walked out when I responded to that particular matter.

The first issue raised by Sen. Orenge; yes, the country is at war which is based on the constitutional provisions that he has quoted. In 2011 – if I am not wrong – he was in the Cabinet and Parliament approved Kenya’s war against *Al Shabaab* and that has not been withdrawn.

We are not shy of bringing responses to this House. If anything, from this side of the House, there are very few Senators who have been less apologetic of the Executive. We will do it based on our Standing Orders and the rules of this House.

On the earlier question that the Senate Majority Leader is talking about, sometimes even as Chairpersons, once we have invited the Cabinet Secretary, beyond that, even dispatching the correspondence is not in the hands of the Committee. It is in the Office of the Speaker and the Clerk. The correspondence has gone, we are still on that matter and we are waiting for them to come on an agreed upon date on which Members will be alerted.

Finally, Mr. Speaker, Sir, there are some situations – anybody who is honest with themselves will bear me out – where some matters do not serve our interests discussed in Plenary. As Sen. Wetangula has said, through the proper channel when that response comes, we will then take a decision as a Committee whether to hear it in camera or not. I have not said that there is no question we will not ask. We ask everything. In fact, we have asked for things beyond any other committee in this House.

However, some of those things are dealt with responsibly in camera so that we do not come here and exalt because it is an ideological war. We cannot come here and exalt the war that they are meting out on us by saying that this is the number of Kenyans who have been killed.

We will deal with it in the Committee. In fact, we will invite those who have asked those questions to come and listen to the responses with privilege and in camera. At the end of the day, as we exercise our independent function as a Senate, we must remember that we are part and parcel of this territory called Kenya and we must remain patriotic.

The Speaker (Hon. Lusaka): Sen. Farhiya, you have two minutes.

Sen. Farhiya: Mr. Speaker, Sir, this House needs a Committee on Implementation. There is a question that I asked the Committee on National Security, Defence and Foreign Relations on September 2018 and up to now, it has never been answered. This is not the first time I am asking. So, there is merit in what the Senators are talking about. Security is an important component. Therefore, we need a more responsive Committee on National Security, Defence and Foreign Relations in this House.

The Speaker (Hon. Lusaka): Order, Members. The next Statement is by Sen. (Eng.) Hargura.

(Sen. Mwaruma raised his hand)

You do not raise your hand; you press the button. What is it, Sen. Mwaruma?

Sen. Mwaruma: Asante, Bw. Spika. Nimefinya kibonyezo cha *intervention* na *microphone* na kujaribu yote. Lakini Kiongozi wa Waliowengi, akibonyeza kibonyezo cha *intervention*, anaanza kuongea. Nimejaribu hiyo, ikashindikana.

(Laughter)

The Speaker (Hon. Lusaka): Order, Member. Hiyo ndiyo tofauti ya Kiongozi wa Wengi na wewe.

Sen. Mwaruma: Bw. Spika, nashukuru kwa kunipa fursa hii ili nisema niliyonayo moyoni mwangu kwa sababu ya utendakazi wa kamati zetu. Kuna Kamati zingine zinafanya kazi vizuri kabisa na kukiwa na *Petition* au swali, wanaita Mawaziri. Lakini kamati zingine haziwaiti Mawaziri. Kwa mfano, nilikuwa na ombi au *Petition* ya watu ambao wanakufa kule Taita-Taveta kwa sababu ya *illegal herders* na Waziri hakuitwa. Kuna swala lingine la *oil spillage*, Kiboko ambalo ninamshukuru Mwenyeketi wa Kamati ya Kawi kwa kumwita Waziri. Sasa, kamati ambazo zinawaita Mawaziri ni gani na zile haziwaiti ni gani? Inaonyesha kuna ubaguzi ya wanaoleta Maswali na umuhimu unaotiliwa maswali hayo. Ningenpenda kusema haya ili yawe katika rekodi.

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Poghiso?

Sen. Poghiso: Mr. Speaker, Sir, I have noted, as you have, that every time we stood on a point of order, it was not a point of order but more argument and reopening of debate. As we move to the next order, can we conclude, as a House, how we catch your eye on points of order, either by raising hands as some Members have done or pressing the intervention button? We need to know how to catch your eye because pressing this intervention button here does that. I have been trying to do that. So, can we agree that points of order become points of order and not continued debate?

The Speaker (Hon. Lusaka): You catch the attention or the eye of the Speaker by pressing the intervention button which shows that there is an intervention. However, sometimes, I also use my discretion to balance the House. If Members from one side pressed all of them at a go and we have one on the other side, I will give an opportunity to the other side. I also consider gender, *et cetera*. There are many factors. However, just continue pressing, you will catch my eye.

(Laughter)

STATE OF LOIYANGALANI AIRSTRIP IN
MARSABIT COUNTY

Sen. (Eng.) Hargura: Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Roads and Transportation concerning the state of Loiyangalani Airstrip in Marsabit County.

In the Statement, the Committee should-

(1) Indicate the plans the Government has to rehabilitate Loiyangalani Airstrip to bitumen standards and improve it to a level where it can accommodate large aircraft considering that the airstrip is an important access point to among other, the Loiyangalani Resort on the eastern shores of Lake Turkana which plays host to the annual Lake Turkana Cultural Festival.

(2) Indicate what measures are in place to ensure that they schedule airline services to the region in order to promote tourism and open up the economy of Marsabit County and the region generally.

Mr. Speaker, Sir, I would like to state that this is a situation that we have experienced. I remember that last time, during the last festival, visitors who came had to land in Lodwar and come to Loiyangalani using helicopters. So, it is a serious issue that the Committee should take seriously.

The Speaker (Hon. Lusaka): Those that I will give an opportunity should take two minutes because we have to vote.

Sen. Kibiru: Thank you, Mr. Speaker, Sir. I take this opportunity to thank the Senator for Marsabit for this Statement. I enjoin him and seek that the Committee should look at these issues. I believe that there are many airstrips in many counties that are still abandoned. The Committee can also look at other abandoned airstrips in the country and make appropriate recommendations.

Mr. Speaker, Sir, we have Mwea Airstrip, which I heard the other day that its land is being grabbed and people are constructing homes in the airstrips. Therefore, I seek that when the Committee embarks on this, they try to map out other airstrips that have been abandoned.

(Loud consultations)

Mr. Speaker, Sir, now that I have a chance to speak, I am also concerned on the Statement---

The Speaker (Hon. Lusaka): Order, Members. Let us consult in low tones.

Sen. Kibiru: Mr. Speaker, Sir, I take the advantage that I have a microphone to say that I am concerned when the Senate Majority Leader complains of Statements that are not responded to. I do not know where we are supposed to refer ourselves to if the leadership is also complaining that Statements are not responded to.

I sought for a Statement on the status of Kerugoya Hospital and it was supposed to be responded within two weeks. However, to date, nobody has ever responded to me. Therefore, this is an issue that needs to be addressed.

The Senate Majority Leader (Sen. Murkomen): First of all, Mr. Speaker, Sir, that is something outside the reasons why Sen. (Eng.) Hargura asked a question. However, be it as it may, it must be known that I oversight all these Committee. If they need my help, I am always ready to help. However, where they are not performing, I will say it on the Floor of the House or privately. Some of the things need to be said so that everybody can appreciate because we are in committee system. Maybe, we should take another time of and run through what it means to be called a Parliament that works through the committee system to show the power of Committee Chairpersons like Sen. Kibiru and what they can do in their capacity. May be, that will help.

Sen. Poghiso: Thank you, Mr. Speaker, Sir. The Senate Majority Leader has stood on a point of order and then he went ahead to create more disorder. If we have---

(Laughter)

The Speaker (Hon. Lusaka): Sen. Murkomen, let that pass.

Proceed, Sen. Poghiso.

Sen. Poghiso: Mr. Speaker, Sir, I join in the Statement by the Senator for Marsabit. Most of these are security airstrips and there is a budget for them. We also have a budget for security roads. It is important for the Government to understand that this saves lives. Therefore, the Committee should consider the need to map and check on the airstrips which are good for all of us in each county. There are some which have been neglected in every county. For example, in West Pokot, Kapenguria and Turkwel, security airstrips are not functional. So, let us include all the security airstrips and we will be okay with the way we coordinate them.

The Speaker (Hon. Lusaka): Next Order.

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

The Speaker (Hon. Lusaka): What is your point of order, Sen. Sakaja.

Sen. Sakaja: Thank you, Mr. Speaker, Sir. I apologise for coming up with a point of order at this point. There is an assertion that was made by Sen. Mwaruma that should not go unchallenged. Sen. Mwaruma complained that certain committees summon Cabinet Secretaries (CSs) and others do not. He said he brought a petition about cattle herders in his county. He has failed to acknowledge the fact that I personally, together with some Members of my Committee, went all the way to Taita-Taveta County. We visited Wundanyi and Sagala to listen to the issues after which the Senator said he was satisfied.

One of our roles is to carry out oversight. Carrying out oversight does not necessarily mean summoning Cabinet Secretaries because some issues can be sorted out by other people in the Executive. That must be made clear.

He should be grateful and acknowledge that the Committee visited his county. If he feels there is something he is not satisfied with, he should approach our Committee so that we discuss. It does not mean that everything that comes to this House must be addressed by a CS because the Executive is not all about CSs. Sometimes you can deal with the regional commissioner of police or heads of parastatals because our work is to oversight in entirety.

The Speaker (Hon. Lusaka): Let me make a ruling on that. We should have confidence in our committees because they have the capacity to know what evidence to take and whom to summon and provide a comprehensive report thereafter. If a Member is not satisfied, they can still approach a committee and inquire more about areas that are not clear. You cannot say that since they failed to summon a CS, therefore the report is not good enough.

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for this opportunity and I thank you for going to Taita-Taveta. The approach was not exhaustive due to the nature of the problem. There are Occurrence Book (OB) numbers but nobody has been prosecuted. Now the same thing is happening. All we wanted was the CS to tell us how the security problem should be solved when there are no prosecutions.

The Speaker (Hon. Lusaka): Sen. Mwaruma, I think the Committee did its bit and made recommendations which must have been based on certain facts. If you are dissatisfied, you can discuss with Members of the Committee and point out areas you would like to be addressed adequately.

Sen. Dullo: On a point of order.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Dullo? We need to move.

Sen. Dullo: Mr. Speaker, Sir, with all due respect to Members, we have a standard practice in this House and the procedures must be followed. If our brother from Taita-Taveta County is not satisfied with the answers given, there are laid down procedures in our Standing Orders. He can also approach the Committee and tell the Members that he is not satisfied with the answers and ask them to follow up on his behalf. It is wrong to prosecute the same Petition again on the Floor of the House.

The Speaker (Hon. Lusaka): I had given a ruling on that. Thank you, Sen. Dullo. Let us go to the next Order.

BILL

First Reading

THE STREET VENDORS (PROTECTION OF LIVELIHOOD)
BILL (SENATE BILLS NO.10 OF 2019)

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

The Speaker (Hon. Lusaka): Let us go to the next Order.

MOTION**ADOPTION OF REPORT OF THE MEDIATION COMMITTEE
ON THE PHYSICAL PLANNING BILL, 2017**

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

THAT, the Senate adopts the Report of the Mediation Committee on the Physical Planning Bill (National Assembly Bills No.34 of 2017) laid on the Table of the Senate on Tuesday, 18th June, 2019 and pursuant to Article 113 of the Constitution and Standing Order No.161(3) of the Senate Standing Orders approves the mediated version of the Bill.

This Bill originated from the National Assembly. It was debated and passed by the National Assembly before it was brought to the Senate and committed to the Committee on Lands, Environment and Natural Resources.

We deliberated on the Bill and made quite a number of amendments that we brought to this House together with the report and the Bill was passed by this House. When it was taken back to the National Assembly, they looked at it and rejected some amendments but approved others. That created the need for mediation.

The establishment of mediation committee was done by both the Speaker of the National Assembly and the Speaker of the Senate. The mediation committee comprised five Members from the National Assembly and five Members from this Senate.

We deliberated on the issues that were brought to us by Members of the National Assembly. One of the major issues was the title of the Bill. We deliberated on it and agreed that it should be amended to be Physical and Land Use Planning. Before we came to an agreement, we had met about five times. The first meeting was on 7th May, 2019 and several other meetings followed. They were held on 21st May, 29th May, 4th June and 6th June, 2019.

After serious deliberations, we decided that we should get the actual meaning of “physical planning” and “land use planning”. We assigned that to some Members who reported the meaning of the two. We agreed with them because we were convinced that the title of the Bill should be The Physical and Land Use Planning. There were other clauses in the Bill that we also looked at critically.

We agreed that there was need to move this Motion in this House, which will also be moved in the National Assembly to have the concurrence of the two Houses before it is taken to the President for assent.

Mr. Speaker, Sir, the Senate Majority Leader asked me not to take a lot of time. I need Sen. Mutula Kilonzo Jnr. to second the Motion but I do not know where he is.

(Sen. Mutula Kilonzo Jnr. entered into the Chamber)

Sen. Mutula Kilonzo Jnr. is here to second the Motion.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I rise to support this Motion. We did a lot of work, so I would have preferred if this report was given a little more time for Members to digest what we have done.

I would like to state that after amending this Bill in the last Session, and it not seeing the light of day, we are now going to have the Physical Planning Bill (National Assembly Bills No. 34 of 2017) which is a mingle of physical and land use planning. It is not the best law that we can have but in light of the circumstances, it appears as if the people who were pushing the agenda of physical planning had the best of us.

Mr. Speaker, Sir, we have managed with a lot of difficulty to have the land use planning framework in this new Act. I therefore support this mediation report and hope that just as we have recommended, in future, we need a complete legal framework on its own titled land use planning.

I beg to second.

(Question proposed)

The Speaker (Hon. Lusaka): There is no request to comment on this Motion.

Hon. Senators, this is a matter concerning counties we will proceed to vote by county delegations. I direct that the Division Bell be rung for two minutes.

(The Division Bell was rung)

The Speaker (Hon. Lusaka): Order! Hon. Senators, I now direct that the Bars be drawn and the doors closed.

(The doors were closed and Bars drawn)

(The Senators proceeded to vote)

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the Physical Planning Bill (National Assembly Bills No. 34 of 2017) laid on the Table of the Senate on Tuesday, 18th June, 2019, and pursuant to Article 113 of the Constitution and Standing Order 161(3) of the Senate Standing Orders, approves the mediated version of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, (Garissa County); Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia

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County; Sen. Mpaayei, Kajiado County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 31

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to nil)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KURUNGU AND KIRWARA SECONDARY SCHOOLS, KIRINYAGA COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, before we proceed, I have a brief Communication.

I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting students and teachers from Kurungu and Kirwara secondary schools, Kirinyaga County.

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

I thank you.

(Applause)

Next Order.

BILL

Second Reading

THE MENTAL HEALTH (AMENDMENT) BILL (SENATE BILLS NO. 32 OF 2018)

(Sen. Kasanga on 29.5.2019)

(Resumption of Debate interrupted on 18.6.2019)

DIVISION

ELECTRONIC VOTING

*(Question, that The Mental Health (Amendment) Bill
(Senate Bills No. 32 of 2018) be now read a Second Time,
put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen.(Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisiu, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

The Speaker (Hon. Lusaka): Hon. Senators, the result of the Division is as follows:

AYES: 31

NOES: Nil.

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to nil)

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

The Speaker (Hon. Lusaka): Hon. Senators, I direct that the doors be unlocked and the bars withdrawn.

(The doors were unlocked and bars withdrawn)

Hon. Senators, there will be more Divisions. Therefore, I request you to remain in the Chamber.

Next Order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Nyamunga) in the Chair]

THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS)
BILL (SENATE BILLS NO. 18 OF 2018)

(Resumption of Debate interrupted on 18.6.2019)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, please, do not leave; we are going to vote.

An hon. Senator: Where are the whips?

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, I now order that the Division Bell be rung for three minutes.

(The Division Bell was rung)

Can the Party Whips confirm if we have the numbers?

(Several Senators stood up in their places)

Hon. Senators, we are ready to transact business. Please, resume your seats. I now direct that the Bars be drawn and the door be locked.

(The Bars were drawn and the door closed)

Hon. Senators, we are considering Order No.11, The County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No. 18 of 2018).

You may start voting. Any Member who needs assistance to vote to come forward.

(Sen. (Rev.) Waqo, Sen. Mwaruma and Sen. (Prof.) Ekal approached the Clerks' Table and registered their vote)

DIVISION**ELECTRONIC VOTING**

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*(Question, that Clauses 3-16, Clause 2 and Clause 1
be amended as Proposed put, and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Farhiya, Nairobi City County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the result of the Division is as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 30 votes to nil)

Hon. Senators, you can start voting. Assisted voters may come forward.

*(Sen. Linturi, Sen. Kibiru and Sen. Mwaruma approached
the Clerks' Table and registered their vote)*

DIVISION

ELECTRONIC VOTING

*(Question that Clause 3-16 (as amended), Clause 2 (as amended),
the Title and Clause 1 (as amended) be part of the Bill
put, and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Farhiya, Nairobi City County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M.

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Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbitio, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Shiyonga, Kakamega County, Sen. Wambua, Kitui County, Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani.

AYES: 30

NOES: Nil.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the result of the Division is as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 30 votes to nil)

Hon. Senators, could we hear from the Mover, Sen. Kasanga?

Sen. Kasanga: Hon. Chairperson, I beg to move that the Committee do report to Senate its consideration of the County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No. 18 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): Next Order.

THE COUNTY OUTDOOR ADVERTISING CONTROL BILL
(SENATE BILLS NO.19 OF 2018)

(Resumption of Debate interrupted on 18.6.2019)

Hon. Senators, we are now considering The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018).

Hon. Senators, vote now. Any assisted voters to come forward.

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 4 and 15 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Poghisiu, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the first Division are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The 'Ayes' have it.

(Question carried by 30 votes to nil)

We proceed to the second Division.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, vote now. Sen. Faki, your vote has not been registered.

(Sen. Faki approached the Clerks-at-the Table and registered his vote)

DIVISION

ELECTRONIC VOTING

(Question, that New Clause 14A and New Clause 18A be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orendo, Siaya County; Sen. Poghisi, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the first Division are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

The 'Ayes' have it.

(Question carried by 30 votes to Nil)

The Temporary Chairperson (Sen. Nyamunga): We are proceeding to the third Division.

Hon. Senators, vote now.

DIVISION

ELECTRONIC VOTING

(Question, that Clause 3, 4 (as amended), 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 (as amended), 16, 17, 18, 19, 20, 21, New Clause 14A, 18A and Clause 2, the Title and Clause 1, be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula

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Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen.(Rev.) Waqo, Marsabit County; and Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to nil)

Mover, Sen. Poghio, please proceed.

Sen. Poghio: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its Considerations of the County Outdoor Advertising Control Bill (Senate Bill No 9 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(Loud consultations)

The Temporary Speaker (Sen. Nyamunga): Order, hon. Senators! I would like to refer you to Standing Order No 86(4):

“During division, Senators shall maintain order in the Senate and shall be in their designated seats and shall remain seated until the result is announced.”

Hon. Senators, please, adhere to the Standing Order.

The results of the Division will be announced later.

Let us move to the Next Order, Order Number 13.

THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL
(SENATE BILLS NO.25 OF 2018)

(Resumption of debate interrupted on 18.6.2019)

DIVISION

ELECTRONIC VOTING

(Question, that New Clause 25 be now read a Second Time, put

and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen.(Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 31

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 10, 11 and 12 be deleted, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West

Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 31

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 4, 6, 7, 8, 9, 13 and 15 be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang’, Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisiu, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, please, take your seats. I would like to announce the results of The Office of the County Printer (Senate Bills No.7 of 2018).

AYES: 31

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4 (as amended) 5, 6 (as amended), 7, 8 (as amended), 9 (as amended), 13 (as amended), 14, 15 (as amended), 16 to 24, New Clause 25, The Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang, Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghio, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, please, take your seats. I would like to announce the results of The Office of the County Printer, (Senate Bills No.7 of 2018).

AYES: 31

NOES: Nil.

ABSENTIONS: Nil.

The "Ayes" have it.

(Question carried by 31 votes to nil)

Sen. Khaniri: Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate, its consideration of The County Law Compliance and Enforcement Bill (Senate Bills No.25 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL
(SENATE BILLS NO. 34 OF 2018)

(Resumption of debate interrupted on 18.6.2019)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 4, 5, 6, 7, 8, 12 and Clause 2 be amended, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisiu, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, I would like to announce the results of The Office of the County Wards (Equitable Development) (Senate Bills No.34 of 2018). They are as follows:

AYES: 31

NOES: Nil.

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question that Clauses 3, 4(as amended), 5(as amended), 6(as amended), 7(as amended), 8(as amended), 9-11, 12(as amended) 13-19, Clause 2(as amended), the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisiu, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, I would like to announce the results of The Office of the County Wards (Equitable Development) (Senate Bills No.34 of 2018). The results are as follows:

AYES: 31

NOES: Nil.

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 31 votes to nil)

The Temporary Chairperson (Sen. Nyamunga): Mover, please.

Sen. (Eng.) Mahamud: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the County Wards (Equitable Development) Bill (Senate Bills no 34 of 2018) and its approval thereof with amendments.

Sen. (Dr.) Milgo seconded.

(Question proposed)

(Question put and agreed to)

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL

(SENATE BILLS NO.24 OF 2018)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now considering The Statutory Instruments (Amendment) Bill, (Senate Bills No.24 of 2018).

I will now put the question for the first Division.

ELECTRONIC VOTING

*(Question, that New Clause 4 and New Clause 5
be now read a Second Time, put and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen.(Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen.(Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen.(Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisi, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen.(Dr.) Zani, Kwale County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results are as follows:

YES: 31

NOES: Nil

ABSTENTIONS: Nil

The 'Ayes' have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

*(Question, that Clause 3 be amended as proposed, put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen.(Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen.(Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen.(Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisi, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen.(Dr.) Zani, Kwale County.

NOES: Nil

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the voting are as follows:

YES: 31

NOES: Nil

ABSTENTIONS: Nil

The 'Ayes' have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 2, Clause 3 (as amended) New Clause 4, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen.(Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen.(Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen.(Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Poghisi, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County and Sen.(Dr.) Zani, Kwale County.

NOES: Nil

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The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, the results of the voting are as follows:

YES: 31

NOES: Nil

ABSTENTIONS: Nil

The 'Ayes' have it.

(Question carried by 31 votes to nil)

Sen. Poghiso: Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate its consideration of the Statutory Instruments (Amendment) Bill (Senate Bills No. 21 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Deputy Speaker (Sen. (Prof.) Kindiki) in the Chair]

REPORTS AND CONSIDERATION OF REPORTS

THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS) BILL (SEN. BILLS NO.18 OF 2018)

The Deputy Speaker (Sen. (Prof) Kindiki): Hon. Senators, I now direct that the door be opened and the bars withdrawn.

(The doors were unlocked and bars withdrawn)

We have to make one final vote. Please, do not leave the Chamber.

Hon. Senators, we are now on The County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No. 18 of 2018), proceed, Chairperson. We will be very fast.

Sen. Nyamunga: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No.18 of 2018) and its approval thereof with amendments.

The Deputy Speaker (Sen. (Prof) Kindiki): Mover?

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

The Deputy Speaker (Sen. (Prof) Kindiki): Who is the Seconder?

Sen. Olekina: Mr. Deputy Speaker, Sir, I request Sen. Murkomen to second.

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Sen. Murkomen seconded.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof) Kindiki): Mover, please?

Sen. Olekina: Mr. Deputy Speaker, Sir, I beg to move that the County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No.18 of 2018) be now be read a Third Time.

The Deputy Speaker (Sen. (Prof) Kindiki): Who is seconding?

Sen. Olekina: I request Sen. Kihika to second.

Sen. Kihika seconded.

(Question proposed)

The Deputy Speaker (Sen. (Prof) Kindiki): Hon. Senators, it is now time for Division. We are going to ring the bell for three minutes. Note that we have a number of divisions; we have five divisions. However, for the convenience of the House, we will have the reporting first on all the Bills. Thereafter, we will do the Divisions at once. Therefore, we will hold on the Division and do reporting on the County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018).

Proceed, Chairperson.

COUNTY OUTDOOR ADVERTISING CONTROL BILL
(SENATE BILLS NO.19 OF 2018)

Sen. Nyamunga: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018) and its approval thereof with Amendments.

The Deputy Speaker (Sen. (Prof) Kindiki): Sen. Poghio, please, proceed. You are the Mover.

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

The Deputy Speaker (Sen. (Prof) Kindiki): Who is seconding?

Sen. Poghio: I request Sen. Farhiya to second.

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

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof) Kindiki): Mover?

Sen. Poghiso: Mr. Speaker Deputy Sir, I beg to move that the County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018), be now read a Third Time. I request Sen. (Prof.) Kamar over there, to second.

Sen. (Prof.) Kamar: Thank you, Mr. Deputy Speaker, Sir. I second.

The Deputy Speaker (Sen. (Prof) Kindiki): Sen. Poghiso, that is good English. I heard some Senators asking, “over where?”

(Question proposed)

The Division will be at the end.

Hon. Senators, we will now go to reporting on The County Law Compliance and Enforcement Bill (Senate Bills No. 25 of 2018).

Proceed, Chairperson.

THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL
(SENATE BILLS NO. 25 OF 2018)

Sen. Nyamunga: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Law Compliance and Enforcement Bill (Senate Bills No. 25 of 2018) and its approval thereof with Amendments.

The Deputy Speaker (Sen. (Prof) Kindiki): Proceed, Mover.

Sen. Khaniri: Mr. Deputy Speaker, Sir, I beg to move that the House do now agree with the Committee in the said report. I will ask Sen. Cheruiyot to second me.

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

(Question proposed)

(Question put and agreed to)

Sen. Khaniri: Mr. Deputy Speaker, Sir, I beg to move that The County Law Compliance and Enforcement Bill (Sen. Bills No.26 of 2018) be now read a Third Time.

I request the Senate Majority Leader, Sen. Murkomen, to second.

Sen. Murkomen seconded.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kindiki): Division will be at the end.

Let us go to the next Bill.

THE COUNTY WARDS (EQUITABLE DEVELOPMENT)
BILL (SENATE BILLS NO.34 OF 2018)

Sen. Nyamunga: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Wards (Equitable Development) Bill (Senate Bills No.34 of 2018) and its approval thereof with amendments.

Sen. (Eng.) Mahamud: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee in the said report. I request Sen. Pareno to second.

Sen. Pareno seconded.

(Question proposed)

(Question put and agreed to)

Sen. (Eng.) Mahamud: Mr. Deputy Speaker, Sir, I beg to move that The County Wards (Equitable Development) Bill (Senate Bills No.34 of 2018) be now read a Third Time.

I request Sen. (Dr.) Milgo to second.

Sen. (Dr.) Milgo seconded.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kindiki): Division will be at the end.
Let us go to the next Bill.

THE STATUTORY INSTRUMENTS (AMENDMENT)
BILL (SENATE BILLS NO.24 OF 2018)

Sen. Nyamunga: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018) and its approval thereof with amendments.

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

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

Sen. (Prof.) Ekal seconded.

(Question proposed)

New Clause 4

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

THAT the Bill be amended by inserting the following new clauses immediately after Clause 3-

Insertion of new section
15A in No.23 of 2013.

4. The principal Act is amended by inserting the following new section immediately after section 15-

Concurrence on a

statutory instrument

15 A (1) The Clerk of the House upon which a statutory instrument is referred shall, upon-

(a) the resolution of the relevant House under section 15(1) for the approval or annulment of a statutory instrument;

or

(b) expiry of the period specified under section 15(2),

cause the resolution of the House to be transmitted to the Clerk of the other House within two days of the resolution.

(2) A resolution under subsection (1) shall stand referred to the relevant Committee of that House which shall consider the resolution together with the statutory instrument and report to the House within fourteen days of the referral.

(3) The House to which resolution is referred to under subsection (1) may extend the time within which the Committee shall consider the resolution for a period not exceeding seven days.

(3) If both Houses resolve to-

(a) approve the statutory instrument; or

(b) annul the statutory instrument;

the Clerk of the House to which the statutory instrument was transmitted under section 11(1) shall, within seven days of the decision, notify the regulation making authority.

(4) Where the House resolves to revoke a statutory instrument and the other House does not, the statutory instrument shall be referred to a joint committee for mediation in accordance with Article 113 of the Constitution which shall be applied with the necessary modification.

It should be amended by inserting the above, subject to recommital of the Bill to the Committee of the Whole, in respect to New Clause 4.

The Deputy Speaker (Sen. (Prof.) Kindiki): Who is seconding?

Sen. Pareno seconded.

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, on The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018), the matter ends there because it is recommitted. So, there will be no further proceedings on it.

I now direct that the Division Bell be rung for three minutes for all the Bills that we will vote on.

Thank you, Senators, for your patience because we are almost there.

(The Division Bell was rung)

The Deputy Speaker (Sen (Prof) Kindiki): Order, Senators. Sen. Nyamunga and Sen. Pareno, please approach the Chair.

(Sen. Nyamunga and Sen. Pareno approached the Chair)

Hon. Senators, please resume your seats. I now direct that the doors be closed and the Bar drawn.

(The doors were closed and Bar drawn)

I will now put the question; that The County Planning (Roads, Pavement and Parking Bays) Bill (Senate Bills No.18 of 2018) be now read a Third Time.

(The Senators proceeded to vote)

The Senator for Migori County, Sen. Ochillo-Ayacko has not voted. Please, come forward and vote.

(Sen. Ochillo-Ayacko approached the Clerks-at-the-Table and registered his vote)

We will move to the next division. I now put the question; that the County Law Compliance and Enforcement Bill (Sen. Bills No.26 of 2018) be now read a Third Time.
Vote now.

(The Senators proceeded to vote)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! We will now go to the last division.

I now put the question; that The County Wards (Equitable Development) Bill (Senate Bills No. 34 of 2018) be now read a Third Time.

Prepare to vote. This is the last division this afternoon.

You can now vote.

(The Senators proceeded to vote)

The Deputy Speaker (Sen. (Prof.) Kindiki): End of voting. Members who need assistance to vote can come forward.

Garissa delegation, come forward and vote manually.

(Sen. Iman approached the Clerks-at-the-Table and registered her vote)

THIRD READINGS

THE COUNTY PLANNING (ROADS, PAVEMENTS AND PARKING BAYS)
BILL (SENATE BILLS NO. 18 OF 2018)

DIVISION

ELECTRONIC VOTING

*(Question, that The County Planning (Roads, Pavements
and Parking Bays) Bill (Senate Bills No.18 of 2018)
be now read a Third Time, put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisi, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: NIL

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators. The results of the Division are as follows:

AYES: 35

NOES: Nil

ABSENTIONS: Nil

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The “Ayes” have it.

(Question carried by 35 votes to nil)

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

THE COUNTY OUTDOOR ADVERTISING CONTROL BILL
(SENATE BILLS NO.19 OF 2018)

DIVISION

ELECTRONIC VOTING

(Question, that The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang’, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisi, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators. The results of the Division are as follows:

AYES: 35

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 35 votes to nil)

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

THE COUNTY LAW COMPLIANCE AND ENFORCEMENT BILL
(SENATE BILLS NO.25 OF 2018)

DIVISION

ELECTRONIC VOTING

(Question, that The County Law Compliance and Enforcement Bill (Senate Bills No.25 of 2018) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisiu, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators. The results of the Division are as follows:

AYES: 35

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 35 votes to nil)

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

THE COUNTY WARDS (EQUITABLE DEVELOPMENT)
BILL (SENATE BILLS NO. 34 OF 2018)

DIVISION

ELECTRONIC VOTING

*(Question, that The County Wards (Equitable Development)
Bill (Senate Bills No.34 of 2018) be now read a Third Time
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Cherargei, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. (Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Iman, Garissa County; Sen. (Dr.) Kabaka, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Poghisi, West Pokot County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators. Last but not by any means least, the results of the Division are as follows:

AYES: 35

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 35 votes to nil)

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Senators. I now direct that the doors be opened and the Bar undrawn.

(The doors were opened and Bar undrawn)

Order, Senators! For the convenience of the House, I now direct that we go directly to Order No.23.

Next Order.

(Several Senators walked out of the Chamber)

Order! The Senators who are retreating should do so gracefully.

(Laughter)

MOTION

APPROVAL OF SENATORS TO SERVE IN COMMITTEE

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

THAT pursuant to Standing Order No. 187 and 189, the House approves the nomination of the following Senators to serve in the Senate Committee on National Cohesion, Equal Opportunity and Regional Integration:

(a) Sen. Millicent Omanga, MP, to replace Sen. Phillip Mpaayei, MP;

(b) Sen. (Dr.) Christopher Langat, MP, to replace Sen. Gideon Moi, MP; and,

(c) Sen. (Dr.) Lelegwe Ltumbesi, MP, to replace Sen. Anuar Loiptip, MP.

Mr. Deputy Speaker, Sir, this is just for the convenience of the House, redeployment and re-organisation of the Committee to guarantee more active participation in the various Committees where these Members are. Those who are moving from these Committee have done so by their request because of their availability and participation in other Committees.

I ask Sen. Kihika to second.

Sen. Kihika: Mr. Deputy Speaker, Sir, I beg to second.

(Question proposed)

The Deputy Speaker (Sen. (Prof.) Kindiki): I see no interest. Since this is not a matter concerning counties, I will put the Question.

(Question put and agreed to)

For the convenience of the Senate, I now direct, again, that we go to the Committee of the Whole. We will particularly consider Orders No.16, 17, 21 and 22, time permitting.

Consequently, the following Orders in today's Order Paper are deferred: Order Nos.18, 19 and 20.

COMMITTEE OF THE WHOLE

THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL
(NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)

(Committee of the Whole deferred)

THE DATA PROTECTION BILL (SENATE BILLS NO. 16 OF 2018)

(Committee of the Whole deferred)

THE LOCAL CONTENT BILL (SENATE BILLS NO. 10 OF 2018)

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Deputy Speaker (Sen. (Prof.) Kindiki) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Nyamunga) in the Chair]

THE COUNTY STATUTORY INSTRUMENTS BILL
(SENATE BILLS NO. 21 OF 2018)

(Several Senators stood up in their places)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, please take your seats.

Clauses 3 to 24

(Question, that Clauses 3 to 24 be part of the Bill, proposed)

The Division will be at the end.

The Schedule

(Question, that the Schedule be part of the Bill, proposed)

The Division will be at the end.

Clauses 2, The Title and Clause 1

(Question, that Clauses 2, The Title and Clause 1 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Nyamunga): The Division will be at the end. Sen. Kihika, please report progress.

Sen. Kihika: Madam Temporary Chairperson, pursuant to Standing Order 148, I beg to move that the Committee of the Whole do report progress on its consideration of The County Statutory Instruments Bill (Senate Bills No.21 of 2018) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we will now move on to Order No.17, The National Cohesion and Peace Building Bill (Senate Bills No.35 of 2018).

THE NATIONAL COHESION AND PEACE BUILDING BILL
(SENATE BILLS NO.35 OF 2018)

Clauses 3 to 8

(Question, that Clauses 3 to 8 be part of the Bill, proposed)

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

Clause 9

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I beg to move:-

THAT, Clause 9 of the Bill be amended by deleting the word “three” appearing immediately after the words “chairperson and” and substituting therefor the word “four”.

(Question of the amendment proposed)

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

Clause 10

(Question, that Clause 10 be part of the Bill, proposed)

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

Clause 11

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I beg to move:-
THAT, Clause 11 of the Bill be amended in sub-clause (4) by deleting the words “cabinet secretary” appearing immediately after the word “the” and substituting therefor the word “President.”

(Question of the amendment proposed)

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

Clauses 12 to 14

*(Question, that Clauses 12 to 14
be part of the Bill, proposed)*

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

Clause 15

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I beg to move:-
THAT Clause 15 of the Bill be amended in sub-clause (1) by deleting paragraph (h).

(Question of the amendment proposed)

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

Clauses 16 to 33

*(Question, that Clauses 16 to 33
be part of the Bill, proposed)*

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

Clause 34

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I beg to move-
THAT, Clause 34 of the Bill be amended in sub-clause (3) by inserting the following words “put measures in place to ensure that the principle of non-discrimination is adhered to” at the end of the sub-clause.

(Question of the amendment proposed)

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

Clauses 35 to 37

*(Question, that Clauses 35 to 37
be part of the Bill, proposed)*

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

Clause 38

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I beg to move:-
THAT, Clause 38 of the Bill be amended in sub-clause (2) by deleting the words
“and without justification” appearing immediately after the words “public resources.”

(Question of the amendment proposed)

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

Clauses 39 to 43

*(Question, that Clauses 39 to 43
be part of the Bill, proposed)*

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

Clause 44

Sen. (Rev.) Wako: Madam Temporary Chairperson, I beg to move:-
THAT Clause 44 of the Bill be amended in sub-clause (1) by deleting paragraph
(c).

(Question of the amendment proposed)

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

Clause 45

Sen. (Rev.) Wako: Madam Temporary Chairperson, I beg to move:-
THAT the Bill be amended by deleting clause 45 and substituting therefor
the following new clause –

45. A complaint to the Commission may be made by –

- (a) a person acting in their own interest;
- (b) a person acting on behalf of another person who cannot act in their own name;
- (c) a person acting as a member of a group or class of persons;
- (d) a person acting in the public interest; or

(e) an association acting in the interest of one or more of its members.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
Clauses 46 to 51

*(Question, that Clauses 46 to 51
be part of the Bill proposed)*

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
Clause 52

Sen. (Rev.) Wako: Madam Temporary Chairperson, I beg to move:-
THAT Clause 52 of the Bill be amended in paragraph (a) by inserting the words “Office of the” immediately after the words “matter to the”

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
Clauses 53-78

*(Question, that Clauses 53 to
78 be part of the Bill proposed)*

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
*The First Schedule, the Second Schedule, Third Schedule,
Clause 2, the Title and Clause 1.*

*(Question that the First Schedule, the Second Schedule,
Third Schedule, Clause 2, the Title and
Clause 1 be part of the Bill proposed)*

The Temporary Chairperson (Sen. Nyamunga): Division will be at the end.
Mover!
Sen. Pareno: Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee of the Whole do report to the House its consideration of The National Cohesion and Peace Building Bill (Senate Bills No.35 of 2018) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we now move to The Determination of the Nature of Bills (Procedure) Bill (Senate Bills No.30 of 2018)

THE DETERMINATION OF THE NATURE OF BILLS
(PROCEDURE) BILL (SENATE BILLS NO.30 OF 2018)

Clauses 3 to 15

*(Question that Clauses 3 to 15 be part of
the Bill proposed)*

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

Clause 16

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move:-
THAT the Bill be amended by deleting Clause 16.

(Question that Clause 16 be deleted proposed)

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

New Clause 13A

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move:-
THAT the Bill be amended by inserting the following new clause
immediately after clause 13-

Lapsing of Bills.

13A. (1) A Bill originating from one House shall not lapse in the other House at the end of a Session.

(2) Sub-clause (1) shall not apply to a Bill that is pending before either House of Parliament, at the end of the term of that Parliament.

(Question of the New Clause 13A proposed)

(New Clause 13A read the First Time)

*(Question, that New Clause 13A be
now read a Second Time proposed)*

(Question, that New Clause 13A be part of the Bill proposed)

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

The Schedule, Clause2, the Title and Clause1

(Question that the Schedule, Clause2, the Title and Clause1 be part of the Bill proposed)

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

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, pursuant to Standing Order No. 148, I beg to move that the Committee of the Whole do report to the House its consideration of The Determination of Nature of Bills (Procedure) Bill (Senate Bills No.30 of 2018 and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we will now consider The County Oversight and Accountability Bill (Senate Bills No.28 of 2018)

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS NO.28 OF 2018)

Clauses 3 to 20

(Question that Clauses 3 to 20 be part of the Bill proposed)

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

Clause2, The Title and Clause 1

(Question that Clause 2, The Title and Clause 1 be part of the Bill proposed)

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

Sen. Olekina: Madam Temporary Chairperson, pursuant to Standing Order No.148, I beg to move that the Committee of the Whole do report to the House its consideration of The County Oversight and Accountability Bills (Senate Bills No.28 of 2018) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, we will have progress reported, beginning with The County Statutory Instruments Bill (Senate Bills No.21 of 2018).

PROGRESS REPORTED

THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILLS NO.21 OF 2018)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report progress; that the Committee of the Whole has considered The County Statutory Instruments Bill (Senate Bills No.21 of 2018) and seeks leave to sit again tomorrow.

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

I request Sen. Mutula Kilonzo Jnr. to second.

Sen. Mutula Kilonzo Jnr. seconded.

(Question proposed)

(Question put and agreed to)

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

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

THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO.35 OF 2018)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, we will have progress reported on The National Cohesion and Peace Building Bill (Senate Bills No.35 of 2018).

Let us have the Chairperson.

Sen. Nyamunga: Madam Temporary Speaker, I beg to report progress; that the Committee of the Whole has considered The National Cohesion and Peace Building Bill (Senate Bills No.35 of 2018) and seeks leave to sit again tomorrow.

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

I request Sen. Olekina to second.

Sen. Olekina seconded.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Prof.) Kamar): Let us go to the next Bill.

THE DETERMINATION OF THE NATURE OF BILLS (PROCEDURE)
BILL (SENATE BILLS NO.30 OF 2018)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report progress; that the Committee of the Whole has considered The Determination of the Nature of Bills (Procedure) Bill (Senate Bills No.30 of 2018) and seeks leave to sit again tomorrow.

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

I request Sen. (Dr.) Zani to second.

Sen. (Dr.) Zani seconded.

(Question proposed)

(Question put and agreed to)

THE COUNTY OVERSIGHT AND ACCOUNTABILITY
BILL (SENATE BILLS NO.28 OF 2018)

Sen. Nyamunga: Madam Temporary Speaker, I beg to report progress; that the Committee of the Whole has considered The County Oversight and Accountability Bill (Senate Bills No.28 of 2018) and seeks leave to sit again tomorrow.

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

I request Sen. Kwamboka to second.

Sen. Kwamboka seconded.

(Question proposed)

(Question put and agreed to)

(The Clerk-at-the-Table consulted with the Chair)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, after consultations, Order No.4 is deferred to tomorrow. We will move to Order No.25, which is a Motion.

MOTION

COMPLETION OF STALLED COUNTY PROJECTS THROUGH BUDGETARY MANAGEMENT

THAT, AWARE THAT Kenya has had a development blueprint of Vision 2030 since 2008 which has guided planning and development for the last decade, with a focus to making Kenya an industrialized middle income economy with a higher per capita income for its citizens;

FURTHER AWARE THAT, the development planning of the country is funded from the Consolidated Fund through the annual budget whereby revenues generated by Kenyans through taxes, levies, and fees that are supplemented with support of development partners in the form of outright loans, conditional loans, grants and/or unconditional grants to support growth and development across the country;

COGNIZANT THAT, any diversion from the Vision 2030 blueprint as well as the President's "Big Four" Agenda, would negatively impact the development trajectory that seeks to ensure a long term microeconomic stability resulting in a revision of targets on the goals for socio-economic, cultural, environmental, technological and political transformation;

NOTING THAT, whereas the National Government's Budget is based on Vision 2030 and "Big Four" Agenda, the County Governments' Budgets are based on their respective County Integrated Development Plans (CIDPs) which are expected to dovetail with the overall national development blueprint;

CONCERNED THAT, there are glaring discrepancies in progress made in development among counties, particularly among the 14 devolved functions caused by lack of accountability, integrity, professionalism and remaining a blemish on the successes of devolution; ACKNOWLEDGING, the tribulations, ridicule, pecuniary embarrassment and negative socio-economic impact that pending bills have had on the local business community who supplied or undertook a service for the county governments, and the attendant slowdown in actual project completion, the rise in stalled projects dotting counties, with County Governors prioritizing new projects instead of the completion of those which have stalled;

FURTHER ACKNOWLEDGING THAT, the National Treasury in its circular No.9/2018 detailed the five hundred and forty five (545) projects which have stalled in the 47 Counties, and their status of

completion, collectively amounting to an estimated project cost of three hundred and sixty six (366) Billion Kenya shillings;

NOW THEREFORE, the Senate recommends that the National Treasury in partnership with the Controller of Budget, Commission on Revenue Allocation, the Council of Governors and the County Assemblies Forum to-

1. Ensure that all the County Integrated Development Plans (CIDP's) and Annual Development Plans (ADP's) are aligned to Vision 2030 with an implementation, monitoring, and evaluation framework in place;
2. Address Pending Bills by prioritizing their payment, creating clear timeframes for payment and publishing a schedule of payment of the same; and
3. Prioritize the completion of stalled development projects prior to undertaking or funding new projects.

(Sen. Kibiru on 18.6.2019)

(Resumption of debate interrupted on 18.6.2019)

Sen. (Dr.) Zani: Madam Temporary Speaker, I stand to support this Motion, which is critical for development in the counties. Most counties now have the County Integrated Development Plans (CIDPs). Initially when the CIDPs were done, they did not meet the requirements. Now the CIDPs have been improved because of capacity building. What we need to know is how they are linked to Vision 2030, as long term development goals for the country, and how they are synchronized to ensure that it becomes a reality in the counties.

The development plans at the county and national level should be synched. At the national level we have the blue print of Vision 2030. We would expect the various County Integrated Development Plans (CIDPs) to be synched with it. Various counties have improved on this.

We once asked Mrs. Agnes Odhiambo, the Controller of Budget, what happens to those projects because they are always budgeted for and money is allocated for them. I know that various Committees have gone to various counties to oversight those projects and must have found out that those projects have not been completed. This situation has been made worse by the transition of one governor to another. It will be ideal to complete the county projects within a particular time, but that has not happened. A lot of money has been put into those projects, yet most of them have been done half way. That is as good as not having started the project.

What is the benefit of the incomplete projects to the people? Devolution was to address social, economic and cultural needs of communities, but it is not doing that because of the incomplete projects. When these services are not there, they create a quagmire for the counties and the nation. The bills that have accrued vis-a-vis what is on

the ground do not match. This is a clear indication that CIDPs are not being used effectively as a tool for development.

We also asked the Controller of Budget why they do not monitor and evaluate the projects. We told her of the need to time, monitor and evaluate the projects that are receiving disbursements in bits, so as to ensure that a certain phase is achieved. However, she told us that they do not have the tools and mechanisms for monitoring and evaluation. She said that monitoring would require them to hire new staff, look at feasibility reports and the aftermath, and putting everything in place to ensure that what has been predicted as development in the counties---

The Temporary Speaker (Sen. (Prof.) Kamar): Order! Sen. (Dr.) Zani, you have a balance of 15 minutes when we next sit.

ADJOURNMENT

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the House. The Senate, therefore, stands adjourned until tomorrow, Thursday, 20th June, 2019, at 2:30 p.m.

The Senate rose at 6.30 p.m.