

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Monday, 13<sup>th</sup> July, 2020

#### Special Sitting

(Convened via Kenya Gazette Notice  
No.4851 of 10<sup>th</sup> July, 2020)

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

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

#### PRAYER

### COMMUNICATION FROM THE CHAIR

#### CONVENING OF SPECIAL SITTING TO CONSIDER THE REPORT ON THE THIRD BASIS FOR REVENUE ALLOCATION AMONG THE COUNTY GOVERNMENTS

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I have a communication to make. Welcome to this Special Sitting of the Senate. On the request of the Senate Majority Leader vide a letter Ref. No. Sen/SMS/CORR dated 9<sup>th</sup> July 2020, and with the support of the requisite number of Senators, I appointed today, Monday, 13<sup>th</sup> July, 2020 as a day for a Special Sitting for the Senate vide Gazette Notice No.4851 dated 10<sup>th</sup> July 2020.

Hon. Senators in the Gazette Notice I indicated that the business to be transacted at the Special Sitting shall be the consideration of the third basis for allocating among the county governments the share of the national revenue that is annually allocated to the county level of government. Pursuant to Standing Order 30 (4) I notified the Speaker of the National Assembly of this Special Sitting vide letter Ref. No. SSN/SNA/6/VOL1 dated 10<sup>th</sup> July 2020, as the business to be transacted at the Special Sitting will require action of the National Assembly. In accordance with the Standing Order 35, the business specified in the Gazette Notice shall be the only business before the Senate during the Special Sitting following which the Senate shall stand adjourned until Tuesday, 14<sup>th</sup> July 2020, at 2.30pm in accordance with the Senate calendar.

Hon. Senators, Article 217 of the Constitution provides that-

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(1) Once every five years, the Senate shall, by resolution, determine the basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government.

(2) In determining the basis of revenue sharing under clause (1), the Senate shall-

(a) Take the criteria in Article 203 (1) into account;

(b) request and consider recommendations from the Commission on revenue Allocation;

(c) consult the county governors, the Cabinet Secretary responsible for finance and any organization of county governments; and

(d) invite the public, including professional bodies, to make submissions to it on the matter.

Hon. Senators, we recall that paragraph of the Schedule of the Constitution provides that the first and second determination of the basis for allocation of revenue among the counties will be made at the three-year intervals rather than 5 years. You will also recall that the first basis was approved on 27<sup>th</sup> November 2019 and was used to share revenue among county governments for the financial years 2013/2014, 2014/2015, 2015/2016 and 2016/2017.

The second basis for the revenue sharing among county governments was adopted by Parliament on 21<sup>st</sup> June 2016 and was geared towards provision of adequate financing to counties, Corrections of economic disparities and minimization of the development gap and stimulation of economic optimization and incentives to counties to generate revenue. This revenue sharing basis was used to share revenue for the financial years 2017/2018, 2018/2019 and 2019/2020.

Hon. Senators, as you are aware, Article 215 of the Constitution establishes the Commission on Revenue Allocation (CRA) whose mandate includes making recommendations concerning the basis for the equitable sharing of revenue raised by the national government between the national and county governments and among the county governments. The Commission submitted to the Senate its recommendation for the third basis for revenue allocation among the county governments which was tabled in the Senate on 30<sup>th</sup> April, 2019.

This recommendation was committed to the Standing Committee on Finance and Budget for consideration.

Following consideration of the recommendations of the Commission on Revenue Allocation (CRA), and after receiving submissions pursuant to Article 217(2) of the Constitution from the county governors, the Cabinet Secretary responsible for Finance, other organisations of county governments and the public, including professional bodies, the Chairperson of the Standing Committee on Finance and Budget will shortly table a report on its findings and recommendations to the Senate on the proposed Third Basis for revenue allocation among the county governments.

After tabling of the report by the Chairperson of the Standing Committee, a Notice of Motion for the Senate to consider the Standing Committee's report and approve the Third Basis for the revenue allocation among the county governments will be given. I will thereafter suspend the sitting for 30 minutes to allow hon. Senators some time to read the report.

Hon. Senators, debate on the Motion at Order No.4 in today's Order Paper shall be considered and disposed of in accordance to, *inter alia*, Standing Orders Nos. 61, 62, 63, and 64.

As I indicated in my letter of 10<sup>th</sup> July, 2020, I have received notification from several Senators that they intend to move amendments to the Motion. These amendments could not be published in the Order Paper before the report was tabled and Notice of Motion given. Therefore, a supplementary Order Paper capturing all proposed amendments to the Motion will be circulated once the Senate reconvenes after the short suspension of 30 minutes.

I hope we are all on the same page on this matter, hon. Senators, and I thank you. Let us go to the next Order.

### PAPER LAID

#### REPORT ON THE THIRD BASIS FOR REVENUE ALLOCATION AMONG COUNTY GOVERNMENTS

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let us have the Chairperson of the Committee.

**Sen. Kibiru:** Madam Deputy Speaker, I beg to lay the following Paper on the Table of the Senate, today, Monday, 13<sup>th</sup> July, 2020-

The report of the Standing Committee on Finance and Budget on the Third Basis for revenue allocation among the county governments.

*(Sen. Kibiru laid the document on the Table)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Let us go to the next Order.

**Sen. Olekina:** Point of order!

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Olekina, what is out of order in giving a Notice of Motion?

**Sen. Olekina:** Madam Deputy Speaker, I tried to get your attention before. Is it possible for us to have copies of that report?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Yes. I said that we will adjourn for 30 minutes and you will get the report.

Proceed, Sen. Kibiru.

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON THE THIRD BASIS FOR REVENUE ALLOCATION AMONG COUNTY GOVERNMENTS

**Sen. Kibiru:** Madam Deputy Speaker, I beg to give notice of the following Motion-

THAT, the Senate adopts the report of the Standing Committee on Finance and Budget on the Third Basis for revenue allocation among the county governments, laid on the Table of the Senate on Monday, 13<sup>th</sup> July, 2020, and that pursuant to Article 217 of the Constitution, approves the proposed Third Basis for revenue allocation among the county governments as contained in the report.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you hon. Senator and the Chair of the Committee.

Hon. Senators, as I had communicated earlier, the House will adjourn temporarily for 30 minutes, so that Members can read the report. Copies of the report are available.

*(The Senate adjourned temporarily at 2.46 p.m.)*

*(The Senate resumed at 3.50 p.m.)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Next Order!

### MOTION

APPROVAL OF THE THIRD BASIS FOR REVENUE  
ALLOCATION AMONG COUNTY GOVERNMENTS

I see a point of order from Sen. Orengo.

### MOTION FOR ADJOURNMENT UNDER STANDING NO. ORDER 32

ADJOURNMENT OF THE HOUSE TO ALLOW FOR CONSENSUS BUILDING  
ON THE THIRD BASIS FOR REVENUE ALLOCATION  
AMONG THE COUNTY GOVERNMENTS

**Sen. Orengo:** Madam Deputy Speaker, I rise under Standing Order 32, which reads as follows –

(1) A Senator may, at any time, for reasons stated, seek leave to move “That, the Senate do now adjourn.”

(2) If the Speaker is of the opinion that such Motion for adjournment of the Senate is frivolous, vexatious, or an abuse of the proceedings of the Senate, the Speaker may forthwith put the question thereon or may decline to propose it.

(3) The debate on a Motion under this Standing Order shall be confined to the matter of the Motion.

Madam Deputy Speaker, in accordance with that Standing Order, I now formally move that this this Senate do now adjourn. The reason I am moving this Motion is, as we look at the supplementary Order Paper, there are various amendments to the Motion, which had already been given notice of.

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These amendments, together with their simulations--- For example, if you look at the amendments by Sen. Mwangi, they are not simple. If you look at the simulations without a thorough and careful study, we may not be able to appreciate the full import of the amendments that are being sought.

Similarly, the amendments by Sen. Olekina are equally detailed. Again, it would be appropriate to look at these simulations in respect of the substance of the Motion. Finally, there are also the amendments and simulations by distinguished Senator for Wajir.

Madam Deputy Speaker, if ever there is a responsibility of the Senate, this is it. Under the powers we are given by the Constitution, this is the only power that when we exercise and come out with a resolution as set out in the provisions of Article 217, it cannot be negated by any authority other than the National Assembly, and they need a threshold of two thirds or more to change the decision of the Senate.

That, coupled with the fact that we have only two hours to debate this matter, I do not see a situation where all the Senators who desire to speak on this matter may be able to do justice to their contributions in two or three minutes. Furthermore, this is matter in which if it possible, every Senator who wishes to speak to it should be heard. With the two hours left, unless we reduce the time for the Mover of the substantive Motion to present that Motion and accomplish that task in less than the time allocated according to the Standing Orders, I think it will be very difficult for every Member to get two to three minutes to contribute.

Madam Deputy Speaker, this is a straightforward Motion. I invite Members of the Senate to look at the principles and framework of public finance, which are found in Article 201 and the whole of Article 203 of the Constitution. If you look at what we are required to achieve under the Constitution, at the end of the day, we must be sure that whatever we are passing, we have complied with the principles that are set up in the Constitution, and the base line is that it must be equitable and fair.

Finally, the Constitution also requires that when there is a departure from the recommendation of the Commission on Revenue Allocation (CRA), we must justify the reasons there is such a departure. Putting all these things in totality, I plead with the House that we give ourselves more time to look at these new simulations by the three distinguished Senators, and also to build consensus. At the end of the day, the resolution will not be the resolution of one Senator; it will be the resolution of the Senate.

As the Senator for Siaya, the position I take on this matter will have an impact in each and every county. That resolution is not in respect of my county; it is a resolution--- In fact, if you read Article 217, it says, "the Senate shall resolve." To that extent, I plead with the Members that we give ourselves a little time. I think we have been on this for a long time, but the justice and the importance of this matter requires that we give ourselves a little time to achieve consensus that is non-partisan, and which we can defend and live with in every part of this country.

I beg to move and ask Sen. Sakaja to second.

**The Deputy Speaker** (Sen. (Prof.) Kamar): I see an intervention from Sen. Murkomen. In Standing Order No.32, we do not normally interfere unless you are on a contrary proposal. Are you going to support the same position?

Let me allow Sen. Sakaja, who has been called upon to second, and then I will come to you, Sen. Murkomen.

**Sen. Sakaja:** Thank you, Madam Deputy Speaker. I rise to second this Motion for adjournment. Indeed, as the Senate Minority Leader has said, this is the singular most important role of the Senate.

As you all know, we have taken a lot of time within the Committee. This was the second or the third *Kamukunji* we have had. If you note what happened this morning, you can see that we are moving towards a good direction. When such a decision is made, I am glad that I have heard Senators thinking about other counties and not just theirs. The softening from those hardline positions that were there earlier, where I would, for example, only look at my county and disenfranchise Narok County and others. We are coming closer to a resolution.

If you look at these amendments, there are excellent proposals by Sen. Olekina, Sen. (Dr.) Ali and Sen. Mwangi. I also made a proposal earlier, but I did not put it in terms of an amendment. I think with the leadership of both the Senate Majority Leader and the Senate Minority Leader, if we do take a little more time, we shall do justice to this issue and hold true fidelity to Article 96 of the Constitution, which mandates us to protect the interests of each county in the Republic of Kenya.

Madam Deputy Speaker, I would like to encourage my colleagues that this process calls for leadership. Sometimes leadership demands that you see beyond just yourself. In such a situation, a good negotiation is one where nobody gets 100 per cent of the demands, leaving somebody else with zero. If anything, you give a concession on what is not extremely important to you, but makes a world of difference to the other party.

I believe that this House is a House of wisdom. This House is a House of men and women of great integrity. When we come back whenever that shall be under the leadership of the Senate Majority Leader and the Senate Minority Leader, we shall be able to have a position that we shall proudly go back to our counties and say that the Third Basis for sharing revenue has been passed and is strengthening devolution.

With those remarks, I want to thank Sen. Orengo and the leadership on our side. I also want to urge Members that, if possible, we can avoid going out there and talking about it in the media and creating a narrative of us versus them during this period.

Someone once said that politics of do or die does not guarantee who does and who dies. Because of that, let us not create this narrative of losers and winners. The winners must be the people of Kenya. The winners must be devolution.

With those remarks, I second.

*(Question proposed)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I have seen 10 interests already. Since we are not debating the formula, but the reasons for adjourning, I would like to suggest that we take about three minutes each.

Let us take a maximum of three minutes each, so that we are done in 30 minutes. This is because we are not debating this. The implication of this Motion is that we are going to get time to discuss. I can hear that you want me to put the question.

Let me give two Members a chance because I had pronounced the name of Sen. Murkomen. I will give you two minutes. Two Members from each side of the House.

**Sen. Murkomen:** Thank you, Madam Deputy Speaker. What we are about to do is very important. Since it does not require the threshold of the 24 Senators, I wish Senators were patient for us to put a few issues on record.

I support the Motion by Sen. Orengo because it is the right thing to do. In this circumstance, as the Senate, we must go further than what Sen. Orengo suggested. If you look at the formula that was presented by the Committee going by the position of the Constitution in Article 217 (2), which says-

“In determining the basis of revenue sharing under clause (1), the Senate shall-

(a) take the criteria in Article 203(1) into account;

(b) request and consider recommendations from the Commission on Revenue Allocation;

(c) consult the county governors, the Cabinet Secretary responsible for finance and any organisation of county governments.

If you look at this threshold set by the Constitution, I do not think that neither the Committee’s recommendation nor the suggested amendments comply with Article 217. We have been here before. In the last Parliament, we were here and a formula that was not satisfactory to us was brought, and a few of us raised issues. The Senator of Mombasa then, Sen. Mutula Kilonzo Jnr., I, and others, raised those issues on the Floor of the House and we agreed to shelf the formula for one year. The formula passed a year later because of the decision we made on the Floor of the House.

My suggestion is that the formula that has been suggested by the Committee is extremely divisive. Even if my county is benefiting, it is ridiculous to see that other counties are losing a colossal amount of resources at a time when there is no formula of cushioning them, and there is no way of protecting these counties.

Madam Deputy Speaker, I am the Senator for Elgeyo-Marakwet County, but I have been given the responsibility to be a Senator for all counties in the country. The decisions we make on the Floor of this House affect other counties.

I will appreciate if you allow me an extra minute.

Leading a country will be judged not by the way you treat the strong and the rich; it is how you treat the weak and the marginalized. We cannot stand on the Floor of this House and preside over a process that further marginalizes those who have been marginalized for the last 50 years.

Therefore, the negotiation that we are about to do here will not succeed in one week. My suggestion to those who are in leadership at the moment is that, when we come back on this issue, we should first pass the County Allocation of Revenue Bill, as it is at the moment using the formula that exists and the money goes to the counties. We can then take the next one year to negotiate through this formula until we agree and everybody can say that we live in a happy country.

I want to request those who are involved in this process, but are not Senators, to leave this process to Senators and the Senate, so that we can come to a conclusion that is not interfered with from outside.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): There is a point of order from Sen. Cherargei.

**Sen. Cherargei:** On a point of procedure, Madam Deputy Speaker. We agreed that we are discussing the Motion and not the contents of what is to come. This is anticipating debate, and it is as simple as that.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Cherargei. I think that was a very important point. Please, let us not discuss because we had a *Kamukunji* and we discussed it.

What we are saying is that we are giving ourselves time to go and continue from where we stopped.

Sen. (Dr.) Zani.

**Sen. (Dr.) Zani:** Thank you, Madam Deputy Speaker. I think what we went through in the morning is very critical for this Senate.

*(Loud consultations)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Members!

**Sen. (Dr.) Zani:** Madam Deputy Speaker, we were able to put across various views. What was even better is that we were all looking for options. These options ought to help us in the counties to ensure that as we go on with the revenue allocation in the counties, it is done fairly.

Article 96 of the Constitution gives this Senate a clear mandate; which is to represent counties and their interests. The interests are for all the counties and not just one county.

Various Articles have been quoted. I just want to cite Article 203 on the importance of ensuring that through this revenue formula, we have economic disparities within and among counties reduced and the need for affirmative action. This will ensure that the disadvantaged groups and areas are taken into account.

Madam Deputy Speaker, we should continue what we had started this morning. We should walk together. With each amendment that is coming, we are getting closer to finding a solution. I believe we will find that solution. Therefore, I support the Motion to defer the discussion of this Motion and proceed later on.

I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Kang'ata, proceed.

**Sen. Kang'ata:** Madam Deputy Speaker, I rise to support the Motion by the Senate Minority Leader. I urge hon. Senators to take this time to look at the various options. Notwithstanding this Adjournment Motion, from where I sit, this is progress in the sense that for the first time we have seen several amendments and options that, several Senators have made to the Committee's proposal.

Kindly, I urge Senators, once we adjourn, please take time and look at various options and parameters. For instance, there was the issue concerning the commencement date. I have seen some are proposing that we commence immediately. Others are proposing that we give it one or two years. We should look at various other issues. Therefore, from where I sit, this is a good time for us to continue the engagement so that



God willing, maybe in the next two or three days or one week, we can come up with a proposal which is agreeable to all Senators.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): What is your point of order, Sen. Cheruiyot?

**Sen. Cheruiyot:** On a point of order, Madam Deputy Speaker. I have a point of order that I require your guidance on regarding this process. It just has to do with the procedure that this whole exercise has taken. Earlier on last week, the Speaker gave directions in our *Kamukunji* that if Senators have proposals on how they want the Senate to resolve this particular issue, it is in order that they forward their proposals to his office. I have seen the same have been channeled to the Order Paper. That sets an extremely dangerous precedence.

We know that this House works through its committees. I can confirm that of the two or three proposals that are before the Order Paper, we never considered them as the Committee on Finance and Budget. It is dangerous because I have seen even a further trend where Senators are walking with pieces of paper and saying: "We have counties gaining Kshs1,000, please support."

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Sen. Cheruiyot! Sit down. I want to respond.

**Sen. Cheruiyot:** Madam Deputy Speaker, just to conclude in ten seconds--

**The Deputy Speaker** (Sen. (Prof.) Kamar): No, you are concluding from the wrong premise. Can you sit down?

**Sen. Cheruiyot:** Madam Deputy Speaker, I plead with you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Order, Senator. The communication that came last week is being followed precisely. When you are giving an amendment, you give it with your details. These are amendments and not proposals. They are amendments to the proposal that was being tabled in the House. There is nothing out of order in this. I just wanted you to get that information because you might mislead us even further.

This information was forwarded last week, that if you have any amendment, you tabulate. What we added in the morning, which was very nice from Sen. Wako, was that you must give us your formulas because of the time. When the formulas came, they were even more complicated for Sen. Orengo. He is proposing this because he cannot understand the formula itself. That is where we are. Sen. Cheruiyot, there is nothing out of order on that one.

Can we, therefore, finish? Did you understand first that you were not in order in your line of action?

**Sen. Cheruiyot:** Madam Deputy Speaker, yes.

**The Deputy Speaker** (Sen. (Prof.) Kamar): So, do you have a different point of order?

**Sen. Cheruiyot:** Madam Deputy Speaker, yes.

**The Deputy Speaker** (Sen. (Prof.) Kamar): What is the different one?

**Sen. Cheruiyot:** Madam Deputy Speaker, I have understood you, but this issue still needs clarity. Otherwise, what is the quality control on these proposals that are coming?

**The Deputy Speaker** (Sen. (Prof.) Kamar): No.

**Sen. Cheruiyot:** Madam Deputy Speaker, please. It is as simple as just guiding us and saying in the proposals that are coming in future, can they be channeled through the Committee? That is my simple request.

**The Deputy Speaker** (Sen. (Prof.) Kamar): No. I think you are not understanding. When a proposal from a Committee has come to the House and the report has been tabled, Sen. Cheruiyot for your information, you have a right to give us an amendment. The amendments are the ones that are being tabled now. That is exactly what the Standing Orders state.

The second Senator on this side was Sen. Olekina.

Proceed. Please, do not discuss the amendments; discuss the Motion for Adjournment only.

**Sen. Olekina:** Madam Deputy Speaker, thank you. I rise to support the Motion to adjourn because I agree with Sen. Orenge that these are very emotive issues that require us to internalize what it means by sharing revenue.

Articles 217 and 203 in the Constitution are very clear. It is important that every Senator who sits here realizes that as the Senator of Narok County, I not only represent Narok County, but also the entire union. I always say that this is a House of union.

The way I understand how this revenue formula is being formulated, is different from the way my colleagues understand. It is imperative that even us who have brought in these amendments - which is a right for every Senator to bring an amendment at this stage - we should reach out to our colleagues and explain the numbers. This is because it will be very difficult for us to sit here and pass a formula which will divide this country further.

Madam Deputy Speaker, I support and thank Sen. Orenge for the wise leadership.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you. Senators, I forgot the Members who are in the extended Chamber. What is your point of order, Sen. Sakaja?

**Sen. Sakaja:** On a point of order, Madam Deputy Speaker. Will it be in order to take you back to Standing Order No. 62(1) that talks about amendments to Motions?

It provides that-

“Unless otherwise provided in these Standing Orders, any amendment to a Motion which a Senator wishes to propose may be moved and, if necessary, seconded at any time after the question upon the Motion has been proposed and before it has been put.”

The concern that has been raised by Sen. Cheruiyot is very valid. In as much as any Member can propose an amendment and the amendment goes through the proper procedure with the Clerk---

It is because of the nature of these amendments, not that it goes to the Committee, but before the Clerk processes it in the Order Paper, he has the assurance that the Budget Office will have confirmed that the tabulations are proper and correct. That is the only affirmation.

**The Deputy Speaker** (Sen. (Prof.) Kamar): If I may inform you, Sen. Sakaja, you are on Standing Order No.62.

**Sen. Sakaja:** Madam Deputy Speaker, yes.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Orenge moved under Standing Order No.32. Read the two of them.

**Sen. Sakaja:** Madam Deputy Speaker, I am not talking about adjournment. Standing Order No. 32 is about adjournment, which we all agree with. In fact, I am the one who seconded the Motion. I am talking about the assurance we need to give Members.

If you listened to what Sen. Cheruiyot is saying, he said something very positive and true. For instance, if I have an amendment and, of course, I am doing tabulation, I can put whatever numbers that might not be.

The veracity of my amendment must be assured, such that by the time the clerks are printing it on the Order Paper, it has gone through the Budget Office and not necessarily the Committee. That is what he was saying and I agree with him. Maybe you can get more advice from the clerks, but that is a good proposal.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja, can we also help you? The only reason we are adjourning is so that the same documents can be discussed. There is no way you will bring a document here that will not have gone through the Budget Office.

We are seized of the procedure that will take place from this minute. We need to give the group time to go and receive those amendments. In fact, even the Committee might be involved in all these.

If you could allow us, I do not want us to---

*(Several Senators spoke off record)*

They already have it.

Let us have Sen. (Dr.) Ochillo- Ayacko. Are you also on a point of order?

**Sen. (Dr.) Ochillo-Ayacko:** Yes, Madam Deputy Speaker. In the course of this back and forth points of order, I have heard a quip that these matters seem to be beyond the Committee of which I am the Vice- Chairperson.

Am I in order to be guided because the Committee's mandate keeps on running? It may have a position that may not be popular here, but have we been rendered *functus officio* so that we fold shop and disappear?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Today, the lawyers are using language that scientists like ourselves do not understand. What was requested is for an adjournment so that further processing is done. The further processing will definitely not ignore the Committee that has been handling this.

Secondly, the Parliamentary Budget Office is part of our secretariat. They were with us at the tent a few minutes ago and they will continue to be part of this. If the assurance is what is required, I give the assurance that there will be no problem. We are waiting for you to finish it. In fact, we cannot come back before we get all the feedback and all of us understand the very complicated formulas that are being given.

Now, allow me to use my discretion to invite the two last speakers, one of whom was at the other extended Chamber, Sen.(Prof.) Kindiki, who was my own staff in Moi University, the first PhD in Law in Kenya and, of course, my predecessor.

*(Applause)*

The final one will be Sen. Wetangula and we are done.

**Sen. (Prof.) Kindiki:** Thank you, Madam Deputy Speaker, and congratulations on your election as Deputy Speaker of the House. I stand to support the Motion by the Senator for Siaya, my learned senior, Sen. Orengo, to adjourn the House. I support the reasons advanced by the Mover of the Motion, which is to consult.

The reason we must consult and do so soberly is because we are about to destroy the country. I say so because the consequences whereby we are going to entrench the marginalization that has affected this country for decades if not more than a century; those consequences will live for the next century or more. They look simple; somebody somewhere may be celebrating that your county is getting a few hundreds or millions of shillings at the expense of another county

The people of Kenya should know and remind themselves that the only things that helped this country manage its politics and affairs for a while is devolution. That was what brought the Kenyan of the periphery to the centre. Today we are here talking about Tharaka Nithi, Isiolo, Kilifi, Marsabit, Mandera, Makueni and a few counties including Kisii and Nyamira. The same sword that will be used to deny any county even a shilling of what it got last year can be the sword that will be used some day in future, by a national Government that hates devolution, to slash money from each and every county.

We must consult and I will oppose any attempt to remove even one shilling from the County of Tharaka Nithi and any other county in this country because I am both Senator for Tharaka Nithi and of the republic of Kenya.

*(Loud consultations)*

**The Deputy Speaker** (Sen.(Prof.) Kamar): Thank you, Senator. Order! Members. I do not know what excitement the Senator for Tharaka Nithi is bringing to the House.

Proceed, Sen. Wetangula.

**Sen. Wetangula:** Madam Deputy Speaker, I also support the adjournment Motion, but suggest the following: That this formula has been very divisive, to say the least. Looking at the amendments casually, they are equally divisive. We will end up in a state of these amendments also being dead on arrival.

We need to do what we did in the last Parliament. Sen. Orengo, Sen. Cheruiyot, Sen. Murkomen and others were here. It took us three working days as a whole Senate in Naivasha to push and pull together with the entire

Commission on Revenue Allocation (CRA), for us to come up with the formula that we brought to this House and everybody passed it.

It will be unlikely that even if we adjourn for two or three weeks, and we look at these amendments--- I remember the words the distinguished Senator for Mombasa came to tell me here that the way we are going we will have 47 formulas on the Floor. Everybody will come with a formula. Unscientific as it may be, everybody wants something. This is a House of equity and equality; equality of the vote. Lamu carries one vote; Nairobi City County, one vote. Equity because we must reach a level that makes every single corner of this country comfortable in the process of allocating money.

I urge that the leadership of this House - my distinguished colleagues from West Pokot and Siaya - take leadership. When the country loosens out of this closure, take this

House the way we did in the last Parliament. Call the CRA and any other expert that we need and bring a formula that a person in Mandera feels as comfortable with as the one in Nairobi City, Kiambu or Bungoma.

That is the only way we can achieve equity and equality as a House of the Senate.

*(Applause)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, hon. Senators, for your indulgence. I will now put the question because I have determined it does not concern counties. It will be a voice vote.

*(Question put and agreed to)*

### ADJOURNMENT

**The Deputy Speaker** (Sen.(Prof.) Kamar): Hon. Senators, it is now time to adjourn the Senate. The House, therefore, stands adjourned until tomorrow, Tuesday 14<sup>th</sup> July, 2020 at 2.30p.m.

The Senate rose at 4.30 p.m.