

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 1<sup>st</sup> March, 2017

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

*[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]*

### PRAYER

### PETITION

#### HISTORICAL INJUSTICES SUFFERED BY THE TALAI CLAN

**Sen. Sang:** Mr. Deputy Speaker, Sir, pursuant to Article No.119 of the Kenyan Constitution and Part XXIV of the Senate Standing Orders, concerning historical injustices suffered by the Talai Clan, I present this petition on behalf of the undersigned who are the citizens of the Republic of Kenya, residents of Nandi County and Members representing the entire Talai Clan in the greater Nandi County and parts of Kericho County in the Rift Valley region.

In the Petition, I wish to draw the attention of the Senate to the following-  
THAT, we are the members of the Talai Clan which comprise the following sub-clans;

- (a) Kapturgat;
- (b) Kapsogon;
- (c) Kapmararsoi;
- (d) Kapchesang; and Kapsanet.

THAT, the said sub-clans are residents of Kapsisiywa Location of Nandi County, an area created under the Laibons Removal Ordinance of 1934 and many other members numbering approximately 10,000 are scattered across the Rift Valley Region including Kericho, Uasin Gishu, Trans Nzoia, Baringo, Elgeyo-Marakwet and Laikipa counties.

THAT, the Talai Clan suffered numerous historical injustices from back in 1905 at the hand of the colonialists and continues to suffer from the effects of such injustices. These injustices include-

- (a) Systematic abuse of their fundamental human rights and civil rights by way of mass murder;
- (b) Detention without trial;
- (c) Economic crimes through unfair confiscation of their property including cattle;

- (d) Imposition of internal exile and travel restrictions;
  - (e) Forceful evictions from their ancestral land which includes various parcels of land in Nandi Hills area; Kipchamo and Kiptega Estates;
  - (f) Forceful transfer of populations leading to loss of their fertile ancestral lands;
- and
- (g) Brutal assassination of their leader, Koitalel Samoei.

THAT during the pre-colonial period, the Talai Clan held a prominent position among the Nandi, Kipsigis and Tugen communities and provided political, military and religious leadership. Some of the famous leaders from the clan include Kimnyolei who foresaw the British invasion and the coming of the white snake (the train) and Koitalel Samoei who led the Nandi resistance against the British invasion for 12 years between 1890 and 1906.

THAT as a consequence of their prominence, members of the Talai Clan became a target for the colonialist who exerted brutal force by raids, battles, killings and burning of crops and property and confiscation of livestock. The colonialists also employed various divide and rule tactics such as claiming that the Talai Clan were wizards and sorcerous so as to alienate them from the other clans.

THAT, the colonialists also killed Koitalel Samoei, the Talai and Nandi leader on 19<sup>th</sup> October, 1905. They beheaded him but to date, have not purged this desecration. They have also failed to return his head for decent burial which is believed to be hidden somewhere in the British museums.

THAT, through the passage of the Natives Removal Ordinance in 1909, the British colonialists began a systematic operation akin to ethnic cleansing by harassing, arresting and detaining various Talai Community leaders. Some of the leaders were deported and banished to internal exile in 1914 as follows-

(1) Kipchomba arap Koilegei was deported to Murang'a and died on 18<sup>th</sup> July 1916 and was buried at an unknown location in Muranga.

(2) Kipngetich arap Boisio was deported to Nyeri and later died in 1929 in Moyale

(3) Singoei arap Buigut was deported to Meru and later killed in Moyale.

THAT on 8<sup>th</sup> November, 1919, relying on the said removal of Natives Removal Ordinance, the colonialists assembled and banished the Talai Community to a mosquito infested area known as Kapsisiywa Location No.26. of the then Nandi District.

I am conscious of the time. Therefore, I would like to summarize.

**The Deputy Speaker** (Sen. Kembi-Gitura): I will allow you to finish

**Sen. Sang:** Mr. Deputy Speaker, Sir, other concentration areas that the clan was banished to include Mfangano and Gwasssi Islands in Lake Victoria, Kericho Township and Kapsabet Township.

THAT, between 1923 and 1930, another prominent Talai leader, Barserian arap Manyei was forcefully banished to Meru and was thereafter moved to Kapmartagui where he was required to report every morning to the District Commissioner until 1957/1958. He was later exiled to Mfangano Island in Lake Victoria region alongside ten other leaders of his clan namely; Kirwa arap Chepkwony, Kapnyolei Ngererpei arap Busienei, Kiptololet arap Lelimo, Kimulot arap Chepkwony, Kipng'etich arap Menei, Chepkwony arap Matutu, Kina arap Koitaleel, Koringo arap Koitaleel, Kipsaina arap

Samoei, Bassi Tegendany arap Rongoei and Barserian arap Manyei who died and was buried in Mfangano Island and is the father of one of the petitioners therein.

THAT during this period, intermarriages between the Talai and other communities were discouraged.

THAT In 1932, the Talai in Kapsisiywa were subjected to intimidation tactics when a plane hovering over a public gathering convened by the colonial administration dropped bags of maize flour or 'white bombs' as it was called to scare the Talai Clan into submission.

THAT, on 25<sup>th</sup> September, 1934, the colonialists passed the Ordinance for the Removal and Settlement of the Laibons. In addition, there was a roundup of members of the Talai Clan who had escaped or left out of the previous evictions. This Ordinance therefore restricted the Talai ancestors' freedom of movement. In particular, the said Ordinance required the Talai Clan to obtain passes in order for them to visit their relatives who lived outside the concentration areas. Whereas they were granted such passes, they were prohibited from speaking to more than four people on their journey.

THAT, a detailed census carried out on all the Laibons in Nandi, Tugen and Kericho revealed that by June 1936, all the Talai Clan families had been moved to Gwassi in South Nyanza.

THAT the injustices inflicted upon the Talai Clan continued even after Independence as follows-

(a) Instead of being accepted back into their various community areas, the Talai remained in isolation.

(b) Kapsisiywa and Kericho Township concentration camps were not closed thus continuing the Talai marginalization with its attendant mental anguish and deprivation.

(c) In the same way that Koitalel Samoei was beheaded, so too were the Talai - their leaders suffering extremely high mortality rates from removals, restrictions in concentration areas, often mosquito infested, barred from outside marriage and access to health care and education and ignored by their own Government after Independence;

THAT they have made the best efforts to have this matter addressed by the Truth, Justice and Reconciliation Commission (TJRC), the Independent Electoral and Boundaries Commission (IEBC) and the Kenya National Commission on Human Rights (KNCHR) with no success.

THAT none of these issues raised in this Petition is pending in any court of law, constitutional or any other legal body;

Wherefore your humble petitioners pray that the Senate:

(a) Recommends that the National Land Commission (NLC) and the Kenya National Commission on Human Rights (KNCHR) carry out investigations and consider the plight of the Talai Clan and community at large;

(b) Recommends the identification and recognition of the Talai community as a specific people group;

(c) Recommends to the Nandi County Government for developmental affirmative action towards the community that had been marginalized and ignored for long;

(d) Recommends that the IEBC creates a specific ward to ensure that the clan is represented at the County Assembly of Nandi as was the case in the defunct County Council of Nandi;

(e) Publishes a report pronouncing upon the serious and many breaches of human rights that the community has suffered;

(f) Calls for the declaration of the Talai Clan as a marginalized community, pursuant to Article 260 of the Constitution;

(g) Recommends that the Commission on Revenue Allocation (CRA), all other national Commissions, counties and other devolved units recognize the Talai Clan as a marginalized community;

(h) Without prejudice to the generality of the foregoing, recommends the allocation of a substantial portion of the resources from the funds established to settle issues of historical injustices to:

(a) Provide compensation for the Talai Clan;

(b) Enable the Talai to pursue their complaints against the British Government, including the recovery of the head of Koitaleel Samoei and specific compensation for the dead leaders.

The petitioners are Christopher Agui, Rev. James Bassy, Kipchoge arap Chomu Kemei, Noah Kosgei and Moses Saina.

Mr. Deputy Speaker, Sir, as the Senator for Nandi County I present this Petition on their behalf.

Thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Sang. Hon. Senators, pursuant to Standing Order 226, I shall now allow comments, observations or clarifications in relation to the Petition for not more than 30 minutes. So, that will end at 3.20 p.m.

Since the interest seems to be quite high, I might restrict the time. Please, try to be as brief as possible.

Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, first, allow me to congratulate Sen. Sang for this elaborate Petition on historical injustices visited upon the Talai Clan in Nandi County. The history is sad, particularly where a community such as this, can seek the burial of their leaders whose head they say is believed to be hidden in the British Museums.

Mr. Deputy Speaker, Sir, I moved a Motion in 2015 seeking to request or compel the National Land Commission (NLC) to submit the Historical Injustices Bill to the Senate for deliberations. Under Section 15 of the NLC Act this Bill was supposed to be in place two years after the appointment of the Commission. I am glad that Sen. Sang has brought this Petition to the attention of the Senate. One of the functions of the NLC, under Article 67 (2) (e) is to initiate investigations on complaints of present or historical injustices.

While Sen. Sang has ably prosecuted this Petition, I am sad to report that the Bill that would have ensured that the NLC has the power and procedure to investigate the historical injustices was sent to the Senate more than one-and-a-half years ago. I have a letter to that effect from the Chairman of the NLC, but that Bill has never seen the light of day. Similarly, the Bill was forwarded to the National Assembly. Instead of passing the Historical Injustices Bill, the Eleventh Parliament has attempted to sneak in amendments into the Lands Act.

Therefore, although I support this Petition in its entirety, I am afraid to say that the procedure, method and timelines that were proposed by the NLC, which is 1895; the cut-off date--- This Petition reads 1905. As I speak, this Parliament has swept these issues under the carpet and the Senate has failed to do anything about it.

Although I support this Petition, so that these people can get justice, your office should bring that Bill for debate by the Senate. Otherwise, how will we rectify these errors?

Lastly, the TJRC Report that the Senator from the Jubilee side has talked about is in the shelves of this Parliament. I am afraid that Sen. Sang has a beautiful Petition on behalf of the people of Nandi, but he is holding the short end of the stick, because this Parliament has not provided him with the necessary tools to ensure that those people get justice.

Mr. Deputy Speaker, Sir, I beg to support.

**The Deputy Speaker** (Sen. Kembi-Gitura): We will do three minutes in the first instance, so that I can accommodate everybody for 30 minutes. I think that is fair and reasonable.

Sen. (Prof.) Lonyangapuo.

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I want to congratulate Sen. Sang and the Petitioners. Although the Petition and desire of the people of Talai is older than the Republic of Kenya, it would have been incumbent upon every successive government to look at some of the injustices that were meted out on some communities or clans. In the Rift Valley the Talai Clan leads, given the misplacement that we have read and heard from their history.

When I was a Permanent Secretary we visited Kericho and found the Talai confined to a corner – where the Commissioner stayed – so that they could be watched. Unfortunately, we inherited that kind of oversight to date. Members of that community have been buried very close to that place. Just as the people who fought colonialists in Mt. Kenya region were compensated about four years ago, it is incumbent upon the Government to follow up so that some of these people are compensated by being given land and locating the head and burial place of Koitalel arap Samoei.

Indeed, it is important for communities to know where they came from and identify their leaders. We read from history that in 1923 there was a mass exodus of the Pokots, Sabaots and Marakwets from Trans Nzoia, and they remember to date. Justice should have been done by giving some money to those communities that were displaced from their fertile land.

Some justice should have been done by compensating those communities who were displaced from their lands. There should have been some kind of compensation to the affected counties so that they can resettle people who went to dry regions.

I support.

**The Deputy Speaker** (Sen. Kembi-Gitura): Your three minutes look rather long. I hope that the timekeeping is going to be correct.

**Sen. (Dr.) Machage:** Thank you, Mr. Deputy Speaker, Sir. It is sad that after 53 years of independence, we have to discuss such injustices in Parliament. I remember I tried to interpret the Chapter on Land of the current Constitution and specifically addressed the National Land Policy which was a Sessional Paper No.3 of 2008,

paragraph 63. I was arrested and thrown in for saying the truth. This is especially so when I pointed out that the national land injustices have to be addressed from the year as quoted by Sen. Mutula Kilonzo Jnr., 1895, for the basic reason that, that is when Kenya became a British Protectorate.

It is interesting that the Laibons Ordinance Law of 1934 was used to displace and disperse the Talai community. That was a law that was actuated by the colonialists and has never been addressed to-date. It is a shame. This petition is just an example of many of such dispersals of human beings by the colonialists just to create land for the white settlements and tea plantations.

Right now, some of those land leases are expiring. It is just proper that that land where the Talai were displaced from and was forcibly put under tea plantations whose leases have now expired should be given back to the owners. It is just justice. It is proper also that the people of Gwasssi should be rewarded for having hosted these people. I do not need to say much more than that.

I support this petition.

**Sen. Haji:** Thank you, Mr. Deputy Speaker, Sir. I have been the Provincial Commissioner for Rift Valley, and I am quite aware of the plight of the Talai Community. It is very unfortunate that when we talk about historical injustice, we are talking about what happened from 1963 to date. Yet, we are being told from 1834 the Talai people have been segregated, killed and their property taken away simply because they stood for the interest of this country. We are also quite aware that successive governments in this country have been addressing the land issue. Many settlement schemes have been ongoing but these people have not been considered.

So, we appeal that from this Government onward, the plight of these people should be addressed. I pray for Sen. Sang that he will be the Governor for Nandi. When you become the governor set aside some money and hire a lawyer for them in United Kingdom (United Kingdom) so that they can get compensation like the Mau Mau. Those people cannot hire even a local lawyer because they do not have the resources to do that.

With those few remarks, I support.

*(Applause)*

**Sen. M. Kajwang:** Thank you, Mr. Deputy Speaker, Sir. I wish to congratulate Sen. Sang for bringing this weighty matter to the attention of this House. From the petition, some of the Talais were sent to my county and particularly the areas of Gwasssi, Lambwe and Mfangano. The intention was to make sure that they died due to the Tsetse fly menace. Consequently, it is very difficult, when you go to Gwasssi, to find remnants of the Talai. Even if you go Mfangano, they are very few, if indeed they are still there. So, this is a case where there was collective condemnation of an entire community. I do not think an entire community can be guilty of certain sins.

I want to also bring into focus the case of the natives of Lake Bogoria who were called the Endorois. In 2010, the African Commission on Human Rights ruled that the Government had an obligation to resettle the Endorois or to retribute or to compensate them because they have been evicted by a post-independence government. They had been evicted by a government of Africans from their land. We could learn some lessons

from there and we could ask ourselves that if the Endorois had been offered some kind of compensation, why has it not happened?

In the case of the Talai, if they got similar prayers answered, are we sure that we will have this implemented? Ultimately, we need to focus and I do hope that the petition is also asking for a follow-up on the Truth, Justice and Reconciliation Commission (TJRC) Report because the Talai Community has been mentioned in the Report.

Mr. Speaker, Sir, a final prayer would be to find out what happened to the Restorative Justice Fund which the Head of State promised the nation in his State of the Nation Address in 2015. He pledged that there would Kshs10 billion set aside into that Fund and to-date we have not got a report on the operationalization of that fund. I do hope that this Petition would give us an opportunity to interrogate those matters.

Thank you.

**Sen. Cheruiyot:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this petition, from the very onset. I know where this community lives in Kericho County. If you happen to visit where they reside, you will truly sympathise with their situation especially given their history. The only mistake they committed is that its leadership was made up of brave men and women who took on the Britons. The punishment they got was seclusion by being pushed aside, their land taken away and their patriots killed. Some of them who are listed in the petition have never been buried up to date.

If you wonder why perpetrators of injustice in this country continue to do it with so much vigor and earnest, it is because they find themselves in good company. If past perpetrators and people who have trampled upon the human rights of others have never been brought to book, why should they be afraid? When you read the history of this country well, you find that communities like the Talai who we are discussing this afternoon have never been compensated or even received a formal apology or even the word “sorry” from the government, then you realise that we are indeed living in difficult times.

Little wonder that we no longer have heroes; men and women who stand up to injustices and negative vices in society. It is not just in terms of how you treat communities but even people who carry out little acts that saves this country. I keep on reflecting about Munyenkei who was the whistleblower on Goldenberg and how he died a very poor man despite what he had saved us as a country. It is high time we reflected as a country and questioned ourselves deeply on whether this is how we want to continue treating our heroes or we want to leave a better society.

Thank you.

**Sen. Ndiema:** Thank you, Mr. Deputy Speaker, Sir. I also want to thank the Senator for Nandi and the petitioners for bringing up this long standing issue of historical injustice. Indeed, this community has suffered for many years and the suffering that was meted on the Talai continues to affect their descendants. This issue needs to be addressed urgently by the Government. It is unfortunate that 50 years after Independence, it has not been addressed. This is only one case. There are many others. There are certain communities in this country that were completely displaced.

I have in mind a community like the Sabaot otherwise then known as the Elgon Maasai who were indigenous residents of Trans-Nzoia County. They were banished in the same manner, some as far as Tanzania and some to Uganda. Their descendants

continue to suffer. In my view, they are the original IDPs. While we have attempted to address the issue of the recent IDPs, we have ignored IDPs arising out of colonialization. The Government must address this issue. If it is not addressed, it becomes an issue of concern and those communities will not appreciate that we got our Independence. To them, we have not got Independence.

Thank you.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, allow me to support strongly this Petition ably prosecuted by the Senator for Nandi. The irony of this Petition is that the first body to sufficiently address the matters that are being prayed for is the Truth, Justice and Reconciliation Commission (TJRC), and they did so in their Report.

Mr. Deputy Speaker, Sir, the irony is that the chairman of that body was a Nandi by the name of Bethwel Kiplagat. A further irony is that as requested by Sen. Cheruiyot, none of the successive governments have bothered to even just say they are sorry. Is it not ironical that the current Government should have been the first to do so given that the Deputy President is also a Nandi? How money corrupts people! They have completely refused to be sorry simply because they are in positions that have zoned them into comfortable zones.

Therefore, because this matter affects very many people in this country, I demand that the Government of President Uhuru Kenyatta implements the recommendations of the TJRC with immediate effect. As they do so, they should remember to tell the Colonial Government that they came to Roasterman in Kakamega which is now Ikolomani, Shikusa, Malinya and Lirembe and exploited and stole all our gold. Our people must be compensated.

Mr. Deputy Speaker, Sir, because the time remaining is very short, we hope that when “Baba”, Kalonzo, Wetangula or Mudavadi take over, they will do the obvious. I support.

*(Laughter)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order Senators! Let us have some order in the House!

Sen. (Prof.) Lesan, you have the Floor.

**Sen. (Prof.) Lesan:** Mr. Deputy Speaker, Sir, I also congratulate my colleague, Sen. Sang for bringing this Petition and the petitioners who have signed it. As a young boy, in 1959, I witnessed the implementation of the Eviction Ordinance issued by Her Majesty’s Government. That is something that keeps coming back to my mind. I can remember seeing caterpillars or bulldozers bulldozing a house full of goats and I would see blood streaming out and going towards the river when I pass by there. That happened when I was looking after the goats around the area. So, I have vivid memories of the eviction process of the people including the Talais in 1959.

Mr. Deputy Speaker, Sir, it is very unfortunate that up to today, we have not had anything justifiably done for the community that was displaced. Today, there are no records as to what transpired during that time. I know the remnants of the Talai people who are victims of that and they still exist. Perhaps what we can do to assist at the moment is to create proper records to allow lawyers like Sen. Sang who is here – I am

sure the Talai Community will seek his services – to give a real impact on this issue because it touches him since there is some relationship between him and the Talai Community.

Mr. Deputy Speaker, Sir, I strongly support this Petition. I hope that this Government or any other successive government will address this issue because the injustices that were caused to the Talais are felt up to today because of the irreversible nature of the injustices that were done to the people. I hope that the Senate will do something regarding the Talai Community. I thank you.

**Sen. Wako:** Mr. Deputy Speaker, Sir, I congratulate the Senator for Nandi for having presented this Petition on behalf of the Talai Community. The Talai Community has to be compensated. Because of the shortage of time, I just want to refer to the last prayer which is about enabling the Talai to pursue their complaints against the British Government.

Mr. Deputy Speaker, Sir, there is already a precedent for this. It relates to the case that was filed in London on behalf of the Mau Mau veterans. The Mau Mau veterans raised their own money and filed that case but because of the heavy lawyers' fees involved, they went to the then Attorney-General, Sitswila Amos Wako, to find out whether the Government could take over the case particularly as it relates to the payment of the fees of that case. In consultation with the then President Kibaki and others, we took over the payment of the legal fees of those people and also appointed an advocate who is now my successor to go and observe how that case was going. We also appointed Government lawyers to go and observe not only how that case was going but also to support the petition by the Mau Mau veterans.

That was a precedent and it was never thought that the Independent Government could take over the liabilities of the former Colonial Government because the acts were done by the Colonial Government. Internationally, it was quite a case and people were asking how an independent state can take over the ills perpetrated by the Colonial Government but we succeeded. So, there is a precedent.

As far as that prayer is concerned, it should be implemented forthwith. In fact, the Government should be proactive in ensuring that communities such as the Talai and others who were the first generation of freedom fighters---. They fought at the time when the colonialists came. All others are second generation freedom fighters who wanted independence and began fighting for it. The first ones were those who decided to fight the Whites who were coming into our country. Therefore, they must be honoured and we must assist those communities which were brave enough to face the Whiteman.

In the Government being proactive to assist them in these cases, I would plead that they implement the TJRC Report and the decision of the African Court on Human Rights as far as the people's rights of the Talai people are concerned, without further delay. This will show that they have genuine interest in dealing with this historical injustice.

**Sen. Kagwe:** Mr. Deputy Speaker, Sir I also rise to congratulate our colleague, Sen. Sang and the citizens of this country who have sent here the Petition regarding the injustices carried out. I agree with the previous speaker, Sen. Wako, that it should be a Government effort. Part of the mandate of an independent nation and Government is to protect its people by ensuring that anything owed to the people of the country by a

foreign country is paid by that foreign country. It is very clear that this is the case as far as the Talai Community is concerned.

My colleague also tells me that not only were these people chased away from their land, but their leader's head is supposed to be somewhere in the United Kingdom (UK). This is a very serious issue by our African traditions. It must be followed to its conclusion.

I come from Nyeri County. There were severe injustices which were carried out by the British as has been documented in many books. This includes the story of the hut and other books that have been written about the Mau Mau Movement. To date, the British have never revealed where the body of Dedan Kimathi was buried.

Since the time has come, it only fair to do so now. These secrets are now lying in the archives of the British Government. They are no longer classified as secrets. As we deal with the situation in Nandi, it is about time that the Britons told us where they buried Dedan Kimathi. We should know where his body is for us to exhume him and bury him in Nyeri County in a decent manner that a hero like him deserves.

On the same note, it is only right that they tell us where Koitalel Arap Samoei is. This will enable the people of Nandi County to also give him a deserving burial since he was the first person to oppose colonialism and British rule in Kenya.

**Sen. Nabwala:** Mr. Deputy Speaker, Sir, I also join my colleagues in thanking Sen. Sang and the petitioners who signed and brought the Petition to this House. The issue of land and historical injustices is critical and touchy. The Talai community needs to be compensated by the Government. These people should look up to the Government of the day. If there is any case to be taken up outside the country, it is the Government that can compensate them or hire the lawyers for them.

The Talai people are poor. As we know, they are living in very difficult circumstances. That is why I would like to thank Sen. Sang for bringing up this matter. If it is left like that, people will think that everyone got a good life after independence yet we have other people who are crying out there and they do not know where to go.

We have the 1992 Internally Displaced Persons (IDPs) who were displaced from Mount Elgon. These people are living in centres in Trans Nzoia County. I have the list with the names of these people who are about 4000. The Government of the day does not want to compensate them. In the next century, this will also be another case of land historical injustices.

It is high time that the Government takes up this issue seriously. The Committee where the Petition will be referred to should look at the TJRC Report and check what the recommendations were so that this issue is brought to a halt.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Madzayo, I will give you three minutes.

**Sen. Madzayo:** Asante Bw. Naibu Spika. Naunga mkono malalamishi yaliyoletwa na jamii ya Talai. Makosa yaliyofanyiwa jamii hii ni sawa na yale yaliyofanyiwa Wagiriamama na watu wengine wa Mkoa wa Pwani.

Tumeona tabia za watu kuja Pwani na kupata vyeti vya kumiliki mashamba kutoka Nairobi na kwingineko kuweka waya kuzunguka jamii ya Miji Kenda. Hatimaye, hawa watu hufurushwa kutoka mashamba yao. Huu ni ukoloni mamboleo ambao unaendelezwa kule Pwani.

Ikiwa jamii ya wa Talai ilifanyiwa dhuluma hizo wakati huo, basi ninajiunga nao kutaka haki ifanyike kwao. Si hao pekee, hata kaburi ya mama shupavu, Mekatilili wa Menza, haijulikani iko wapi. Tungetaka kujua alikozikwa. Mpaka leo jamii ya Miji Kenda hawana vyeti vya kumiliki mashamba yao. Kwa hivyo, hawawezi kukuza maeneo yao.

Ni aibu kuona watu wananyakua mashamba ya wa Miji Kenda na kutengeneza viwanja vya kucheza *golf* na kadhalika. Si haki kuwa na uhasama kama huo.

Wakati ni sasa wa kuona mashamba haya yamerudishiwa waakazi wa Pwani.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Gwendu, you have two minutes.

**Sen. Gwendu:** Thank you Mr. Deputy Speaker, Sir. I would like to congratulate Sen. Sang for bringing this Petition to the Senate. Research has shown that the Talai community is the longest suffering community in Kenya. We can only compare their suffering to that of the Jews who suffered for many years. Research has shown that during the suffering of the Talai Community, 900 people died and they also lost their leader at that time.

We would appreciate if the Government of today could also raise its voice and address some of these injustices. We should appreciate the fact that they are the people who fought for the freedom and independence of this country.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you Senators. Hon. Senators, pursuant to Standing Order No. 227 (1), the Petition stands committed to the relevant Standing Committee, in this case the Standing Committee on Legal Affairs and Human Rights. In terms of Standing Order No. 227 (2), the Committee will be required in not more than 60 days from the time of reading this prayer, to respond to the Petitioner by way of a report addressed to the petitioner and laid on the Table of the House.

Sen. Sang, as the Vice-Chairperson of the Committee, I hope that you are going to set a proper standard by having the petitioners answered in the period of 60 days.

*(The Petition was referred to the Standing Committee on  
Legal Affairs and Human Rights)*

Let us move on to the next Order.

Sen. Mutula Kilonzo Jnr., do you have any papers to lay?

## PAPER LAID

### REPORT OF THE 135<sup>TH</sup> IPU ASSEMBLY AND RELATED MEETINGS

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today Wednesday 1<sup>st</sup> of March, 2017:-

The Report of the Proceeding of the 135<sup>th</sup> International Parliamentary Union (IPU) Assembly and Related Meetings.

## STATEMENTS

COUNTY LEGISLATION ON RETIREMENT  
PACKAGE FOR CECs AND MCAs

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I rise pursuant to the provisions of Standing Order 45(2) to seek a statement from the Chairperson of the Standing Committee on Labour and Social Welfare concerning legislations at the county level on the retirement for county government executive and member of the county---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order! Sen. Khaniri, has that Statement been approved for this afternoon?

**Sen. Khaniri:** Yes, Deputy Speaker, Sir, it was approved yesterday.

**The Deputy Speaker** (Sen. Kembi-Gitura): Proceed. It is just that I do not have a copy.

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I will supply a copy to the Clerk.

I rise pursuant to the provisions of Standing Order 45(2) to seek a statement from the Chairperson of the Standing Committee on Labour and Social Welfare concerning Legislations at the County Level on the Retirement Package for County Government Executive and Members of the County Assembly. In the Statement, the Chairperson should:-

- (1) Explain if the Cabinet Secretary, National Treasury and the Salaries and Remuneration Commission (SRC) are aware of the arrangement by individual county assemblies to legislate on retirement packages;
- (2) Explain the National Governments Policy direction on retirement packages for elected members in the devolved governments; and
- (3) Explain the legality of the legislation passed by the county governments on their retirement packages.

**The Deputy Speaker** (Sen. Kembi-Gitura): Which Committee is that? Sen. Mutula Kilonzo jnr., are you seeking the floor on a point of order before the chairman replies? Take the floor.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, last week, there was a communication to the effect that a Bill concerning this retirement should be tabled last week. So, as the chairperson addresses this issue, that query must be answered. What happened to that Bill that was supposed to take care of County Governments Retirement Scheme?

**The Deputy Speaker** (Sen. Kembi-Gitura): So, noted.

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, I would like to inform the House that the Bill has gone through the First Reading. Probably in the next seven or ten days, the Standing Committee on Labour and Social Welfare will be holding a public participation to receive all the necessary information from the stakeholders. We are on course as a Senate body and the Bill is ready. It caters for all the information that is being requested by my colleague, the respected Senator for Vihiga County.

Mr. Deputy Speaker, with regard to other issues he has raised, I request the House to give me one week or so, so that I respond to them accordingly. I seek your indulgence.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Madzayo, those are two different issues. The issue raised by Sen. Mutula Kilonzo Jnr. has to do with the Bill that you brought and it went the First Reading stage. However, Sen. Khaniri's request for a statement is very specific on county governments that have passed their own laws on retirement benefits, *et cetera*.

We do not know when the Bill that was read for the first time will be read a second time and passed. So, I want you to divorce the two issues and answer specifically the issues raised by Sen. Khaniri on the statement that he has sought. I do not want the two tied together. However, if you find it fit to deal with the issues raised by Sen. Mutula Kilonzo Jnr. when you will be issuing the statement in one week's time, so be it.

**Sen. Madzayo:** Mr. Deputy Speaker, Sir, I am obliged by your guidance.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, are you seeking for a statement. Was it approved?

**Sen.(Dr.) Khalwale:** Yes, Mr. Deputy Speaker, Sir. It was approved yesterday and I was asked to request for it today.

#### COLLAPSE OF A SECTION OF BUKHUNGU STADIUM IN KAKAMEGA COUNTY

On 8<sup>th</sup> November, 2016, I rose pursuant to Standing Order No.45(2)(b) to request for a statement from the chairperson of the Standing Committee on Labour and Social Welfare regarding the collapse of a section of Bukhungu Stadium in Kakamega County while under renovation.

The answer has never been brought. However, since we are now in a new session, I have been allowed to renew the requisition. I, therefore, request the chairperson to confirm the following:

(1) Whether the National Construction Authority (NCA) approved the renovation; he should provide proof thereof.

(2) Provide a list of tender advertisement for the renovation of the stadium, the corresponding firms that bid and those that were eventually awarded the tender.

(3) Provide minutes of the county tender committee together with the report of the county technical tender evaluation committee on the tender.

(4) Provide the particulars and profiles of the firm(s) that were awarded the said tender, including details of directors, financial statements and tax returns.

(5) State if the procurement procedure as provided for in the Public Procurement and Disposal of Assets Act was followed in awarding this tender.

(6) Table a schedule of payments to the firm(s) that were awarded the said tender, stating how many completion certificates have been paid for and the total amount of money so far given to the contractor(s).

(7) Provide the details of the resident engineer supervising the construction and copies of his recommendations against every completion certificate paid for to date.

(8) Explain what caused the collapse of a section of Bukhungu Stadium.

(9) Explain the steps the County Government of Kakamega is taking to ensure that there is value for money upon completion of the project and ensure that the current contractor is removed from the project and black-listed by the NCA.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): What is your point of order, Sen. Kagwe?

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, while I support the request by the distinguished Senator of Kakamega, I want a clarification because if it is the county government that is undertaking that responsibility, is it the responsibility of this House to deal with stadia in Kakamega and Nyeri or elsewhere, is it the job of the county assembly to deal with that issue after which time it would come to this House either through the Committee on Finance, Commerce and Budget or as an audit report?

I am not sure. I am just asking.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Mutula Kilonzo Jnr., what is your point of order?

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, it is a point of information. My Chairperson of the Committee on Information and Technology is not averse to information coming from his Vice Chairperson. A similar question was raised by an assembly in court as to whether it is a contradiction for the Senate to interrogate financial matters of a county yet, ideally, that matter should be interrogated by a county assembly.

The High Court has held that we have what is called a concurrent jurisdiction with the county assembly on matters of this nature. So, Sen. Kagwe may not be aware. This is a matter that has been fairly well settled.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale and Sen. Okong'o, are you raising different points of order or are you pursuing the same line as Sen. Kagwe?

**Sen. Okong'o:** Mr. Deputy Speaker, Sir, I would like to ride on Sen. (Dr.) Khalwale's statement in the same line.

**The Deputy Speaker** (Sen. Kembi-Gitura): Let me dispose of the points of order first, and then, you can have a joy ride if you wish.

Sen. Sang, is it the same?

**Sen. Sang:** Mr. Deputy Speaker, Sir, I share the position given by Sen. Mutula Kilonzo Jnr. Is Sen. Kagwe in order to apply to contradict the Speaker's position? All statements are approved by the Speaker before you are allowed to take them.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Kagwe is raising an important point of law. So, I do not think there is any contradiction, dispute or subverting the Speaker on the issue. It is an important point of law. I do not want to preempt what I will say later. If your problem is that the Speaker has already approved it, and then, that would not be a valid point of order for my purposes.

Sen. Okong'o, what was your rider?

*(Sen. Okong'o spoke off record)*

But this is your statement. All you want to know is whether or not it would be committed to a Committee. That should be your interest. I do not want to have an altercation on this issue.

So, what was your rider?

**Sen. Okong'o:** Mr. Deputy Speaker, Sir, I wanted to ride on Sen. (Dr.) Khalwale's query considering the fact that I was preparing a statement regarding the collapse of Manga Stadium in Nyamira but I was waiting to prepare for the other issues he has raised. I wanted to ride on it so that if the query is committed to a particular Committee they can also capture Manga Stadium rather than the collapse.

**The Deputy Speaker** (Sen. Kembi-Gitura): I find that very difficult. My attitude has mainly been--- The trouble of having people seeking to ride on other people's statements is that, a lot of time, it tends to dilute that statement that is issued on a specific matter that has been raised.

Sen. (Dr.) Khalwale wants to know about Bukhungu Stadium. He has raised several specific issues on that stadium. If you talk about Manga Stadium, I do not know what issue you have with it. You would have to seek a statement so that you can get a substantive and specific answer to the issues that you may raise; but if it is a general issue of technicality, then that could be done.

Sen. (Dr.) Khalwale has sought a very specific statement. You are already on HANSARD. So, whichever Committee we will commit this to may want to look at what you have said. But I do not wish to see a dilution of a statement sought by a Senator because of so many riders on the issue.

On the point of order by Sen. Kagwe, even without asking Sen. (Dr.) Khalwale to answer to it, the Standing Committee on Labour and Social Welfare will have the capacity to look at the issue. Stadia may be a function of the county governments like you have said but we have Article 96 of the Constitution. Sen. Mutula Kilonzo Jnr. has quite ably, in the information that he gave you, dealt with the issue of concurrent jurisdiction that both houses may have and there cannot possibly be anything that can stop us as a Senate, from dealing with issues to do with the counties; whether it is nursery schools, polytechnics, stadia or things that are to be found in Part B of Schedule Four of the Constitution. Therefore, Sen. (Dr.) Khalwale is quite in order to bring this matter before the Senate. That disposes of any point of order that Sen. (Dr.) Khalwale may have wished to raise.

*(An hon. Senator spoke off record)*

But you have not disposed of this one. Sen. Madzayo, when will you give an answer to this?

**Sen. Madzayo:** Bw. Naibu Spika, Sen. (Dr.) Khalwale yuko mbio sana. Maswali aliyouliza Daktari Bonny Khalwale anayepigana na ng'ombe ni mengi. Yote ni tisa. Yanahitaji ukakamavu zaidi kuyajibu. Ningependa kwa wajibu wa kauli yako nipewe muda wa wiki mbili ili niweze kuyafafanua na kuyajibu sawa sawa vile inavyotakikana na daktari wa kupigana na ng'ombe.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Madzayo, I am sure I am allowed to respond to you in English although you spoke in Kiswahili. This is a renewal of a request for the statement. If I got it right, Sen. (Dr.) Khalwale said that he had sought it first in September last year.

Sen. Madzayo, had you received an answer to this statement when it was first sought?

**Sen. Madzayo:** La hasha, Bw. Naibu Spika.

**The Deputy Speaker** (Sen. Kembi-Gitura): What was the problem? How long had you been given?

**Sen. Madzayo:** Bw. Naibu Spika, siwezi kufahamu. Nafikiri naibu wangu alikuwa katika Seneti wakati huo. Kwa uwezo wa Kanuni za Bunge, unaweza kumpa nafasi ili aendelee kujibu lakini ikiwa jibu halijapatikana, basi tunaomba ule muda nilikuwa nimesema tunahitaji ili tuweze kulijibu.

**The Deputy Speaker** (Sen. Kembi-Gitura): Although given in fluent Kiswahili, that kind of answer is very unsatisfactory. I am not dealing with Members of the Committee. I am dealing with the Committee. You are the Chairperson of that Committee. It is also not right for you to tell me to ask the Vice Chairperson. That is unprocedural and in my view, very unparliamentary. You are the Chairperson of that Committee. You should have information. If you do not, you should say you do not and leave it at that, but you cannot refer me to somebody else. That is wrong. You must take responsibility for the Committee that you chair.

Having said that, he has sought two weeks; Sen. (Dr.) Khalwale, are you satisfied with two weeks?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, you got it right. We need these answers as early as next week. It is very critical. Believe it or not, the construction has commenced with total disregard to the fact that it had collapsed. So, further billions are being sunk into this project. It needs to be stopped immediately.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Madzayo, in the first instance, I would give you seven days to clarify the position. You do not seem to be clear on whether the answer had been given or not. Give us a holding answer if you cannot give a full answer to the statement.

What is your point of order, Sen. Khaniri?

**Sen. Khaniri:** On a point of order, Mr. Deputy Speaker, Sir. While we are still on the same agenda, did you hear Sen. Madzayo refer to his colleague from Kakamega as “*daktari wa kuwapiganisha ng’ombe?*” This is in total contravention of our Standing Order No.90 (6), which clearly stipulates how we should refer to one another officially in this House. Is he in order?

**The Deputy Speaker** (Sen. Kembi-Gitura): Apart from the fact that Sen. (Dr.) Khalwale seems quite satisfied to be referred to as such, it is totally out of order. The way you should address your colleagues is quite clear in the Standing Orders.

Sen. (Dr.) Machage, what is your point of order?

**Sen. (Dr.) Machage:** Bw. Naibu Spika, singependa kupinga uamuzi wako, lakini tunajua na ishahihirishwa katika Seneti hii kwamba Sen. (Dr.) Khalwale hufurahia sana anapoitwa daktari anayewapiganisha ng’ombe au *bullfighter*.

**The Deputy Speaker** (Sen. Kembi-Gitura): Mimi kama Naibu Spika sina hiyo habari.

What is your point of order, Sen. Mutula Kilonzo Jnr.?

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Mr. Deputy Speaker, Sir. It cannot be correct to state that ‘*daktari wa kupiganisha ng’ombe*’ can be loosely translated to ‘bullfighter.’ We should not mislead the nation. Therefore, *daktari wa kupiganisha ng’ombe* cannot even be easily translated. *Kuna daktari wa kudunga ng’ombe na daktari*

*wa kutibu ng'ombe*, but we do not have someone called '*daktari wa kupiganisha ng'ombe*.'

**Sen. Sang:** On a point of order, Mr. Deputy Speaker, Sir. I agree with Sen. Madzayo that the version he gave actually reflects bullfighting. We have referred to Sen. (Dr.) Boni Khalwale severally in this House as 'the bullfighter.' However, did you notice that Sen. Khaniri crossed and consulted with the Clerk-at-the-Table on our side and walked majestically back to his seat, completely in breach of the Standing Orders, yet he is actually known to be an expert of the Standing Orders? If that is not out of order, then I do not know which other rules we will follow in this House.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Khaniri, before I dispose of this issue that you raised, did you actually do what Sen. Sang says you did? Did you cross the Floor without bowing?

**Sen. Khaniri:** Absolutely not, Mr. Deputy Speaker, Sir. I know the rules. I went to consult the Clerk-at-the-Table, but never crossed to the other side of the House. I believe that, that is allowed.

**The Deputy Speaker** (Sen. Kembi-Gitura): So, you were consulting from your half of the House.

*(Loud consultations)*

Order! I will take Sen. Khaniri's words that he consulted the Clerk-at-the-Table.

I want to dispose of this point of order. The point of order raised by Sen. Khaniri had nothing to do with the interpretation, translation or anything else. It is not the Swahili version of it that is important to Sen. Khaniri; it is the fact that he did not refer to him as 'Senator' as required by Standing Order No.90 (6). That is the only issue before the House.

With regard to interpretation in Kiswahili, all of you have different understanding of it, but that is not the issue. The issue is that he referred to him as '*daktari wa kupiganisha ng'ombe*' and not as 'Sen. (Dr.) Khalwale.' That is the only issue before the House.

Sen. Madzayo, you may wish to refer to your colleague by his correct title, which is, Sen. (Dr.) Boni Khalwale.

**Sen. Madzayo:** Asante, Bw. Naibu Spika. Mheshimiwa, Seneta, Daktari Boni Khalwale.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Madzayo, rules are meant to be obeyed and that is why we have Standing Orders. If we did not have Standing Orders, it would not be possible to have this House proceed in an organized manner. None of them is trivial.

**Sen. Njoroge:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Sen. Madzayo, who is actually my Chairman in the Committee we sit in together, not to procedurally apologize to Sen. (Dr.) Khalwale? He just corrected his mistake, but never apologized. It is important for him to apologize.

**The Deputy Speaker** (Sen. Kembi-Gitura): Did anybody seek an apology?

**Sen. Njoroge:** Mr. Deputy Speaker, Sir, if it was not sought, I would request that you ask Madzayo to apologize.

**The Deputy Speaker** (Sen. Kembi-Gitura): We must dispose of this issue now. What is your point of order, Sen. Wangari?

**Sen. Wangari:** On a point of order, Mr. Deputy Speaker, Sir. Standing Order No.90 is very clear. Therefore, I think it is Sen. Njoroge who should apologize for calling Sen. Madzayo just ‘Madzayo.’

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Njoroge, I am quite satisfied that the matter is disposed of. We do not need to revisit it. Sen. (Dr.) Khalwale has not sought an apology. He is quite happy that there was a retraction and he was referred to as Sen. (Dr.) Boni Khalwale.

Sen. (Dr.) Khalwale, do you have another Statement to seek?

#### HARASSMENT OF *BODA BODA* RIDERS IN KAKAMEGA COUNTY

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, on 15<sup>th</sup> June, 2016 I rose under Standing Order No.45 (2) (b) to request for a Statement from the Chairperson of the Committee on National Security and Foreign Relations regarding the harassment of *boda boda* motorcyclists in Kakamega. To date the answer has not come. I want to thank you for allowing me to renew the request for the Statement.

The Chairperson should clarify the following:

- (1) Why are *boda boda* motorcyclists in Kakamega being subjected by police to:
  - (a) confiscation of their motorbikes;
  - (b) arrests, and;
  - (c) demand for bribes?
- (2) Is the Inspector General of Police aware that the matter is so grave that some of the boys have actually lost their lives through extrajudicial killings?
- (3) What are the reasons one such a boy, Jaconia Apwoka, a father of four children aged one to four, was shot dead in cold blood on the morning of 14<sup>th</sup> June, 2016, at Sichirai Village in Kakamega?
- (4) What action has been taken against Police Constable Serem of Kakamega Police Station, who shot dead the above *boda boda* youth?
- (5) Why have no arrests been made and charges preferred against the above blood-thirsty officer, who has been involved in several other such cases of extrajudicial killings before in Kakamega County?

**The Deputy Speaker** (Sen. Kembi-Gitura): Chairman of the Committee on National Security and Foreign Relations. Is that Sen. Adan?

Which Committee is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, Committee on Security and Foreign Relations.

**Sen. Adan:** Thank you, Mr. Deputy Speaker, Sir. I will try and get the Statement within a week if it is possible, if not two weeks.

Thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, two weeks I am sure is acceptable.

Sen. Adan, you had a Statement you wanted to seek.

DELAY BY THE TSC TO PROMOTE TEACHERS  
IN ISIOLO COUNTY

**Sen. Adan:** Mr. Deputy Speaker, Sir, yes I have two Statements. If you can allow me to proceed on both, I will appreciate.

Pursuant to Standing Order No.45 (2)(b), I wish to seek for a Statement from the Chairperson of the Standing Committee on Education regarding the delay by the Teachers Service Commission in promoting teachers in Isiolo County and the TSC decision to suspend the promotion of others.

In the Statement, the Chairperson should:-

(1) State and explain the criteria the TSC uses to promote teachers who previously held certificates and diplomas but have since upgraded to a degree.

(2) Explain the delay by TSC in promoting teachers from Isiolo who have upgraded to degree since January 2014 to date.

(3) Indicate when TSC intends to promote the teachers in paragraph (2) above.

(4) Explain the reason behind the decision by TSC not to promote teachers who scored C+ and below in the Kenya Certificate of Secondary Education (KCSE) but have since upgraded to degree through a number of expensive accredited courses.

The second Statement---

**The Deputy Speaker** (Sen. Kembi-Gitura): Can we deal with one Statement at a time? Chairman of the Committee on Education? Sen. (Prof.) Lesan?

**Sen. (Prof) Lesan:** Thank you, Mr. Deputy Speaker, Sir. We will deal with that on behalf of the Chair of the Committee on Education in two weeks time.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Adan, is two weeks okay?

**Sen. Adan:** Mr. Deputy Speaker, Sir, it is okay.

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay. You have another Statement you want to seek?

CHANGE OF LAPSSSET CORRIDOR ROUTE AND  
RELOCATION OF THE PROPOSED ISIOLO RESORT CITY

**Sen. Adan:** Thank you, Mr. Deputy Speaker, Sir.

Pursuant to Standing Order 45 (2)(b), I wish to seek a Statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the reported change in Lamu Port, South Sudan, Ethiopia Transport (LAPSSSET) corridor route and relocation of the proposed Isiolo Resort City.

In the Statement the Chairman should:-

(1) Indicate whether the Government intends to change the LAPSSSET corridor route.

(2) State whether the Government intends to relocate the site for the proposed Isiolo Resort City from Kipsinga near Isiolo Town to either Igembe North Archers Post or Kulamawe.

(3) Explain the rationale of the above proposed changes.

(4) Explain why stakeholders in Isiolo County were not consulted on the proposed changes.

(5) Explain the Government's plan to compensate those who have already invested in the Kipsinga in anticipation of the Isiolo Resort City.

I thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): The Chairman of the Committee.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, on a point of order. Allow me to ride on that very important national issue. That is an attempt by the Government to change the seat of the anticipated Isiolo Resort City from Isiolo to Igembe. Could the Chairman confirm that the reason why the Government wants to move the city from Isiolo to Igembe is because of political considerations; where successive governments have always believed that resources of the State should be used to develop, principally, Mt. Kenya area?

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, is it in order for Sen. (Dr.) Khalwale to insinuate that Government resources are used to develop one part of this country? It simply amounts to inferiority complex which is beneath the distinguished Senator's image.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Mutula Kilonzo Jnr., if you have a point of order on a different issue to Sen. (Dr.) Khalwale, then you have to wait. Is it on this Statement?

**Sen. Mutula Kilonzo Jnr.:**No.

**The Deputy Speaker** (Sen. Kembi-Gitura): Then you have to wait. Sen. (Dr.) Khalwale, the only problem with your point of order is that you are preempting the possible outcome of the Statement because Sen. Adan has not said there is going to be a change; she wants to confirm. If you want to raise that issue, raise it when the Statement is brought before the House, but not now because you are preempting the situation.

The Chairman of the Committee on Roads and Transport.

**Sen. Obure:** Mr. Deputy Speaker, Sir. I have carefully listened to the request by Sen. Adan. I appreciate it is heavily loaded but we will try and bring a response in two weeks time.

**Sen. Mutula Kilonzo Jnr.:** Mr. Deputy Speaker, Sir, on a point of order. Would I be in order to propose that you order that the Division Bell on the Division of Revenue Bill (National Assembly Bill No.2 of 2017) be rung? We extended the voting by one day. We went beyond the 10 days. So, substantially today is the only day we have and we have numbers and we cannot allow this to go as it is.

Thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Mutula Kilonzo Jnr., we are going to vote within no time, but I read you.

Sen. (Prof.) Anyang'-Nyong'o, I am sorry you had a Statement. Please, that will be the last one for today.

PILFERAGE OF PUBLIC FUNDS BY THE MANAGING  
DIRECTOR OF KIWASCO

**Sen. (Prof.) Anyang'-Nyong'o:** Pursuant to Standing Order No. 45 (2)(b), allow me to seek a Statement from the Chairman of the Sessional Committee on Devolved Government on the following:-

(1) Can the Chairman inform the Senate who the Managing Director of Kisumu Water Services Company (KIWASCO) in Kisumu County is?

(2) Can the Chairman further explain what the conditions and terms of service are for such position---

*(Several Senators left the Chamber)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Wamatangi and other Senators. May I request you to please wait until we are able to vote, which we shall do immediately Sen. (Prof.) Anyang'-Nyong'o has finished with his Statement?

Order, Senators! Order, Sen. Wetangula! May I request that you remain seated? As soon as Sen. (Prof.) Anyang'-Nyong'o has finished seeking the Statement, we will suspend business and proceed to the next order so that we can vote. So, I request that Senators do not leave at this point.

Sen. (Prof) Anyang'-Nyong'o, you may proceed.

**Sen. (Prof) Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, somebody was asking what KIWASCO is. It is Kisumu Water Services Company.

(3) Could the Chairman further explain what the conditions and terms of service are for such positions of Government and whether the KIWASCO Managing Director is serving with respect to these conditions and terms of service?

(4) Explain why there is excessive employment of casual labour in KIWASCO and under what law is that casual labour force working?

(5) Could the Chairman further explain why workers in KIWASCO are frequently dismissed without observing proper labour laws and regulations?

(6) Could the Chairman undertake a forensic audit of KIWASCO revenue and expenditure to assert accountability in the company to avoid continued misuse of public resources?

Mr. Deputy Speaker, Sir, I thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): I can see the Chairman of the Committee is not around. Is there any Member of the Committee around?

Sen. (Prof.) Anyang'-Nyong'o, you seem to be out of luck. Sen. (Prof.) Lonyangapuo, you are a Member of the Senate Business Committee (SBC). Can you deal with the situation as an agent of necessity? How much time would you require?

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I am not a Member of the Committee on Devolved Government.

**The Deputy Speaker** (Sen. Kembi-Gitura): I know that but you are a Member of the SBC.

*(An Hon. Senator spoke off record)*

**Sen. (Prof.) Lonyangapuo:** One hour.

*(Laughter)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay, I will give a direction that the matter be referred to the Chairman of the Committee on Devolved Government and the answer will be given in two weeks' time. So, the Clerk's Office will refer the matter to the relevant committee for an answer to be given in two weeks' time.

Hon. Senators, I propose that we proceed to the next Order. I propose that we do one Division for Orders Nos.8 and 9.

## BILLS

### *Second Readings*

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO.2 OF 2017)

*(Sen. Mositet on 23.2.2017)*

*(Resumption of Debate interrupted on 23.2.2017)*

THE KENYA ROADS BILL (NATIONAL  
ASSEMBLY BILL NO.26 OF 2015)

*(Sen. (Prof.) Kindiki on 15.2.2017)*

*(Resumption of debate interrupted on 15.2.2017)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Let the Division Bell be rung for five minutes.

*(The Division Bell was rung)*

Hon. Senators, I want to make a request to you in good faith. We will deal with Order Nos. 8 and 9 like I said in one Division. So, we will have the two votes. As all of you are aware, because you have read the Calendar of the Senate, we are bound to go on recess tomorrow. I want to make a specific request to you and I hope you will agree with me. If you look at Order No.10 which is Committee of the Whole, it has to do with Order No.8 on Division of Revenue Bill and there is only one amendment on Page 149 of the Order Paper which is the proposed increase.

My request is that we finish with the two Orders and then go to Order No.10 which is Committee of the Whole. We should deal with it and finish since the Chair of the Committee on Finance, Commerce and Budget is here.

I am convinced this amendment will not take more than ten minutes. We will finish with it and vote. We will then deal with the Division of Revenue Bill. Is that accepted?

**Hon. Senators:** Yes, Mr. Deputy Speaker.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you very much. That convinces me that nobody will go out before we finish with the Division of Revenue Bill. Could the bars be drawn and the door closed?

*(The Bars were drawn and the door closed)*

Let us vote when you are ready.

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO. 2 OF 2017)

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the Division of Revenue Bill (National Assembly Bill No.2 of 2017) be now read a Second Time put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen.(Dr.) G.G. Kariuki, Laikipia County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, the results of the first Division are as follows:

**AYES:** 28

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 28 votes to 0)*

*(The Bill was accordingly read the Second Time and committed to the Committee of the Whole today by leave of the House)*

## DIVISION

## ELECTRONIC VOTING

THE KENYA ROADS BILL  
(NATIONAL ASSEMBLY BILL NO.26 OF 2015)

*(Question, that the Kenya Roads Bill (National Assembly Bill No.26 Of 2015) be now read a Second Time put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Bule, Tana River County; Sen. Cheruiyot, Kericho County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen.(Dr.) G.G. Kariuki, Laikipia County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kembi-Gitura, Murang'a County ; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr, Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators the results of the second Division are as follows:

**AYES:** 28

**NOES:** Nil

**ABSTENTIONS:** Nil

The "Ayes" have it.

*(Question carried by 28 votes to 0)*

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Undraw the Bars and open the Door. Hon. Senators, we have a pact that we will deal with the next Order No.10. It will take a very short time.

## COMMITTEE OF THE WHOLE

*(Order for Committee read)*

*[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]*

## IN THE COMMITTEE

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*[The Temporary Chairperson (Sen. (Dr.) Machage) took the Chair]*

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY NO.2 OF 2017)

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, we are in the Committee of the Whole, Order No.10; the Division of Revenue Bill (National Assembly No.2 Of 2017).

*Clause 3 – 5*

*(Question, that Clauses 3 – 5 to be part of the Bill, proposed)*

**The Temporary Chairperson** (Sen. (Dr. Machage): There are no amendments. Division will be at the end.

*The Schedule*

**Sen. Kagwe:** Mr. Temporary Chairperson, Sir, I beg to move:-

THAT, the Bill be amended by deleting the schedule and substituting therefor the following new schedule-

Type/Level of allocation	Amount in KSh.	Percentage (%) of 2013/14 audited and approved Revenue i.e. KSh. 935,653 Million
<b>A. Total Shareable Revenue (B+C+D)</b>	<b>1,549,412,000,000.0</b>	
<b>B. National Government*</b>	<b>1,214,815,029,224.4</b>	
<b>C. Equalization Fund</b>	<b>7,727,000,000.0</b>	
<b>D. County Government (1+2)</b>	<b>326,869,970,775.6</b>	<b>34.93%</b>
1. County Equitable Share	314,664,970,775.6	33.63%
2. Conditional Allocations	12,205,000,000.0	
2.1 Leasing of Medical Equipment	4,500,000,000.0	
2.2 Compensation for User Forgone	900,000,000.0	
2.3 Level 5 hospitals	4,200,000,000.0	
2.4 Construction of County Headquarters	605,000,000.0	
2.5 Development of Youth Polytechnics	2,000,000,000.0	

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<b>E. Additional County Conditional Allocations (not part of sharable revenue)</b>	<b>25,965,179,761.0</b>	
3. Allocation from fuel levy (15%)	7,875,000,000.0	
4. Conditional Allocations (loans & grants)	18,090,179,761.0	
<b>F. Total County Allocations (D+E)</b>	<b>352,835,150,536.6</b>	<b>37.71%</b>

Mr. Temporary Chairperson, Sir, the national Government share includes some Kshs3.4 billion which is a special grant to the National Health Insurance Fund (NHIF) for free medical healthcare to be disbursed as reimbursements. The variation of county equity share from Kshs291.14 billion to Kshs314.6 billion is as a result of consultations with key stakeholders including the National Treasury, the Commission for Revenue Allocation (CRA) and the Council of Governors (CoG); and further taking into account the inflation rate on shareable revenue growth rate.

In addition, some Kshs12.5 billion under loans and grants in the Bill, the National Treasury has secured a grant of Kshs5.5 billion from the Kenya Devolution Support Programme (KDSP) for universal healthcare projects, instruments for devolution advice and support and the national agriculture and rural inclusive growth projects.

Therefore, the import of the amendment is basically to increase the amount of money allocated by the National Assembly and raise it so that we can then discuss the matter but hopefully, there will be no need for mediation because the National Assembly will accept the amendment.

*(Question of the amendment proposed)*

**The Temporary Chairperson** (Sen. (Dr. Machage): Division will be at the end.

*Clause 2, the Title and Clause 1*

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

**The Temporary Chairperson** (Sen. (Dr. Machage): There are only two Divisions. Let us not move out please. So, we go to Division. Let the Division Bell be rung for one minute.

*(The Division Bell was rung)*

Ring it for another one minute.

*(The Division Bell was rung)*

Very well, end of Division Bell. Draw the Bars and close the Door.

*(The Bars were drawn and the door closed)*

Prepare yourselves to vote. We will do so in the next 30 seconds. Start voting now.

*(Voting in progress)*

### **DIVISION**

#### **ELECTRONIC VOTING**

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

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. (Dr.) G.G. Kariuki, Laikipia County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Mutula Kilinzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wetangula, Bungoma County.

**NOES:** 0

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Senators, I wish to announce the results as follows:-

**AYES:** 27

**NOES:** 0

**ABSTENTIONS:** 0

*(Question carried by 27 votes to 0)*

*(The Schedule as amended agreed to)*

### **DIVISION**

#### **ELECTRONIC VOTING**

*(Question, that Clauses 3, 4 5, the Schedule (as amended), Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Cheruiyot, Kericho County; Sen. Elachi, Nairobi County; Sen. (Dr.) G.G. Kariuki, Laikipia County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machege, Migori County; Sen. Madzayo, Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Mutula Kilinzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wetangula, Bungoma County.

**NOES:** 0

**The Temporary Chairperson** (Sen. (Dr.) Machege): Hon. Senators, I wish to announce the results as follows:-

**AYES:** 27

**NOES:** 0

**ABSTENTIONS:** 0

*(Question carried by 27 votes to 0)*

*(Clauses 3, 4 5, the Schedule (as amended, Clause 2, the Title and Clause 1 agreed to)*

**Sen. Kagwe:** Hon. Chairman, I beg to move that the Committee do report to the House its consideration on the Division of Revenue Bill (National Assembly Bill No.2 of 2017) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]*

## **REPORT, CONSIDERATION OF REPORT AND THIRD READING**

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO.2 OF 2017)

**The Deputy Speaker** (Sen. Kembi-Gitura): Draw the Bar and open the doors. Yes, Chairperson of the Committee?

**Sen. (Dr.) Machage:** Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Division of Revenue Bill (National Assembly Bill No.2 of 2017) and its approval thereof with amendments.

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

I request Sen. Wetangula to second.

**The Senate Minority Leader** (Sen. Wetangula) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, I beg to move that The Division of Revenue Bill (National Assembly Bill No.2 of 2017) be now read a Third Time.

I request Sen. Wetangula to second.

**The Senate Minority Leader** (Sen. Wetangula) seconded.

*(Question proposed)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, since none of you is interested in debating this issue, I will now put the Question, which is that The Division of Revenue Bill (National Assembly Bill No.2 of 2017) be now read a Third Time.

Ring the Division Bell for one minute.

*(The Division Bell was rung)*

We are now ready to vote. Start voting.

*(The Senators proceeded to vote)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that the Division of Revenue Bill  
(National Assembly Bill No.2 of 2017)  
be now read a Third Time put and the Senate  
proceeded to vote by County Delegations)*

**AYES:** Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kajwang' M., Homa Bay County; Sen. (Dr.) Kariuki G.G., Laikipia County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo,

Kilifi County; Sen. Mohamud, Wajir County; Sen. Mositet, Kajiado County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Nabwala, Trans Nzoia County; Sen. Njoroge, Nakuru County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Sang, Nandi County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senators! The results of the Division are as follows:

**AYES:** 26

**NOES:** 0

**ABSTENTIONS:** 0

*(Question carried by 26 votes to 0)*

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Draw the Bar and open the door.

*(The Bars were drawn and door opened)*

Hon. Senators, I will rearrange the Order Paper, so that we deal with Order No.12 in place of Order No.11. Let us go to Order No.12.

*[The Temporary Speaker (Sen. (Dr.) Machage) took the Chair]*

## COMMITTEE OF THE WHOLE

*(Order for Committee read)*

*[The Deputy Speaker (Sen. Sen. Kembi-Gitura) left the Chair]*

## IN THE COMMITTEE

*[The Temporary Chairperson (Sen. (Dr.) Machage) took the Chair]*

### THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)

**The Temporary Chairperson** (Sen. (Dr.) Machage): Hon. Members, apparently we do not seem to be having the requisite numbers. May the Mover approach the Chair, please?

**An Hon. Senator:** The Mover is not there.

**The Temporary Chairperson** (Sen. (Dr.) Machage): Who will report? Let the Division Bell be rung for two minutes.

*(The Division Bell was rung)*

**The Temporary Chairperson** (Sen. (Dr.) Machage): I see we do not have the requisite numbers. Let us hear from the Mover.

**Sen. Mutula Kilonzo Jnr.:** Mr. Temporary Speaker, Sir, pursuant to Standing Order No.139, I beg to move that the Committee do report progress on the consideration of the National Assembly Amendments to Clause 48 of the County Assemblies Services Bill (Senate Bill No. 27 of 2014) and seek leave to sit again tomorrow.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

### **PROGRESS REPORTED**

#### THE COUNTY ASSEMBLY SERVICES BILL (SENATE BILL NO. 27 OF 2014)

**Sen. (Dr.) Machage:** Mr. Temporary Speaker, Sir, I beg to report progress that the Committee of the Whole has considered the National Assembly Amendments to Clause 48 of the County Assembly Services Bill (Senate Bill No.27 of 2014) and seeks leave to sit again tomorrow.

**Sen. Mutula Kilonzo Jnr.:** Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

**Sen. Wako** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Sang): Next Order.

### **MOTION**

#### ADOPTION OF REPORT OF CPAIC ON FINANCIAL OPERATIONS OF VARIOUS COUNTIES FOR FY 2013/2014

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kiambu, Busia, Tana River, Trans-Nzoia, Nyandarua, Migori, Kwale, Kisumu, Samburu and Kericho County

Executives for the Financial Year 2013/2014 (1<sup>st</sup> July 2013 to 30<sup>th</sup> June, 2014) laid on the Table of the Senate on Thursday, 23<sup>rd</sup> February, 2017.

**The Temporary Speaker** (Sen. Sang): Sen. (Prof.) Anyang'-Nyong'o, please, approach the Chair.

*(Sen. (Prof.) Anyang'-Nyong'o consulted with the Temporary Speaker (Sen. Sang))*

Hon. Senators, we will defer that Motion after consultation with the Mover.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Sang): Hon. Senators, we will defer Order Nos. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.

### COMMITTEE OF THE WHOLE

THE NATIONAL CEREALS AND PRODUCE BOARD  
(AMENDMENT) BILL (SENATE BILL NO.15 OF 2015)

THE COUNTY STATUTORY INSTRUMENTS  
BILL (SENATE BILL NO.10 OF 2015)

THE PRESERVATION OF HUMAN DIGNITY AND  
ENFORCEMENT OF ECONOMIC AND SOCIAL RIGHTS BILL  
(SENATE BILL NO.8 OF 2015)

THE BASIC EDUCATION (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO.35 OF 2014)

THE PARLIAMENTARY POWERS AND PRIVILEGES BILL  
(NATIONAL ASSEMBLY BILL NO.35 OF 2014)

THE TREATY MAKING AND RATIFICATION  
(AMENDMENT) BILL (SENATE BILL NO.5 OF 2016)

THE PHYSICAL PLANNING BILL  
(NATIONAL ASSEMBLY BILL NO.46 OF 2015)

THE MEDICAL PRACTITIONERS AND DENTISTS  
(AMENDMENT) BILL (SENATE BILL NO.2 OF 2016)

THE COUNTY GOVERNMENTS (AMENDMENT)  
(NO.2) BILL (SENATE BILL NO.7 OF 2016)

*(Committee of the Whole deferred)*

## MOTIONS

### ADOPTION OF REPORT ON THE SECURITY SITUATION IN MANDERA, LAIKIPIA AND KAPEDO

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia County and Kapedo (Border town of Turkana and Baringo Counties) conducted between 19<sup>th</sup> January and 5<sup>th</sup> February, 2015 and laid on the Table of the House on Wednesday, 29<sup>th</sup> July, 2015.

### ADOPTION OF EALA REPORTS AND RESOLUTIONS

THAT, the Senate notes the Report of the Standing Committee on National Security and Foreign Relations on the EALA Reports and Resolutions pursuant to standing order 235 laid on the Table of the House on Tuesday, 19<sup>th</sup> April, 2016.

### ADOPTION OF REPORT ON THE STUDY VISIT TO RUSSIA

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the study visit to Russia laid on the Table of the House on Tuesday, 15<sup>th</sup> March, 2016.

*(Motions deferred)*

## ADJOURNMENT

**The Temporary Speaker** (Sen. Sang): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until tomorrow, 2<sup>nd</sup> March, 2017, at 2.30 p.m.

The Senate rose at 5.15 p.m.