

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 13th June, 2017

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

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

PRAYER

PAPERS LAID

REPORT OF THE PRC ON THE PERIODIC REVIEW
OF THE SENATE STANDING ORDERS

Sen. (Dr.) Machage: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate, today, Tuesday, 13th June, 2017:

Report of the Procedure and Rules Committee (PRC) on the periodic review of the Senate Standing Orders.

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

ANNUAL REPORT OF THE NLC 2015/2016:
DEVOLVING LAND GOVERNANCE

Sen. Khaniri: Mr. Speaker, Sir. I beg to lay the following Report on the Table of the Senate, today, Tuesday, 13th June 2017:

The National Land Commission (NLC) 2015/2016 Annual Report themed: “Devolving Land Governance”.

(Sen. Khaniri laid the document on the Table)

SESSIONAL PAPER NO.2 OF 2016 ON NATIONAL
SLUM UPGRADING AND PREVENTION POLICY

Sen. Sijeny: Mr. Speaker, Sir. I beg to lay the following Sessional Paper on the Table of the Senate, today, Tuesday, 13th June 2017:-

The National Slum Upgrading and Prevention Policy - Sessional Paper No.2 of March, 2016.

(Sen. Sijeny laid the document on the Table)

The Speaker (Hon. Ethuro): Sen. Khaniri, do you have another issue?

Sen. Khaniri: No, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Let us move on to the next Order.

NOTICE OF MOTION

ADOPTION OF REPORT OF THE PRC ON THE PERIODIC REVIEW OF THE SENATE STANDING ORDERS

Sen. (Dr.) Machage: Mr. Speaker, Sir, I beg to give Notice of the following Motion.

THAT, this House adopts the Report of the Procedure and Rules Committee (PRC) on the Periodic Review of the Senate Standing Orders and approves the amendments proposed to the Standing Orders and that the amended Standing Orders take effect at the commencement of the 12th Parliament.

The Speaker (Hon. Ethuro): Let us move on to the next Order.

STATEMENTS

Sen. Madzayo: Mr. Speaker, Sir, on that line of Statements, I thought my sister, Sen. Mbura, would seek for answers to the question she had sought regarding Export Processing Zones (EPZs). This is an opportune time for her to seek the response.

The Speaker (Hon. Ethuro): What is your concern Sen. Madzayo?

Sen. Madzayo: Mr. Speaker, Sir, I am ready for the statement. Once the time for Statements passes, I will not be in a position to respond. With your kind permission, I wish to proceed.

The Speaker (Hon. Ethuro): Proceed.

VIOLATION OF RIGHTS OF EPZ WORKERS IN MAZERAS, RABAI CONSTITUENCY

Sen. Madzayo: Mr. Speaker, Sir, we have written to the Ministry of East African Community, Labour and Social Protection which is charged with the responsibilities of the labour manpower in the country. So far, the Ministry, through the Principal Secretary (PS), has not communicated to tell us the position with regards to EPZs employees. My sister and I are concerned particularly because the particular question emanated from Mazeras EPZ employees. We have not received any response. They keep on telling us that they will respond in the next seven days or so but soon we will be adjourning *sine die*. This is an important issue that the Ministry should respond to today or tomorrow.

Sen. Mbura: Bw. Spika, muda ambao Sen. Madzayo alipewa ulitosha kupata jibu. Watoto wetu wanaofanya kazi EPZ wanazidi kuumia na kufa. Kuna msichana aliyepigwa risasi na kufa kwa sababu ya kudai haki yake. Kufikia dakika hii, kama Seneta wa Kilifi Kaunti ameyalalia maswala haya. Nimetarajia kama Mwenyekiti wa Kamati ya Leba na Maswala ya Kijamii ayashughulikie kwa haraka maswala haya. Tumekuwa kwenye mapumziko kwa muda mrefu na mpaka dakika hii Seneta hajanipa sababu ya maana. Naomba jibu liharakishwe kwa sababu watoto wetu wanaumia na kuendelea kufa.

Sen. Madzayo: Mr. Speaker, Sir, I believe that you are aware that whether a person is a just a Chairperson of a Committee or a distinguished Senator in this House, irrespective of where they come from, they have a right to a response. However, that response is not the responsibility of the Chairman or the Committee on Labour and Social Welfare; it rests with the Ministry of East African Community, Labour and Social Protection to respond. Once the Senator through the Clerk writes to the Ministry, they are charged with the responsibility to find out and relay to this House the adequate answers asked by the distinguished Senator. It is in this regard that I so much abhor what my sister has said as if I, the Senator of Kilifi, is charged with the responsibility to respond to her question.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. I believe that Sen. Madzayo, indeed, a retired judge, is privy to Article 125 of the Constitution which gives him immense power to summon the people responsible for not giving him an answer. According to the calendar of this House, we are likely to adjourn *sine die* on Thursday. Is he in order not to have utilized this Article of the Constitution to supply this House with the necessary answer?

The Speaker (Hon. Ethuro): Senator Justice (Rtd.) Madzayo, what is your response?

Sen. Madzayo: Mr. Speaker, Sir, I am happy with the way he has responded to what I have said. However, I think I am in order because I know that the buck stops with the Ministry. This House is charged with the responsibility to summon but we have tried our best as a Committee.

Sen. Khaniri: On a point of order, Mr. Speaker, Sir. Are you satisfied that the Chairman, Retired Justice, is responding to the point of order raised by Sen. (Dr.) Machage? He had earlier said that the responsibility lies with the Ministry but Sen. (Dr.) Machage has challenged him that he owes an answer to this House as the Chairman. He has the relevant Articles of the Constitution that he can use to compel the Ministry to supply the answer. He is still telling us that the responsibility lies with the Ministry yet he is the one answerable to the House. Is he in order?

The Speaker (Hon. Ethuro): If you may respond, Sen. Madzayo.

Sen. Madzayo: Mr. Speaker, Sir, the powers to summon any person to appear before the Committee lies with the Senate. The Committee only forwards the question as it stands in Article 125 of the Constitution. However, it does not charge the responsibility to summon to the Committee on Labour and Social Welfare; it is the Senate to do so. My interpretation could be wrong or right but the bottom line is that the responsibility to

respond or not and even compel lies with the Senate. This House can compel but once he comes here, he has to answer those questions. The responsibility rests with the House.

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, allow me to contribute and say the Chairman of the Committee on Labour and Social Welfare has a point. Whether we like it or not and until and unless the administration of Parliament and the Standing Orders are changed such that we are able to get Statements when they are sought, we are able to get the Government officials to come to the House. The House can very well organise its Standing Orders in such a way such that an official comes and finds us as a Committee of the Whole. This is so that if they have the answer, we are able to ask the question and any subsidiary questions which we want.

As it is, the Chairman and his committee will very well request for the answer. Much as you may require or want to force that Government department to answer, when they do not want to, they can linger on and on, and there is little that we can do. But if they were going to be compelled to come here, that would be the answer, the long term answer.

We graduated from the old Constitution in good faith to the new Constitution. Previously, that problem was not there because those answering the questions were Members and they were on the floor. But as of now, that has to be addressed. Otherwise, Parliament will remain with that persistent problem of an answer which never came from where it is supposed to come.

The Speaker (Hon. Ethuro): Hon. Members, there is really no issue here. Sen. Madzayo, the Chairman of the Committee on Labour and Social Welfare has been challenged by the Member to bring a response to the House. Sen. Mbura stated that you had a lot of time to deal with the matter. You said that that matter is very important to you. Sen. (Dr.) Machage came to your aid in terms of what you can do. So, the responsibility to produce a response is yours as the Chairperson of the Committee. What you do with those others is your business. You cannot implicate them here. What we need is a response. When they fail, you summon them. If you read that Article very carefully, you have the same powers as the High Court, not just as a House of Parliament but a Committee of the House. I direct that you bring that response on Thursday.

Sen. Madzayo: Most obliged, Mr. Speaker, Sir.

(Statement deferred)

The Speaker (Hon. Ethuro): We had listed another Statement on the Order Paper from the Chairperson of the Standing Committee on Land and Natural Resources. I thought I saw the Vice Chairperson around.

Sen. Khaniri, there is a response to be issued.

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

Sen. Khaniri: Mr. Speaker, Sir, thank you for the opportunity. I am sure that this Statement is long overdue. It was requested before we took a break. We took so long to

get the answer. In fact, it is just this morning that I was informed that the response has been sent to Parliament. I am just looking at the response now for the first time. I beg for indulgence so that we deliver this response tomorrow if my Committee approves of it. Otherwise, the response is here, signed by the Cabinet Secretary (CS), Prof. Judy Wakhungu, EGH.

I seek your indulgence.

The Speaker (Hon. Ethuro): Granted. I direct that the statement is issued tomorrow afternoon.

(Statement deferred)

Let us move on to the next Order.

Sen. M. Kajwang: On a point of order, Mr. Speaker, Sir. I might appear to be pre-empting you but when we had a sitting last Friday, there was a directive that you were to provide on the Division of Revenue Bill. I hope I am just being pre-emptive.

The Speaker (Hon. Ethuro): That is exactly what you are doing, Senator. I was waiting for that Order to be called so that I can dispose of that matter.

CONSIDERED RULING

THE SENATE TO PROCEED WITH DISPOSAL OF
THE DIVISION OF REVENUE (NO.2) BILL
(NATIONAL ASSEMBLY BILL NO.22 OF 2017)

Hon. Senators, you will recall that on 9th June, 2017 during a Special Sitting of the Senate, I reported that pursuant to Standing Order 40(3) and (5), I had received a Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Division of Revenue (No.2) Bill (National Assembly Bill No.22 of 2017).

Pursuant to Standing Order No.148 which requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.129, I consequently directed that the Bill be listed for First Reading in the Order Paper of Friday, 9th June, 2017. The Bill had been published on 12th May, 2017, introduced in the National Assembly by way of First Reading on 17th May, 2017 and passed on 30th May, 2017.

You will recall that by way of a Point of Order, the Senator for Homabay County raised an objection to the Senate entertaining the Bill, claiming that it was the same Division of Revenue Bill (National Assembly Bill No.2 of 2017) which had been published on 6th January, 2017 and introduced in the National Assembly, by way of First Reading on 25th January, 2017 and asserted, therefore, that the Bill could not be introduced within six months of the previous Bill having been negated by virtue of the failure of the Mediation Committee to raise a quorum and consider the Bill within allowed timelines.

Sen. M. Kajwang's position was supported by the Senator for Kakamega County, Sen. (Dr.) Boni Khalwale, who also expressed concern over the inability of the Mediation Committee to table a report on the Bill.

Hon. Senators, the House may wish to note that the particular Bill referred to by Sen. M. Kajwang, the Division of Revenue Bill (National Assembly Bill No.2 of 2017), was passed by the Assembly on 14th February, 2017, and referred to the Senate for its concurrence pursuant to Article 110(3) of the Constitution, whereupon the Bill was introduced by way of First Reading on 16th February, 2017 and passed with amendments by the Senate on 1st March, 2017.

Senators will also recall that the National Assembly declined to agree with the Senate amendments to the Bill, following which the Bill was referred to a Mediation Committee, pursuant to Article 112(2)(b) of the Constitution. The Mediation Committee was constituted on 30th March, 2017.

Under Article 113 of the Constitution, as read together with the Standing Orders of the two Houses, the Mediation Committee had a deadline of 30th April, 2017 to agree on a version of the Bill that would be passed by both Houses. The Committee did not agree on a mediated version of the Bill by the said deadline. Consequently, pursuant to Article 113(4) of the Constitution, as read together with Standing Order No.149(6) of the National Assembly and Standing Order No.154(6) of the Senate, the Bill was defeated.

The present Bill, namely, the Division of Revenue (No.2) Bill (National Assembly Bill No. 22 of 2017) was published on 12th May, 2017 and introduced in the National Assembly on 17th May, 2017. As aforementioned, the Bill was passed by the Assembly on 30th May, 2017, and referred to the Senate for concurrence.

The applicable provision upon which the objection of M. Sen. Kajwang was anchored is Standing Order No.146(1), which provides that:-

“A Bill, the Second Reading or Third Reading of which has been rejected, may be introduced again in the next Session or after the lapse of six months in the same Session, but subject to fresh publication as provided in Standing Order No.117 (*Introduction of Bills*).”

It is noteworthy that the Bill passed through the Second and Third Reading Stages in the Senate on 23rd February, 2017 and 1st March, 2017, respectively. Neither the Second Reading nor the Third Reading of the Bill was rejected. The entire Bill was rejected.

Further, while the captioned provision would apply to a Bill negated at Second or Third Reading stages, there is no similar provision barring re-introduction of a Bill that lapsed at the mediation Committee Stage, whether by reason of a failed Mediation Committee process or where a Mediation Committee report is negated.

In the present case, even if the text of the Division of Revenue (No.2) Bill (National Assembly Bill No.22 of 2017) is the same or substantially the same as the text of the Division of Revenue Bill (National Assembly Bill No.2 of 2017) which lapsed, the former is a new Bill altogether and there exists no legal bar to its introduction in the Senate.

I, therefore, direct that the Senate proceeds to dispose the Bill as indicated in the Order Paper.

I thank you.

Sen. M. Kajwang: Thank you, Mr. Speaker, Sir, for the very detailed ruling on this matter. I am obliged to be guided by your wisdom and submit to your authority, even if I believe that there could have been certain areas of interpretation that I would have looked at differently.

My only prayer is that in as much as the Standing Orders do not impose consequences on failed mediation, it would have been good for the Senate to get a report and understand what happened in the mediation. This is because this House gave a mandate to a team, which we thought was our best, to sit with a team from the National Assembly. When we send our best troops out there to represent us on a matter that is one of the most important things that this Senate has to do and they do not come back with a report, there is cause for concern. Even though there are no provisions in the Standing Orders, it would have been probably good for the leaders of that mediation team to tell us what went wrong so that it can guide the Senate in future.

The Speaker (Hon. Ethuro): Sen. Abdirahman.

Sen. Abdirahman: Mr. Speaker, Sir, it is traditional to provide a report. Our anticipation this afternoon was that we would know what transpired in the last mediation before the publication of this Bill.

I concur with Sen. M. Kajwang on the same matter.

Sen. Khaniri: Mr. Speaker, Sir, I fully concur with the sentiments expressed by my colleague, Sen. M. Kajwang, and supported by Sen. Abdirahman. Mediation is a process that is provided for in the Constitution. Therefore, it is absolutely important that once we embark on that route of mediation a report is filed because we gave them a responsibility, as a team, to represent us. It is important that there be a report of this particular Committee on the HANSARD because this is one of the core responsibilities of the Senate.

Mr. Speaker, Sir, I urge you to compel the team to file a report, so that it is tabled. Even if it is not debated let it be in the annals of history, so that people can read about what happened.

Sen. Nabwala: Mr. Speaker, Sir, I concur with your ruling. The Bill was committed to the Mediation Committee and we expected a report. This is not the first time that Bills are passed to the National Assembly and our views, recommendations or amendments are disregarded. I, therefore, agree that we should dispose of the item as it appears on the Order Paper.

Sen. Kittony: Mr. Speaker, Sir, I would like to support what my colleagues have said because we finished our work in the Committee of Finance, Commerce and Budget. Let history be made that there has been a conspiracy between the two Houses.

Sen. Abdirahman: On a point of order, Mr. Speaker, Sir. With due respect to Sen. Kittony, we can never conspire with the National Assembly on this matter. Did you hear her say that there is a conspiracy between the two Houses of parliament?

The Speaker (Hon. Ethuro): On what?

Sen. Abdirahman: On the current Bill, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): That is an opinion; I am sure she will be responded to.

Yes, Sen. ole Ndiema.

Sen. Ndiema: Mr. Speaker, Sir, while we will certainly oblige to your direction, I agree with the speakers that we should not leave the Committee to get away with it. They have to give us a report on what we delegated them to do on our behalf. The Joint Committee is answerable to both Houses.

The Speaker (Hon. Ethuro): Order, Members. Before I allow Sen. Billow to make his contribution I want to make it very clear that what the Members have requested, starting with Sen. M. Kajwang and supported by the rest of you, is in good faith. I do not think you are making a statement against the Committee. You are basically requesting to know what transpired. Let us not put it as if they have refused to do the job. I think this is the first time we are getting a Mediation Committee failing to come up with a version of a Bill that is acceptable to the Committee and to be adopted by both Houses. We have always succeeded and so, this is quite a new one. I think it is a fair request to know because it is the first time it is happening. I can understand why Members would want to know what really transpired.

Sen. Billow, the House is demanding a report.

Sen. Billow: Thank you, Mr. Speaker, Sir. The Mediation Committee was made up of four Members from the Senate and an equal number from the National Assembly. The Chair of the Mediation Committee was Hon. Mutava Musyimi of the National Assembly.

We had two meetings and disagreed. Following that the Secretariat was to do a report and get the Members to sign, so that we could report to the two respective Houses. My understanding is that a report has been drafted. However, since the Houses went on recess they were not able to get the signatures. The report will be made available. We will push to get it at least by tomorrow, so that Members can have a record of the same.

The Speaker (Hon. Ethuro): Sen. Kittony it can now be confirmed that there is no conspiracy; that is what transpired.

The Senate Majority Leader, Sen. (Prof.) Kindiki, let us proceed with that particular Order.

BILL

Second Reading

THE DIVISION OF REVENUE (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.22 OF 2017)

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to move that The Division of Revenue Bill (National Assembly Bill No.22 of 2017) be now read a Second Time.

Mr. Speaker Sir, in moving this Bill I want to say three things. The first one is just a quick reminder to all of us that certain criteria are supposed to be adhered to when coming up with the division of revenue. Our Constitution, in Article 218, provides that every year two bills, which are very critical to the expenditure of Government at the two

levels, must be presented before the two Houses of Parliament. One of those Bills is The Division of Revenue Bill.

Article 218 (2) of the Constitution says that the division of revenue between the two levels of Government – the national and county governments - must take into account a number of factors. These include the national interest, the public debt and other national obligations, as well as the needs of the disadvantaged groups and areas. Therefore, this Bill has satisfied itself with the requirements of Article 218 (2), with regard to the criteria.

The second point is in connection with the history of this Bill this year. Broadly speaking, we have had a bit of tumult and a lot of turbulence on this matter. When you have a Bill as important as this one, it is expected that there would be push and pull, especially between the two levels of Government; the centre, of course, trying to hold as much as it can and the units which are the counties trying also to get as much resources as possible so that they can perform their respective functions.

Mr. Speaker, Sir, there is nothing unusual about this. The first year, of course, we had to go to court and get an advisory opinion by the Supreme Court. That advisory opinion helped to clear so many things. We are grateful to the Supreme Court. On that occasion, they came to the defence of the law and the Constitution. This Senate owes a lot of gratitude to the bench that gave that very clear advisory opinion.

The successive years were less acrimonious but this year's Division of Revenue Bill has been uniquely protracted. Briefly put; there have been three figures at play. The first one says that the 47 counties of Kenya should share Kshs291 billion. That proposal emanated from the National Assembly.

The second proposal that has been floated in the push and pull around the Bill this year is Kshs299 billion. This figure was a proposal from the National Treasury of the Republic of Kenya.

The third and final figure has been Kshs314 billion, which is the figure pushed through after careful consideration by the Senate and concurrently supported by the Commission on Revenue Allocation (CRA) which is the expert body that advises Parliament, including Senate, on matters of revenue allocation.

Mr. Speaker, Sir, those are the three figures that have been at play. Therefore, the fact that the two Houses disagreed is normal and that is why the Constitution envisages mediation. What is surprising and a bit inappropriate – I use that word “inappropriate” deliberately because it is not in order once a mediation process has gone through whatever the outcome, for a republishing of the Division of Revenue Bill using the exact figures that were rejected by the mediation of the two Houses. I find that extremely contemptuous and an abuse of the parliamentary process because at the very least, I would have expected that the new Bill that is published will have alternative figures perhaps slightly higher in the spirit of trying to bring consensus and arriving at a finalisation of this important national duty.

Mr. Speaker, Sir, that notwithstanding, we have before us this Bill which proposes the same figure of Kshs291 billion as the lump sum figure for all the counties. The way forward for us in this House is to do what our friends in the National Assembly did not do; which is to move this debate forward by looking at the three figures that have been

suggested and then try to see whether we can unlock this paralysis and get the country moving so that we do not frustrate devolution.

Having said that, I hope that one way or the other, even if it entails a fresh mediation process, we should arrive at a figure that is acceptable to all parties. You cannot get all the resources you need but on the other hand we cannot have one level of Government insisting on a position and not moving an inch. That again would undermine the process as envisaged in our Constitution.

So, I pray that this House as well as our counterparts in the “lower House” will be sober so that we take this matter outside the parochial realms of institutional competition, if at all there is anybody who would have entertained such a thought in this very important exercise.

Mr. Speaker, Sir, as the Leader of Majority, I have consulted the leadership of my party at the highest level. The instructions I have is that it is in the interest of the Government to facilitate, of course through Parliament, a quick resolution of this matter. Our position is that there must be some give and take in this process.

Allow me to say this which I find very strange. The Kshs299 billion proposal came from the National Treasury which is the custodian of national resources, and which had assessed their capacity in terms of distributing resources. So, why on earth would the National Assembly abrogate, supersede and nullify the proposals of the National Treasury by trying to be even more cautious? In fact, I would expect ordinarily – and this is best practice around the world – more “resistance” from the National Treasury because they are the ones with the envelop and looking at all the competing interests and the global picture, but it is surprising that the National Assembly would want to frustrate counties by even suggesting that what the National Treasury had suggested is too much, and therefore, the counties do not deserve that amount of money and slashing it by Kshs8 billion.

Mr. Speaker, Sir, Kshs8 billion in the hands of counties can do a lot. Counties engage citizens at the micro level. They deal with every day projects. Forget about the threats that have been reported. This issue should be addressed separately. The truth of the matter is that Kshs8 billion spread in wananchi-friendly projects across Kenya can bring a huge difference in terms of affecting the lives of the people of this country.

Mr. Speaker, Sir, I am not anticipating debate. My view is that some compromise would be sought somewhere, especially around where the National Treasury votes, in between there and the Senate. That is where the compromise should be but not anything less than what the National Treasury had suggested. That is our position. I do not think the National Treasury has changed their mind; and even if they do, if you make your bed, you must lie on it. So, it is too late now. That figure, in my view, between there and the Kshs314 billion that the Senate and CRA was talking about should help us unlock this impasse.

Mr. Speaker, Sir, allow me to say my third and last remark. Over and above the nearly Kshs300 billion that is suggested, I think this message should go to counties and Kenyans as we continue understanding devolution better. There is also a significant amount of resources that is also, in addition to that amount, coming to counties under the

provisions of Article 202 of the Constitution that talk about conditional grants. This disclosure is important.

The take home point for devolutionists and those who are implementing it is that those resources also should not be diverted to other functions. You should not use conditional grants for Level Five hospitals to fund or pay road contractors as many counties have been said to be doing. So, we have quite a number of resources that will be coming, in addition to the lump-sum, to counties as conditional grants. Allow me just to enumerate the ones that are there as I finish my remarks.

First, we have a conditional grant of Kshs4.5 billion to be shared by counties as conditional grant to facilitate the leasing of medical equipment. The leased medical equipment scheme has been rolled out significantly. However, there are serious hiccups even as we speak. In my own County of Tharaka Nithi, for example, we have dialysis machines at Chuka General Hospital and x-Ray machines in Marimanti Hospital. However, they are not operational. What are the challenges? We do not have a technician or an expert to operate them. The county government has an unpaid electricity bill of between Kshs20,000 and Kshs30,000. The patients are still travelling to Kenyatta National Hospital for dialysis. It is a shame.

This message should go to the counties. Kenyans are increasingly getting tired. We have been “baby-sitting” counties for too long. The learning period is over. We should now be talking about making counties function and serve the people of Kenya.

Another conditional grant is an amount of Kshs4.2 billion to be shared by county governments for Level Five hospitals. Strictly, the eleven or so counties that have the Level Five hospitals will share that amount of money.

Thirdly, there is another conditional grant of Kshs900 million to be shared to compensate county health facilities for forgone user fees. One of the commitments the Jubilee administration made was to abolish user fees in all health facilities. So, what the Ministry of Health has been doing is to reimburse counties each year for that cost which *mwananchi* could have paid directly. Whether this money is being used in the counties for that purpose of improving the same health facilities is a different debate altogether. However, it is a debate we cannot avoid, going forward.

Mr. Speaker, Sir, there is another conditional grant of---

Sen. Khaniri: On a point of order, Mr. Speaker, Sir. The Mover of this Bill, who is the Senate Majority Leader is sending mixed signals to the House and the nation. I wish that as he moves this particular Bill which is very important, he should guide the House on how he wants the Senate to treat this matter. The Bill he is moving is granting the counties Kshs291 billion, which he is objecting to. He says at least the minimum we should go for is what the Treasury had proposed - a figure of Kshs299 billion. So, is he really moving this Bill so that we support it in the way it is?

He is sending mixed signals, what are we doing? Are we supporting the Bill the way it is or he is suggesting that he will bring an amendment later on? Can he come out very clearly so that the Members know how to treat the Bill?

The Speaker (Hon. Ethuro): Order Sen. Khaniri! That is actually an argument, but may be Sen. (Prof.) Kindiki can proceed.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, of course, I am moving this Bill. I support it but as I move it I am also entitled to say a few things in form of a debate. The reason I am doing this is deliberate. Of course, as the Senate Majority Leader, this Bill is before me and I have to move it as it is.

However, I am also alive to the fact that our Committee has already met and have made certain determinations. I am also alive to the fact that we do not have much time. As I conclude my remarks, the guidance that Sen. Khaniri is looking for, I will try and make suggestions. However, generally this is my Bill. I am moving it as it is. I do not sit in Committees. I am sure whatever amendments there are can be done at that level.

The Speaker (Hon. Ethuro): What is it Sen. (Dr.) Machage?

Sen. (Dr.) Machage: Mr. Speaker, Sir, this House is guided by Standing Orders, tradition and precedence. Our records - that most of us know - indicate that a mover of a Bill will always move the Bill "in his support" unless he states that he is moving that Bill in an amended form which he must declare as he moves. The mover has done neither. He is actually contradicting the very move he is moving. Is he in order? We need guidance.

Sen. Hassan: On a point of order Mr. Speaker, Sir, I stood not to talk about the procedures, but we heard the Senate Majority Leader say that we could pass this Bill anticipating certain amendments through probably dialogue between the leadership of the entire House. This House is known to operate in a bi-partisan manner. We were about to buy into the idea. Therefore, it is important that he comes out clearly, and at least makes proposals that can help us reach an amicable settlement.

The National Assembly has failed and we do not want to fail too. So, please, do better. I wanted to buy that bit from Sen. Khaniri, not to create an argument, but to reach an amicable settlement because we are also working together.

Sen. Ndiema: On a point of order, Mr. Speaker, Sir. Is it in order for (Prof.) Kindiki to be gagged to conform with a Bill that has come from another House? This is not his personal Bill. He does not own it. So, he should have the liberty to present it in the way that he feels because he also represents counties. He is a Member of the Senate. He cannot just come and talk as if he has not noticed anything wrong with the Bill from the National Assembly. He has every right to do so.

The Speaker (Hon. Ethuro): Order Members! I am actually surprised that we are debating an issue that is not there. The argument brought by Sen. Khaniri and supported by Sen. (Dr.) Machage and Sen. Hassan is wondering whether the Senate Leader of Majority is moving the Bill in the original form, opposing it, or proposing amendments.

What I have heard the Senate Majority Leader speak very clearly and eloquently so and I think is an issue which Sen. Ndiema has actually raised. This is a Bill which is being introduced to the Senate from the National Assembly. He has made reference to the fact that there are three figures; one by the National Assembly, one by the Senate and one by the National Treasury.

In the process of moving the Bill, he is also giving his views. All of us are alive - as Sen. Hassan claims - in the process of us processing the Bill, there is a stage for amendments. I do not think that it is necessary for him to make that clear now. The people should do so and then we have a discussion on that particular matter. To me, he is

justifying why he believes a certain figure should go. To enhance the amount, as he is proposing, he is not negating the Bill. This is in the course of the contribution to the Bill.

Conclude, Sen. (Prof.) Kindiki.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I was talking about the various conditional grants. I had mentioned Kshs605 million as a conditional grant to counties to supplement county allocation for the construction of county headquarters. I must declare my interest beforehand; that the five counties which have been the beneficiaries of the sobriety of this House and with the support of the Treasury, is Tharaka Nithi County which I represent in this House.

For the last two years, this Senate, through a report which was done by a select committee that went around the entire country, came out with a list of five counties that were most needy in terms of lack of facilities and the fact that they had not inherited a single structure from the defunct local authorities. This is a Senate Committee that tabled a report here which was adopted. To me, as the Senator for Tharaka Nithi County, and on behalf of my colleague Senators from other counties that benefited from this support from the Government, we are grateful. We have seen some construction work going on in Tharaka Nithi, Isiolo, Lamu, Tana River and Nyandarua counties. Those county governments are able to do so with the support of these conditional grants.

Mr. Speaker, Sir, this year, Kshs605 million will go to the five counties as usual to supplement the financing for construction of headquarters by five county governments that did not inherit adequate office space. These five counties are Isiolo, Lamu, Nyandarua, Tana River and Tharaka Nithi counties. I would urge the county governments concerned, both the outgoing and the incoming, to make use of this conditional grant so that these counties can have dignified facilities. These facilities will assist them perform their constitutional functions as enshrined in the Constitution.

Apart from that, there is a conditional grant of Kshs2 billion for rehabilitation of village polytechnics. This proposal of supporting counties to build village polytechnics has come from the interactions and the inter-governmental relations between the county governors and the executive through the Inter-governmental Budget and Economic Council. This Kshs2 billion will go a long way in reviving our village polytechnics to supplement the ongoing work of the Jubilee Administration to build Technical Training Institutes (TTI) in every Constituency.

That process has started although some constituencies are yet to have their facilities in place. However, in over 100 constituencies out of the 290, the Technical Training Institutes have already been built and they are being equipped as I speak. We require counties to supplement the TTI and upgrade them to village polytechnics which are critical to the revival of rural economies.

For a long time, village polytechnics were neglected and underfunded. They were thought to be places where only those who failed their primary education would go and their tutors were not paid. So, this grant will rejuvenate these institutions of learning which are critical. In fact, for Kenya to move on to the next level of development, Tertiary and Technical Vocational Education is the future. In this country, if you have a vacancy for an Electrical Engineer, you would get ten applicants for one position. However, if you ask for a holder of a Certificate in Electrical Engineering, you will not

get a single person. These are the people who actually make things happen. They are the ones who repair our bulbs when you need an electrical repair since the engineers just do the supervision. So, this allocation would go a long way in supporting Village Polytechnics.

Mr. Speaker, Sir, there is a conditional grant of Kshs11.1 billion. From the Road Maintenance Fuel Levy, counties can get Kshs11.1 billion share to improve the road network within their jurisdiction. We also have another conditional grant from the proceeds of a loan from the World Bank amounting to Kshs873 million. This would be used to support the health sector.

Counties Capacity Building Grants; that is 1 and 2 combined will help to provide Kshs2.1 billion to support counties. Finally, a sum of Kshs13.4 billion will be disbursed to counties as conditional allocation financed by other loans and grants received from development partners. So, the thrust of this Bill is to provide for the lumpsum amount, as I said, plus also a series of conditional grants to Level 5 hospitals, Village Polytechnics, reimbursement for user fees in health facilities which were waived.

Mr. Speaker, Sir, without much ado, I urge this House - I urge the Hon. Senators, given the constraint of time, we have to give this Bill maximum attention and, hopefully, pass it before we adjourn *sine die* on Thursday.

As a parting shot, I have heard my colleagues and other commentators referring to the adjournment as *Adjournment Sine Die*. You pronounce Latin words as they are written and you write them as they are pronounced. So, the adjournment which is anticipated on Thursday is supposed to be "*sine die*".

With those few remarks, I beg to move. With a lot of respect, I request my brother, the Senate Minority Leader and a former presidential aspirant, to second this important Motion.

(Interruption of the Debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM NYAMIRA,
NAROK AND SIAYA COUNTY ASSEMBLIES

The Speaker (Hon. Ethuro): Order, Senate Minority Leader! I want to dispose of something then you may proceed.

Hon. Senators, I wish to acknowledge the presence at the Speaker's Gallery this afternoon of visiting staff from Nyamira, Narok and Siaya county assemblies. I request each member of the delegation to stand when called out so that they may be acknowledged in the usual Senate Tradition.

1. Theodora K. Silo
2. Felix K. Osoro
3. Felistus B. Otwabe
4. Mary K. Nyambega
5. William Musekenya

6. Sanoe Stephen
7. Francis Rakewa
8. Mercy Ooga
9. Felix Okech
10. Wicky Otode

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

I thank you.

Sen. Wetangula.

(Resumption of Debate on Bill)

The Senate Minority Leader (Sen. Wetangula): Thank you, Mr. Speaker, Sir. I beg to second this Bill - a Bill from the National Assembly coming hot on the heels of a frustrating process where a Bill came to this House; we debated and amended it. It then went to the Mediation Committee and the Committee was frustrated by the National Assembly.

I want to thank my distinguished brother and colleague, Sen. (Prof.) Kindiki, for moving it so ably and remind him that we will be in his county going to *nasa* his people on Thursday this week. I hope he will be there to join the National Super Alliance (NASA) train to bring the Ameru people on the right side of history and move away from where they are. It should also be noted that I am not a former presidential candidate; our leadership is collegiate and our brother Hon. Raila Odinga is the first among equals. So, we have a collegiate, if you know what that means.

Mr. Speaker, Sir, this is a sad state of affairs; even looking at this Bill. I associate myself fully with some of the remarks made by my brother Sen. (Prof.) Kindiki. A Bill came to this House from the National Assembly and it went to the Committee on Finance, Commerce and Budget, ably chaired by the distinguished Senator for Mandera whom I must salute as he comes to the end of his first stint in the Senate. He has done a wonderful job in the Committee which I sit.

(Applause)

The Committee made fair recommendations modelled along recommendations from the Treasury. As my colleague said, it is the Treasury that knows the size of the 'envelop' and not a masquerader called hon. Mutava Musyimi, who wears a collar and behaves in a devilish manner. He has made all manner of statements against the Senate. It is the Treasury that knows how much money is available. It is the duty of Parliament to tell the Treasury: "We think you have more; *ongeza*." It cannot be the role of Parliament to tell the Treasury: "Here, you are too generous; reduce." We have never heard of such a thing. We are the representatives of the people of Kenya. The Government taxes the people of Kenya and our duty is to take those taxes back to the

people for development and not to block them from going back to the people for development.

Mr. Speaker, Sir, I do not know if you saw hon. Musyimi on television speaking derogatorily against the Senate. He said: "The Senators must tell us where the money is coming from." Is it his money? The Senate is not acting in a vacuum. There is a constitutional body called the Commission for Revenue Allocation, which acts on the basis of facts available, for example, how much revenue is collected, how much is shareable, how much will go as conditional grants, how much will be ring-fenced for certain purpose and how much is left at the national Government level. It is not on the basis of hon. Mutava Musyimi.

If he continues to besmirch the Senate, we will be constrained to say ugly things about him, for example, how he sat in the Budget and Appropriations Committee of the National Assembly and corruptly allocated money to his constituency and those of the Members of his Committee, against all ethical behaviour and morality. We have not said that, but we are going to be constrained to say it. No wonder the Jubilee Party rejected him in the just concluded nominations. I think he is now running on an amorphous group called the Independents. Even the people he has been 'breaking his leg' defending rejected him. That is the kind of person we are dealing with.

We are obligated to move this Bill constitutionally. It has come from the 'lower House' and this House must consider it. I am privy to the Report, which my distinguished Chairperson will move when he gets the opportunity to contribute. He will inform the House of what the Committee thinks and advises. The irreducible minimum for this House would have been to go by the Treasury proposal, as an irreducible minimum. However, the Committee had a reason for recommending the higher figure of Kshs314 billion.

I am perturbed by the warped thinking of the Budget and Appropriations Committee of the National Assembly. Doctors have been on strike and now nurses are also on strike. County governments need additional money to pay them, so that we arrest the suffering of Kenyans who are dying in hospitals for lack of medical attention. Under the Fourth Schedule of the Constitution of Kenya, it is not the national Government that pays doctors and nurses; it is the county governments. The revenues for them to do that must come through this House and our counterpart House through this Bill.

I want to agree with the Committee that this House, in its wisdom, should reject this Bill. I know my brother, being the leader of the Government business in the House, is constrained to say things that he does not believe in. I could tell from his body language that he was not even convinced when he was making his contribution. Like Jesus, the spirit was willing, but the body was weak.

(Laughter)

This House should not be blackmailed by the constraint of time to set a dangerous precedent. We know that time is short and we are going into elections. The country will not grind to a halt if this Bill is not passed. There will be exigencies that will see us through the next few days. Even if that was not the case, the House that you preside over

is the custodian of the interests of counties and their governments. Allow me to thank you because I will not be here for the final two sittings. I will be out there ‘*nasaring*’ votes for my coalition. You have been a very able Speaker. We have rubbed each other the wrong way some times, but I also know if you are given an opportunity to air your views on this Bill, you do not believe in it. Woe unto this House if we joined the bandwagon of conspirators against devolution to frustrate resources going to counties.

I have travelled around the country and seen some counties that have done a good job. I have been to Wajir County and the governor there has done an exemplary job. I have been to Kajiado County and the governor stands out. It is interesting to know that he is an Orange Democratic Movement (ODM) governor while the entire County Assembly of Kajiado has only one ODM Member of the County Assembly (MCA). This governor has been working with Jubilee MCAs. He has not been corrupt like the case of the wheelbarrows that we know of. He has been a diligent governor.

If you visit Kajiado County you will see distinct marks of devolution. There are a few other governors who are doing the same. Like my brother, Sen. (Prof.) Kindiki, said, there are some bad apples among governors, but we will not kill a good idea because those who are executing it are corrupt and unaccountable. I salute people like my Brother, Sen. (Prof.) Anyang’-Nyong’o and my distinguished deputy party leader, Sen. (Dr.) Khalwale, who have found it necessary to go and correct the mess that is in the counties, by surrendering their positions as Senators. I know that they and a few others like Sen. Musila and Sen. Sang, would have been elected unopposed as Senators. I send my political condolences to my brother from Nyangores for what they did to him.

(Laughter)

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir. I am just curious. My brother, the Senate Minority Leader, is talking about a county that I have not seen in the Schedule to the constitution. There are 47 counties and I have not seen any county called Nyangores. Is he in order?

Sen. Wetangula; Mr. Speaker, Sir, I never said ‘Nyangores County;’ I said ‘my distinguished friend from Nyangores.’ He actually comes from Nyangores village or thereabouts; not too far from there.

The Speaker (Hon. Ethuro): Sen. (Prof.) Kindiki, perhaps, that is the more reason the condolences were being given.

(Laughter)

Sen.(Prof.) Lesan: On a point of order, Mr. Speaker, Sir. The Senator for Bungoma, to whom I want to send condolences for his inability to run for the presidency as he had said, now uses the word “collegiate” as part of his excuse. I want to be specific that I am talking about the Senator for Bungoma, unlike the insinuation that there was a Senator for Nyangores. Nyangores is a constituency that is going to vote for Jubilee party seriously and does not deserve any condolences from anybody, especially from Bungoma.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, with a light touch, you know that Bomet is *Chama Cha Mashinani*. I have been there and I can tell you that, that is a very interesting county.

Let me end so that others can contribute by urging this House to either stand up to be counted, defend this House and leave behind a legacy whether you will be here in the next House or not or we go into ignominy that will make us look weak, helpless and unable to discharge our responsibility and duty under Article 96 of the Constitution, which is defending counties and their governments, including but not limited to ensuring that they get sufficient revenues for running the counties.

Mr. Speaker, Sir, as I finish, I want to urge all my colleagues across the Floor that if you want devolution to flourish, vote National Super Alliance (NASA). We have in our manifesto said that we are going to strengthen this House to be the Upper House in the dispensation of the legislature of the country so that the pecking order is very clear.

This becomes the Upper House, the House of revision and a real Senate as they are known in comparable jurisdictions whether in the United Kingdom (UK) House of Lords, Australian Senate, Canadian Senate, Burundi Senate. There are jurisdictions that are much less experienced in terms of political longevity, tranquillity and stability but are doing much better than we are.

So, join us in making this Senate “a Senate”. I know many of my colleagues are running away to other positions. Even the lady passing before me is going to the “Lower House” from the “Upper House” if she wins and I wish her well. She is a very decent lady and I know several others including the---

Sen. Chelule: On a point of order, Mr. Speaker, Sir. Who is Sen. Wetangula referring to as “the lady” since we do not have any Senator called “Lady”?

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I come from a community with a very rich language. We say that when you raise a stick, the thieving dog is the one that will start doing “*kweeekweeekweee*” and running.

(Sen. Wetangula made a screeching sound)

(Laughter)

There are three ladies sitting in front of me and---

The Speaker (Hon. Ethuro): What is it Sen. (Dr.) Machage?

Sen. (Dr.) Machage: Mr. Speaker, Sir, would I be in order to request you to suspend Standing Order No.90 (4) so that we can listen to the semantics of Sen. Wetangula in more detail?

The Speaker (Hon. Ethuro): Disallowed.

Sen. Kagwe.

Sen. Kagwe: Mr. Speaker, Sir, I just wanted to know for clarity how the sound that Sen. Wetangula made will be recorded in the HANSARD.

(Laughter)

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, we leave that to the HANSARD managers. They may record that; “at that moment, the distinguished Senator for Bungoma made a screeching sound”, bracket it and leave it there.

I want to finish by saluting this entire Senate in case I do not have time to speak again between now and Thursday. All of you Senators have done a marvellous job against many odds. We have had to go to court, *Kamukunji's* and write letters to the high and mighty to fight for space. We have had to close ranks.

At one time you could never tell, for example, as you read in the book *God's Bits of Wood* by Sembene Ousmane, about Mr. Bakayoko the train driver. The writer says that at one time you could not tell whether it was his heartbeat that was going to the sound of the train or the sound of the train that was going to the tune of his heartbeat. We reached a level where my brother Sen. (Prof.) Kindiki leading the opposite side and myself on this side realised that we either hang together or separately; either way, we were hanging.

I think we have done a good job. If you allow me just to digress a little from the Bill, the Committees of this House, particularly the County Public Accounts and Investments Committee (CPAIC) has done very well, the Committee on Roads and Transportation, the Standing Committee on Lands and Natural Resources have all done fantastic jobs. The only area where we have not done very well as a Senate is that we have failed many Kenyans who have sent petitions to this House which we have not prosecuted in good time as we should have done.

However, I think we were overwhelmed by many things. I hope and believe that whether it is NASA or Jubilee party that is going to win the next elections, the top agenda for the legislature in this country is to redefine and redirect the legislature so that the “Upper House” becomes a real Upper House and the “Lower House” remains as that.

Every Bill without exception, unless the Speakers agree, in fact, we will take away that from them, in comparable jurisdictions, a Bill from the Lower House automatically goes to the Upper House and the Upper House may note debate, reject or vary it as the case may be. That is what it should be.

I think we brought the Senate in the new Constitution to be what this Senate has been where we are belittled by all manner of people who have no capacity to do anything. They have been busy calling us names and doing all manner of things. I am particularly aware of the Standing Orders, but I am completely appalled by the conduct of one Hon. (Rev.) Mutava Musyimi and that is why I always tell him that he used to be called the Right Reverend, now he is the ‘Wrong’ Reverend. His attitude towards this House has not been helpful to the growth of democracy in this country.

Mr. Speaker, Sir, his attitude towards the Senate and devolution does not help the spirit and letter of the new Constitution. The Senate was not created to decorate the legislature but because it is the defender, the first and last line of defence of devolution and shall remain in the Standing Orders.

I wish you well and hope that in the next Senate, if these guys reject you, talk to us nicely and we will carry on with you because we are coming with a majority after elections.

I beg to second.

The Speaker (Hon. Ethuro): Before I propose the question, let me allow the Chairman of Finance, Commerce and Budget Committee to table his report.

PAPER LAID

REPORT ON THE DIVISION OF REVENUE (BILL (NO.2) BILL (NATIONAL ASSEMBLY BILL NO.22 OF 2017)

Sen. Billow: Mr. Speaker, Sir. I beg to lay the following report on the Table of the Senate:-

Report of the Standing Committee on Finance, Commerce and Budget on the Division of Revenue (No.2) Bill (National Assembly Bill No.22 of 2017).

Thank you, Mr. Speaker, Sir.

(Sen. Billow laid the document on the Table)

(Question proposed)

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

The Speaker (Hon. Ethuro): What is it, Sen. (Dr. Machage)?

Sen. (Dr.) Machage: Mr. Speaker, Sir, the Chairman of the Finance, Commerce and Budget Committee has just tabled a document whose contents would have been very helpful in debating this Bill. This is because we would have needed the leadership of the Committee to help the House to make informed decisions on this debate. Therefore, would I be in order to seek guidance from you on the relevance of the document that was tabled if it will not enrich debate on this Bill? Is there need for us to belabour passing or rejecting this Bill if we will not use the contents of the report?

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Machage!

Hon. Senators, you will recall that the First Reading of this Bill was done on Friday. The Committee has actually worked extra hard to get us a report. That is why I have allowed the Senator to table to report, even after we had gone past the order for Papers. It is meant for purposes of the Members looking at it. It is not a long report. You can check very quickly as you contribute and inform the debate.

Since we are just proposing the question, I believe it is still relevant to inform a Member who is interested in looking at it.

Yes, Sen. (Prof.) Anyang'-Nyong'o.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, I rise to support the contribution of my two colleagues, the Senate Majority Leader and the Senate Minority Leader in this particular important issue. I would particularly address myself to the issues raised by the Senate Minority Leader on the importance of the Senate in the governance of this country as enshrined in the Constitution that makes the Senate really woven in its fabrics. I find it difficult when I hear somebody like the "wrong" reverend speaking in his disparaging manner about the Senate; which means that he does not know the

Constitution and the manner in which all the institutions of this Constitution are weaved together to deliver good governance in this country.

This Senate is not only meant to be a House of final reference for Bills coming from the “lower” House and only to be debated again if there is a controversy that needs mediation as was the case with this one. However, this House is also very important according Article 96 of the Constitution because it is the only institution in the legislative process that is given express responsibility to look after the counties and to make sure that the interests of the counties are defended in every manner. Therefore, the Division of Revenue Bill is a cardinal point which this House must rise up and ensure that the interests of the counties are defended.

When you come to a point when there is yet a controversy of how the Division of Revenue Bill will be implemented and the House insists on certain figures, it is not because the House is defying the National Assembly, it is simply because the House is pointing out the right thing to do, when all is said and done.

When looking at the progress that we have made in the increase of the Division of Revenue Bill since the inception of devolution, we do believe particularly in the Finance, Commerce and Budget Committee that this incremental approach to allocating money to counties is itself conservative, but it is what we have at the moment. Therefore, if we propose a figure that is higher than what the National Assembly proposed, that is much closer to what the Commission for Revenue Allocation (CRA) had in mind, it is important to take the House’s opinion much more seriously than anything else.

These are Senators representing counties. Therefore, as the English people say, “the wearer of the shoes is the one who knows where the shoe pinches most.” These Senators know where the shoe pinches most in the counties. The Members of the National Assembly know where the shoe pinches most in the constituencies. I may know for certain that the funds called the CDF which we were responsible for initiating and Parliament as a whole has more or less ceded the responsibility of looking after the amounts of money allocated in the CDF to the National Assembly. I do not think at any point it has become the responsibility of this Senate or has the Senate ever desired or felt that it is necessary to cut down the CDF.

In reciprocating, therefore, it will be important to concede to the Senate an ample say on the Division of Revenue Bill and to look very carefully at the rational as to why the Finance, Commerce and Budget Committee presented to this House a proposal that this House accepted.

When the Chairman of the Finance, Commerce and Budget Committee made the representation and, as you will see in our report subsequently, that it was difficult to accept the figures from the National Assembly because of that feeling that I have expressed; that we are the wearers of the shoes who know where the shoe pinches most.

I hope that when we finally make this decision we should listen to those figures very carefully that we have proposed to be given to the counties in this Division of Revenue Bill.

The Senate Majority Leader went into details on the money being allocated to the counties. I would say that the budget allocated, for example, to the health sector, is still inadequate knowing the problems facing health workers and health delivery systems in

the counties. If you look deeply into the money allocated by the Treasury to the health sector, you will find that a substantial sum of that money will still go to the bureaucracy that runs health in the national Government.

The same Constitution says that this function should progressively be given to the counties and more money should be given to those functions that the counties perform. Therefore, it is irrational that in the Health sector, we should have relatively more money being consumed for administration and bureaucracy purposes than for service delivery. This is because service delivery is more important than bureaucracy. For example, when we initiated the CDF, overheads took only 3 per cent of the CDF budget which meant the rest of the 97 per cent went for service delivery. When donors fund projects, at least 30 per cent of the money goes to administration and overheads. This means that it is more than ten times of what we did with the CDF and yet CDF worked much better with the much less percentage being given to bureaucracy and administration.

As we move on to the Twelfth Parliament and the next Government, I urge the next Senate and the next National Assembly to look at this repartition of funds between bureaucracy and service delivery. This is the only way the National Assembly will come to a point where they will appreciate better what the Senate is currently proposing. In other words, we shall go beyond just looking at Division of Revenue Bill and how much money is going to the counties. We need to reflect with the Treasury and the CRA on how much money we are wasting in supporting non-reproducing bureaucracy at the national level rather than supporting service delivery in the counties.

Sen. Billow: Mr. Speaker, Sir, I would like to add my voice to this debate on the Division of Revenue Bill. It is regrettable that just days before we adjourn permanently, we do not have the division of revenue or allocation of money to counties for the next financial year. The reason is because the Division of Revenue Bill that we passed here was rejected by the National Assembly. The same assembly went ahead and published a new Bill. The bone of contention was not on conditional grants but on the equitable share of revenue.

So, the National Assembly published the Bill with same Kshs291 billion that we had rejected. So, our Committee, in the report that has been tabled in the House a short while ago, had three options to look at.

One is to accept what is contained in the Bill as it is. The other one is to amend. The third option that was placed before us by the experts from the budget office was to reject the Bill.

Mr. Speaker, Sir, we rejected the first option of accepting the Bill as it is based on the previous arguments we had; that there has been a consistent trend in the growth of revenue allocated to the county governments. This was based on the annual growth of revenue of the Government. So, a certain percentage which is a three years' average growth of the annual revenue has always been used by the CRA to recommend an increase. This Kshs291 billion is not based on that, neither is it based on even the growth of annual inflation. The annual inflation growth was 6 per cent last year. The amount that they proposed to increase, from Kshs280 billion to Kshs291 billion is only just over 3 per cent.

At the same time, it is even lower than what the National Treasury recommended, Kshs299 billion. So, accepting the Bill as it is has a challenge. It clearly would be slighting the Senate. It would make a nonsense of the Senate that had rejected the same, Kshs291 billion earlier. So, we ruled out that option.

The second option was to make amendments. Again, we looked at that possibility. Making an amendment from Kshs291 billion to Kshs314 billion is the same amendments we did last time. We tabled the amendments in the House and they were passed. However, they were rejected in the Mediation Committee. So, we opted for the third option which is to reject the Bill.

Under Article 112 of the Constitution, if one House rejects the Bill, then it automatically goes for mediation. So, if we go ahead and reject this Bill as it is as tabled today, then it will go to mediation.

I have heard what the Senate Majority Leader has said. He has said that the Government that he represents is now willing to negotiate on a higher figure which is higher than the Kshs291 billion. If we go for negotiation, our Committee is open to negotiation. That is why it is called a Mediation Committee. It is open to any figure that is equal to or above what the National Treasury has recommended, Kshs299 billion.

What I got from the Majority Leader is that the Executive which controls the “Lower House” will appropriately advise them. If they come to the negotiation with clean hands willing to increase the amounts, then we have no problem with it. We will look at it. We have challenges because the Council of Governors (CoG) has submitted their memorandum. They have many challenges. That money will not be enough. We have seen the strike by the nurses. There is a compromise that has to be reached and money has to be paid. Concerning doctors, there is a CBA, and money has to be paid yet there is nothing that has been factored in this budget. They are supposed to be paid out of the equitable share of revenue.

At the same time, you will appreciate that there is a court ruling allowing the MCAs to complete their five years. It has to be paid out of the equitable share. So, there are many challenges. When you put all that money together – in fact, according to the CoG, they will need at least Kshs311 billion but we will be willing to go to the negotiation and see whether there will be anything new that will come to the table. Otherwise, our position is that this House must reject this Bill which is essentially an attempt to slight and undermine the role of this House which clearly is to represent the interest of the county governments. That is our position.

We are happy with the conditional allocations. The National Treasury has reviewed the amount higher because of the fuel levy fund. They have increased the amount by an additional Kshs8 billion. For the conditional allocation, we have no issues. I do not think there is any particular group or stakeholders who have an issue with that.

Otherwise, this is the position. The Kshs314 billion that we had recommend was based on the recommendation of the CRA. This is a statutory body, an independent commission expressly created by the people of Kenya to advise Parliament on how money should be shared out between the two levels of Government. We cannot throw out of the window their recommendations entirely. So, when they came up with a recommendation of Kshs314 billion, we based ours on that.

However, as a House, we are independent to legislate. We are willing to look at what is reasonable. We know the challenges this country faces, economic and revenue collection. We all know about all that but we will recommend. We have recommended in our report that we throw out this Bill and it goes to mediation, and we wait for them to come up with appropriate proposals as suggested by the Majority Leader.

Sen. Kagwe: Mr. Speaker, Sir, I am a Member of the Committee on Finance, Commerce and Budget. I take exactly the same view. I concur with the Chairman. There is a notion in certain quarters in the National Assembly that there is something called a constituency and there is something called a county and the two are not related at all. It is important for us to remind our brothers in the “Lower” House that every single constituency in Kenya is in a county, not one! So, when you see the kind of intransigent behaviour that is being exhibited stubbornly within the chairmanship of the budget Committee of the “Lower” House – this is where the English said, “You cut off your nose to spite your face.”

Mr. Speaker, Sir, I must agree because I have been in two mediations between this House and the other one for the same reason. My brother, hon. Mutava Musyimi has been consistently stubborn on this matter and stubbornly opposed to reason whenever this matter is being discussed. The whole problem today as we discuss here is borne out of a condescending attitude that spites this House for whatever reason. I think it is borne out of a certain misguided superiority complex, clearly worked with self-importance. This attitude is causing this problem.

You cannot walk into a mediation determined and believing that no matter what anybody else says in mediation you will walk out of that room with exactly what you walked in with. The whole notion of mediating is give and take. Therefore, when we send people into mediation it is important for them to appreciate that they will not come out with everything they want. Hopefully, they will come out with something that is acceptable to all parties.

When we went to mediation last year, the Chairman was just as stubborn as today. The person who actually saved the day in that mediation is hon. Tom Kajwang from the other House. I want to thank him because he rose up to agree that there has to be a positional change in the process of mediating. We went into voting; something that should not happen in a mediation like this. We should simply go with an agreement that has come out of just logical reasoning.

Mr. Speaker, Sir, when you look at the current Bill, one of the things that I would like to propose in it is the conditional grant that is being given to the counties, especially the health grant. In the previous year the conditional grant given to the health sector was taken to the Ministry of Health. The Ministry misused that money and it never went to the counties.

The second year, which is last year, the rule changed and the conditional grant went to the county governments. However, the county governments did not push the money, as it was intended, to the health sector. This time round let the conditional grants be given to the institution implementing whatever grant is given. For instance, in Nyeri County the conditional grant is given to the Level 5 Hospital. County governments can create the circumstance where the money allocated to a Level 5 hospital goes directly into

the Level 5 hospital with, obviously, a management structure that does not allow for wastage and involves the county governments.

Mr. Speaker, Sir, when money is sent to the county governments as conditional grants, there is every possibility that emergency or even wastage activities may lead to the money not going where it is supposed to. The spirit of both Houses should be better than this. We should all be thinking about the people who are suffering in the counties because of us not passing this Bill. History must record that it is not the stubbornness and unwillingness of the Senate that has caused this problem; the problem is located elsewhere.

Mr. Speaker, Sir, we do not just defend devolution. Devolution is the institution or change that will make this country stable. Devolution will make every Kenyan in every corner believe that they are Kenyans. This is the first time that there is some tarmac in certain parts of this country. Children are transported from schools to go and see tarmac roads. Without devolution, this would never have been possible.

Throughout the last four-and-a-half years it has also become quite apparent that in addition to defending devolution, this House has played a vital role in making sure that this country does not suffer from parliamentary dictatorship. It is becoming clear to Kenyans that it is not only the executive, in running of governments, that can be dictatorial; Parliament too can be dictatorial. Therefore, it is important for Kenyans to appreciate that without the Senate a lot of things would have gone wrong. Some people would simply have decided without any reference to any other House. The role of this House is to defend both devolution and the country from parliamentary dictatorship.

Mr. Speaker, Sir, I also want to thank my colleagues in the Committee on Finance, Commerce and Budget because they have been very patient in this matter. I hope that the Members who will go for mediation will be given very clear terms of reference, so that they do not come back without some sort of success. As of my brothers in the other House, who will continue to defend a position that is indefensible, all I can say, like in *Tess of the d'Urbervilles*, is that such flashes as they have, I fear, do not last.

Thank you, Mr. Speaker, Sir.

Sen. Ndiema: Thank you, Mr. Speaker, Sir. I stand to object to the allocations proposed by the National Assembly in this Bill. Considering that the National Revenue is Kshs1.2 trillion and all we wanted, as the Senate, for the County is Kshs300billion, it is really a small percentage; 31 per cent.

The functions that have been devolved to counties are many and very important, especially to the livelihood of our people. Health is very important and so is Early Childhood Development Education (ECDE) and agriculture, which is the source of our livelihood. It is a right under our Constitution for our people to get adequate nutrition. We should recognize this when we discuss such Bills of allocating resources.

Last year, His Excellency the President, categorically mentioned - and I remember it was during the Agricultural Society of Kenya Show - that agriculture will be allocated 10 per cent of national revenue in accordance with the Maputo Declaration. Considering it is only 31 per cent that goes to counties and agriculture is wholly devolved, clearly, that promise will never be realized. This is because if we were to allocate 10 per cent out of 30 per cent to agriculture, we would leave other sectors

without any resources. At the moment, we cannot feed our people and it is a shame that we have to import food from other countries.

This is the time that we should be allocating more resources to our agricultural sector. It is the only sector that is employing the majority of our people in the rural areas and even those in the urban centres depend on agro-industry in terms of manufacturing.

Mr. Speaker, Sir, this amount proposed by the National Assembly is not going to solve agriculture problems. I also note in Table 1 of the Bill, the allocations for Strategic Grain Reserves or Strategic Reserves have been reduced from Kshs2.2 billion the previous year to Kshs1.2 billion. They seem to be reducing allocations to agriculture and yet the National Assembly is the one summoning the Cabinet Ministers all the time asking them why we do not have enough grain, yet it is the National Assembly which allocates. It is high time the national Budget was scrutinized by the Senate in a way of changing the Constitution and making this “Upper House” check on the excesses of the National Assembly.

The political leadership has also not been serious on this matter. We know that when they mean to whip their Members to support a certain cause they can do it. It was only recently when we debated about the amendments of election laws. We were influenced to vote in a certain manner without changing even a comma and the two sides agreed. However, in the National Assembly the two sides cannot agree to agree to ensure that counties get adequate resources and yet all of them in the public forums state that they support devolution and Wanjiku. The budget proposed by the National Assembly is not Wanjiku-friendly.

The Members of the National Assembly are behaving as if they do not come from the counties but represent some constituencies called the national Government. I wish the voters could get to know which Member supported this Bill in a way that reduces allocations to the counties so that they could vote them out.

Mr. Speaker, Sir, the figures that the Senate went by, we were not just creating figures to spite the National Assembly or to prove to them that we are the Upper House. We are the “Upper House” and we do not need to prove that. What we were acting upon was a recommendation from a professional body that is recognised in the Constitution called the Commission for Revenue Allocation (CRA). They recommended the figure which this Senate agreed to. However, what we are seeing is that this Commission is being rendered powerless because whatever they recommend is not being upheld.

With those few remarks, I want to say that we are ready to go for a final mediation and not holding on to what we had previously proposed.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. I believe you have been listening to the contributions and we seem to have exhausted our intention on this Bill. We are actually breaking our own Standing Order No. 107 by repeating. Would I, therefore, be in order to request that the Mover be called upon to reply?

(Question, that the Mover be now called upon to reply put, and agreed to)

Sen. Billow: Mr. Speaker, Sir, we have heard the sentiments of the Members on this Bill. Essentially, we have shared the same feelings by all the Members of the Senate. Therefore, I want to take the opportunity to thank the Members for the useful contributions and suggestions that they have made.

I beg to move.

(The Division Bell was rung)

The Speaker (Hon. Ethuro): Order Members! I order the Division Bell to be rung for another one minute.

(The Division Bell was rung)

Order Members! This is a matter affecting counties. Therefore, I wish to put the question.

(Question, that The Division of Revenue (No. 2) Bill (National Assembly Bill No. 22 of 2017 be now read a Second Time put, and the Senate proceeded to vote by County Delegations)

We will take one minute to vote. You may now start voting.

(Voting in progress)

DIVISION

ELECTRONIC VOTING

(Question, that The Division of Revenue (No. 2) Bill (National Assembly Bill No. 22 of 2017) be now read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Kagwe, Nyeri County.

NOES: Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Chiaba, Lamu County; Sen. Hargura, Marsabit County; Sen. M. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. Mugo, Nairobi County and Sen. Wamatangi, Kiambu County.

The Speaker (Hon. Ethuro): Hon Senators, the results of the Division are as follows:

AYES: 1

NOES: 12

ABSTENTIONS: 0

The Bill is, therefore, negatived.

(Question negatived by 12 votes to 1)

(The following Members were also present but not delegated to vote: Sen. Nabwala, Sen. Sijeny and Sen. Zani)

The Speaker (Hon. Ethuro): You may now open the door and draw the bars.

(The Doors were opened and the Bars Drawn)

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL

The Speaker (Hon. Ethuro): Hon. Members, given the above results on the Division of Revenue Bill, I have nominated the following Senators to the Mediation Committee:-

Sen. Billow Kerrow;
Sen. Mutahi Kagwe;
Sen. Mutula Kilonzo Jnr.; and
Sen. Beatrice Elachi.
We will now go to Order No.24.

MOTION

ADOPTION OF THE MEDIATION COMMITTEE REPORT ON THE HEALTH BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2015)

THAT, the Senate adopts the Report of the Mediation Committee on the Health Bill (National Assembly Bill No.14 of 2015) laid on the Table of the Senate on Thursday 25th May, 2017 and pursuant to Article 113 of the Constitution and Standing Order 155(3) of the Senate Standing Orders, approves the mediated version of the Bill.

(Sen. (Dr.) Machage on 9.6.2017)

(Resumption of Debate interrupted on 9.6.2017)

The Speaker (Hon. Ethuro): I think the remaining bit was for the Mover to reply. Sen. (Dr.) Machage.

Sen. (Dr.) Machage: Thank you, Mr. Speaker, Sir. Good health means development of a country while poor health is completely the opposite. I take this

opportunity to thank all the Members who participated in thinking and compiling this Mediation Report that was unanimously accepted by both Houses; the Senate and the National Assembly. The Members contributed to what I think will be a solution to the persistent strikes that we are noticing now of medical personnel in this country.

I pray that the remaining process will be carried out as fast as possible, so that this Bill becomes an Act of parliament to be useful to this country.

I beg to reply and request, under Standing Order No.54 (3), that you defer the voting on this Bill to the next sitting.

The Speaker (Hon. Ethuro): The putting of the question will be deferred to another day.

(Putting of the question on the Motion deferred)

We will defer Order Nos.9, 10, 11, 12 and 13 because they all require divisions.

COMMITTEE OF THE WHOLE

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

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 PERSONS WITH DISABILITIES (AMENDMENT) BILL
(SENATE BILL NO. 13 OF 2015)

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

(Committee of the Whole deferred)

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Sen.

(Dr.) Machage) took the Chair]

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

(Consideration of National Assembly Amendments)

The Temporary Chairperson (Sen. (Dr.) Machage): Order, hon. Senators. If you can remember, this is a Bill that was passed by the Senate. It was sent to the National Assembly and they made some amendments which are now before us for consideration. So, we are looking at the National Assembly Amendments to the County Early Childhood Education Bill (Senate Bill No. 32 of 2014).

Clause 4

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move ---

The Temporary Chairperson (Sen. (Dr.) Machage): Order, Senator. I have not forgotten the House Procedures. We did not have an amendment forwarded to us on this Clause. Please, approach the Clerks' Table.

*(Sen. Karaba, approached the Clerks' Table and consulted
with the Temporary Chairperson)*

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:
THAT, Clause 4 of the Bill be amended in paragraph (a) by inserting the word "basic" immediately after the word "compulsory"

(Question of the amendment proposed)

Clause 8

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:
THAT, Clause 8 of the Bill be amended-
(a) in subsection (1) by deleting the words "child fails to attend an education centre, the principal" and substituting therefor the words "pupil admitted in an education centre fails to attend the education centre, the head teacher"
(b) by deleting the word "child" wherever it appears and substituting therefor the word "pupil"

(Question of the amendment proposed)

Clause 9

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

- THAT, clause 9 of the Bill be amended —
- (a) in sub-clause (1) by deleting the words “establish a mechanism for the identification of children with special needs and”;
 - (b) by deleting sub-clause 2 and substituting therefor the following new sub-clause—
 - (2) In performing the functions under subsection (1) the county executive committee member shall—
 - (a) ensure that there are adequate learning institutions and facilities for children with disabilities; and
 - (b) put in place necessary facilities to assist children with disabilities to access to affordable assistive aids and devices.
 - (c) by deleting sub-clause 3.

(Question of the amendment proposed)

Clause 10

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:
THAT, Clause 10 of the Bill be amended—
- (a) by deleting the words “including education centers for children with special needs”; and
 - (b) by inserting the words “of the Constitution” immediately after the words “Article 53”.

(Question of the amendment proposed)

Clause 11

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:
THAT, clause 11 of the Bill be amended—
- (a) in sub-clause (1) by—
 - (i) Deleting the word “persons” appearing in paragraph (a) and substituting therefor the words “education centre”;
 - (ii) Deleting paragraph (b);
 - (b) In sub clause (2) by deleting the words “upon payment of such a fee as the Registrar shall determine”.

(Question of the amendment proposed)

Clause 12

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:
THAT, clause 12 of the Bill be amended by—
- (a) deleting the word “Part “and substituting therefor the word “Act”;
 - (b) renumbering the existing provision as sub-clause (1) and inserting the following new sub-clause immediately after the proposed new sub-clause (1) —

“(2) A person who fails to comply with subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding Kshs1 million or to imprisonment for a term not exceeding two years, or to both.”

(Question of the amendment proposed)

Clause 13

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT, clause 13 of the Bill be amended in sub-clause (2)—

- (a) by deleting the word “institution” appearing in paragraph (b) and substituting therefor the word “education centre”;
- (b) by deleting the word “institution” appearing in paragraph (c) and substituting therefor the word “education centre”; and
- (c) by deleting the word “institution” appearing in paragraph (d) and substituting therefor the word “education centre”.

(Question of the amendment proposed)

Clause 14

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT, Clause 14 of the Bill be amended by deleting the expression “71” and substituting therefor the expression “70”

(Question of the amendment proposed)

Clause 15

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT, clause 15 of the Bill be amended in sub-clause (3) by deleting the word “a private” appearing in paragraph (b) and substituting therefor the word “an”.

(Question of the amendment proposed)

Clause 16

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

“THAT, clause 16 of the Bill be amended —

- (a) in sub-clause (2) by deleting the words “with the consent of the principal” appearing in paragraph (b) and substituting therefor the words “in the opinion of the department, a shorter time is necessary”;
- (b) in sub-clause (4) by deleting the word “principal” and substituting therefor the word “head teacher” and;

(c) in sub-clause (5) by deleting the word “an.”

(Question of the amendment proposed)

Clause 17

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT, clause 17 of the Bill be amended —

(a) in the opening statement by deleting the word “centre” appearing immediately after the word “such” and substituting therefor the word “institution”;

(b) in paragraph (e) by deleting the word “education” and;

(c) in paragraph (f) by deleting the word “principal” and substituting therefor the word “head teacher”

(Question of the amendment proposed)

Clause 19

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT clause 19 of the Bill be deleted.

(Question of the amendment proposed)

Clause 23

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT, clause 23 of the Bill be amended—

(a) in sub-clause (1) by inserting the word “County Education” immediately before the word “Board”;

(b) in sub-clause (2) by—

(i) Inserting the word “County Education” immediately before the word “Board”;

(ii) Deleting the word “principal” appearing in paragraph (a) and substituting therefor the word “head teacher”;

(iii) Deleting the word “principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;

(iv) deleting the word “children” appearing in paragraph (b) and substituting therefor the term “pupils”

(c) in sub-clause (3) by inserting the word “County Education” immediately before the word “Board”;

(Question of the amendment proposed)

Clause 24

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:
THAT, clause 24 of the Bill be amended—
- (a) in the marginal note by deleting the word “children” and substituting therefor the word “pupils”
 - (b) in the opening statement by deleting the word “children” and substituting therefor the word “pupils”
 - (c) in sub-clause (2) by—
 - (i) inserting the word “County Education” immediately before the word “Board”;
 - (ii) deleting the word “principal of the centre” appearing in paragraph (a) and substituting therefor the word “head teacher”;
 - (d) in sub-clause (3) by-
 - (i) inserting the word “County Education” immediately before the word “Board”;
 - (ii) by deleting the word “children” appearing in paragraph (a) and substituting therefor the word “pupils”
 - (iii) deleting the word “principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;

(Question of the amendment proposed)

Clause 25

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:
THAT, clause 25 of the Bill be amended—
- (a) in sub-clause (1) by—
 - (i) deleting the words “by it”
 - (ii) inserting the word “County Education” immediately before the word “Board” appearing in subparagraph (a) (ii);
 - (iii) by deleting the word “principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;
 - (b) in sub-clause (2) by—
 - (i) inserting the word “County Education” immediately before the word “Board” wherever it appears”;
 - (ii) deleting the word “officer” appearing in paragraph (a) and substituting therefor the word “committee”
 - (iii) deleting the word “principal” appearing in paragraph (b) and substituting therefor the word “head teacher”;

(Question of the amendment proposed)

Clause 27

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:

THAT, clause 27 of the Bill be amended in sub-clause (2) by deleting the words “or to any other private status unless the county executive committee member has consulted with the county Education Board and has approved such conversion”.

(Question of the amendment proposed)

Clause 28

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT, clause 28 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “or” and substituting therefor the word “including a”;
- (b) in sub-clause (5) by deleting the words “secular” and substituting therefor the words “as set and approved by the Kenya Institute of Curriculum Development”.

(Question of the amendment proposed)

Clause 29

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

“THAT, clause 29 of the Bill be amended by deleting sub-clause (3).

(Question of the amendment proposed)

Clause 30

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT, clause 30 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the word “children” appearing in paragraph (a) and substituting therefor the word “pupils”;

(ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) two persons with experience in matters of nutrition and social work relating to early childhood development and education nominated by the County Governor on the recommendation of the County Education Board;

(iii) inserting the following new paragraph immediately after paragraph (d) —

(d)(a) one person to represent children with disabilities

(d)(b) the head teacher of the education centre, who shall be an ex officio member.

(b) in sub-clause (3) by deleting the word “principal” and substituting therefor the word “head teacher”

(c) in sub-clause (4) by inserting the word “of Management” immediately after the word “Board” where it appears at the first instance and third instance”;

(d) in sub-clause (5) by inserting the word “of the Board” immediately after the word “committee”;

(Question of the amendment proposed)

Clause 31

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:

THAT, clause 31 of the Bill be amended—

(a) by inserting the word “of management” immediately after the word “Board” in the opening statement;

(b) in paragraph (a) by deleting the word “the said” and substituting therefore the word “these”;

(c) in paragraph (d) by deleting the word “to” appearing immediately after the word “equip”; and

(d) in paragraph (h) by inserting the word “of” immediately after the word “implementation”.

(Question of the amendment proposed)

Clause 32

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-

“THAT, Clause 32 of the Bill be amended by inserting the word “of management” immediately after the word “Board”.

(Question of the amendment proposed)

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

Clause 33

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-

“THAT, Clause 33 of the Bill be amended—

a) by deleting in sub-clause (1) and substituting therefor the following new sub-clause—

“(1) There shall be a Parents Teachers Association for every public and private school consisting of—

(a) every parent with a child in the education centre; and

(b) a representative of the teachers in the education centre

b) inserting the following new sub clauses immediately after the sub-clause (1) —

(1A) There shall be an Executive Committee of the Parents Teachers Association consisting of representatives of parents with children in each level within the education centre and a teacher.

(1B) The members of the Executive Committee of Parents Teachers Association shall be elected during an annual general meeting of parents and teachers.

(1C) The Parents Teachers Association shall, at its first meeting, elect a Chairperson from amongst the persons elected under subsection (3).

(1D) The Chairperson of the Parents Teachers Association shall be co-opted to the Board of Management.

(1E) The head teacher shall be the Secretary to the Parents Teachers Association.

c) in sub-clause (2) by—

(i) deleting the word “children” wherever it appears and substituting therefor the word “pupils”;

(ii) deleting the word “recommend” in paragraph (e) and substituting therefor the word “approve”

(Question of the amendment proposed)

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

Clause 35

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-

“THAT, Clause 35 of the Bill be amended—

(a) in the opening statement by deleting the words “committee or”;

(b) deleting the word “child” wherever it appears and substituting therefor the word “pupil”;

(c) deleting the word “children” wherever it appears and substituting therefor the word “pupils”;

(d) by deleting paragraph (f).

(Question of the amendment proposed)

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

Clause 36

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-

“THAT, Clause 36 of the Bill be amended—

(a) in sub-clause (1) —

(i) by deleting the words “or caregiver” in the opening statement;

(ii) in paragraph (d) by deleting the words “and a medical certificate evidencing soundness of mind”;

(iii) by inserting the following new paragraph immediately after paragraph (d) — (e) a medical certificate evidencing soundness of mind;

(b) in sub-clause (2)—

- (i) by deleting the words “principal or” in the opening statement;
- (ii) by inserting the words “and has at least two years’ experience in matters of early childhood education” immediately after the word “development” in paragraph (a)
- (c) in sub-clause (3) by deleting the words “Each County Government” and substituting therefor the words “The Teachers Service Commission”.
- (d) in sub-clause (4) by deleting the words “County Government” and substituting therefor the words “Teachers Service Commission”.

(Question of the amendment proposed)

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

Clause 38

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 38 of the Bill be amended by deleting the words “in consultation with the Council of Governors” in the opening statement

(Question of the amendment proposed)

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

Clause 39

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 39 of the Bill be amended in sub-clause (2) by deleting paragraphs (b) and (c)

(Question of the amendment proposed)

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

Clause 41

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 41 of the Bill be amended—
- (a) in sub-clause (2) by deleting the word “principal” wherever it appears and substituting therefor the word “head teacher”
 - (b) in sub-clause (3) by—
 - (i) deleting the word “principal” and substituting therefor the word “head teacher”;
 - (ii) inserting the words “passport or any other recognized identification document” immediately after the words “birth certificate”;

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(c) by deleting sub-clause (4).

(Question of the amendment proposed)

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

Clause 43

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 43 of the Bill be deleted.

(Question of the amendment proposed)

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

Clause 44

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 44 of the Bill be amended—

- (a) by deleting sub-clause (1);
- (b) in sub-clause (2) by deleting the word “child” and substituting therefor the word “pupil”.

(Question of the amendment proposed)

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

Clause 46

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 46 of the Bill be amended—

- (a) in subsection (2) by deleting the words “county executive committee member” and substituting therefor the word “relevant stakeholders including the national and county quality assurance bodies”;
- (b) in subsection (4) by deleting the words “county executive committee member” and substituting therefor the words “Kenya Institute of Curriculum Development”;
- (c) by deleting sub-clause (5);
- (d) in sub-clause (6) by deleting the words “county executive committee member” and substituting therefor the word “Kenya Institute of Curriculum Development”

(Question of the amendment proposed)

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

Clause 47

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 47 of the Bill be deleted.

(Question of the amendment proposed)

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

Clause 48

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 48 of the Bill be amended—

- (a) by deleting subsection (2)(b);
- (b) by deleting subsection (3);
- (c) by deleting subsection (4);
- (d) by inserting the following new sub clause immediately after sub-clause (2) — (2A) A head teacher of a public education centre who –
 - (a) imposes a charge or causes any parent or guardian to pay tuition fees commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months.
 - (b) refuses a child admitted in an education centre to attend the education centre because of failure by the parent or guardian to pay any tuition fees or charges imposed on the child, commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or both.

(Question of the amendment proposed)

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

Clause 49

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 49 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word “and” appearing after the word “materials” in paragraph (a);
 - (ii) inserting the word “and” immediately after the word “materials” in paragraph (b);
- (b) deleting sub-clause (2);

- (c) deleting sub-clause (3); and
- (d) deleting sub-clause (4).

(Question of the amendment proposed)

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

Clause 51

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 51 of the Bill be deleted.”

(Question of the amendment proposed)

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

Clause 52

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 52 of the Bill be amended by deleting the words “County Education Board” and substituting therefor the words “Teachers Service Commission”

(Question of the amendment proposed)

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

Clause 55

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 55 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “County Education” immediately before the word “Board.
- (b) deleting sub-clause (3)
- (c) deleting sub-clause (4)
- (d) deleting sub-clause (5)
- (e) deleting sub-clause (6)

(Question of the amendment proposed)

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

Clause 56

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 56 of the Bill be deleted.

(Question of the amendment proposed)

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

Clause 59

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 59 of the Bill be deleted and substituted with the following new clause—

Interim accreditation

59. (1) The County Education Board may, in consultation with the County executive member grant to an applicant a certificate of interim accreditation where the County Education Board is not satisfied that that the education centre complies with the prescribed accreditation standards.

(2) An education centre to which a certificate of interim accreditation is issued under subsection (2) shall address areas of non-compliance within such a period as may be specified by the County Education Board not exceeding twelve months from the date on which the certificate is issued and on compliance, resubmit an application to the County Education Board for full accreditation.

(3) The certificate of interim accreditation shall be deemed to have expired if an education centre fails to meet the accreditation standards within the period specified by the County Education Board.

Grant of accreditation. 59A. (1) The County Education Board in consultation with the County executive member, may —

(a) grant to an applicant a certificate of accreditation upon satisfaction that the education centre complies with the prescribed accreditation standards and meets the requirements under this Act;

(b) reject the application.

(2) The certificate of accreditation shall be valid for a period of five years and renewable subject to the education centre meeting the prescribed conditions.

(3) The County Education Board may defer its decision on an application for accreditation and require the applicant to submit to it such additional information or take such measures as it may consider necessary.

Renewal of accreditation.

59B. (1) An education centre may make an application for renewal of its accreditation to the County Education Board in the prescribed form.

(2) An application for renewal of accreditation shall be submitted at least ninety days before the expiry of the certificate of accreditation.

(3) The County Education Board in consultation with the County executive member shall consider an application for renewal of accreditation

(Question of the amendment proposed)

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

Clause 60

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 60 of the Bill be amended in—

- (a) the opening statement by deleting the words “under section 60”;
- (b) paragraph (a) by deleting the words “throughout the period of accreditation”;
- (c) paragraph (b) by deleting the words “section 48 and such further standards as may be determined by the Kenya Institute of Curriculum Development in consultation with the County Education Board” and substituting therefore the words “under section 47 and such further standards as may be determined under this Act”

(Question of the amendment proposed)

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

Clause 61

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 61 of the Bill be deleted.

(Question of the amendment proposed)

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

Clause 62

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 62 of the Bill be amended by deleting sub-clause (2).

(Question of the amendment proposed)

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

Clause 64

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 64 of the Bill be deleted and substituted with the following new Clause—

Register of accredited education centres.

64 (1) The County Education Board shall establish and maintain a register of accredited education centres.

(2) The register established and maintained under subsection (1) shall be open to the public for inspection.

(Question of the amendment proposed)

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

Clause 65

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 65 of the Bill be amended —

- (a) in the opening statement by inserting the words “in consultation with the Education Standards and Quality Assurance Council” immediately after the word “committee”; and
- (b) in sub clause (2) by deleting the words “in consultation with the Education Standards and Quality Assurance Council” in paragraph (d)

(Question of the amendment proposed)

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

Clause 66

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 66 of the Bill be deleted

(Question of the amendment proposed)

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

Clause 67

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 67 of the Bill be deleted.

(Question of the amendment proposed)

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

Clause 68

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 68 of the Bill be amended in—
- (a) sub-clause (1) by deleting—
 - (i) paragraph (d); and
 - (ii) paragraph (e)
 - (b) sub-clause (4) by deleting the words “county executive committee member” and substituting therefor the words “Cabinet Secretary”.

(Question of the amendment proposed)

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

Clause 71

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 71 of the Bill be deleted.

(Question of the amendment proposed)

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

Clause 72

- Sen. Karaba:** Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, Clause 72 of the Bill be amended—
- (a) in sub-clause (2) by deleting the words “county executive committee member may, taking into account any policies, standards or regulations applying to all education centres prescribed by the Cabinet Secretary” and substituting therefor the words “Cabinet Secretary may”

- (b) by inserting the following new paragraph immediately after paragraph (f) —
(fa) prescribe fees required to be paid under this Act;

(Question of the amendment proposed)

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

Clause 74

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-

“THAT, Clause 74 of the Bill be amended—

- (a) in paragraph (a) by—
(i) deleting subparagraph (i) and substituting therefor the following new subparagraph—
“(i) deleting the words “pre-primary education institutions and” and substituting therefor the word “early childhood education” in the definition of the word “basic education”
- (b) inserting the following new paragraph immediately after paragraph (a)—
(aa) in section 4(g) by deleting the word “pre-primary” and substituting therefor the words “early childhood”.
- (c) deleting paragraph (b) and substituting therefor the following new paragraph—
“in section 18(1) by deleting the word “pre-primary” and substituting therefor the words “early childhood”.
- (d) inserting the following new paragraphs immediately after paragraph (b)—
(ba) in section 26(1) by deleting the word “preprimary” and substituting therefor the words “early childhood”.
- (e) in paragraph (c) by inserting the words “and substituting therefor the words “early childhood” after the expression “Section (28) (2)(a)”.
- (f) by inserting the following new paragraphs immediately after paragraph(c)—
(ca) in section 41 by deleting the word “pre-primary” appearing in paragraph (a) and substituting therefor the words “early childhood.”
- (g) in paragraph (d) by inserting the words “and substituting therefor the words “early childhood” after the expression “Section 44(2)”.

(Question of the amendment proposed)

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

New Clause 20A

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-

“THAT, the following new clause be inserted immediately after Clause 20—
Change of premises.

20A. (1) The head teacher of an education centre shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless he or she has applied to, and obtained the approval of the County Education Board.

(3) In determining whether to grant approval of premises under subsection (1), the Board shall take into account the criteria specified under section 17.

(3) The head teacher of an education centre shall notify the County Education Board of any change in the location of the education centre including -

- (a) the acquisition of premises that are in addition to its current premises; or
- (b) the relocation of the education centre to a different premises from that currently occupied by the education centre.

(Question of the amendment proposed)

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

New Clause 21A

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
“THAT, the following new clause be inserted immediately after Clause 21—
Obligations of a private education centre

21A. A private early childhood education provider registered under this Act shall—

- (a) establish the structures necessary for the management and administration of education within the centre;
- (b) recruit persons who are qualified and registered by the Teachers Service Commission to teach the early childhood education curriculum in the education centre;
- (c) administer a curriculum that adheres to the early childhood education policy and this Act;
- (d) maintain premises in a manner that ensures that it meets the requirements of the occupational health, safety regulations and building standards;
- (e) maintain necessary teaching and learning materials and equipment;
- (f) maintain a data bank on pupils admitted in the education centre and submit to the county executive committee member; and
- (g) meet such other requirements as the committee executive committee member, in consultation with the County Education Board, may consider necessary for the delivery of quality early childhood education services within the county.

(Question of the amendment proposed)

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

New Clause 61A

Sen. Karaba: Mr. Temporary Chairperson, Sir, I beg to move:-
 “THAT, the following new clause be inserted immediately after Clause 61—
 Suspension of a certificate of accreditation

61A. (1) The County Education Board may, in consultation with the County executive committee member suspend a certificate of accreditation issued to an education centre for a specified period where the centre fails to comply with the standards of accreditation until the standards are met.

(2) The County Education Board shall communicate a decision made under subsection (1) to the education centre specifying the reasons for the decision, the non-compliance noted and the action required to be taken by the education centre.

(Question of the amendment proposed)

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

Clause 2

Sen. Karaba: Mr. Temporary Chairman, Sir, I beg to move:-
 “THAT, Clause 2 of the Bill be amended—

- (a) in the definition of the term “children with special needs” by deleting the word “special needs” and substituting therefor the word “disabilities”;
- (b) in the definition of the term “principal” by deleting the term “principal” and substituting therefor the term “head teacher”
- (c) by deleting the definition of the word “child” and substituting therefor the following new definition—
 “child” has the meaning assigned to it under the “Children’s Act”
- (d) by deleting the definition of the word “teacher” and substituting therefor the following new definition—
 “teacher” has the meaning assigned to it under the Teachers Service Commission Act”
- (e) by inserting the following new definitions in proper alphabetical sequence—
 “Board of Management” means the Board of management of an education centre.
 “Education Appeals Tribunal” means the Appeals Tribunal established under section 92 of the Basic Education Act;
 “pupil” means a person who meets criteria for admission to early Childhood Centre as the Cabinet Secretary may, in consultation with the County Education Board, prescribe;

(Question of the amendment proposed)

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

Next order. Where is the Mover?

Sen. Karaba: Mr. Temporary Chairperson, Sir, pursuant to Standing Order No.139, I beg to move that the Committee do report progress on its consideration of the National Assembly Amendments to the County Early Childhood Education Bill (Senate Bill No.32 of 2014) and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

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

The Temporary Speaker (Sen. (Dr.) Machage): Proceed, Chairperson.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, I beg to report progress that the Committee of the Whole has considered the National Assembly amendments to the County Early Childhood Education Bill (Senate Bill No.32 of 2014) and seeks leave to sit again tomorrow.

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

Sen. (Prof.) Lesan seconded.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Dr.) Machage): Sen. (Prof.) Lesan, please approach the Chair.

(Sen. (Prof.) Lesan approached the Chair)

Next order.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

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

The Temporary Chairperson (Sen. (Dr.) Machage): Order, hon, Senators, we are on Order No.19, Committee of the Whole to consider the Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No.2 of 2016).

Clauses 2 - 5

(Question that, Clauses 2 – 5 be part of the Bill, proposed)

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

The Title and Clause 1

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

Division will be at the end.

Sen. (Prof.) Lesan: Mr. Temporary Chairperson, Sir, pursuant to Standing Order No.139, I beg to move that the Committee do report progress on its consideration of the Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No.2 of 2016).

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

PROGRESS REPORTED

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

The Temporary Speaker (Sen. (Dr.) Machage): Proceed, Chairperson.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, I beg to report progress that the Committee of the Whole has considered the Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No.2 of 2016) and seeks leave to sit again tomorrow.

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

Sen. Karaba seconded.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, due to unavoidable circumstances I will defer Order No.20, 21, 22 and 23.

COMMITTEE OF THE WHOLE

THE AGRICULTURE, FISHERIES AND FOOD AUTHORITY
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2015)

THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL
(SENATE BILL NO. 12 OF 2015)

THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL
(SENATE BILLS NO. 9 OF 2015)

(Committee of the Whole deferred)

BILL

Second Reading

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

(Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Machage): Order! Hon. Senators, there being no other business, the Senate stands adjourned until tomorrow Wednesday, 14th June, 2017 at 2.30 p.m.

The Senate rose at 5.30 p.m.