

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Thursday, 20th September, 2018**

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

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

PRAYER**PAPER LAID**

REPORT ON FINANCIAL STATEMENT OF NYAMIRA COUNTY
EDUCATION SUPPORT FUND FOR YEAR ENDED 30 JUNE, 2017

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Thursday, 20th September, 2018-

Report of the Auditor- General on the Financial Statement of Nyamira County Education Support Fund for the year ended 30th June, 2017.

(Sen. Murkomen laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you.
Let us move on to the next Order.

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER STANDING ORDER NO.34****PUBLIC DEBT AND TAXATION IN KENYA**

Sen. Wetangula: Mr. Deputy Speaker, Sir, I beg to give notice of my intention to move a Motion for Adjournment on a matter of definite urgent national importance, namely, public debt and taxation in Kenya.

(Several Senators stood in their places)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! You have the necessary support. I will allow you at some point to move the Motion for Adjournment.

Let us move on to the next Order.

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators. Let us make progress. We have three Statements on the Order Paper.

Statement (a) is by Sen. Farhiya. She is seeking a Statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations regarding land and property belonging to the National Police Service.

STATUS OF LAND AND PROPERTY BELONGING TO THE NATIONAL POLICE SERVICE

Sen. Farhiya: Mr. Deputy Speaker, Sir, pursuant to Standing Order No. 48, I rise to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding land and property belonging to the National Police Service (NPS), following a directive by His Excellency the President, for the police to vacate police lines, estates and houses leased by the NPS within 90 days.

The Committee should provide an inventory of all land owned by or held by the NPS in each of the 47 counties, including the value of such land and property and explain what the national Government intends to do with the said land and property once vacated by the police officers.

I am requesting this Statement because there is a lot of land belonging to the Government, including in very prime areas such as Kilimani and Kileleshwa police stations. In South C there is a large piece of land with small police posts. What will happen to that land? I expect this House to be more proactive than reactive since this issue will be the next major scandal in this country if it is not addressed now.

I thank you.

The Deputy Speaker (Sen. (Prof) Kindiki): Sen. Linturi.

Sen. Linturi: Mr. Deputy Speaker, allow me to ride on Sen. Farhiya's Statement to seek further clarification. The Chairperson's statement should also include information relating to the vacant houses that will be left after the police move to rent houses in other areas within the country.

There are permanent houses that have been built for the police in the past. What will happen to them? Will they be leased out to other people to attract rental income? What will the vacant houses be used for?

The Deputy Speaker (Sen. (Prof) Kindiki): Order Senators. We have a number of Divisions this afternoon. As soon as the whips confirm to us that we have the numbers, we shall vote before we entertain any other business.

Meanwhile, keep the comments on the Statement as brief as possible. Thank you, Sen. Linturi, for keeping it brief.

Sen. Yusuf Haji.

Sen. Haji: Mr. Deputy Speaker Sir, we will require about two weeks to come up with the inventory and also what the Government will do with the property that will be vacated by the police.

The Deputy Speaker (Sen. (Prof) Kindiki): Very well. Proceed accordingly. Next Statement is from Sen. Pareno.

INVASION OF AGRICULTURAL LAND IN KAJIADO
COUNTY BY THE IPOMOEAE WEED

Sen. Pareno: Mr. Deputy Speaker, pursuant to Standing Order No.48, I rise to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on the hazardous Ipomoea weed, which has invaded agricultural land in Kajiado County.

In the Statement, the Committee should explain-

(1) The intervention being rendered to the farmers as a result of the reduced agricultural productivity and pasture in the County as a result of the invasion by the weed.

(2) Indicate whether any research has been conducted by the Kenya Agricultural and Livestock Research Organization (KALRO) or any other body on the impact on environment and animals caused by the weed.

(3) State the measures being undertaken by the national and county governments to fully eradicate the weed in the County.

The Deputy Speaker (Sen. (Prof) Kindiki): Very well, Chairperson Committee on Agriculture, Livestock and Fisheries, proceed accordingly. I am sure you have noted the request. As you are aware, under the new rules, you should liaise with the Senator to agree on the time when that Statement can be brought back.

The next Statement is also from Sen. Pareno.

STATE OF THE EAST AFRICAN PORTLAND
CEMENT COMPANY

Sen. Pareno: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No. 48 to seek a Statement from the Standing Committee on Tourism, Trade and Industrialization concerning the state of the East African Portland Cement Company (EAPCC).

In the Statement, the Committee should explain the following-

(1) What factors led to the near collapse of the EAPCC?

(2) What action is being taken to save this giant state corporation from total collapse?

(3) How much money is required to resuscitate the loss making Company which is a big industry given that part of the national Government's four agenda is to spur industrialization?

(4) Why has the Company failed to remit NHIF and any other statutory deductions even after deducting from the employees' salaries?

(5) What is the fate of the more than 500 employees who have been rendered jobless as a result of the Company's financial woes and;

(6) What action is being taken to push them from loss of their only source of livelihood?

The Deputy Speaker (Sen. (Prof) Kindiki): Sen. Ole Kina.

Sen. Ole Kina: Mr. Deputy Speaker, Sir, thank you for allowing me to ride on this Statement requested by Sen. Pareno.

Mr. Deputy Speaker, Sir, the issue of the EAPCC is not something new. It has brought a lot of untold suffering. When people started losing their jobs in this Company, the Government ought to have been alarmed that this was going to create a big problem in the community.

There are about 500 Kenyans of Maasai origin coming from Kajiado and Narok counties who have been rendered jobless. These people think that they are being targeted because they are from one clan versus the other clan. It is this thought that this has raised political tension in the area and clanism, because when you find that a majority of the people who are being forced to go back home are from one clan, it raises the question as to why they are being targeted.

I wish that this Committee moves expeditiously to visit the site, to interrogate those people and meet with the employees. You are aware that there was a lot of politics about other companies being allowed to come in to this country. The EAPCC is a state corporation; something that we hope we can be proud of as being our own. We have all these resources; we have a lot of clinker and other raw materials. The people of Kajiado County should benefit.

I really support this Statement. I hope that those people who have been rendered jobless, who have been sent home--- It got even nastier to a point where people are being given compulsory leave. Unfortunately, they all have---

The Deputy Speaker (Sen. (Prof) Kindiki): Conclude.

Sen. Ole Kina: Mr. Deputy Speaker, Sir, I would really like, in conclusion, to encourage the Senator for Kajiado County who is here--- In fact, this House has got three Senators who happen to be from Kajiado. If they can all come together and support the Committee to ensure that if it is not a clanism issue but a real crisis, then a way is found to resolve the matter.

I support.

The Deputy Speaker (Sen. (Prof) Kindiki): Sen. Seneta.

Sen. Seneta: Thank you Mr. Deputy Speaker, Sir, for giving me a chance to ride on this Statement. First, I want to congratulate my sister, Sen. Pareno for having thought of this. The EAPCC is a very important State corporation. It is one of the companies that uses local raw materials. Talking of this company in Kajiado is like talking of sugarcane or coffee in other regions of Kenya. This is because all the limestone, gypsum and sand that is used for production of cement comes from Kajiado. Therefore, it is---

The Deputy Speaker (Sen. (Prof) Kindiki): Conclude. This is not debate.

Sen. Seneta: Mr. Deputy Speaker, Sir, it is an important resource to us, as a county and as a country. Therefore, I call upon the Committee to kindly investigate what

can be done to help that company so that it does not collapse and go down like many other companies in this Republic.

The Deputy Speaker (Sen. (Prof) Kindiki): Very well Senator.

Sen. Seneta: Mr. Deputy Speaker, I wish you could have added me some two minutes.

The Deputy Speaker (Sen. (Prof) Kindiki): No, Senator. You have already made your remarks, we are short of time.

Whips, do we have the numbers to do the divisions or can we give you a little more time?

Sen. Mutula Jnr: Mr. Deputy Speaker, Sir, give us about five minutes to verify. We have 24 Senators in the House, but we just want to be sure.

The Deputy Speaker (Sen. (Prof) Kindiki): Very well Senators. As we wait for the Whips to confirm the numbers which affects the Orders that have division, I direct that we---

(Sen. Murkomen spoke off record)

Order, Senate Majority Leader. We have come to the end of Statements; there were three Statements in the Order Paper. Today being Thursday, I think that the Statement from the Majority Leader is customary. I will give you a few minutes as the Whips confirm the numbers.

Proceed, Sen. Murkomen.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 25TH SEPTEMBER, 2018

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir. I am issuing the Statement on the Business of the Senate for the week commencing 25th September, 2018, pursuant to Standing Order 52(1).

Hon. Senators, pursuant to Standing Order 52(1), I hereby present to the Senate the business of the Senate for the week commencing on Tuesday, 25th September, 2018. As you may recall, on 21st June, 2018, the Senate, pursuant to Article 126(1) of the Constitution and Standing Order No.31(1) of the Senate Standing Orders, resolved to have its Plenary and Committee sittings for the week commencing 24th to 28th September, 2018, in Uasin Gishu County. The inaugural sittings of the Senate outside Nairobi will provide this House an opportunity to entrench the place of the Senate as the institution mandated to represent and protect the interests of counties and their governments, as highlighted in Article 96 of the Constitution.

Hon. Senators, we will also be accorded the opportunity to interact directly with the county governments and Kenyan citizens in a manner that is unprecedented in our history.

In this regard, the Senate Business Committee (SBC) met on Tuesday, 18th September, 2018, to, among other items schedule the business of the Senate for the plenary sittings in Uasin Gishu County. This is in accordance with the Senate Resolution

of 21st June, 2018, which will be held on 25th to 27th September, 2018 from 2.30 p.m. to 6.30 p.m. in Uasin Gishu County Assembly Chamber, in Eldoret.

The following business has been scheduled for consideration by the Senate-

On Tuesday, 25th September, 2018, a Petition will be presented on behalf of the residents of Nandi County on the Status of the Karebe Gold Mine. The following Bills have been scheduled for consideration at Second Reading-

The Petroleum (Exploration, Development and Production) Bill (National Assembly Bills No.48 of 2017); The Petition to County Assemblies (Procedure) Bill (Senate Bills No.22 of 2018); The Public Private Partnerships (Amendment) Bill (National Assembly Bills No.52 of 2017); The County Planning (Roads, Pavements and Parking Bays) Bill (Senate Bills No.18 of 2018); The Local Content Bill (Senate Bills No.10 of 2018); The Impeachment Procedure Bill (Senate Bills No.15 of 2018); The Data Protection Bill (Senate Bills No.16 of 2018); The County Statutory Instruments Bill (Senate Bills No. 21 of 2018) and The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018).

In addition, the following Motions will be considered-

A Motion on the payment of a one-off honorarium and monthly pension to former councilors by Sen. Kinyua, MP; a Motion on the development and implementation of a national disaster risk financing strategy by Sen. Khaniri, MP and a Motion on the establishment of youth polytechnics in the counties by Sen. (Prof.) Kamar, MP.

On Wednesday, 26th September, 2018, the Second Readings on Bills and Motions that will not have been concluded on Tuesday, 25th September will be considered, including Division on Bills that will have been concluded.

On Thursday, 27th September, 2018, the Senate Business Committee has maintained its tradition of prioritizing Motions on Thursdays in order for the House to consider Motions that are not sponsored by either the Majority or Minority parties. Consequently, the following Motions will be scheduled-

A Motion on the establishment of youth polytechnics in counties by Sen. (Prof.) Kamar; a Motion on the development and implementation of a national disaster risk financing strategy by Sen. Khaniri; a Motion on the remedies for closure of schools due to floods and instances of insecurity by Sen. Kasanga and a Motion on the improvement of Kenya's position in the World Economic Forum (WEF) travel and tourism competitiveness index by Sen. Olekina.

Mr. Deputy Speaker, Sir, if you may also permit me, I want to emphasise that the Senate has generally received great support from the people of Kenya. The Senate is one of the most trusted legislative institutions in this country. Among the county assemblies and even the National Assembly, the Senate ranks very high, from the comments of many Kenyans. It is no wonder that every time we have people who feel that their inadequacies are felt out there, they rush to say that the Senate must be abolished because they do not understand the place and position of the Senate in the architecture and design of our Constitution.

Mr. Deputy Speaker, Sir, as a professor of law, you need to take off time to give a lecture to the legislators and members of the public who do not understand the place and

position of the Senate in devolution. They need a snapshot of a lecture. In as much as we are not responsible for the ignorance of legislators, including those in the other House who do not understand devolution, but as good citizens of this Republic, we can donate our time. Sen. Orengo, being a senior counsel and Sen. Wetangula, who is here, should once in a while, meet some of these Members of Parliament (MPs) over a cup of tea and run them through the reasons why, in the architecture of our Constitution, the Senate plays a very critical role in so far as devolution is concerned.

That is why I encourage our Senators to be in Eldoret because one of the MPs from Uasin Gishu County was ranting about the position and place of the Senate. This might give us a great opportunity to run him through what the Senate is all about. We will invite him and educate him to help him understand that you do not make law or try processes that are in vanity. We will also educate him that whatever amendment he wants to bring in order to do away with the Senate must come here and we cannot shoot ourselves on the foot.

Mr. Deputy Speaker, Sir, the only argument I hear out there is that they want to remove the Senate so as to reduce the number of legislators in the country and, thus, reduce costs. If you wanted to reduce costs, it will be simple. If it comes to which one of the two Houses you want to keep so as to reduce costs, the House with 350 people will be the one to be sacrificed for this one, which has 47 legislators representing the whole country and all counties. Once again, I repeat that we are not responsible for those who have bad mathematics background. However, we have a responsibility, as a nation, to give free education to some of these people. Eldoret provides us a great opportunity to start and get rid of some hangovers from people, who may not have supported the Constitution before and who still think that they will have an opportunity to do away with institutions of the Government such as the Senate, which plays a critical role in the place, architecture and design of our devolved system of Government.

Mr. Deputy Speaker, Sir and hon. Senators, I request that you avail yourselves during these inaugural county sittings of the Senate as it will serve as a benchmark for future sittings in the counties. I also urge that we dedicate our time to the scheduled activities that have been approved by the Senate Business Committee (SBC) in consultation with the Standing Committees and the Uasin Gishu County Government. The detailed programme of events is annexed to this Statement.

Thank you, Mr. Deputy Speaker, Sir. I, hereby, lay the Statement on the Table of the House.

(Sen. Murkomen laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well, Senate Majority Leader. Thank you.

Hon. Senators, as many of us as possible should be in Eldoret because our being there is not only historic, but it provides this country with an opportunity to see a national legislative House doing things differently.

Hon. Senators, we now have the numbers. I can see there are comments but ordinarily we have not had the tradition of comments on this Statement. So, I plead that

we vote before we get further hemorrhage. Thank you, Sen. Orengo and Sen. Malalah, for being considerate.

Since we now have the numbers for the divisions, I ask the Clerk-at-the-Table to call the next Order. Before she does that, we have Divisions on Orders No.8, 9, 10, 11 and 12. We hope to do this in the shortest time possible.

Next Order.

MOTION

ADOPTION OF REPORT ON THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FY 2018/19

THAT, pursuant to Standing Order No.183, the Senate approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Fiscal Year 2018/2019, laid on the Table of the House on Thursday, 13th September, 2018.

(Sen. (Eng.) Mahamud on 18.9.2018)

(Resumption of Debate interrupted on 19.9.2018)

The Deputy Speaker (Sen. (Prof.) Kindiki): I now direct that the Division Bell be rung for one minute and then we proceed to vote.

(The Division Bell was rung)

One minute is over. I direct now that the doors be locked and the Bars be drawn.

(The Doors were locked and the Bars drawn)

Hon. Senators, get ready to vote.

(Sen. Wako consulted loudly)

Sen. Amos Wako, you are a seasoned parliamentarian. You know the Standing Orders when it comes to Division.

Hon. Senators, you may now proceed to vote. You have one minute to do so. Assisted voters to proceed and approach the Clerk-at-the-Table.

(Sen. Murkomen spoke off record)

Order, Leader of Majority! How do you know that the Senator for Busia County is an assisted voter? Is there any other assisted voter? Sen. Poghisio?

DIVISION

ELECTRONIC VOTING

(Question, that pursuant to Standing Order 183, the Senate approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Fiscal Year 2018/2019, laid on the Table of the House on Thursday, 13th September, 2018, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. Lelegwe, Samburu County ; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County ; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Olekina, Narok County ; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County

NOES: Nil

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

AYES: 26

NOES: 0

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to nil)

(Question put and agreed to)

Very well. Unlock the doors but hon. Senators do not leave.

(The doors were opened and the bars withdrawn)

Let us move on to the next Order.

The Deputy Speaker (Sen. (Prof.) Kindiki): We will repeat the process. I now direct the Division Bell to be rung for one minute.

(The Division Bell was rung)

I now direct that the doors be locked and the Bar be drawn.

(The doors were locked and the Bar drawn)

Hon. Senators, prepare for voting.

MOTION

ADOPTION OF CPAIC REPORT ON FINANCIAL OPERATIONS OF NAKURU COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Nakuru County Executive for the Financial Year 2013/2014 laid on the table of the House on Tuesday, 19th June 2018.

(Sen. M. Kajwang' on 19.9.2018)

(Resumption of debate interrupted on 19.9.2018)

DIVISION

ELECTRONIC VOTING

(Question, that this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the Inquiry into the Financial Operations of Nakuru County Executive for the Financial Year 2013/2014 (1st July 2013-30th June 2014) laid on the Table of the House on Tuesday, 19th June, 2018), put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi City County; Sen. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisio, West Pokot County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

NOES: Nil

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

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AYES: 27
NOES: Nil
ABSENCES: Nil
The “Ayes” have it.

(Question carried by 27 votes to nil)

(Question put and agreed to)

I now direct that the doors be unlocked and the Bar withdrawn.

(The doors were opened and the bars withdrawn)

Let us move on to the next Order.

MOTION

ADOPTION OF REPORT OF CPAIC ON FINANCIAL OPERATIONS OF KILIFI COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the Financial Operations of Kilifi County Executive for the Financial Year 2013/2014 (1st July, 2013-30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

(Sen. M. Kajwang' on 19.9.2018)

(Resumption of Debate interrupted on 19.9.2018)

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct that the Division Bell be rung for one minute.

(The Division Bell was rung)

Hon. Senator, prepare for voting. I now direct that doors be locked and the Bar drawn

(The doors were locked and the Bar drawn)

Prepare for voting. Make sure you are logged in.

I now put the Question; that this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the

financial operations of Kilifi County Executive for the Financial year 2013/2014 (1st July 2013 - 30th June, 2014), laid on the Table of the House on Tuesday, 19th June, 2018.

Hon. Senators, you can vote now.

DIVISION

ELECTRONIC VOTING

(Question, that this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Kilifi County Executive for the Financial year 2013/2014 (1st July 2013-30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018)

AYES: Sen. Boy, Kwale County; Sen. Farhiya, Nairobi County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega 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. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orendo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Members. The following are the results the Division on Order No.10:-

AYES: 27

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 27 votes to nil)

(Question put and agreed to)

Unlock the doors and draw the Bar.

(The doors were opened and the bars withdrawn)

Next Order!

MOTION**ADOPTION OF CPAIC REPORT ON FINANCIAL OPERATIONS OF HOMA
BAY COUNTY EXECUTIVE FOR FY 2013/2014**

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Homa Bay County Executive for the Financial Year 2013/2014 (1st July 2013-30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

(Sen. M. Kajwang' on 19.9.2018)

(Resumption of Debate interrupted on 19.9.2018)

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct that the Division Bell be rung for one minute.

(The Division Bell was rung)

Close the doors and draw the Bar.

(The doors were locked and the Bar drawn)

Order, Senators! I will now put the Question; that this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Homa Bay County Executive for the Financial Year 2013/2014(1st July 2013 - 30th June, 2014), laid on the Table of the House on Tuesday, 19th June, 2018.

Hon. Senators, you can vote now.

DIVISION**ELECTRONIC VOTING**

(Question, that this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Homa Bay County Executive for the Financial Year 2013/2014 (1st July 2013 - 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Farhiya, Nairobi County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County;

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Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghiso, West Pokot County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 27

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 27 votes to nil)

(Question put and agreed to)

I now direct that the Bar be undrawn and the doors unlocked.

(The doors were opened and the bars withdrawn)

Next Order!

MOTION

ADOPTION OF REPORT OF CPAIC ON FINANCIAL OPERATIONS OF KISII COUNTY EXECUTIVE FOR FY 2013/2014

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Kisii County Executive for the Financial Year 2013/2014 (1st July 2013- 30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018.

(Sen. M. Kajwang' on 19.9.2018)

(Resumption of Debate interrupted on 19.9.2018)

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct that the Division Bell be rung for one minute.

(The Division Bell was rung)

Draw the Bar and lock the doors.

(The doors were locked and Bar drawn)

Order, Senators! I now put the Question that this House adopts the Report of the Sessional Committee on the County Public Accounts and Investments on the inquiry into the financial operations of Kisii County Executive for the Financial Year 2013/2014(1st July 2013- 30th June, 2014), laid on the Table of the House on Tuesday, 19th June, 2018.

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators prepare for voting.

(Hon. Senators proceeded to vote)

Hon. Senators, make sure you have voted. From the screen, it appears that there are about four or five Senators who have not voted.

(Several Senators moved to the Clerk's Table to vote)

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, the leadership and the Whip of the Senate Minority side seem to be in a celebratory mood on some undisclosed news.

(Laughter)

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on Financial Operations of the Kisii County Executive for the Financial Year 2013/2014 (1st July, 2013-30th June, 2014) laid on the Table of the House on Tuesday, 19th June, 2018 put and the Senate to vote by County Delegations)

AYES: Sen. Boy, Kwale County; Sen. Faki, Mombasa County; Sen. Farhiya, Nairobi County; Sen. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kinyua, Laikipia County; Sen. Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega 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. Olekina, Narok County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu

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County; Sen. Poghiso, West Pokot County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil.

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

AYES: 27

NOES: 0

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to nil)

(Question put and agreed to)

The Deputy Speaker (Sen. (Prof.) Kindiki): open the Doors and draw the Bar.

(The doors were opened and the bars withdrawn)

Order Senators. Before we proceed, a notice of Motion was given by Sen. Wetangula, the Senator for Bungoma County. In accordance with Standing Order No. 34(5), the Speaker shall appoint a time for the Motion. I now appoint the time to be 4.00 p.m.

Secondly, our tradition has been to provide for a Motion for Adjournment at the tail end of that day's business, normally at 5.15 p.m. However, I have taken cognizance of the request of the Mover and brought that time forward to 4.00 p.m.

We shall not spend the two and a half hours on the Motion. I will again, in exercise of the powers under the Standing Orders direct that the Motion be moved at 4.00 p.m. It shall take no more than one hour and thirty minutes in total.

Therefore, at 5.30 p.m. the House will resume so that we can transact the businesses on the Order Paper. It is so ordered.

The Senate Minority Leader (Sen. Orenge): On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it Sen. Orenge?

The Senate Minority Leader (Sen. Orenge): Mr. Deputy Speaker, Sir, the Motion for Adjournment is a matter which is under the jurisdiction of the National Assembly. That does not stop us from talking about it. However, because the matter is live in the National Assembly, in the spirit of bringing harmony, we need not bring the Motion at about 5.00 p.m. because then we will be seen not to be acting in conflict. It is due to respect but---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator. Sen. Wetangula, do you want to say something in light of Sen. Orenge's remarks?

Sen. Wetangula: Mr. Deputy Speaker, Sir, I am one who given another chance, which I am longing for, I will speak about it. However, because institutions must have

some kind of harmony, let us leave a little time. Maybe by that time, the media will concentrate a little bit on what will be going on here.

Mr. Deputy Speaker, Sir, I stand guided. I had the request that we get a little more time a little earlier so that we can address this serious issue. If the mood of the House is that we can do it a little later, I have no difficulty whatsoever.

I urge, hon. colleagues that I am not moving this Motion to compete with the National Assembly but as a matter that this House enjoys a lot of respect by Kenyans to have a voice on a matter of tremendous and momentous national importance. If you direct that we move a little later, I have no difficulty. I beg that the normal one hour for such a Motion will be too short. Give us a little more time so that we can ventilate as deeply and extensively as we possibly can.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): I have heard what the Mover has said. Let us have Sen. Farhiya briefly.

Sen. Farhiya: Thank you, Mr. Deputy Speaker, Sir. I tend to agree with Sen. Orengo. I am also passionate about these issues. However, if we want to tell Kenyans something, and all the attention right now is on the National Assembly, I think it is prudent, for our spend of time and in terms of bringing this matter out more conclusively and have a better discussion, either we do it next week or the other week.

That is my humble request to Sen. Wetangula.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order. That is now different. Do we have any other intervention? From what Sen. Orengo has said, there is nothing that restrains us from addressing the matter now or later. However, I have also listened to the request by the Mover for more flexibility. That being the case, I now review my direction and direct that the appointed time for that Motion be enhanced to two hours, starting at 4.30 p.m. up to 6.30 p.m. when the House rises.

Let us move on to the next Order.

ADOPTION OF CPAIC REPORT ON INQUIRY INTO POSSIBLE
LOSS OF FUNDS THROUGH ACQUISITION
OF LAND BY THE NLC

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. Mithika Linturi, Vice Chairperson.

Sen. Linturi: Mr. Speaker, Sir---

The Deputy Speaker (Sen. (Prof.) Kindiki): Are you moving the Motion, Sen. Linturi?

Sen. Linturi: No, I am not; but allow me to say one or two things.

The Deputy Speaker (Sen. (Prof.) Kindiki): Are you on a point of order?

Sen. Linturi: No, but you called my name.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): I called you as the Mover because I cannot see the Chairperson; I cannot see the Mover.

Sen. Linturi: Yes, and I deputize him, Mr. Deputy Speaker, Sir. So---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Linturi, for a moment.

First things first; where is the Mover? This is a Committee Report, so it is either the Mover, who is the Chairperson or the Vice-Chairperson. I cannot see Sen. M. Kajwang, who is the Chairperson. Therefore, Vice Chairperson, Sen. Linturi, are you ready to move the Motion? Is there any other Member of the Committee appointed by the leadership of the Committee?

Sen. Linturi: Mr. Deputy Speaker Sir---

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it Sen. Malalah?

Sen. Malalah: Mr. Deputy Speaker, Sir, we have been in touch with the Chairperson, Sen. M. Kajwang and he delegated the mandate to move the report to the Vice Chairperson or Sen. Olekina. Therefore, if the Vice Chairperson is not ready, Sen. Olekina can take up the matter.

Thank you, Mr. Deputy Speaker, Sir.

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

Sen. Linturi: Mr. Deputy Speaker, I have been in Parliament for quite some time now and I know the procedure of moving Motions. I have never been afraid, at any one time, to face any matter that touches on the work that I do as a Member of Parliament.

Mr. Deputy Speaker, Sir, the records of this House will bear me witness that I have been out of this House for a long time. I came back yesterday and that was my first time after more than a month away. When Sen. Malalah, who is not a Member of our Committee, says that that the matter was delegated to me, he is being insincere and his conduct is disorderly because he is not privy to what the deliberations of our Committee are. However, because I cannot run away from responsibility, let me say that as far as I am concerned and the last time we had an interaction on this matter, the Chairperson committed to move this Motion.

Mr. Deputy Speaker, Sir, this is also a Committee that is Opposition-led. The reason I even had to come yesterday was because I knew that this is a report of serious public interest. Although I would not want to refer to social media and newspaper reports to shed some light on what transpired because I think it is incumbent upon us to inform the public---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Linturi.

Sen. Linturi: Mr. Deputy Speaker, what I would suggest, because I have simply been caught unaware---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Linturi. This matter is simple. There is a Motion to be moved, do we have a Mover of this Motion or not?

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Murkomen?

Sen. Murkomen: Mr. Speaker---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Linturi; I gave you a bit of time to express yourself.

Leader of Majority, can you help us in that direction?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, we discussed this matter in the Senate Business Committee (SBC). With utmost respect, I am now more concerned than I was in the SBC because this Report, of course, has immense public interest. In the Committee, the question was raised about the purported conduct of the Members of the Committee---

(Several Senators stood up in their places)

Sen. Olekina: On a point order, Mr. Deputy Speaker, Sir.

The Senate Majority Leader (Sen. Murkomen): I am on a point of order; we have to follow the rules of this House.

Mr. Deputy Speaker, the question of the conduct--- I want you to hear me on this issue because I will need your direction.

(Sen. Wako consulted loudly)

If Sen. Wako would excuse himself so that you can hear my point of order---

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well, proceed.

The Senate Majority Leader (Sen. Murkomen): One of the critical issues that was raised and challenged was the conduct and behaviour of this Committee. The Speaker promised to provide a ruling about---

The Deputy Speaker (Sen. (Prof.) Kindiki): Majority Leader, was the Committee challenged?

The Senate Majority Leader (Sen. Murkomen): Not the Committee itself, but the Chairperson of the Committee wrote to the Speaker about allegations related to bribery or alleged bribery of the Committee. Upon receipt of that letter, the Speaker went ahead to constitute the House Committee on Powers and Privileges to investigate that matter.

Mr. Deputy Speaker, Sir, we had a protracted discussion in the SBC – which is not meant for here – until we agreed that, in the meantime, let it be on the Order Paper for this Thursday. The behavior of the Chairperson not being here and the Vice Chairperson not being aware and all the stories happening around this--- How are we going to proceed to debate this Motion without your direction and ruling, as the Speaker on that question raised by the same Chairperson, whom I hoped would be here to move the Motion or explain whether he had written to the Speaker's Office concerning the issues raised about the conduct of the Committee?

(Sen. Orengo stood up in his place)

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Orengo?

The Senate Minority Leader (Sen. Orengo): Mr. Deputy Speaker, Sir, the Majority Leader is misleading the House. This matter is in the Order Paper; you either go by the Order Paper or not. There is no Order Paper that can be put before the House unless it has

been processed by the SBC chaired by the Speaker. The Speaker was on the Chair and he said that this matter should be in the Order Paper.

Now, when it comes to the question of conduct, that is a matter before another Committee. If you want us to discuss the question of conduct, then bring a substantive Motion and then we will discuss it, which is also very important.

(Applause)

However, we cannot deny the public a Report which has, more or less, been unanimously agreed upon by the Committee. The Committee is saying that any one of the Members can move the Motion. There are many Members here, even on the other side; Sen. Faki and Sen. Wamatangi are here.

Mr. Deputy Speaker, Sir, it is wrong. When a matter is put before the House, it then becomes the business of the House. This Motion is now the business of this House. For us to now wait for the Committee to decide whether the Chairperson is there or not or whether he is charged with a traffic offence and we have to wait for the outcome, that would be very unfair to the House. In any case, the Speaker had said that the sittings of that Committee had not even started; nobody has appeared before that Committee. Therefore, let us say that the Committee starts its work next month; this Report will sit there in abeyance.

The other issue which is of public significance is the fact that questions are now being raised out there as to why this matter is not in the Order Paper, for it does not appear every week. We also stand accused. Are we part of a conspiracy not to discuss this issue? We are not part of that conspiracy. Let us discuss it. It is a very important matter. Some people are playing games that we should not discuss it until the courts are seized of this matter and then they bring the issue of *sub judice*. I think that this is the time to discuss it and we will either approve it or not.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators. I know that a few more Senators would want to rise on points of orders but I want to guide that we should move systematically for us not to engage in a theoretical argument to and fro.

First and foremost, is there a Mover for this Motion?

(Sen. Olekina spoke off record)

There is a Mover. If that is the case, is there a Seconder of the Motion?

(Senators spoke off record)

If there is a Mover and a Seconder, the Motion ought to be moved. If any Senator wants to rise on a point of order against the moving of this Motion or secondment or debate, then they should rise at that point. You cannot start with the end. You start with the beginning and end with the end.

Who is moving this Motion? Who is the designated Mover?

Sen. Olekina: Mr. Deputy Speaker, Sir---

The Senate Majority Leader (Sen. Murkomen): On a point of order Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it the Senate Majority Leader?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, truth be told, you cannot sweep away the concerns that we have raised. This is because it is you who is going to give direction on this matter. You cannot sweep the concerns of the public under the carpet with regard to this very Report for they feel that it was procured through an illegality.

(Loud consultations)

Just relax. I listened to Sen. Orengo and I never interrupted.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senate Majority Leader, what was procured through an illegality?

The Senate Majority Leader (Sen. Murkomen): The issue is in the public domain. The complaints that the Chairperson of this Committee---

That is why I would have loved the Chairperson of this Committee to be here. He wrote to the Speaker and it was brought before the SBC saying that the Committee Members need to be investigated with regard to a Report that was in public. If they were newspaper reports, media reports or that which was in the social media, we would not have been bothered but this became an issue when the Chairperson of the Committee wrote to the Speaker.

When he wrote to the Speaker---

(Loud consultations)

They do not sit in the SBC and they cannot---

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators, a number of you are engaged in disorderly conduct and we shall not allow it.

The Senate Majority Leader (Sen. Murkomen): I am on a point of order.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, when that letter was written to the Speaker's office, with regard to the investigation of the conduct of the Committee, the Speaker brought the information to the SBC and he said that he has constituted or he is in the process of constituting the Committee on Powers and Privileges to investigate that matter.

(Loud consultations)

Let me just complete!

The Deputy Speaker (Sen. (Prof.) Kindiki): Senate Majority Leader, you are a ranking Member of this House. However, aggrieved or agitated you are, you must play by the rules.

You should help me to appreciate, for me to guide the House. What is out of order if this Motion is moved? It is as simple as that. It is not time for debate. We have not reached the time for debate.

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir. If I had been given the---

There is agitation that some people have about this Report as if they have personal interest on it. I have no personal interest except for the integrity of this House. Why are people so agitated when we talk about the integrity of this House?

The National Assembly, through the Powers and---

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

The Senate Majority Leader (Sen. Murkomen): I am on a point of order. You should know that this is not a county assembly.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senate Majority Leader.

The Senate Majority Leader (Sen. Murkomen): Allow me to conclude what I am saying.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senate Majority Leader. What is out of order?

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, in my opinion, I think that when the Speaker---

(Sen. Malalah consulted loudly)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Malalah.

The Senate Majority Leader (Sen. Murkomen): He is a Member of the Senate and I respect the Senate Deputy Minority Leader, who is a former Member of the County Assembly---

(Laughter)

The Speaker promised to carry out that investigation. I am not saying that we stop the debate on this Motion. The public must also know when the Speaker is going to ensure that investigations into those allegations are concluded for us not to get ourselves dragged into a process that will ultimately be proven that some of the Members were compromised. If those Members were compromised or not, it is important---

As we speak, there is an allegation that came up on the debate on sugar in the National Assembly and it is being investigated. The difference between that which is in the National Assembly and us is that the concerns being raised in the National Assembly were about a debate that was ongoing. Therefore, I am not saying that this Motion should not be debated but the Speaker's office should give us directions as to at what point in

time we will make sure that what we will pass here was not procured through an illegality.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senators, we shall not gag anybody but if you play outside the rules, you will not be given a chance to address this House.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it Sen. Shiyonga?

Sen. Shiyonga: Thank you, Mr. Deputy Speaker, Sir. I have heard about a Report and Members being---

(Sen. Shiyonga's microphone went off)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator. You see---

(Sen. Cheruiyot consulted Sen. (Eng.) Mahamud)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator for Kericho County.

(Loud Consultations)

Order Senators.

I would like to clarify the following: What the Chair would want to know is what is wrong with this Motion being moved. Let us not engage in other side issues because that is what matters. The matter is in the Standing Orders and it must have been processed by the SBC. Therefore, we need to know what is out of order if we proceed with debate on this Motion.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Wamatangi?

Sen. Wamatangi: Thank you, Mr. Deputy Speaker, Sir. For purposes of clarity, this Motion is on the Order Paper because that Report was tabled in this House. The person who tabled that Report is the Chairperson of the Committee. Therefore, it is important that we are honest when we are speaking about that even as we ask of the whereabouts of the Chairperson and the reason he is not here.

It is important for us to note that he, within the rules and after discussions with the Committee, tabled the Report. There is no way he would have tabled the Report to be owned by the House for purposes of onward processing via debate if he never had the intention of having it debated. That is a fact. Any attempt to impute that the intention of the Chairperson was not to have it intended is wrong for that is debacle.

Secondly, what would be wrong would start with the premise of what you said when you started. You said that the Report is in the Order Paper and can be moved by the Chairperson or the Vice Chairperson. Then, having said that, you can guide the Committee and the next step would be any other Member. But most importantly, this Report is as a result of deliberations and sittings of the Committee, which comprises of nine Members. As we sat---

The Deputy Speaker (Sen. (Prof) Kindiki): Thank you, Sen. Wamatangi, you know---

Sen. Wamatangi: As the Committee, our decision was that the Chairperson would come and move the Motion---

The Deputy Speaker Sen. (Prof) Kindiki: Very well. Hon. Senators and colleagues, we are skirting around the topic. Those whose position is that the Motion should not be moved are not saying why. I only heard an allusion from the Senate Majority Leader that there have been certain accusations against some of the Members of this Committee. He went on to say that this matter has been referred to the Committee on Powers and Privileges. Do we have a Member from the Committee on Powers and Privileges in this House?

Hon. Senators: Yes!

The Deputy Speaker Sen. (Prof) Kindiki: Sen. Nyamunga, would you want to update us whether or not your Committee is seized of this matter relating to this Report?

Sen. Nyamunga: Mr. Deputy Speaker, Sir, let me take this opportunity to state clearly that the matter was brought to the Committee on Powers and Privileges and the Chair was the Speaker of the Senate. We deliberated on the issue and came up with the solution; that, first of all, the Chairperson of the County Public Accounts and Investments Committee (CPAIC) did not write to the Speaker concerning the same matter. So, it was like creating our own agenda and deliberating upon it. The Chairperson of the Committee never wrote to the Committee on Powers and Privileges and so, we could not have just acted on the hearsay---

The Deputy Speaker (Sen. (Prof) Kindiki): Order, Sen. Nyamunga! I asked you a simple question. Is your Committee seized of this matter? I have not asked you to review the deliberations of your Committee, because the Report of that matter will be tabled in the House when it is ready. Is your Committee seized of this matter?

Sen. Nyamunga: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof) Kindiki): Is the matter disposed off?

Sen. Nyamunga: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof) Kindiki): Is there a report to be tabled?

Sen. Nyamunga: No. The report is not yet there, but as far as we are concerned, we did not have a basis.

(Loud consultations)

There was nobody complaining. So, how would we---

The Deputy Speaker (Sen. (Prof) Kindiki): Order, Senators! We must behave with decorum.

Sen. Wamatangi: Mr. Deputy Speaker, Sir, I am a Member of that Committee.

The Deputy Speaker (Sen. (Prof) Kindiki): You have already spoken, Sen. Wamatangi. Who is the other Member who has not spoken? Sen. Olekina has spoken.

(Sen. Orenge walked to the Dispatch Box)

The Deputy Speaker (Sen. (Prof) Kindiki): Senate Minority Leader, I have not given you the Floor.

The Senate Minority Leader (Sen. Orengo): I am sorry, Mr. Deputy Speaker, Sir. I thought you did.

The Deputy Speaker (Sen. (Prof) Kindiki): You are a very experienced Counsel and legislator. You do not take the Floor by force.

(Sen. Wamatangi spoke off record)

Order, Sen. Wamatangi! What is it, Sen. Seneta?

Sen. Seneta: Mr. Deputy Speaker, Sir, I think we will be out of order if we now start discussing another Committee, yet we are supposed to be discussing a Motion that is in the Order paper. You could give direction for us to have a supplementary Order paper, so that we can discuss issues of that other Committee.

The Deputy Speaker Sen. (Prof) Kindiki: Order, Senator! It is not out of order to challenge an Order which is in the Order Paper. There is nothing out of order even in deferring an Order for reasons. Also, the fact that a Committee of this House is seized of a matter is a relevant issue.

(Sen. Outa stood in his place)

The Deputy Speaker (Sen. (Prof) Kindiki): Order, Senator for Kisumu County!

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM NYAKOIBA
SECONDARY SCHOOL, KISII COUNTY

The Deputy Speaker Sen. (Prof) Kindiki: Hon. Senators, I have a short Communication to make. I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Nyakoiba Secondary School in Kisii 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 my own behalf, I wish them a fruitful visit.

(Applause)

(Resumption of debate on Motion)

The Deputy Speaker (Sen. (Prof) Kindiki): What is it, Sen. Malalah?

Sen. Malalah: On a point of order, Mr. Deputy Speaker, Sir. I was a Member of County Assembly (MCA) and learnt the rules of a legislature. I want to believe that, in future, it would be important for hon. Senators to be nurtured in the county assembly before they come to this House. This is because those who came here directly do not have the foundation of legislation.

The Deputy Speaker Sen. (Prof) Kindiki: What is out of order?

Sen. Malalah: I think you made a ruling and asked if there was a Mover and Seconder. The Mover is Sen. Olekina and the Seconder is Sen. Faki. I think we are out of order, led by the Majority Leader. If we indulge---

The Deputy Speaker (Sen. (Prof) Kindiki): Order, Sen. Malalah, I did not make a ruling. I just said first things first; let us confirm whether there is a Mover and a Seconder, so that we move on that basis. We will then go to the next step, which is whether or not this Motion should be moved.

Proceed, Senator.

Sen. Malalah: Mr. Deputy Speaker, Sir, I believe that this is a matter of public importance and it is important that we put aside the sideshows. We know that many people have interest in this matter and I plead with you to make a ruling at this juncture, so that we know if the Motion will be moved.

Today, I spoke with the Chairperson of this Committee, because I am the Deputy Minority Leader and he is a Member of my team. The Chairperson is attending to a patient and is not able to attend this Sitting. He gave me express orders to delegate the responsibility of moving the Motion to his Vice Chairperson, who is not a Member of my coalition or Sen. Olekina who is ready to move. Therefore, I would like to request the Chair to make a ruling on this matter, so that we can move on because it is a matter of public interest.

Thank you.

The Deputy Speaker (Sen. (Prof) Kindiki): Order, Sen. Malalah. Could you clarify to me whether it is your submission that the Chairperson of the Committee told you to officially communicate, that he has asked his Vice Chairperson to move the Motion?

Sen. Malalah: Mr. Deputy Speaker, Sir, I want to confirm, without fear of contradiction, that the hon. Member gave me express orders to delegate the moving of this Motion.

The Deputy Speaker Sen. (Prof) Kindiki: No, you cannot delegate. I am asking whether you are informing the House that the information you have is that the Chairperson of the Committee has delegated the moving of the Motion to the Vice Chairperson.

Sen. Malalah: Yes. I want to confirm, without blinking my eye, that the Chairperson of this Committee informed me that he will be delegating and has given express orders to delegate this Motion to his Vice Chairperson and or the Senator for Narok County, Sen. Olekina.

The Deputy Speaker Sen. (Prof) Kindiki: Very well! I have heard you.

Vice Chairperson, why are you not moving this Motion, if what Sen. Malalah is telling us is the case?

Sen. Linturi: Mr. Deputy Speaker, Sir, allow me to say this. As I earlier said, I do not run away from responsibility. I am not a boy, I am a man.

(Laughter)

Mr. Deputy Speaker, Sir, 10 minutes before the start of the sitting, I was with the Chairperson outside there with Sen. Kibiru and Sen. Wamatangi. He never mentioned this to me. When he left, because I got to their table when he was almost leaving, he told me he was going to see the Speaker. I want Sen. Malalah to make it clear whether he was given instructions by the Chairperson to tell me that I would be moving the Motion or if he was told by the Chairperson that he would talk to me to move the Motion. There is all the difference.

Mr. Deputy Speaker, Sir, let us not take this matter casually because I have had serious issues arising from what the Leader of Majority has said. Being the Vice Chairperson, I am not even aware that the Chairperson wrote asking for investigation of Members. My integrity and what I stand for is so critical. I am ready to defend this at whatever level.

Therefore, I would rather apply for deferment of the Motion to help the Chairperson – because this matter has not been discussed before the Committee. If it was, then I was absent. I need to be apprised and updated on what transpired in the Committee other than anybody who takes things lightly to make the kind of comments that Sen. Malalah is making before the House. It is wrong and improper. I will speak to the Motion. I am prepared because I listened to what happened but let us clarify that matter because I am not running away from my duty.

Sen. Outa: On a point of order, Mr. Deputy Speaker, Sir. The Motion before us is of national importance. Standing Order No.213(6) on a report of a Select Committee says-

“A report of a Select Committee including any minority report, together with the minutes of the proceedings of the Committee and such note or record of any evidence by the Committee as the Committee may consider appropriate, shall be laid on the Table of the Senate by the Chairperson, the Vice-Chairperson or by a member of the Select Committee authorized by the Committee on its behalf within fourteen days of the conclusion of its proceedings.”

(Sen. Murkomen spoke off record)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Leader of Majority.

Sen. Outa: Mr. Deputy Speaker, Sir, my point of order is that in the absence of the Chairperson, any other Member – and in this House this afternoon we have the Vice Chairperson and other Members who are ready to lay the report so that we can debate it. Kenyans are waiting to hear the truth. We cannot just meander around trying to deviate from the real report which this House is almost being seized of.

Mr. Deputy Speaker, Sir, I beg you to rule in favour of this House. That, if the Vice Chairperson is not ready to move this Motion, then the hon. Senator for Narok, my good friend, the Maasai warrior is ready to do it.

(Laughter)

Mr. Deputy Speaker, Sir, am in order?

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. I will give one last intervention. There are so many but I will give an opportunity to Sen. (Eng.) Maina and then Sen. Mutula Kilonzo Jnr. in that order and then we have to make a decision on this matter.

Sen. (Eng.) Maina: On a point of order, Mr. Deputy Speaker, Sir. I rise to draw your attention that in the ruling you will make on this matter, please note that this House, up to very recently, had stood that test of time and its integrity is not in question. I was at one time in the media and because of what is happening in the other House, they asked me: "How can you say that you are also clean?" I went further and quoted names of Members of this House. I said, "People like *Mzee* Haji, what will you give him to compromise him? People like Amos Wako who has been the Attorney-General for many years, what will you do to compromise him?" I said that this is a House of integrity.

Therefore, Mr. Deputy Speaker, Sir, I beseech you that in whatever decision or ruling you will make, make one which will save the integrity of this House. Very serious matters have been mentioned which some of us do not want to be associated with. This discussion in this House is very unfortunate. We are discussing bribery, whether a Committee report will be discussed, who will move it and so on. I beg you, please make a decision that will sustain the integrity of this House.

The Deputy Speaker (Sen. (Prof.) Kindiki): I had already directed that I would give Sen. (Eng.) Maina and Sen. Mutula Kilonzo Jnr. an opportunity. I will stick to that. I have given this matter as much time as possible. Therefore, it is not in the interest of this Senate that we continue on these points of orders beyond now.

So, let us have Sen. Mutula Kilonzo Jnr. and then I will guide the House on how to proceed.

(Sen. Wamatangi consulted loudly)

Order, Sen. Wamatangi!

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Deputy Speaker, Sir. What is happening in this Chamber today is not very good. We are the "upper" House. What the Committee is treating us to is also a comedy of things we should not allow them to do. More importantly, this Order appeared because we, as a Committee, agreed that this Motion should be moved.

As Senators and colleagues, we have agreed to a code that we cannot accuse our colleagues unless there is evidence which has been tabled and produced. We cannot rely on information that is out there in the public because the public will accuse you of

anything, including that you are taller than you should be or you should have been born shorter.

If the Committee that is in charge of Powers and Privileges has not brought a report to stop the debate on this Report or to adjudge to have misconducted themselves, what we are doing now is washing dirty linen in public. *Tunajianika* in public. The Majority Leader is here. He is a seasoned lawyer and teacher. Unless those allegations have been brought and proved, we cannot rely on newspaper cuttings. We amended the Standing Orders to that effect. The Members who have been accused will find an opportunity to defend themselves.

Mr. Deputy Speaker, Sir, could you please direct that this Committee presents this report, tables it, we debate it, pass or reject it? The day and time that will be appointed to discuss the conduct of any Member, we will also be here.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Mutula Kilonzo Jnr.

Sen. Wetangula, I give you one minute. Please do not repeat what the other Senators have said.

Sen. Wetangula: Thank you, Mr. Deputy Speaker, Sir; I will not repeat. The norms, precedents and procedures of any House dictate that if a matter is before the House and it is on the Order Paper, the Chairperson moves it. In his absence, it is the Vice Chairperson and in their absence, any designated Member can do so.

Mr. Deputy Speaker, Sir, we should distinguish between outrageous allegations against Members of the Committee and the Report of the Committee. When those outrageous allegations are processed through the relevant Committee and are brought here, we shall discuss that report and the conduct of the Members mentioned in it. However, as it is today - and I have gone through the Report as I was sitting there from "A" to "Z" - it does not have any single sentence on impropriety of anybody, other than those who are involved in the land.

Hon. Senators: Yes.

Sen. Wetangula: Therefore, Mr. Deputy Speaker, Sir, I urge that instead of spending our time in unproductive manner, like we have done for the last one hour, we should go by the Order Paper. Let the Vice Chairperson or anybody else designated move the Report. It does not matter who moves the Report. We will debate it and we are ready to debate it.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! Hon. Senators, we have listened to the various points of order which have been raised in support and in opposition to the continuation with the moving, seconding and debating of the agenda appearing in Order No.13. The case has been made that the Mover of the Motion - who is the Chairperson, according to Senator Malalah - designated his Vice Chairperson to

move this Motion and in his absence, the Senator for Narok County, Sen. Ledama Olekina. However, the Vice Chairperson has denied that he has been designated to move this Motion.

Further to that, the points of order raised by the Majority Leader and a few other Senators who spoke, including Sen. Wamatangi, have alluded to the fact that this matter should not be debated because some allegations have been made against Members of this Committee and which are before the House Committee on Powers and Privileges. Therefore, given the grave nature of the allegations, a decision on whether or not this Report should be presented, ought to be predicated on the acquittal or otherwise of those Members of this Committee. If I get the arguments right, this is because if, for example, the findings on those allegations are in the affirmative, then the Report would have credibility issues and expose this Senate to ridicule.

I have also listened keenly to the opposing arguments from Sen. Orenge, Sen. Malalah, Sen. Mutula Kilonzo Jnr., Sen. Wetangula and others; including that this matter is in the Order Paper and it should be debated. Two, this matter was put there after being discussed in the SBC and, therefore, the SBC's decision that we should move this matter is good enough. I have also listened to the argument that the reason we should go on with this debate is that the findings of the House Committee on Powers and Privileges are immaterial on these allegations.

Hon. Senators, I would like to rule as follows: That the reason I gave a bit of time on this matter is because for the first time in the history of this Senate - and I have been a Member of this House for more than six years now - this House has been faced with unusual allegations touching on the integrity of some of our colleagues. We, as the Senate, have always held our heads high in this country for the longest time possible as the "upper House". We have held our heads high in this country as a House that cannot entertain even the remotest imaginations that a Senator can be corrupted in order to interfere with the findings of a matter as grave as public land, which allegedly has been acquired and sold back illegally to the public. Therefore, we should not skirt around the topic. We have an issue - and with due respect to Sen. Mutula Kilonzo Jnr. - and when you have a problem, you face it, you do not try to hide it from the public. That is an act of responsibility. Sen. Mutula Kilonzo Jnr. usually tells us not to wash our dirty linen in public. However, we are not washing dirty linen; we are just appreciating that there are certain allegations which have been made against Members of this House and that is reality.

Secondly, a Committee of this House chaired by no lesser than the Speaker of this House is currently engaged in investigating those allegations in accordance to the Senate Standing Orders. Ordinarily, when a matter has been referred to a Committee, you would expect a report. That is why, Sen. Nyamunga, I wanted to know whether you are seized of that matter - but not the deliberations - because up to now, I am not aware that the matter has been reported back to this House.

As I conclude, I am aware that an issue was pointed out by the Senator for Kisumu County, Sen. Outa, regarding Standing Order No.213, which says that when you have a report of a Select Committee, the Chairperson shall be the Mover of that Motion and in his absence, the Vice Chairperson. In the absence of both of them, another

Member shall be the Mover. Therefore, the hierarchy established in that Standing Order is that the Vice Chairperson moves in the absence of the Chairperson and only when the Vice Chairperson is not available, that is when an ordinary Member of the Committee moves. If you read that Standing Order properly, you will see the one to identify who else, other than the Vice Chairperson, to move the Motion is not the Chairperson but the Committee. Therefore, there must be some proof that the Mover of this Motion has been given authority by the Committee for reasons which the Committee has given or identified to move the Motion.

Having said so, Hon. Senators, I must admit that I am extremely disappointed, especially by the Senate County Public Accounts and Investments Committee (CPAIC), which ordinarily has been doing very well. However, what you have taken us through today is not good. Being very disorganized and speaking at cross purposes is not good. The Committee should have some form of collective responsibility. When there are some disagreements among Members, the best way of processing those disagreements is through a Minority Report, so that it is hygienic.

I, therefore, want to encourage Hon. Senators that, going forward, we should take our work seriously, because we are leaders in this country and this House is looked upon extremely seriously by its citizens. I do not want to pre-empt Sen. Wetangula's Motion, because the issues he is raising are issues which I am sure this Senate will also articulate itself on perhaps better than others have done.

Having said so, it is my considered opinion, having listened to all the presentations, that we are faced with a moral issue as a House which we cannot run away from. The moral issue is that a few of our colleagues who are Members of the Committee; including the Chairperson, Vice Chairperson and two other Members of that Committee have been accused of impropriety. I plead with the Powers and Privileges Committee to help this House exonerate our colleagues, if they are innocent and make us cleanse ourselves or otherwise dispose of this matter, so that we do not tie ourselves down.

Having said so, even if Sen. M. Kajwang' was here, with the kind of allegations that have been made against him as the Chairperson of that Committee and the matter is live before the Powers and Privileges Committee, it would be improper to move a report.

My reasoning is this. If, for example, the allegations are found to be true, then the credibility of that report would be in tatters. Therefore, this matter has to be disposed off fast because if the allegations are true, then I do not even think that report should come before this House. That is my view.

There is no emergency and, therefore, this matter is deferred. The Chair urges the Powers and Privileges Committee to expedite the matter, so that it is dispensed with and this Motion can be debated at an appropriate time. It is so ordered.

(Motion deferred)

Sen. Orengo: On a point of order, Mr. Deputy Speaker, Sir. You have made a ruling and it stands. I only want to seek guidance and I hope Sen. Wamatangi will give me time.

Mr. Deputy Speaker, Sir, because of what you have said, we need a timeframe. This matter should not just lay there without some direction as to when the Powers and Privileges Committee should report.

I understand we have not been having deliberations on this matter. Could you give some guidance other than saying “as soon as possible”? Even a week is too much, knowing what has been said about this particular matter. Could you give us some guidance about the timeframe?

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Orenge.

(An hon. Senator spoke off record)

Order Senator! We are past 4.30 p.m. and it is time for the Adjournment Motion. Any of the statements that have not been articulated can be articulated in the context of the Adjournment Motion, which is a general Motion, so that nothing prevents us from articulating ourselves.

Sen. Orenge, on the timeframe, I spoke to the Speaker, Hon. Lusaka, and he informed me that the Committee met sometime last week. I am now informed that the Committee will be meeting again on Tuesday. I am sure it should not take as a more than a week or two before we get this matter disposed.

Hon. Senators, I ask for your indulgence because of our Standing Orders. We are now violating our own directives.

An hon. Senator: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order Senator! We have already spent over one hour on this matter. As I have said, once the Motion of Adjournment is moved, you will have an opportunity and I can see requests here. We will give you early opportunity so that as you contribute on the Motion of Adjournment, you can also make remarks about this matter.

Let us now move to the Motion of Adjournment.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.34

PUBLIC DEBT AND TAXATION IN KENYA

Sen. Wetangula: Mr. Deputy Speaker, Sir, thank you for allowing me to move the Motion that the House do now adjourn. As I embark on moving the Motion, may I have guidance on how much time you are allocating me to move the Motion?

The Deputy Speaker (Sen. (Prof.) Kindiki): You will have 20 minutes. Would you like more time?

Sen. Wetangula: If I do not finish in 20 minutes, I may request for more time but I will try to condense myself in 20 minutes.

The Deputy Speaker (Sen. (Prof.) Kindiki): Try and also organise with your seconder, so that there is enough time for other Members to ventilate. So, do it in 10 minutes.

Sen. Wetangula: Mr. Deputy Speaker, Sir, this afternoon, the National Assembly approved the President's Memorandum on Taxation. I bring this Motion---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Wetangula. You have not moved the Motion.

Sen. Wetangula: I already did that.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well, thank you.

Sen. Wetangula: Mr. Deputy Speaker, Sir, I have brought this Motion to get my colleagues in the House to ventilate on two critical things that affect the people in the counties that we represent. These are the public debt and taxation on the people of Kenya. In so doing, we want to be factual, positive and look for solutions. We are not here for name-calling. We want this country to face the problems we are having squarely and address them.

The question of public debt in this country is now common knowledge. As a matter of fact, our debt portfolio now stands at Kshs5.3 trillion; a very astronomical figure. Our debt repayment stands at Kshs870 billion per annum. That is 70 per cent of our revenue. So, 70 per cent of our revenue goes to debt service. When a country gets to that threshold, it is cause for worry and concern by Members, particularly leaders in this House; a House that many Kenyans look to for solutions and proposals that can help.

Interest alone on our public debt today is Kshs400 billion per annum. Our grandiose expenditure goes to the big projects and the debt continues to pile. When the debt continues to run away in the manner it is doing, the country will start running into serious difficulties.

It is unfortunate that this House is not enjoined in the Constitution, to vote on such matters. I am sure this House would have advised the country differently and would have voted differently. Be that as it may, every time the debt balloons to the level it is doing, it undermines the remittances of money to counties and the development programmes in counties that we represent, the efficient delivery of services, the provision of health services and the provision of quality education. It literally undermines good order in the country. We have seen countries where law and order can get compromised because of mismanagement of the economy and the run-away public debts. As I move this Motion, I want to urge this House to opine to the Government that serious attention must be paid to the issue of debts. We sit in the Committee on Finance and Budget of this House and every day---

The Temporary Speaker (Sen. Pareno): Order, Sen. Wetangula.

Sen. Wetangula: Madam Temporary Speaker, we agonize on which direction we are going. As the country is burdened with debt, we are now heading to a more dangerous direction.

The taxation regime in the country is also a cause to worry. One, if you over-tax the population, you chock production and undermine the ethics of virtually every production sector. Today, if you start hearing that transactions in the bank are attracting heavy taxation, it means that, we are telling traders and commercial enterprise players to start keeping money at home.

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

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

If you take your money to the bank, it is claimed off. Therefore, people will start transacting by moving cash from their houses to whatever they want to do and this is dangerous even for our security. The moment people get to know that traders are not taking their money to the bank because it is going to be taxed, then everybody's security becomes an issue.

Madam Temporary Speaker, equally important is the taxation that has been imposed on fuel. We have listened to many explanations but the bottom line is, you tax fuel and fuel products and you have literally touched every aspect of life of Kenyans. This includes; public transport, manufacturing, air travel and many others. Whatever you do in this country, the processes of production are dependent on fuel. The moment you touch fuel, you have hit every sector of the economy.

I would have loved if the President had good economic advisors because he could have easily increased this tax slowly. That is in bits of 2 per cent every year, thus minimising the shock treatment to the people. As it is, a simple example, the day it was announced that fuel was going up by 16 per cent, the Energy Regulatory Authority shot up the price of fuel by Kshs12. Shortly, thereafter, when it was announced that it will be proposed to be reduced to 8 per cent, the Energy Regulatory Commission reduced the cost of fuel by Kshs2, therefore, dropping it from Kshs12 to Kshs10 which is inconsistent with the reduction from 16 per cent to 8 per cent. This is a burden we are putting on wananchi; the ordinary man, your worker, your maid, everybody including us.

These days, we are entirely dependent on mobile money transfer. For every cent you sent, you pay a tax of 12 per cent. If you sent somebody Kshs100, you are going to pay Kshs12. This is heavy and it is going to hurt people who work on *mijengo*; who go to construction sites and are paid Kshs200 daily. They have left their families in the rural areas of Narok, Kajiado, Bungoma and wherever. Every day when he gets Kshs200 from *mijengo*, he wants to send home Kshs100 and retain Kshs100. What will reach home is Kshs88 and not Kshs100.

This is pain to the people of this country. We need as a House; the representatives of the people of this country and the protector of counties, to urge the Government to find a more innovative way of managing our economy and public affairs other than just imposing tax upon tax.

Madam Temporary Speaker, take for example kerosene in rural areas, even where we say we have the last mile electricity connected to people's homes in the rural areas, even if you tell them that their bills are constant at Kshs500, they cannot pay. This is because we have families that do not earn Kshs1,000 in a year. They are dependent on kerosene where you send your child with three eggs to the local market to buy some little quantity of kerosene for lighting. Now, a litre of kerosene has gone up by a whooping Kshs18. What is the explanation? We are told that this is to arrest and control adulteration of diesel using kerosene.

It flies in the face of common sense, because the ordinary mama in the village, who is selling her eggs to buy kerosene to light her little house, has nothing to do with adulteration of diesel. She has nothing to do with whatever the Cabinet Secretary is saying. This House must record its abhorrence on this kind and level of thinking.

Madam Temporary Speaker, telephone services in the country are no longer a luxury. Everybody everywhere is communicating. We are now making it difficult for people even to communicate, because a huge tax has been imposed on telephone services. When you talk to those responsible, they say they are widening the tax net and the tax base. We are killing enterprise. We are destroying production; we are in East African Community. Our tax regime is simply going to mean that investors, who are coming to Kenya, look at our tax regime, compare it with Tanzania, Uganda and Rwanda. We are in the same jurisdiction and they will simply shift to where it is easier and better to do business.

That is why today direct foreign investment is going to Rwanda and Tanzania more than it is coming to Kenya, yet Kenya has always been the country of choice because we have an international hub for air transport, very good roads where they are available good telephone network and a developed financial system. An investor does not come to Kenya because they like, but because the environment and climate is good for them to put their money and make money, hence creating jobs. Where it becomes impossible, then we have no opportunity to create employment for our youths, to grow the economy and to do things that make this country move to the next level of development.

It is painful to imagine that even as we are taxing ourselves out of production, we are losing huge sums of money to corruption. If you look at the eight per cent that has been imposed on fuel, according to the national Treasury, it is going to generate just about Kshs35 billion. However, it is going to vibrate through the entire system; it is a shock to the system. Just Kshs35 billion! Did we have to do that? You will immediately save Kshs5 billion by observing the Constitution and merging provincial administration with the devolved units.

Madam Temporary Speaker, I always drove in one car. However today, Cabinet Secretaries have one car in front, in the middle and another one behind them; that is consumption. If you look at the levels of change that we see that cost money, when we have austerity measures – like we must have today – why would the President stand up and say that we are changing the police uniform? How much will that cost considering that we have close to 100,000 policemen in this country? Changing their uniform means spending money, which would have been put into something different.

Madam Temporary Speaker, what is ailing this country are mis-priorities. I know that the Government is committed – and they have said it - to fighting corruption. However, if the war against corruption was taken to its logical limits, the amount of money that has been lost, according to statistics from the Government itself is that in every annual budget, one-third is lost to corruption. It means that in a budget of Kshs3 trillion, we are losing about a trillion to corruption through inflated procurement, outright theft, and misappropriation of funds. We have just been quarrelling this afternoon on an

issue where the Government buys its own land from itself at Kshs1.5 billion; and all that is the process of corruption.

Madam Temporary Speaker, we know that it is very difficult to eliminate corruption completely. We know that there is corruption even in the United States of America (USA) and the United Kingdom (UK). However, they are intolerant to corruption such that when anybody is found transgressing the law and the moral fibre, you suffer for it. In Wall Street in the USA, there is a man called Mr. Murdoch, who manipulated trade and stole people's money. When they caught up with him at 60 years old, he was jailed for 150 years; and he is in jail today. Those kind of deterrent activities from law enforcement will reduce the activities of corruption that are hemorrhaging our economy day-in, -day out substantially.

Madam Temporary Speaker, I listened to the Debate in the National Assembly – and it is not normally our habit to debate what goes on there – but if you listened, every Member who stood up to speak, when it was a Woman Representative, they were only talking about National Government Affirmative Action Fund (NGAAF). They were saying that if that fund was not touched, then it is okay. Members of constituencies were saying that if the National Government Constituencies Development Fund (NG-CDF) was not touched, then it is okay. How then are we representing people if we are only concerned with what makes us comfortable? How are we going to survive without the NG-CDF or the NGAAF? What about *mama mboga*, who is now hit? For her to procure vegetables from Marikiti, she has to send money via M-Pesa, because pick-pockets are waiting when she arrives there. However, now, for every Kshs100 that she sends, she loses Kshs12. How are we going to survive? If this House and right-thinking Kenyans do not address these issues, we will then be abdicating our responsibility and duty. We may not vote on it, but we must voice on it; we must speak to it. There will come a time when we shall be asked: “What were you doing when this was happening? What did you do when this was happening?”

Today, Madam Temporary Speaker, when I look back to the period 1980, 1984 and 1985 when we were young lawyers buying small cars, it would cost me Kshs400 in fuel to drive to Bungoma and back. I have a distinguished colleague from Kericho County who comes almost the same distance like me. However, today, you cannot drive to Kericho without pumping fuel of at least Kshs10,000 in your car for one way; and the same amount on your way back. By doing that, it means that even for public transport, the matatu operator must recover the cost of fuel. At the end of the day, every single tax that we impose, the shock goes to the consumer.

Madam Temporary Speaker, if you tax the banks for money transfers, there is no bank that will use its money to pay for money transfer. They will pass it to you. When you wire money to your son in school for fees and upkeep, you are charged. When you wire money to import a small car, you will pay duty on the car; but when you wire money to Japan, you are charged. We are making life very difficult and our target is to be a middle income and eventually a developed country. There is not a single country in the world– like my dear nominated Sen. Farhiya will tell you –that can industrialise through taxation. There is no country that will develop to middle class through taxation. There is no country that will develop to become a Korea, a Malaysia, an Indonesia or a Singapore

through taxation. In fact, when you suppress taxation, you increase production; and that is how economies grow.

Madam Temporary Speaker, these issues are serious and weighty. I expected that the austerity measures that the Jubilee Government would want to bring in place is a matter that the President should call the leadership of this country, regardless of where we stand. We are patriotic Kenyans like everybody else. We want to see this country growing in future, and if we take leadership, we want to lead a country that is growing, that is orderly and moving forward.

Madam Temporary Speaker, just the other day, we said here that because of these constraints in the economy, that is seriously devolved is the paymaster general, because the salaries that used to be paid from Nairobi can now be paid at the counties. We have devolved corruption; the corruption that is eating the country at the centre is eating the country at the counties. That is about all! Today, counties have not received any development fund for the last couple of months. They are only getting enough money to pay salaries and stop people from rioting and making uncomfortable noises. Once wananchi are paid their salaries, *wacha ikae!* How are we going to develop?

We want to industrialise and build mega dams. That is another area where we are losing money, because for even rudimentary technology, the easiest construction is a dam. Block a river, hold water and you have a dam. However, it is only in Kenya where you hear that you construct a dam at Kshs36 billion. Just putting an embankment on a river to hold a quantum of water and generate electricity or supply for human use; it cost Kshs30 billion or Kshs40 billion. That is the hemorrhage that we are talking about.

Madam Temporary Speaker, the President and his Government should carry out a critical evaluation of how public funds are spent. What is more worrying is that I saw, yesterday but one, a letter written by the American Senate to the International Monetary Fund (IMF). In the letter, they were saying – and they are right – that the USA is the largest contributor to the IMF, which is true. They are also saying:-

“We are allowing African countries to get into a debt trap or a debt snare from China and when they collapse, they will run to the IMF for money as the lender of last resort, which is our money.”

(The red light went off)

Madam Temporary Speaker, can I have two minutes just to wind up?

The Temporary Speaker (Sen. Pareno): You have two more minutes.

Sen. Wetangula: Thank you, Madam Temporary Speaker. You have seen even the altercation between the International Monetary Fund (IMF), the lender of the last resort, and our Cabinet Secretary for Finance. The IMF has now said that we are not eligible to borrow from them. If we do not do that, then the inevitable may happen. If we cannot pay to our largest creditor, China, which does not give us concessional, but commercial loans, then we run the risk of our country foreclosed. We have heard of Sri Lanka being foreclosed and there is a threat to foreclose Zambia. In Argentina, the economy has collapsed and now it is technically insolvent, because of heavy borrowing from the same Chinese.

We are staring at a serious danger and a stitch in time saves nine. If we speak now, we may arrest the situation. If the President and his Government are listening, you may get the 8 per cent Value Added Tax (VAT) today, but that is not the end of the problem. Any government that is spending 70 per cent of its revenue on debt service is on a very dangerous part. Any government that is paying Kshs400 billion in an economy like Kenya, on interest only on debt, is on a very dangerous highway. We are continuing to borrow.

The President went to the United States of America the other day and came back with a big loan. What will the big loan do? It will construct a dual carriage to Mombasa – six lanes on either side - which I have no problem with, but that is a death nail to the Standard Gauge Railway (SGR). If we have a six-lane highway to Mombasa and back, why we want to put our cargo on the rail? You will use the highway. That rail is now the biggest peg on our economic debt. If that railway line cannot generate income, it then means that you have to take *mama mboga's M-Pesa* money, every trader's deposit in the bank, everybody's little income and tax the workers, so that you can service the debt. This means that we will run on the same spot from now henceforth until the chickens come to roost.

President Uhuru and your Government, talk to everybody. V. I. Lenin said that even when a mad man talks, listen; it maybe his lucid moment and you may pick something from him. Listen to everybody and we can make this country better and greater. We will not be better or greater, in the short term, by borrowing. We look like somebody who goes to borrow money to open a shop and run a business and he comes back home carrying a mattress, radio, bicycle and other non-productive things for a commercial loan. That is the highway to bankruptcy and we are headed there. It is dangerous and not good for our country and more so, for the people of this country.

Madam Temporary Speaker I beg to move and ask Sen. Farhiya to second this Motion.

Sen. Farhiya: Thank you, Madam Temporary Speaker. I beg to second this Motion for the simple reason that unsuitable debt levels can be harmful to the economy. They can crowd out development and social programmes because huge portions of Government revenues are taken away from essential services and used to service debts. In the worst case scenario, Kenya might be forced to cede control of strategic assets to foreign creditors. This is happening in Sri Lanka, whose port was taken.

External debt is not necessarily harmful for an economy. Studies have shown that external debt, if synchronized with business cycles, can stabilize the economy and boost economic growth. That is part of financial discipline as well. It can also create weak foreign currency, which makes the country's exports more expensive. Weak currency can lead to high inflation rates in the long-term because it will cost more to import for production and consumption.

Madam Temporary Speaker, there is a saying by the former USA President Benjamin Franklin that "Rather go to bed supperless, than rise in debt."

I think this so true in this country at the moment. Our economy is not in crisis yet, but it is headed there, unless our Government takes concrete steps to forestall economic

meltdown. It is not clear how the Government is addressing the issue that we face with the urgency that is required.

Our economic prospects depend on whether our President can restore fiscal discipline. This will help reduce financial costs. More taxation and revenue increase seem not to have induced debt reduction. So, we must restrain our spending. The Government must take the right measures to reduce the expenditure, so that whatever we spend on is worth it. An example is what Sen. Wetangula has articulated regarding the dam. If that dam generates some investment in terms of irrigation and help in production, that will not only make us food secure, but also help us repay the debt that we borrowed, the debt should be worth the returns. This is in two ways: in terms of output or social benefits.

That brings me to the issue of corruption. Corruption makes debts even more expensive. It will be more expensive to pay debts. I applaud our President for the steps he is taking in terms of dealing with corruption. Even if President Uhuru Kenyatta does not deliver on his top flagship projects, but curtails corruption in this country, he will have left a legacy for Kenyans. That is something that even the previous presidents have never achieved. There was a time we were used to 10 per cent corruption, but now we talking about supplying 'air.' Remember that, that is either from taxation or part of the debt that we will repay. It has reached a level where we are supplying nothing and getting paid. I think the President can just curb corruption. Kenyans are hardworking people and we can get out of this debt trap if the right environment---

People concentrate so much on direct foreign investment but there are much bigger issues that we have, such as local investors who have the interest of whatever profit--- At least for the direct foreign investment, they repatriate their profit. If Kenyans are given a business-friendly environment, invest properly and produce, then the profits will remain in this country and the Government will generate enough revenue.

As Government generates enough revenue, we will be able to pay our debts and Kenyans will get out of the poverty trap. This is because many Kenyans after over 50 years of Independence cannot even put more than one meal on their table. That is absolute, abject poverty which we can address by just addressing one phenomenon called corruption

Madam Temporary Speaker, in terms of borrowing, we had 14 Ministers including President Uhuru Kenyatta as a Minister for Finance, borrowing Ksh1.7 trillion in 50 years. Right now, we have one Cabinet Secretary who has borrowed Ksh2.3 trillion in just five years. Somebody should ask the right question: Is this proper?

The other way of finding out on whether the projects the Government is investing in is to do proper feasibility studies that will indicate the amount borrowed, the number of years I am required to pay, and whether the money will be able to finance itself without requiring contribution from other taxpayers' resources. For example, on the Standard Gauge Railway (SGR), if the feasibility study was conducted properly, then the revenue generated out of the SGR should pay the debt that was used to finance the railway line.

We should then compare that with the timeline that it requires for us to repay that debt and ensure that all those are in sync in terms of viability of that project. That should all be determined through the feasibility study.

I also want to talk about taxation of basic commodities. One of the impacts of taxation on basic commodities is that it touches on the lives of common *mwananchi*; meaning the poor people of this country who are already languishing in poverty. Sometimes some taxation might not have the desired impact. An example is if we add tax on fuel. If I am then using industry to produce certain commodities, the ability for that company to pass over that taxation to the consumer will depend on two things: One, if there is no competition against that industry, then the manufacturer will pass that tax to the consumer so as not to impact on his bottom line.

If that does not happen, the profit for that company will be less. Once the profit is impacted, the ability of that company to pay corporate tax will come down since they are not able to pass their costs to the consumer. In essence, you do not have any impact because you did not gain what you would have gained from this side, yet you have made inflationary impact by maybe devaluing of our currency and made people pay more for commodities. The person who should have paid more corporate tax is now paying less. In essence, it will have a knock-on effect.

Madam Temporary Speaker, let us say that they will pass it to the consumer. Most likely if the income of the consumer has not changed and we expect them to pay higher, it means that their disposable income or what he will be able to save will be less. That is the money that people are able to invest and produce. It will also impact on the industries' ability to hire more people because, if it is becoming expensive for them to run their industry, they are likely to lay off some of the staff. Once that happens, it will also impact on collection of Pay as You Earn (PAYE) tax because there are like 25 per cent of the people who work for the company paying less PAYE tax. Those are some of the issues that we need to address before we take such drastic action in terms of taxation of basic commodities.

The other issue I wanted to talk about is perception in terms of the economy. If people perceive that the taxation of fuel, for example, is going to make this economy worse off; if anybody including Kenyans think that the neighbouring countries have less taxation and more favourable business conditions, they are likely to hold on their money without investing. They will say, "I do not want to invest my money now because of the current---."

Madam Temporary Speaker, let us talk about housing which is one of the flagship projects. If I know that economic hardships are ahead, then I am better off keeping this money because if I invest it in housing, I know Kenyans will not be able to afford to pay rent. Those are some of the issues we need to take into consideration before we make such decisions such as taxation of basic commodities.

Let me pick up from the issues that Sen. Wetangula has mentioned. We do not need small quantities to do adulteration of fuel. If there is a way fuel stations could monitor the quantity--- If you want to make it more expensive, then create a margin of quantity such as 100 litres. For example, if somebody is buying 10 litres, then charge them less because they are not likely to use it for that purpose. If you have more than 10 litres, then you pay a different price in what is called price discrimination. There are also risks in that because somebody will take 10 litres from one fuel station and 10 from another if we have no mechanism of monitoring. However, at least that is an avenue

where we can stop the adulteration of fuel without impacting the person who has very little income to support.

Madam Temporary Speaker, with those few remarks, I beg to second.

(Question proposed)

Sen. Cheruiyot: Thank you, Madam Temporary Speaker, for giving me this chance. I want to congratulate my colleague, Sen. Wetangula, for bringing such an important issue before this House this afternoon; the issue of the ballooning debt that has captured the attention of the nation. For the first time in this country, Kenyans are getting extremely interested with what their parliamentarians are doing.

Madam Temporary Speaker, if you have watched the traffic, both online and listened to radio stations and the news items, I do not think there has ever been a time when Kenyans have been more interested in the work that their legislators are doing other than this time. That tells you that Kenyans are hurting and this matter is of extreme importance to them.

I want to confess here that when the issue of the 8 per cent Value Added Tax (VAT) came up, for the very first time, when I was doing my public functions in the constituency, I was confronted by young and old alike asking me, as their legislator, to perhaps see to it if there is anything I can do about this issue and raise it on the Floor of the House. Unfortunately, many people we represent do not understand the current architecture of our Constitution, where certain things that are considered to be Money Bills do not see the light of the day in this House.

Madam Temporary Speaker, this is a theory I wish us to pursue one of these days, because this monster that keeps on cropping up every time, that as Senate, we try to stamp our authority; an authority that we have legitimately earned on issues of extreme national importance, we are limited and told that our duty is only county. When the national Government borrows, does it not affect counties? Where is it that they get the money to pay from?

The first item of charge on any national budget is the public debt and, therefore, when the national Government borrows, it affects the amount of money we are sending to counties. Therefore, it is my argument that we need to consider going the way of advisory opinion number one, which gave this House the powers to legislate on the Division of Revenue and the County Allocation of Revenue. We should question on such matters that are of great national importance as what is being considered, whether the Senate has a place. Of course, we have! When you tell us that we should limit our arguments to matters of county, you just wonder. This issue of fuel and all these other matters that are being considered before us, how can they not be matters affecting counties?

Madam Temporary Speaker, from the outset, as a leader, I am disappointed and I feel that as a leadership, the time has come for us to put our heads together. We should not just sit still on our laurels, appreciate and say that because we have been voted in by the people we represent in this House, everything is working on well. The truth of the matter is that the interest this issue is generating in this country is because Kenyans are feeling the pain and the burden of paying taxes. It has reached a point where they want to

know, as their legislators, where we stand. In all the WhatsApp groups that I am in, all I can see Kenyans doing this afternoon – and I even wonder if they are working – is they are questioning how their Member of Parliament (MP) will vote on those particular issues. Is he with us, the true bosses, or has he gone to a parliamentary group somewhere and has been told to vote in a particular way without being told what is the motivation of voting in that particular way?

Madam Temporary Speaker, Parliament is a representation of the people. There is nothing that is more supreme than a gathering of the representatives of the people. I do not understand properly the architecture why it was made so difficult that whenever Parliament has asserted itself on a particular matter and the President returns a Memorandum, it is again made extremely difficult for the same MPs who spoke about it to overturn the same veto. Of course, there are pros and cons for this particular debate. It is something that we may want to consider in future. How I wish that, as a country, we can have a sober discussion about the public debt, where we have reached with it and what we need to do. It is important to note that Kenyans are continuing to give us suggestions, saying that the time has come.

Madam Temporary Speaker, Kenya has 19 million voters, but only four million taxpayers; and that is where the problem begins. This is because you have people who elect leaders into office, but then they leave them with no tools to work. They sent here to work. They told them: “Please go and consider our issues;” and that is where it ends. The biggest problem in this country is the fact that, on a daily basis, millions of young people are waking up and they have absolutely nothing to do; yet, the mandarins in the national Treasury do not heed to the cries of those of us who have been crying for a long time.

We have been crying that the only austerity measures that will make sense for an economy like Kenya is that which will put young people to work; consideration of what it is that we can do to ensure that small light industries are being lit up in our counties so that every young person can wake up and report somewhere; and that is the only way they will pay taxes. The reason why the rest of the country is up in arms is because it is only four million Kenyans who are supporting the other 46 million. Therefore, they are bound to feel the fatigue. However, if everyone was generously contributing and they had something to do, such that they are paying Pay as You Earn (PAYE) and the rest of the taxes, we would then be so proud and know that we are building a country.

Madam Temporary Speaker, as things stand today, it is incumbent upon us, first as leaders and secondly as citizens of this country, to have a general discussion. We should question whether the path we have taken in terms of our public debt is sustainable. Does it make economic sense? I see very many discussions on issues; and some are informed by very good logic, but unfortunately, a majority of it is misled. For example, when people suggest that one of the easiest things to do to try and curb the public wage bill and the cost of running the Government is to reduce the size of Parliament, are they aware that Parliament, as an institution despite being one of the three arms of Government, consumes only 0.8 per cent – not even 1 per cent – of the budget of the Republic? Therefore, people are making uninformed arguments by proposing that if you reduce the size of the Legislature, you will have contained the public wage bill---

(Sen. Cheruiyot's microphone went off)

I think I lost the microphone.

The Temporary Speaker (Sen. Pareno): Maybe you need to move to the next microphone.

Proceed and, please, summarize.

Sen. Cheruiyot: Madam Temporary Speaker, the point that I was trying to make is that the discussion that we need to have is; what is it that we shall do, as a country, in order to have more taxpayers instead of relying on salaried employees. That is the crux of the matter and that is where all this debate boils down to. Therefore, each time a budget is presented before us, as a legislature, that is the first point of call.

I have seen so many ideas being proposed by the national Treasury, for example, the Housing Fund, where there is an additional 1.5 per cent levy. This means that our taxation will now have, on top of the PAYE, an extra 1.5 per cent without considering that some people have borrowed and their take-home is only Kshs1,000 to 2,000. We now want to deduct 1.5 per cent to build a house for other people, yet some of the people you are taxing do not even have houses in the first place. What a crazy and absurd idea? The truth of the matter that our budget is vendor driven. It is driven by people who have already cut deals with the national Treasury. They are, therefore, looking for the National Assembly to rubberstamp their idea and force Kenyans to pay taxes, and then they can transact business. We must stand up, as a legislature, and speak for the people of Kenya, who have been impoverished and made to suffer by these mandarins.

Madam Temporary Speaker, the truth of the matter is that years down the line when things go wrong – and for sure they are about to go wrong – we will be challenged to explain what we did to help our people. Unfortunately, for those of us who are in the Senate, you will not hide under the Constitution and say that there was absolutely nothing that we could do about it. Our children will want to know whether we watched helplessly as the country went into public debt. If, in another 10 or 15 years, we are unable to pay the loans that we have borrowed from other countries, with the news we are reading, about China taking control of certain national institutions, what answer will we give? What will be our response?

Therefore, I urge my colleagues in the Senate to put our heads together and consider what we can do. The beauty of it is that, I know that a part of the memorandum that has been sent to the National Assembly even proposes a reduction of the Kshs314 billion that we had sent to the counties.

I want to be on record that I will never support the Division of Revenue Bill when it comes to this House. I can never support the reduction of money that has been sent to counties, because whatever we are sending there is already too little. We are in the September going to October, yet no single county has received a coin for development. Three months have been wasted and people are earning salaries. Why are you paying people salaries, yet they have not worked? Are you not defrauding the people of Kenya, if you are paying me money, as a County Executive Committee (CEC) Member, yet you have not given me the budget money to run the development programmes?

I know that my colleagues would also want to contribute. We must now read our Budget with a fine tooth-comb, so as to see some of the principles that are being proposed. For example, we have been told that the budget on security is huge because it is a strategic item for this country, yet that is where the largest source of looters' fund is found in our Budget. We were told that a wall was being built somewhere close to Somalia, we have not seen it, yet it has cost almost Kshs15 billion in the last three or four years. We were always told that we cannot visit that place because it is unsafe. If it unsafe, which contractor is building it? Is it being built by the *Al Shabaab*? Have they contracted the *Al Shabaab*?

We were told that we are supposed to single-source because we are a Commonwealth country. Therefore, when we buy guns or helicopters, we do not even open the tenders to the public. What is secret about a helicopter that will be flying in the air? Some of these theories are stone-age and archaic thinking that we need to do away with. If the President is looking for places to reduce part of public expenditure, that is one direction that I want to point out to him.

Madam Temporary Speaker, in the interest of time, I thank Sen. Wetangula for bringing these issues to the fore. It will enable us to debate them soberly and find ways in which we can provide solutions.

Sen. Linturi: Thank you, Madam Temporary Speaker, for giving me this opportunity. I wish to start by thanking the distinguished Senator for Bungoma County, Sen. Wetangula, for bringing this matter to this House for debate.

Today, we are in a situation that once faced the country in 2008, when the National Assembly passed the National Accord. At that particular time, the country did not have an opposition party. In most cases where there is no opposition, there is nobody who is responsible enough to take care of the interest of the common *mwananchi*.

The kind of scenario that we find ourselves in today after the handshake is a situation where most of the Members are so compromised to the extent that nobody wants to speak out firmly because they fear to upset the *status quo*. This applies to all Members whether they are from the Jubilee side or the NASA side. I want to ask my brother, Sen. Wetangula, to seize the moment and take it up as his responsibility to mobilise an opposition for this country.

I have listened to the matters that are taking place in the National Assembly today, and the issue of taxation proposals being made touch on the wellbeing of the common *mwananchi* of this country. The Members have forgotten that they have a responsibility to protect the very vulnerable members of society. Most of them are now dancing to the tune of the people who are controlling Parliament through remote control.

Madam Temporary Speaker, the first article in our Constitution, 2010 says that the sovereign power belongs to the people of Kenya and that sovereign power can only be exercised through democratically elected representatives. We are all seated here as Members of Parliament and have a serious duty of protecting the sovereignty of the people of Kenya.

When I was a student of Public International Law, I learnt that for a state to be recognised as sovereign, there are certain ingredients that, that state must fulfil. It must have the power to make laws and have enforcement mechanisms.

The other important thing is that it must be able to levy taxes. We say that Kenya is sovereign because it has that ability. We have our judicial system which we must protect jealously, because that is the only recourse that the very members of society, who will be aggrieved by the law that we pass or the excesses of the Executive, can run to for remedy.

As the people who the public has ceded sovereign power to, we must behave responsibly because our Constitution states that since that sovereign power has been ceded to us for the greater good of the public, the public purse is controlled by Parliament. Parliament passes the Finance Bill, which proposes the tax measures that the Government must take. Parliament approves all taxation in the country.

When Members of Parliament speak, it is the people of Kenya speaking. We must, therefore, ask ourselves why one or two people cannot listen to the call of the people of Kenya. If what is happening now is not checked, it will go to unmanageable levels. Dictatorship starts when you do not want to sit and reason with people; you must always force things to happen.

I belong to the Jubilee Coalition and was shocked today to find the Secretary General of the party whipping Members of the National Assembly to go and vote. That was not the only Motion, Government Bill or business that has been to the Senate or the National Assembly. Why is it that now, one must come to intimidate Members of Parliament (MPs)? It is not right. It is not proper.

Madam Temporary Speaker, we have a serious duty to come to the defense of our people when we feel that things that have negative effect on them regardless of whether we belong to a party, a coalition or not. Our greater interest and the mandate that we have is to protect the people of Kenya and their interests.

I thank the Mover of this Motion for bringing out the other aspect of public debt. We should not only concentrate on foreign debt. We have the other aspect of public debt which is internal or domestic. That is a very serious issue that the Executive need to address. If my memory serves me right, and I have not forgotten some bit of economics, the Government owes small-scale business people huge amounts of money in terms of supply of goods and services.

We are complaining that Kenya Revenue Authority (KRA) is under-collecting or not meeting targets. How can you meet targets or collect enough money when the Government which is the largest spender and biggest employer is not paying? When you do not pay, you do not collect VAT. You do not have income to declare at the end of the year and hence, you do not have Income Tax. So, it is a vicious cycle.

The advisors must look at this and see how to address it. It makes things worse because most of our borrowers in this country are small borrowers. For example, when the Jubilee Administration said it was creating jobs, we came up with a law in 2015 to create a certain percentage of development funds to be applied in terms of small contracts to women, Persons with Disabilities (PwDs) and the youth. These people in society, for lack of capital and securities have gone further to get guarantors to guarantee them to borrow some money to do small supplies to the county or national Government. However, the Government take long to pay them.

We have caused a lot of pain because of poor management of the economic affairs of the country. When wrong fiscal policy decisions are made, we cannot expect things to run normally. Time has come when we must all sit down and ask ourselves how to come up with recommendations which will assist us turn economy around.

Madam Temporary Speaker, we have got to a situation whereby we must also, if we want to move forward properly, see whether the current Constitution as it is serves us right. If, for example, we are getting into this problem because of a bloated Parliament with a workforce that is being paid for doing nothing or for having a 1,000 people doing work that can be done by 10 people, it is important that we relook at this matter. I have all through argued that we do not require 349 MPs in this country. I served as an MP under the old constitutional order and the current one. The Senate is a very sober House. It is a House where you can talk without disturbance, push and argue your point out. If you look at what happens in the National Assembly, it is like a school. A two streamed school of 400 pupils is expected to transact business and that business can only be transacted within three hours in one afternoon and each one of them is expected to participate. It is not practically possible. We must be pragmatic, whatever it takes. I do not care losing my position or seat for the good of the country but we must also face this matter head on and come up with ideas on how to address this problem.

Madam Temporary Speaker, we need to ask ourselves what has been ailing Kenya such that every time that an election is called, the growth of the economy slows down because people are permanently in the streets. We must learn from the experience of other people if we have to be bright people. Only fools learn from their own experiences. We build on an economy for five years, when an election is called, we destroy all what we have built for five years because of an election that takes one day.

Power sharing is an issue that we must also face head on. To address this, we must relook at our Constitution. When we served in 2008 in the *nusu mkate* Government, the country settled. Immediately the NARC Government took over under President Kibaki, there was semblance of peace and the economy grew by 7 per cent. After the 2007 elections, we destroyed the foundation that had been made but after the National Accord was passed, there was peace in the country because power was shared. We went on properly as one cohesive nation. Since we have learnt from our past mistakes, we do not need to sit down and wait again for such things to happen. We have an opportunity because we have tested the Constitution of Kenya 2010 for the last eight years. If we have learnt why we have lost the gains that have been made, then it is time we sat and discussed openly on how to address the problem.

Madam Temporary Speaker, finally, is the foundation that was laid by President Kibaki. I remember very well that he left this country with a public debt of around Kshs850 billion. Within six years, we have a public debt of Kshs5.6 trillion. It is too much. It is high time that we talked to one another as a nation because this matter affects all of us.

Madam Temporary Speaker, I thank Sen. Wetangula for bringing this matter to the Floor.

With those few remarks, I beg to support.

Sen. Halake: Madam Temporary Speaker, thank you very much for giving me the opportunity to weigh in on this matter. Let me also take this opportunity to thank Sen. Wetangula for persisting and making sure that this very important issue of national sustainability, durability and looming crisis is discussed. He is the lone voice that has continued to bring this matter to the attention of the nation.

Madam Temporary Speaker, I am saddened because it seems we, as parliamentarians, have tremendously failed this country. Could it be that we do not understand our role in the budget-making process or is it that we have not had a chance to engage in the process?

The number one driver of waste and bad fiscal decisions is decision-making and the decision makers. Even as we talk about the debt crisis and the looming micro-economic crisis that we will face, we need to think beyond just the figures. Our Treasury has thrown around so many figures. Ever since we started following the issue of the ballooning debt, so many figures have been thrown around. It is as if we do not know what our expenditure or budget for 2018/2019 is.

I have heard of a figure of Kshs2.55 trillion in the statement from the national Treasury. There was also a figure of Kshs2.629 trillion in the Gazette Notice in July and we are talking about reducing the budget from Kshs3 trillion to Kshs2.971 trillion. We do not seem to know what the budget for 2018/2019 is in actual terms. There are many figures that are not factual being thrown around. This begs the question whether the national Treasury is on top of the game. Do we even know the exact figure of the 2018/2019 Budget for our country? Who should know this? Have we slept on our job as parliamentarians or should we be involved in the process?

We could say that Bills to do with money are not our domain but they belong to the National Assembly. However, I keep wondering which of these figures is for the 2018/2019 Budget. Is it by design that we even do not know what we are going to spend in the Financial Year 2018/2019? Is it so, so that we can misuse the money? Who is holding the national Treasury accountable for the right figures? We have to know that because we cannot manage what we even do not know.

There is also the issue of revenue. Once again, figures are being thrown around with all the fundamentals that are not factual. We have been told the KRA is expected to collect Kshs1.9 trillion in revenue but based on what and at what growth rate? Do we even know that? The assumption is that the economy will grow at 6 per cent. How can the economy grow at 6 per cent when everything that is supposed to spur economic growth is not functioning? Our return on investment is zero. In terms of revenue collection, we could have huge deficits to the tune of Kshs400 billion.

We have also been told that the deficit is 5.8 per cent but based on what? The deficit is based on the fundamentals that do not even exist. You cannot have a deficit of 5.8 per cent of the budget when you do not even know what the exact budget is and you are off mark when it comes to revenue collection. In the past several years, we have never got it right. So, all these fake figures being thrown around could be by design so that we, parliamentarians, do not have the right measures against which to hold the Government accountable. Are we also engaging on those terms?

I know we have made a lot of noise about the 16 per cent Fuel Levy. Probably, we missed the point because that is the outcome of wrong fundamentals of economies, finances and fiscal risks of this country.

As I take responsibility, as a parliamentarian, I wonder if, perhaps we may not have understood our role or engaged in this process well enough at the beginning, and may not have held the Executive accountable. When the Cabinet Secretary for National Treasury, Mr. Rotich, appears before our committees, he tells us whatever he feels like telling us, but what are we holding him against and against what measures? This is very worrying for this House. I am glad that Sen. Wetangula has opened for us this opportunity to interrogate and ask the right questions, if we have not done so before.

Madam Temporary Speaker, I do not want to repeat what Sen. Wetangula has already articulated for us very well with figures and the 70 per cent debt financing portfolio from one lender; the Chinese. He has also told us of the Kshs5.5 trillion debt, of which 60 to 70 per cent is from one lender, which is very unsustainable. I know that Sen. Linturi was trying to remember how much the domestic debt is; it is about Kshs2.6 billion. These numbers are affecting real people; they are affecting the real Wanjiku, who has ---

The reason I say we have failed is because we have failed in our role of oversight and to legislate the right frameworks against which the budgeting process is made, monitored and reported upon. We have also failed our people when it comes to representation. The 45 million Kenyans cannot fit in this Chamber. That is why, by representation, they gave us their sovereign power – as per the first Article in our Constitution – to sit here on their behalf and ensure that we are the stewards of their resources and their dignity as a people; and that we hold the Government accountable as we account to them.

However, Madam Temporary Speaker, this process has been one of the saddest situations that I have observed since I came to this House. We need to ensure that the decision makers, who include ourselves, are accountable to the people who brought us here. Have we been accountable? I doubt so, because we have failed miserably when it comes to holding the Executive to account. Sen. Linturi has just talked of an Executive who dictates to the House, and we toe the line because we are in it for ourselves and not for Wanjiku.

Once again, Madam Temporary Speaker, Sen. Wetangula mentioned this afternoon – and I watched in awe and horror as every legislator stood up to speak – saying that Women Representatives and MPs explicitly warned CS Rotich against touching their money and the NG-CDF. However, nobody warned him against touching the live of the young mother who will not be able to take her child to hospital tonight, and may lose her child. Nobody was speaking for Wanjiku at all! Everybody told CS Rotich, “Do not dare touch my funds.” Therefore, this has become about us, and it is really disgusting; I am sorry to say this. We have become so selfish that provided we know what is in store for us; we do not give a damn. Where does that leave this House?

Madam Temporary Speaker, this afternoon, we debated so much and shelved a report because of “integrity of this House.” What integrity are we talking about if all we are here for ourselves?

Madam Temporary Speaker, I think we need to interrogate our own leadership which has failed this country, and the few voices that have continued to flag out the issues that ail us and especially the big issue of finances; the debt crisis, the taxes, public expenditure that is out of control and corruption that has run away. What is working?

Those of us who are leaders, what are we presiding over? We are talking about the Big Four. Who is the Big Four for? Is it only for us or the President's legacy when everyone else has been flattened out? These are questions and food for thought. I recently read a report about the International Monetary Fund (IMF) and the World Bank pointing out to lack of capacity or accountability from the Treasury Debt Management Office.

I do not believe Kenyans lack capacity. I believe many of these things are by design so that people may find loopholes within our systems and processes to steal. People may also find loopholes within our processes of decision-making processes not to be accountable to the electorate. Who is supposed to check that when we are the direct representatives of our electorate? Therefore, issues of debt, fuel levy, and revenues that are never accurate are all, in my humble submission, by design. I believe this country has able people that could do many things.

We, as leaders, need to look at ourselves in the mirror and determine what our roles are in this and how we have contributed to this. What have I not done? Have I been a bystander? Under whose watch did this country go to the dogs? When did we become an insolvent country?

We talk about our country being a middle-income earner. What middle-income country cannot take care of its basic needs? The other day, we saw what happened in Pumwani Maternity Hospital. The same situation is obtaining everywhere in this country. I think that the rebasing of our country to a middle-income status was a process of ensuring that we can borrow more to steal more. I do not want to sound like a pessimist, but everything points to a situation in which we have colluded either by design or omission. We have colluded to defraud the people that brought us to this House. It is about time and, I congratulate the few voices that continue to speak up and ensure that we are not just bystanders and are saying something even if it may not result in significant outcomes.

Madam Temporary Speaker, this morning, I was at an ICT conference, and I realized that a lot of the funds that have been put aside for development like the Universal Service Fund and the Equalization Fund are about to disappear. The counties have no money anymore under the guise of "The country is broke." A few days ago, I listened to the Majority Leader of this House saying that we are in a healthy financial situation and that even the United States of America (USA) borrows more than us. Forgive me but, does Kenya look like the USA to anybody? We cannot compare apples to oranges just because we think that the citizens may not understand that America and Kenya--- That is insulting our intelligence and it should stop. We have to be responsible leaders, speak the truth, and be accountable to the people that brought us to this House.

Madam Temporary Speaker, this is one of the issues that has really brought out most disillusionment to me, as a legislator. I am always looking for the right things to cheer, but I have looked and cannot find one single project that I can stand up and cheer.

This House has the privilege to ensure that we speak up, we are engaged and counted. But, more importantly, we must engage in the budget making process because after all, it is all about the finances.

Madam Temporary Speaker, with those few remarks, I support this Motion. I look forward to working with Sen. Wetangula and the team that has spoken before me. If there is anything that we can do, as legislators, to ensure we put everybody in this country, including ourselves, to account, we should do so without fear.

I support.

Sen. Wario: Thank you, Madam Temporary Speaker, for giving me this chance to add my voice to this Motion. First, I congratulate my good friend, Sen. Wetangula, for bringing this Motion to the Floor of this House.

A few days ago, when this House was on recess, I was privileged to travel to many places in Tana River County that I represent in this House. As I visited those towns and villages, my people told me to voice out loud and clear the issue of high taxation that is looming in the country. On the day that the new tax measures were announced, the wholesalers and the retailers refused to sell the commodities they had in the stores, because they were told that taxes had been raised. Therefore, they needed to sell whatever they had in their stores at double the prices, as a result of the high taxes that had been imposed on the *wananchi*. As a result, the common people could not access basic goods like sugar and maize.

As their representative, most of the people asked me whether I would voice their concerns in Parliament. It would be wrong if I do not voice their concerns in this House and assume that nothing is happening. The poor people and *Wanjiku* out there are really suffering because of the high taxation. It is my duty to voice their concerns and protect them because I was elected to represent them. You can read the mood of this country. You can even hear some voices outside there of people who are demonstrating on the streets of Nairobi because of high taxation.

Madam Temporary Speaker, since the handshake, the mood of the House has changed. Today, a very important Motion like this is on the Floor of the House, but very few Members of Parliament (MPs) are concerned. Most of them just went away because the proposed high taxation is not touching them directly and, therefore, they are ignoring the plight of the *mwananchi* who voted for them to come to this House to protect them.

Madam Temporary Speaker, it is a good economical practice to increase our earnings and reduce our debts. However, if we continue to increase our debts and reduce our earnings, we will be heading nowhere but to the dark. The representatives of the people of this country do not want to say anything about this, yet they represent the millions of Kenyans down there in the counties, who are affected directly by this increased taxation. Therefore, if we bury our heads in the sand on this issue and do not rectify it, then the history will judge us harshly.

Madam Temporary Speaker, I support the Motion and urge Sen. Wetangula to carry on, as he has our full support as we find a way to move out of the darkness.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): Proceed, Senator Mwangi Githiomi, although this gadget has renamed you Senator Prengei; at least we happen to know your face.

Sen. Mwangi: I am sorry, Madam Temporary Speaker; Senator Prengei has gone out of the House. I am the one who wanted to speak but, my card is in another place.

Madam Temporary Speaker, the 16 percent VAT on petroleum is a thing that all Kenyans should discourage. I will first start by thanking my friend, Sen. Wetangula, for bringing this Motion to this House. This Motion is also going on in the National Assembly.

Madam Temporary Speaker, prices of essential commodities have shot up. This includes the cost of transport, foodstuff and industrial products. It is going to be impossible to live in this country in the near future and I do not know where we shall go. This is because the cost of living in Kenya has gone beyond what Kenyans can afford. It is even growing beyond what is in other developed countries, including the developed countries.

Madam Temporary Speaker, it is not necessary to talk of development that the country can ill afford. We should not overborrow to develop Kenya while Kenyans cannot afford to put food on their table, pay school fees for their children and have a decent living. It is important – and when I say this, I say this as a supporter of the current Government, which I support a 100 percent – but at the same time, the Government should be advised where it goes wrong.

Madam Temporary Speaker, this country has over Kshs5 trillion in terms of loans. Some of this money goes to the pockets of individuals through corruption. We have not been able to stop this corruption. A few years ago, the National Youth Service (NYS) was reported as having lost Kshs1 billion through corruption. Today, we are hearing of the same institution having lost Kshs9 billion through corruption. This should not be encouraged. We should not tax Kenyans for a few individuals to involve themselves in corrupt practices and siphon out money from their Ministries. Billions of shillings have been siphoned even outside Kenya. We cannot borrow it from our banks. It cannot help Kenyans because it is stuck in foreign accounts in Switzerland, America and Britain such that Kenyans have no access to this money. This money is helping foreigners. It is time we thought of how to run this country; let us not just talk of development.

The Big Four Agenda is nothing if corruption will continue in this country. This is because Treasury will give money to the projects of the Big Four Agenda but those projects will never see the light of day. That money will be stolen by individuals and taken out of this country and Kenyans will not have access to it.

It is good for us in this House and those in the National Assembly to talk because the purpose of coming to this Chamber is to talk for the people who are not in this House. They have done their work by bringing us to this House and, therefore, we should talk on their behalf.

What is happening in Kenya today is a sad story, because we are headed to where Zimbabwe is. Very soon, we will be carrying money in briefcases to do very small purchases. Money is going to be devalued because of the kind of things that are happening in this country. This is not for the good of the common *mwananchi*. There are

Kenyans with too much money that they do not know what to do with it, so they do not care whether there is inflation because they will afford. If you bring inflation to high levels, they will still afford. But as they afford the cost of living, there are those who cannot put food on the table; they struggle day in, day out. They cannot have a one square meal a day. I would have understood if the Government had totally stopped corruption.

Madam Temporary Speaker, this House wants to stop corruption. This House is constitutionally charged with the responsibility of oversight. We give over Kshs300 billion to the county governments and yet we cannot afford even Kshs1 billion for oversight. Governors will take this money as and when they wish; they will loot it the way they want and yet there is no oversight. Nobody should lie to Kenyans that we oversight; we do not, because we are not facilitated. We do not want to talk about it because we do not want Kenyans to know what is happening. It is better to tell Kenyans the truth; that the Senate that is supposed to oversight governors has not been facilitated to do its oversight role.

We do not get even a single shilling for oversight and we are expected to oversight counties. We are expected to use our salaries to go and oversight. This is impossible because our salaries can only do oversight for a day or two. What happens to the other days?

Madam Temporary Speaker, the Senators and Members of the National Assembly should feel free to advise the Government. We should not always work with information coming from the Government. This House is supposed to be independent and that also applies to the National Assembly. Unless we become independent in our minds, there is no way we will advise the Government. If we told the Government the truth, it does not mean that we are anti-government. We want things to be good in Kenya because we belong to this country and want it to develop. We want to be judged rightly in posterity. We want our children to enjoy even when we will be gone. If we move at this rate, we have a very big problem.

Madam Temporary Speaker, why would one want to own Hilton when they cannot afford it? Each and every Kenyan would like to own Hilton, but we must go step by step. Let the economy evolve so that we can get involved in projects that we can afford. We do not have to overborrow. We will spoil the name of this country because of borrowing so much that we cannot pay back. Let us borrow just what we can afford to pay. We should be good planners and know what we can afford. That will allow the economy to evolve. I am not saying that we should not borrow, but we have borrowed far too much that we have to punish Kenyans by making them pay taxes that they cannot afford.

(Loud consultations)

Madam Temporary Speaker, please, protect me from some Members here, who cannot allow me to talk because they are making noise.

The Temporary Speaker (Sen. Pareno): Order, Senators! Can we allow him to conclude his submissions?

(An hon. Member spoke off record)

Sen. Mwangi: I believe you will obey, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): I am not sure whether the Sen. Githiomi would like to be informed.

Sen. Mwangi: Madam Temporary Speaker, I do not want to be informed because I have enough information. I am addressing the nation---

The Temporary Speaker (Sen. Pareno): Kindly, proceed and try to finish, so that we can allow other Members to also submit.

Sen. Mwangi: Madam Temporary Speaker, the leadership of this country should sit with the two Houses and allow them to express themselves. They should be ready to be advised by the leadership of both Houses because they are very wise people. They should listen to us, so that we can tell them what the public is facing because we are with members of the public day in, day out. The public is crying out to both Houses and the leadership of this country to ensure that we do not increase taxes to a level that life will become unaffordable.

Madam Temporary Speaker, with those few remarks, I support this Motion.

Sen. Olekina: Thank you, Madam Temporary Speaker, for giving me an opportunity to also comment on this very sensitive matter. I rise to support this Motion on the rising cost on public debt and taxation.

Madam Temporary Speaker, we are at cross roads in this country. If you go outside there, you will see what Kenyans are going through. You should not blame the Senators when there is a revolution in this country within a short time. This is because Kenyans out there are sick and tired of the public debt. Currently, we are paying over Kshs700 billion a year and next year, it is going to be about Kshs 900 billion. I am surprised that with all that knowledge of the heavy taxation and the heavy debt, Kenyans are being subjected to yet more taxes. Kenyans out there ought to know that this House, the Senate – which is the House of union – has nothing to do with what is happening in the National Assembly. If I was in the National Assembly today, I would have ensured that we whipped all Members to contribute on this thing and to ensure that Kenyans do not get taxed. Taxes will not help us. What is happening right now and the President ought to close all loopholes on corruption.

Madam Temporary Speaker, I was one of the most frustrated and disappointed Member of this House this afternoon. We had an opportunity to prove to Kenyans out there that we are different, but we failed. We had an opportunity to prove to Kenyans out there that they brought us into this House to defend them, but we failed when we did not discuss the Ruaraka Land Report, where Kenyans lost billions of shillings. I want to go on record as having stood here and fought for us to debate this Report, but for some reason, there were some very strong powers that objected to it. These powers are the ones that are killing this nation. Today, Kenyans ought to know that the Port of Mombasa will soon be owned by the Chinese. The Port of Mombasa has been given out as collateral for the loans that we are getting on a yearly basis from China. I am sure that when my dear good friend, Mr. President, travelled, he did not come back empty handed. What he did is that the poor little children who were born today – like the triplets born to a poor lady in

Narok whose family could not even afford to support them – now have a burden of Kshs100,000 on top of them. I think people should stop giving birth; because it is sad.

Madam Temporary Speaker, when you have been elected by people from your constituency and you have been brought here, you loathe the fact that they are being treated unjustly. You develop hatred for all the challenges that they have to go through. A poor *mama mboga* at home who relied on a *gorogoro*, a small tin of corn or maize – God has been faithful and gentle to us – is now buying it at Kshs30. When she has to take it to the *posho* mill, where she would pay Kshs5 before, she now has to pay Kshs20. I mean, seriously, if you do not care about those poor people, what is all this nonsense of the Big Four Agenda? Why can you not go back to living within our means? It is sad that the former county councils used to collect more revenue. Where is that money going? I think the President missed an opportunity here when the Members of the National Assembly sent the Bill to him and suggested zero VAT or actually suspending the tax. The MPs wanted to suspend the tax by two more years to see where else the President can collect that money; or whether he can sensitize communities to know that choices have consequences, but he did not take it. He should have taken that opportunity to ensure that cigarettes are taxed. When you go to Dubai, you will find that a packet of cigarettes is Kshs1,000, while here it is Kshs230. Similarly, a bottle of Glenfiddich, which sells here for Kshs9,000, probably sells there for about Kshs15,000 or Kshs20,000. Why not tax this?

Madam Temporary Speaker, one of the things that really disappointed me today is on this betting tax and all these other hidden taxes that no one is talking about. People are so fixated to talking about the 8 per cent VAT, but they are not looking at the cost to them when transferring money from one account to another. They are not looking at all the other hidden taxes. It is imperative that even when these Members of the National Assembly are going through clause by clause, they should be open enough to tell Kenyans that we are in shit and that we can no longer survive. When you do not have money to buy something to eat, you should not try to drive a Lamborghini; just drive a Probox; a “problem box.” Solve your problems with a problem box. Trying to drive a Lamborghini when you cannot afford it is ludicrous.

The Temporary Speaker (Sen. Pareno): Order Senator! Your time is up.

ADJOURNMENT

The Temporary Speaker (Sen. Pareno): Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The House, therefore, stands adjourned until Tuesday, 25th September, 2018, at 2.30 p.m. at the County Assembly of Uasin Gishu in Eldoret.

The Senate rose at 6.30 p.m.