

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 4th April, 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

PETITIONS

STATUS/FUNDING OF THE MOI TEACHING AND REFERRAL HOSPITAL

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I have petition from the Governor and officers of the Uasin Gishu County Government regarding the status of, and funding of the Moi Teaching and Referral Hospital in Uasin Gishu County (MTRH).

Pursuant to Standing Orders No.220(1)(a) and 225(2)(b), I hereby report to the Senate that a Petition has been submitted through the Clerk by Hon. Jackson K. Mandago, the Governor, Uasin Gishu County and five other officers in the Uasin Gishu County Government. The petition relates to the status of and funding of MTRH which is located in Eldoret within the Uasin Gishu County. In the petition, the petitioner's state:-

(a) THAT, although the MTRH is recognized as a referral hospital serving the residents of upper Rift Valley and Western parts of Kenya, it has for long been classified as a Level 4 hospital. This has meant that since the onset of devolution, the MTRH has not benefitted from the conditional grants allocated through the budget process to other referral hospitals;

(b) THAT, the MTRH has since been reclassified by the Ministry of Health as a Level 6 referral hospital. Despite this, the MTRH has not been allocated any conditional grant for the Financial Year 2017/2018; The estimates of which are under consideration by Parliament; and

(c) THAT, since the MTRH has now been classified as a Level 6 referral hospital, the County Government of Uasin Gishu requests that the funds be allocated to enable the construction of a Level 4 hospital to serve the residents of Uasin Gishu County.

The petitioners, therefore, pray that the Senate urgently considers this matter to ensure that the MTRH benefits from the conditional grant allocated to national referral hospitals in 2017/2018 and subsequent financial years.

Hon. Senators, pursuant to Standing Order No. 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than 30 minutes.

My screen is not showing anything, but I suspect that Sen. (Dr.) Machage would like to say something.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, the advent of the current Constitution and devolution of medical services to the counties has created a crisis that needs to be looked into very carefully by the Senate, especially when it involves the provision of medical services regarding the boundaries of the counties.

In most cases, Level 5 hospitals cater for counties other than the county where the hospital is located. However, financial officers never take that into consideration. Therefore, one county ends up losing the money allocated to it.

The situation of the MTRH is quite unique because it also caters for the whole country despite the fact that until very recently, it was classified as a Level 4 hospital. It is due to that, that consideration for construction of a Level 4 hospital in Eldoret is strongly considered now that the MTRH is a Level 6 hospital.

I beg to support.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, as I had directed earlier, the petition stands committed to the relevant standing committee, in this case the Committee on Health.

In terms of Standing Order No. 227(2), the Committee will be required in not more than 60 days from the time of reading the prayer to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

REPORTS ON VARIOUS PETITIONS

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I beg to lay the following Reports on Petitions on the Table of the Senate today, Tuesday, 4th April, 2017.:-

(1) Report on petition concerning the utilization of funds set aside under the Busia County Ward Development fund for the Financial Year 2014/2015.

(2) Report on petition concerning the alleged embezzlement of funds, financial impropriety and skewed employment in Turkana County;

(3) Report on petition concerning various matters affecting the county executive and assembly of Vihiga; and

(4) Report on petition on enacting of legislation to confine national and county governments to exclusive use of interest free Islamic bonds.

(Sen. (Dr.) Machage laid the documents on the Table)

ALLEGED CORRUPTION AND MISAPPROPRIATION OF FUNDS AT NYAMIRA COUNTY GOVERNMENT

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I have another Petition by two residents of Nyamira County on alleged corruption and misappropriation of funds at Nyamira County Government.

Pursuant to Standing Orders No.220(1)(a) and 225(2)(b), I hereby report to the Senate that a Petition has been submitted through the Clerk by two residents of Nyamira County regarding the alleged corruption and misappropriation at the Nyamira County Government. In the Petition, the petitioners state:-

(a) The county government of Nyamira has failed to follow procurement laws and procedures in the award of tenders for various infrastructural projects being undertaken in the county;

(b) Significant amount of public funds have been lost or misappropriated either by non-implementation or during the implementation of the said infrastructure projects; and

(c) The county government has unlawfully made payments of allowances either to trips that were never undertaken or to persons who are not eligible for payment of such allowances during foreign trips.

Consequently, the petitioners pray that the Senate investigates this matter and makes appropriate recommendations to redress the situation.

Hon. Senators, pursuant to Standing Order No.226, I, therefore, allow comments, observations, or clarifications in relation to this petition for not more than thirty minutes.

Sen. Karaba: Mr. Deputy Speaker, Sir, that is a problem that not only affects Nyamira County, but virtually all counties. If people were to be allowed to petition us, we would get petitions from every county. This is an issue that has been recurring in the Senate. The County Public Accounts and Investments Committee (CPAIC) has been doing a lot of work to expose some of the counties that have been involved in misappropriation of funds. Therefore, it is important that this matter be looked into, in totality because it affects many counties.

There is need for us to spell out the consequences of misappropriating public funds by a governor. We should not leave it only to the CPAIC to scrutinise accounts, recommend and end it at that. We should come up with recommendations such as prosecution and even recovering the stolen money from governors' investments.

It is my wish that it should include most of the counties and more so, they should even look into Kirinyaga where the revelation showed that Ksh3.4 billion was not properly utilised.

I hope that this Petition can spread to those other affected counties.
I support.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, the only issue I would like to correct there is that this is a specific petition by a specific number of people regarding a specific county and not like the statements we seek where you can ride on. This has to be specific to the petition by the two petitioners from Nyamira County. If there is one from Kirinyaga, I am sure it will be brought in good time.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I am glad to note that members of the public in Nyamira are alive to what is going on in their county. However, I have a small challenge on procedure: When you look at the first prayer which is: Observing the Public Procurement and Disposal Act and the second one: Looking at the issue of wasteful expenditure, these are exactly the same issues that the Auditor-General has flagged out in the Audit Report of 2013/2014 and 2015/2016 and today in the morning, we were interrogating the same issues with the Governor of Nyamira who was here.

I leave it to the Speaker, to consider what to do because the County Public Accounts and Investments Committee is already seized of the matter. If you choose to bring the matter to our Committee, then my understanding would be that we can easily answer that question even today and tell them that we are seized of the matter; we are already carrying out investigation and we shall report to the House.

Sen. Khaniri: Mr. Deputy Speaker, Sir, I rise to support this petition and to hail the two patriotic Kenyans from Nyamira for their vigilance. For devolution to succeed, residents must also take interest and remain very vigilant on what is happening in their counties and, when there are issues like this, it is important that they flag them out like they have.

I want to disagree with Sen. Karaba and Sen. (Dr.) Khalwale. You have answered Sen. Karaba correctly; that this is a specific Petition by Kenyans and under the law they have a right to petition any of the two Houses and therefore we cannot dilute their petition. However, I want to inform Sen. (Dr.) Khalwale that this petition will eventually be assigned to a Standing Committee of this House as per our rules. The Committee he sits in; the County Public Accounts and Investments Committee, is a Sessional one. It is important that this Petition is dealt with because there are specific issues that have been raised.

Even if the Auditor General flagged out these issues in his audit, these are two different committees. The Standing Committee on Finance and Budget which I believe will be seized of this matter should be able to liaise with the other Sessional Committee to get answers so that we can get a report. Although the Standing Order says 60 days, I am sure they can bring a report in a much shorter period.

I insist that it has to be assigned to the relevant Standing Committee

I support.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Obure.

Sen. Obure: Mr. Deputy Speaker, Sir, I want to congratulate the two citizens from Nyamira County who are definitely vigilant and have shown interest in ensuring that the county resources are managed in a prudent manner so that services can be delivered to the people.

Violation of procurement law and regulations is not restricted to Nyamira alone but is happening in all the counties. We know cases where tenders are awarded and payment effected and the procedures are followed afterwards. This is completely irregular. I am sure the citizens from Nyamira are referring to those kinds of incidents. We have also seen large amounts of un-surrendered imprests owed to the counties by members of staff. This is a clear violation of the Financial Management Law. We would like these cases to be investigated.

Mr. Deputy Speaker, Sir, the two citizens have made reference to allowances which are paid to Members of County Assembly and other members of staff and unauthorized persons also receive these allowances. They do not account for them and in many cases, where they are supposed to make official travels to various destinations, they collect they allowances, they never travel and nobody holds them accountable.

I support the position taken by my friend, Sen. Khaniri, that these matters should be investigated by the appropriate Committee and this House should encourage citizens

of this country to bring up issues on any violation of the law and especially the abuse of the county resources.

I support.

The Senate Minority Leader (Sen.wetangula): Mr. Deputy Speaker, Sir, allow me also to hail the two patriotic citizens from Nyamira County for the petition.

I want to point out that the Committee that will deal with this petition will have an opportunity to make a general finding that the reason citizens are finding way as they are entitled to under the Constitution to the House of their representatives in the Senate or National Assembly, is because of the ineffectiveness and/or inability of the institutions of governance in the country in fighting corruption. We have the Directorate of Criminal Investigations, the Director of Public Prosecutions, the Ethics and Anti-Corruption Commission, courts of law, the Auditor General and internal audit offices and the Controller of Budget.

If all these offices were working effectively, some of these governors would be 'guests of the State' in Kamiti Prison instead of being called here to answer questions.

I hope that the Committee makes not just strong findings about the content of the petition but findings and directions on how these institutions of governance are supposed to help the country in getting rid of the nightmare of corruption.

The County Assemblies as the primary organs of oversight must be inculcated with the ability and capacity to do budget tracking so that we do not end up carrying out post-mortem of thefts, frauds and corruption. We should have the ability to stop these malpractices so that money sent to counties can benefit the public in the manner that the Constitution and the law defines and intended.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. Pursuant to Standing Order No.227 (1), the Petition stands committed to the Standing Committee on Finance, Commerce and Budget.

In terms of Standing Order No.227 (2), the Committee would be required in not more than 60 days from the time of reading the prayer to respond to the petitioners by way of a report addressed to the petitioners and laid on the table of this Senate.

PAPERS LAID

REPORTS ON BUDGET IMPLEMENTATION REVIEW FOR THE FIRST QUARTER OF FY 2016/2017

Sen. (Dr.) Machage:Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the table of the Senate today, Thursday, 4th April 2017.

(a) The National Government Budget Implementation Review Report for the First Quarter of FY 2016/2017

(b) The County Budget Implementation Review Report for the First Quarter of Financial Year 2016/2017.

Thank you.

REPORT OF THE PSC ON COMPLIANCE WITH VALUES AND
PRINCIPLES OF THE CONSTITUTION OF KENYA

Sen. Sijeny: Mr. Deputy Speaker, Sir, I beg to lay the following Paper on the table of the Senate today, Tuesday, 4th April 2017.

Public Service Commission Evaluation Report for the Year 2015/2016 on Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution.

STATEMENTS

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, there are several Statements that are scheduled to be issued and some that need to be sought. We shall start with those seeking Statements.

Any Senator asking for a Statement?

Since no Member is asking for a Statement, let us go to Statements to be issued. Chairperson, Sessional Committee on Implementation.

Sen. Sang is not present.

CONDITIONAL ALLOCATION TO COUNTY GOVERNMENTS FOR LEASING OF MEDICAL EQUIPMENT

Sen. (Dr.) Machage: Thank you, Mr. Deputy Speaker, Sir. This is a response to a Statement sought by Sen. Wetangula.

On the subject of conditional allocation of county governments for leasing of medical equipment, he had six questions.

(1) To indicate if there was a conditional allocation of Kshs4.5 billion to each county every financial year for leasing medical equipment.

The Managed Equipment Services Project (MES) was envisioned as a national Government flagship project. The project entails leasing of specialised medical equipment for 98 hospitals countrywide. That is, two hospitals in each of the 47 counties and four national hospitals for cost-effectiveness.

The project leveraged on economies of scale as leasing of the equipment services by individual counties would not have a result in value for money and equitable equality of specialised health care.

Each county was therefore requested to identify two hospitals that would benefit from the project towards the objective of reducing inequalities in access to specialized health services as well as upgrading county hospitals.

The national Government, therefore, floated the tenders for all the equipment lots identified for this project and also signed five MES contracts for the supply of medical equipment and related services.

The National Treasury allocated to the Ministry of Health Kshs4.5 billion in the Financial Year 2015/2016 and a similar amount for the Financial Year 2016/2017 for the MES project.

(2) To provide a breakdown of the quantum of quality of the equipment in each of the counties and the date they were delivered to those counties and the cost thereof.

I will table a list for this answer which includes the equipment quantities as listed on Table (1). Attached to the supplies are the original equipment manufacturers of the equipment, installation and commissioning certificates as issued by the respective hospital implementation committees for all installed equipments to confirm that they meet contract specifications.

Table (2) shows counties that have received equipments, commissioning dates and hospitals benefiting from the project.

I will table this after reading this answer.

The MES tender was cumulative of supply, installation, testing and commissioning, training, fittings, works and maintenance of equipments for seven years. I will table the cost for each equipment.

(3) To confirm the number of counties that have received the equipment; detailing the criteria used in distribution of the equipment. For the counties that have not received such equipments, what they are paying for and if such payment is in conformity with the procurement rules and procedures.

The total number of hospitals equipped by the MES project is 98; that is Level Four and a Level Five hospital per county and four national referral hospitals. So far, 85 hospitals are fully equipped with the five equipment lots. All the 98 hospitals have received at least two equipments and I will table the document together with all the other annexes.

All 98 beneficiaries of the MES project have received at least two equipment lots. In total, only 13 hospitals out of 98 hospitals have one equipment lot pending installation, hence not functioning. All payments are accepted upon material compliance by the contractor of their obligations in accordance with the contract implementation programme. The Ministry of Health verifies with the respective County Health Administration that value has been received before issuing the quarterly service payment to the contractors.

(4) The working condition of the equipment and post-supply service contracts and the contractors involved to ensure that it is properly maintained.

The contractors are responsible for ensuring that the equipment is capable of supporting the project operations and services. They are obligated to service, repair and maintain, including both preventive and curative maintenance of the equipment accordingly. Such service of repaired maintenance is at the contractor's cost.

Each contract has a condition for equipment uptime guarantee, and failure by a contractor to attain contractual uptime attracts service failure points. The five contractors involved in providing post supply services are:-

- (1) Midway Bio-Medical and Electronic Co. Ltd - Theatre Equipment.
- (2) Esteem Industries Inc. - Sterilization equipment and surgical Sets.
- (3) Bellco SRL - Renal Equipment.
- (4) Philips Medical Systems Nederland B.V - ICU Equipment
- (5) General Electric E.A Services Ltd - Imaging and X-ray Equipment.

I will also table a summary of the working condition of installed equipment.

The fifth concern was to indicate how many of the specialised medical equipment are functional and which of the county household have properly functioning intensive care units.

Mr. Deputy Speaker, Sir, the functioning equipment is reflected on the table which I will table. The functional intensive care units as reflected in Table 3 below are; Nyeri, Nakuru, Machakos, Thika, Kisii and Coast.

Table 3: Cost of Equipment per lot

		Lot 1: Theatre Equipment (USD)	Lot 2: Sterilization Equipment and Surgical Sets (USD)	Lot 5: Renal Equipment (USD)	Lot 6: ICU Equipment (USD)	Lot 7: Radiology Equipment (USD)
1.	Total Contract Sum	45,991,450	88,027,973.32	23,691,059	36,492,176	238,279,499
2.	No. of Hospitals	96	96	49	11	98

Sixth, I was to confirm if equipment of laboratories had been done and how many county hospitals have received the specialised laboratory equipment.

Mr. Deputy Speaker, Sir, during the tendering process, there was no suitable bidder for the laboratory equipment which was in lot three and four. It is expected that these important equipment lot will be procured when appropriate funding is allocated.

Thank you, Mr. Deputy Speaker, Sir, allow me to table the document for reference.

(Sen. (Dr.) Machage laid the document on the Table)

(Sen. Wetangula stood up in his place)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Wetangula. With your indulgence, let me make a short communication on visiting students and teachers because I think that might take some time.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS AND TEACHERS FROM VARIOUS SCHOOLS

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, I wish to recognise the presence of visiting students and teachers from the following schools:-

(1) Ontulili Boys, Meru County

(2) Chepkumia Secondary School, Nandi County

(3) Bogiti Primary School, Murang'a County

They are seated in the Public Gallery. 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.

Thank you.

Sen. Karaba: Mr. Deputy Speaker, Sir, on behalf of the entire Senate and the Committee on Education, as the Chairman, I welcome all the students who are in the Public Gallery. We are happy with their coming. When they go back they should greet the once they left in their schools. We wish you all the best of luck, particularly those in Form Four, to pass and access the university and eventually come to the Senate and sit where we are seated.

I thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you, Sen. Karaba. That does it for all of us, for all the students that are here this afternoon, including the ones from Bogiti Primary School in Murang'a County which I represent.

Thank you very much. Sen. Wetangula, you may resume.

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I am afraid. As I thank the Chairman for bringing this statement, he has made very little attempt to respond to the issues I raised. This project is described as supply of specialised medical equipment for hospitals.

My first clarification I seek from the Chairman is to tell this House and the country whether the following listed supplies are specialised equipment to the hospitals:-

K-Nail set, bladder washout set, catheterization set, cut down sets for adults, incision and excisional biopsy sets, incision tray, stitch removing set, E.N.T. general set, foreign body (ear/nose) set, myringotomy set, tonsillectomy set, tracheostomy set and varicose vein stripper set, raw water reservoir tanks (pumps and piping system) water treatment plant (filters, RO system, softeners and pipework), dialysis chair, dialysis beds, suction machines, vital signs monitor, provision for office equipment, dialysis consumable equipment which includes drainage bags, percutor, arterial and veinous transducers and infusion sets.

Mr. Deputy Speaker, he should further tell us whether this forms part of specialised equipment; bicarbonate cartridges – bicarbonate is salt, so, these are salt cartridges, bicarbonate concentrate, ICU beds complete with mattresses, ripple mattresses, HDU beds complete with mattresses, bedside monitors, infusion pumps, syringe pumps, resuscitation trolleys and crash carts, suction vacuum bottles, refrigerators for keeping blood, refrigerators for keeping food, refrigerators for keeping drugs, cardiac stethoscope for adults, cardiac stethoscopes for paediatrics, patient trolleys, sport lights torches, sport lights drip stands, microwave ovens, trolley dressings, trolleys for general purposes, trolleys for instruments, wash basins, baby coats, electric kettles, nebulizers, forceps for adults, forceps for children and medical gas plants for oxygen and vacuum.

Mr. Deputy Speaker, Sir, first, can the Chairman tell this House and the country if those are specialised medical equipment that are worth importation and supply to

hospitals at the astronomical figures that the counties have been conditioned to sign and pay for?

Secondly, I asked the Chairman to tell us about equipment received and the hospitals hosting them, detailing the criterion that was used in distributing equipment. In general terms, he has appeared to indicate that it was supplied to all counties at par. Medical equipment is about human beings that are attended to. Does it make sense, for example, for the Chairman to tell the House that the equipment supplied to Nairobi, Kakamega, Nakuru or Bungoma is equal in quantum to equipment supplied to Lamu, Tharaka Nithi and other counties with less population? This equipment is meant to serve the population.

Thirdly, the working condition of the equipment and post supply contracts – the Chairman has not told us the condition of the equipment, save that the contractors are responsible for the equipment and he listed five companies as contractors involved in providing post supply services. Can he table the agreements between Mindray Bio-Medical and Electronics Co. Ltd, Esteem Industries Inc., Bellco SRL, Philips Medical System Nederland B.V and General Electric E.A Services Ltd?

Could he table the agreements between Mindray Bio-Medical and Electronics Company Limited, Esteem Industries Inc., Bellco SRL, Philips Medical Systems Nederland B.V. and General Electric E.A. Services Ltd?

The Chair has also not given a breakdown on how much each county is paying and what they are paying for. For example, in Table 1 he is simply giving the county, hospitals and the dates of delivery and commissioning. He has not indicated in the terms of my request as to the condition of this equipment.

Mr. Speaker, Sir, I hope you will give me another opportunity because I have several clarifications to seek. Lastly, can the Chairperson table in this House the contract signed by each county, detailing what they are signing for, the dates of delivery and where this equipment is housed, given that many of the counties do not have the hospitals and facilities to host them.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, you have to wait a bit for the other interventions, so that you can answer to them at once.

Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I want to thank the Senate Minority Leader for seeking this very important Statement. I would like the Chairman to table the list of the following medical specialists who have been hired by county governments, so as to service this particular service that will come by way of usage of this specialized medical equipment.

(1) Radiologists and where they have been posted.

(2) Renal physicians and where they have been posted.

Could the Chairman also list the hospitals where this service is currently operational?

Thirdly, could the Chairman explain why the National Assembly, in this year's Budget, reduced the allocation to county governments that was conditional and meant to service this particular debt?

Finally, could the Chairman confirm whether the original laboratory contracts that were omitted when these contracts were being signed, have now been signed and the laboratories where the specialized medical equipment is domiciled are now operational?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, you may respond.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I do appreciate the in-depth thinking of the two Members of the Senate; the Senate Minority Leader and Sen. (Dr.) Khalwale, and their concerns about this project.

Sen. Wetangula inquired whether all the instruments that I have tabled are actually specialized equipments. The answer is, "yes." I may not want to go to every particular item, including cannula, branula and supportive tubings. That is a bit technical, but if he so wishes, I can take my time with him, when he is available.

Mr. Deputy Speaker, Sir, Sen. Wetangula also asked whether other equipments, such as Intensive Care Unit (ICU) beds, were specialized. Yes, these are specialised equipments. They are equipped not only with delivery---

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is the Chairman in order to refuse to respond to the question by the Senate Minority Leader and attempt to hide in his professional training, when he knows that he is not the only doctor in the House? More importantly, how on earth would he justify that a trolley is specialized equipment? A trolley is where the nurses put syringes and other things. They are even manufactured by the *Jua Kali* artisans here in town. Are they specialized equipment? He is misleading the House. He should go to jail, if anything.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, you know better than most people that your point of order is a point of argument in reality.

Sen. (Dr.) Machage, are you in order? Can you justify your statement?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I believe that I am quite in order, but if it so pleases the House, and especially the Chair, I can discuss every item. I promise you that it will take the whole of this afternoon and maybe tomorrow's Sitting for me to finish explaining the list that has been sought by Sen. Wetangula. If it pleases you, I will start.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, I am giving you not as much time as you wish; the House has other business. You were challenged as to whether what you are saying is correct. Since you have said that it is correct, just proceed. However, do not assume that I can give you three days to deal with that only that point.

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. I watched very keenly, as I enumerated these issues, and could even see that as the Chair you were a bit surprised. Is it in order for Sen. (Dr.) Machage to make a general statement that every bit of equipment on this list is specialized? There is not anybody in this Chamber, probably including our guests in the Public Gallery, who have never visited a hospital and seen ordinary refrigerators in which they keep blood, water

and other things. Could he tell us and justify this outrageous allegation, that a refrigerator, patients' trolley and microwave oven are specialized equipment?

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wetangula, you had gone through that list already?

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I want to urge you not to let the distinguished Senator, who is the Chairperson, to get away with such outrageous answers. He should not frighten the House that he will need three hours to answer; we have that time if we have to save the country Kshs28 billion that is being sunk in this project. We have to save the country's Kshs28 billion that is being sunk in this project.

The Deputy Speaker (Sen. Kembi-Gitura): Proceed Sen. (Dr.) Machage.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, unless I have a different meaning of what specialization means, these are all specialized equipment. The Hon. Member of this House is an eminent lawyer and we may be speaking a different language. However, according to my knowledge, as a Senator and a long serving doctor, who has practiced for very many years and is well trained from the University of Nairobi, these are specialized equipment.

I will pick on one or two examples. If you look at the theatre equipment such as aesthetic machine with a ventilator, one will need a specific type and size of hose pipe and not a hose pipe for draining water from a radiator of a vehicle. They must be specialized equipment. The electrosurgical unit system will also need special cables.

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

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of Order, Sen. Madzayo?

Sen. Madzayo: Thank you, Mr. Deputy Speaker, Sir. I must confess that I am not a medical doctor. However, I am alive to the fact that a trolley, a refrigerator and the other issues that have been mentioned that I cannot recollect, are not specialized medical equipment. It would be okay for the distinguished Senator to point out the specialized equipment rather than trying to justify what is not specialized medical equipment.

Sen. Mutula Kilonzo Jnr.: Mr. Deputy Speaker, Sir, at this rate, gloves are going to become specialized equipment. Perhaps to help Sen. (Dr.) Machage and the House, we need to know what the definition of specialized equipment in the contract was. This is because you cannot define 'specialized equipment' out of your knowledge or experience as a doctor. That is the solution. Let us look at what the contract defines. If the contract defines gloves and trollies as specialized equipment, we would then say that the contract is voidable to that extent.

Sen. Khaniri: Mr. Deputy Speaker, Sir, clearly the Chairperson is not ready to answer these questions. He is not responding to the specific points of orders being raised by Members about specialized equipment.

I want to propose that this Statement be deferred for the Chairperson to table the contract for us to scrutinize it and know the definition of specialized equipment as per that particular contract. This statement should be deferred for us to do justice to it.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, the public can sometimes get lost in a debate on a specialized area like this. Could it be clear to the public that the real gist

of this question is to see whether there was value for money? The public is paying billions of shillings. They are paying Kshs28 billion to buy trollies and refrigerators.

In a country where mobile clinics were substituted with containers in Mombasa, in a country where Anne Waiguru bought a biro for Kshs8,700, it is important that in this particular contract, we be careful that we are not abetting the same kind of nonsense.

I plead with you that we follow the route proposed by the Senator for Vihiga County. We should stand down the question and ask the Chairperson to come with a comprehensive answer. What is more is that the contracts which were tabled in this House were accompanied with what they were to buy. When Sen. Mutula Kilonzo Jr. and I were interrogating this issue on the schedules, we did not have torches, trollies, fridges and gloves. We did not have any of those things.

Sen. (Prof.) Lonyangapuo: On a point of Order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of Order, Sen. (Prof.) Lonyangapuo?

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, if you approve Sen. Khaniri's request, I would ask that the statement be enriched. Do we have people who have been trained to handle this specialized equipment in these counties?

Lastly, can it be confirmed that constant supply of power has been taken to some of these cited hospitals to warrant the equipment. I would particularly want to know if Kacheliba Hospital in West Pokot County has power connectivity that can handle this machine or is it a white elephant project?

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

The Deputy Speaker (Sen. Kembi-Gitura): What is your point of Order, Sen. Wetangula?

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, I fully agree with the suggestion of the distinguished Senator of Vihiga County, Sen. Khaniri.

In the event that you see sense in the request and stand down the answer, we should not lose sight of the fact that the Chairperson, in his boisterous answering has forgotten that I also asked for prices of equipment. If he says that these things such as refrigerator, spotlights and so on are specialized equipment, we want to know the unit price of each. This is because you will find that a fridge that costs between Kshs60,000 to Kshs70,000 in Nakumatt or Tusksys super markets is, probably, being procured for Kshs1 million. We want to see all those details.

I say this because Murang'a County and even Bungoma County are paying. Each County that we represent here is being deducted money whether they like it or not, taxed at source, at budget level. We want to see if our people are getting value for money.

Sen. Leshore: Thank you, Mr. Deputy Speaker, Sir. When the Chairperson was responding to that question, his body language would tell that he is telling us lies. He is taking this House---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Leshore! Could you rephrase? Senators do not tell lies.

Sen. Leshore: Thank you, Mr. Deputy Speaker, Sir, for allowing me to repeat that. The body language of the Chairperson---

The Deputy Speaker (Sen. Kembi-Gitura): Could you first withdraw the word “lies” and then proceed.

Sen. Leshore: Thank you, Mr. Deputy Speaker, Sir. I withdraw the word lies.

The body language of the Chairperson when he was responding indicated that he was taking us for a ride or a circus. He continues to give us a circus in this House. Could he come here with his Cabinet Secretary (CS) and the Permanent Secretary (PS) to explain to this House the hospital that benefitted and which are these specialized equipment? This is because I thought specialized equipment are things such as dialysis equipment, scanners for the brain, digital X-rays and not gloves and fridges.

(Loud consultations)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senators. Sen. (Dr.) Machage, what do you have to say?

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I am not speaking “briss and brass” as stated by Sen. (Dr.) Khalwale. Whatever the meaning of those two words, I have no idea of what he was trying to communicate to the House.

Mr. Deputy Speaker, Sir, there are certain issues that have been raised by the questioners that I think are important. Sen. (Dr.) Khalwale raised an issue of tabling the contracts and he was supported by the Senate Minority Leader. I will do that one at a later time as requested.

This is what I will say. It is also my and every Kenyan’s concern that value for money was not only achieved but seen to be achieved in this project. When we talk of hospital trolleys, in my mind I do not envisage anywhere near to the trolleys that were once bought in Bungoma. Specialised surgical trolleys include compartmentation of different instruments that are used for surgery. It is not the normal trolley that you see in a butchery. Specialised gloves are gloves that will only have a certain ability to protect the surgeon at a very high level of permeation of even viruses. It is not just a normal glove that you can buy anywhere. It has to have the tension and tensile strength that does not allow tearing easily.

(Sen. (Dr.) Khalwale spoke off record)

Mr. Deputy Speaker, Sir, protect me from Sen. (Dr.) Khalwale.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, you are totally out of order! You cannot do that.

Sen. (Dr.) Machage: Whereas I know that a certain opinion is made over this subject by my colleagues, I accept because the concerns are of great interest to the House that I include in my next statement all the supplementary questions that have been so far asked and in details. At that time, I will seek enough time to go through so that everybody understands this subject, including Sen. (Dr.) Khalwale who might have stayed out of the hospital for too long to forget certain issues.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, are you conceding that the answer you have is not adequate and that you need to go back?

Sen. (Dr.) Machage: Considering a number of questions that I have been asked including the number of specialists in every hospital and the contractual paperwork that was done, I do not have that information here. Maybe I will accept your word “conceding.” I accept that you allow me to come back with all the information that they have asked me.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, how much time do you require?

Sen. (Dr.) Machage: Two weeks.

(Sen. Wetangula spoke off record)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Wetangula, why do you not just insert your intervention for a point of order? It is easier for me. What do you have to say?

The Senate Minority Leader (Sen. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. As the Chairman concedes inadequacy of his answer, he cannot get away with an allegation that we do not understand.

Mr. Deputy Speaker, Sir, you and I know – I will speak for myself, you and Sen. Madzayo as lawyers – that when doctors get embroiled in professional misconduct, they come to us to defend them. When engineers design faulty bridges – we are not engineers – they come to us to defend them.

Mr. Deputy Speaker, Sir, is he in order to make such a callous and general statement that we do not understand? I will never stand here to ask a question about issues I do not understand. I forgot my colleague Sen. Sijeny and the distinguished Vice Chair of my Committee are distinguished lawyers. We defend people in areas we are not professionals in. You do not have to be a doctor to tell us that people do not understand because we understand.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I have not conceded to the inadequacy of my answer. I have only conceded to the fact that more questions, more than the six questions that were hitherto asked by Sen. Wetangula which I think are important to be answered to the House, have been asked. Unless I do not understand Sen. Wetangula well because I am not a lawyer, you only ask a question when you do not understand. That is why he asked the questions because he did not know the answer and I supplied the answer. It all means he did not understand.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, you will consider all the other issues that have been raised and give us a further answer as you have said. For the House, there are still other issues that are not specialised equipment. However, one must consider whether you can have a renal unit without raw water reservoir *et cetera*.

So, you need to take all the matters into account and let us see what you will come up with in the time that you have given.

Sen. (Dr.) Machage: Thank you, Mr. Deputy Speaker, Sir. For Sen. Leshore, I cannot have been more serious with my arm today except for a different hairstyle. Maybe that has changed his perception of my appearance.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Machage, what is wrong with your hairstyle? You look very much like the Sen. (Dr.) Machage I have always known.

Okay, two weeks it is. The next statement was sought from the Chairperson of the Committee on National Security and Foreign Relations by Sen. Khaniri.

INSECURITY IN BARINGO COUNTY

Sen. Adan: Mr. Deputy Speaker, Sir, I have shared this Statement with Sen. Khaniri. However, I have found out that some questions, especially question No.1, are not adequately answered. So, I request for more time.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Adan, you have given the statement to Sen. Khaniri. You should not have given it to him if it was not adequate. You should have sought the indulgence earlier or you ought to have left it to Sen. Khaniri to say it is not adequate. I do not think it is upon you to say it is not adequate if you have furnished it to him, unless both of you have agreed to have the issue deferred for further clarifications *et cetera*. I think that is not fair to the House; where you give a copy of the statement to your colleague then tell us it is not adequate.

Sen. Khaniri, what is your take on this?

Sen. Khaniri: Mr. Deputy Speaker, Sir, indeed, this is a very serious matter. The statement that was made by the Deputy President did not only violate Chapter Four of our Constitution on the Bill of Rights but also the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the African Charter on Human Rights.

Mr. Deputy Speaker, Sir, the first part of the question has not been answered and that is the bottom line.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Khaniri, I have the benefit of the statement you sought but I do not have the answer. So, two things will happen. You should either accept that the statement that has been given to you is not adequate and that will be it and you cannot go further into it, or you let the answer be read to the House then it becomes the property of the House and we discuss it, like Sen. Wetangula's statement. If you tell us that it is not adequate, then we will go back to the drawing board. You cannot start analysing the answer because nobody in the House has seen it apart from you.

Sen. Khaniri: Mr. Deputy Speaker, Sir, I got it from the Clerk's Office. So, I thought you have had a chance to look at it. I want to agree with the Vice-Chair of the Committee that this Statement does not adequately address the issues that I have raised and I will leave it to you to rule if she will read and then we can interrogate or if she will come back with a proper Statement.

The Deputy Speaker (Sen. Kembi-Gitura): We cannot have it both ways---

(Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale. You either concede it is not adequate and that is it, and then give a time to give what you consider to be an adequate answer. How much time do you require, Sen. Adan?

What is your point of order, Sen. (Dr.) Khalwale, before I close the issue?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir. It is in respect of the same. My concern is whether the Statement is going to clarify whether the shoot to kill order by the Deputy President is in force. Therefore, I urge the Vice-Chairperson to push that the answer comes tomorrow because the more we delay, the more that order remains in force.

As you are aware, there is now a lot of trigger happiness amongst police officers to the extent that as recently as two days ago, two little boys were shot dead in Eastleigh--

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Khalwale, you heard what I said that I do not have the benefit of the Statement, so you either let it be and you get a proper answer whether it is tomorrow or the day after. At the moment, you cannot canvass what is not the property of the House.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, even Hon.Gov. Joho's body guard was shot yesterday.

(Laughter)

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. (Dr.) Khalwale. Did those things happen because of the Statement that is being issued now? I do not think so.

I am therefore, sticking by my ruling; that the matter is now in abeyance. The only question is: Sen. Adan, will you be able to give a full Statement tomorrow, latest Thursday?

Sen. Adan: Mr. Deputy Speaker, Sir, I request for Thursday.

The Deputy Speaker (Sen. Kembi-Gitura): So be it. Statement (d) sought by Sen. (Dr.) Zani on the committee on education. Sen. Karaba.

THE ONGOING STRIKE BY LECTURERS OF PUBLIC UNIVERSITIES

Sen. Karaba: Mr. Deputy Speaker, Sir, the lecturers strike has been declared illegal by the court of law. However, the employer has been engaged in negotiations with the lecturers on 20th---

The Deputy Speaker (Sen. Kembi-Gitura): What is the problem, Sen. Karaba? Is the print too small for you?

Sen. Karaba: Mr. Deputy Speaker, Sir, yes, I think so. Can I be allowed to give the answer tomorrow?

The Deputy Speaker (Sen. Kembi-Gitura): Is there anyone else from your Committee in the House?

Sen. Karaba: Only Sen. (Dr.) Zani, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): She cannot read the answer for herself. If you cannot read and ---

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

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

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, this is strange. The House should expect that by the time the Chairperson of the Committee comes to the House with a Statement, he has read through it and understood. How conceivable is it that you stand on the Floor and cannot even read the Statement that you are carrying from your office or wherever?

This is very strange and does not reflect well on the image of this House.

The Deputy Speaker (Sen. Kembi-Gitura): I think there are two issues here: I got the impression that either he is not wearing the correct glasses because it is quite clear he is straining or it is very small. Sen. Karaba, may be you can let me know. If it is ready and can be read, then it can be read unless there is another problem. Let me know.

Sen. Karaba: Mr. Deputy Speaker, Sir, I am requesting that my Deputy Chair reads, and that is all.

The Deputy Speaker (Sen. Kembi-Gitura): Will you deal with the answer after it is interrogated?

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

The Deputy Speaker (Sen. Kembi-Gitura): Proceed and read the Statement.

Sen. Mohamud: Mr. Deputy Speaker, Sir, this is the Statement on the lecturers strike and I wish to give it as follows:

The lecturers strike has been declared illegal by the court of law. However, the employer, in the spirit of dialogue has been holding negotiations with the lecturers on the Collective Bargaining Agreement (CBA) 2013-2017. The Salaries and Remunerations Committee (SRC) which has a constitutional mandate under Article 230(4)(b) and 226(5) is also participating.

On the issue of the progress made on the lecturers' CBA, the process of negotiating is in progress between the lecturers, their employers, represented by the Inter-Public University Council Consultative Forum, and the Union. Real progress has been made. For example: the Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers (KUDHEIHA) has agreed and signed their CBA on 16th February 2017.

On the effort being made at ending the impasse, a joint negotiation team is conducting the procedural and legal aspect of the negotiation.

The SRC has, as per its constitutional mandate, written to the Inter-Public University Council Consultative Forum and given advice on the parameters for negotiation and committed Ksh10 billion for the implementation. It recommended retention of the lecturers' house allowance at the current rate.

On the issue of current efforts made by the Cabinet Secretary (CS) of Education, the CS and the relevant Principal Secretaries; they provided a conducive atmosphere for negotiation and allowed the Inter-Public University Consultative Forum to carry out the negotiation without interference.

The CS is also working with the relevant arms of Government to ensure that there is security in all campuses. Thank you very much.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Dr.) Zani. I know you want to interrogate the answer and that the Speaker last week ordered that it be given, notwithstanding that the strike is long ended. What value is it going to add to this

situation because this answer is dated 28th February 2017 and the lecturers are back in class?

The answer is giving the situation as it was then, not currently since there is no ongoing strike. Your question was clearly requesting “a Statement on the ongoing strike” which has long ended. How are you going to deal with this situation?

Sen. (Dr.) Zani: Thank you, Mr. Deputy Speaker, Sir. You pre-empted me. I sit in this Committee and I think, as a Committee especially of the Senate, we wanted to clear the issue, to ensure that there was synchrony so that we do not have the case as of the health workers.

As a Committee, we were able to get all the players on board. We called all of the Union members and also held a meeting with the CS Education, but by that time, it had been resolved.

By the time we met the lecturers they had been offered a Ksh10 billion but they wanted more. Further negotiations were done and the matter is amicably rested. We want to thank the Senate that we were allowed to play our role as a committee in arbitration for this CBA disagreement.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Sen. (Dr.) Zani. We agree the matter is closed.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Deputy speaker, Sir.

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

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, you have ruled that the issue has already been resolved, however, the strike for doctors and nurses that was allegedly resolved has resurfaced. They even want to go on strike this Thursday.

The Deputy Speaker (Sen. Kembi-Gitura): What are you referring to?

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, there is no harm in updating this House on the status of things.

The Deputy Speaker (Sen. Kembi-Gitura): Where?

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, particularly on the negotiations that are going on and the stability. We lost almost two months.

The Deputy Speaker (Sen. Kembi-Gitura): What are you referring to, Sen. (Prof.) Lonyangapuo?

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, nobody has talked about how the two months that were lost will be compensated when the students were at home.

The Deputy Speaker (Sen. Kembi-Gitura): Are you referring to the Statement that has just been issued?

Sen. (Prof.) Lonyangapuo: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Senator, with great respect to you, the point here is that there was a specific statement sought on the on-going lecturers strike. The word is “on-going.” There is no on-going lecturers strike; it is over. There is nothing more to update. I remember Sen. Karaba, in a manner of jest last week saying that unless you want to seek on a future strike. For now it has ended; there is no strike.

Sen. (Prof.) Lonyangapuo: Mr. Deputy Speaker, Sir, there were three questions. The third one would make a lot of sense because it is something that is ongoing. They have mentioned in their response that they have signed the agreement, however, the University Academic Staff Union (UASU) and the University Non-Academic Staff

Union (UNDESU) and other unions have not signed the return to work agreement. What is their status as we go forward?

The Deputy Speaker (Sen. Kembi-Gitura): Senator, with great respect, you are flogging a dead horse. As far as I am concerned, this matter is closed, at least for now. Further, the person who had sought the Statement is satisfied, in the event. I am actually very close to the *fanctus officio* on the matter.

Sen. (Dr.) Khalwale has sought a Statement from the Chair of the National Security and Foreign Relations about Mr. Stanislaus Namayi Mukoma. Could we have an answer from Sen. Adan?

KILLING OF STANISLAUS NAMAI MUKOMA AT SHIBALE
IN MUMIAS, KAKAMEGA COUNTY

Sen. Adan: Thank you, Mr. Deputy Speaker, Sir. I wish to go directly to the answer if that is okay with the House.

On 24th November, 2016 a team of security officers were conducting an operation within Shibale informal settlement in search of stolen firearms from Booker Police Post. At about 4 a.m., the officers heard a huge explosion within the vicinity and rushed to the scene where they found a workshop engulfed in huge fire and smoke. The officers broke the door to access the locked workshop in order to secure a person who was screaming from inside. The victim suffered serious burns and was rushed to St. Mary's Hospital where he was admitted in critical condition but succumbed to the burns after three days.

Mr. Deputy Speaker, Sir, on the way to the hospital, the victim identified himself as Mr. Stanislaus Namayi Mukoma. He explained that the motorcycle workshop doubles as his residence. On that particular day, he lit a match box to light his home-made kerosene lamp; *Koroboi*. Unfortunately, while inside the workshop, one of the motorcycles caught fire which spread to the whole workshop. Police assisted by fire brigade from Mumias Sugar Company were able to put out the fire.

Pursuant to the incident, an Inquest File No.2/2/016 was opened. A postmortem was later performed and the cause of death was found to be due to multiple organ failure due to extensive dry burns and not bullet wounds as alleged.

Mr. Deputy Speaker, Sir, the Government does not intend to provide any assistance to the family since the victim succumbed to an accidental death due to carelessness. The Government was not culpable or in any way connected to his death. Similarly, the Government will neither underwrite the hospital bill or the funeral costs.

Lastly, the Government will not take any action against the police officers since none of them was connected to or culpable in the death of the deceased. It is imperative to note that during the entire operation, neither the bullets nor teargas canisters were used.

I thank you.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, the greatest gift in life is life and no single life is in any way un-important. In its entirety, the only truthful thing in this Statement is the finding of the post-mortem namely, that the cause of death was multiple organ failure due to extensive burns. Everything else is a fabrication.

I am shocked that Hon. Major Gen. (Rtd.) Joseph Nkaissery, EGH, CBS, could append his signature to this. You are therefore telling us, the people of Kakamega, that we do not deserve security. You came and raided Shibale, opened gunfire and killed people. One of the bullets went and hit the so-called gas cooker or gas cylinders and our man got burnt.

I will tell you what we shall do. I am not going to ask you a single question, but I will ask you to make a commitment that you will table on day “x” the findings of the inquest in Inquest No. 2/2/016. Once you table, I will use it in Kakamega County and in Shibale, in particular, to make sure that never ever in the lives of the relatives of Mr. Namayi, distant and closely related, shall they ever vote for this useless Government that cannot protect the life of the poor. When are you going to table the report of the inquest? Shame!

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

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

The Temporary Speaker (Sen. (Dr.) Machage): Order! Sen. Wetangula.

The Senate Majority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, listening to the Chair of my Committee on National Security and Foreign Relations, herself a distinguished lawyer, I want to ask her about a Statement she has read, that the only exculpatory material in it is a Statement from the deceased.

As a lawyer, is the Chair telling us that the deceased made a dying declaration upon which the Government is relying to exclude itself from reliability when we know that due to laxity at Bookers Police Post, armed criminals walked in and disarmed police and walked away with guns? Out of shame, the police invaded Shibale Market, indiscriminately brutalized people; shooting at anybody and everybody. Furthermore, they raped women We have a case where a woman said that the policeman hit her private parts with a gun butt. It was reported all over.

Can the Chairperson go back and bring a proper response to this statement because we know that the cause of this fire was a bullet fired by the police that hit a gas cylinder used at the workshop, which then exploded and killed this man. It is not remotely connected, it is directly connected. Could the Chairperson, whom I have great respect for and who suffers sometimes indignities by reading answers written elsewhere by people who have no respect for the truth, go back and look for a truthful response, bring it to this House, tell us the outcome of the inquest and simultaneously, we will seek legal advice and sue the Government for this reckless act that caused loss of lives?

Sen. Adan: Mr. Temporary Speaker, Sir, I have restricted myself to the questions that were asked by Sen. (Dr.) Khalwale. With all fairness, it is not right to threaten whether one should vote for the Government or not. However, as per the information I have, that is what I have presented but Sen. (Dr.) Khalwale has requested that we should provide the report of the inquest so that they can follow up.

As far as legal issues are concerned, the families or leaders from that region have a right to go to court. I thank you.

The Temporary Speaker (Sen. (Dr.) Machage): The request was that I defer the answer and you come with a more comprehensive answer, taking into account the facts that have been raised in the House. You have accepted that you also need to look at the inquest issue. What do you have to say about that?

Sen. Adan: Mr. Temporary Speaker, Sir, the information I have has been provided by the Government. However, it looks like my colleagues have more information regarding what has happened. I do not have facts to that effect. I will request to further look into the information given.

Finally, the report of the inquest that Sen. (Dr.) Khalwale has requested will be provided as soon as it is done.

The Temporary Speaker (Sen. (Dr.) Machage): What is it, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. The life of this Senate is at its tail end. Saying “as soon as possible” is the same as saying we might never get an answer at all. For God’s sake, people died. She should tell us when she will bring the revised answer as demanded for by Sen. Wetangula and when she will bring the results of the inquest as I demanded. Even if you want to keep the compensation, let us know why you killed our people.

The Temporary Speaker (Sen. (Dr.) Machage): There is a point of order from Sen. Godliver.

Sen. Omondi: On a point of order, Mr. Temporary Speaker, Sir. Is the Senator giving the answer to the question serious with what she is telling us? I come from Kakamega and I neighbour Shibale. The answer she has given us cannot even make the family to vote for the Jubilee Government. Is she in order to add some pain to the family that lost a dear one? Can she give us an answer that can touch the mind and hearts of the people? People die in this country but justice has never seen the light of day.

The Temporary Speaker (Sen. (Dr.) Machage): I do not think the answers given have anything to do with Jubilee, CORD, NASA or whatever you have in your mind. We are statesmen, stateswomen and legislators given a five-year mandate, which unfortunately is being cut, to do a certain duty. That is what every Member is trying to perform.

The Chairperson has conceded that she does not have enough facts from her sources. That is noble enough to be given credit. The questioner has given us more information that he has. Sen. Wetangula and Sen. (Dr.) Khalwale know more than the Government does on this issue. If I was an investigator, then, I would seek more information but that is for them to decide. Mine is to rule that the answer to the statement given is inadequate such that the questioner has more information. For purposes of doing our duty, the Chairperson should go back and give us a proper, more detailed answer. I rule that this should be done on Thursday.

(An hon. Senator spoke off record)

What is the point of order? Be careful not to do a point of order on the Speaker. He has immense powers.

(Sen. Wetangula spoke off record)

Order, Sen. Wetangula! What is it, Sen. Godliver?

Sen. Omondi: Mr. Temporary Speaker, Sir, it is just a concern over what you have ruled. Are you serious when you tell us that the answer is correct? Are we safe? If police officers are not safe, how sure are we that Kenyans are safe? Can the Chairperson tell us if we are safe?

The Temporary Speaker (Sen. (Dr.) Machage): Order! The Chair is always sure of his ruling. You need not contest that.

I have the following communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. THERESA TARTAR
GIRLS HIGH SCHOOL, WEST POKOT COUNTY

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, I wish to recognise the presence of visiting students and teachers from St. Theresa Tartar Girls High School, West Pokot County. They are seated in the Public Gallery. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

Thank you.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, what a pleasant surprise to hear and know that girls from the school of choice, Tartar Girls High School, which is next to my fence in West Pokot, are here. I am glad that they came to see how we do our work here.

I want to thank Madam Priscilla Kamau, who is the longest serving principal, for mentoring thousands of girls, a sample of them are now here. Actually these girls lead and others follow. They even do better than the ones in Kakamega, where Sen. (Dr.) Khalwale comes from.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. Speech in this House is supposed to be accompanied by, amongst others, decorum. Is the Senator in order to call our beautiful children of Tartar High Schools 'samples'?

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale. Who told you that children from Tartar are ugly?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, he is calling them samples, yet he is a professor and teacher. Is he in order to call children samples?

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Prof.) Lonyangapuo. To understand, you must listen to the context. You cannot just extract a phrase and begin interpreting it. No wonder in Western Kenya there is a religion called Kenya-Israel. They pick a phrase in the Bible which says: "Carry my cross and follow me." Therefore, they cut huge logs of wood and carry them the whole day in the name of following Jesus Christ.

You need to understand the context in which Sen. (Prof.) Lonyangapuo was trying to express his sincere gratitude, happiness and delight in not only meeting students from

his constituencies, but also from a school that is situated along the fence of this home. He was just explaining how the students from that region are and indeed, they are a sample.

Sen. (Prof.) Lonyangapuo: Thank you, Mr. Temporary Speaker, Sir, for explaining to my neighbour and friend, Sen. (Dr.) Khalwale. I want to agree that it looks like Sen. (Dr.) Khalwale, the Scientist, lost touch with the terminologies that were always used in Science. A sample is a small portion of a bigger thing that you try to describe. These are few out of the 1,500 students in Tartar Girls High School.

Mr. Temporary Speaker, Sir, I commend the teachers of this school and by extension, the committed workforce in West Pokot County, although they are very few. I wish the girls well in the coming examinations. The examinations were tough last year, but they were number two in the whole county.

Thank you, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, I wish to welcome the students. I think one set has gone out and another one is coming in. I am happy that they have joined us this afternoon, to see how we work as the Senate. As they go through the history of Kenya and this very important phase of devolution, they will know that they are part of it. They are the future of Kenya and the ones who will ensure, through the various capacities that are going to be built into them and the work they will do, that devolution gets entrenched and resources equitably reach everybody in Kenya. This is because everybody has their space.

Those are the issues we articulate here. We need their support and wish them well in all that they do. That makes those dreams come true.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. That marks the end of welcoming our visitors.

(Resumption of Statements)

Statement (f) by the Chairperson of the Standing Committee on Labour and Social Welfare. Do you have the Statement?

COUNTY LEGISLATION ON RETIREMENT PACKAGE
FOR CECS AND MCAS

Sen. Madzayo: Mr. Temporary Speaker, Sir, unfortunately, I do not have the Statement. With your kind indulgence, could you grant me two weeks to respond to the questions asked?

Further, the Questioner, who is the distinguished Senator for Vihiga, is not in the House.

The Temporary Speaker (Sen. (Dr.) Machage): I take into consideration your concern about this Statement. It is actually subject of a Bill which is at Second Reading. I believe that you should raise your concern, through writing, to the Clerk, so that we do not have a statement and Bill on the same subject.

Unless otherwise, this Statement should be dropped and we only consider the Bill.

Yes, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I do not wish to challenge your ruling, but request that you delay that dropping of the Statement until Sen. Khaniri is in the House, at least, to give him the privilege of responding to your consideration for dropping it.

(Sen. (Dr.) Khalwale spoke off-record)

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Temporary Speaker, Sir. Is Sen. (Dr.) Khalwale in order to start dropping names of persons who are not in this House? There is nobody called “Senator Jubilee” in this House. Anytime he is in trouble, he drops some names.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Prof.) Lonyangapuo, indeed, this House has nothing to do with political parties. It is run by the Parliamentary Service Commission. The procurement of all equipment of this House is done through the Parliamentary Service Commission, which is an independent Commission created by passing the Constitution of Kenya, 2010. Sen. (Dr.) Khalwale is one of the people who said “yes” to the Constitution.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I stand guided. However, sometimes we understand things differently. The Head of the Parliamentary Service Commission is Hon. Justin Muturi, who is actually a spanner boy of Jubilee.

The Temporary Speaker (Sen. (Dr.) Machage): Order! Order! Withdraw and apologise. I invoke Standing Order No.90. Do you want me to read it for you? Can you withdraw and apologise?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, what am I supposed to withdraw?

The Temporary Speaker (Sen. (Dr.) Machage): You have discussed or mentioned the name of a Speaker of another House in bad repute. Calling the Speaker of the National Assembly a “spanner boy” is unacceptable. You are completely out of order.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, so that I am not misunderstood, it is out of the frustration that we have undergone in this House, given the way the Speaker of the National Assembly has treated the business of this House. For the reason that I made the remarks in the absence of a substantive Motion, I withdraw and apologise.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. Now you are a good legislator. However, I did listen to your request on the statement very keenly before you spoilt the broth, which you have ably withdrawn and apologized. Earlier on, I did direct the Chairperson to write to the Clerk of the Senate requesting for dropping of this statement in view of the fact that there is a Bill before the House with the same subject matter.

I will withdraw my direction that the statement be dropped. However, it will be deferred until a ruling on the letter of request that the Chairperson would have given through the Clerk will be decided by the---

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

The Temporary Speaker (Sen. (Dr.) Machage): What are you talking about? What is it?

Sen. Madzayo: Thank you, Mr. Temporary Speaker, Sir. Looking at the questions, I do not think that it requires more explanation than your ruling. This is because the concerns raised here will be dealt with during the Second Reading of that Bill.

You have directed the Chairperson of the Committee to write to the Clerk requesting the statement be dropped because questions that are being asked are similar to the ones that will be dealt with in the Second Reading of the Bill that is before this House. This is a Committee of this House, therefore, let us avoid repetitions. You as the Chair, have made a ruling on this matter.

The person who is making an application right now, Sen. (Dr.) Khalwale, is not the questioner. It is in that regard that I am saying that the ruling is in line with the three questions that have been asked here. Therefore, they can be dealt with in the normal manner of the Committee when the matter comes in for the second reading on Thursday as you had earlier ruled.

The Temporary Speaker (Sen. (Dr.) Machage): Thank you. I have heard you. However, Sen. (Dr.) Khalwale did make one very important statement. He did tell us that Sen. Khaniri, who is the questioner, is not here to make his comment. I think that is important. The House Business Committee needs to take up this matter. That is my ruling.

Next is the Statement by the Chairperson for the Committee on Education on an issue raised by Sen. Dullo.

DELAY BY THE TSC TO PROMOTE TEACHERS
IN ISIOLO COUNTY

Sen. Karaba: Mr. Temporary Speaker, Sir, the statement is ready. I have delegated it to Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. This is a response to the Senate question from Sen. Dullo about the delay by the Teachers Service Commission (TSC) in promoting teachers, specifically those from Isiolo County.

The first question that she sought was to state and explain the criteria that the Commission uses to promote teachers who previously held certificates and diplomas, but have since upgraded to a degree.

The answer is that all teachers in employment of the Commission will be considered for promotion on the following:

- (1) Successful undertaking of the relevant professional module.
- (2) Availability of funded posts in the establishment.
- (3) Performance of duties by the teacher.

The next question was to explain the delay by the Commission in promoting teachers from Isiolo County who have upgraded to degree since January 2014 to date. The answer is that: The number of teachers submitting diploma and degree certificates has surpassed the funded establishment. The Commission received 21,397 new higher qualification certificates between 9th January, 2014 and 31st December, 2016. Out of which, 10,245 were degree certificates.

Promotion on attainment of higher qualification is, therefore, not financially sustainable. Teachers who obtain degree certificates are promoted to job Group K when there are vacancies as per the staff establishment. The issue is not the fact that they are not qualified to have the promotion, but the opportunities are not yet there.

The teachers approved establishment for job Group K for the year 2016/2017 is 45,184. There are no vacancies to accommodate those who have submitted degree certificates.

With regard to the third question, we were to indicate when the Commission intends to promote the teachers in paragraph two above. The answer is: The decision to delay promotions in recognition of higher qualifications affected all teachers in the country and not only those from Isiolo County.

In the final question we were to explain the reason behind the decision by the Commission not to promote teachers who scored Grade C+ and below, in the Kenya Certificate of Secondary Education (KCSE), but have since upgraded to degree through a number of expensive accredited courses.

My answer is as follows: The teachers who submitted certificates on or before 2014 were promoted without considering whether they scored Grade C+ and below, in KCSE. However, the Commission currently requires that for one to be registered, employed or promoted as graduate teacher, he or she should have a mean Grade of C+ and above at KCSE.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, this is a most preposterous and completely unreasonable answer. It is contrary to any common sense that I have heard of in this House. Is it right that our teachers can go ahead and get degrees and you do not want to compensate them yet when a policeman who is a constable gets a degree, he automatically becomes an inspector? A doctor who becomes a specialist is automatically upgraded.

Could the Chairperson clarify what the Jubilee Government has against our teachers? Here is a hard-earned promotion, but they do not want to give them. When they ask for salary increment, they do not want to give them. What is it that the teachers of Kenya have done to the *UhuruRuto* Government that they should be treated in this manner?

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Dr.) Khalwale! Have a seat, Sen. (Dr.) Zani.

The Chairpersons of the Committees of the Senate have nothing to do with Jubilee Government, Ford-Kenya, NASA and all the other political parties. You want your questions answered by the acting Chairperson properly and yet you know very well that she is the Secretary-General of ODM. What do you expect her to do?

Sen. (Dr.) Zani, please, do not answer that question. It is so ordered.

Could we move on to another question?

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, the acting Chairperson mentioned some procedures that are supposed to be followed before a teacher is promoted. Could she table those procedures or a policy so that every teacher knows what is required before he enrolls to do a degree that will not translate to enhancing perks and other benefits?

Lastly, allow me to get more clarification from her. Isiolo County is not very far from West Pokot County. In fact, we are separated by two counties. Could she tell us how promotion of teachers is done in West Pokot County? Is there a policy that is followed with regard to promotion of teachers in this country?

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, the issue regarding whether a policy has been tabled, that was not sought for in the initial question. However, it is alluded to from the answer because it says very clearly that there are specific areas for consideration for promotion and this is; one, successful undertaking of the relevant professional module. It seems that somebody can have a professional qualification for the module but it is hinged onto other premises.

The second premise is availability of funded posts in that establishment. What has been happening is that there has been a group of people in a particular cadre who would like to move to the next cadre but there is no available space. That is not to say that their professional degrees are not being recognised or they are not being promoted. Promotions are tied to the issue of funding which has been explained; that there are no sufficient funds. We know that a promotion is tied to a salary increment.

I agree with Sen. (Prof.) Lonyangapuo to the extent that some sort of expanded policy needs to come into place so that when teachers are given a chance to go and study, they are given the indicators. A rule has to be put in place; that some provision has to be made so that they get promotions because that ends up demotivating the teachers. I think that is what Sen. Adan has addressed. They end up being demotivated because they have degrees but they cannot move any further. So, the issue is qualifications versus availability of funding. Qualifications have been enhanced but funding has not been taken into consideration.

The third issue which is addressed as well is the performance and duties of a teacher. You might have the degree and think about a promotion but maybe your performance in terms of the actual work that you do does not give you a chance for a specific promotion. So, the issue of promotion should not be in isolation. It is a necessary prerequisite but it is not the only prerequisite.

The Temporary Speaker (Sen. (Dr.) Machage): Whereas I appreciate the answer you have given, you always have to be ready for supplementary questions. You cannot answer matters on promotion of teachers unless you also have policy of the same with you. So, Sen. (Prof.) Lonyangapuo deserves to know what the policy on promotion is all about. You have spoken on many things that could be included in the policy but what is the actual policy on promotions?

As you ponder on that, let me ask Sen. Adan who should have been the first questioner to ask her question.

Sen. Adan: Mr. Temporary Speaker, Sir, first, I thank Sen. (Dr.) Zani for giving me the answers. I have few issues to be clarified. First of all, the fourth answer is totally wrong because there have been very many teachers whose papers have been pending at the Teachers Service Commission (TSC) since 2014. We have graduates who have not been promoted up to now and there is no communication to that effect. Clearly, this is demoralizing for the teachers of this country.

Mr. Temporary Speaker, Sir, the salary of most of the teachers is very small. Unfortunately, most of them take loans to go to colleges. Even after graduating, they are unable to get promotion. Honestly, that is frustrating for the teachers.

The TSC has to do something especially on policy as Sen. (Prof.) Lonyangapuo has said, so that we appreciate the teachers for them to teach our kids properly. Something needs to be done.

Mr. Temporary Speaker, Sir, lastly, there are teachers who got C Minuses and below. They were recruited but they have never been promoted for the rest of their lives and there is no policy or direction. Could the TSC inform those teachers not to go for courses? They need to tell them that they will not get promotion or salary increment even if they get certificates. That is very important.

There should be proper communication on promotion by the TSC. Some of the teachers live and work very far and they do not even get communications from the TSC. Honestly that is frustrating. The TSC has to do something on policy direction in terms of promotion and salary increment.

Mr. Temporary Speaker, Sir, we expect teachers to perform. We cannot expect them to do miracles so that our kids get better education.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. I can see some interest but, please, try to keep to your Standing Orders. When you seek a clarification, you do not give a speech or clarify for yourself. You seek for clarification of an issue from the Chair and it must be brief. Precedent in the former Parliament is that it should be one item. Sen. Karaba will agree with me that it is usually one item only but I can see people listing even four items.

Sen. (Prof.) Lonyangapuo: Point of information.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Prof.) Lonyangapuo, who do you want to inform?

Sen. (Prof.) Lonyangapuo: Sen. (Dr.) Zani.

The Temporary Speaker (Sen. (Dr.) Machage): That is completely out of order. She was not on the Floor. So, your point of information is erroneous and not acceptable. You should wait until she is on the Floor then you may raise a point of information.

Sen. Karaba: On a point of order, Mr. Temporary Speaker, Sir. I do not know whether I can help in some concerns which have been raised by Sen. Adan.

The Temporary Speaker (Sen. (Dr.) Machage): Order Sen. Karaba! You delegated your position as the Chair to Sen. (Dr.) Zani and I cannot accept you trying to demote her on the Floor of this House; not in my jurisdiction.

Hon. Senators, write down issues you need to be clarified and try to be brief so that the Chair can pick what you want.

Sen. Lesuuda: Mr. Temporary Speaker, Sir, I just want to seek a clarification and make a comment on this matter because it does not affect Isiolo County alone but the entire country. It is important for us to be told as a matter of clarification whether Sen. (Dr.) Zani means that our teachers should stop seeking higher qualifications or education. It is ironical because our teachers should be the best by acquiring more knowledge.

I would like the Chair to clarify whether we imply that our teachers should put on hold and stop investing in further education.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. Sen. Karaba, do you want to ask for clarification?

Sen. Karaba: I wanted to answer to some of those concerns.

The Temporary Speaker (Sen. (Dr.) Machage): You may inform the Chair if you so wish when the time is ripe but let her respond first.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, it is important for teachers to seek higher qualifications because it improves their degree of delivery at any capacity. It also enhances the work that they do. However, the problem is expansion since qualifications are being dealt with and that is an issue of policy. When Module 2 programmes came on board and they allowed more people to go for degree courses that---

Sen. (Prof.) Lonyangapuo: Point of information.

The Temporary Speaker (Sen. (Dr.) Machage): Whom do you want to inform?

Sen. (Prof.) Lonyangapuo: Sen. (Dr.) Zani.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Dr.) Zani, do you want to be informed?

Sen. (Dr.) Zani: Yes, Mr. Temporary Speaker, Sir.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, I would like to inform Sen. (Dr.) Zani who is on sabbatical leave from the University of Nairobi that, that policy can be refined the way it is done in the universities. You do not have to create vacancies for you to apply. However, should you go for a further degree through self-sponsorship or scholarship, immediately you produce your degree certificate, you are given some money which is proportional to your training but you are not moved to another grade. By doing that, you motivate people to upgrade. That happens in every university and you can suggest that to the TSC.

The Temporary Speaker (Sen. (Dr.) Machage): Very well.

Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, I thank Sen. (Prof.) Lonyangapuo, who is also away on sabbatical leave, for the information. We are all in agreement. The feedback that the Ministry has given is that the proportion of funding and injecting to motivate teachers has not been addressed. This is the broader issue of policy that had not been raised in the initial question. I, therefore, propose that as an additional follow up, we ask the Ministry to give us the direct policy on how promotions are going to be done because it is very frustrating for those who got a grade of C- and below. Those are the ones who went up to 2014. After 2014, it has been only C+ and above.

There are those who scored a mean grade of C-before 2014. However, there are various system for bridging that have been put into place. As we discuss the issue of qualifications here and in political circles, we are looking at qualifications for degree. There are currently opportunities to upgrade and bridge, some people do not go to the details of that bridging and what it means. When teachers go for extra courses and spend their money, it is only proper that they are refunded in one way or another. It will be good for the Ministry to put in place mechanisms to ensure that happens.

Mr. Temporary Speaker, Sir, at the University of Nairobi (UoN), there are cases where you go and study and when you come back with your PhD, you go back to the same grade you were in until you publish because that is the specification. We should therefore have a policy shift that does not have to do directly with your performance and

what you do. There should be a package that you can be given immediately to work as a motivator.

This is a policy issue and we need to ask the Ministry to further clarify what that policy is. We can make suggestions and engagement with the Ministry of Education, Science and Technology on how to help our teachers who have acquired further qualifications and should be remunerated according to their efforts.

The Temporary Speaker (Sen. (Dr.) Machage): That marks the end of that subject. Let us move to Statement No. (h).

PILFERAGE OF PUBLIC FUNDS BY THE MANAGING
DIRECTOR OF KIWASCO

The Temporary Speaker (Sen. (Dr.) Machage): I do not see the Chairperson of the Sessional Committee on Devolved Government, Sen. (Prof.) Anyang'-Nyong'o. I also do not see the Chairperson of the Standing Committee on Land and Natural Resources to issue Statement No. (i). However, Sen. (Dr.) Khalwale is here. What do you have to say, Senator?

LOUD MUSIC IN LIONS EYE HOSPITAL AND CONSTRUCTION
OF TEMPLE AND AUDITORIUM IN LORESHO

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I am ready for the answer. I would like to receive a reply because the noise is still there. The patients in the ward are still disturbed by the loud music being played, to their detriment.

The Temporary Speaker (Sen. (Dr.) Machage): I can see that Sen. (Dr.) Khalwale is ready to receive the reply. However, the deliverer of the answer is not here. All the same, the Statement is deferred to tomorrow.

(Statement deferred)

Is the Chairperson of the Standing Committee on National Security and Foreign Relations ready to issue Statement No. (j)?

KILLING OF LIVESTOCK IN LAIKIPIA COUNTY
BY SECURITY PERSONNEL

Sen. Adan: Mr. Temporary Speaker, Sir, the Statement is not ready yet. I therefore request Sen. Lesuuda to give us time until Thursday to give a response.

Sen. Lesuuda: Mr. Temporary Speaker, Sir, I request that the Vice-Chairperson of the Standing Committee on National Security and Foreign Relations avails the response to this statement tomorrow because I am aware that we will be on recess next week and we all agreed that this is a matter of urgency. If we will not have it on Thursday, we will not have it in the near future. I urge the Vice-Chairperson to avail it tomorrow.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Temporary Speaker, Sir. We have been seeing on the news pictures that we would rather not see, of animals massacre in Laikipia County. Cows are dying---

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Prof.) Lonyangapuo! What is not in order?

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, the Vice-Chairperson of the Standing Committee on National Security and Foreign Relations is taking this statement lightly. People as well as the animals are dying. We therefore expect that the statement should have been treated with uttermost urgency in order to stabilize that part of the country and stop the queer mayhem taking place there.

The Temporary Speaker (Sen. (Dr.) Machage): Our current Standing Order do not describe the urgency of statements that the likes of Sen. (Dr.) Khalwale used in the 9th and 10th Parliament where we had questions that had to be answered within 24 hours while others could take a longer time.

However, though we do not have that luxury here, we have a window to submit your suggestions on how to better the Standing Orders as they are right now; if you want that included. I do not have any Standing Order to rely on to decide on your concern. As it is, all questions are the same in the Senate. As the Speaker, I only have my conscience to consider the concerns of Sen. Lesuuda. What happens if we do not have the statement by Thursday? That is what I would like the Vice-Chairperson to comment on.

Sen. Adan: Mr. Temporary Speaker, Sir, I agree with the concerns that have been raised by Sen. Lesuuda. However, I still request to be given tomorrow so that I can follow it up. If it is ready by tomorrow, I will issue it. If it will not be ready tomorrow, kindly allow me to issue it on Thursday.

The Temporary Speaker (Sen. (Dr.) Machage): I therefore order that the Statement be put on the Order Paper tomorrow. Try your best to come with an answer.

(Statement deferred)

I thought the Chairperson of the Standing Committee on Labour and Social Welfare was around to issue a statement on the collapse of the Bukhungu Stadium. What happened, Sen. (Dr.) Khalwale?

COLLAPSE OF A SECTION OF BUKHUNGU STADIUM
IN KAKAMEGA COUNTY

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, the Chairperson of the Standing Committee on Labour and Social Welfare was around. I had a discussion with him and agreed that with your permission, we share the answer tomorrow.

The Temporary Speaker (Sen. (Dr.) Machage): Do you mean that you and him will share the answer or he will provide the answer to the House tomorrow?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, he will provide the answer to the House tomorrow, with your permission.

(Statement deferred)

The Temporary Speaker (Sen. (Dr.) Machage): Due to unforeseen circumstances, I will defer Orders No.11, 12, 13, 14, 15, 16, 17 and 18.

COMMITTEE OF THE WHOLE

THE COUNTY ASSEMBLY SERVICES BILL
(SENATE BILL NO. 27 OF 2014)
(Consideration of National Assembly Amendments)

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

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 COUNTY EARLY CHILDHOOD EDUCATION BILL
(SENATE BILL NO.32 OF 2014)

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 ASSUMPTION OF OFFICE OF GOVERNOR BILL
(SENATE BILL NO.10 OF 2016)

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)

Sen. (Dr.) Khalwale: On a point of order Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): What is it Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, could you direct that in view of having dropped these Orders, the same having been dropped last---

The Temporary Speaker (Sen. (Dr.) Machage): I have not dropped those Orders, but deferred them.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, it is deferred. I used the wrong word. Could you consider directing that the Leader of the Majority - when he issues his Statement tomorrow - guides us on how he intends to help us have the quorum so as to conclude this very important business?

I do not see why some of us can sacrifice our time for important national duty for which we are paid millions of shillings by sitting here and some of our colleagues frustrate us. They do not join us so that we can conclude this important national agenda. Being in the Senate is a privilege only for 68 of us.

The Temporary Speaker (Sen.(Dr.) Machage): Whereas I have listened with a lot of concern and interest and I find a lot of sense with the concern of Sen.(Dr.) Khalwale - on the mandate of Senators to sit in this House and deliberate on matters laid to them as dictated by the Standing Orders - I find it disturbing that many Senators have found it lucrative and unashamedly and without any interest at all, to abdicate their duties, primary responsibility of putting matters of the Senate as prime and of importance in the calendar of this House.

I may not have the mandate to dictate what the Senate Majority Leader has to communicate to this House on Thursday. However, you have the mandate to raise a point of order to the Senate Majority Leader when he will be on the Floor and raise your concern.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Elachi.

Sen. Elachi: On a point of order, Mr. Temporary Speaker, Sir. I think it is not just the Senate Majority Leader. It is also important for the Chairpersons of Committees since we have so many reports that we have not tabled in the House.

Every week we have been sending messages to our Senators but I agree with “my Senator for Kakamega” that it is wrong that we have to send ten messages to one phone for one to be in the House yet you know very well that with the new dispensation, we are here until August. You need to help us so that Senators know that what we are doing is wrong for the country.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I stand guided by what you have told us but I notice that with all due respect, my kid sister the Chief Whip is here. The Chief Whip of the Government is a highly-privileged position.

She has a car, chauffer driven, free phone, fantastic fabulous office and yet she cannot whip not just Members of this House, but specifically those of her side of the Government. Integrity - Chapter 6 of the Constitution - demands that a public officer should behave in a manner that brings honour to that office.

Could she please discharge herself on this very important issue and taxpayers' money?

The Temporary Speaker (Sen. (Dr.) Machage): First of all, Sen. (Dr.) Khalwale, the Senate Majority Leader as per our Standing Order 45(c) will be giving that Statement on Thursday and not tomorrow. I want that to come to your notice. Otherwise let me entertain the other points of order.

Sen. (Prof.) Lonyangapuo: Mr. Temporary Speaker, Sir, I concur with the direction you gave and the observation you made which has also been supported by Sen.(Dr.) Khalwale, although he went further to talk about a Member who is present.

I think the leadership of the House has that responsibility laid squarely at their feet and we will be discussing that when they are in here so that each of us can carry their responsibility as required by our Standing Orders, the law and the mandate that brought us here.

The Temporary Speaker (Sen. (Dr.) Machage): I am only afraid that Sen. (Dr.) Khalwale is a fast learner who learns very first on what his party leader does, and I will stop at that. What is it Sen. Elachi?

Sen. Elachi: Mr. Temporary Speaker, Sir, is my Senator in order to say what he has said? While I agree with the rest, I am not given a phone but at the same time I think we have discharged our duties.

I want to tell the Senators wherever they are, that when you go for any public office, it is your duty and responsibility to prove to your electorate that you have taken a duty that you will carry to the end.

We have one obligation to ensure that we send the messages but to be very honest, if we are talking about ethics, it means that one does not have to be reminded. You have that obligation since you swore and told Kenyans that you will work diligently to the end. It is for the Senators to look, reflect and ask themselves: "I swore to be a Senator of a county. What are my duties? Am I able to deliver what I promised to Kenyans?"

So, Senators, I wish every Senator would look at Chapter 6 and answer that question.

The Temporary Speaker (Sen. (Dr.) Machage): Let us concentrate on the Motion; Order No.19.

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 (1st July, 2013 to 30th June, 2014) laid on the Table of the Senate on Thursday, 23rd February, 2017.

(Sen. (Prof.) Anyang'-Nyong'o on 29.3.2017)

(Resumption of Debate interrupted on 30.3.2017)

The Temporary Speaker (Sen. (Dr.) Machage): I see no interest for contribution on this Order. Order

Sen. (Prof.) Lonyangapuo. You can move to the table and ask questions if you have any.

What is it Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, noting that now there is no further interest in the Motion and noting that those of us who are in the House this afternoon have already spoken to this matter, would I be in order to ask you to call upon the mover to respond so that we pass these reports of the County Public Accounts and Investments Committee (CPAIC) in order for the Directorate of Criminal Investigation, the Ethics and Anti-Corruption Commission, the Director of Public Prosecutions to move on this governors who have been found culpable in these reports so that they are arrested forthwith, charged, arraigned before court and immediately sent to jail for abuse of office and embezzlement of public funds?

*(The Temporary Speaker (Sen. (Dr. Machage)
consulted with the Clerk-at-the-Table)*

The Temporary Speaker (Sen. (Dr.) Machage): Order. I was being advised on a certain legal technicality. Can you take it up again?

Sen. (Dr.) Khalwale: Since most of us have already spoken to Motion No.19 which is a very important Motion on the findings of the County Public Accounts and Investment Committee (CPAIC) on how governors have managed public funds for the Financial Year 2013/2014 in those respective counties; could I move that the Mover be called upon to respond so that we take a vote? The country is keenly waiting to see what the Director of Public Prosecutions (DPP), the Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) will do to these governors.

The Temporary Speaker (Sen. (Dr.) Machage): You did allude to something of arrest and so on. Could you, please, finish what you were saying?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, in several running recommendations, the CPAIC, Chaired by Sen. (Prof.) Anyang'-Nyon'g has recommended several governors specifically in this report to face the DPP, EACC and DCI for purposes of being investigated, charged, arraigned in court and hopefully being sent to Kamiti Maximum Prison, Shimo la Tewa Maximum Prison, Kodiaga, Shikusa and other prisons.

The Temporary Speaker (Sen. (Dr.) Machage): What is the latest information we have on the Mover, because there is no interest on contribution?

I want to correct Sen. (Dr.) Khalwale that the Committee has a hierarchy. We have the Vice Chairperson of the Committee with us. So, that position is not vacant.

Secondly, for the record, the last information we heard about Sen. (Prof.) Anyang'-Nyong'o was on social media being seen under tables and chairs in a rally organized by NASA which Sen. (Dr.) Khalwale happened to be a Member. Probably you may want to enlighten us on the position of Sen. (Prof.) Anyang-Nyong'o; we would be more than happy to hear what the health status of our colleague is after that failed NASA movement rally in Migori. Would you want to endeavour to do so?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I do wish to confirm that with the grace of the Almighty Lord, Sen. (Prof.) Peter Anyang'-Nyong'o, EGH, upon attempting to break the *Guinness Book of Record* of the fastest running 77 year old, and upon failing to achieve, eventually landed under strange instruments and the Lord saved him. The Lord carried him back to Nairobi and allowed him to Chair the CPAIC meeting this morning. Since he was ably represented before he arrived by the Vice Chairperson, could you allow him to respond on behalf of the Mover of the Motion?

The Temporary Speaker (Sen. (Dr.) Machage): Before he responds, Sen. Elachi has shown interest to make her contribution on this Motion.

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Temporary Speaker. I did not know Sen. (Dr.) Khalwale is a poet although he is a doctor. My able Chairman, Sen. (Prof.) Anyang'-Nyong'o is fine and not as he is trying to portray him. He chaired the session this morning for two governors from Kisii and Nyamira counties, respectively. We asked him what had happened and he said everything was okay.

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. (Prof.) Lonyangapuo!

Sen. (Dr.) Khalwale is at a better professional position to give a bill of health either positively or negatively on Sen. (Prof.) Anyang'-Nyong'o. He has ably said that not only was he able to make a world running record for a 77 year-old, but he arrived safely and is in good health. I do not know whether you are his personal doctor, but that is a word from a qualified medical doctor.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, my grandchildren - and I have only one - we are keenly hoping that he will start kindergarten---

The Temporary Speaker (Sen. (Dr.) Machage): Order! You do not talk of grandchildren when you have only one.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, I was talking about my son. In my culture, we do not count children. When you give an example of one, it means you could have more than a hundred.

On a serious note, they will come here and they will wonder how it could be that Sen. (Prof.) Lonyangapuo said that our grandfather was supposed to be a doctor. Could the Senator withdraw the word "supposed" to be a doctor and replace it with an appropriate word because I am a trained doctor, examined, qualified and practicing up to and including doing emergency and general works? I will not ask him to apologise because you have not heard signs of somebody with very good English verb gist.

The Temporary Speaker (Sen. (Dr.) Machage): I did not hear that.

Sen. Elachi: Mr. Temporary Speaker, Sir, I also rise to support the report of the CPAIC on the inquiries into the financial operations of Kiambu, Busia, Tana River Trans-Nzoia, Nyandarua, Migori, Kwale, Samburu, Kisumu and Kericho counties.

First, I would like to thank the Committee members and the governors who appeared to answer queries as raised by the Auditor-General. However, it is unfortunate that the report is for 2013/2014 Financial Year and we are now in 2016/2017 Financial Year. This means that the next Senate will have a big job to scrutinize accounts of 2016/2017 onwards. The queries that are being asked, for example, payment of creditors are critical. Many governors will be seeking for re-election in August this year.

Therefore, many suppliers will suffer if we go for election before they are paid. We know that most counties owe them a lot of money.

Secondly, we all know the term of the Transition Authority (TA) ended and they were replaced by the Intergovernmental Relations Technical Committee. It is a pity that we are going for elections and yet this Committee does not have an inventory of counties' assets and liabilities. We do not even have a report that shows us that.

Many issues have been raised, for instance, outstanding imprest, where across the board, every county has a challenge. In Parliament, we have a very good system. If the counties had borrowed such a system, today they would not be talking about outstanding imprest.

Mr. Temporary Speaker, Sir, the other query is surrender of imprest. Most officers in the counties have not done so. Some are aspiring for political seats. I am wondering how they are being cleared. Political parties should also take it up; that, you must clear and ensure that as you contest for any position, you have surrendered the public funds that you have not used.

There are many other challenges in the counties. I hope that when my Senator takes over the County Government of Kakamega, where my brother has been given direct nomination, he will follow up. I hope the Committee will recommend that as we go ---

Sen. (Dr.) Khalwale: On a point of information, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Who do you want to inform?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I want to inform my sister, Sen. Beatrice Elachi.

The Temporary Speaker (Sen. (Dr.) Machage): Very well, do you want to be informed?

Sen. Elachi: Yes, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, Sen. Elachi is correct that some of the governors are receiving nomination certificates. The governor in question has been charged. He is in court on two counts. Therefore, we do not understand how with that fact, he would then end up being cleared.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Dr.) Khalwale, can you declare your interest?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, my interest is that I was elected to defend and protect the Constitution of Kenya which contains Chapter Six on Leadership and Integrity.

I thank you.

The Temporary Speaker (Sen. (Dr.) Machage): Can you also declare that you have declared to be a gubernatorial candidate in Kakamega County?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I not only declare but wish to confirm that I, Dr. Bonny Khalwale Khwaste, is the unopposed candidate for the FORD Kenya party for the position of Governor of Kakamega County at the election of 8th August, 2017.

The Temporary Speaker (Sen. (Dr.) Machage): The reason I wanted that interest declared is for the people of Kenya to judge your earlier sentiments on the Governor for Kakamega.

Proceed, Sen. Elachi.

Sen. Elachi: Mr. Temporary Speaker, Sir, the other issue is uncontrolled revenue collection. We have seen this in many counties. The worst is Nairobi where Kshs25 billion of local revenue has been banked in commercial banks but when you ask the Controller of Budget, it cannot be located. The matter is in court. I will not talk about it.

There are many challenges that governors will leave behind when they vacate office. If political parties are serious about Chapter Six, today we would have seen a different trend in the nomination process. This will ensure that for the first time, Kenya moves in the right direction so that the next group of governors sanctifies what the first group of governors under the devolved system of government has done to our country.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir, I am sorry to interrupt Sen. Elachi who is my beloved younger sister. Is she in order, in view of the fact that she is one of the honchos of Jubilee, to challenge other political parties for giving clearance contrary to Chapter Six of the Constitution, when her party, with her direct participation, has issued a certificate to a prisoner who impersonated the police? The prisoner is a senior police officer jailed in Naivasha.

The Temporary Speaker (Sen. (Dr.) Machage): I rule both of you out of order. Let us be serious and look at Chapter Six *vis a vis* what the Constitution says about eligibility of somebody to present himself for election to Parliament. It says unless somebody is convicted and jailed for more than six months – need I remind you of the law? You are legislators! I expect you to have the law at your fingertips.

So, all that you have said is neither here nor there. I do not share your personal thoughts about individuals as the Chair today but you are entitled to your opinions.

Proceed, Sen. Elachi.

Sen. Elachi: Mr. Temporary Speaker, Sir, I would like to tell my Senator that we should wait until the nominations are done, and then, we can point fingers.

We have faced challenges in our hospitals regarding un-surrendered revenue. We have also had the doctors' strike. The national and county governments should look at it. Governors have given their submissions but it is important for us to appreciate the Public Finance Management (PFM) Act. It is clear on how we collect and surrender revenue and engage transparently for people to know how much we are collecting, not just from hospitals but we also have parking and market fees.

These are some of the revenues that we are losing every day. Different markets have different market days. In a whole week, a county will have a market day every day in some place. Such revenues have made officers in the counties change their lifestyle in a day. The next thing you see is a county officer owning a building or a hotel. These are some of the issues that this report has raised.

I support the recommendations of the Committee, that, we have to ensure that the Intergovernmental Relations Technical Committee ensures that before we go to the elections, they give a report to this Senate so that as the Senator for Migori, you can tell your people the financial position of your county. For instance, you can say, we are going to an election but we are not in debt, we have credit maybe and this is how the next governor will move to the next level.

Mr. Temporary Speaker, Sir, if we do not do that, many counties will find empty coffers. The county will be in debt and will start borrowing money for recurrent

expenditure; for example, salaries. If we do not do that many counties will be in debt. They will borrow money to even pay salaries and meet other expenses.

Many other issues have been raised in this Report. Some counties hire vehicles while some fuel private vehicles. If this issue is not addressed, some people will use the same resources in campaigns. Our Constitution is not very clear with regard to some issues. For example, whenever a governor uses resources it is difficult to tell whether he is campaigning or discharging his duties. The same applies to other political seats. We need to relook at these areas, to ensure that checks and balances are in place.

Mr. Temporary Speaker, Sir, the Senate has done its work, but if we are not careful Kenyans will judge us harshly. We need to inform Kenyans where we have come from. This will help us to come out of this mess. Most Kenyans will understand that the Senators are the protectors of counties. They will appreciate that we have done our oversight roles despite not being allocated resources. We have produced a report and everybody knows the state of their counties.

We need to put a caveat on the allocations to the counties, so that the governors who are likely to lose the elections do not misappropriate the money allocated to them. I want to thank the Governor of Makueni with regard to the use of resources. Makueni County has more than Kshs4 billion in its account. Even though the money could have been used to improve services in that county that money has not been misappropriated. Some counties are so much in debt that they looking for money to even pay their workers.

The Committee's recommendation that the county governments should expedite the completion of HRM regulations, so that they can be domesticated is very critical. It is also our responsibility, as the Senate, for the few months remaining before the general elections, to pass the many reports and consider petitions before the House. This will ensure that action is taken against those who have been implicated in the reports.

A number of people have been named in the reports. Some officers in Nyeri were charged in court. However, going forward the governors who are responsible for misappropriation of funds should also face trial. Misappropriation of funds is rampant in many counties and everyone is blaming the other. Let counties protect whatever resources they collect. By doing so, Kenya will prosper under the pillar of devolution.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. I order that this Motion is put in tomorrow's Order Paper.

(Motion deferred)

I will defer Order No.20.

Second Reading

THE COUNTY PENSION SCHEME BILL
(SENATE BILL NO.20 OF 2016)

(Bill deferred)

MOTIONS

ADOPTION OF THE 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 or Turkana and Baringo Counties) conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday, 29th July, 2015.

(Sen. Ongoro on 22.2.2017)

(Resumption of Debate interrupted on 22.2.2017)

The Temporary Speaker (Sen. (Dr.) Machage): I see no interest to contribute to this Motion. Since this is not a matter affecting counties, I will put the Question.

(Question put and agreed to)

I will defer Order Nos.22 and 23

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, 19th April, 2016.

(Motion deferred)

ADOPTION OF THE 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, 15th March, 2016.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, there being no other business, the Senate stands adjourned until tomorrow, Wednesday 5th April, 2017, at 2.30 p.m.

The Senate rose at 5.35 p.m.