

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 10th July, 2019

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE FRED OUTA FOUNDATION

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the Fred Outa Foundation.

Hon. Senators, the visiting delegation is from Chicago, USA, and is in the country to view the projects undertaken by the Foundation.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

- (1) Joli Friedman – President, Fred Outa Foundation
- (2) Mayer Friedman
- (3) Reuben Friedman

On behalf of the Senate and on my own behalf, I welcome them to the Senate and I wish them well for the remainder of their stay.

I thank you.

VISITING DELEGATION FROM MARSABIT COUNTY ASSEMBLY

Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of visiting members of staff from Marsabit County Assembly.

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

I thank you.

VISITING DELEGATION FROM NYANGWA BOYS
SECONDARY SCHOOL, EMBU COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Nyangwa Boys Secondary School in Embu 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 welcome and wish them a fruitful visit.

I thank you.

(Applause)

Sen. Outa: Mr. Speaker, Sir, I join you in welcoming the students and staff from Marsabit County. I also welcome the delegation from the Fred Outa Foundation from the North Brook, Illinois, who are in the country to view some of the projects that the Foundation is engaged in. The Fred Outa Foundation is a non-profit organization established both in the United States of America (USA) and in Kenya to champion the interest of vulnerable people.

The visiting delegation is here to see some of the students that the foundation is sponsoring within the country. We have been running a school for the last 10 years in Kibera, Sarangombe Location. The school is known as Spurgeons Academy School. The school sponsors vulnerable students at no cost. We have a total of over 400 students from kindergarten to elementary level or Class Eight.

Mr. Speaker, Sir, it is my humble privilege to welcome them to Kenya. Let them feel free and see what the foundation is engaged in. I thank the President, Fred Outa Foundation, as well as the board who reside in the USA for their persistence in making sure that the foundation gets the funding to enable us do our work here in Kenya.

Hon. Senators, I challenge you to accompany us to the project anytime they are available. I wish that Sen. Sakaja was here so he can accompany us to visit our school in Kibera. I trust that our donors will continue with the good work, not only in Kenya, but in many other countries.

I thank you, Mr. Speaker, Sir, for the opportunity to welcome them to Senate.

Sen. (Dr.) Musuruve: Mr. Speaker, Sir, I thank you for giving me an opportunity to join you in welcoming the visitors in the House. I welcome the students who are here today because this is a House to reckon with. This is a House that is going to help the students to know what happens in the country as we debate issues. We are a House that inspires and motivates students.

I also welcome the delegation from the Fred Outa Foundation. We are happy to receive donors in the House because they get to know the pertinent issues countrywide

with regard to our children, citizens at large and devolution. I thank the foundation for establishing a school in Kibera and ensuring that vulnerable children learn. Kibera is currently the largest slum in Africa with a lot of poverty. Education is core to them with regard to ensuring that poverty is eliminated or minimized. I thank the foundation for ensuring vulnerable children in this slum access education.

Mr. Speaker, Sir, I challenge the foundation that as they think of the disadvantaged children in Kibera, they also think of children living with disabilities. I represent persons with disabilities and when we talk about vulnerability, I cannot fail to talk about children living with disability because they are a forgotten lot. It would be great if the Fred Outa Foundation would liaise and link up with organizations that support persons living with disabilities so that we do not leave anyone behind.

I thank the delegation for coming to this House. I urge them to feel at home because we love visitors in this Senate. It is through engagement with all stakeholders that we can give back to the society. There is some satisfaction that you get as a human being when you give back to the community.

Sen. Farhiya: Mr. Speaker, Sir, I join you in welcoming the students and the delegation from the Fred Outa Foundation. Education is an equalizer. Anybody who receives education is empowered. We thank Sen. Outa donors for giving the children that advantage.

I visited North Sudan during the Darfur crisis in 2005. Part of my job was to train people on accounting and book keeping. While I was there, one of the people that I trained told me that they have a proverb that says, 'If somebody has educated you, they have given you life.' I thank Sen. Outa and the donor for giving people life.

Mr. Speaker, Sir, while growing up in the village, there was a belief that education is the only way of eradicating poverty in the country. If Sen. Outa is helping people who are vulnerable by giving them education, I encourage him to continue doing that. I thank Sen. Outa and the donors for giving the vulnerable people an opportunity to be part of the learned people. Ordinarily, those children would not have that kind of opportunity.

I thank you, Mr. Speaker, Sir.

Sen. (Dr.) Langat: Mr. Speaker, Sir, I thank you, for giving me the opportunity to welcome all students in the Public Gallery. I thank them for visiting this important House. I urge them to be disciplined in school. We also admired being in Parliament when we were young. Therefore, we worked hard in school and now we are Members of this House.

I congratulate the delegation from the Fred Outa Foundation for coming to this House to see how active Sen. Outa is in the Senate. I encourage them to continue supporting the Fred Outa Foundation. Some areas that are represented by Sen. Outa are hardship zones which require a lot of support. I congratulate Sen. Outa for establishing the selfless foundation to support the needy in the society.

The Speaker (Hon. Lusaka): Next Order.

MESSAGE FROM THE NATIONAL ASSEMBLY**PASSAGE OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL, 2018**

The Speaker (Hon. Lusaka): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order 41(3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No. 13 of 2018) –

WHEREAS, the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.13 of 2018) was published vide Kenya Gazette Supplement No.36 of 10th April 2018 to make various amendments to statute law including, inter alia, The Betting, Lotteries & Gaming Act (Cap 131); The Dairy Industry Act (Cap 336); The National Hospital Insurance Fund Act, 1998; The Urban Areas & Cities Act, 2011; The Micro and Small Enterprise Act, 2012; The Public Private Partnerships Act, 2013; The Crops Act, 2013; The Technical and Vocational Education and Training Act, 2013; The Public Procurement and Asset Disposal Act, 2015; The National Employment Authority Act, 2016; and The Fisheries Management and Development Act, 2016;

AND WHEREAS the National Assembly considered and passed the said Bill with amendments and the form attached hereto on Thursday, May 9th, 2019;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.41 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Hon Senators, Standing Order No.157 requires that a Bill which originates from the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139.

I, therefore, direct that the Statute Law (Miscellaneous Amendments) No. 2 Bill (National Assembly Bills No.13 of 2018) be Read a First Time tomorrow, Thursday, 11th July, 2019.

I thank you.

Sen. Wetangula: Mr. Speaker, Sir, allow me to comment that for the first time since this House was established, a Statute Law (Miscellaneous Amendments) Bill introduced and passed in the National Assembly has been referred to this House. This is a step in the right direction.

I am now wondering as we contemplate our intended challenge in court: was Article 110(3) of the Constitution that the two Speakers meet to determine the nature of the Bill at the time it was tabled in the National Assembly, complied with in the first place?

I want to encourage the leadership of the House that buoyed with this reference of the Statute Law (Miscellaneous Amendments) Bill to the Senate, it fortifies our argument that all Miscellaneous Amendment Bills that were passed before carrying a raft of amendments to various Bills carried issues that squarely concerned counties, but they

were passed and assented to without any reference to this House. Therefore, this Message to the Senate today is so to speak in simple legal terms, an admission of liability by the National Assembly that they have been acting in error of law by passing Miscellaneous Amendment Bills carrying very many issues concerning counties without any reference to this House. Those who are preparing our pleadings should include this level of admission now to fortify our case.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I almost thought that I heard my own things when you gave the Communication. When did the National Assembly consider this House more important for the Miscellaneous Amendment Bills? I wonder.

This is an admission of guilt. We have refused to follow up on certain orders such as the issue of *Huduma Number* because the National Assembly did not forward that Bill to this House for it to be considered. I hope that the President and those who advise him are listening, that if you try to ignore the Senate there is nowhere you will go. Right now, we are in a crisis. This House must stand firm to be able to fight for democracy in this country.

When we came up with the Kenya Constitution 2010 and we set up these two Houses, it was to ensure that the “Wanjikus” are fully protected. A few of us can sit here and pass certain laws without following the law and then take it to the President for assent. The President will assume that even those who are advising him have gone through all processes.

Mr. Speaker, Sir, I encourage you and your office particularly, to ensure that every single Bill which is sent to the President for assent has gone through this House. This is because there is no Bill that does not affect counties.

This is a step in the right direction. Kenyans out there now ought to know that this House will defend democracy. Even if it means us going to court, we will go there to ensure that those laws which were passed without being brought to this House can be brought back so that we consider them.

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, there is nothing to celebrate. We cannot celebrate obvious provisions of the Constitution. It is the duty of every citizen of this Republic, particularly those of us who manage such important offices where Kenyans have entrusted in us the responsibility to ensure that we keep doing everything in line with the Constitution, to do so.

As far as this Statute Law (Miscellaneous Amendments) Bill is concerned, I have absolutely nothing to celebrate about it. To follow up on what Sen. Wetangula said, it is just a continuous admission of liability. However, it is even more serious about this cherry-picking that someone will sit somewhere and decide which law they will send to the Senate.

Mr. Speaker, Sir, I even find it worse that leaders who sit in the National Assembly, who should know better the responsibilities bestowed on this House, are the ones going out there to the public to try and bastardise this House.

This is the message I have for this nation: we are Senators; we are not Senate. We are temporary, transient and sojourners. We are here for a short-term mission. We will complete what we were called to do in this House and get out, but the Senate and Kenya

will be there for many years. This is an institution not a personal property of Sen. Murkomen or Sen. Orengo, for that matter.

The point we try to make every day is that we just want to be honest in the work we do and keep doing what we are supposed to do right. We know that when our mission here comes to an end, we will go and do another job elsewhere and do it well. Those who expect that the Senate shall enter into a pigs fight to try to prove who is better than the other; we will not. Instead, our response to all the criticism that comes from out there will be to ensure that we do every work here diligently. We will do that for the record, for now and for the future.

Secondly, if the Constitution requires us to defend the responsibility and the work of the Senate, we will do so even if it means going to court or any institution. When we finish our job, we will leave it to history to judge what we have done.

Mr. Speaker, Sir, I have had personal conversations with a number of my colleagues: no one should feel as if we are under siege by the kind of utterances and conversations that people have out there. We should just continue doing our job. The noise will continue as we do our job. If we have to go to court, we will do so, and quietly continue to do our job. There is no point in us trying to work day and night to try to explain to people who have already closed their ears regarding the responsibility and power bestowed on this House.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, I want to seek your indulgence because there is some work in progress. We have discussed this matter so many times. I will only allow the Senate Minority Leader so that we make progress because you know there is something happening.

The Senate Minority Leader (Sen. Orengo): Thank you, Mr. Speaker, Sir. I will be very brief. I want to say this in response to this Communication. I know that we swore to defend and protect the Constitution. In my view, I am sure that if anybody tries to violate and undermine the authority of the National Assembly, we will defend the National Assembly.

This is because our duty is to the Constitution. Just as we protect the Senate, if anybody tries to undermine the work of any institutions as set out in the Constitution, we will defend that institution.

The National Assembly with its leadership should take that decision from the Supreme Court because they set out so clearly the procedure that should be followed in the publication of a Bill in either House. The fact that this message has been delivered to this Senate is a confirmation that they know what they should be doing.

Mr. Speaker, Sir, I agree with Sen. Wetangula and Sen. Murkomen that there is nothing really to celebrate, but insist that we will not allow a position where they pick and choose which Bills to bring here and which not to. With that determination, come next week, this matter will be in a different forum, so that it is decided, once and for all.

Mr. Speaker, Sir, sometimes people get excited with little powers. There was once an Attorney-General in the National Assembly who said that since that the President was all powerful, he could even fire him as the Attorney-General because he was the one who appointed him. He did not know that his day was coming. When he was being fired, he

remembered that there was something called the Constitution. One day, it will dawn on the National Assembly that there is a document called the Constitution. Even if you read it backwards, like the Chinese read from the back to the first page, it will still be the same thing.

Mr. Speaker, Sir, this is good evidence to attach to an affidavit, to show that these people are not following the procedure as spelt out in the Constitution.

The Speaker (Hon. Lusaka): Hon. Senators, I have another Communication, which I will refer to the Committee.

MESSAGE FROM THE NATIONAL ASSEMBLY

RESOLUTION OF THE NATIONAL ASSEMBLY ON THE MANDATE OF THE NATIONAL ASSEMBLY WITHIN THE BI-CAMERAL PARLIAMENT

Hon. Senators, I wish to bring to the attention of the Senate that a Message has been received from the National Assembly, pursuant to Standing Order No.41(3), regarding a resolution of the National Assembly on the mandate of the National Assembly within the bi-cameral set up of Parliament.

Pursuant to Standing Order No.41(4), I now report the message:

PURSUANT to the provisions of Standing Order 41 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly:-

THAT WHEREAS, a Notice of Motion on The Mandate of the National Assembly within the bicameral set up of Parliament was given in the National Assembly on 26th June, 2019 seeking to, *inter alia*, reiterate and reaffirm the Assembly's commitment to respect, uphold and defend the Constitution in terms of Article 3 of the Constitution;

AND WHEREAS, the National Assembly considered the said Motion and on 4th July, 2019 resolved, under paragraph 6(c), amongst other resolutions, "THAT, in the first instance, the Houses of Parliament always explore alternative mechanisms of resolving any dispute that may arise between the Houses from time to time as is the practice in comparative jurisdictions";

NOW THEREFORE, in accordance with the provisions of Standing Order 41 of the National Assembly Standing Orders, I hereby convey the said resolution and implore upon the Senate to also consider, as a first instance, alternative mechanisms of resolving any dispute that may, from time to time, arise between the Houses of Parliament.

Hon. Senators, you will recall that the Senate on 20th June, 2019 passed a Motion wherein the House-

(1) Reiterated and re-affirmed its commitment in terms of Article 3 of the Constitution to respect, uphold and defend the Constitution.

(2) Further reiterated and re-affirmed its commitment to protect the interest of counties and their county governments.

(3) Reiterated and reassured the people of Kenya on whose behalf it exercises its mandate under Article 94 and 96 of the Constitution; that it shall always diligently and

robustly prosecute the mandate and shall resist any action or attempts to undermine devolution and the people's aspiration for a Government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law and resolved to-

(i) challenge the laws that have been enacted unprocedurally in the Twelfth Parliament;

(ii) seek an interpretation of the term "money Bill;" and,

(iii) seek a final determination of the procedure to be followed in respect of all the Bills that are pending before Parliament, so as to ensure compliance with Article 110(3) of the Constitution and for the future.

Hon. Senators, the Senate is actively pursuing the implementation of the resolution of the House on this matter. However, in light of the Message from the National Assembly that I have just conveyed, and pursuant to Standing Order No.41(6)(c), I refer this Message to the Standing Committee on Justice, Legal Affairs and Human Rights for consideration.

Thank you.

(Laughter)

Next Order.

(Several Senators stood on points of order)

(Loud consultations)

Order, Members! Take your seats.

Hon. Senators, I am following the Standing Orders. I have directed the Message to a Committee where the Standing Orders allow me to do so. I cannot direct it and also allow debate. I cannot use both.

Next Order.

Sen. Ndwiga: On a point of order, Mr. Speaker, Sir. I beg your indulgence because you recognised students from Nyangwa Secondary School in Embu County and I happened to be out of the House at that time. May I now join you ---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, Members!

Sen. Ndwiga: Thank you, Mr. Speaker, Sir. May I now join you in welcoming students from Nyangwa Secondary School which is in my county?

(Loud consultations)

(Sen. Murkomen stood in his place)

The Speaker (Hon. Lusaka): Order, Members! What is your point of order, Senator?

Sen. Ndwiga: Mr. Speaker, Sir, I am on a point of order. The Senate Majority Leader should recognise that I am on a point of order.

(Sen. (Dr.) Kabaka stood in his place)

I would also ask the Senator for Machakos County to appreciate that I am on my feet.

(Laughter)

Mr. Speaker, Sir, I also join you and the House in welcoming students from Nyangwa Secondary School which is in my county.

(Loud consultations)

The Speaker (Hon. Lusaka): Order! Hon. Senator for Embu, you are out of order! We already acknowledged their presence and moved on. Sorry, we cannot go back. You are out of order!

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

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

Sen. Sakaja: On a point of order, Mr. Speaker, Sir. We know you to be a very gracious man. The Senator for Embu County has really begged for indulgence. There is a school from his county and he is just asking that out of the kindness of your heart and magnanimity, you allow him to recognise them. I do not think there is anything wrong with that.

Sen. (Dr.) Ali: Mr. Speaker, Sir, is the hon. Senator for Nairobi in order to call you a “gracious” man? You are the Speaker of this House. He should not be calling you by name.

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

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

Sen. Sakaja: Mr. Speaker, Sir, it is the Senator for Wajir County who is out of order. He is either claiming that you are not a man and neither are you gracious.

I described the Speaker with an adjective of grace and, of course, the natural, being a man which is in order. However, you are also a gracious and magnanimous Speaker.

The Speaker (Hon. Lusaka): The Senator for Embu County stood on a point of order. He was prosecuting his matter in a wrong way. I ruled him out of order because he did not rise on a point of order.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, the Senator for Nairobi County needs some education. In parliamentary parlance you can talk about a gracious lady who should be a Member or a Senator. You can also talk about an honourable gentleman. That is parliamentary parlance. However, if you begin to call the Speaker the gracious man, in the world of Lesbians, Gays, Bi-sexual and Transgender (LGBT), we do not know where you are heading.

(Laughter)

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

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

Sen. Wetangula: Mr. Speaker, Sir, I will not go into those LGBT things. President Robert Mugabe said clearly that beasts in the wilderness know the difference between male and female.

(Laughter)

Mr. Speaker, Sir, the distinguished Senator for Embu needs some lessons. If he wants audience at equity, he must go with clean hands. He arrived in the Chamber late. Ordinarily, he should have come quietly to consult with you and explained that his students are here; and to kindly be given an opportunity to welcome them although he is late. Instead, he took a wrong route and wrong Standing Order and starts to exhibit authority that he does not have.

(Laughter)

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

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

Sen. Ndwiga: Mr. Speaker, Sir, the Senator for Bungoma is totally out of order. First of all, he did not find out whether I consulted you which I did. You have clearly ruled that I should not have risen on a point of order. I should have waited for you to give me the courtesy to address my students which I now kindly request.

(Laughter)

The Speaker (Hon. Lusaka): With the spirit and effort that you have put in, I allow you to welcome them.

Sen. Ndwiga: I thank you, Mr. Speaker, Sir, for your magnanimity. Allow me to join you and the rest of the House to welcome students from Nyangwa Secondary School in my County of Embu. The school is one of the oldest education institutions in Embu.

I am pleased that today they have the opportunity to visit Parliament on a day when the Senate is this lively. I hope that they will learn a number of things and aspire in future to be good leaders.

I am happy that this is one of the most disciplined schools in my county. We have not had any issues of misbehaviors. This school started as a primary boarding school. It has produced key figures in this Republic. Some of them are the former Minister Joseph Nyaga and his brother the former Chief Whip of the National Assembly, Norman Nyaga, who attended this school when it was primary school.

Today, we are seeing young gentlemen who have an opportunity to be leaders of this Republic in future.

I welcome them to the Senate and hope that they will learn a number of things and see how the Senate interacts freely.

I hope that they will put their effort and focus on shaping the future of this country which depends solely on them.

The Speaker (Hon. Lusaka): Thank you, next Order.

PAPERS LAID

REPORT OF THE MEDIATION COMMITTEE ON THE LAND VALUE INDEX LAWS (AMENDMENT) BILL, 2018

Sen. Mwangi: Mr. Speaker, Sir, I beg to lay the following report on the Table of the House:

Report of the Mediation Committee on the Land Value Index Laws (Amendment) Bill (National Assembly Bills No.3 of 2018)

(Sen. Mwangi laid the document on the Table)

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today Wednesday 10th July 2019:-

THE 2019 BI-ANNUAL REPORT OF THE CAJ

Bi-annual Report for the Commission on Administrative Justice for the period June-December 2018

REPORT OF THE COB ON COUNTY GOVERNMENTS BUDGET IMPLEMENTATION REVIEW

Report of the Controller of Budget on the County Governments Budget Implementation Review for the first nine months of Financial Year 2018/19;

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY AGENCIES/FUNDS

(i) Report of the Auditor-General on the Financial Statements of Busia County Agricultural Development Fund for the Year ended 30th June, 2018;

(ii) Report of the Auditor-General on the Financial Statements of Busia County Cooperative Enterprise Development Fund for the Year ended 30th June, 2018;

(iii) Report of the Auditor-General on the Financial Statements of County Assembly of Kakamega-Car Loan and Mortgage fund for the Year ended 30th June, 2018; and,

(iv) Report of the Auditor-General on the Financial Statements of Bungoma County Disability Empowerment Fund for the Year ended 30th June, 2018.

(Sen. Murkomen laid the documents on the Table)

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THE CPAIC FIDUCIARY RISK REPORT ON
AUDIT ISSUES FOR FYS 2012/13 TO 2015/16

Sen. Linturi: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Wednesday 10th July 2019:

Report of the Senate Sessional Committee on County Public Accounts and Investments on the Fiduciary Risk Report on audit issues by County Governments for the Financial Years 2012/13 to 2015/16;

(Sen. Linturi laid the documents on the Table)

The Speaker (Hon. Lusaka): Next Order.

NOTICES OF MOTIONS

ADOPTION OF THE MEDIATION COMMITTEE REPORT ON
THE LAND VALUE INDEX LAWS (AMENDMENT) BILL, 2018

Sen. Mwangi: Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the report of the Mediation Committee on the Land Value Index Laws Bill (National Assembly Bills No. 3 of 2018) laid on the Table of the Senate on Wednesday 10th July, 2019 and, pursuant to Article 113 of the Constitution and Standing Order No. 161 (3) of the Senate Standing Orders, approves the mediated version of the Bill.

ADOPTION OF THE CPAIC FIDUCIARY RISK REPORT ON
AUDIT ISSUES FOR FYS 2012/13 TO 2015/16

Sen. Linturi: Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Senate Sessional Committee on Public Accounts and Investments on the Fiduciary Risk Report on audit issues by County Governments for the Financial Years 2012/2013 to 2015/2016 laid on the Table of the Senate today, Wednesday, 10th July, 2019.

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

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

The Temporary Speaker (Sen. (Prof.) Kamar): We will go to the next Order which is Statements.

STATEMENTS

STATUS OF THE CURRENT BAN
ON LOGGING IN THE COUNTRY

Sen. Kihika: Madam Temporary Speaker, I rise pursuant to Standing Order No.47(1) to seek a Statement from the Committee on Lands, Environment and Natural Resources on the status of the national policy on the ban on logging in the country by the Ministry of Environment and Forestry.

There is no denying that natural forests are important watersheds, habitats for wildlife, reservoir of biological diversity, carbon sequestration and regional climatic amelioration. As such, conservation, restoration and continued protection of forests will ensure sustainable provision of ecological services.

Premised on these concerns and the lack of rainfall, a moratorium on logging was put in place in February, 2018. It was initially expected to last between three to six months, but on 24th November, 2018, the Government extended the ban on logging in public forests by another one year. The extension of the ban, as explained by the Cabinet Secretary for Environment, Mr. Keriako Tobiko, was to facilitate the rehabilitation of forests through scaling up of tree planting campaigns in order to achieve 10 per cent forest cover by 2022 and pave way for a total overhaul of the Kenya Forests Service (KFS).

According to the Ministry of Environment and Forestry statistics, to achieve the 10 per cent forest cover by 2022, a total of 1,625,036 hectares of additional forest is required for active tree growing and natural regeneration of forests. Currently, the country's canopy forest cover stands at 2 per cent of total land area.

Whereas the intention is, indeed, a noble one and will be of great benefit to the people of Kenya, we cannot ignore the fact that the forestry sector contributes 3.6 per cent of the national Gross Domestic Product (GDP) and 60 per cent of the national energy requirements are met from wood fuel. Since the ban, many business owners, largely sawmill owners, have had to shut down operations. The cost of construction has been rising, with timber and poles becoming scarce and thus more expensive, all of which are doing more harm than good.

In the Statement, the Committee should explain measures that have been put in place to stem the negative socio-economic impact of the ban, especially with regards to its contribution to unemployment. The increase in youth unemployment is quickly becoming a crisis that needs to be addressed since the closure of businesses only seems to worsen the situation.

In Nakuru County, specifically in Elburgon, Molo and Njoro, thousands of youth who were previously engaged as loaders, tree cutters, transporters, millers and other manual duties such as clearing milling zones have been rendered jobless. The situation is further exuberated by the National Treasury's decision to reduce import duty on raw timber from 10 to zero per cent. Whereas we need to increase effort as a country to combat the effects of climate change, this needs to be done in a manner that does not

destroy the only source of livelihoods available to those areas. This is a nationwide problem that needs to be addressed as such.

Economies in counties such as Nyeri, Nyandarua, Kiambu and Kirinyaga have also been adversely affected with hundreds of thousands of Kenyans left without any other source of income, and in some instances, debt, as they are unable to service loans. In many parts of the country, the cost of construction has significantly increased since the moratorium following the shortage of timber. Connected to the same is the fact that Kenyan saw millers are likely not to benefit from the affordable housing agenda as timber required will mainly come from other countries following the reduction in import duty.

The Committee should provide a status report on the process of reforms with regards to the reconstitution of the KFS to address graft claims, which was one of the justifications given for the ban. Connected to the same, a status report should also be provided on the forensic audit of the Green Schools Programme (GSP) and Shamba System ordered by the Ministry to establish the real value of revenue collected vis-à-vis transmitted under the KFS to the National Treasury, valuation and sale of forest stocks and the total acreage of forest land that is still under farming and what mechanisms are being put in place to transition the farmers to other pieces of land.

In addition, the Committee should give a report on how the KFS will raise funding to cover the budget deficits, noting that the Exchequer only gave the Agency Kshs600 million whereas previously it was self-sustaining earning more than Kshs1.5 billion annually from the sale of saw logs.

Lastly, the Committee should further state whether this policy is sustainable and effective owing to the deliverables provided measured against the timelines and available resources. Further, it should be made clear how many extensions are expected or is there a framework under consideration to structure the moratorium on logging and to what extent stakeholders such as saw millers are being engaged. They should also state whether it might time for the Ministry to review the policy and seek alternatives that are more inclusive and address some of the concerns raised.

I thank you.

(Interruption of debate on the Statement)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, before we continue, I have a Communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. ANGELA
ROMBO PRIMARY SCHOOL, KAJIADO COUNTY

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from St. Angela Rombo Primary School in Kajiado County. In our usual

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

I thank you.

(Applause)

(Resumption of debate on the Statement)

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Kihika, I would like to bring to your attention that you read your Statement pursuant to Standing Order No.47(1), but you went ahead to give instructions to a Committee. I have not determined whether it will go to a Committee or not. I will allow a few Members to make their comments before I determine that.

Sen. Olekina: Madam Temporary Speaker, I would like to join you in welcoming the students from Kajiado County. I met the young boys and girls when I was going to the Chamber. I encourage them to aspire to be great leaders because they are the future leaders of this country and they should start learning now. I encourage them and thank their teachers for bringing them. I also encourage more teachers to bring more students. Even the teachers themselves should come and see how we in Parliament represent them.

Madam Temporary Speaker, allow me to contribute in support of the Statement by Sen. Kihika. I request the Committee that will be looking into this Statement to explore ways in which this Government can zero rate the importation of timber for the moratorium to be extended indefinitely until we increase the forest cover in this country.

The ban on logging that was put in place by the Cabinet Secretary (CS), Mr. Keriako Tobiko, has helped improve our environment. Pushing him to end the moratorium will be abetting corruption, destroying our environment and contributing to drought which is affecting our people.

It is true that people who depended on timber are jobless. We can help those people by helping them import timber from neighbouring countries such as Tanzania that has a big forest cover. They can also plant their own trees and use them for commercial purposes.

The Committee should not ask for the ban on logging to be lifted, but it should encourage Treasury to zero rate the importation of timber. That will enable countries that export timber to get an avenue of selling their products in this country. We must increase our forest cover. If we do not do so, we will perish.

As the Senator for Narok County, I will continue ensuring that all the people who cut trees are put into jail. We recently intercepted a truck that was carrying about 1,000 cider posts. We all know that cider trees are endangered species. However, when those people went to court, they were only fined Kshs30,000 and they forfeited the trees. What is Kshs30,000? It is our environment that is important to us.

We should zero rate the importation of timber in this country so as to create jobs for the people who are jobless. We should not lift the ban on logging.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me the opportunity to add my voice on this Statement. I commend the Senator for Nakuru

County, Sen. Kihika, for coming up with this Statement. This Statement is double edged. We need to work on having sustainable forest management. We should manage our forests in a way that Kenyans can utilise the aesthetic---

(Loud consultations)

The Temporary Speaker (Sen. (Prof.) Kamar): Order, Members! Please, consult in low tones.

(Sen. Kihika consulted the Clerk-at-the Table)

Sen. Wetangula: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): What is your point of order Sen. Wetangula?

Sen. Wetangula: Madam Temporary Speaker, the Senator for Nakuru County has made a Statement with far-reaching ramifications on the environment. Is it in order for a Senator who has made a Statement with far-reaching ramifications on the forest cover and environment of this country to walk all over and talk to everybody instead of sitting down and listening to what the Members are commending? How is she going to respond to this matter?

The Temporary Speaker (Sen. (Prof.) Kamar): Order! Order Members. My assumption is that listening and walking are two different activities.

(Laughter)

I am sure that she was listening even as she was walking around.

Sen. Kihika, do you really want to respond to that?

Sen. Kihika: Madam Temporary Speaker, it might be lost to the Senator from Kakamega---

(Laughter)

Sorry, it is Bungoma. It might be lost to him that I am able to walk around as well as listen because I can do the two. They are not mutually exclusive. However, I know that it might be difficult for a man to understand that.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. Sen. (Dr.) Musuruve, go ahead.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker. My time has been interrupted. It is true that women can multi-task; they can do one or more tasks at a time.

I support the Senator for Nakuru County. There is need for us to look for ways of managing our forests in a sustainable way. A well-managed forest can give back to the community. The forest can be a place for recreation; it has aesthetic value and we can also eat some of its produce.

Madam Temporary Speaker, it is true that the saw millers and the charcoal vendors were rendered jobless when the CS banned logging of trees. I am sure that trees

can be fell without chocking the sprouting trees. I believe that everything in this universe has a lifespan and that includes trees. Therefore, we should have a better way of cutting trees to allow the sprouting trees to get enough light and air. There is a need to reconsider the ban on logging so as to ensure that the trees work for us.

Housing is one of the Big Four Agenda. I do not know how we can talk about housing without talking about timber. When building a house, one will definitely need timber. We are talking about importation of timber, but how much money will be used to import timber? We have to relook at this issue and come up with mechanisms that will help us have the trees work for us even as we conserve our environment.

Sen. (Rev.) Waqo: Thank you, Madam Temporary Speaker. I want to add my voice to this important Statement. I also want to congratulate our Party Whip, Sen. Kihika, for coming up with this Statement, which is a clear indication of her concern for the people who have been negatively affected by the ban.

I support the Statement because of the number of families that have been affected. Many people have lost their jobs and their lives have been negatively affected. The saw millers invested in this business, but they cannot even pay for the loans that they took. The Government should look for another way of protecting the environment. We, as a Senate, should stand with the families that have always depended on this business for them to get back to their businesses.

With those few remarks, I support the Statement. It is my prayer that the ban will be lifted.

The Temporary Speaker (Sen. (Prof.) Kamar): Could we hear from Sen. (Eng.) Hargura. There is a lot of interest in this statement. Therefore, I would like us to reduce our contributions to two minutes each because the statements hour will be over before we move to the other two statements.

Kindly proceed, Sen. (Eng.) Hargura.

Sen. (Eng.) Hargura: Madam Temporary Speaker, I support the ban on logging because we have a forest cover level to meet. This statement is under Standing Order No.47. If you commit it to a Committee, there are issues that we need to look into. We have several forests in Marsabit County. A group of women used to depend on the Mt. Marsabit Forest not for logging, but to collect the dead wood for firewood and to earn a livelihood.

When this ban was introduced, the forest was fenced off and nobody has access to it. Those are some side benefits that when such bans are effected, women should not be affected. They need to be regulated. We need to look at the other activities that Kenyans benefit from the forests without affecting the forest cover.

I thank you.

Sen. Wetangula: Madam Temporary Speaker, I have great respect for the distinguished Senator for Nakuru County. I always call her my friend's daughter because I served in the Seventh Parliament with her father.

The statement that Sen. Kihika has made this afternoon is unfortunate, dangerous and must be resisted with all the might. Sen. Kihika has made a very fundamental statement in her request; that our canopy forest cover is two per cent. Countries like South Korea and Japan in the 1950s had a five per cent forest cover. They are now at 70

per cent. Kenya is striving to build our forest cover. To lift the ban on logging is to declare war on the limited forest cover that we have in this country.

Madam Temporary Speaker, in the current budget, the European Union (EU) has given some money to 11 counties, including my county that host water towers. Each of the 11 counties had been awarded Kshs80 million per year for the next three years. When foreigners are helping us to increase our forest cover, how can we come to this House of reason and call for the lifting of the ban on logging?

If you go to the Maasai Mara today, even a three year old child can cross the Mara River because it has no water. Permanent rivers have turned into seasonal rivers. I pass through Elgeyo-Marakwet and Uasin Gishu counties and all the forest between Eldama Ravine and Eldoret has been mowed down and there is no corresponding replanting. It is like we are at war with each other everywhere you go.

Madam Temporary Speaker, I ask the distinguished young Senator from Nakuru County whom I have a lot of respect for that for the sake of the youths that she is talking about, there are jobs that can be found in a different way, rather than turning where they live into Arid and Semi-Arid Land (ASAL) areas and, eventually, deserts because of destruction of trees.

I oppose this Statement. I will follow it to the Committee you send it to and oppose it. I will stand in public and oppose it. This is a statement that does not help this country in any way whatsoever and howsoever.

The Temporary Speaker (Sen. (Prof.) Kamar): I still have more than 10 requests from Senators who want to contribute to this statement. I would like to allow about four Members to make contribution.

I rule that the statement as was read is pursuant to Standing Order 48(1). The Committee will have an opportunity to go and interrogate it and bring it back.

Kindly proceed, Sen. Halake.

Sen. Halake: Madam Temporary Speaker, I rise to support this statement simply because there is a difference between conservation and blanket moratorium on forests which is not the way to improve our forest cover. I know one or two things about forest conservation in this country. I have been in the conservation sector. I know for a fact that it is not because there are youths getting a livelihood from the forest that we have ended up with a forest cover of two per cent. It is because of the fact that even people who are mandated to look after the forest are selling those trees and not looking after the forests.

Therefore, if we decide to cure something with a solution that is not appropriate for it, we will be in the same or worse situation. Conservation is not about not benefitting from the forest covers. If communities cannot benefit, what is the point of the forest cover? Forest cover is not going to provide a benefit, but communities must see a benefit to it economically and otherwise. I do not think that putting a moratorium that is endless which disadvantages the communities that are conserving is going to give us what we want. What we want as other sustainable solutions to our forest cover, is the Cabinet Secretary in his capacity and mandate to make sure that we get the forest cover.

Madam Temporary Speaker, in the last year alone, about 50 forests were gazetted. The Government has the capacity to gazette and do everything in its power to meet the forest cover without putting the moratorium because it is a very lazy way of saying that

they are conserving. Putting a moratorium is not conservation. I, therefore, support this statement because forests should give us some benefits which must go to the youths.

I thank you.

The Temporary Speaker (Sen. (Prof.) Kamar): Kindly proceed, Sen. Wario. You have two minutes.

Sen. Wario: Asante, Bi. Spika wa Muda, kwa kunipa fursa hii. Kuna haja ya kuhifadhi mazingara yetu hasa misitu ya asili na misitu iliyopandwa. Nilipata fursa ya kutembea na Waziri, Tobiko katika misitu iliyopo Tana Delta, Kaunti ya Tana River. Katika kuhifadhi misitu katika kaunti yangu, kuna miti ya Mathenge ambayo inamea kila mahali na inaharibu mazingara. Sehemu ya Tana Delta ambapo tunalisha ng'ombe zetu, Mathenge imemea na kuharibu mazingira yetu.

Bi Spika wa Muda, si ukweli kwamba miti yote inatengeneza mazingira. Ukiona athari ya miti ya Mathenge utatambua kwamba miti zingine zinaharibu mazingira. Mathenge inawezamea katika sehemu za ukame na inamea kwa wingi sana. Ina haribu mazingira na kuzia nyasi kumea. Ng'ombe hukosa nyasi hivyo kusababisha uharibifu.

Ingekuwa vyema kama---

The Temporary Speaker (Sen. (Prof.) Kamar): Your time is up, Sen. Wario!

Kindly proceed, Sen. Wambua.

Sen. Wambua: Madam Temporary Speaker, I will try to limit myself to the two minutes. With due respect to my friend, the Senator for Nakuru County, this is a dangerous statement. I would like to go on record that I am opposed to it. I wonder why the Senator for Nakuru County would imagine that we would lift the ban on logging. I say that wherever this statement goes, it must fall.

Sen. Omanga: On a point of order, Madam Temporary Speaker. Is it in order for the Senator from Kitui to instil fear and threaten us that this is a very dangerous statement yet this is House of debate? We do not have to agree always. We are not in a choir where alto has to sing and blend with soprano. We have to debate and agree to disagree agreeably.

Madam Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, under the Standing Order No.48(1), when a Member makes a Statement, you are to contribute to the Statement and not to debate the Statement now, because under Standing Order No.48(1), the Committee is going to interrogate and bring it back. Give us your contribution that may favour you when the Committee sits. I agree that we do not want to conclude because we have said that it is now Standing Order No.48(1).

Sen. Wambua: Madam Temporary Speaker, I am properly guided. However, I want more guidance from you on the following. One, what Standing Order according to Sen. Omanga have I contravened? Two, when a Senator says, it is a good Statement, that is okay and when I say it is dangerous, it is not okay. I need clarity on how to proceed on this matter.

Madam Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senator, do not stand on a point of order when you want to contribute. Please, contribute so that you can conclude.

Sen. Wambua: Madam Temporary Speaker, I am not debating, but I am seeking guidance from the Chair. What Standing Order have I contravened?

The Temporary Speaker (Sen. (Prof.) Kamar): I have given the explanation that we shifted the Statement from Standing Order No.47(1) to Standing Order No.48(1). When a Statement is under Standing Order No.48(1), when any Member makes a Statement, we generously allow from this Chair, opportunity for you to ventilate on it, but it is on its way to a committee.

When a Statement is on its way to a Committee, we are not going to be conclusive, but we allow you to ventilate so that the Committee can be guided by the sentiments of the House. Please, give your sentiments without necessarily giving a direction because the debate is going to be done when the report comes back.

Sen. Wambua: Thank you, Madam Temporary Speaker. You have just told me to continue the way I was doing it. This is a dangerous Statement. Dangerous to the environment and the future of this country.

Sen. Ochillo-Ayacko: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Ochillo-Ayacko, are you on a point of order?

Sen. Ochillo-Ayacko: Yes, Madam Temporary Speaker. With reluctance to disrupt my colleague Senator of Kitui County, Sen. Omanga rose on a point of order, but when I listened to it, I did not see any order that was contravened. Would I be in order to ask you to rule Sen. Wambua out of order for raising a frivolous point of order?

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senator, when we have ruled on an issue, we do not go back to it. Please, for your information, if you want to stand on a point of order, you have to come immediately; within the statement of the person so that you are in order.

Sen. Sakaja, you may now proceed. One minute, please.

Sen. Sakaja: No. Madam Temporary Speaker, you had ruled it is two minutes, it cannot become one minute when I am now---

Sen. Wambua: Madam Temporary Speaker, I was still on the Floor. Really!

(Laughter)

The Temporary Speaker (Sen. (Prof.) Kamar): Sorry. It is true, Sen. Wambua was still on the Floor. Sen. Wambua, please, can you conclude in the next half a minute?

(Laughter)

Sen. Wambua: Madam Temporary Speaker, now you can see the justification for saying that this Statement is dangerous. I am on the Floor. I have not even been able to say anything. Let me try to conclude by saying that when I was growing up in the 1980s, Kitui is known to be a rain deficit region, but we have got some semblance of trees on some mountains.

Today, those mountains have been completely cleared by loggers and what we should be doing now is actually tightening the rules and any laws on logging, impose strict ban on logging for the next 10 years alongside making sure that we do serious re-forestation. We should establish tree nurseries all over this country and make a national

programme that every Kenyan is seized of the matter of planting and growing trees. I completely and totally oppose the Statement.

The Temporary Speaker (Sen. (Prof.) Kamar): Finally. Sen. Sakaja. Senators, I have 10 minutes for the next two Statements.

Sen. Sakaja: Thank you, Madam Temporary Speaker. I hope my time is being counted from now. First of all, I just want to concur with your assertion, that when a Statement is brought, the comments we make in a Statement cannot be dangerous in so far as to affect the outcome, but the deliberation and resolution in the Committee is what can actually be dangerous; what the Committee brings to us.

When you bring comments, it can either be positive or negative comments without being fully dismissive of any Senator's effort to raise an issue. I understand where Sen. Kihika might be coming from. I believe strongly that the ban on logging should not be lifted, but we need to look at mitigating factors.

In the last Budget speech, the Cabinet Secretary of the national Treasury went a step ahead to zero-rate importation. I heard Sen. Olekina ask him that it should be zero-rated. Today, importation of timber has been zero-rated. That is good for our forest cover. Right now, the ban on logging might inconvenience a few, but the lifting of it will convenience all of us and the future of this country.

(Applause)

Madam Temporary Speaker, we need to be looking at how to regulate certain aspects, for instance, my concern in Nairobi is that, I have young people who are making furniture along Ngong Road, Huruma, Kamkunji and Gikomba. The *ad valorem* import duty of finished furniture is at 25 per cent. We should be talking about raising it to 40 or 50 per cent, so that it is still cheaper to import timber and finish it here as opposed to accepting logging, or buying cheap furniture from China.

We need to look at how this can happen. That is why when it goes to this Committee, we need an objective discussion about how we can protect our environment. That is for posterity. We have not inherited our environment from our fathers, but we are keeping it for our children and future generations, such that, while there might be a temporary inconvenience, the ban on logging should not be time bound. It should remain until we have reached above 15 per cent forest cover or whatever threshold that has been set, but for now, let us see what mitigating factors we can have to regulate the given aspect so that there is collection of dead wood, which is okay.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I know many Senators would like to contribute. If discipline came in and I gave out one minute each for the remaining three. One minute to Sen. Zawadi, you may proceed.

Sen. Zawadi: Asante sana, Bi.Spika wa Muda, kwa kunipa nafasi hii kuchangia Arifa iliyo hapa mbele yetu. Kusema ukweli, Mwenyezi Mungu aliumba Wanyama na msitu viwe visaidizi kwa mwanadamu. Vile vile, Serikali ilipokuwa inakataza watu wasikate misitu, walifunga njia lakini hawakufungua njia. Walisema watu wasikate, lakini kuna watu ambao walikuwa wanaishi wakitegemea hiyo misitu. Hawakuwatolea

njia baada ya kufunga misitu. Ni jambo gani mwanachi wa kawaida atafaidika nacho tena?

Wamewacha watu wakiwa wanateseka. Kuna watoto ambao hata hawaendi shule. Shule ni za bure lakini kuna vitu vingine si bure kwa sababu ni lazima mtoto awe na sare ya shule na vitu vingine ambavyo vinahitajika.

Vile vile, kuna sehemu zingine, hakuna viwanda vya kazi, wanategemea hiyo misitu wako nayo iwasaidie kwa kuni, makaa na vitu vingine vingi. Waliposema watu wasikate misitu hawakuto njia mbadala.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. Sen. Mutula Kilonzo Jnr., one minute, please.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker, I cannot agree to any proposal of this nature. Yesterday, I was in a function where I was threatened by people who said that they would not vote for me because I have been fighting for forests in Makueni. I am on record on this Senate as having challenged the lifting of the moratorium by the then Cabinet Secretary, Prof. Wakhungu, on trees in Makueni.

I would like to say this without any fear; this is criminal enterprise. It is not about employment. It is about cartels of people who have never planted a tree in their life. They want to harvest trees that are 60 years old for purposes of their pockets. We cannot agree when countries in Europe have 500 or 600 acres of trees and then, you find somebody who is doing criminal enterprise; buying and cutting trees aimlessly. We cannot allow this to happen.

Madam Temporary Speaker, wherever this Statement goes, I would oppose it; if it lands under the sea, I will oppose it. We will do whatever it takes to oppose this sort of thing; it is wrong!

(Laughter)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you very much, Senator.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM TOP BRIGHT
ACADEMY SCHOOL, KAJIADO COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Top Bright Academy School in Kajiado County.

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

I thank you.

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Proceed, Sen. Seneta.

Sen. Seneta: Thank you, Madam Temporary Speaker. I welcome students from the two schools from Kajiado County, and wish them all the best as they observe the proceedings of the Senate.

(Resumption of Statements)

Madam Temporary Speaker, I also oppose this Statement. The issue of forestry in this country is very important. The drought we are facing in every corner of this country today is because of the lack of forest cover in our Republic. I, therefore, oppose this Statement.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you.

Finally, Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker, for also giving me this chance to contribute to this Statement. I am opposing it. I come from Bomet County near Mau Forest. By the way, it is Mau Forest just by name; there are no trees there any more. There are many things we can gain from trees without having to cut them. For example, we can get fruits and honey. In the past, forests used to even be a home to the Ogiek Community. However, right now, they have no place there because they do not cultivate crops, but rely on berries from trees as well as honey.

Madam Temporary Speaker, I remember when I was growing up, there was fresh air around my place. However, right now, it is not there because the forest cover has been cleared. Secondly, we had big rivers that were flowing, but all of them have dried up. In any case---

(Sen. (Dr.) Milgo's microphone went off)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator.

Hon. Senators, that Statement, therefore, stands committed to the Senate Committee on Lands, Environment and Natural Resources.

The next Statement is from the Senator of Kirinyaga County, Sen. Kibiru.

DETERIORATING STATE OF HEALTH SERVICES IN
PUBLIC HOSPITALS ACROSS THE COUNTRY

Sen. Kibiru: Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order. 48(1) to seek a Statement from the Senate Committee on Health concerning the deteriorating state of health services in public hospitals across the country. This is due to lack of equipment and strikes by medical staff in the counties.

In the Statement, the Committee should-

(1) Explain the measures put in place to ensure that counties procure their medical equipment directly, as opposed to the current initiative of leasing medical equipment that is spearheaded by the national Government.

(2) Show progress made by the national Government, if any, to implement the 2013 Collective Bargaining Agreement (CBA) which provided for the increment of salaries of doctors, better working conditions, facilitation for capacity building, among other agreeable demands.

(3) State measures put in place by the national Government and county governments to improve doctor to patient ratio and quality of health services across the counties.

(4) Outline the mechanisms put in place for research and knowledge sharing between the national Government and county governments in the management of the health function, including emerging diseases and emergencies. Finally,

(5) Indicate what emergency measures have been put in place to ensure medical and health services in the counties of Kirinyaga, Laikipia and Kisii, which are mostly affected by the strike of medical and health personnel, do not deteriorate further.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I will only allow the first two interventions from Sen. Kinyua and Sen. Farhiya; we can then go to Division.

Proceed, Sen. Kinyua.

Sen. Kinyua: Thank you, Madam Temporary Speaker, for giving me this opportunity. I support the Statement by Sen. Kibiru from Kirinyaga County. It is true that the state of health facilities has deteriorated. In fact, they are deteriorating from bad to worse. If you come to Laikipia, many facilities are grinding to a halt because---

(Several Senators stoop up on their feet)

Madam Temporary Speaker, I cannot see you because some Senators are standing between me and you.

(Laughter)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, please, take your seats so that he can communicate well.

Sen. Kinyua: Thank you, Madam Temporary Speaker. It is true that many doctors have signed the CBA, but our county governments are not adhering to them. Therefore, if you visit many of these hospitals, the wards are empty. It is only the clinical officers who are working and our people cannot afford to pay these private clinics. It is, therefore, becoming very difficult for our people to survive on those areas

Madam Temporary Speaker, I recommend that we be on the look-out to find out whether we have some people who are working hard to ensure that the health services are taken back to the national Government. We have realised that in every county, from Kirinyaga, Laikipia to Kisii and even Kakamega, the conditions have deteriorated. We must, therefore, be on the lookout in as far as we are pushing the governors to take responsibility, because health is a devolved function.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator.

Proceed, Sen. Farhiya.

Sen. Farhiya: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to this issue. I thank Sen. Kibiru for raising this Statement.

(Loud consultations)

The issues around health have been major---

Madam Temporary Speaker, you need to protect me. There is so much noise that I cannot even hear what I am saying.

The Temporary Speaker (Sen. (Prof.) Kamar): Order, hon. Senators! Please, consult in low tones so that we can hear one another.

Sen. Farhiya: Madam Temporary Speaker, there are many issues in health and our Committee on Health needs to be more proactive than it is. In some of those counties, there is no medication and some of the equipment still lies idle without being used. Most counties are not also following the CBAs that were negotiated between the national Government and county governments.

Madam Temporary Speaker, I do not know how we have been talking about the issue of funds following functions in this House, and yet we have never been able to implement it. We still have a lot of money at the centre. There has to be a mechanism for this House to ensure that funds follow functions. If we do not address the issue around health conclusively, Kenyans might get so tired of a lot issues around health that they might want the national Government to take back the health function.

Madam Temporary Speaker, since the role of this House is to protect counties, we need to rise to the occasion and be counted. We need to act on issues around health promptly.

Thank you.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, very much Senators. We will stand down the next Statements.

ACTIVITIES OF THE COMMITTEE ON ICT

(Statement deferred)

ACTIVITIES OF THE COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS

(Statement deferred)

ACTIVITIES OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE

(Statement deferred)

ACTIVITIES OF THE COMMITTEE ON LAND, ENVIRONMENT

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AND NATURAL RESOURCES

(Statement deferred)

ACTIVITIES OF THE COMMITTEE ON NATIONAL COHESION,
EQUAL OPPORTUNITY AND REGIONAL INTEGRATION

(Statement deferred)

ACTIVITIES OF THE COMMITTEE ON NATIONAL SECURITY,
DEFENCE AND FOREIGN RELATIONS

(Statement deferred)

Sen. Sakaja: On a point of order, Madam Temporary Speaker. On behalf of Committee Chairpersons, I would like to register a protest. Every item on the Paper Order is as important as the other. Since last week, Statements under Standing Order No. 51(1)(b) for Committees to report their progress every quarter, are always postponed when it is convenient. In fact, today we have had a Committee on Liaison meeting and we raised the same.

For the record of the House, committees have been working in this House. There are reports that need to be given for every quarter. Senators have been seeking Statements and they need to be told the status of their Statements and petitions. However, it is as if Standing Order No.51(1)(b) is subservient to other provisions and Statements that are within our Order Paper. Let that be noted.

I am sure the Chairpersons who are here agree with that position. Sen. Cherargei has been walking around with his file the whole week. Many other Senators including myself have also been walking around with our files. We want to be accountable to this House on the work that Committees do. Members always say here that 60 percent, if not 80 per cent, of the work of this House is done in committees and we must be accountable.

Madam Temporary Speaker, I have Statements for Sen. Khaniri, the Senator for Migori County and Sen. (Rev.) Waqo. In fact, I have Statements even inviting Members to work next week but we do not give them. When Members stand to raise questions about their Statements, they make it look like Chairpersons of Committee are not working yet, you are not giving us an opportunity to report on that work that you have given to us.

You have already ruled that we go to vote but I must register that protest on behalf of Committee Chairpersons.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senator, I know you are conversant with our Standing Orders, especially Standing Order No.46 on the Statement Hour. I started Statements at 3.15 p.m. and we have finished our hour. In fact, that hour is not supposed to be later than 4.00 p.m. Please, let us not change our Standing Orders on the Floor. If we have said the Statement Hour ends at 4.00 p.m., it ends at 4.00 p.m.

Notwithstanding that, when it comes to voting also, we need the chairpersons to take a very prominent role because we have had votes that have been taken. If you look at the Order Paper today, we have a lot of Committee Stage votes that have not taken place. Please, Committee on Liaison, talk to the Members of your committees so that we clear the backlog because we truly have a lot of backlog. Notwithstanding that, I have noted what you have said. We know that we really would like to reach the Order on Statements under Standing Order No.51(1)(b). However, I think it was a request from the leadership of the House, that we go to vote now because we are all in here. Let us finish that task.

Thank you.

Next Order.

We will read the two Orders where the votes will take place so that we do not re-read. Please, read both.

MOTION

ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE IRRIGATION BILL, 2017

THAT, the Senate adopts the Report of the Mediation Committee on the Irrigation Bill (National Assembly Bills No.46 of 2017) laid on the Table of the Senate on Wednesday, 3rd July, 2019 and pursuant to Article 113 of the Constitution and Standing Order No.161(3) of the Senate Standing Orders, approves the mediated version of the Bill.

(Sen. Ndwiga on 4.7.2019)

(Resumption of debate interrupted on 4.7.2019)

Hon. Senators, let us prepare to vote. With that, I order that the Division Bell be rung for two minutes.

(The Division Bell was rung)

I now order the Bars be drawn and Doors locked.

(Bars were drawn and doors locked)

(Voting in progress)

The Temporary Speaker (Sen. (Prof.) Kamar): That is the end of voting. Can we have those who need assistance to come forward?

(Several hon. Senators walked to the Clerks-at-the Table and registered their votes)

Order, Members! We will go to the next one.

Hon. Senators, I now put the Question; that The Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No.38 of 2018) be now read a Second Time. Please, log in and start voting. Those who need assistance should come forward.

(Voting in progress)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, please resume your seats so that we can give you the results.

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the Irrigation Bill (National Assembly Bill No.46 of 2017 laid on the Table of the Senate on Wednesday 3rd July, 2019 and pursuant to Article 113 of the Constitution and Standing Order No. 161 (3) of the Senate Standing Orders approves the mediated version of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil

The Temporary Speaker (Sen. (Prof. Kamar): Hon. Senators, the results of the voting are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

“The Ayes have it.

(Question carried by 30 votes to nil)

BILL*Second Reading***THE KENYA MEDICAL SUPPLIES AUTHORITY (AMENDMENT) BILL
(SENATE BILLS NO. 38 OF 2018)***(Sen. Seneta on 18.6.2019)**(Resumption of debate interrupted on 9.7.2019)***DIVISION****ELECTRONIC VOTING**

(Question, that the Kenya Medical Supplies Authority (Amendment) Bill (Senate Bills No.38 of 2018 be read a Second Time put and the Senate proceeded to vote by County delegation)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil

The Temporary Speaker (Sen. (Prof. Kamar): Hon. Senators, the results of the voting are as follows:

AYES: 30

NOES: Nil

ABSTENTIONS: Nil

“The Ayes have it”.

(Question carried by 30 votes to nil)

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

The Temporary Speaker (Sen. (Prof. Kamar): Hon. Senators, in the spirit of what Sen. Sakaja had said earlier, that we need to finish our backlog, I plead with Members that we go through the Committee of the Whole and Division of the next Order Nos.10, 11, 12, 13, 14 and 15. We are only voting. So, please, remain in your seats.

Next Order.

COMMITTEE OF THE WHOLE

(Orders for Committee read)

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

IN THE COMMITTEE

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

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

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are voting. You can now draw the Bars and close the doors.

(The Bars were drawn and doors closed)

Hon. Senators, we are now considering the Data Protection Bill (Senate Bills No.16 of 2018). We are at the Division Stage.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 20, 23, 25, 27 and 30 be deleted as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko,

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Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 29

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 29 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24, 28, 29, 31, 36, 38, Clause 2 and Clause 1, be amended as proposed, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang’, Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that New Clause 3A, 3B, 3C, 3D, 3E, 3F, 3G, 7A, 16A, 18A, 31A and 39A be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 3(as amended), 4(as amended), 5, 6(as amended), 7(as amended), 8(as amended), 9(as amended), 10(as amended), 11(as amended), 12(as amended), 13(as amended), 14(as amended), 15(as amended), 16(as amended), 17(as amended), 18(as amended), 19(as amended), 21(as amended), 22(as amended), 24(as amended), 26, 28(as amended), 29(as amended), 31(as amended), 32-35, 36(as amended), 37,38(as amended), 39, New Clause 3A, 3B, 3C, 3D, 3E, 3F, 3G, 7A, 16A, 18A, 31A, 39A, Clause 2(as

amended), the Title and Clause 1(as amended) be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to nil)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we want to give progress report on the Data Protection Bill (Senate Bills No. 16 of 2018). Could we hear from the Mover?

Sen. Moi: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Data Protection Bill (Senate Bills No. 16 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

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

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are reporting progress on the County Statutory Instruments Bill (Senate Bills No. 21 of 2018). Could we hear from the Mover?

(Sen. Farhiya stood at her place)

The Temporary Chairperson (Sen. Nyamunga): Senator, please come to the Dispatch Box.

(Sen. Farhiya moved to the Dispatch Box)

Sen. Farhiya: Madam Temporary Chairperson, I beg to move that the Committee do report to the House its consideration of Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018) and its approval thereof---

The Temporary Chairperson (Sen. Nyamunga): Hon. Senator, it is the County Statutory Instruments Bill (Senate Bills No. 21 of 2018). Please repeat that.

Sen. Farhiya: Thank you, Madam Temporary Chairperson.

I beg to move that the Committee do report to the Senate its consideration of the County Statutory Instruments Bill (Senate Bills No. 21 of 2018) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

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

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

We are considering the National Cohesion and Peace Building Bill (Senate Bills No.35 of 2018).

Can we have the assisted voters?

(Sen. Moi walked to the Clerks-at-the-Table and registered his vote)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, you can start voting.

(Voting in progress)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, there are two Senators who have not voted.

Please come forward for assistance.

(Sen. Moi approached the Clerks-at-the-Table)

and registered his vote)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 9, 11, 15, 34, 38, 44, 45 and 52 be amended as proposed, put and the Senate proceeded to vote by county delegations.)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County ;Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County ; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County; Sen. (Dr.) Zani, Kwale County.

NOES: Nil

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

AYES: 31

NOES: Nil.

ABSTENTIONS: Nil.

The "Ayes" have it.

(Question carried by 31 votes to nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 3-8, 9 (as amended) 10, 11 (as amended) 12-14,15(as amended)16-33,34 (as amended)39-43, 44 (as amended)46-51, 52(as amended) the First Schedule, the Second Schedule, the Third Schedule, Clause 2, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by county delegations.)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kihika,

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Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County ; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 30

NOES: Nil.

ABSTENTIONS: Nil.

The “Ayes” have it.

(Question carried by 30 votes to nil)

The Temporary Chairperson (Sen. Nyamunga): Could we hear from the Mover, Sen. (Rev.) Waqo

Sen. (Rev.) Waqo: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the National Cohesion and Peace Building Bill (Senate Bills No.35 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators we are moving to the next Bill.

Sen. Faki and Sen. Wario, please, approach the Chair.

(Sen. Faki and Sen. Wario walked to the Clerk's Table and registered their votes)

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

Hon. Senators, I now put the question; that Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, New Clause 13A, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill.

Please, vote.

(The Senators proceeded to vote)

DIVISON

ELECTRONIC VOTING

*(Question, that New Clause 13A be now read a Second Time put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen.(Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Murkomen, Elgeyo Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Moi, Baringo County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County ; Sen. Orenge, Siaya County ; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to nil)

DIVISON

ELECTRONIC VOTING

*(Question that Clause 16 be deleted put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen.(Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen.

Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Moi, Baringo County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County; and, Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 32

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 32 votes to nil)

(Clause 16 deleted)

DIVISION

ELECTRONIC VOTING

(Question that Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, New Clause 13A, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen.(Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Moi, Baringo County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County; and, Sen. (Dr.) Zani, Kwale County.

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NOES: Nil.

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

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 33 votes to nil)

The Temporary Chairperson (Sen. Nyamunga): I now call upon the Mover, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Chairperson, I beg to move that the Committee of the Whole do report to the Senate its consideration of The Determination of the Nature of Bills (Procedure) Bill (Senate Bills No.30 of 2018) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

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

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now moving to the County Oversight Accountability Bill, Senate Bill No 28 of 2018.

The Bill has no amendments so I proceed to put the question.

(Voting in progress)

Sen. Faki, kindly approach the Clerks-At-the-Table and register your vote.

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

Senator for Baringo County, please come at the Clerks-at-Table and register your vote.

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

DIVISION**ELECTRONIC VOTING**

*(Question, that Clauses 3-20, Clause 2, the Title and Clause 1
be part of the Bill, put and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Murkomen, Elgeyo-Marakwet; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita-Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 33

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 33 votes to nil)

Sen. Olekina: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration on the County Oversight and Accountability Bill (Senate Bills No.28 of 2018) and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, we are now moving to the last Bill.

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

(Consideration of Recommitted Clause 4)

The Temporary Chairperson (Sen. Nyamunga): Sen. Farhiya, please respond on the recommittal.

Sen. Farhiya: Madam Chairperson, I had sought a recommittal of New Clause 4 of this Bill on Wednesday 19th June, 2019. Upon further consultations with the Committee on Justice, Legal Affairs and Human Rights, I am assured that my proposed amendments have been incorporated in the wider context of the Bill.

I beg to withdraw my proposed amendments.

(The proposed amendment to Clause 4 was withdrawn)

The Temporary Chairperson (Sen. Nyamunga): Hon. Senators, that being the case and owing to the fact that on Wednesday 19th June, 2019 the Senate voted on all the clauses of the Bill, only for it to be recommitted.

I, therefore, call upon the mover to report.

Sen. Farhiya: Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the Statutory Instruments (Amendment) Bill, (Senate Bills No.22 of 2018), thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS AND CONSIDERATION OF REPORTS

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Members, we are now ready for reporting, the first one being the report on the Data Protection Bill, Senate Bills No.16 of 2018. Proceed, Chairperson.

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

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Data Protection Bill (Senate Bills No.16 of 2018), and its approval thereof with amendments.

The Temporary Speaker (Sen. (Prof.) Kamar): Mover?

Sen. Moi: Madam Temporary Speaker, I beg to move that the House agrees with the Committee on the said report.

Sen. Omogeni seconded.

(Question proposed)

(Question put and agreed to)

Sen. Moi: Madam Temporary Speaker, I beg to move that the Data Protection Bill (Senate Bills No.16 of 2018) be now read a Third Time.

Sen. Omogeni seconded.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): The Division will be at the end.

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

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the County Statutory Instruments Bill (Senate Bills No.21 of 2018) and its approval thereof with amendments.

The Temporary Speaker (Sen. (Prof.) Kamar): Mover?

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

I request Sen. Faki to second.

Sen. Faki: I second.

(Question proposed)

(Question put and agreed to)

Sen. Farhiya: Madam Temporary Speaker, I beg to move that the County Statutory Instruments Bill (Senate Bills No.21 of 2018), be now read a Third Time.

I request Sen. Omogeni to second.

Sen. Omogeni: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): The Division will be at the end.

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

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the National Cohesion and Peace Building Bill (Senate Bills No.35 of 2018) and its approval thereof with amendments.

The Temporary Speaker (Sen. (Prof.) Kamar): Mover?

Sen. (Rev.) Waqo: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said report. I request Sen. Seneta to second.

Sen. Seneta: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

Sen. (Rev.) Waqo: Madam Temporary Speaker, I beg to move that the National Cohesion and Peace Building Bill (Senate Bills No.35 of 2018) be now read a Third Time. I request Sen. Olekina to second.

Sen. Olekina: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Division will be at the end.

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

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the Determination of the Nature of Bills (Procedure) Bill (Senate Bills No.30 of 2018) and its approval thereof with amendments.

Sen. Mutula Kilonzo Jnr. Madam Temporary Speaker, I beg to move that the House do agree with the Committee of the Whole in the said Report and ask Sen. Orengo to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I beg to second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Mutula Kilonzo Jnr. Madam Temporary Speaker, I beg to move that the Determination of the Nature of Bills (Procedure) Bill (Senate Bills No.30 of 2018) be now read a Third Time. I request Sen. Orengo to second.

The Senate Minority Leader (Sen. Orengo): Madam Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Division will be at the end.

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

Sen. Nyamunga: Madam Temporary Speaker, I beg to report that the Committee of the Whole has considered the County Oversight and Accountability Bill (Senate Bills No.28 of 2018) and its approval thereof without amendment.

The Temporary Speaker (Sen. (Prof.) Kamar): Mover.

Sen. Olekina: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report and request Sen. Gideon Moi to second.

Sen. Moi: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Prof.) Kamar): Mover, proceed.

Sen. Olekina: Madam Temporary Speaker, I beg to move that the County Oversight and Accountability Bill (Senate Bills No.28 of 2018) be now read a Third Time. I request Sen. Madzayo to second.

Sen. Madzayo: Madam Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Division will be at the end.

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

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

Sen. Farhiya: Madam Temporary Speaker, I beg to move that the House do agree with the Committee on the said Report and request Sen. Omanga to second.

Sen. Omanga: Madam Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Prof.) Kamar): Mover.

Sen. Farhiya: Madam Temporary Speaker, I beg to move that Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018) be now read a Third Time. I request Sen. (Rev.) Waqo to second.

Sen. (Rev.) Waqo: Madam Temporary Speaker, I second.

(Question proposed)

The Temporary Speaker (Sen. (Prof.) Kamar): Division will be at the end.

Hon. Senators, now that the Bills are ready, we will go to Division one by one. We will start with the Data Protection Bill (Senate Bills No.16 of 2018).

If you can all log in, it will be much easier for us and we will finish fast.

(Voting in progress)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, resume your seats. We need to declare the results.

THIRD READINGS

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

DIVISION

ELECTRONIC VOTING

(Question, that the Data Protection Bill (Senate Bills No. 16 of 2018) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County ; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County ; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County ; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County ; Sen. Orengo, Siaya County ; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

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NOES: Nil.

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

AYES: 30

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 30 votes to nil)

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

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

DIVISION

ELECTRONIC VOTING

(Question, that the County Statutory Instruments Bill (Senate Bills No. 21 of 2018) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang, Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to nil)

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

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

DIVISION

ELECTRONIC VOTING

(Question, that the National Cohesion and Peace Building Bill (Senate Bills No. 35 of 2018) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 30

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 30 votes to nil)

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

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

DIVISION

ELECTRONIC VOTING

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(Question, that the Determination of the Nature of Bills (Procedure) Bill (Senate Bills No. 30 of 2018) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Orenge, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 30

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 30 votes to nil)

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

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

DIVISION

ELECTRONIC VOTING

(Question, that the County Oversight and Accountability Bill (Senate Bills No. 28 of 2018) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang', Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.)

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Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County; Sen. Orengo, Siaya County; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

NOES: Nil.

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to nil)

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

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

DIVISION

ELECTRONIC VOTING

(Question, that the Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. (Dr.) Ali, Wajir County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Halake, Isiolo County; Sen. M. Kajwang’, Homa Bay County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County ; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. (Dr.) Milgo, Bomet County; Sen. Moi, Baringo County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County ; Sen. Nyamunga, Kisumu County; Sen. Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County ; Sen. Omanga, Nairobi City County; Sen. Omogeni, Nyamira County ; Sen. Orengo, Siaya County ; Sen. Seneta, Kajiado County; Sen. Wambua, Kitui County; Sen. (Rev.) Waqo, Marsabit County; Sen. Wario, Tana River County; Sen. Wetangula, Bungoma County and Sen. (Dr.) Zani, Kwale County.

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NOES: Nil.

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 31 votes to nil)

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

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I now direct that the doors be opened and the Bars be drawn.

(The doors were opened and the Bars undrawn)

ADJOURNMENT

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, for the convenience of the House, it is now 6.26 p.m. The Senate stands adjourned until tomorrow, Thursday, 11th July, 2019 at 2.30 p.m.

The Senate rose at 6.26 p.m.