

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 15<sup>th</sup> June, 2017

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

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### CIRCULATION OF SUPPLEMENTARY ORDER PAPER

**The Temporary Speaker** (Sen. (Dr.) Machage): Members of the Senate, I hope you realize that we have a Supplementary Order Paper. If you have not received a copy, please get one. This will ensure you are in tandem with the programme of the House.

Let us move on to the next Order.

### PETITION

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Sijeny, do I have a copy of the same?

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

Sen. Sijeny, proceed.

#### REPORT ON PETITION: DELIVERY OF SERVICES BY NATIONAL GOVERNMENT TO RESIDENTS OF KAJIADO NORTH SUB COUNTY

**Sen. Sijeny:** Mr. Temporary Speaker, Sir, I beg to lay the following Report on the Table of the Senate, today, Thursday, 15<sup>th</sup> June, 2017:

Report on a Petition by residents of Kajiado North sub-County in Kajiado County concerning delivery of services by the national Government to the residents of sub-County.

*(Sen. Sijeny laid the document on the Table)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. We move on to the next Order.

### PAPERS LAID

**The Temporary Speaker** (Sen. (Dr.) Machage): We have several Papers to be laid today on the Table of the House. Where is the Senate Majority Leader?  
Sen. Billow, proceed.

#### REPORT OF THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE (NO.2) BILL, 2017

**Sen. Billow:** Mr. Temporary Speaker, Sir, I beg to lay the following Report on the Table of the Senate, today, Thursday, 15<sup>th</sup> June, 2017:  
Report of the Mediation Committee on the Division of Revenue (No.2) (National Assembly Bill No.22 of 2017).

*(Sen. Billow laid the document on the Table)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Next Paper.

#### REPORT OF THE ROADS COMMITTEE ON BENCHMARKING VISIT TO THE UNITED KINGDOM

**Sen. Sijeny:** Mr. Temporary Speaker, Sir, I beg to lay the following Report on the Table of the Senate, today, Thursday, 15<sup>th</sup> June, 2017:  
Report on a benchmarking visit to the United Kingdom (UK), England and Scotland by the Standing Committee on Roads and Transportation on 4<sup>th</sup> to 12<sup>th</sup> March, 2017.

*(Sen. Sijeny laid the document on the Table)*

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

#### REPORT ON THE LEVEL OF GENDER SENSITIVITY IN THE PARLIAMENT OF KENYA

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir. I beg to lay the following Report on the Table of the Senate, today, Thursday, 15<sup>th</sup> June, 2017:

Report on evaluating the level of gender sensitivity of the Parliament of Kenya, a self assessment exercise.

*(Sen. (Dr.) Zani laid the document on the Table)*

REPORT OF THE JPS COMMITTEE ON THE ELECTION  
OF MEMBERS TO EALA

**Sen. Ndiema:** Mr. Temporary Speaker, Sir. I beg to lay the following Report on the Table of the Senate, today, Thursday, 15<sup>th</sup> June, 2017:

Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly (EALA).

*(Sen. Ndiema laid the document on the Table)*

**The Temporary Speaker** (Sen. (Dr.) Machage): There is one more juicy Paper regarding a Statement relating to responsibility of the Senate Majority Leader in the Senate. That would be very interesting. Where is the Senate Majority Leader?

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

I have been informed that it will come as a Statement.  
We move on to the next Order.

**NOTICES OF MOTIONS**

ADOPTION OF THE REPORT OF THE JPS COMMITTEE  
ON THE ELECTION OF MEMBERS TO EALA

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

THAT, the Senate adopts the Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly (EALA) laid on the Table of the House on Thursday 15<sup>th</sup> June, 2017.

ADOPTION OF REPORT OF THE MEDIATION COMMITTEE  
ON THE DIVISION OF REVENUE (NO.2) BILL, 2017

**Sen. Billow:** Mr. Temporary Speaker, Sir, I beg to give notice of the following Motion:

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No.2) Bill (National Assembly Bill No.22 of

2017) laid on the Table of the Senate on Thursday, 15<sup>th</sup> June, 2017 and pursuant to Article 113 of the Constitution and Standing Order No. 155(3) of the Senate Standing Orders, approves the mediated version of the Bill.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. Is there any other notice? Let us move on to the next Order.

Where is the Senate Majority Leader? Today is the last day of the Session of this House. I expect the Leadership of the House to be in the House.

**Sen. Bule:** He went to campaign!

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sen. Bule, what do you want to inform the House?

**Sen. Bule:** On a point of order, Mr. Temporary Speaker, Sir. This is the time that those who fear to lose elections campaign seriously. I guess the Senate Majority Leader fears to lose the elections and that is why he is busy campaigning. He has forgotten that he is supposed to be here today.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! I did not know that you are a psychologist.

Next Order!

**The Clerk-at-the-Table:** Order No. 7; Statements.

**The Temporary Speaker** (Sen. (Dr.) Machage): On this Order, is there any Statement? The House is still in session. Those who need to request for Statements will still be in order to do so because answers can be given immediately.

I see no interest and so we move to the next Order.

## BILL

### *First Reading*

#### THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO.2 OF 2017)

*(Order for First Reading read-Read the First Time and ordered to be referred to the Committee on Finance, Commerce and Budget)*

## MOTION

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Ndiema, are you executing the Motion on EALA as listed at Order No.9? I believe that you are the one executing it.

**Sen. Ndiema:** Mr. Temporary Speaker, Sir, I am the one who moved the Notice of Motion.

**The Temporary Speaker** (Sen. (Dr.) Machage): Therefore, it is your time to execute the Motion. The practice of this House is that if you want to move a Motion, it is always honourable to use the Dispatch Box.

Please proceed.

ADOPTION OF THE REPORT OF THE JPS COMMITTEE  
ON THE ELECTION OF MEMBERS TO EALA

**Sen. Ndiema:** Mr. Temporary Speaker, Sir, I beg to move the following Motion:-

THAT, the Senate adopts the Report of the Joint Parliamentary Select Committee on the Election of Members to the EALA laid on the Table of the House on Thursday, 15<sup>th</sup> June, 2017.

Mr. Temporary Speaker, Sir, as Members are aware, Parliament, both the Senate and the National Assembly, are required under the Treaty for the establishment of the East African Community (EAC), to elect Members to the EALA.

This is a matter that has been protracted. In a way, we are behind other countries that have already submitted names to the Assembly. There has been some contention between the parties concerned. The Jubilee Coalition was allocated five positions and the Coalition for Reforms and Democracy (CORD) was allocated four positions. Under the rules that were established by the Select Committee and approved by this House, the individual parties were supposed to submit names not exceeding three times the number allocated. The Jubilee Coalition submitted 15 names which complied with the requirement. The CORD also submitted four names, exactly equal to the number of positions allocated. This became an issue of debate in that, how then do you carry out an election when you have an exact number? The rules that were approved by this House did not specify the minimum number, hence the CORD chose to go by the minimum.

Mr. Temporary Speaker, Sir, arising from precedent rulings of the court in the previous election, it was determined by the courts that you cannot have an election if Members are not given the opportunity to elect. Therefore, this Committee submitted a Report to this House. The Report was approved, recommending that the CORD further submits a number of names. By the way, the initial number was four and then another was added to make it five.

However, the Committee felt that the CORD submits additional seven names to make it 12. That meant three names for each position allotted. Both Houses approved and communication was given to the two sides. The CORD went ahead and re-submitted the four names. This meant that we came back to the same position.

The Committee sat to deliberate on the matter and it was realised that what needed to be done was to amend the rules to conform to the court ruling and principles of election that this House can only elect if there is a choice of nominees to be voted for.

Therefore, this Motion seeks that the House adopts this Report to allow a further process, whereby, the rules are appropriately amended.

**The Temporary Speaker** (Sen. (Dr.) Machage): Say you beg to move and call upon your Secunder.

**Sen. Ndiema:** Mr. Temporary Speaker, Sir, I beg to move and call upon Sen. Kisasa to second.

**Sen. Kisasa:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

**Sen. Abdirahman:** Mr. Temporary Speaker, Sir, thank you for allowing me to contribute to the Motion before us this afternoon as we are probably likely to head home in the next few hours. When this Report first came to the House, I remember contributing to it and very explicitly saying that we could not rubberstamp it as Members of this House. We need to have a choice as we are holding back member countries of the East African Community (EAC) from moving forward. By now, we should have submitted our lists and the push and pull that we see should not have arisen.

I am glad that the Joint Committee further met and amended the rules to indicate that the CORD, just like the other side will be doing, nominates additional names for adoption. This is for purpose of justice and fair play for anyone who may be interested in securing the slots to the EALA. Kenya is not a number two, three or four in the EAC. Kenya is a first in a number of areas. Whether it is in the technical field or the Legislative Assemblies, Kenya is a country to reckon with. We cannot hold at ransom any group of membership who would have moved forward.

I have had an opportunity to look at the number of legislations that were passed by the EALA that existed until 4<sup>th</sup> June, 2017. They have done a commendable job. All those who served us in that Assembly have done an extremely good job. We would have moved forward doing other things. The Senate in particular should not be blamed for delaying this. I call upon the leadership, even from my side, to take it upon themselves. We cannot talk about justice on one side and fail to do justice ourselves.

I support the position of the Joint Committee as proposed by the Senator of Trans Nzoia County and I fully agree with those amendments.

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, I support that we adopt this Report. I am aware that there has been a “to and fro” about the process of selecting EALA Members. We have also been informed that we are time barred. The Mover has made very clear indications that there is a rule that has not been stipulated clearly and that is, the number.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Members. I request that Members stay in the House so that we can create some quorum. We have a lot of business to pass today. I seek your indulgence that, please, let us keep the quorum in an increasing and not reducing mode.

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, as the Mover said, there is a *lacuna* in the law because the minimum number has not been stated. The Committee recommended that the rules need to be amended so that the specific numbers can be indicated and be part of the rules.

I have also gone through the rules of EALA and they are very elaborate. However, on this specific one, there is no clarity about the minimum number that needs

to be given. A position taken by a party or coalition is taken for a specific reason. In this case, the CORD has given the five names for nomination to the EALA. It is their desire that these Members be nominated to the EALA.

The recommendation of this Report is that we proceed with this process and these Members be elected into the EALA. We know that the Assembly has already began work and there are many Bills that they need to dispose of. There are many responsibilities and they need to be there so that they can also catch up with them and move to ensure that, that agenda is taken into account. This is the second time that this Committee Report is coming in, I would say, in an amended form because more calculations have come and I think they have already taken a specific position. I urge that as the Senate, we support this position so that these Members can report, as we wait for the amendments of the EALA laws in the future.

I support.

**Sen. Sang:** Put the question, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Members, I cannot just put the question unless proper procedure is followed to request for the same. If you want that to be heard by the Chair, then stand on a point of order. We have discussed this earlier. I would have expected that we have fewer interests. We have a lot of business to cover. My hands are tied again if many Members show interest in covering it. I cannot gag you.

Sen. Sang, you said: "put the question." Please move this properly.

**Sen. Sang:** Mr. Temporary Speaker, Sir, considering that we have quite some bit of work to cover today, and being fairly our last day in the House, would I be in order to request my colleagues who have requested to speak on this particular Motion – knowing very well that this is a Motion that we have spoken to – to withdraw so that we can move to the other business of the House?

**The Temporary Speaker** (Sen. (Dr.) Machage): As far as the Chair is concerned, you have not yet put the appropriate question. Could you put it?

**Sen. Sang:** Mr. Temporary Speaker, Sir, I beg to request that the Mover be now called to reply.

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

**The Temporary Speaker** (Sen. (Dr.) Machage): Mover, proceed.

**Sen. Ndiema:** Mr. Temporary Speaker, Sir, I thank Members who have contributed to this Report. It is a straight forward matter that we have deliberated on before. I believe that with the adoption of this Report, we will be able to move forward in an appropriate manner; fast enough to enable Members to be elected to the EALA.

**The Temporary Speaker** (Sen. (Dr.) Machage): This is not a county matter. You all know how we vote on matters that are not county matters. I will now put the Question.

*(Question put and agreed to)*

Next Order!

**MOTION****ADOPTION OF REPORT OF THE MEDIATION COMMITTEE  
ON THE DIVISION OF REVENUE (NO. 2) BILL, 2017**

**Sen. Billow:** Thank you, Mr. Temporary Speaker, Sir. I beg to move the following Motion:-

THAT, the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bill No. 22 of 2017) laid on the Table of the Senate on Thursday, 15<sup>th</sup> June 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.

The House will recall that the Bill was published and it was rejected yesterday by this House. It was rejected because the amount of money that had been provided for to cater for the equitable share of revenue was not acceptable to the Senate. The Mediation Committee was set up yester and it did have a meeting.

We are happy to report that we have looked at the proposals between the two Houses. We have agreed and recommended that the county equitable share be enhanced from Kshs291 billion to Kshs302 billion in the Financial Year 2017/2018. This is an increase of Kshs11 billion of the amount that was in the published Bill. We, as Members of the Mediation Committee, feel it is a significant increase. Therefore, we want to urge the House to approve this mediated version of the Bill.

Hon. Members will also note that the actual amount for the conditional grants in this Bill is also significantly higher than what had been initially provided.

The total amount of money that will go to the counties is Kshs345.6 billion when you add the conditional allocations and the equitable share. The equitable share now is 32.2 per cent of the total revenue.

I want to urge the Members to approve this mediated version so that we can also proceed with the process of dealing with the County Allocation of Revenue Bill and conclude this process today.

I beg to move.

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Members, I pray that none of you leaves here before we have transacted this very important business. We are missing only two Senators to be able to pass this important Motion. I request the Whips and the leadership of the House to make sure that the Senate does not fail in its last day of executing its duties. I seek for indulgence that none of us leaves the House.

**Sen. Billow:** Mr. Temporary Speaker, Sir, I ask Sen. Zani to second.

**The Temporary Speaker** (Sen. (Dr.) Machage): Yes, Sen. Zani.

**Sen. Zani:** Thank you, Mr. Temporary Speaker, Sir. I stand to second that the Senate adopts the mediation Report and the amended Bill that brings together the agreed negotiations by both the National Assembly and the Senate. We had two meetings. One meeting was held yesterday and the final one today.



Finally, we were able to come up with an agreed figure. We wanted to make sure that, at the end of the day, counties have more allocations because of all the issues they need to deal with. We were able to present a case.

*(Sen. Sang entered the Chamber without bowing to the Chair)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Sang! The “substantive Governor”, go back to the bar and bow.

*(Sen. Sang went to the bar and bowed)*

Continue, Sen. (Dr.) Zani.

**Sen. (Dr.) Zani:** Thank you, Mr. Temporary Speaker, Sir. We have been able to increase money going to the counties. Our starting point was Kshs299 billion which has been allocated before and an additional of about Kshs5 billion. That gave us about Kshs303 billion. We were then able to negotiate it to Kshs302 billion. This is very important because it allows us to move on and pass as a Bill that is acceptable by both the Senate and the National Assembly.

I second.

*(Question proposed)*

**Sen. (Prof.) Anyang’-Nyong’o:** Mr. Temporary Speaker, Sir, I would really like to thank the Mediation Committee for saving us from a disaster. If we had gone away *Sine Die* without passing this Division of Revenue Bill, it would have really put the people of Kenya in a terrible mess. I want to thank my Chairman, Sen. Billow Kerrow and those who were in that Committee for the good work they have done.

Having said that, let me just add something. We, in the Finance, Commerce and Budget Committee had proposed a much higher figure which we did think was really adequate. However, that is the highest we could go under the circumstances. We showed the nation that this Senate really takes the needs of the counties very seriously. I still do not think the amount of money going to the counties is adequate, seeing the amount of money remaining in the national Government and essentially being wasted in a consumptive bureaucracy.

I would like to call upon the Twelfth Parliament, when making the Budget, particularly in the National Assembly, to look very carefully at the division of functions in the Fourth Schedule and find out why the functions in the counties, which are related directly to service delivery, are under-budgeted.

Agriculture is a major function. If I remember well, the national Government used to pride itself for putting a lot of money in agriculture. That pride should now go to the counties. It is sad that the agricultural sector which is the basis of this economy is progressively under-funded by the national Government. There is no nation on earth that I know of that does not put money in agriculture. The notion that as we become more

capitalist, agriculture gets less attention is not really true. This is because if people are not fed, they will go to the streets and riot, more than anything else.

Knowing the potential of our agriculture and the fact that Nakuru County, for example, needs to revive its pyrethrum industry and noting that Gov. Mbugua has done his best to try and revive that pyrethrum industry, we should appreciate such efforts and put more money in agriculture. That is just one example.

Water too is a county function. Indeed, we cannot have a healthy community without fresh water, particularly drinking water. Noting that most counties are hard pressed to give their citizens fresh water for drinking, let alone enough water for irrigation, when we discuss this division of functions, first; we need to find out how division of functions in the Fourth Schedule should be funded before we allocate any money in the budget. I hope that the 12<sup>th</sup> Parliament, after our experience in the past five years, will do a much better job than we have done.

If you look at health, for example, this year we had the longest strike by doctors in history. As I speak today in this August House, for the last time in my life, having been in Parliament for a good 25 years - a good quarter of a century - let me say the following: The investment in the health sector is inadequate, particularly in counties. Given the bureaucracies that are left in Afya House, we should be humble enough and cut a lot of money that goes there.

We should cut away the culture of a control freak on counties and cut the umbilical cord. The Ministry should leave the counties to run the services and remain entirely with policy making, regulations and supporting certain institutions which are tied to the national Government in the health sector and, therefore, allocate more money to counties.

Having said that, it behooves the county governments to be more prudent in the use of public resources and cut away the culture of 'eating where you work.' Indeed, this culture has eroded resources for services in the counties. In the Committee that I chair – and I am so grateful to the Members who have done a marvelous job - we have seen how certain counties perform so well, while others perform so poorly that they do not even know how to keep records and present their accounts when the Auditor-General audits them. Not only do they have a tremendous need for capacity building, but they also have a tremendous need for good governance; knowing what it is.

Mr. Temporary Speaker, so I would like to appeal to those who will lead those counties, including myself, to rise up to the occasion and indeed give the passion of leadership and not the passion of acquisition for personal benefit in these counties. I am quite sure that the next Senate will do a marvelous job in keeping us accountable and, therefore, holding those of us who have been in this House responsible for putting our money where our mouth is. This is extremely important because devolution is perhaps the best thing that ever happened in this country. What we were struggling for, for so many years - those who have been in the second liberation and those who were before us as nationalists - finally bore fruit in this Constitution, 2010. I would like to give---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! I realise that we have the numbers and I may not be very keen at taking a lot of risks. If it would be the indulgence

of the House, somebody has to do the right thing. I am waiting for a Point of Order for that message to be passed to me.

**Sen. (Prof.) Anyang'-Nyong'o:** On a point of order, Mr. Temporary Speaker, Sir. May I interrupt myself and sit down, while we go to more important business. I will resume later when the Speaker so wishes.

I beg to move.

**The Temporary Speaker** (Sen. (Dr.) Machage): I may not buy that mode of requesting for the Point of Order. Can you use your intellect and professorship to execute that point of order in the most appropriate manner that this House will accept? Assume that you are not the one on the Floor.

**Sen. (Prof.) Anyang'-Nyong'o:** On a point of order, Mr. Temporary Speaker, Sir. I beg to move that the House interrupts its business and goes to the next Order of voting on those Bills that were at the Division stage, so that we can take advantage of the numbers in the House.

I beg to move.

**The Temporary Speaker** (Sen. (Dr.) Machage): Maybe you should have said: "Would I be in order?"

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, would I be in order to move what I have just moved?

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Machage): I allowed Sen. (Prof.) Anyang'-Nyong'o to say that because I wanted some lesson learnt. Once you have spoken, you cannot gag others from speaking. So, it is inappropriate for you make that point of order. Can I have it done properly by somebody who has not spoken?

Sen. Khaniri.

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, the Standing Orders give you immense powers to take that decision. You can suspend the Motion as the Speaker; we do not have to move any Motion. Suspend the Motion so that we can move to the next orders and then come back to it.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! The interesting situation is that this Motion is one of the Motions to be voted on. What Sen. Khaniri is saying could hold water if we were moving to another Motion.

**Sen. Haji:** On a point of order, Mr. Temporary Speaker, Sir. I beg to move that the Mover be now called upon to reply.

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

**Sen. Billow:** Thank you, Mr. Temporary Speaker, Sir. I want to thank the Members who have contributed and assure them that the amended version of the Bill will actually be ready. In accordance with Standing Order No. 155, it will be forwarded to the

National Assembly, so that it can be concluded, so that our process of going to next Bill, which is the County Allocation of Revenue Bill, will be valid.

Thank you very much for your contributions. The Kshs3 billion or Kshs2 billion is substantially a good amount, but the total of Kshs345 billion is a good amount of money. I am sure that some Members of this House who want to become governors and those who will come to this House will make a difference in the lives of Kenyans. Thank you very much.

I beg to move.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. I will, therefore, put the Question: THAT, that the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bill No. 22 of 2017) laid on the Table of the Senate on Thursday, 15<sup>th</sup> June, 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.

Ring the Division Bell for one minute.

*(The Division Bell was rung)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Another two minutes of the Division Bell.

*(The Division Bell was rung)*

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

*[The Speaker (Hon. Ethuro) took the Chair]*

**The Speaker** (Hon. Ethuro): Order, Members! Assume your seats so that we can take count.

Order, Members! Close the Door and draw the Bars.

*(The Door was closed and the Bars drawn)*

You should now be ready to vote. Voting has commenced.

*(Voting in progress)*

## DIVISION

## ELECTRONIC VOTING

*(Question, that the Senate adopts the Report of the Mediation Committee on the Division of Revenue (No. 2) Bill (National Assembly Bill No. 22 of 2017) laid on the Table of the Senate on Thursday, 15<sup>th</sup> June, 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, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen.(Prof.) Anyang-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garrisa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Kisasa, Kilifi County; Sen.(Prof.) Lesan, Bomet County; Sen.(Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen.(Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

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

**AYES:26**

**NOES:0**

**ABSTENTIONS: 0**

*(Question carried by 26 votes to nil)*

*(Question put and agreed to)*

**The Speaker** (Hon. Ethuro): Members, these are interesting times and they cannot get more interesting than today, being the last day of business. With your indulgence, the doors will remain closed and the bars drawn until we conclude all the divisions.

Let us move on to Order No.11. I will now put the question so that we proceed to vote. This is a matter affecting counties. You could just proceed faster since this is an electronic vote. We can reduce the time for the subsequent divisions depending on your performance and you will earn yourself a bit of freedom.

## **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

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of the Senate on Thursday, 25<sup>th</sup> May, 2017 and pursuant to Article 113 of the Constitution and Standing Order No.155(3) of the Senate Standing Order, approves the mediated version of the Bill.

*(Sen. Dr. Machage on 9.6.2017)*

*(Resumption of Debate interrupted on 13.6.2017)*

## DIVISION

### ELECTRONIC VOTING

*(Question, 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, 25<sup>th</sup> May, 2017 and pursuant to Article 113 of the Constitution and Standing Order No.155(3) of the Senate Standing Order, approves the mediated version of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang-Nyong'o, Kisumu County; Sen. Billow, Manderu County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garrisa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Kisasa, Kilifi County; Sen.(Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES: 25**

**NOES:0**

**ABSTENTIONS: 0**

*(Question carried by 25 votes to nil)*

*(Question put and agreed to)*

**Sen. Bule:** On a point of order, Mr. Speaker, Sir. I beg your indulgence that we hasten and simplify the voting process because some of us are fasting. Let us vote and then announce the results later.

**The Speaker** (Hon. Ethuro): I will indulge you; that we take the vote and announce the results at once, although the reason you have given does not apply within the period you will be here. You will break your fast after.

Let us move to Order No.17.

## BILLS

### *Second Reading*

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

*(Sen. (Eng.) Muriuki on 9.6.2017)*

*(Resumption of Debate interrupted on 9.6.2017)*

**The Speaker** (Hon. Ethuro): Order, Members! Commence voting for 30 seconds.

## DIVISION

### ELECTRONIC VOTING

*(Question, that the that the County Pension Scheme Bill (Senate Bill No.20 of 2016) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof) Anyang'- Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mburu, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans-Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

**The Speaker:** Order, Members. The results of the Division on the vote that the County Pension Scheme Bill (Senate Bill 20 of 2016) be now read a Second Time are as follows:

**AYES:** 26

**NOES:** 0

**ABSTENTIONS:** 0

The AYES have it.

*(Question carried by 26 to 0)*

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

**The Speaker** (Hon. Ethuro): Hon. Members, we will deal with Division for Orders No. 14, 15, 16, 18, 19, 20, 21 and 22.

### COMMITTEE OF THE WHOLE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Deputy Chairperson (Hon. Ethuro) took the Chair]*

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

*(Resumption of Debate interrupted on 1.3.2017)*

**The Deputy Chairperson** (Hon. Ethuro): Hon. Senators, we are now in the Committee of the Whole.

### DIVISION

### ELECTRONIC VOTING

*(Question, that the National Assembly amendment to Clause 48 of the County Assembly Services Bill (Senate Bill No. 27 of 2014) be now approved, put and Senate proceeded to vote by County Delegations)*

**The Deputy Chairperson** (Hon. Ethuro): You have 30 seconds to vote. Votes will be reported at the same time at the end of voting on all. Assisted voters should prepare to approach the Table.

We will now go to Order No.15.

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

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*(Resumption of Debate interrupted on 13.6.2017)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that the National Assembly amendments to the County Early Childhood Education Bill, (Senate Bill No.32 of 2014) be now approved, put and the Senate proceeded to vote by County Delegations)*

**The Deputy Chairperson** (Hon. Ethuro): Hon. Members, you may now commence voting.

*(Voting in progress)*

**The Deputy Chairperson** (Hon. Ethuro): Order Members. Let us move to Order No. 16.

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

*Clauses 3-34*

*(Question, that clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 be part of the Bill, proposed.)*

**The Deputy Chairperson** (Hon. Ethuro): Division will be at the end.

*Clause 35*

**The Deputy Chairperson** (Hon. Ethuro): Sen. Wako.

**Sen. Wako:** Mr. Deputy Chairman, Sir, I want to drop my amendment to this clause.

*(Proposed amendment withdrawn)*

*(Question, that clause 35 be part of the Bill, proposed.)*

Division will be at the end.

*Clauses 36-38*

*(Question, that clauses 36, 37, and 38 be part of the Bill, proposed.)*

Division will be at the end.

*Schedules 1-4*

*(Question, that the First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule be part of the Bill, proposed.)*

Division will be at the end.

*Clause 2, The Title and Clause 1*

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

*(Question, that clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, the First Schedule, the Second Schedule, the Third Schedule, the Fourth Schedule, Clause 2, The Title and Clause 1 put and the Senate proceeded to vote by County Delegations)*

**The Deputy Chairperson** (Hon. Ethuro): Hon. Members, you may vote.

*(Voting in progress)*

Hon. Members, the results will be announced at the end. Let us move to Order No. 18.

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

*(Resumption of debate interrupted on 16.2.2017)*

*(Question that Clauses 5 and 15 be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

*(Question that Clauses 3, 4, 5 (as amended), 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 (as amended), 16, 17, 18, 19, 20, 21, 22, 23, 24, the Schedule, Clause 2 the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)*

*(Voting in progress)*

Hon. Members, the results will be announced at the end. Let us move on to Order No. 19.

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

*(Resumption of Debate interrupted on 15.11.2016)*

*New Clause 27*

*(Question that New Clause 27 of Bill be read a Second Time put,  
and the Senate proceeded to vote by County Delegations)*

Hon. Members, you may start voting

*(Voting in progress)*

*Clauses 2, 5, 6, 8, 7, 9, 19, 2  
First Schedule, the Title, Clause 1*

*(Question that Clauses 2, 5, 6, 8, 7, 9, 19, 20, First Schedule,  
the Title, Clause 1, be amended as proposed put, and the  
Senate proceeded to vote by County Delegations)*

*(Voting in progress)*

*(Question, that Clauses 3, 4, 5 (as amended), 6 (as amended), 7, 8 (as amended), 9 (as  
amended), 10-18, 19 (as amended), 20 (as amended), 21-26, a New Clause 27, First  
Schedule (as amended), Second Schedule, Clause 2 (as amended), the Title (as amended)  
and Clause 1 (as amended) be part of the Bill, put and the Senate proceeded to vote by  
County Delegations)*

*(Voting in progress)*

Hon. Senators, since you seem to be performing very well, I am reducing the voting time to 20 seconds.

Order, Members. We will now go to Order No.20.

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

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*(Resumption of Debate interrupted on 15.11.2016)*

*Clauses 3 and 4*

*(Question, that Clauses 3 and 4 be amended as proposed put, and the Senate proceeded to vote by County Delegations)*

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

*(Voting in progress)*

**The Deputy Chairperson** (Hon. Ethuro): Order, Members! Let us move to Order No.21.

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

*(Resumption of Debate interrupted on 16.11.2016)*

*Clause 4*

*(Question, that Clause 4 be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

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

*(Voting in progress)*

**The Deputy Chairperson** (Hon. Ethuro): Order, Members. We will now move to Order No.22.

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

*(Resumption of debate interrupted on 13.6.2017)*

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

*(Voting in progress)*

**The Deputy Chairperson** (Hon. Ethuro): Order, Members. We still have one more. We voted on Order No.17 and I directed that it should be part of the Committee of the Whole. It will be the last one before we go to the County Allocation of Revenue Bill.

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

*Clauses 3 – 44*

*(Question, that Clauses 3 – 44 be part of the Bill put and the Senate proceed to vote by County Delegations)*

Order, Members! You may now vote.

*(Voting in progress)*

**The Speaker** (Hon. Ethuro): Order, Members! Between us and plenary are assisted voters.

*(Voting in progress)*

**The Speaker** (Hon. Ethuro): Order, Members! This is now the juicer part; to announce the results of the votes.

**DIVISION**

**ELECTRONIC VOTING**

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

*(Question, that the National Assembly Amendment to Clause 48 of County Assembly Services Bill (Senate Bill No. 27 of 2014) be now approved, put and the Senate proceeded to vote by County Delegations)*

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**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the National Assembly Amendments to the County Early Childhood Education Bill (Senate Bill No. 32 of 2014) be now approved put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

THE PARLIAMENTARY POWERS AND PRIVILEGES BILL  
(NATIONAL ASSEMBLY BILL NO. 33 OF 2014)

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clauses 3-34, 36-38, First Schedule, Second Schedule, Third Schedule, Fourth schedule, Clause 2, the Title and Clause 1 of the Parliamentary Powers and Privileges Bill (National Assembly Bill No. 33 of 2014) be part of the Bill put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

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

## DIVISION

## ELECTRONIC VOTING

*(Question, that Clauses 5 and 15 be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**YES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

## DIVISION

## ELECTRONIC VOTING

*(Question, that Clauses 3, 4, 5 (as amended), 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 (as amended), 16, 17, 18, 19, 20, 21, 22, 23, and 24, the Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii



County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**YES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the New Clause 27 be now read a Second Time  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County;; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

*(New Clause 27 was read a Second Time)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that Clauses 2, 5, 6, 8,9, 19, 20, First Schedule, the Title and Clause 1 be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

## DIVISION

### ELECTRONIC VOTING

*(Question, that Clauses 3, 4, 5 (as amended), 6 (as amended), 7, 8 (as amended), 10-18, 19 (as amended), 20 (as amended), 21-26 and New Clause 27, First Schedule (as amended), Second Schedule, Clause 2 (as amended), the Title (as amended) and Clause 1 (as amended) be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa

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County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clauses 3 and 4 be amended as proposed put  
and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 25

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 25 votes to 0)*

**The Speaker** (Hon. Ethuro): What is it Sen. Khaniri?

**Sen. Khaniri:** Mr. Speaker, Sir, Order No. 19 is not about the Persons with Disabilities (Amendment) Bill (Senate Bills No. 13 of 2015), it is about the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 8 of 2015).

**The Speaker** (Hon. Ethuro): Order, Sen. Khaniri! Are you looking at the first Order Paper or the Supplementary Order Paper?

**Sen. Khaniri:** Mr. Speaker, Sir, I am looking at the Supplementary Order Paper.

*(The Speaker consulted the Clerks-at-the-Table)*

**The Speaker** (Hon. Ethuro): There is the first Order Paper and the second one. I am reading the second one which included the County Pension Scheme Bill (Senate Bill No. 20 of 2016). Therefore, on the second supplementary Order Paper it is Order No.19 and on the one to your right is still Order No. 19. Which is which?

They should not affect the early Orders.

*(The Speaker consulted the Clerks-at-the-Table)*

**The Speaker** (Hon. Ethuro): Sen. Khaniri, you are right. In the first Supplementary Order, Persons with Disabilities (Amendment) Bill (Senate Bills No. 13 of 2015) is Order No. 20. Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 8 of 2015) is Order No. 19. That is the one we are using up to the next point.

*(The Speaker consulted the Clerks-at-the-Table)*

**The Speaker** (Hon. Ethuro): We repeat the results of the first vote on that particular Order, Persons with Disabilities (Amendment) Bill (Senate Bills No. 13 of 2015).

## DIVISION

### ELECTRONIC VOTING

*(Question, that Clauses 3 and 4 be amended as proposed put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu

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County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 25

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 25 votes to 0)*

## DIVISION

### ELECTRONIC VOTING

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

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 25

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 25 votes to 0)*

**The Speaker** (Hon. Ethuro): Hon. Members, we have just concluded voting on the National Cereals and Produce Board (Amendment) Bill (Senate Bill No.15 of 2015). There were two votes and I will proceed to give the results.

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

**DIVISION**

ELECTRONIC VOTING

*(Question, that Clause 4 be amended as proposed  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen.(Prof.) Anyang-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Kisasa, Kilifi County; Sen.(Prof.) Lesan, Bomet County; Sen.(Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen.(Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**The Speaker** (Hon. Ethuro): The results of the Division are as follows:-

**AYES:** 24

**NOES:** 0

**ABSTENTIONS:** 0

*(Question carried by 24 votes to 0)*

**DIVISION**

ELECTRONIC VOTING

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

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen.(Prof.) Anyang-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Kisasa, Kilifi County; Sen.(Prof.) Lesan, Bomet County; Sen.(Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen.(Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta

County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

**The Speaker** (Hon. Ethuro): The results of the Division are as follows:-

**AYES:** 25

**NOES:** 0

**ABSTENTIONS:** 0

*(Question carried by 25 voted to nil)*

**The Speaker** (Hon. Ethuro): Hon. Members, you should applaud your work.

*(Applause)*

I will announce the results of the Committee of the Whole on the Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No.2 of 2016).

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

**DIVISION**

**ELECTRONIC VOTING**

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

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen.(Prof.) Anyang-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Kisasa, Kilifi County; Sen.(Prof.) Lesan, Bomet County; Sen.(Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen.(Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

**The Speaker** (Hon. Ethuro): The results of the Division are as follows:-

**AYES:** 26

**NOES:** 0

**ABSTENTIONS:** 0

*(Question carried by 26 voted to 0)*

**The Speaker** (Hon. Ethuro): Hon. Members, for the benefit of Sen. Khaniri, we used Supplementary Order Paper No.1 which was Order No.19 on the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No.8 of 2015). Let me just do the final results. There were three Divisions but I will announce the last one for purposes of clarity since we believe we have announced the previous ones.

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clauses 3, 4, 5 (as amended), 6 (as amended), 7, 8 (as amended), 9(as amended), 10-18, 19 (as amended), 20 (as amended), 21-26 and New Clause 27, First Schedule (as amended), Second Schedule, Clause 2 (as amended), the Title (as amended) and Clause 1 (as amended) be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen.(Prof.) Anyang-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Kisasa, Kilifi County; Sen.(Prof.) Lesan, Bomet County; Sen.(Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen.(Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

**The Speaker** (Hon. Ethuro): The results of the Division are as follows:-

**AYES:** 26

**NOES:** 0

**ABSTENTIONS:** 0

*(Question carried by 26 votes to 0)*



**The Speaker** (Hon. Ethuro): Hon. Members, please now refer to the Supplementary Order Paper No.2. You remember that once we passed Order No.17, it had to go to Committee of the Whole. So, Supplementary Order No.2 was only adding one. We felt we did not need to waste a lot of paper on that one. I directed so. We will make it Order No.29, the Committee of the Whole. We have voted on it already. On one division, there were no amendments.

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that Clauses 3-44, First Schedule, Second Schedule, Third Schedule, Fourth Schedule, Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen.(Prof.) Anyang-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen.(Prof.) Kindiki, Tharaka Nithi County; Sen. Kisasa, Kilifi County; Sen.(Prof.) Lesan, Bomet County; Sen.(Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen.(Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil.

**The Speaker** (Hon. Ethuro): The results of the Division are as follows:-

**AYES:** 26

**NOES:** 0

**ABSTENTIONS:** 0

*(Question carried by 26 voted to 0)*

**The Speaker** (Hon. Ethuro): Order, Members. We will now move on to the reporting stage of this process. We are about to conclude. I have asked Sen. Sang to move all of them.

Proceed, Sen. Sang.

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

**Sen. Sang:** Mr. Deputy Chairperson, Sir, pursuant to Standing Order No.139 I beg to move that the Committee of the Whole do report progress on its consideration of the National Assembly amendment to Clause 48 of the County Assembly Services Bill (Senate Bill No.27) of 2014 and seek leave to sit again tomorrow.

**The Deputy Chairperson** (Hon. Ethuro): Order, Members. These are interesting times and mistakes are bound to be made. They will be rectified in the shortest time possible.

Sen. Sang, you may now proceed with the correct version on Order No.14

**Sen. Sang:** Mr. Deputy Chairperson, Sir, I beg to move that the Committee of the Whole reports its consideration of the National Assembly amendments to Clause 48 of the County Assembly Services Bill (Senate Bill No 27 of 2014) and its approval thereof.

*(Question proposed)*

*(Question put and agreed to)*

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

**Sen. Sang:** Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the National Assembly amendments to The County Early Childhood Education Bill (Senate Bill No.32 of 2014) and its approval thereof.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Chairperson** (Hon. Ethuro): Let us move on to the next Bill.

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

**Sen. Sang:** Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Parliamentary Powers and Privileges Bill (National Assembly Bill No.35 of 2014) and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Chairperson** (Hon. Ethuro): Let us move on to the next Bill.

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

**Sen. Sang:** Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the County Statutory Instruments Bill (Senate Bill No. 10 of 2015) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Chairperson** (Hon. Ethuro): Let us move on to the next Bill.

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

**Sen. Sang:** Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Preservation of Human Dignity and Enforcement of Economic and social Rights Bill (Senate Bills No.8 of 2015) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Chairperson** (Hon. Ethuro): Next Bill!

THE PERSONS WITH DISABILITIES (AMENDMENT)  
BILL (SENATE BILL NO.12 OF 2015)

**Sen. Sang:** Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the Senate its considerations of the Persons With Disabilities Amendment Bill (Senate Bills No. 12 of 2015) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Chairperson** (Hon. Ethuro): Next Bill.

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

**Sen. Sang:** Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the House its considerations of the National Cereals and Produce Board Amendment Bill (Senate Bill No.15 of 2015) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Chairperson** (Hon. Ethuro): Let us move on to the next Bill.

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

**Sen. Sang:** Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the Senate its considerations of the Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No.2 of 2016) and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

**The Deputy Chairperson** (Hon. Ethuro): Let us move on to the next Bill.

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

**Sen. Sang:** Mr. Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of The County Pension Scheme Bill (Senate Bill No. 20 of 2016) and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**REPORTS AND CONSIDERATION OF REPORTS**THE COUNTY ASSEMBLY SERVICES BILL  
(SENATE BILL NO.27 OF 2014)

**The Speaker** (Hon. Ethuro): Order, Members! Let us proceed.

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

**The Speaker** (Hon. Ethuro): Order! Those are not the results I announced at the Committee stage.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I withdraw what I had said.

Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered the National Assembly amendments to The County Assembly Services Bill (Senate Bill No. 27 of 2014) and its approval thereof without amendments.

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

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Speaker** (Hon. Ethuro): The division will be at the end. Next!

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

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report 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 its approval thereof without amendments.

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

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question agreed to)*

**The Speaker** (Hon. Ethuro): Next Bill.

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

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Parliamentary Powers and Privileges Bill (National Assembly Bill No.35 of 2014) and its approval thereof without amendments.

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

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that the Parliamentary Powers and Privileges Bill be now read a Third Time.

**Sen. Khaniri:** seconded.

*(Question proposed)*

**The Speaker** (Hon. Ethuro): Division will be at the end. Next Bill.

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

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The County Statutory Instruments Bill (Senate Bill No.10 of 2015) and its approval thereof with amendments.

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

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that the County Statutory Instruments Bill be now read a Third Time.

**Sen. Khaniri** seconded.

*(Question proposed)*

**The Speaker** (Hon. Ethuro): Hon. Members, we are supposed to go to Division including for other Bills we had done earlier but we will do that after the final exercise. Next!

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

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No.8 of 2015) and its approval thereof with amendments.

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

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No.8 of 2015) be now read a Third Time.

**Sen. Khaniri** seconded.

*(Question proposed)*

**The Speaker** (Hon. Ethuro): Division will be later. Next!

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

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The Persons with Disabilities (Amendment) Bill (Senate Bill No.13 of 2015) and its approval thereof with amendments.

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

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that The Persons with Disabilities (Amendment) Bill (Senate Bill No.13 of 2015) be now read a Third Time.

**Sen. Khaniri** seconded.

*(Question proposed)*

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

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered The National Cereals and Produce Board (Amendment) Bill (Senate Bill No.15 of 2015) and its approval thereof with amendments.

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

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that the National Cereals and Produce Board (amendment) Bill (Senate Bill no.15 of 2015) be now read a Third Time. I request Sen. George Khaniri to second.

**Sen. Khaniri** seconded.

**The Speaker** (Hon. Ethuro): Sen. George Khaniri, bowing will be enough to second.

*(Question proposed)*

Division will be at the end.

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

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered the Medical Practitioners and Dentists (amendment) Bill (Senate Bill No. 2 of 2016) and its approval thereof without amendments.

**The Speaker** (Hon. Ethuro): Mover.

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee on the said report. I request Sen. George Khaniri to second.

**Sen. Khaniri** seconded.

*(Question proposed)*



*(Question put and agreed to)*

**The Speaker** (Hon. Ethuro): Mover.

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that the Medical Practitioners and Dentists (amendment) Bill (Senate Bill No. 2 of 2016) be now read a Third Time. I request Sen. George Khaniri to second.

**Sen. Khaniri** seconded.

*(Question proposed)*

Division will be at the end.

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

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Pension Scheme Cill (Senate Bill No.20 of 2016) and its approval thereof without amendments.

**The Speaker** (Hon. Ethuro): Mover.

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report. I request Sen. George Khaniri to second.

**Sen. Khaniri** seconded.

*Question proposed)*

*(Question put and agreed to)*

**The Speaker** (Hon. Ethuro): Mover.

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that the County Pension Scheme Bill (Senate Bill No. 20 of 2016 be now read a Third Time. I request Sen. George Khaniri to second.

**Sen. Khaniri** seconded.

*(Question proposed)*

Division will be at the end.

**The Speaker** (Hon. Ethuro): The Temporary Chairperson (Sen. (Dr.) Machage), you have not reported to the House, the County Early Childhood Education Bill.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Early Childhood Education Bill (Senate Bill No. 32 of 2014) and its approval thereof without amendments.

**The Speaker** (Hon. Ethuro): Mover.

**Sen. Sang:** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report. I request Sen. George Khaniri to second.

**Sen. Khaniri** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Speaker** (Hon. Ethuro): Hon. Members, we now move to order No. 12. Clerks-at-the-Table, read out that Order of business.

## **BILL**

### *Second Reading*

#### THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 2 OF 2017)

**The Speaker** (Hon. Ethuro): Let us have the mover of the Bill.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I beg to move:-

THAT, the County Allocation of Revenue Bill (Senate Bill No. 2 of 2017) be read a Second Time.

Mr. Speaker, Sir, I want to take this opportunity to thank those who helped us reach this stage, especially our Members of the Mediation Committee between the two Houses. They helped us finish with the Division of Revenue Bill and as such, we will be able to pass the County Allocation of Revenue Bill.

I know we are time constrained, we will have an opportunity to ventilate on this Bill during the Adjournment Motion. I want to kindly urge Members to allow us pass this Bill through all the stages. For those of us who may wish to stay on, we are willing to extend the debate time so that Members can have time to discuss anything including issues concerning the County Allocation of Revenue Act (CARA).

With those few remarks, I request the Deputy Leader of Minority Party, Sen. Abdirahman Hassan, the Senator of Wajir County to second the Bill.

**The Speaker** (Hon. Ethuro): Sen. Hassan.

**Sen. Abdirahman**: Thank you, Mr. Speaker, Sir. I stand to second this Bill. Like my brother, I will be brief. I believe this is an important Bill to all of us. It is in the interest of our counties and nation that we pass it.

In conclusion, we are privileged to witness and action the passage of this Bill this evening as representatives of the people from our counties.

Thank you, I second.

*(Question proposed)*

**DIVISION****ELECTRONIC VOTING**

*(Question, that the County Allocation of Revenue Bill  
(Senate Bill No.2 of 2017) be now Read Second Time,  
put and the Senate Proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Kagwe, Nyeri County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 25

**NOES:** 0

**ABSTENTIONS:** 0

The "Ayes" have it.

*(Question carried by 25 votes to 0)*

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

**COMMITTEE OF THE WHOLE**

*Order for Committee read)*

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

**IN THE COMMITTEE**

*[The Deputy Chairperson (Hon. Ethuro) took the Chair]*

**THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILL NO.2 OF 2017)**

**The Deputy Chairperson** (Hon. Ethuro): Hon. Senators, we are on Order No.13, Committee of the Whole on the County Allocation of Revenue Bill (Senate Bill No.2 of 2017)

*Clauses 3 - 13*

*(Question that, Clause 3 -13 be part of the Bill, proposed)*

Division will be at the end.

*The First Schedule*

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Chairperson, Sir, I beg to move:-

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

### FIRST SCHEDULE

#### Allocation of Each County Governments' Equitable Share of Revenue Raised Nationally, Financial Year 2017/2018

No.	County	2016/2017		2017/2018	
		Allocation Ratio*	Ksh.	Allocation Ratio**	Ksh.
		Column A	Column B	Column C	Column D
1	Baringo	1.71%	4,791,438,190	1.65%	4,983,000,000
2	Bomet	1.81%	5,078,797,925	1.74%	5,254,800,000
3	Bungoma	2.95%	8,282,207,063	2.90%	8,758,000,000
4	Busia	2.09%	5,870,097,209	1.93%	5,828,600,000
5	Elgeyo/Marakwet	1.26%	3,528,847,275	1.20%	3,624,000,000
6	Embu	1.48%	4,141,186,056	1.36%	4,107,200,000
7	Garissa	2.22%	6,227,726,513	2.21%	6,659,100,000
8	Homa Bay	2.17%	6,080,193,774	2.16%	6,523,200,000
9	Isiolo	1.18%	3,298,073,210	1.25%	

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No.	County	2016/2017		2017/2018	
		Allocation Ratio*	Ksh.	Allocation Ratio**	Ksh.
		Column A	Column B	Column C	Column D
					3,775,000,000
10	Kajiado	1.70%	4,761,279,539	1.91%	5,768,200,000
11	Kakamega	3.43%	9,612,093,313	3.29%	9,935,800,000
12	Kericho	1.73%	4,861,021,577	1.73%	5,224,600,000
13	Kiambu	2.87%	8,053,256,819	3.20%	9,664,000,000
14	Kilifi	2.86%	8,029,167,703	3.30%	9,950,900,000
15	Kirinyaga	1.36%	3,817,781,963	1.46%	4,409,200,000

16	Kisii	2.73%	7,654,114,597	2.46%	7,429,200,000
17	Kisumu	2.19%	6,130,158,037	2.17%	6,553,400,000
18	Kitui	2.80%	7,841,480,359	2.87%	8,652,300,000
19	Kwale	1.97%	5,530,693,069	2.40%	7,248,000,000
20	Laikipia	1.33%	3,722,107,269	1.49%	4,499,800,000
21	Lamu	0.79%	2,214,008,743	0.82%	2,476,400,000
22	Machakos	2.61%	7,303,463,454	2.45%	7,399,000,000
23	Makueni	2.30%	6,441,351,588	2.26%	6,825,200,000
24	Mandera	3.45%	9,663,318,677	3.23%	9,739,500,000
25	Marsabit	2.00%	5,599,495,638	2.18%	6,583,600,000
26	Meru	2.50%	7,006,680,257	2.55%	7,701,000,000
27	Migori	2.25%	6,298,037,918	2.14%	

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No.	County	2016/2017		2017/2018	
		Allocation Ratio*	Ksh.	Allocation Ratio**	Ksh.
		Column A	Column B	Column C	Column D
					6,462,800,000
28	Mombasa	2.00%	5,608,593,922	2.70%	8,154,000,000
29	Murang'a	2.06%	5,779,189,434	2.05%	6,191,000,000
30	Nairobi	5.00%	14,023,506,892	5.10%	15,402,000,000
31	Nakuru	3.12%	8,757,624,645	3.07%	9,271,400,000
32	Nandi	1.83%	5,130,819,903	1.69%	5,103,800,000
33	Narok	2.04%	5,705,712,796	2.16%	6,523,200,000
34	Nyamira	1.60%	4,482,799,531	1.53%	4,620,600,000
35	Nyandarua	1.66%	4,647,384,382	1.58%	4,771,600,000
36	Nyeri	1.71%	4,800,764,767	1.64%	4,952,800,000
37	Samburu	1.37%	3,832,957,535	1.26%	3,805,200,000
38	Siaya	1.92%	5,389,991,057	1.83%	5,526,600,000
39	Taita	1.27%	3,571,066,305	1.29%	3,895,800,000
40	Tana River	1.53%	4,299,401,839	1.77%	5,345,400,000
41	Tharaka Nithi	1.21%	3,385,474,466	1.22%	3,684,400,000
42	Trans Nzoia	1.96%	5,502,547,171	1.87%	5,647,400,000
43	Turkana	4.03%	11,307,010,771	3.34%	10,071,700,000
44	Uasin Gishu	2.00%	5,601,025,717	1.89%	5,707,800,000
45	Vihiga	1.49%	4,177,302,901	1.46%	4,409,200,000
46	Wajir	2.78%	7,804,219,087	2.70%	

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No.	County	2016/2017		2017/2018	
		Allocation Ratio*	Ksh.	Allocation Ratio**	Ksh.
		Column A	Column B	Column C	Column D
					8,138,900,000
47	West Pokot	1.66%	4,654,529,143	1.57%	4,741,400,000
		<b>100.00%</b>	<b>280,300,000,000</b>	<b>100.00%</b>	<b>302,000,000,000</b>

*(Question of the amendment proposed)*

**The Deputy Chairperson** (Hon. Ethuro): Division will be at the end.

*The Second, Third and Fourth Schedule*

*(Question that, the Second, Third and Fourth Schedule be part of the Bill, proposed)*

**The Speaker** (Hon. Ethuro): Division will be at the end.

*Clause 2, the Title and Clause 1*

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

**The Deputy Chairperson** (Hon. Ethuro): Division will be at the end.

Order, hon. Senators! Prepare to vote. The first Division is on Clauses with amendments. You have 20 seconds to vote.

## DIVISION

### ELECTRONIC VOTING

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

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. M. Kajwang,

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Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

**The Deputy Chairperson** (Hon. Ethuro): Hon. Senators, the results of the Division are as follows:-

**AYES:** 26

**NOES:** 0

**ABSTENTIONS:** 0

The ayes have it.

*(Question carried by 26 votes to 0)*

Order, hon. Senators! Prepare to vote. The second Division has to do with the clauses without amendments. You have 20 seconds to vote.

## DIVISION

### ELECTRONIC VOTING

*(Question that, Clauses 3 – 13, the First Schedule (as amended), the Second Schedule, the Third Schedule, the Fourth Schedule, Clause 2, the Title and Clause 1 be part of the Bill put, and the*

*Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. M. Kajwang, Homa Bay County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

**The Deputy Chairperson** (Hon. Ethuro): Hon. Senators, the results of the Division are as follows:-

**AYES:** 25

**NOES:** 0

**ABSTENTIONS:** 0

The ayes have it.



*(Question carried by 25 votes to 0)*

Proceed, Mover.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Deputy Chairperson, Sir, I beg to move that the Committee report to the Senate its consideration of the County Allocation of Revenue Bill (Senate Bill No.2 of 2017) and its approval thereof with amendments.

I request Sen. Abdirahman Hassan to second.

**The Deputy Chairperson** (Hon. Ethuro): Order, there is no secondment there. I will therefore put the question.

*(Question proposed)*

*(Question put and agreed to)*

*(The Door was opened and the Bars drawn)*

*(The House resumed)*

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

## REPORT AND CONSIDERATION OF REPORT

### THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 2 OF 2017)

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, I beg to report that a Committee of the Whole has considered The County Allocation of Revenue Bill (Senate Bill No. 2 of 2017) and approved the same with amendments.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

I request Sen. Abdirahman to second.

**Sen. Abdirahman** seconded

*(Question proposed)*

*(Question put and agreed to)*

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir I beg to move that The County Allocation of Revenue Bill (Senate Bill No.2 of 2017) be now read the Third Time.

I request Sen. Abdirahman to second.

**Sen. Abdirahman** seconded

*(Question proposed)*

**The Speaker** (Hon. Ethuro): Division on this will come later.

## **BILLS**

### *Third Readings*

**The Speaker** (Hon. Ethuro): Members, we will at this point take the Divisions for the Third Reading of Bills. We will follow the Order Paper. The results will be announced after all the votes have been taken. That should make it simpler for all of us.

As a final reminder, the doors shall remain closed and the bars drawn.

We are starting with Order No.13; the County Allocation of Revenue Bill (Senate Bill No.2 of 2017).

Members start voting starting now. You have 30 seconds to do so. We will be reviewing depending on your performance; the faster the better for everybody. Create a centre for assisted voters at the Table.

#### THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILL NO. 2 OF 2017)

*(Voting in progress)*

Members, the vote has been concluded. Let us move on to Order No.16; the Parliamentary Powers and privileges Bill (National Assembly Bill No.34 of 2014). Commence voting.

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

*(Voting in progress)*

Members, as soon as the voting ends, we will move on to the next Bill.

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

Members, voting is in progress for The County Statutory Instruments Bill (Senate Bill No. 10 of 2015).

*(Voting in progress)*

Members, we are now at Order No.19. You may commence voting. You have only 20 seconds to do so.

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

*(Voting in progress)*

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

**The Speaker** (Hon. Ethuro): Order, Members! We are now on Order No.20, The Persons with Disabilities (Amendment) Bill (Senate Bills No.13 of 2015), Third Reading. You may start voting.

*(The Senators proceeded to vote)*

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

Let us move to Order No.21, The National Cereals and Produce Board (Amendment) Bill (Senate Bill No.15 of 2015), Third Reading. Start voting.

*(The Senators proceeded to vote)*

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

The next one is The Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No.2 of 2016, Third Reading. Start voting.

*(The Senators proceeded to vote)*

**PROCEDURAL MOTION**EXTENSION OF SITTING UNTIL CONCLUSION  
OF BUSINESS ON THE ORDER PAPER

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir. I seek your indulgence to move a short Procedural Motion.

I beg to move that pursuant to Standing Order 30 (3)(a), the Senate resolves to extend its Sitting today, Thursday, 15<sup>th</sup> June, 2017 until the conclusion of the business appearing on the Order Paper.

We are doing very well with the voting and are about to finish. However, given the need to have elasticity of time for the Adjournment Motion to air some of the things, including the business we have passed, I request that we give that flexibility even as we conclude the voting.

Mr. Speaker, Sir, with those few remarks, I beg to move and request the Senate Deputy Minority Leader to second.

**Sen. Abdirahman:** Mr. Speaker, Sir, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Speaker** (Hon. Ethuro): Order, Members! I wish to report on the results of the Divisions, starting with the County Allocation of Revenue Bill (Senate Bill No.2 of 2017)

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILL NO.2 OF 2017)**DIVISION**

## ELECTRONIC VOTING

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

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.)

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Machage, Migori County; Sen. Mburu, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 25

**NOES:** 0

**ABSTENTIONS:** 0

The “Ayes” have it.

*(Question carried by 25 votes to 0)*

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

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the Parliamentary Powers and Privileges Bill  
(National Assembly Bill No.35 of 2014) be now Read a  
Third Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang’-Nyong’o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mburu, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 26

**NOES:** 0

**ABSTENTIONS:** 0

The “Ayes” have it.

*(Question carried by 26 votes to 0)*

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

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

**DIVISION**

ELECTRONIC VOTING

*(Question, that the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No. 8 of 2015) be now read a Third Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

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

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

**DIVISION**

ELECTRONIC VOTING

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*(Question, that the Persons with Disabilities (Amendment) Bill (Senate Bill No. 13 of 2015) be now read a Third Time put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 25

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 25 votes to 0)*

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

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the National Cereals and Produce Board (Amendment) Bill (Senate Bill No. 15 of 2015) be now read a Third Time put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.)

Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

*(Question carried by 26 votes to 0)*

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

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

**DIVISION**

**ELECTRONIC VOTING**

*(Question, that the Medical Practitioners and Dentists (Amendment) Bill (Senate Bill No. 2 of 2016) be now read a Third Time put and the senate proceeded to vote by county delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. (Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Billow, Mandera County; Sen. Bule, Tana River County; Sen. Elachi, Nairobi County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. M. Kajwang, Homa Bay County; Sen. Kanainza, Kakamega County; Sen. Karaba, Kirinyaga County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi; Sen. Kisasa, Kilifi County; Sen. (Prof.) Lesan, Bomet County; Sen. (Dr.) Machage, Migori County; Sen. Mbura, Mombasa County; Sen. Melly, Uasin Gishu County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; Sen. Wako, Busia County and Sen. (Dr.) Zani, Kwale County.

**NOES:** Nil

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

**AYES:** 26

**NOES:** 0

**ABSENTIONS:** 0

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*(Question carried by 26 votes to 0)*

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

**The Speaker** (Hon. Ethuro): Order, Members! I will allow the Senate Majority Leader to give a statement which will be a basis for the Motion.

### STATEMENT

#### THE ROLE OF THE SENATE MAJORITY LEADER IN ACCORDANCE TO STANDING ORDER NO.45 (2)(D)

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I wish to very briefly give a statement in accordance with Standing Order No.45(2)(d).

Hon. Senators, pursuant to the provisions of Standing Order 45(2)(d), this is to present to the House the following Statement regarding my responsibilities in the Senate and especially to highlight some of the achievements and challenges of the Senate during this term of Parliament.

First, allow me to acknowledge the Speaker and the Deputy Speaker for their exemplary role in chairing this House with the support of the Members of the Speaker's Panel. I also pay tribute to the Senate Minority Leader; Sen. Wetangula, the Deputy Senate Minority Leader; Sen. Hassan Abdirahman, the Senate Majority Whip; Sen. Elachi, the Senate Minority Whip; Sen. Muthama, the Senate Deputy Majority Whip; Sen. Mbuvi, the Senate Deputy Minority Whip; Sen. Ong'era.

**The Speaker** (Hon. Ethuro): Order, Senator! I will allow you to proceed. In the meantime, you can open the door and draw the Bar.

Senate Majority Leader, you can proceed.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I, therefore, pay tribute to all these leaders and all the Senators individually for their commitment in keeping afloat the reintroduced Senate and, in the process, kept the dream of devolution alive. Indeed, you have variously contributed to the functioning of the House and for that, you deserve commendation.

I would also like to extend special appreciation to the Office of the Clerk of the Senate and the entire Parliamentary Service Commission whose professionalism and dedication facilitated the work of this House, many at times, under very difficult conditions.

Hon. Senators, as this maybe the last opportunity to make this kind of Statement in my capacity as the Senate Majority Leader in the Eleventh Parliament, let me make several notes and observations on our mandate as the Senate of the Republic of Kenya. As you may recall, the First Sitting of the Senate took place on Tuesday, 28<sup>th</sup> March 2013, pursuant to Article 125(2) of the Constitution following the President's notification

through Legal Notice No. 56 dated 21<sup>st</sup> March 2013 and with that, the journey towards operationalization and entrenching the Senate and the bi-cameral Parliament begun.

The Senators will appreciate that the Senate has come a long way and has overcome many obstacles and impediments. That notwithstanding, below is a summary of what has transpired over the last four and a half years:

With regard to Senate Bills, the total number of Senate Bills published is 86 Bills.

- a) The Senate Bills passed and referred to the National Assembly and assented to are 12 Bills.
- b) The Senate Bills passed and referred to the National Assembly and not concluded are 30 Bills.
- c) The Senate Bills pending conclusion in the Senate are 36 Bills.
- d) The Senate Bills negatived are 5 Bills.
- e) The Senate Bills withdrawn are 3 Bills.

*(A Senator interjected)*

Mr. Speaker, Sir, I hear you, although this should be through the Chair. This excludes the Bills that we have passed today because we could not anticipate what the results of the Divisions would be.

Secondly, the National Assembly Bills referred to the Senate are as follows:

- a) Total Bills referred to the Senate by the National Assembly are 52 Bills
- b) The National Assembly Bills passed by the Senate and referred to the National Assembly are 37.
- c) The National Assembly Bills pending conclusion in the Senate are 15.

**The Speaker** (Hon. Ethuro): What is it Sen. Khaniri?

**Sen. Khaniri:** Mr. Speaker, Sir, it is important that in his communication, the Senate Majority Leader is giving statistics of the Bills that have been passed in this Eleventh Parliament.

Mr. Speaker, Sir, you are aware that there are a number of Bills that we have just concluded today and he has not included them in his statistics. Therefore, the information that is going out there would be wrong information. It will be important that he updates his statistics so that the correct information goes out there. He is misleading the country.

**The Speaker** (Hon. Ethuro): Order, Senator! I suggest that since we are moving the Motion, those are the kind of things that you will highlight, after we have reconciled our accounts.

What is it Sen. Bule?

**Sen. Bule:** Mr. Speaker, Sir, this is an August House which is very important. We need to get a sort of cocktail or get-together party of which—

*(Applause)*

**The Speaker** (Hon. Ethuro): Order, Sen. Bule! The Motion of an Adjournment is an opportunity for you to say all those things. Furthermore, if you are so passionate about the subject, you can always volunteer, just in case nobody else is doing so.

The Senate Majority Leader, you may proceed.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir, for your kind guidance and the intervention from my brother, the Senator for Vihiga County, Sen. Khaniri. Since most of my statements including the statistics would ordinarily come out in the Adjournment Motion, allow me to lay this statement on the table of the Senate and the statistics and the other details we can address them during the Adjournment Motion.

I beg that I lay this Statement on the table of the Senate.

*(Sen. (Prof.) Kindiki laid the document on the Table)*

## COMMUNICATION FROM THE CHAIR

### ADJOURNMENT OF THE SENATE *SINE DIE*

**The Speaker** (Hon. Ethuro): Hon. Senators, before I invite the Senate Majority Leader to move the Motion of Adjournment, allow me to make this Communication.

Hon. Senators, today marks the last day of the ordinary sittings of the Senate, and indeed Parliament, during the current eleventh term. As the Waswahili say, “*Kilicho na mwanzo, hakikosi mwisho*”.

As we assemble here this afternoon, it is important to visualize where we have come from, on the role and mandate of the Senate, our experience over the last four and a half years, our achievements and challenges, as well as what we envision the next and indeed future Senate to be. Indeed, it has been encouraging; even those of you who have decided not to come back to the House should be our ambassadors out there.

Hon. Senators, you will recall that the first Senate existed in the immediate post-Independence period from 1963 until 1966, when the Provincial Assemblies were scrapped and the Senate itself got dissolved or rather merged with the House of Representatives to form one Kenya National Assembly. The Members of the Senate then were combined with those of the other House to form a unicameral legislature.

In the long journey that followed towards constitutional reforms, devolution of power and resources became a critical component as a means to address marginalization and promote equitable growth and development in all parts and regions of the Republic. This was realized with the enactment of the new Constitution of Kenya in 2010, which established the 47 counties that you represent in this august House.

The new Constitution reinstated the Senate as the primary institution charged with protecting and advancing the interests of counties and their governments, and, indeed, ensuring that the devolution experiment succeeds. Indeed, I could not be any happier than this week when the Senate stood ground for the umpteenth time on the quantum for the Division of Revenue Bill.

*(Applause)*

This is a mandate I can affirm with confidence that the Senate has discharged to the best of its ability, and to the extent allowed under the Constitution. In the last four and a half

years, the Senate has considered many Bills on various aspects affecting counties and devolution, in addition to Motions, Petitions, Statements, Reports and other Business transacted by the House over this period. There are also a number of key Bills listed for consideration by the Senate this afternoon that will need to be ably taken forward into the future.

Hon. Senators, it is sad that as this term comes to a close, only a few Bills originating from the Senate have been successfully passed by both Houses and assented to. This is a matter we have had extensive discussions about, going right to the architecture of the Constitution, and which I am sure will continue after this. But I can assure you the self-fulfilling prophesy of doom cannot cloud our resolve. It is my firm conviction, however, that the current situation is not what the framers of the Constitution and, indeed, Kenyans had, when re-establishing the Senate under the 2010 Constitution.

As Senators will recall, I have previously observed that the Senate was deliberately created by the people of Kenya as an organ of the national Government to perform specific functions, and especially to be a guardian angel of devolution, which goes to the heart of the constitutional order. I may add, if there is no Senate, there is no devolution and there is no need for a new Constitution.

It is, therefore, important that, as the Senate comes to the end of its first term, we re-look at the architecture of the Constitution, particularly as far as processing legislation between the two Houses is concerned, with a view to ensuring that the Senate effectively discharges its mandate under the Constitution and that a clear-cut distinction in mandate and operations be made between the lower and the upper Houses.

In addition to its representative, legislative and oversight roles, the Senate has achieved various milestones over the last four and a half years. Notable among them are relocation from the temporary Chamber to the permanent Chamber that we have now.

The same Senate also has in the last two years, successfully organized the Annual Legislative Summits bringing together the Senate, County Assemblies and key players in the devolution sector. During these summits, we have identified and soberly deliberated on the critical aspects of devolution, the gains and successes accomplished, difficulties encountered, and come up with resolutions and plans of specific action on the way forward, including ensuring devolution of all the functions that are supposed to be devolved under the Constitution. We have also taken our responsibility seriously to ensure that there is more cohesion amongst the players of devolution; a role that may not be appreciated by many, but extremely critical in laying the foundation of the new architecture.

The Senate has also participated in the capacity building of county assemblies, through bench-marking visits by Committees and Members of County Assemblies at the Senate, as well as through legislative attachments at the Senate for county assembly staff. In fact, our Committee on Information Technology developed what we call the model ECD classroom which a number of counties have been able to adopt and actually build to specification.

Hon. Senators, in addition, the Senate has hosted dignitaries who have addressed the House, among them, the Speaker of the Senate of Rwanda, Hon. (Dr.) Jean

Damascene Ntawukuliryayo, and the then Chief Justice and President of the Supreme Court of Kenya, Hon. Dr. Willy Mutunga.

The Senate has also been called upon to intervene in a number of critical events, at times to mediate conflicts and ensure the very survival of some county governments. Examples include the Isiolo County Government and Makueni County Government, where the Senate adjourned business to attend to and help resolve the conflicts in these counties. Indeed, in the matter of Kericho Governor Impeachment, the Senate realised that this was more of a political issue and we invited our Senator to intervene and that matter was resolved amicably.

Senators will also recall that during debate on the Security Amendment Laws as well as the Electoral Amendment Laws, when the country appeared to be in crisis, it is the sobriety and bipartisan manner in which this Senate considered these matters that helped to lower tensions in the country and win the confidence and admiration of our people. Needless to say, you did not see any water being poured, any Order Paper being scattered and no stones thrown around.

*(Applause)*

Hon. Senators, I must admit you made me your proud Speaker. This year this country has not witnessed any demonstration along those lines.

The Senate has also faced its fair share of challenges, primarily with regard to fighting for the space to exercise its legislative and oversight mandates under Article 96 of the Constitution. As Senators will recall, this necessitated the Senate going all the way to the Supreme Court for an advisory opinion on the Senate's role in consideration of the annual Division of Revenue Bill and other Bills affecting counties. I must also confirm that we have always had our way in most of these judicial actions, for various good reasons, the least of which being that we have men and women of substance.

There have also been differences, at times, between the Senate and Governors, on the one hand, and between the Senate and County Assemblies, on the other. This is true for any human enterprise, especially of such complicated nature.

It is my hope that as we progress with entrenchment of the devolved system of governance in Kenya; as system that through hard labour, loss of limbs and lives some times, and the bicameral legislature established under the Constitution, we will find better ways of addressing and resolving these conflicts.

As the House proceeds to adjourn *Sine die* later this afternoon – I heard the Professor say that you pronounce it as it written, and you write it as pronounced. I was just assessing whether you have been good students.

Let me give some guidance with respect to a number of matters.

Firstly, regarding the question of what emoluments and benefits Senators will be entitled to on completion of this term, and when and how these are to be paid, the Clerk of the Senate is preparing a detailed circular that will be shared shortly with Senators on these issues as we agreed in the *Kamukunji* this week. The circular will also address matters of office space, handover of assets, as well as the expected transitions of staff serving at the Parliament and county offices of Senators.

Secondly, is the question of what business may be transacted by the Senate and its Committees once the Senate adjourns *Sine die*. The position, hon. Senators, is that both the House and its Committees will cease transacting Business, save for consideration of very urgent and important national issues, during which a Special Sitting of the Senate may be called. Accordingly, the sittings of all Committees stand suspended effective today.

One of the aspirations I expressed when addressing the first sitting of this Senate in March 2013, was that the Senate would become “a model legislative House for the country” and “offer the requisite inspiration, guidance and confidence” to the country and the region. I, therefore, urged Members of this House to conduct ourselves with decorum, consistently observe the due process and to uphold the rule of law, legality and the culture of constitutionalism.

I am proud to observe today that this aspiration has been realized, despite the many obstacles and challenges where the Senate mandate was challenged at every turn and twist. This House has continued to win the respect, admiration and confidence of Kenyans by the manner in which we have conducted ourselves and transacted business at a time when public confidence in Parliament and many other institutions is at their lowest.

On my part I undertook to be a faithful servant and diligently discharged my duties to this Senate and to the Republic. I further pledged to respect and uphold the rule of law and nurture the culture of constitutionalism, protect and defend our Constitution and always safeguard the role of the Senate. It is my sincere hope that as this term comes to an end, I will be judged to have firmly stood by these values and kept my promise to the Senate and Kenyans.

Let me, therefore, take this opportunity to convey my best wishes to all of you, Senators, many of you who have become friends and are contesting also for elections to various offices during the upcoming general elections. For those taking a break from Parliament, it is my hope that you will continue serving Kenyans faithfully and diligently in your many other capacities, for I know you are not limited in what you can do, either in private or public service elsewhere. I want to particularly appeal to those who will be joining the ‘lower House’ to remain our ambassadors.

Hon. Senators, as I conclude, let me express what a great honour and privilege it has been to serve this House and Kenyans as the first Speaker of the first modern Senate. I remain humbled by the immense confidence and trust you bestowed upon me, in entrusting me to serve us your Speaker of the inaugural Senate under the new Constitution and the support you have extended to my office throughout this term. For those of you who will be coming back, we will be counting on you and your votes. For those who will be helping our country elsewhere, know that you will remain Senator So-and-So, and that reputation will precede you in your future undertakings.

God bless you all; God bless Kenya. I thank you.

*(Applause)*

Let us go to Order No.29

## MOTION

ADJOURNMENT OF THE SENATE *SINE DIE* PURSUANT  
TO THE APPROVED CALENDAR FOR THE 2017 SESSION

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I beg to move that the Senate do now adjourn.

Mr. Speaker, Sir, as you have concluded in your last Statement, today is a great day in the history of our country and this House. Today is the last day for the official sittings.

**The Speaker** (Hon. Ethuro): Order, Senator! I do not wish to interrupt you, but we have procedures. You need to move the Motion.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I have moved the Motion.

**The Speaker** (Hon. Ethuro): As long as the Speaker has not heard, you have not moved.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I can repeat again.

I beg to move:-

THAT, pursuant to Standing Order No. 28 (3) the Senate do adjourn *sine die*.

This is an important day in the history of our country and this institution. I do not wish to take a lot of time because I know that my colleagues here have done a great job this afternoon and they would want to make some comments, considering that some of our colleagues are sitting here today for the last time. A number of colleagues are running for other offices, as you have said, while others do not wish to contest, for example, the Senator for Narok, the Senator for Mandera, the Senator for Wajir, the Senator for Nyeri and the Senator for Nyandarua. For that reason, I would want them to have more time.

Mr. Speaker, Sir, allow me to highlight a few things. First and foremost, I just want to appreciate the wonderful work we have done together, and I say it deliberately. On one hand, we know that there are two sides in this House; the minority and the majority sides. However, on the other hand, we do appreciate that when the interest of the country has demanded, we put our differences aside and acted as a House of the Parliament of the Republic.

For the record, allow me to reiterate my appreciation of the leadership of both sides of the House. It has been great to serve my Party as the Leader of Majority. I am grateful to His Excellency President Uhuru Kenyatta, the Deputy President, William Ruto and the Senators from the Jubilee side, without whose support I would not have been a Majority Leader. I am indebted to my party and will forever appreciate the privilege they accorded me.

Equally, I want to appreciate the Minority leadership and colleagues in the Minority side. As I said, of course, we had our differences which are normal because politics is competitive and about differences in ideologies. However, in some instances

we had occasion to agree that certain things had to be done in a bipartisan manner in order to dignify this House and our country.

I want to point out, for example, our very valiant fight in 2013, after our mandate on the Division of Revenue law was removed from us, or an attempt was made. I remember we all stood together; there was no Majority or Minority side. We spoke on behalf of Kenya, Parliament and the Senate. That is a good example where bipartisanship can be useful for the country; I think it should be emulated.

There are times we had to disagree for obvious reasons; political and ideological reasons. But even in such circumstances we have never, even in single incident, degenerated into a House of chaos. We have refused to promote chaos and shame. For that reason, I am a very proud Member of this House. I do recall that we disagreed seriously on the Security Laws (Amendment) Bill and we passed it. Both the Minority and Majority side had different positions, but we never tore one another's clothes, there were no Members who undressed, as was reported elsewhere and we did not pour water on each other or the Speaker. It was an acrimonious piece of legislation, but it was passed in dignity and a democratic way, where the Majority had their way but the Minority had their say.

Another example is when we had the Election Laws (Amendment) Bill, 2017. This country was almost going up in flames because of the demonstrations that had been called on 4<sup>th</sup> January, 2017. People had died and the temperatures in the National Assembly had been set in such a way that the country was literally on tenterhooks. It took the esteemed character of this House, both the leadership and the entire membership, to pass that law, saying the same thing that the National Assembly said, but without tearing the country apart. In fact through the initial discussions we had begun around that Bill, we were able to forestall a major crisis during that period, in January this year. There are many things we have done together, whether in agreement or disagreement.

Mr. Speaker, Sir, I am grateful for your leadership and your deputy, Sen. Kembigitura, and all of us. The other appreciation I want to make is to the judiciary. We have had issues with the Judiciary once in a while, but overall it has helped to augment the position of the Senate in our democracy.

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

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

Our relationship with governors has also been good, save for one thing. Allow me to say this because I want to conclude. With regard to the relationship between Senators and governors, our very important committee – I am not saying any committee is not important because all committees are important and I can see Chairs of Committees here. On behalf of all committees of this House during the 11<sup>th</sup> Parliament, I thank those committees because I have seen wonderful work from literally every committee.

Mr. Temporary Speaker, Sir, the Committee that oversees counties' resources, that is the County Public Accounts and Investments Committee (CPAIC), is very critical because it is at the core of the mandate of this House. The one thing I hope to see in



future, if this is agreeable, is for example, when a governor from a particular county is being grilled, the role of the Senator of that county should be a bit minimized to prevent perceptions of conflict of interest.

That is the only bit I request that we consider. This is because in law, appearances of bias or conflict of interest can damage even a very good cause. I can see my senior, Sen. Wako, there. The lawyers say both in municipal and international law *nemo judex in causa sua*. This means “no man should be a judge in his own cause.” It is a cardinal principle of natural justice.

So, Mr. Temporary Speaker, Sir, for the future, I request humbly that if a governor is being grilled by a committee of this House, it should not appear as if the Senator of that county is the one spearheading the prosecution. That should be done by other colleagues on behalf of the House. Other than that, I am very happy with what that and other committees have done.

Mr. Temporary Speaker, Sir, having said so, I will have fond memories of this term. My career in politics began by being thrown in the deep end but with the support of my colleagues and the Leadership of this House, I have survived and I have not drowned. I will forever be grateful to those colleagues who have been in this House with me but will not be in elective politics any longer. I will also be grateful to those who opt to return. I will also be grateful to those who will continue in politics but serving in other offices.

Mr. Temporary Speaker, Sir, I am truly indebted and I am a happy Kenyan, a proud representative of the County of Tharaka-Nithi and the Leader of Government Business in this House.

With those remarks, I beg to move. I wish all my colleagues, the Clerk, the entire staff and literally everybody happiness, success, prosperity and God’s blessings. God bless the Senate, God bless our country Kenya.

Mr. Temporary Speaker, Sir, I beg to move and request my senior, Sen. Wako, Senator for Busia and Chairman of the Committee on Legal Affairs and Human Rights to second this Motion. I thank you.

**Sen. Wako:** Mr. Temporary Speaker, Sir, it is my pleasure and privilege to second this Motion.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! This is a very special occasion. Could you move to the Dispatch Box and second the Motion?

*(Sen. Wako moved to the Dispatch Box)*

**Sen. Wako:** Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to second this important Motion which I am seconding with a lot of emotions because after you have been with colleagues for four and a half years, forged friendship and worked together, a time comes when you must say goodbye to each other as Senators and that is an emotional affair. When I stood for election as a Senator, I stood because the Senate as an institution was being constituted for the first time under our new Constitution. I felt that it was my duty to share my experiences and to ensure that the

Senate sets a good example in the leadership of this country in the manner that we debate issues and so on and so forth.

I am glad to say that on the whole, we have set a good example. Therefore, I take this opportunity particularly to congratulate those who may not come back and those who will retire. I am very sure that wherever they will go, they will still be leaders. Leadership is not just elective but it can also be in retirement because you participate effectively in politics in retirement. You can also effectively participate in the economic issues facing the country outside Parliament.

I am quite sure that any person who has been a Senator in this country, when they retire, they will play a very important role in their retirement from the Senate. For those seeking elective positions particularly to go to the National Assembly, I am sure that they will provide a good example on how matters ought to be debated and how national issues ought to be dealt with in the National Assembly. For those who will be going to county assemblies because we have one or two, I am sure that they will also provide leadership in the counties. Therefore, I consider that the period of four and a half years has been a crucible of training in leadership. Wherever they will go, that leadership will be for the good of this country.

Mr. Temporary Speaker, Sir, when we came here in 2013, we faced a major challenge which, had it not been handled very carefully, we would not have been named a Senate for the rest of the four and a half years. I want to reiterate what I said at that time; that I was very impressed by the unified manner in which all the Senators of this House dealt with issues particularly the challenge to our legislative role by denying us an opportunity to have a say---

*(Sen. (Prof.) Kindiki walked out of the Chamber)*

**The Temporary Speaker** (Sen. (Dr.) Machage): I would have expected the Senate Majority Leader to be patient and sit and listen to everything on the last day of the session. It is an honour to this House if you do that.

*(Sen. (Prof.) Kindiki bowed to the Chair and took his seat)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Wako, you may continue.

**Sen. Wako:** Mr. Temporary Speaker, Sir, as the Senate Majority Leader said, I was proud at the very beginning of our term when we were faced with a great challenge which went to the root of our legislative power under the Constitution. Had that issue not been handled in the manner that it was, we would have forever remained a lame duck Senate to consider only the County Allocation of Revenue Bill for the rest of the year. I am glad we all united, irrespective of parties and our opinions, and we challenged that by going to court to seek an advisory opinion on the matter and the court made a landmark ruling which has given guidance to us in the conduct of our affairs. I am quite sure that it is as a result of that ruling that Bills began being referred to us from the National Assembly and we considered the same.

Mr. Temporary Speaker, Sir, I hope that the incoming Senate will have a better working relationship with the National Assembly. As we have heard today, our 30 Bills which have been referred to the National Assembly have not been processed. If you look at the list of those Bills, you will see that they are very important Bills.

With regard to the Bills that were referred to the Senate by the National Assembly desiring concurrence, only a few of them remain to be concluded. In fact, we have concluded more of them in this sitting. So, we had good faith as the Senate. We wanted to provide leadership. Of the two Houses, we are the elders and we did not seek revenge as people with small minds do. The National Assembly did not treat us as we deserved. However, we were mature enough, and we passed the necessary Bills that were to be passed by this House.

The other challenge is that the National Assembly, together with the National Government, challenged the Senate's legislative power. The big challenge was on our oversight role. This took almost the entire period of our term. Three quarters of our term, we were locked up in the courts of law arguing what our role is. It was even challenged by the governors. I am glad that in the end, the courts pronounced themselves on this matter. They said the Senate has the power to summon the governors to come and account for the revenue they received from the National Government. Therefore, in the latter period of our term, we began to play out our role as it ought to be.

Having said that, in the appropriate scenarios, we agreed to disagree. One example is the Electoral Amendment laws that were brought before us for debate last December. We filed a minority report on the matter. This was not done by fisticuffs, but with brains, reasoning and debating soberly. I am glad that we did that.

There is unfinished business. The new Constitution has been in existence for over five years. An audit ought to have been carried out. I am not talking about the one that was carried out by the National Assembly. That was not a proper audit of the entire Constitution. It recommended that the Senate should be scrapped. That was not an audit worth mentioning. As the Senate, we appointed a Committee that made an excellent report on the amendments that ought to have been carried out on the Constitution, for example, on devolution and the place and role of the Senate.

It is a pity that we were not able to finalise it. It could have led to the amendment of the Constitution. I hope that the incoming Senate will incorporate the proposals of the Council of Governors (CoG) in pursuing that matter. Most of their proposed amendments were similar to ours. Also, they should incorporate the county assemblies' proposals. If it will be possible, we should have a constitutional referendum on the constitutional issues within two years of the election.

I say so from my good experience having been involved in the Constitution making. In the year 1991, I told the National Assembly; "You are just making small amendments to accommodate the multiparty state by removing the Kenya African National Union (KANU) and declaring that this country is a multiparty State." I then, later said: "We shall have a more comprehensive amendment to the Constitution after that." That never came about until the year 2010 when we passed the new Constitution.

It took a long time. I say so because, once you delay in having these amendments carried out in a referendum, it will come close to the next general elections when politics

takes the centre stage. When that is the case, you cannot have a proper referendum to the Constitution. The issues then, although framed as constitutional amendments, become the testing of party strengths to see how they will fair in the next general elections.

Therefore, I would appeal to the incoming Senate, that as soon as they are elected, when they are still fresh in mind and ideas, they should pursue the agenda of finalising the amendments to the Constitution so that we can have a proper Constitution that has been tested through the five years.

In conclusion, - I am seeing the Senator of Nandi County, the governor to be - and those who will be elected as Members of the National Assembly, they will upgrade the National Assembly in the manner they debate on issues and the maturity that they do things. I appeal to those who will be governors, Sen. (Prof.) Anyang' Nyong'o and Sen. Sang-- Sen. (Prof.) Nyong'o, has been in the County Public Accounts and Investment Committee and therefore knows the weaknesses of the current system of governance in matters of accountability.

Sen. Sang, has been in the Committee on Legal Affairs and Human Rights that has been dealing with the same issues of governance. When you become governors, you should set a good example of how devolved units of government ought to be run. Besides that, you should be able to work hand in hand with the Senate to ensure that devolution is alive in letter and spirit. When I talk of constitution making within the first two years, I hope with your experience as Senators, when you will be governors, and part of the CoG, together with the Members of the County assemblies (MCAs) where some of us will go, you will be able to unite on that issue. You will finalise this matter of amendments to the Constitution.

With those remarks, I wish everybody vying for political offices, good campaigns. Those who are retiring from politics, we shall continue to be friends whenever we go and continue to work together in many other fields.

I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Sang.

**Sen. Sang:** Mr. Temporary Speaker Sir; I stand to support this Motion. I thank the people of Nandi County for the opportunity they gave me to serve in this House. I congratulate and thank them sincerely because at the age of 28 years, they saw it fit to elect me in to this House; at a time when there was a misconception that this House was meant for the older politicians in this country. I am very happy for the opportunity that I have had to serve in this House.

Mr. Temporary Speaker, Sir, I have worked with everybody in this House irrespective of their political affiliation. I have worked in various Committees with senior people in this country, notably the Chairperson of the Committee on Legal Affairs and Human Rights who was the Attorney General of this country when I was in Class Two. Having the opportunity to work under him as the Vice Chairperson of the Committee on Legal Affairs and Human Rights was such an honour. I have learnt a lot. He has mentored me.

I also appreciate the kind of working relations that I have developed in this House. I am equally excited about the number of proposed legislations that I moved in this House. I had about seven proposed Bills. Some of them went through, one of which was very key to me, which is the county development boards. I still firmly believe that there is no way you can have counties working without creating synergy among the leaders. As I exit the Senate ---

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

**Sen. Kagwe:** On a point of order, Mr. Temporary Speaker, Sir. Would I be in order to ask Sen. Sang whether when he becomes governor, he will make the Senator the chairman of his Committee since that was his proposal?

**The Temporary Speaker** (Sen. (Dr.) Machage): You are completely out of order! The elections will be held on 8<sup>th</sup> August, 2017. You are preempting his luck.

**Sen. Sang:** Mr. Temporary Speaker, Sir, I know that Sen. Kagwe wishes me well. I strongly believe in the rationale that leaders must work together. Therefore, with or without the law, if given the opportunity, I believe that the position of the Senator must be respected in counties. If the governor has to deliver, he has to work with the Senator, Women Representative, Members of the National and county assemblies. So, I still believe in the County Development Boards.

However, I note with concern that five years down the line in this House, we still have institutions that do not seem to appreciate the role of the Senate. One would have imagined that the kind of problems that we have had with the National Assembly were teething problems, but you cannot have teething problems running five years down the line. It is unfortunate that on one of the Bills in this House; the Division of Revenue Bill, we got to a situation where we could not agree with the National Assembly. In fact, they went against the established procedure. I hope that the Members of the National Assembly who would come in the 12<sup>th</sup> Parliament will appreciate that the role of the Senate is critical as captured in the Constitution and provide goodwill for a mutual working relationship between the two Houses.

Mr. Temporary Speaker, Sir, more importantly, for devolution to be felt at the grassroots, county governors must appreciate that the position given to them is not a position to lord it over their counties but to facilitate development at the grassroots. Therefore, it is key for governors to develop proper priorities for their counties and ensure that there is accountability in the management and use of public resources in the counties so that 10 years down the line, communities and residents in our counties appreciate devolution.

I note that many counties have had tremendous development under county governments. They have felt the fruits of devolution while in others, other than the largesse and the grandiose around the governors and the county executive, nothing much has been seen in counties. For example, in my county for the last four months, all our health facilities have no essential medical supplies yet a month ago, one of the chief officers in my county was found with colossal sums of money under his bed.

This kind of wanton destruction of public resources and abuse of office must come to an end. I hope that the new set of governors who will be elected in our 47 counties will learn from the mistakes of the first set of governors, and ensure that we

have county governments that are responsive, accountable and able to address the issues and concerns in a manner of priority on issues that affect our counties.

Mr. Temporary Speaker, Sir, as I exit the Senate, I am a proud Senator. I am one of the Senators in the second Senate of this republic. I am happy with my track record. I know we could have done much better. I would have been excited if all the seven Bills that I have sponsored went through the National Assembly because they would help this country. Many Senators who took time to sponsor Bills are exiting the Senate frustrated because they put a lot of man hours in developing a Bill but because of the sibling rivalry; the National Assembly has not considered even very critical Bills coming from this House.

Mr. Temporary Speaker, Sir, since we have Members of this House who are likely to join the National Assembly, God willing, including you, I wish we would have improved relationship between the National Assembly and the Senate. For those who are exiting the Senate to join the Council of Governors (CoG), I hope that we would have better relationship between the Senate and the CoG. I am also aware that a few of our Members in this House are likely to join county assemblies. I also hope that the relationship between the county assemblies and the Senate would be improved so that in the 12<sup>th</sup> Parliament, we witness a more synergized manner of handling issues affecting devolution because we are people who understand issue across board.

Manifestos of the NASA coalition and the Jubilee Party indicate that devolution is their core agenda. We hope to see more commitment from the executive in supporting devolution and county governments.

Mr. Temporary Speaker, Sir, with those remarks, I appreciate the opportunity that I have had to work with all of you in this House. I also appreciate the Members of the various Committees where I have been a Member. I most sincerely appreciate the working relation that we have had with you, the Speaker and other Members of the Speaker's Panel. That has given me an opportunity to learn.

The lessons that I have picked in this House for the last four and a half years will be instrumental and useful in my next assignments in life. Therefore, I wish every Member of this House all the best as they move to their next stage in life; whether they come back here, go to the National Assembly or any other assignments they wish to take.

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

**Sen. Kanainza:** Mr. Temporary Speaker, Sir, I thank you for this opportunity. I also rise to support the Motion. First of all, I appreciate my party, ODM as well as my party leader, Hon. Raila Amollo Odinga and the next President of this Republic for giving me the opportunity to serve and represent the youth in this Republic in this Senate. This is a dream come true for a rural girl to sit in this Senate.

We have many young people who are going for elective seats. I believe in the 12<sup>th</sup> Parliament, we shall have more young people coming to represent their counties and constituencies.

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

*[The Temporary Speaker (Sen. Sang) took the chair]*

As I sat in this House, I have been given an opportunity to learn, participate and sit with very educated and mature people. It has been a good experience. I believe this is the best Senate that will ever have been in this Republic, Kenya. I have served as a Vice Chairperson of the Implementation Committee together with my Chairman, Sen. James Orengo. I have learnt a lot. I have also served in the Committee on Education and we are proud owners of the Bill that came up with the best classroom model.

I have also served in the Information, Communication Technology Committee where we have been able to visit 33 counties. We have given out proposals that can be used to ensure that devolution becomes a reality. I know, just as Sen. Sang has put it, the best person who can push the agenda of devolution is Hon. Raila Odinga. I believe come August, as we take the Government, we shall ensure that devolution is a reality.

**The Temporary Speaker** (Sen. Sang): Order Sen. Kamainza, what did you just say that Sen. Sang said?

**Sen. Kanainza:** Mr. Temporary Speaker, Sir, Sen. Sang said that devolution must work. The best I know is that we need a good leader to be the President of this country, so that we can realise the dream of the Constitution in this country.

As I conclude, Mr. Temporary Speaker, Sir, I wish my colleagues who are going for political positions all the best. For those of us who will be venturing into other things, I wish ourselves the best in our future.

Thank you.

**The Temporary Speaker** (Sen. Sang): Sen. (Prof.) Peter Anyang'-Nyong'o.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, I beg to support this Motion. I beg to request your indulgence to speak from the Dispatch Box because this is the last time I am speaking in Parliament after being in Parliament for 25 years, which is a whole quarter of a century. Perhaps, I came into Parliament three years before you were born, knowing that you came here at 28 years, maybe eight years before you were born, to be exact.

First, let me thank the people of Kisumu County who elected me to this Senate and the people of Kisumu Rural Constituency who elected me several times to represent them in the National Assembly. I am grateful for the support they have given me and for the encouragement they gave me to go back to Kisumu County and contest the seat of governor, so that we can realise the fruits of devolution. Under my party, the Orange Democratic Movement (ODM), which I served for 10 years as Secretary General, I would like to thank our party leader, Hon. Raila Amollo Odinga, for having led this party so solidly and for having brought us into the National Super Alliance (NASA) coalition, which obviously, as Sen. Kamainza has said, will definitely form the next Government.

Having said that, I thank some of my colleagues with whom I have worked very closely in this Senate and particularly those colleagues with whom I have worked in three Committees of this Senate. One Committee I worked on for one year, is the Committee on Devolved Government. I will not mention--- I know that the Members there as Sen. Murkomen and others remember that Committee with fondness. However, I would like to thank Members of the County Public Accounts and Investment Committee, with whom I have worked with for the last four and a half years, first, under the chairmanship of Sen.

(Dr.) Boni Khalwale of Kakamega County for two years then subsequently under my chairmanship.

I would like to thank, first of all, Sen. (Prof.) Lonyangapuo of West Pokot, who has been my Vice-Chairperson, Sen. Amos Wako of Busia, who has been a very formidable Member of the Committee, Sen. Kimani Wamatangi of Kiambu, Sen. Henry Ndiema of Trans Nzoia, Sen. Liza Chelule, who joined the Committee recently, Sen. George Khaniri of Vihiga, Sen. (Dr.) Boni Khalwale of Kakamega, Sen. Omar Hassan of Mombasa, Sen. Okong'o Mong'are of Nyamira, Sen. (Eng.) Muriuki of Nyandarua and finally, Sen. Wangari, who is a Nominated Senator, but now contesting the seat of Member of the National Assembly for Gilgil Constituency. I thank them very much for the fantastic job we have done in that Committee and the products that we will definitely be presenting to the Senate with or without our being here.

Secondly, I would like to thank some of those Members of the House that I worked with in a special committee on public collections that was established in this House. They included Sen. Hassan Omar, Sen. (Dr.) Agnes Zani, Sen. Kimani Wamatangi, Sen. (Dr.) Boni Khalwale and many others. We did pass that Bill in this Senate and it went to the National Assembly, but as many other Bills from the Senate, I do not think it saw daylight. I do hope that in the 12<sup>th</sup> Parliament both the Senators and the Members of the National Assembly will see the good sense of making sure that this Bill becomes a reality, because it is important for the development of this country.

Finally, I remember with fond memories a Motion that I moved in this House to look into the affairs of Kenya Airways which was almost on its knees. That Motion, with the advice of the Speaker, led to the establishment of a Select Committee to look into the affairs of Kenya Airways. I had the very good opportunity to chair that Committee. That Committee worked very hard and, indeed, what is happening in the Kenya Airways today is really a follow-up of our recommendations, word by word.

Mr. Dennis Awori, who was the first Chairman of Kenya Airways, called me to have discussions on the way forward after our Committee had submitted its report. I do believe that the Board of Kenya Airways took our Report very seriously. Mr. Michael Joseph, who took over, has implemented our recommendations.

Mr. Temporary Chair, Sir, I want to thank, in particular, my Vice-Chairperson, Sen. Mutahi Kagwe of Nyeri County. My heart sinks with disappointment that the people of Nyeri did not see it fit to elect him their Governor. However, I do understand that unusual circumstances surrounded that particular election. We note that there was a third force almost everywhere, in the Jubilee areas, that denied very strong people opportunity to be nominated, like my dear friend the Deputy Speaker, Sen. Kembi-Gitura, who is now vying as an independent. I knew that when all is said and done, he was going to be a sure win in Murang'a. Now he is fighting his way back to the Senate, and I am sure he will come back here. I do wish him all the best in his fight to come back to the Senate. This Senate needs him and the people of Murang'a County need him as their Senator.

Sen. Kagwe assures me that he will hang the gloves of politics for sometime - one never knows - but he will still be a formidable leader in this country in both the private and the public sectors. Sen. Kagwe was my student at the United States International University (USIU) and the brilliance he displayed then as a graduate student has



obviously been carried out in life and demonstrated in this House. We founded with him the Social Democratic Party (SDP) and learnt a lot of lessons from that experience. Those lessons formed our attitude and orientation to politics since then. However, the SDP remains a party that shook former President Moi and made him seek alliances outside Kenya African National Union (KANU). That paved a way for the National Rainbow Coalition (NARC) which took over in the election of December, 2002.

The second person I want to thank in the Kenya Airways Committee is my dear friend Sen. Mutula Kilonzo Jnr., a formidable young Senator who took over from his father, another formidable debater and leader. Sen. Mutula Kilonzo has lived to our expectations and will continue to do so; and of course, my dear friend Sen. Orenge with whom I have been in politics for a long time in the second liberation - one of the “young turks” - is definitely coming back to this House.

Sen. Orenge went to Siaya County for three days and was definitely elected to come back to this House by the people of Siaya County. I want to salute Sen. Orenge, one of the co-chairmen of the NASA coalition together with my dear friend, Sen. Muthama. Wherever he is today, I salute him and I thank him for having led the Legal Sub-Committee of our select Committee very well.

Sen. Hassan of Mombasa County, Sen. (Dr.) Khalwale of Kakamega County, Sen. (Dr.) Zani and Sen. Karaba, all of whom were in the Select Committee and did a formidable job.

As a Chairman of the County Public Accounts and Investments Committee, this Committee has in no way been an adversarial Committee as people would think. Indeed, the Standing Orders of that Committee require that when a Governor appears before the Committee, the Senator for that County must be present. The fact that we have had some very tough discussions in the Senate should not lead anybody to propose that a Senator from a county should not question his governor when he comes to the Senate. This is the practice all over the world even in the USA.

The person who knows a county best is the Senator and, therefore, an accountability committee like the County Public Accounts and Investments Committee should have the Senator of that County there to have the occasion to question his governor. However, it must be done with civility and decorum that is required of the Senators. We also expect the governors to behave with decorum and civility and not to take questions that are asked too personally.

I take exception to the Governor of Murang'a, Mwangi Wa Iria, who behaved in a manner unbecoming of a leader and really embarrassed us. I do believe that governors can take tough questions when they are asked and not personalise them to Senators. Sen. Kembi-Gitura was very civil, but unfortunately, the governor interpreted civility as being adversarial. We are in no way adversarial and I am quite sure those who will succeed me as Chair of that Committee will continue with the tradition.

The coming Senate must look at a particular problem in counties; that is, a bloated workforce. As I stand here today, the optimum workforce in my County, Kisumu is 2,700. Kisumu County Government has hired 4,000 people to work in that county and the governor continues to hire more as I speak today. Some of this hiring is purely on political grounds.

I would like to ask the Controller of Budget, the Auditor-General and all the institutions that look after revenue taken to counties, that at a time like this, counties should not be hiring personnel, indeed, *Waswahili wanasema ni kipindi cha lala salama*. If it is *kipindi cha lala salama*, what else can you do at a time of elections with a new workforce? Leave it to the next regime. Whether you head that regime or somebody else, a bloated workforce is not going to help the county.

I am really happy today with Gov. Kinuthia Mbugua of Nakuru County who has tried very hard to reduce the workforce in Nakuru County. Gov. Kinuthia Mbugua appreciates this problem and definitely he is not making life complicated to Nakuru County residents by hiring any other workforce he does not critically need. I do hope that this issue is taken very seriously by the next Senate so that some law or Bill is passed to regulate this matter because it can cripple development in the counties and too much money will go to Recurrent Expenditure. It may be painstaking to do, but in the final analysis, it is not in the interest of the residents of that county.

Let me also say that the relationship between the National Assembly and the Senate depends on two people. Let us be frank. Those people are first the President; the head of Executive who obviously would be in very close relation with the Speaker and the Leader of Majority in that House. Unless the President can give good directions constitutionally based on the relationship between the two Houses, very little will be done.

We are sorry about the case of the Bills that went straight to the President and he signed them into law not understanding that according to the Constitution, those Bills should first come to the Senate. That was a political move by the President which he should not have taken at all.

Secondly, the Speaker of the National Assembly should be somebody who is civil in his relationship with the Speaker of the Senate, to avoid these travesties of Bills passing through the National Assembly without coming to the Senate. I appeal to the next President, obviously my dear friend and colleague, ‘President Raila Amolo Odinga’, that he will behave much better than his colleague is doing at the moment.

Mr. Temporary Speaker, Sir, we must have people who have a deep belief in devolution heading critical institutions of Government in the national Government and the counties. The Ministry of Devolution and Planning should not be in a position where it represents first and foremost the interest of the national Government. It must represent both because it is said that we have two levels of government in this country, separate but interdependent. Thus, interdependence must be provided in the Ministry of Devolution and Planning as the fulcrum of the relationship between the two levels of Government. I believe that when we form the Government, we shall lead by example, making sure that this is done.

As we are heading towards the elections, I want to appeal to the Independent Electoral and Boundaries Commission (IEBC) to sign a code of conduct as it did with us candidates, the security forces and all organs of Government. It falls short of observing free and fair elections when the organs of state behave in a manner that they become partial in elections.

We watched with awe as candidates during the nomination in Jubilee areas cried foul that they had been run under the bridge by organs of the state which had become partisan in that exercise. As we go towards the general election, let nobody cry that they are being run under the bridge because of bias by state organs and security organs.

I would appeal to the IEBC that it is not late. They should call these organs as we had a meeting this week, to sign a code of conduct that will bind them to observing civility, impartiality and fairness during the elections.

Otherwise, Mr. Temporary Speaker, Sir, I fear that we might go to a botched election. I would not like that to happen in the Republic of Kenya as I go to be Governor of Kisumu County and depart honourably from this Senate.

I thank you my colleagues for the time you have given me and I go into the world strong to serve.

Thank you.

*(Applause)*

**The Temporary Speaker, (Sen. Sang):** Sen. Melly.

**Sen. Melly:** Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to share a few remarks as we come to the end of this Senate.

This is one of the Houses that has had a number of challenges. When I try to see the far that we have come, it took the hand of God. I thank God and the people of Uasin Gishu County for giving me an opportunity to serve as their first Senator and to God, again, for his grace that we have life until this day.

I want to thank Members who I cannot mention with whom we worked in different committees such as the Committee on Information and Technology, the Standing Committee on Land and Natural Resources, the Joint Committee on National Cohesion & Equal Opportunity and Sen. (Dr.) Zani with whom we worked together in a small department: The Senate Sports Club. It was only for one year and I want to thank her for that. If God gives us time in future, I know we will be able to do more.

The challenges that this House went through are many but I just want to single out the fact that I do not feel that we did our job in terms of oversight. Today even if I am asked how much I did as the Senator of Uasin Gishu county in terms of oversight, I would not be able to account because we all know the challenges we went through which were right from the National Assembly. Three times we fought to have money for oversight which we did not get. I want to believe that the incoming Senate will not go through the challenges we went through.

Mr. Temporary Speaker, Sir, a number of us will be coming back to the Senate. Some will go to the National Assembly, a good number will be governors and a small number will retire. I want to wish all of them well. For those who will be coming back to this House as Senators, I urge you to continue fighting for the Senate. As I leave the Senate I do not think we have done much of what we were supposed to do. However, keep up the fight. One day, even if some of us will not be here, we will celebrate somewhere else when we will finally have a Senate that will truly represent our people and oversight the billions of shillings that we allocate to county governments.

For those who will be governors, including the Chair, it is good that you went through the Senate. You witnessed the usual fights between the National Assembly and the Senate with regard to the Division of Revenue Bill and it even led to us being denied funds for oversight of counties. I want to believe that you will exercise diligence with regard to the utilization of the resources allocated by this House. God had a reason some of us came to the Senate first and will next serve in the County Governments. I know that they will exercise caution and protect the resources that belong to the people.

For those who will be elected to the National Assembly, I have a word for you. The fight between the two Houses of Parliament is not good for the progress of Parliament. It is my request that you try to bring harmony between the two Houses of Parliament, so that we make progress as an institution. We cannot fight forever. The time has come for leaders to sit down and find a way of moving together. Therefore, those who will be elected to the National Assembly should help us to achieve the agenda of bringing unity and cohesion.

If God gives me an opportunity to come back here I will be happy to serve. For now, I will take a break. Those who are over 70 years old could say that they want to retire, but those of us who are still young, we will engage in business and other things to keep us going. I am sure that one day I will be given another opportunity to serve, but not in this House because of what I went through.

Lastly, with all the challenges, we are leaving a better Senate today than we found. Those who will be elected to the Senate from different parties will pick up from where we left and handle whatever business that is pending.

I want to wish all Senators success as they engage in their new work stations. For the staff of the Senate, we had a wonderful time working together. I know that in future, if God opens a way, we will walk together again.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support this Motion  
**The Temporary Speaker** (Sen. Sang): Sen. Mutahi Kagwe.

**Sen. Kagwe:** Mr. Temporary Speaker, Sir, I join my colleagues in congratulating this Third Senate. It has been a privilege because we have 45 million Kenyans or so.

**The Temporary Speaker** (Sen. Sang): Sen. Kagwe, you need to elaborate why you think this is the Third Senate.

**Sen. Kagwe:** Sorry, this is the Second Senate.

Mr. Temporary Speaker, Sir, there are 45 million Kenyans in this country or thereabout and 67 individuals sat in this House. It is a blessing from God to have been one of the individuals. I thank the people of Nyeri County for having seen it fit that I serve them for the past four and a half years as their Senator. That is a privilege, an honour and something that I am going to value throughout my life.

I particularly thank the people of Mukurweini Constituency who first elected me to Parliament. Because of my work in Mukurweini, I eventually got elected as a Senator. I have chosen not to continue in the process of being elected in Nyeri County for the time being. Like a previous speaker said, I agree that leadership can be elsewhere and not just in politics.

Mr. Temporary Speaker, Sir, I also echo those who have said that we worked together as a team. It is true that sometimes we disagreed but it is also the hallmark of a

civilised society and individuals to agree to disagree. You do not have to have *fimpos* in order to disagree on an issue. We have exhibited a united front sometimes and we have disagreed sometimes but that is all, as one would say, a day in politics.

Mr. Temporary Speaker, Sir, we were bound to have some teething problems. This is the first Senate in modern times. We were bound to experience teething problems and go through a difficult period just like we did. Even governors experienced the same things because they went through a difficult period. The steering towards a bicameral system of government is a challenge. I would like to congratulate the Jubilee administration for having been in power at a time when this process was taking place and I think we have seen serious progress in the Senate.

Mr. Temporary Speaker, Sir, I agree that it is necessary to relook at the Constitution at some point in the future to see what works and what does not work. It is also necessary for us to relook at our Standing Orders. For example, as I said in my contribution yesterday, Standing Order No.146(3) is a challenge because it means that any business that has not been fully considered by both Houses then lapses.

Mr. Temporary Speaker, Sir, I congratulate Senators for their work because it would have meant that all the 24 Bills would have lapsed with this Parliament. That is something we should correct. The Executive should continue irrespective of what happens to the changes in the Executive. I think it is right that the work of Parliament must continue irrespective of whether there is a new Parliament or a new session. Killing these things does not make sense; and one and two in this particular case does not add up to four.

Mr. Temporary Speaker, Sir, we made progress. All these teething problems that we faced also taught us things. We are better off for the experiences that we went through and we learnt. Shakespeare said that there is a tide in the affairs of men – I would say men and women – which taken at the flood, leads on to fortune. That is what we have seen in this House.

As a committed Member of this House and Chairman of the Committee on Education and Information and Technology and the Committee on Information and Technology, I want to thank the Members who worked with me in both committees. I also want to congratulate Hon. Karaba, the Senator for Kirinyaga County for steering the Committee on Education in the spirit in which we started off in the beginning. For those of us who have passed the County Early Childhood Education Bill today, that is a plus for us and the country.

I will not end without talking about the Kenya electoral process and the possible things that we may face when we want to conduct a referendum. I agree with Sen. Wako though I disagree with him on the timing of the referendum. In the year 2010, we passed a good Constitution. In the year 2020, after a period of ten years, we should revisit that Constitution. We must ask ourselves serious questions in that referendum.

Mr. Temporary Speaker, Sir, we should ask ourselves whether the electoral process is what is meant for Kenya. Clearly, the nomination process is a farce. Nothing happens in the nomination processes in all the political parties. It is time for us to ask ourselves, regarding the Political Parties Act and the Elections Act, if this is what Kenyans should be put through. More fundamentally, in my considered opinion, having

been in politics for some time now, I ask myself daily whether the system of government that we put in place in 2010 is actually the system of government that Kenya should have.

I am not sure if the presidential system of government is the right system for Kenya. In fact, I am convinced that we must consider the best system of government for us in the year we will have a referendum. We must ask ourselves whether the South African, German, United Kingdom, the Scandinavian countries models of parliamentary system and the models of countries that are politically stable have systems that we should not consider for our country.

We must address issues head on. We know that the electorate accuse political candidates of corruption. Any politician will tell you that corruption starts from the voters. They demand money for them to attend even a public rally. A nation that does not address its own weaknesses is not a nation. We must face this issue head on. Have we morally decayed that now votes are for sale? We can no longer elect anybody without being paid money. This means that a leadership that is without money cannot be elected. Is this the individualised system that works for Kenya?

We must ask ourselves whether we are morally decadent in our electoral process. When people are elected, they are traumatized and do not wish to go back to the constituencies. They stay in Nairobi. They become thieves. They must steal to recover the money they used during the campaigns. Is this the system that works for Kenya? Should we be thinking of a different electoral system?

When I was seeking votes in Nyeri County and in Mukurweini Constituency, I repeatedly said that if an individual accepts that they will sell their votes, they must also accept that they have no business following the elected leader to ask them what they are doing in Parliament. If you buy sugar from a shop, the shopkeeper cannot follow you to ask what you are doing with the sugar, it is yours. So, if you buy votes, the deal is done. There is no follow up necessary to find out who is elected. We have to reexamine our system, ourselves as a society and ask ourselves whether going forward, this is the kind of process that we will continue using to create leadership.

Mr. Temporary Speaker, Sir, finally, in doing this referendum, one of the advantages is that President Uhuru Kenyatta will continue to be President and there is nothing better than working to change a Constitution than with a President who will not run again. That is the process which Sen. Wako had mentioned earlier. When you politicize the system, then a referendum is useless because it is simply an exercise to ensure continuity for the person in power; but if we carry out a referendum within the term of a President who will be going for his last term, then you can be sure that it can be done effectively and ably. That is why I hope that the Kenyan people will see what the Jubilee administration has done, never mind our differences, and reelect President Uhuru Kenyatta as President in August.

Having said that, let us also never forget that elections will come and go; Kenya will still be Kenya on 8<sup>th</sup> August. On 9<sup>th</sup> August, people will still be thinking about their school fees, food and so on. Therefore, my prayer is that the elections this year will be completely peaceful and, there will be no violence. God will look at our nation with a tender heart so that nobody gets hurt because of an election. No life is worth losing because of a political process.

Therefore, I once again thank the people of Nyeri County, Mukurweini and the many friends who have stood by me in this process of political leadership. God bless the Senate. God bless this country.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I also rise to support this Motion. I thank God for giving me an opportunity to work and serve our country Kenya. As a nominated Senator, I thank Sen. Murungi for giving me the opportunity to become a Senator in the 11<sup>th</sup> Parliament. I thank the President and the Deputy President for giving me the opportunity to be the Majority Whip in this Senate.

It has been a journey. I have learnt a lot. I thank all the Senators, both from the Minority and Majority side. I leave the Senate today appreciating everyone whom I have worked with. I thank the staff. They guided us. They have made us learn a lot and understand our rules and regulations. They have seen a lot from us. I believe we will continue to work together.

Mr. Temporary Speaker, Sir, I thank the Speaker of the Senate for standing with us, especially the nominated women and for giving us an opportunity to serve as other Senators. We have had a privilege. We had a lot of challenges, for instance, office space and staff. I hope that going forward; the Parliamentary Service Commission (PSC) will look at this. God willing, we will raise these proposals when we move to the National Assembly. This will ensure that Members of Parliament (MPs) enjoy the same privileges.

Mr. Temporary Speaker, Sir, I thank those we worked with in the Committee on Devolved Government and the Committee on Finance, Commerce and Budget. This has been a journey and it is commendable that this House passed the first Motion to enhance the National Youth Service (NYS). I am always proud and glad that we had that vision. That Motion was supported by many Senators. Today, the NYS is an institution that is properly enhanced, accountable and can support many young people. I still believe that it will be an institution that can manage and recruit persons who want to join the disciplined forces. A person can go through the NYS and join the disciplined forces.

Mr. Temporary Speaker, Sir, I hope that the next Senate will help the county governments. As we leave today, we leave the county governments in limbo; they do not know the dates when the next governors will ascend to power. I hope that the Senate will look at the assets of the county governments. I hope that county governments will take over and reduce the amount of the revenue that they access from the national Government. They should be able to collect their own revenue so that they grow.

I want to thank Kenyans and the media. The media is an institution that has walked the journey with me. I thank all the media houses for supporting and building us on different platforms. I appreciate this Senate because we were able to sit with powerful men who worked in different Governments as Ministers and have taught us a lot. As we leave, we are better. I believe that I will be able to transform the National Assembly. I will ensure that it is a House that Kenyans appreciate. It should be a House that keeps its promises, that respects other levels of Government and the revenue that is collected from Kenyans. Therefore, everyone should have an opportunity to work for Kenyans without having doubts of why they were elected.

Mr. Temporary Speaker, Sir, this Senate will go down in history as one of those institutions that had a lot of challenges. However, we were able to pass Bills and take

them to the National Assembly. Today, there is the issue of food insecurity in the country. If we had passed and implemented the Agriculture, Fisheries and Food Authority (Amendment) Bill, we would be talking a different language. At the same time, we hope and believe that the next Senate will have money to oversight the national Government and the county governments.

We must appreciate that the Senate is not the only institution that is mandated to safeguard devolution. The National Assembly and all Kenyans should also appreciate devolution. At the end of the day, we are all Members of a particular county. Therefore, we hope that we will not see the notion of ego-fighting in the next Parliament. We hope to see a Parliament where both Houses will sit and have informal meetings to mediate on some of the critical Bills and have a consensus. This way, we will conduct business faster for our country and people. At the same time, we should harmonize the Houses to appreciate that we do not need aggressive competition where people leave one institution for the other. We would rather leave the institution of Parliament to become governors. That way, we shall strengthen this House.

Mr. Temporary Speaker, Sir, we are leaving having not seen the finality of most reports. *Sine die* adjournment means that all the reports are done away with and we will start again. That is not fair because we are using resources we receive from the public. I believe that it is important for us to have a recommendation that will help the country. Therefore, the reports of different committees should come to pass and their recommendations be implemented.

As we adjourn, we should appreciate that Parliament has a training institute. Some Senators, perhaps due to ignorance, have not had the privilege to access that institution. The next Parliament should understand the institution and the privileges that are there. It is the role of the Parliamentary Service Commission (PSC) to strengthen departments, staff and the institutions of Members. There should be a report that states that the PSC of the 11<sup>th</sup> Parliament was able to bring up an awesome building that is almost complete. It should also table the budgets that were passed by Members and the challenges they went through to receive monies. The PSC has never done that.

Mr. Temporary Speaker, Sir, we cannot be in a House where we do not know our rules and regulations or what is happening to our budgets, yet, we want to oversight other institutions. It is time for Parliament, through the PSC, to start being transparent and accountable in what they do to their Members and staff. God willing, when I join the National Assembly, I will stand a fight on so many battle-fronts. We have very good staff who would wish to see Parliament work in a transparent way.

We also want to digitize Parliament to minimize the use of papers. Therefore, I pray to God that we shall have a different 12<sup>th</sup> Parliament. When we start to clean Kenya of corruption, we shall start with our own institution. Therefore, Kenyans will appreciate our work.

Mr. Temporary Speaker, Sir, as I finalise, I want to thank the people of Dagoretti North Constituency for being very kind and humble. I want to thank everyone who will vote in Dagoretti North Constituency. I know that we will walk a journey to transform Dagoretti North Constituency to be the model of a few constituencies in Nairobi that can change the lives of many Kenyans who are in need.



We pray to God that through his mercies, His Excellency the President will have a second mandate to ensure that his agenda for this country will move on to the next level. We pray to God that through his will, it will happen. Those of us who are going to compete for positions, pray that we shall have peaceful elections. No politician would wish to see a young person pass on because of politics.

We need to deal with issues without looking at our ethnicity and the negative challenges that we have faced. We need to look at the positive challenges, for example, provision of basic needs, shelter, food, education and security. These are the things our people yearn for. Our young people also need to be employed. We need to tell Kenyans what we will do things differently from the incumbents. I believe that if we do that, we shall stand to be counted.

I thank God for this Senate and may God guide even the souls that departed. May the late Sen. Mutula Kilonzo, Sen. Otieno Kajwang and Sen. Boy Juma Boy of Kwale County rest in peace.

I support.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, this is my last opportunity to address a very important gathering tonight. It is important in the sense that we are adjourning *sine die* tonight and some of us are going to be members of the open society, whereas others are expected to come here after the General Elections of 8<sup>th</sup> August, 2017.

I wish good luck to those people who will be leaving for various pastures. For those who will have another chance to come back here after the General Elections, I wish them the best. This is a process and we should see it as such. It is a process that is in the world in both developed and developing countries. What we have done in this House has left most of us open-minded. It has provided an exposure to most people and Senators. Indeed, the Senators have had the chance to work for Kenya. This is very important because working for the “upper House” is like making final decisions for the entire Parliament.

I, therefore, thank those who made it possible and particularly, the people of Kirinyaga County who voted for me to be their first Senator. I also thank those who voted for me earlier to be their Member of Parliament (MP) for Kirinyaga Central Constituency and those who are likely to vote for me on 8<sup>th</sup> August, 2017 as I make a comeback to the Senate.

Mr. Temporary Speaker, Sir, when the Senate started running, some of us did not know exactly what the Senate was meant to do. Through struggle we have now come to the end of a chapter of the four-and-a-half years that we have been here. We have been supported a lot by the executive, particularly in the Senate, staff of the Senate and also the presidency. If it were not for them, we would not be here.

I thank fellow Members who have been here with me and particularly, my Committee on Education. As I talk, all the Members here, except you, are Members of my Committee. You can see how thorough, serious and committed they are. I thank them for what they have done all through. We have participated in very many motions and significantly, passed a very important Bill today on Early Childhood Development (ECD).

I hope that as we talk about education reforms in the country, this Bill will play a pivotal role in shaping the reforms that the Cabinet Secretary (CS) for Education, Science and Technology will introduce. This is because without having the ECD in place and even without clarity of what it entails, it would be pointless for us to think about education reforms and education for all.

I also thank the Ministry and the President for making it clear that the Jubilee Government is out to provide free education from next year. When that is associated with my Committee, I feel that it is my Committee that has come up with it since we have always discussed free education for all and the scrapping the 8-4-4 system. I came up with that Motion in the 9<sup>th</sup> Parliament and I am happy that after a long time, people are coming back to say that this is what was discussed in Parliament. They must have seen something useful for them to want to make it a reality.

Mr. Temporary Speaker, Sir, it will be pointless to talk of devolution without talking of oversight. The Senate is an important House that protects county governments and is supposed to oversee them as well. However, you will realise that the money that we spent in county governments is a lot. Earlier today, we passed Kshs302 billion to go to the county governments. Surprisingly, governors will just share it. They will sit and agree on what they will do but nobody will care to know how it will be done. We needed to have decided exactly how that money will be used. There should have been an oversight fund. A total of Kshs4 billion or Kshs6 billion per county in a financial year should not be spent, without anybody from this House scrutinising how it is done. In most cases, the money has gone to the drain. When we invite Governors here to tell us exactly what happened and they are grilled by the Committee on County Public Accounts and Investments, nothing happens thereafter because we never see the results of these financial matters from counties.

As much as we thank the Committee on County Public Accounts and Investments for doing that, we have not had time to discuss any report from them. It is like it was just an exercise in futility. We should be a House that is capable of running issues; one that can mainstream county governments and give them directions. If there is a way that we can have a training and interaction sessions with governors as soon as they are elected so that they can get to know our limit and theirs as far as running counties is concerned, that should be taken as a very important exercise for running affairs of county governments.

It is also important to note that most governors have belittled the role of this House. Some were summoned here, but did not come most of the time. Some of them came but instead of responding to queries, they just gave written submissions. Sometimes they just sent their deputies. That shows that there is a missing link between the Council of Governors (CoG) and the Senate. The Senate should be respected as a House that protects county governments.

The Senate should be seen as the only House which can discipline governors, but it has not happened in the four and a half years that we have been here. We have not had the time to discipline anybody. It is like they now take the Senate for granted. This is something I hope will not happen in future. With time, the Senate will grow to be a powerful power House.

The other thing we have noted is that, at times there have been a lot of delays in passage of very crucial Bills. As we go out tonight, there are some Bills that have not even been attended to. There are Reports that have not been discussed, and yet they are going to lapse as per Standing Order No. 146 (3). When they lapse, it means that all that is money and time wasted, and that should not have happened. Let there be a programme where we must pass a certain number of Bills per month, term or Session so that we will be seen like we are working.

Let every other person be seen like he is committed to the work because that commitment is calculated. We need to have a system where Senators feel like they belong and report to the Speaker for guidance if there is no such a development. So, it is important that all of us here should be seen like we are collectively responsible for mistakes and success of this House. Where we have succeeded, we say that we have done well. Where we have failed we need not point fingers, but find out why we have failed, why we have not passed some of the very important Bills and why even some of the amendments were not possible to be made.

This is something that should be addressed on time so that we are seen to be a House that is meaningful, delivering and capable of shaping the destiny of our country. It is important to also note that as we go out now, we are going without acting. As we pack, we will not see some of these people again, maybe for five or ten years. We will just have memories. So, those will be fond memories for what we have been doing here.

I thank all the Members who have been here to contribute and support one another. I will miss all of them. Those on the other side of the opposition, we behaved and acted like brothers. Those on the Government side were able to interact quite a lot and that is what all of us are going to miss, including those who have left us even before. May they rest in peace and we meet somewhere in heaven. Thank you.

I support the Motion.

**The Temporary Speaker** (Sen. Sang): Thank you, Sen. Karaba. Yes, Sen. (Prof.) Wilfred Lesan Rotich of Bomet County.

**Sen. (Prof.) Lesan:** Thank you, Mr. Temporary Speaker, Sir. On the very onset this afternoon, I want to take this time to very first of all thank the people of Bomet County for having given me the opportunity to represent them in the Senate of Parliament of Kenya.

I also thank the United Republican Party (URP), the precursor of Jubilee Party that supported me when I came into this. This is the party that I first joined and it assisted me to come to this House.

Since this is the last day that I am in this House, of course not the last day as a Senator of Bomet until another Senator is elected, I want to thank all the Senators. We worked together for this country and performed our role as Senators. We know that most of the work in the Senate or in Parliament is mainly done in committees. I was fortunate that I was appointed to join several committees where I spent my time and energy serving the people of Bomet County. I want to thank the Members for electing me to the Committee on Information and Technology. This is the Committee where I learnt the first role of how a committee operates. More particularly is the Chairman of this

Committee, Sen. Kagwe. He very ably led the Committee and we were able to learn a lot on the operations of committees.

Mr. Temporary Speaker, Sir, I was also fortunate that I was a Member of the Committee on Education and also the Committee on Health. I come from the medical profession and this is the Committee that I felt comfortable in when serving this House. I was very happy and feel honoured to have been given an opportunity in this Committee. Indeed, this afternoon, one of the amendments that were passed in this House is one of the Bills that I moved as a Member; The Medical Practitioners and Dentist Board (Amendment) Bill.

I was also fortunate to work with very able Members in the Committee on Devolved Government where I was given the opportunity to become the Chair. Despite the many challenges we encountered in this Committee, we did a commendable job under difficult circumstances. There are some experiences that we have all learned as Senators in this House. I do not want to repeat the many experiences with my colleagues because they are more or less similar.

There are things that worry me which I have learnt in the last four years I have been here or perhaps even before I came here. It is very unfortunate in this country if leadership is going to be on sale. This is a situation where this country is going to lose useful and able leaders who are unable, or who for some reason do not believe in this kind of leadership. I am one of those. I do not believe in buying leadership. I would rather present myself the way I am so as to be given an opportunity to serve. My understanding and feelings about this was strengthened when I was fortunate to visit the United Kingdom last week when an election was going on. I did not see a single poster anywhere; on the roads, posts, or on the walls. I saw aspirants directly asking for votes. They would actually write a letter and put it into a pigeon hole or put it on the floor or door houses and explain themselves. They would knock at the door and look at you on the face and tell you what they are going to do. It is more convincing than using the system that we are using which is wasteful. In fact, it has made some of these leadership positions seem like they are on sale. You have to spend so much to tell the people who you are and why you want to serve them.

I do hope that somewhere along the way, maybe the coming generations of this country will probably realize that leaders are God-chosen through people. Right leaders will come into place and will do justice to the people, without necessarily having to use monetary resources.

We have also witnessed several things that need to be rectified, both in the National Assembly and also in this House. Some of the things are fairly obvious. The two examples that made me to understand that things are not very correct here is that it is during this Parliament that the court nullified the laws that had been assented to by the President. This tells us we need to be able to look at the way we make laws in this country, so that there is complete and comprehensive consultation with all interested arms of citizenry of this country before a law is passed and assented to by the President.

The other one, of course, is The Division of Revenue Bill. We know that we have had to struggle so much with this Bill, starting with the very first one where we ended up in the Supreme Court, and even the last one here over which we have had a prolonged

mediation period. I am sure that a certain aspect of the law can be amended so that this can be done fluently and efficiently, so that we do not have to go through this kind of thing.

I must speak on this because I think this is one of the things that is the cornerstone of whatever else Kenya is going to be. Whatever else Kenya is going to be in the future depends on whether we coexist in a peaceful State regardless of our circumstances. Whether this country becomes a first-world country or continues to remain a developing country, peace is very paramount. I want to thank the youths of this country. There are certain indications of the youth in this country that are showing that at least there is a future in this country. The many inter-tribal marriages that are happening within our youth in this country might be a sign of things to come in the future; that people can develop lasting friendship across their tribal cocoons where they come from. We do hope that this will grow, expand and make Kenyans work together.

I know that some Senators would wish to be governors, others Members of the National Assembly and some would want to come back to this House. I want to wish each and every one of the Senators, who aspire to serve this country in any other capacity, the very best as they continue to do so. Coming from the medical profession, I think it is time that I continue to serve this country well in the very field that I know how to do best and where I am needed most. I am sure in my profession, where the health of the country is paramount, it is important for some of us to go and serve the country in other capacities. I am so thankful because I have had the opportunity to grow in many ways in the last four and a half years that I have been in the House. I have intermingled with both 'big' and 'small' citizens of the country. I value the experience that I have had here. I must also thank this Senate for lasting this long. The last Senate that we had in this country lasted for two years; this one has lasted for four and a half years. I do hope that it is going to last for even much longer and play its intended role in this country.

For those who have taken responsibilities, especially, in the new devolved system of government, more particularly, the Chief Executive Officers (CEO) of the county governments, the greatest failure of the devolved government system is how we will use the resources that we devolve to the county governments in to the hands of the CEOs. This is one of the things that we would wish to change and get to a situation where governors will volunteer to come here and tell us the successes they have had in the counties and not defend themselves and the enormous theft that has been going on in the counties. This will ensure that this country and the youths of this country will have an opportunity to grow and enjoy their country in the years to come.

With those remarks, I beg to support. I wish this country the best. God bless Kenya.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Sang): Hon. Senators, it is now time to adjourn the Senate. The Senate stands adjourned *Sine die*.

The Senate rose at 8.15 p.m.