

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 23rd September 2015

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

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

PRAYERS

STATEMENTS

Sen. Khaniri: Mr. Speaker, Sir, the usual practice is that if there are Members seeking for statements, then they would request electronically to catch your eye. But there are those Statements that are listed in the Order Paper, so I expected that if there were no new Statements being requested, then we go to the ones listed in the Order Paper.

Thank you.

Sen. Njoroge: Mr. Speaker, Sir, I was going to make a similar plea because I am expecting a Statement from one of the chairmen.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker Sir, I have the answer on the question raised by Sen. Paul Njoroge on behalf of my chairman. May I proceed?

Speaker (Hon. Ethuro): Proceed

FREEZING/HANGING OF SAMSUNG ANDROID MOBILE PHONES IN KENYA

Sen. Mutula Kilonzo Jnr.: The response is as follows; I will not repeat the Questions.

- 1) The Government is aware that Samsung Android mobile phones, which are among the popular mobile brands that are imported into the country, malfunctioned.
- 2) The malfunctioning of these phones could be caused by two main reasons;
 - a) Software incompatibility and virus attack. Users at times install incompatible applications or simultaneously run several applications beyond the memory capacity of the device.
 - b) Counterfeits: These are normally cheap and some members of the public get duped into buying the same based on brand names. Counterfeits often do not work properly.

- 3) The following measures are being taken to address the problem;
- (i) Regulation of imports: The Government through the Communication Authority of Kenya (CA) undertakes an assessment of communication devices including mobile phones on whether they meet the national/international standards and interoperability within other ICT systems in Kenya. This is done by issuance of type-approval and type-acceptance process. Similarly, though no Kenyan original standard is currently in place for Android phones, it is a requirement that all mobile phones imported are inspected using international standards such as International Electro-Technical Commission (IEC) standards and issued with certificate of conformity.
 - (ii) Software solutions - In cases where the problem is software-based, vendors normally solve the problem through software reloads and upgrades. Samsung has set up a regional office and training centre in Kenya and a critical mass of technicians are being trained.
 - (iii) The Ministry of Information, Communications and Technology through the Anti-Counterfeit Authority is running a programme to sensitize the public against purchase and use of counterfeit goods. The institution (CA) is also being strengthened to seize and destroy counterfeit goods. Similarly, the public is strongly advised to send, via SMS, the serial number of the mobile device referred to as, IMEI, to mobile code 1555 upon which they receive in return a confirmation in terms of the model and manufacture's details in respect of the device.

If these details match with the actual set at hand, chances are then high that the device is genuine.

- 4) In line with the Legal Notice No.78 of the Pre-Export Verification Conformity, all imported mobile phones including Samsung Android, are in the list and therefore subject to inspection at the source and if compliant with the relevant international standards, are issued with the Certificate of Conformity if you were stopped from shipment to Kenya. I beg to submit the Statement.

Thank you.

(Sen. Mutula Kilonzo Jnr. laid the documents on the Table)

Speaker (Hon. Ethuro): Sen. Njoroge

Sen. Njoroge: Mr. Speaker Sir, I beg as well to go through that report even after this, but I think I am satisfied.

(Loud Consultations)

Speaker (Hon. Ethuro): Order! Sen. Njoroge will be protected! If the Member is satisfied, he is satisfied. It is not for the rest of you to measure his level of satisfaction.

Sen. Njoroge: I am satisfied with the answer given by the Vice Chair of the Committee, but I believe the problem still continues as far as the Samsung mobile phones are concerned and something has to be done.

Thank you.

Sen. (Dr.) Machage: Mr. Speaker Sir, in the Statement given by the Chair, the onus of weeding out counterfeit telephones seems to have been left to customers and the company or the Government seems to take no responsibility to make sure that the counterfeit telephones are weeded out. Could he tell us if there are any efforts being made towards the same?

Sen. Leshore: Mr. Speaker, Sir, Sen. (Dr.) Machage has just “stolen from my mouth” what I wanted to say but additionally, I would like the Senator for Makueni or the Vice Chair of the Standing Committee on Information and Technology, to tell us how many mobile phone companies have been taken to court for dealing with counterfeit goods. I believe there are a lot of counterfeit mobile phones in Kenya. When you buy a Samsung Phone in Nairobi, it is cheaper than a similar one in Dubai or Japan. Why is it so?

Speaker (Hon. Ethuro): Yes, Acting Chair of the Standing Committee on Information and Technology.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I will start with Sen. Leshore. Unfortunately, the question he has asked was not asked previously and, therefore, we obviously could not get the statistics but I strongly believe that there are obviously counterfeits.

In response to Sen. (Dr.) Machage, I would like to say that the first onus is on the person holding the device. That is why they have given out the details on how to check whether your phone is a counterfeit by sending a mobile code 1555 to get a verification.

The agency is also undertaking---

The Speaker (Hon. Ethuro): Order Senator. By sending---

Sen. Mutula Kilonzo Jnr.: Let me read it; “You send an SMS of the mobile phone device to mobile code 1555. The number is supposed to match your IMEI so that then, you will tell whether your device is genuine or not.” That is the answer to the question but in terms of what the agency is doing, they are running a programme against purchase of counterfeit goods. There is also an attempt to strengthen the seizure of counterfeit goods.

Thank you.

Sen. (Eng.) Muriuki: On a point of order, Mr. Speaker, Sir. I am trying to catch your eye through the correct---

(Sen. (Eng.) Sen. (Eng.) Muriuki's microphone went off)

The Speaker (Hon. Ethuro): Actually, I was seeing you. However, I thought that what you have is not related to this matter.

Sen. (Eng.) Muriuki: It is very much related.

The Speaker (Hon. Ethuro): Proceed.

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, Sen. Njoroge is satisfied with the answer. However, from the answer that was given by the Chairman, it appears as if problems

emanating from Samsung phones have something to do with counterfeits. I bought my phone from a Safaricom Shop who purported to be, by then, the only agents of Samsung S5 phones.

Mr. Speaker, Sir, the issues originally raised by Sen. Njoroge are such as a Samsung phone occasionally going off or when you write a message, some letters appear in capital. Assuming that Safaricom is not likely, I hope, to be dealing with counterfeits, could the Chairman delve into the matter a little bit more and tell us if there are no fundamental problems with Samsung mobile phones?

The Speaker (Hon. Ethuro): Chair.

Sen. Mutula Kilonzo Jnr.: In fact, Mr. Speaker, Sir, that question was answered. There are two issues. First, there is software incompatibilities and virus attack, which is one of the answers that I gave. Sometimes, that is possible because there was no specification as to any virus attack. Safaricom officers said that it could be possible that you could be having an application with a virus attack. They also said that you could have run applications beyond the capacity of the device.

They gave us solutions. One of them was that you can reload your software at Samsung Electronics Offices and Regional Training Centres in Kenya. If you have a problem with your Samsung phone, you should visit their offices where technicians will be waiting for you to explain to them the problem with your software, Sen. (Eng.) Muriuki.

Thank you, Mr. Speaker, Sir.

(Laughter)

The Speaker (Hon. Ethuro): Let us now look at Statement (d).

CRITERIA FOR APPOINTMENT/REGIONAL
DISTRIBUTION OF APPOINTMENTS TO PARASTATALS

The Speaker (Hon. Ethuro): Is the Vice Chairperson of the Joint Committee on National Cohesion and Equal Opportunity around?

Let us move to Statement (e) which was directed to the Committee on Energy.

(Sen. Moi consulted Sen. Murkomen)

Order, Sen. Moi!

FREQUENT POWER BLACKOUTS IN
WEST POKOT COUNTY

Sen. Moi: Excuse me, Mr. Speaker, Sir. Could you repeat the question because I was being briefed by Sen. Murkomen?

The Speaker (Hon. Ethuro): Order, Sen. Moi. I thought you are coming here for business of the House but not for some bilateral talks with the Senator for Elgeyo-Marakwet who is notoriously known for misleading Members.

(Laughter)

Sen. Moi, I suppose you have the Order Paper. We are now on the Order of "Statements." There is a whole appendix on page 654. We are dealing with your matter which is Statement (e).

Sen. Moi, since the Member for West Pokot County is not around, that should give you some time to peruse the Order Paper. However, I also demand apologies from you for not concentrating and making me repeat myself.

Sen. Moi: Mr. Speaker, Sir, I sincerely apologise.

The Speaker (Hon. Ethuro): Could we now move to Statement (f) which was directed to the Standing Committee on Agriculture, Livestock and Fisheries?

Statement (g) was directed to the Standing Committee on Legal Affairs and Human Rights. Where is the Chair, Sen. Wako, Vice Chair, Sen. Sang or any other Member of the Committee?

STATUS OF PREPARATION OF IEBC FOR
THE NEXT GENERAL ELECTION

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, the Independent Electoral and Boundaries Commission (IEBC) gave us very many answers regarding questions raised by Members. However, we requested the IEBC to split the answers so that questions by Sen. Khaniri, Sen. Obure and another one on another issue which I cannot remember now come separately. Otherwise, the Committee has received the answer from the IEBC on preparation for the next General Election together with a programme on how it will undertake the work. If you allow me, I will present it on Tuesday.

The Speaker (Hon. Ethuro): What will you present?

Sen. Mutula Kilonzo Jnr.: The answer, Mr. Speaker, Sir. We were given all the answers in one letter. However, we requested them to redo it so that we have separate answers for Members' consumption.

The Speaker (Hon. Ethuro): What do all the affected Senators have to say? I realise that two are together. Therefore, Sen. Obure, you can speak for both.

Sen. Obure: Mr. Speaker, Sir, I am glad to hear that the answer is available. For that matter, why would the Vice Chairperson not give out the answer tomorrow?

The Speaker (Hon. Ethuro): He is not the Vice Chair.

Sen. Mutula Kilonzo Jnr.: I am still holding brief.

Mr. Speaker, Sir, we have not received the answer. Could you allow me to find out from the secretariat whether they have split it as directed by the Committee?

The Speaker (Hon. Ethuro): What was the indication? Did you have any timelines?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, last week, we gave them a week to give us the answers separately, particularly concerning Sen. Obure's question which was a little more detailed than the rest.

Sen. Obure: Mr. Speaker, Sir, in the light of the fact that the particular Member of that Committee makes a lot of effort, I will accept the proposed date of Tuesday.

The Speaker (Hon. Ethuro): Fair enough.

Members, there are Statements that have not been responded to. I will do another round and apply the necessary consequences.

We have a Statement that was directed to the Standing Committee on Health. Is the Chairperson, Vice Chairperson or any Member around?

HEALTH STATUS OF CHILDREN MISHANDLED
BY MEDICAL STAFF IN BUSIA COUNTY

Sen. Omondi: Mr. Speaker, Sir, I request my colleague, a Member of the same Committee, Sen. (Dr.) Machage, to respond to that.

Sen. (Dr.) Machage: Mr. Speaker, Sir, I am the questioner and, therefore, I cannot take that call.

(An hon. Senator spoke off record)

Yes, I am a Member of the Committee. However, I am also the Senator for Migori County.

Sen. Billow: On a point of order, Mr. Speaker, Sir. The Senator for Migori County, who is the Vice Chairman of the Committee, has invariably been the one answering questions relating to the Committee on Health in this House. I need your guidance on this. How do you then, as the Vice Chairman, ask your own Committee a question?

An hon. Senator: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Order, Members. Could we listen to the Senator?

Sen. Billow: Mr. Speaker, Sir, how then do you ask your own Committee a question? I thought that as a Member, you can deliberate on issues and then seek for answers?

The Speaker (Hon. Ethuro): Sen. (Prof.) Lesan.

Sen. (Prof.) Lesan: Thank you, Mr. Speaker, Sir. I am a Member of the Committee on Health, as well as my colleague, the Senator for Migori. I am aware that this question came to the Committee, and I think there is an answer but it is with the Chairperson of the Committee who is apparently not here and I do not have the answer with me. We are asking that you indulge us, so that we issue the Statement tomorrow.

The Speaker (Hon. Ethuro): Order! Sen. Khaniri, may be after I have made my remarks, you may decide whether you wish to continue or I will have satisfied you. I am disappointed by the Members of the Committee on Health because; how can Sen. Omondi put to task her own colleague in the Committee whom she knows very well is the one who sought the Statement? Either Sen. Omondi, you should have done it yourself or just keep your peace. Similarly, to Sen. (Prof.) Lesan, you purported to rise hoping that you were going to make a contribution only to inform us that you are aware. Already, the House is aware. That is why it is on the Order Paper.

Sen. Billow, you rose on a point of order purporting that you knew Sen. (Dr.) Machage is the Vice Chairman. You even went ahead to make some serious assertions that he has been making the responses which is not correct. The Vice Chair of the Committee is Sen. Zipporah Kittony and she has been very elaborate in answering the questions. You ought to know. How can you fail to know?

Fundamentally, Sen. Billow, you are all Members of one or two or another Committee. That does not take away your right as a Member of the House representing a particular county to raise the issues of that county. What will be inappropriate is like when Sen. Omondi asks Sen. (Dr.) Machage to answer his own Statement. That is unacceptable but for the Statement to be sought by the Member of the Committee, that is perfectly in order because we canvass issues of public interest and might be of more interest even beyond the Committee and that particular Senator.

Sen. (Dr.) Machage: With all due respect to the Chair, I refer to the reprimanding of the Committee by the Chair---

The Speaker (Hon. Ethuro): Which Chair?

Sen. (Dr.) Machage: The Speaker of today's sitting; yourself. I am being polite because of your powers. The membership of the Committee on Health is very active and even Sen. Billow does accept that. I have answered many questions in this House. Sen. (Prof.) Lesan has answered many questions just showing how active the membership is. May be the blame should be directed to the right people. We have had a Chair who has been indisposed and has not been fairly well for the last few months. We have to appreciate that and bring that information to you so that---

The Speaker (Hon. Ethuro): Order, Sen. (Dr.) Machage! Just because you have clarified your contribution to the Committee, which I said even the Vice Chair has been active, I have not said you are not but I am just saying, today, obviously there was no coordination amongst the Committee Members. That is why you are throwing the ball all over the place and you want the House to entertain that and applaud you? We cannot and I stand by my assertions that the Committee could have done better. I thought you should be the one to agree with me because how does a fellow Member ask you to answer your own Statement?

Sen. Kisasa: Mr. Speaker, Sir, we are the majority Members of the Committee on Health as you can see. Do not blame us; we are going to be organized.

The Speaker (Hon. Ethuro): But your majority status is of no use to us for now. In fact, that is the more reason why you should be having a Statement because you have more people to answer.

Sen. Obure: Mr. Speaker, Sir, I want to support the position on the sentiments you have expressed to Members of the Committee on Health. As a matter of fact, this Order Paper has been available to us since morning and any one of the Members of that Committee should have seen that an answer would be required here. If there had been some coordination and consultations among the Members, we would not be in the state we are now.

The Speaker (Hon. Ethuro): Well put, Sen. Obure, and I even wish to add that this is the second round of going through the Statements. In the light of all these, Sen. (Dr.) Machage, do you really want to challenge me or you are better off apologising to the Chair?

Sen. (Dr.) Machage: This is a question of national importance and I did ask it for the purpose of educating the nation on this issue. I am equally disturbed that my question could not be answered by the relevant authorities of the Committee whereas I am privy to the information that the answer is available to the Committee. I may be not too naive to repeat what you have said. I am more equally concerned and let us accept what Sen.

(Prof.) Lessan said that the answer should be available tomorrow if he is able to get it from the Chair and the Vice Chair. I will accept.

The Speaker (Hon. Ethuro): Order, Members! I really want you to consider that we were right on what we told you. I was actually very lenient in the first call of the Statements and so we have gone back and you can still see the confusion. We were expecting at the time when we are going through the other statements, given your majority status and your sense of responsibility as you claim, the answer would have been issued since it is ready but under the circumstances, I am directing that Sen. (Prof.) Lessan will answer this Statement tomorrow afternoon.

CAPACITY BUILDING FOR COUNTY SECURITY/
ENFORCEMENT OFFICERS

Sen. Murkomen: Mr. Speaker, Sir, we have not received the answer to that request. The reason is that we wrote to the Council of Governors and we also wrote to the Cabinet Secretary. The Cabinet Secretary said the matters of security of counties and formation of security teams are not within their confines. On the other side, the Council of Governors said that it has to be county specific; that each county must take care of itself. As a Committee, today, we decided to now call the Council of Governors to appear before us. Ordinarily, we would have procured a statement but we want them to appear before us to discuss that matter and we will invite the Senator to the meeting. If he can indulge us for another two weeks, we will make sure we invite them and the Senator to be present.

I want to request my colleagues that in future we hope to get specific questions for specific counties on that matter so that we can deal with it. Thank you.

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

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. You heard the ping-pong response from the Chairperson on the real custodians of security matters at the county level. Is it in order for the Chairperson to give us that kind of answer when we know very well that security is a matter of the national Government being handled by the Jubilee Government?

Sen. Murkomen: Mr. Speaker, Sir, I do not think Sen. (Dr.) Machage understood the question. I invite him to read the question that was asked by Sen. Khaniri.

Sen. Khaniri: Mr. Speaker, Sir, there is this old saying that people who live in glass houses should not throw stones. You should have been here yesterday to listen to Sen. Murkomen accuse me and my Committee on Land and Natural Resources for being inefficient and incompetent just for requesting for three weeks to come up with a response to this House.

I raised this matter in February. If you can check on the HANSARD, I think it is February this year when we had just begun this Session. Six or seven months down the road, the Chairperson is coming here with stories; *ooh*, we wrote to the governors – *ooh*, we did what; the same Chairperson who accused my Committee of incompetence. You will bear me witness; one of the most active Committees in this House which responds to questions promptly is my Committee.

(Applause)

We take the business of this House very seriously.

Since this matter---

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

The Speaker (Hon. Ethuro): Sen. Njoroge, Sen. Khaniri is on a point of order. Sen. Njoroge, I will allow you to speak afterwards.

Sen. Khaniri: Mr. Speaker, Sir, since the matter has been in abeyance for the last seven months; and you can hear the Chairperson is asking for an additional two weeks, would I be in order to ask you to order him to come with a response next week to demonstrate competence?

Sen. Njoroge: On a point of order, Mr. Speaker, Sir. I had not noted that Sen. Khaniri was on a point of order. I was just curious to know who lives in a grass-thatched house. I had not heard “*ooh ooh*” before; for the sake of the HANSARD, it is important for him to put those words together so that we can understand.

Sen. Khaniri: Mr. Speaker, Sir, we can excuse Sen. Njoroge because, he was not hear yesterday.

The Speaker (Hon. Ethuro): What did you refer to?

Sen. Khaniri: Mr. Speaker, Sir, I referred to the fact that people who live in grass houses should not throw stones.

The Speaker (Hon. Ethuro): I thought I heard Sen. Njoroge talk about grass-thatched houses.

Sen. Khaniri: Mr. Speaker, Sir, that is not my quote, let him clarify that one.

The Speaker (Hon. Ethuro): Order! There is another one on the other part.

Sen. Khaniri: Which one?

The Speaker (Hon. Ethuro): Sen. Khaniri, you have not been listening.

Sen. Njoroge: Mr. Speaker, Sir, I heard Sen. Khaniri repeat twice, “*ooh! Ooh!*” I did not understand where that came from because---

The Speaker (Hon. Ethuro): And the one of grass-thatched houses?

Sen. Njoroge: Mr. Speaker, Sir, I was just connecting that type of a house he was referring to mine which---

The Speaker (Hon. Ethuro): Proceed, Sen. Khaniri.

Sen. Khaniri: Mr. Speaker, Sir, I am not about to start teaching Sen. Njoroge English exclamations. That is just a simple English exclamation.

Sen. Murkomen: Mr. Speaker, Sir, for those who were here yesterday, a question was posed to Sen. Khaniri and instead of taking responsibility, he blamed the Jubilee Government. My Committee will not blame the Jubilee Government. We take complete responsibility for the delay. I agree that there has been back and forth between us and the two institutions. I take positive responsibility for that delay. In a week’s time, we can come here with an answer. If Thursday next week is okay with him, we will issue the Statement.

I have also felt cheated by the kind of process that is going on. As a Committee, we take this House seriously. I request up to Thursday because I think the Senator will be available.

Sen. Khaniri, I will not blame the Jubilee Government; I have only myself and my Committee to take it seriously.

The Speaker (Hon. Ethuro): Sen. Murkomen, maybe you may wish to blame the alternative but it is not possible.

(Laughter)

Order, Members! As the Chair, I am satisfied that the Chairperson of the Committee on Devolved Government has shown extreme sense of responsibility and remorsefulness except for the matter that I was not very sure he knew which Statement he was responding to and his lack of concentration when he is around, including confusing other Chairpersons. Now I am even learning that he lambasted others yesterday. The point that Sen. Khaniri is making apart from why you respond the way you did, was that maybe, as a fellow Chairperson, you must appreciate the difficulties that Chairpersons go through and you may not be the first one to blame the Committee.

So, I will give him the two weeks he requested because I am anticipating that when you are dealing with other parties, it might take quite a while to interrogate the matter and compile the report.

However, hon. Members, on a serious note, it is important to note that we publish the Order Paper to give you adequate notice so that you can come to the House prepared. It is challenging when you are present and not aware when your Order is coming up. We expect absolute alertness.

Let us proceed with Statement (d) by the Committee on National Cohesion and Equal Opportunity. Who is the Vice Chairperson? I suspect that it is the Senator for Marsabit. Are other Committee Members in the House? This is a big Committee; you cannot miss a Member in the House.

Sen. Omondi, I hope you are not passing the buck again.

CRITERIA FOR APPOINTMENT/REGIONAL DISTRIBUTION
OF APPOINTMENT TO PARASTATALS

Sen. Omondi: Mr. Speaker, Sir, I take the responsibility to liaise with the Chairperson and the Vice Chairperson. If allowed, we will issue the Statement next week.

The Speaker (Hon. Ethuro): I direct that Sen. Omondi responds to this question on Tuesday next week.

Sen. Omondi: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Committee Members, please, take responsibility. We do not have to point you out. We should not be on a rescue and search mission. You should be the ones ready to inform the House on the status of a Statement. We will appreciate.

(Statement deferred)

Let us move to Statement (e). Proceed, Chairperson of the Committee on Energy.

FREQUENT POWER BLACKOUTS IN
WEST POKOT COUNTY

Sen. Moi: Mr. Speaker, Sir, the person who sought the Statement is not here today. Kindly indulge me and I will reply next week.

The Speaker (Hon. Ethuro): Which day?

Sen. Moi: Mr. Speaker, Sir, on Tuesday next week.

The Speaker (Hon. Ethuro): It is so ordered.

(Statement deferred)

Let us proceed with Statement (f).

COST OF FERTILIZER FOR TEA FARMERS

The Speaker (Hon. Ethuro): Is Sen. Murungi, Sen. Ndiema or any Member of the Committee present? I will now be carrying my list of Members.

Sen. Wangari, there is a suspicion that you may be a Member.

Sen. Wangari: Mr. Speaker, Sir, the suspicion is wrong. I am not a Member of the Committee on Agriculture, Livestock and Fisheries.

The Speaker (Hon. Ethuro): Order Members. It is directed that this Statement be issued tomorrow afternoon. Deputy Majority Leader, you are ordered to convey and get the Chair or any other person, failure to which you will have the responsibility. You should do it tomorrow.

Sen. Keter: Mr. Speaker, Sir, Sen. Murungi was around. I will take responsibility so that he may come and answer this Statement tomorrow. If not, I will answer it because it is a straightforward Statement.

(Statement deferred)

The Speaker (Hon. Ethuro): That is the end of that particular Order.

Before we proceed, and this is why the Chair of the Committee on Devolved Government should do better to help us because we are bending backwards for him; the other Orders have been passed, but for good reasons, the report was being photocopied, we have a requirement that before the document is tabled, there should be sufficient copies for Members to access immediately the document is tabled.

We will have to go back to Order No.5 on Papers laid.

PAPER LAIDREPORT OF THE SELECT COMMITTEE OF THE SENATE ON
CONSTITUTIONAL AND LEGAL REVIEW

Sen. Murkomen: Mr. Speaker, Sir, on behalf of the Select Committee on Constitutional and Legal Review - I can hear one of my Members saying that it is called the Murkomen Commission but it is actually a Senate Commission - the Vice Chairman, Sen. Mutula Kilonzo Jnr., my colleague, Sen. Billow, are here. The others are not here;

they are in a small *baraza* at Uhuru Park. On behalf of my team, I beg to lay the following Paper on the Table---

Sen. Okong'o: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is it, Sen. Okong'o?

Sen. Okong'o: Mr. Speaker, Sir, did you hear Sen. Murkomen mentioning a small *baraza* which some of us are not aware of? Is he in order to mention *barazas* which some of us are not aware of? He mentioned a small *baraza* which is not part of what he was supposed to table. I am seeking your guidance whether he is in order.

The Speaker (Hon. Ethuro): Sen. Okong'o, let me understand you. What is your point of order?

Sen. Okong'o: Mr. Speaker, Sir, while Sen. Murkomen was in the process of tabling some papers, he mentioned a small *baraza* where some Members who are supposed to be in this House are. I am wondering which *baraza* he is talking about because I am not aware.

The Speaker (Hon. Ethuro): Sen. Okong'o, are you the custodian of all information especially pertaining to *barazas* that your failure to know means that such an event does not exist? From where I seat, I do not think so.

Sen. Okong'o: Mr. Speaker, Sir, it is not procedural in this House for a Senator to impute improper motives on other Senators. Sen. Murkomen has mentioned some Senators who are in a *baraza*. He has not mentioned the names of those Senators and the small *baraza*. That is why I am asking whether he is in order.

The Speaker (Hon. Ethuro): Sen. Okong'o, I am afraid that you are completely out of order. You are the one trying to push Sen. Murkomen to do what you know is not the right thing, which is imputing improper motives. That is why he is not mentioning names. That was not your point. Your point was that you are not aware. So you are completely out of order.

Proceed, Sen. Murkomen.

(Loud Consultations)

Order, Senators! Let Sen. Murkomen finish.

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

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

Sen. Omondi: Mr. Speaker, Sir, is Sen. Murkomen in order to talk about *barazas* without substantiating them? For recording purposes, may he tell us what kind of *barazas* he is talking about? What we know is that we are supposed to be in a Senate Sitting. Is he in order to tell us something about we cannot understand?

Sen. (Dr.) Machage: Mr. Speaker, Sir, today, the main principal of Coalition for Reforms and Democracy (CORD) is holding a major rally at Uhuru Park---

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

Sen. (Dr.) Machage: Mr. Speaker, Sir, I am executing my point. Let me do it in another way.

The Speaker (Hon. Ethuro): Order Sen. (Dr.) Machage. You are a Member of my panel, you can do better than that.

Sen. (Dr.) Machage: Mr. Speaker, Sir, let me re-execute my point of order. Is the Senator in order to refer to a meeting that is being held in solidarity with the teachers of this country over the situation of their salary? Anyway, the point is recorded.

(Sen. Murkomen stood up in his place)

The Speaker (Hon. Ethuro): Order, Sen. Murkomen. Sen. Omondi, it is not the business of the one who is making the assertions to substantiate. It is you to challenge him or her to substantiate. So the onus is not on the Senator speaking, who is Sen. Murkomen. That was your challenge. Instead of giving that challenge, you went ahead to try to justify.

Sen. Murkomen has not mentioned the *baraza*. There are many things that Members do. They could be attending funerals or *barazas*. So, as long as it is not specific, he has nothing to justify. That equally applies to Sen. (Dr.) Machage.

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

The Speaker (Hon. Ethuro): Sen. Murkomen, do you wish to be informed?

Sen. Murkomen: Mr. Speaker, Sir, no, at least not by Sen. (Dr.) Machage.

In response to all what has been said, there was a similar man like Sen. Okong'o called Cleophas who asked a similar question in Luke Chapter 24:18. He asked an Okong'o of that time whether he is the only man who is new in Jerusalem.

I would like to---

The Speaker (Hon. Ethuro): Order, Sen. Murkomen. That was on the road to Emmaus?

Sen. Murkomen: Mr. Speaker, Sir, you are right. Cleophas was on his way to Emmaus. I want to give you ten out of ten. The question was about what was happening in Jerusalem at that time. The question was if you were in Jerusalem, you must understand what is happening in Jerusalem.

PAPER LAID

REPORT OF THE SELECT COMMITTEE OF THE SENATE ON CONSTITUTIONAL AND LEGAL REVIEW

Sen. Murkomen: Mr. Speaker, Sir, I beg to lay the following Paper on the Table;-

Report of the Select Committee of the Senate on Constitutional and Legal Review.

(Sen. Murkomen laid the document on the Table)

Sen. Wako: Mr. Speaker, Sir, this is a very important document that has been laid by Sen. Murkomen, the Chair of the Select Committee of the Senate on Constitution and Legal Review. I think it is so important that I seek the Speaker's guidance on how we propose to move with this particular document. I would wish that when we come to discuss the Report in this House, which is a record in the HANSARD and will be in a

sense a very historical event to find out what the opinions of various Senators are on this matter and on the various proposals. It is important that the Senators speak from an informed point of view.

I suggest that it may very well be that not a *Kamukunji* which I know was called this morning but not very many people attended, that retreat, even if it means a one day retreat in Nairobi, in Samburu, Busia or somewhere, be called so that we go through this in depths and properly, and the reasons as to why it is the way it has gone. This will ensure that when it comes to the House, when we speak, we will speak as people having the authority on the proposals that have been suggested. I am merely standing up to ask for your guidance.

Sen. Keter: Mr. Speaker, Sir, I think this House is run by rules. I am wondering how comes Senator Wako, whom I really respect, the Papers have just been tabled now and I thought it was the time to have the Motion, and then give the Notice of Motion. I am surprised he is even talking of some issues which some of us are not aware of. We have just seen documents being laid on the Table

The Speaker (Hon. Ethuro): Order, Sen. Keter. If we you are sufficiently informed, through your own sources, including your rich neighbourhood, both left and right, you must appreciate where Sen. Wako sits. He is very far from you. I think Sen. Wako made a very good request on how we should proceed on such an important matter. He is just excited. He is just looking forward to it, and there is no harm, in my view, for him to ask how we should proceed. So, let us give him that chance and I will answer him accordingly.

(Sen. (Prof.) Lesan stood up in his place)

Sen. (Prof.) Lesan, is it on the same issues?

Sen. (Prof.) Lesan: Yes, Mr. Speaker, Sir. I also want to support the suggestion made by Sen. Amos Wako. This document has come as a result of a retreat somewhere. I remember we went to a retreat in a hotel and came up with this fantastic document. I also think we need a further quiet place where we can look at this document and then bring it to the House and follow processes that this House provides for.

Sen. Billow: Mr. Speaker, sir, mine is to thank the Chairman of this special Committee, the Senator for Elgeyo-Marakwet, Sen. Murkomen, Who I think worked very hard to deliver this very important report on the proposals to strengthen this House for posterity and also strengthen devolution. I think it is a remarkable achievement and we have to congratulate him and his team for the good work done. I think the Senate owes it to this House to set the agenda for this country, and we must collectively, in a bi-partisan way, carry this matter forward to its logical conclusion. I want to appeal to every Member even those of you who have other desires, if you want to become President, governors, or other things, it is upon you to feather the nest for others who want to continue in this august House.

The Speaker (Hon. Ethuro): Order, Senator. Does it matter where you were looking at when you mentioned some ambitions?

(Laughter)

Sen. Billow: My apologies, Mr. Speaker, Sir. I should look straight ahead, just in case my observation can be misconstrued to suggest that there are people whom I support. I think it is important that we really build the future of this country and also set the foundation for this House by bringing these amendments to the final conclusion. I think we must do more and roll up our sleeves in the next three months, or six months to do our job seriously in this regard.

Sen. Mutula Kilonzo Jr.: Thank you, Mr. Speaker, Sir. On behalf of the Members of the Committee, I want to thank them for their cooperation. We have suggested very drastic changes to our Constitution. The approach we took, which we want to plead with this Senate, is a bi-partisan position because the strengthening of Senate is not an issue either for Jubilee or CORD. This is for posterity.

This document will go out to the public and it is important that while you present your position, it will be the position of the Senate and not the position of Sen. Murkomen or any other Senator who participated in these deliberations. Most importantly, from our own observations and from the matrix we have prepared and the proposals we have made, this will not be possible unless we go into a referendum. That means we must shed off the political parties' skin to succeed in this process. Therefore, the suggestion by my Chairman, Senator Wako, is absolutely critical.

You must facilitate consultation with our governors. Although we have issues with them in terms of accountability, this is one instance where we must act like leaders of this Republic, according to Chapter Six of the Constitution. Lastly, for those who intend to be governors in the next dispensation, like Sen. Murkomen and others who I know, you have an opportunity of being a governor with enough resources because the Senate proposed that you should get more than enough.

Sen. (Dr.) Machage: Bw.Spika, ripoti ambayo imewekwa wakfu siku ya leo na Sen. Murkomen ina manufaa hasa tukijua kwamba kumekuwa na shida kwa mawazo ya wananchi wa Kenya juu ya Katiba na vipengele vyake vinavyohusu hela. Tumekuwa na mawazo ya "Pesa Mashinani", "Okoa Kenya" na mengine ambayo yanaweza kuibuka wakati wowote. Wakati umefika ambapo Seneti hii imepata nafasi ya kuokoa wote hawa na mawazo yao kwa kutoa sheria ambayo itakubalika kwa nchi nzima. Naunga mkono kabisa pendekezo la kuwa na kikao ambacho kimewekwa wakfu kwa minajili ya kujadili Ripoti hii.

Najua kwamba leo asubuhi tuliwasiliana na kufikiria kwamba labda kesho tungekuwa na kikao ama kamkunji kuzungumzia jambo hili. Lakini nafikiri hili wazo ambalo limependekwa ni wazo nzuri zaidi la kutilia maanani.

Sen. Obure: Thank you, Mr. Speaker, Sir. I thank Sen. Murkomen and his Committee for laying the Report on the Table of the House. I believe that the Report contains important and very fundamental recommendations. It is important that we understand the rationale for these recommendations. It is also important that when we eventually begin to debate the review, it should be done from an informed position.

I, therefore, support the proposal made by Sen. Wako that we go for a retreat, to avail ourselves the opportunity to understand the basics of this Report.

Sen. Wangari: Mr. Speaker, Sir, I also join my colleagues in congratulating the Murkomen Committee for a job well done. Let me remind us of where we began as the Senate when we were sworn into office. This is one issue that we really coalesced around

and were ready to go. We only had a problem when we had cracks emanating from political standings and parties. That is how that collapse came about.

Now that we have revived it, we must cement the foundation on which we began and that cannot be achieved if we think of ourselves and move as Members of our political parties. We must realize that as the first Senators under this Constitution, it will be in history if we do not cement the foundation of the Senators' office. Most probably 20 years down the line, most of us will not be Senators. We want those who will come after us to see the job that we will have done.

I also attended the meeting that was held by this Committee at the Sarova Stanley Hotel and I think we still had pending issues. So, it is definitely a good idea that has been suggested by Sen. Wako, that this Committee also takes Senators along with them. That way, all of us can own the process, even those who were not in the Committee. We will then thrash out what we need to so that when we get out with it, there will be no stopping or looking back.

The Speaker (Hon. Ethuro): The last one, Sen. Sang, because at this rate, we are in danger of being repetitive.

Sen. Sang: Mr. Speaker, Sir, I join my colleagues in congratulating Sen. Murkomen, Sen. Mutula Kilonzo Jnr., and the entire team for a job well done. I think the success of this Committee was achieved because they also decided to take time in not addressing the media. We did not see anything in the media from the time we formed this Committee. The document that they have tabled today is a quality one.

I now know that we stayed out of the media for the short time to work on the document. We now need to engage with the media and the public in ensuring that we move this document forward. Therefore, I urge all Senators that despite the ambitions that we have – presidential, gubernatorial, Members of the National Assembly and others who want to come back to this House – it is important that we leave this institution stronger than we found it. That is the principle so that irrespective of the ambitions that we want to pursue in future, let us leave the Senate stronger than we found it.

The Speaker (Hon. Ethuro): The Senate Deputy Majority Leader can now understand why Sen. Wako was on the right path. Let me just make two observations. One is that I subject myself to the will and the mood of the House.

(Applause)

I think, so far, you have all concurred on the way forward and that shall be granted by the Speaker.

Secondly, I also lend my voice to congratulate Sen. Murkomen and his Vice Chair, Sen. Mutula Kilonzo Jnr., for the wonderful work that they have done and tabled a report which should now be in our possession. It is now our individual and collective responsibility to make sure that that communication is very effective and not distorted. Again, that is why the suggestion by Sen. Wako which we have all endorsed becomes very handy in terms of creating a better understanding on that particular document.

Let us now proceed to the next Order.

NOTICE OF MOTION

Sen. Murkomen: Thank you, Mr. Speaker, Sir. Before I give this Notice of Motion, we are extremely encouraged by the words of appreciation by our colleagues. This was teamwork. As I said earlier---

The Speaker (Hon. Ethuro): Order, Sen. Murkomen! Kindly do what you went to do there first, and then you can have additions.

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE
OF THE SENATE ON CONSTITUTIONAL AND LEGAL REVIEW

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

THAT, this House adopts the Report of the Select Committee of the Senate and Constitutional and Legal Review laid on the Table of the House today, Wednesday, 23rd September, 2015.

Mr. Speaker, Sir, if you permit me just one minute to thank everybody for appreciating the work that we have done. This has been teamwork and we worked together closely as Senators and not political party members. My Vice Chair, Sen. Mutula Kilonzo Jnr., Sen. Orenge, Sen. Mohamud, Sen. Billow, Sen. Murungi, Sen. (Eng.) Muriuki and my sister and friend, Sen. Lesuuda. There was a lot of commitment in working on this draft. It is on ---

Sen. Khaniri: On a point of order, Mr. Speaker, Sir. We are setting a very bad precedence. The Order Paper is laid out very clearly. When it is Notice of Motion, give Notice of Motion. Let us obey our rules and when it comes time to debate after you have moved the Motion, then you can say all those good things that we also want to listen to. We really appreciate but you are saying them at the wrong Order. It is a Notice of Motion.

The Speaker (Hon. Ethuro): Order, Members! I cannot agree more with Sen. Khaniri. I appreciate that Sen. Murkomen was having what is popularly known in this country as “the glory is here” moment, given his tendency for Bible quoting.

(Laughter)

I am sure he appreciates, but we also have rules. All is not lost. You will have another opportunity when moving the Motion to appreciate your fellow senators. There is plenty of time to do so.

That is the end of that particular Order.

COMMUNICATIONS FROM THE CHAIR

The Speaker (Hon. Ethuro): Hon. Senators, I have two communications to make and I also have two petitions.

SENATE MEMBERSHIP TO THE MEDIATION
COMMITTEE ON THE COUNTY GOVERNMENTS
(AMENDMENT) BILL (SENATE BILL NO. 1 OF 2014)

Hon. Senators, you may recall that on Wednesday, 16th September, 2015, I issued a communication from the Chair on a Message that I received from the National Assembly, conveying the rejection by the Assembly of the County Governments (Amendment) Bill (Senate Bill No. 1 of 2014).

You may further recall that I informed the Senate that in accordance with Article 113(1) of the Constitution, I had appointed the following five Senators to a Mediation Committee to attempt to develop a version of the Bill that both Houses would pass, namely:-

- (1) Sen. Kipchumba Murkomen
- (2) Sen. Billow Kerrow
- (3) Sen. Beatrice Elachi
- (4) Sen. (Dr.) Boni Khalwale
- (5) Sen. Janet Ong'era

Hon. Senators, I would like to inform the House that I have revised the Senate membership to the Mediation Committee to four Senators as follows:-

- (1) Sen. Kipchumba Murkomen
- (2) Sen. Billow Kerrow
- (3) Sen. (Dr.) Boni Khalwale
- (4) Sen. Janet Ong'era

This is in order to ensure that we have an equal number of Members from each House in line with Article 113(1) of the Constitution. The National Assembly membership to the Committee is four.

The Members of the National Assembly to the Joint Mediation Committee are as follows:-

- (1) Hon. Wanjiku Muhia
- (2) Hon. Joseph Limo
- (3) Hon. Daniel Maanzo
- (4) Hon. Timothy Bosire

Thank you.

VISITING DELEGATION OF STAFF FROM
BUNGOMA COUNTY ASSEMBLY

The Speaker (Hon. Ethuro): Hon Members, I am also pleased to acknowledge and welcome to the Senate this afternoon a visiting delegation from staff of Bungoma County Assembly who are seated at the Speaker's Gallery. I request the officers that when your name is called out, you stand so that we may acknowledge you in our usual great Senate tradition.

Mr. Wamukota Situma	-	Serjeant-At-Arms
Mr. Robert Mumbwani	-	Commissionaire
Mr. Benedict Kimwei	-	Commissionaire

Mr. Cornelius Nyongesa - Secretary

Ms. Winny Simuli - Secretary

I take this opportunity on behalf of the Senate and on my behalf to wish the delegation a happy and fruitful visit to the Senate.

Thank you.

Sen. Omondi: Thank you Mr. Speaker, Sir. I rise to join you in welcoming the visiting delegation of staff from Bungoma County, being a neighboring county to Kakamega County, which is my county. As I join you to welcome them in this Senate, I want to say that I am so happy that I have seen the leadership of women amongst the delegation.

Thank you.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, let me also join the House in thanking the team that has come all the way from Bungoma, Sen. Wetangula's county. The county was in the news the whole of last week because of the interesting scenarios of purchasing goods and services and I would want to encourage the staff working in the County Assembly of Bungoma to work closely with the Members of County Assembly (MCAs).

The MCAs are supposed to be doing oversight on the ground, particularly on the revenue collected from the county so that some of the malpractices we see are reduced. Every Kenyan has a right to be a watchdog of public funds.

Thank you.

Sen. Sang: Mr. Speaker, Sir, just to join my colleagues to congratulate and welcome staff members from Bungoma County and to indicate to them that their Senator is one of the most vibrant Senators in this House and that today he is not around because he is attending a very important *baraza* elsewhere in this town and, therefore, they should also take the message home that their Senator is a very vibrant Member of this House, but also has time to attend to other small functions out there.

The Speaker (Hon. Ethuro): Order Sen. Sang! I would have allowed the first assertion to pass until you repeated it. You have a responsibility to give facts to the House. He is out of the country on official parliamentary business. It is, therefore, a contradiction that you can put him in favourable light and subtract the same.

Sen. Sang: Mr. Speaker, Sir, I want to appreciate and apologize for that misinformation but I want to confirm that the function happening in Nairobi today, he was part and parcel of the organizers---

The Speaker (Hon. Ethuro): Order! You are being irrelevant.

PETITIONS

THE NEED TO REDUCE THE NUMBER OF DEVOLVED UNITS IN KENYA

The Speaker (Hon. Ethuro): Hon. Senators, pursuant to Standing Order Nos. 220 (1) (a), and 225(2) (b), I hereby report to the Senate that a petition has been submitted, through the office of the Clerk, by one Maj. (Rtd) Joel Kiprono Rop, a resident of Bomet County, concerning the need to reduce the number of devolved units in Kenya.

As you are aware, under Article 119 (1) of the Constitution states, and I quote:-

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

In his petition, the petitioner wishes to bring to the attention of the Senate-

- (1) That the current number of devolved units in Kenya, being the forty seven (47) counties, is too high and that this has resulted to, among others, a rising and unsustainable public wage bill, thus affecting the national economy, as well as poor service delivery at the county level; and,
- (2) That most of the devolved units are not economically viable and will always be dependent on allocations from the National Government, thus compromising on their independence.
- (3) The petitioner, therefore, prays that the Senate introduces legislation to reduce the number of devolved units from the current 47 counties to three counties and to effect subsequential amendments thereon on all laws to reflect the new devolved structure of government.

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

Sen. Okong'o: Mr. Speaker, Sir, as you have put it very clearly, every Kenyan has a right to petition Parliament, those Kenyans with rights must also go through constitutional provisions.

As I support that petition, maybe the petitioner should also have enlightened himself on constitutional requirements on that kind of petition.

I support that petition reluctantly.

Sen. (Prof.) Lesan: Thank you Mr. Speaker, Sir. I wish to thank Mr. Rop who is my constituent for exercising his constitutional right by bringing a petition to the Senate. As my colleague has just mentioned, certainly what the petitioner has petitioned is provided for in our Constitution, and I am sure when this petition goes to the relevant committee of this House, they will probably be informed of the requirements of the law and they should be addressed.

I believe that the petitioner has the goodwill and the interest of the country more specifically, because the wage bill is a topical issue in this country and I am sure in addressing issues like the number of units in the country, one may take interest in looking at the wage bill as well and consider it along those lines.

I think this is a matter for discourse and discussion by not only this House but the rest of the country as this is an issue that can be debated at great lengths for the benefit of the country.

I thank you.

Sen. (Dr.) Machage: Thank you, Mr. Speaker, Sir. Mr. Rop has actually petitioned this House on an interesting subject. We recently did pass a Motion by Sen. Mutula Kilonzo Jnr., on the creation of a Commission to look at the boundaries of the existing counties. For some of us, it would have been the opposite request that we want more counties. My people would want more counties. At least increase the counties to 54 so that all communities are equally and relevantly served by devolution.

However, he has done the opposite. It will be interesting really to hear his presentation on this issue.

I support.

Sen. Khaniri: Mr. Speaker, Sir, the Senate Standing Order No. 226 says:-

“The Speaker may allow comments, observations or clarifications in relation to a petition presented or reported and such total time shall not exceed 30 minutes.”

I do not have comments on this but I need your clarification. In my understanding, changing the number of devolved units will amount to a constitutional amendment. We all know that the Constitution is very clear on how we can amend it and on such a matter; we may require to go through a referendum. Therefore, is this Petition in order? Can we do this through a Petition to the Senate or do we require a referendum to change the number of devolved units?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I also join my colleagues in acknowledging the Petition as raised by a citizen of this country. Just as Sen. Khaniri mentioned, although the rights are there, there are some things that cannot easily be done by this House. In a nutshell, we have 47 counties. However, in his Petition, he wants the counties to be reduced to three. First of all, that is very strange. Three is close to one. If he really wants that kind of change, the right thing to do is to have a referendum. I wonder what the threshold is for a Petition to appear on the Floor of this House so that we do not waste precious time of the Senate discussing some things.

(Sen. (Prof.) Lonyangapuo laughed)

This is not a laughing matter.

The Speaker (Hon. Ethuro): You are the only one who has laughed and laughter does not make it any easier.

Please, proceed Sen. Sang.

Sen. Sang: Mr. Speaker, Sir, I join my colleagues in thanking Joel Kiprono Rop for the Petition. This gentleman is personally known to me. He is one of the informed, passionate and brilliant Kenyans. This is his second Petition to the Senate. Whereas I agree with my colleagues---

The Speaker (Hon. Ethuro): Order Sen. Sang. I think today you have issues with counting. This is definitely not a second Petition. He has brought many more.

Sen. Sang: Mr. Speaker, Sir, whereas I agree with my colleagues that the subject matter of this Petition is one that cannot be achieved through a Petition, it now lies with the relevant Committee of this House where the Petition will be committed to advise. I know that in the Committee on Legal Affairs and Human Rights, we have on several occasions received such kind of petitions where we sit down and realize that what the petitioner is asking is impossible and we returned our verdict in a week or so and the same is communicated to him.

Therefore, we should not discourage members of the public who want to petition us as long it meets the threshold provided by our Standing Orders. The relevant committee will look at it and advise appropriately. I, therefore, thank the public and urge them to continue using avenues provided to them by the Senate.

Yesterday, this House concluded the Second Reading of a Bill that provides for a procedure and legal framework for petitioning to the county assemblies. I am sure that once the Bill is enacted into law, it will reduce the number of petitions that we are receiving in the Senate because a number of those issues will be addressed by members of the public directly to their county assemblies.

I beg to support.

Sen. Musila: Mr. Speaker, Sir, while acknowledging the rights of the petitioner to petition this House, I would like to advise him and perhaps the Committee that is going to look into this matter that the matter of how many devolved units we are going to get was a matter of serious debate all over the country when the Constitution was being formulated. I recall that we had eight regions which some people wanted to be the devolved units. However, owing to political and cultural diversity of this nation, it became apparent that the districts which were set in 1992 would be the devolved units.

I also want to underline the fact that even without the 47 units, there were attempts to create more units because it was felt that certain interests and communities were not catered for adequately. Therefore, while thanking the petitioner, I would like to say that attempting to suggest that the devolved units be reduced to three and not even eight of the original regions, I think that it is far-fetched and I can only wish him luck.

Sen. Wako: Mr. Speaker, Sir, the right to petition is under the Constitution. However, I believe that it should only be exercised if there is no other way which that person can use under the Constitution. In the case where the petitioner wants to amend the Constitution, he has a right to do so but he should be asked to undertake that exercise independently and not necessarily take the time of the Senate to help him to do so.

What the petitioner has requested for obviously involves an amendment to the Constitution and in as much as it requires changing the structure of devolution by reducing the number of counties, the Constitution is very clear and I will not go into many sections on that. Such an amendment of the Constitution falls under Article 255. Therefore, it has to be by referendum at the end of the day. An amendment by referendum regarding how it is initiated and done by the National Assembly and the Senate is in the Constitution.

The Constitution has gone further to say that the initiative to amend the Constitution cannot just be vested in the Legislature alone. It has gone further and provided for the popular initiative. Any citizen of this country who wants to amend the Constitution can do so by marshalling the necessary numbers and using the procedure set out under Article 257 - amendment by popular initiative. He can use that method and go ahead to ensure that he gets the requisite number of signatures for that initiative and the necessary approvals by the county assemblies and the Senate. That is when he now comes to us. He comes to us after he has carried out those steps which are clearly set out under Article 257 of the Constitution. That is when now the Senate can become legitimately engaged in that amendment.

I do not know whether we should automatically refer this matter to some committee to deal with it and advise us or this matter is so clear-cut. Can you exercise your own discretion, in which you have a right under the Constitution to do, to order that we follow that procedure and in due course, at the preliminary stages the Senate will now become engaged? I also know that you are very democratic and want every person to be

heard. Maybe it is a matter that should automatically go to the committee, to come up with what we know. We will then deal with it that way.

I stand to be guided.

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

(There was a technical hitch)

Sen. Khaniri: Mr. Speaker, Sir, my clarification was that, in essence, what the petitioner wants us to do is to change the number of devolved units, which amounts to a constitutional amendment. Is that within our mandate? I have gotten part of the answer from the submission by the Attorney-General *Emeritus*.

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

(There was a technical hitch)

Sen. Wako: Mr. Speaker, Sir, I stand guided. I knew that, that is how you would answer. It shall stand committed automatically. But I want to merely assure this House that in spite of the opinion that I have expressed in this House this afternoon, my Committee will look at this issue very objectively. It will look at the Constitution and advise this Senate the very correct constitutional procedure. We shall not be biased in any way. That is the assurance that I want to give you and the House.

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

(There was a technical hitch)

THE IMPLEMENTATION BY COUNTIES OF THE
URBAN AREAS AND CITIES ACT (NO.13 OF 2011)

Pursuant to Standing Order Nos. 220 (1) (a) and 225 (2) (b), I hereby report to the Senate that a Petition has been submitted, through the office of the Clerk, by Hon. Dan Kazungu, a Member of the National Assembly representing Malindi Constituency in Kilifi County, concerning the implementation by counties of the Urban Areas and Cities Act (No.13 of 2011).

As you are aware, under Article 119 (1) of the Constitution, and I quote:-

“Every person has a right to petition Parliament, to consider any matter within its authority, including enacting, amending or repealing any legislation.”

In his Petition, the hon. Member wishes to bring to the attention of the Senate-

- (a) That the Urban Areas and Cities Act was enacted by parliament, in 2011, to provide for the classification, governance and management of urban areas and cities, to provide for the criteria of establishing urban areas and to provide for the principles of governance and participation by residents at the local level;
- (b) That the Act sets out, among others, the qualifications and procedure for appointment of a town administrator for every town established under the Act, as well as the powers, roles and functions of such an administrator, to be exercised under the authority of a committee appointed by the county governor with the approval of the county assembly;

- (c) That the said requirement is stated in mandatory terms, hence the need for strict adherence by counties; and,
- (d) That most county governments have deliberately ignored, omitted or otherwise failed to utilize the machinery provided by the said Act to appoint boards to manage municipalities or committees to manage towns within their respective jurisdictions as required by the Act.

The Petitioner, therefore, prays that the Senate-

- (i) undertakes measures to ensure compliance by county governments with the requirements of the said Act, for appointment of boards and managers in respect of cities and municipalities and committees and administrators in respect of towns; and,
- (ii) reviews the legality, regularity and propriety of any such appointments already undertaken after commencement of the said Act.

Hon. Senators, pursuant to Standing Order 226, I shall now allow comments, observations or clarifications in relation to the Petition, for not more than 30 minutes.

Since I do not see any interest, pursuant to Standing Order 227 (1) the Petition stands committed to the relevant Standing Committee, in this case again, the Standing Committee on Legal Affairs and Human Rights. Since the substantive subject matter of the Petition relates to governance and management of county governments, cities, towns and urban areas, which is the proper mandate of the Committee of Devolved Government, I direct that the Committee responsible – because petitions are supposed to be dealt by the Standing Committees – will also take into account the views of the Committee on Devolved Government.

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

I thank you.

(Sen. Kanainza walked into the Chamber dressed in a school uniform)

Sen. (Prof.) Lonyangapuo: On a point of order, Mr. Speaker, Sir. There is a stranger in the House; a young student. Could she be thinking that this is a classroom? Since I am told that schools are closed, I do not know whether the student knows that she has strayed to the wrong place.

The Speaker (Hon. Ethuro): Order! Who is the stranger? But are you implying that when schools are closed, no uniform should be worn?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, is this the dress code for Senators? This is a student who should be in the Gallery.

The Speaker (Hon. Ethuro): Order, Sen. (Prof.) Lonyangapuo! Who are you referring to? You have to identify the stranger.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, there is a stranger in the House. She is seated next to Sen. (Dr.) Machage, whom I know. It looks like there is a student seated next to him.

Sen. Kanainza: Mr. Speaker, Sir, Sen. (Prof.) Lonyangapuo is out of order. This is my dress code. I am not a primary or high school student. This is my attire and I believe that I am properly dressed to be in the Senate this afternoon.

Sen. Hassan: On a point of order, Mr. Speaker, Sir. I think Sen. (Prof.) Lonyangapuo is not right to pick on Sen. Kanainza's dress code because if you look at the Standing Orders and the Speaker's Rules, they are very elaborate on what one can put on. They do not forbid you from putting on uniform so long as you have a tie and in good attire. Let me just inform him that CORD had a rally and it was encouraged that people dress in this attire. Even if you came it would have been right to have your former school's uniform to demonstrate that you are in solidarity with teachers.

The Speaker (Hon. Ethuro): Sen. Hassan, it is only fair to advocate for an issue that you also practice. Where is yours, knowing that you are a chartered member?

Sen. Hassan: Mr. Speaker, Sir there are those who came in as students, for example, Sen. Kanainza and there were those of us who went as headmasters.

(Laughter)

The Speaker (Hon. Ethuro): Order, Members! I am consulting on the dress and I will issue my ruling either tomorrow or Tuesday once I have assembled all my facts.

For now, the preliminary investigations seem to allow Sen. Kanainza to dress that way because she has a neck tie. I am not sure whether ladies are allowed to wear neck ties. Neck ties go with jackets and she has one. So, on the face of it, it meets the requirements.

I also wish to confirm the length of the skirt. Sen. Mutula Kilonzo Jnr. owes it to his late father.

What is it, Sen. Mutula Kilonzo Jnr.? Sen. Wangari, you are also on a point of order; you will speak after Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir. An issue arose yesterday and we had requested for your direction. You allowed Sen. Murungi to move a notice of Motion under the Constitution requiring the Office of the President to set up a taskforce to mark county boundaries. A heated debate ensued yesterday as to whether the position you have approved on that Motion contradicts the Bill that we have presented through the Committee on Legal Affairs and Human Rights on county boundaries. So, we seek your direction.

Secondly, is about the report on the dissolution of Makueni County.

The Speaker (Hon. Ethuro): My sincere apologies, Senator. The last time you raised the matter, I feigned ignorance. Even if I wished, I have run out of excuses; of course, I do not deal with excuses. It is under preparation; it is not yet complete. I promise to issue a statement on it either tomorrow or latest Tuesday.

Concerning Mr. Nyaoga's Commission report, I will issue a statement tomorrow. Proceed, Sen. Wangari.

Sen. Wangari: Mr. Speaker, Sir, I had put my request earlier regarding Sen. Kanainza's attire. I think you did not see it in time. It appeared to me like Scottish attire; it did not look like school uniform but you have already ruled on it.

The Speaker (Hon. Ethuro): No, it is still useful because you have given me more information to consider. Sen. (Prof.) Lonyangapuo may not be right in describing it as a school uniform but as a real stranger from Scotland.

Order, Senators! That is the end of that order. We now move to the rest of the orders. I want to give the following directions. If you have a copy of the Order Paper, Order Nos.8, 9, 10, and 11 will be pushed forward to tomorrow.

BILL

Second Reading

THE PETITION TO COUNTY ASSEMBLIES (PROCEDURE) BILL
(SENATE BILL NO.35 OF 2014)

(Bill deferred)

COMMITTEE OF THE WHOLE

THE CLIMATE CHANGE BILL
(NATIONAL ASSEMBLY BILL NO.1 OF 2014)

THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLY APPROVAL)
BILL (SENATE BILL NO.20 OF 2014)

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

(Committee of the whole deferred)

BILL

Second Reading

THE OFFICE OF THE COUNTY PRINTER BILL
(SENATE BILL NO.42 OF 2014)

(Sen. Sang on 22.9.2015)

(Resumption of debate interrupted on 22.9.2015)

The Speaker (Hon. Ethuro): So, who had the Floor?

Sen. Sang, you had the Floor?

Sen. Sang: Yes, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Proceed, Senator. You had hardly begun. You have a balance of 50 minutes.

Sen. Sang: Mr. Speaker, Sir, I wish to continue moving this Bill. The Office of the County Printer Bill (Sen. Bill No.42 of 2014) seeks to establish the office of the county printer as indicated so that we may have a county printer in each of the 47 counties. The establishment of the office is precipitated by the provisions of Section 23 of the County Governments Act.

The County Governments Act and the Constitution clearly indicates that for legislation in our county assemblies to be effective: (1) it must be published under (a) in the County Gazette and (b) in the Kenya Gazette.

The interpretation section of the Constitution, Article 260, defines the Gazette as one published under the authority of the national Government as the Kenya Gazette. However, all through the Constitution – if you look at the County Governments Act, it provides that county legislations shall be printed in the county gazette and the Kenya Gazette. As we speak, we have the Kenya Gazette. That is what is provided for and domiciled under the Ministry of Interior and Coordination of National Government. However, we do not have a county gazette as yet.

Therefore, the Bill seeks to give effect to the provisions of the County Governments Act in so far as providing and establishing a county gazette. Whereas the Constitution provides that members of the public and residents within those counties and Kenyans generally have a right to information, however, a lot of information in the counties especially relating to the processing of Bills, county budgets, county policies and appointments is not available to the public. This is because we do not have opportunity for counties to publish this information and share it with the public.

Mr. Speaker, Sir, I would like to comment on two issues relating to this. One relates to the processing of county legislations. The Constitution is very clear, that for any county legislation to come into effect; it must have been published in the Kenya Gazette and the county gazette. Therefore, if you then proceed to the interpretation section of Article 260 of the Constitution, it defines the Gazette as one that is published under the authority of the Kenya *Gazette*.

With regard to processing of legislation in the counties, there is a Constitution limitation. We appreciate this. This afternoon the Committee on Constitutional and Legal Review headed by Sen. Murkomen and Sen. Mutula Kilonzo Jnr., presented and tabled a report. Having looked at the report, one of the elements that we have pointed out as an issue that requires constitutional amendment is to expand the interpretation of the Gazette to include the county gazette and the Kenya *Gazette*. That is an appreciation of the fact that we now have 47 county governments in this country.

We now have 47 legislative bodies serving our 47 counties. We need to provide them with an opportunity and give them the autonomy to process their legislation in a much more effective and efficient way. That is why the proposed provisions to relook at the interpretation of the Kenya *Gazette* as something that needs to be addressed.

This Bill has received some bit of resistance from the Government printer. We appreciate that the Government Printer raised some valid concerns but we made it clear that this Bill does look at legislations alone. We have many documents, information and issues that require publication in our counties. The Constitution, the County Government Act and the Public Finance Management (PFM) Act provide a framework on how county governments develop their budgets. One of the key components is that members of the public must be engaged. There has to be public participation.

However, as we speak, counties have to forward their Bills and proposed county budgets to the Government Printer in Nairobi for publication. Knowing that the national Government Printer in Nairobi serves the national Government, national Parliament and the 47 counties, it is unable to meet the demand of the counties. I mentioned that one of the counties in this country, that is Bomet, had to publish their county budget in some commercial publisher in Nairobi because there was delay in the publication of their budget by the Government Printer. These are some of the serious challenges that some of our counties go through.

It is only last month that a section of our county health workers went on strike because they had not been paid. When we approached the Controller of Budget and the National Treasury, we realized that the Nandi County Budget had not been published by the Government Printer. That delay led to the delay in the transfer of our fair share of resources to the County Government of Nandi to pay salaries and other essential services. We must deal with and address this concern.

Mr. Speaker, Sir, a number of issues were raised when this Bill was committed to the Committee on Information and Technology. The Committee raised a number of issues that need to be addressed. I am excited that the Committee has finalized the report and it will be tabled in this House so that as we get to the Second Reading, we will amend a number of issues in this Bill.

In a nutshell, we want to appreciate the semi-autonomous nature of our 47 county assemblies. We want to appreciate that our county governments have a number of things that they want to publish.

The County Integrated Development Plans (CIDPs) are crucial documents that determine the way county budgets are drawn. The CIDPs are important documents that each resident of the county must have. However, these documents are discussed in the counties. There is need to provide for an autonomous body in the county to do the usual printing of some of these documents.

Policy papers in our county governments must be published and availed to the members of the public so that they can engage with them. Therefore, this Bill will provide an opportunity for each of the various county governments to share information that they have through publication so that members of the public can access information that they need from their county governments.

Mr. Temporary Speaker, Sir, our county governments continue to make appointments day in day out. Some of the information is about appointments to public offices within counties which should be known to the public because beneficiaries of some of the appointments are supposed to be members of the public.

In Nairobi, every appointment done by a Cabinet Secretary or a Principal Secretary is printed and gazetted by the national Government Printer in Nairobi. We have seen gazette notices showing appointments to various boards, directorates and institutions in this country. This information is available because of publication in Nairobi. However, when ward administrators, sub-county administrators and – in other counties – village administrators, members of various task forces and boards within the counties are appointed, it remains secret within county governments. The office of the county printer will provide an opportunity for county governments to share such information.

Mr. Temporary Speaker, Sir, Clause 2 of the Bill provides for authorized officers. These are officers who have the authority to forward information to the office of the

county printer for publication. One of them is the county governor. In this case, any appointment made by the governor or information coming from the office of the governor that needs to be published has been provided for.

The second authorized officer is the speaker of the county assembly. The other person is the clerk of the county assembly. We also have County Executive Committee (CEC) members. This is in terms of the various policy papers that each department within a county may want to publish. Others are chairpersons and secretaries of independent boards, commissions, committees and other established bodies by law within the counties.

Mr. Temporary Speaker, Sir, most of the appointments to public offices within counties are done by County Public Service Boards (CPSBs). We need to provide an opportunity to chairpersons or Chief Executive Officers (CEOs) of the CPSBs to forward information and authorize printing or publication of information within the county gazette.

This Bill and the office of the county printer will complement the work being done by the national Government Printer. Therefore, there is no conflict between the two offices. I appreciate that some of the members within the national Government feel that the best way would have been to devolve the national Government Printer to various counties. However, this needs to be understood. When the County Governments Act talks about county gazette and the Kenya Gazette, it cannot be imagined that they meant a county gazette published by a national entity. That does not make sense. It can only be a gazette published by the authority of an entity within the county government. Therefore, that is an important issue to note.

Mr. Temporary Speaker, Sir, sharing of and access to information is important within our counties. If we do not provide a legal framework for the existence or establishment of this kind of offices within counties, members of the public may not get a lot of information that they need. This is the only opportunity available.

I want to point out one of the issues raised by the Committee. This is that the office of the county printer needs to be an independent entity within the county. As the provision is right now – this will be subject to amendment during the Third Reading – we want to create an autonomous institution or office within counties. If that happens, it will not be under the whims of the county executive or the county assembly. The office has to be independent and a resource available, both to the county executive and county assembly so that we do not have situation that we have currently witnessed.

The law provides for the speaker and the clerk of the county assembly to forward a document to the national Government Printer in Nairobi for publication. A county governor or county executive cannot write a letter to the same county printer opposing publication of documents or budgets. The autonomy has to be addressed and safeguarded. I therefore, thank the Committee that processed this Bill and the proposed amendments they will bring to ensure that we better it.

Mr. Temporary Speaker, Sir, there are several other Bills that we have passed in this House. I will make references to the County Hall of Fame Bill (Senate Bill No.33 of 2014) – my Bill – that was discussed, debated and passed through the Second Reading in this House. If we want to have a county hall of fame and identify individuals that merit inauguration into it, we will need to publicize the names. The office of the county printer will give us the opportunity to address a number of issues within our counties.

Therefore, I urge Senators in this House to look at this Bill. We definitely also need to look at sealing any loopholes available for misuse by the county executive or any other individual within counties so that tomorrow, we do not have a situation whereby a Bill that is obviously unconstitutional is passed by the county assembly, published in the county gazette and people implementing Bills that are completely unconstitutional. That is why we already have a Bill which has been sponsored by our Committee through Sen. Mutula Kilonzo Jnr.

The office of the county attorney should work closely with the county printer to ensure that issues of constitutionality in Bills that will be passed and processed within our county assemblies are looked into. This will ensure that we completely have legal processes going on. Bills that are constitutional and fit within the framework will ensure that there is smooth and effective running of our counties.

With those remarks, I beg to move and ask Sen. Mutula Kilonzo Jnr. to second the Bill.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, I thank Sen. Sang for proposing this very important Bill. It is against the backdrop of the Constitution that, in fact, its drafters contemplated that we would have alternative publications other than the Kenya Gazette in Article 199 of the Constitution, which reads as follows:-

“(1). County legislation does not take effect until published in the Gazette.

(2) National and county legislation may prescribe additional requirements in respect of the publication of county legislation.”

Mr. Temporary Speaker, Sir, as a result of this Bill, the Committee on Information and Technology – which I am the Vice Chairman – has interrogated this matter extensively. We have done the public participation and received views of all concerned stakeholders. We have a crisis at the Kenya Gazette which is as a result of a backlog of almost six months of publication of, either documents, legislations or various issues causing this unknown quagmire.

A person who wants to change their name – whether from Kerugoya, Makueni or Ikolomani – must go to the Kenya Gazette to have their deed poll gazetted. When a person loses a title deed – whether they are in Karatina, Marsabit, Shimoni or Vanga – they must take their documents to the Kenya Gazette. Similarly, all counties which want their documents published must also converge at this small office somewhere near Harambee Avenue; the office of the Kenya Gazette. These people are so overwhelmed. I am surprised the printer has not crashed. We have now learnt, in fact, through interrogation of this matter in detail that we do not have legislation on how the *Kenya Gazette* operates. Nobody knows as it never appears in the budgets, the officer is not known nor is there any legislation and, therefore, you are in a quagmire of monumental proportions in terms of publications coming from the 47 counties.

Every small document must queue to be published. In the case of Makueni, the budget that was contentious had to wait in the queue and by the time it was published, the question was: Did it come into law 14 days after it was passed or did it come into law six months after it was published in the *Kenya Gazette*? All these small little things are the ones that are causing the problems we are having in the counties. Therefore, the wisdom of the drafters of our Constitution in Article 199 has not been put into effect. The drafters of the County Governments Act were steps ahead of us because they contemplated the County Gazette Bill that we are now discussing. They had even suggested that county

legislation would come into force upon publication in the *county gazette* as proposed by Sen. Sang or upon publication in the Kenya Gazette, whichever comes earlier, as almost a contradiction.

Mr. Temporary Speaker, Sir, the Select Committee on Constitutional review, led by Sen. Murkomen, proposed an amendment to Article 260 on the definition of “gazette” because it appears to have a contradiction, since the drafters of this Constitution and the drafters of the County Governments Act contemplated there would be a *county gazette*. There was an omission in the Constitution by restricting the definition of gazette to the *Kenya Gazette*---

The Temporary Speaker (Sen. (Dr.) Machage): Be careful not to anticipate a debate on a document that is tabled. It is against the Standing Orders.

Sen. Mutula Kilonzo Jnr: No, I am not. Mr. Temporary Speaker, Sir, you know I can give out some information that is already in the public domain, but that is the position I am now making, to inform the mischief behind this Bill and the reason that it is important that we allow this Bill to be published for various reasons. You have noticed and subsequent legislation arising out of this Constitution in the county in terms of the Public Finance Management Act, the County Governments Act and the Acts in terms of the provisions of how the counties are going to do procurement, it was contemplated that the advertisements would be in the *county gazette*.

You have noticed that when you open a newspaper, you have advertisements running into pages upon pages from the counties. They are spending a lot of money in terms of advertising for jobs, tenders and for the simplest of things where ideally the county gazette would have given a mechanism for county governments to spend fewer resources in terms of advertisements. Has it ever occurred that as we continue to push the case for women, and Sen. Wangari must support me on this one in terms of the 30 per cent allocation and the percentage of persons with disabilities (PWDs) and youth, how do we ensure that this is complied with? This document and this Bill will create a mechanism where county governments will be required every week or at regular intervals to publish the companies, persons or people of those categories who we are fighting for relentlessly to have their names published here for everybody to read.

Sen. Sang has gone a step further just like I thought he would to even provide for the publication of this gazette electronically, an issue that has not been captured yet through the *Kenya Gazette*. The *Kenya Gazette* officer in fact came to our Committee and suggested that we allow them to devolve their functions but we told them that the way they are operating is in reverse of what we anticipated in terms of devolution. Although they think that the six printers that they have purchased can be distributed to counties, we reminded them that we have 47 counties and they, therefore, need to buy 47 printers so that they are able to devolve this function. We know that it was a kneejerk reaction as a result of this Bill that has been proposed by Sen. Sang. We are of the view, in both Committees of Legal Affairs and Human Rights and that on Information and Technology, that we have very little option in terms of how this would be done.

Sen. Sang’s Bill has proposed, and we are in agreement at both Committees that the person who would be regulating the management of this printer is also specified so that you do not have an extension of a war between a governor and a speaker or a clerk of a county assembly and a county executive in terms of publications. The documents that require to be published are important although Article 199 talks about legislation, sub-

clause 2 talks about other publications. The documents that are required to be published here have been defined and extended extensively so that many other publications like executive orders, official proclamations by the governor or the speaker, rules that may be gazetted and rules that may arise out of legislation in counties. All those publications would find their way into this County Printer Bill.

I am convinced a 100 per cent that this Bill will ensure that we capacitate counties in terms of Article 189. We would, first, allow them to hire the officers that are contemplated here. We would create employment when we devolve this function because we have said from our preliminary analysis that the office of the Government Printer in Nairobi does not have the capacity that is contemplated under Article 199 (1) and (2) because they are also unable to comply with the publications that they are required to do nationally.

I would be happy to have this Bill extend to what I have talked about; that we can call it The Nyeri County Printer Bill. The person in Nyeri should not come to Nairobi to publish the loss of a title whatsoever or a person in Mombasa should come to Nairobi to publish a deed poll or that a person administering an estate both in the Kadhi courts and any other courts should wait like I have cases for six months for a gazette notice a single one page to be published.

In supporting this Bill, the mischief that we have pointed out should be an impetus to all the Senators here to support it. Just like the Bill that we passed yesterday on the petition to county assemblies, we can with one voice support counties in actions and in deeds so that they can start using those resources prudently like we have been saying, so that the persons who are in counties can be able to flip through.

The suggestions have been made about Article 7 of the Constitution on the languages; the County Office of the Printer Bill will allow or provide opportunities for counties to even publish documents in the languages that are understood in counties. Maybe, it will give some room for county assemblies to pass law as to how some documents or even notices in Kiswahili language, an official language, can be published in counties, for instance, Mombasa, Kwale and Lamu so that the spirit of this Constitution can start permeating into our system.

Mr. Temporary Speaker, Sir, I beg to second.

(Question proposed)

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

Sen. Hassan: On a point of order, Mr. Temporary Speaker, Sir. Bear with me for taking this opportunity to inform the Chair that we will be leaving shortly. Also, for reasons that I wanted the Chair to communicate tomorrow; this Senate's best wishes to the Muslims who will be celebrating Idd. Usually, this Idd is not a public holiday. It marks the completion of the holy pilgrimage. So, I wish the Muslims a happy Idd and wish that this Senate will communicate to the Muslims countrywide a happy Idd ul Hajj tomorrow.

(Applause)

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Hassan, indeed, we do not have to wait for tomorrow to wish our fellow Muslims and more so, Members of this House a good Idd ul Hajj. We all wish you well in this very important celebration.

Proceed, Sen. Wangari.

Sen. Wangari: Mr. Temporary Speaker, Sir, I also join you and Sen. Hassan in wishing our Muslim brothers and sisters a happy Idd ul Hajj.

That said, I rise to support the Bill that has been brought by Sen. Sang. It is very progressive. We should have enacted it one or two years ago. The role of the Senate and especially our mandate that is explicit in Article 96 is to make sure that we help institutionalize and operationalize the counties.

Being the first Senate and the first county governments under this Constitution, it is very important that we lay a good foundation on how these county governments are run. This is one office that not much is known about it yet it plays a very crucial role. In fact, I would say that they have a very funny office on Haile Selassie Avenue. I have been there and the role that office plays is not commensurate with how it looks. It looks like a forgotten office. It cannot handle what we are doing now even as Parliament because every time we have to push to have this legislation out in the Kenya Gazette.

Mr. Temporary Speaker, Sir, doing that for other 47 units is not a small fete. So, I congratulate Sen. Sang. In the era we are in, first of all, we have an enlightened community. People want to know what is happening. That has been backed by the Constitution that we are operating under. If you go to the counties today, and we see even in the media, citizens are asking questions. They want to know, for example, if an appointment was made, who was appointed, were the minorities and persons with disabilities considered, as Sen. Mutula Kilonzo Jnr. has said.

These issues are in law and guaranteed under Article 35 of the Constitution. Not only that, if you look at Chapter 2 of the Constitution in terms of good governance, we have the issue of transparency and accountability. The only way we can rule out underhand and funny games in the counties is to have this information available to the public. There is no better way than to have this done in an official manner. If there is a Bill that you want to access, you can get it without having to go to the county assembly; you can just walk into the printer's office and as a public entity or as a private citizen, access the information you need.

Mr. Temporary Speaker, Sir, we have been speaking about the issue of public participation because many of the counties do not carry forward what exactly people want to see. The ideal situation after five years of devolution should be that services are closer to the people. We can have more bed capacities in hospitals that have expensive bedcovers and curtains. Priorities are misplaced. We are seeing so many of these. The only way is not to wait until it is out and make a very good story about it but to arrest these upside down and lopsided priorities before they happen. The only way to do that is to have this information.

The office of the printer will go a long way. First of all, in making sure that information is out there. This will help to stamp out corruption and ensure that even the laws that we have are enforced; for example, the 30 per cent access and also in terms of appointments. How do we audit the implementation of these laws if this information can only be released at will and when one feels like releasing it? It should be compulsory for

any government institution at whatever level to provide this information to the public. Then we will follow up even on the laws that are made at the county level.

I had written a letter to the Commission for the Implementation of the Constitution (CIC) because its role – I feel there is a gap on what is being legislated at the county level because we do not have someone who is following up on the kind of legislation in terms of aligning it with the Constitution and making sure that it does what is meant to do.

We can then, look at the kind of legislation that is coming out of the county assemblies. You can access it as a Senator or a private citizen. We can follow what is being done. This is not a choice. Unless we empower these counties, this will remain an excuse. That, we have to come to Nairobi and queue; it will remain an escape route; that in any case, every legislation, order and Act has to go through the small house at Haile Selassie Avenue. If we can devolve this office, like the Bill is suggesting, then we will have efficiency, proper oversight and information flow that is required in the counties so that we can ensure that devolution works.

That way, by the time we are doing an audit of five years of devolution, then we can say “we are here today, we should have been here if we did this better, we should do better in the other term.” When we come back to office, in whatever capacity in 2018, we should not talk about the teething problems. This baby must have grown teeth and we should have done away with the milk teeth. We should be having permanent teeth because we would have had five years of laying the foundation. If we will have the same problems after the next election, then we would have failed in our role as legislators or Senators and custodians of devolution.

The importance of this Bill is that it will make county governments effective and work properly. I join Sen. Sang in saying that this is the right spirit; that, we can access information. We are doing the right thing. We should pass this Bill to be assented to in good time so that it is operationalized and is working in the right direction.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Okong'o: Mr. Temporary Speaker, Sir, on the onset, I want to congratulate the proponent of this important Bill. As you are aware, counties cry for revenue. An institution like the county government printer can be a source of revenue. Lawyers, engineers, doctors and surveyors traverse from all the counties to come to the Government Press and they do not even get the documents they require.

If this Bill is passed and is well institutionalized at the counties, it will be a huge source of revenue. The officers who will be charged to clear what is supposed to be printed once in five years during the election period, if they will be equipped with modern facilities, they could even print brochures and documents for politicians. It will be a huge source of revenue for counties.

More often than not, we have seen the transmission of information from national Government to counties when the President wants to give a speech. In some cases, speeches would delay during national functions. Citizens of Kenya would wait for three to four hours waiting for a presidential speech. If we have such kind of Printer in this era of technology it is easier to trigger such messages.

As we fight for devolution, we need our citizens in the county to access channels and information of Government. Issues from the Central Bureau of Statistics (CBS) and Ministry of Planning and Devolution must be availed for development.

Mr. Temporary Speaker, Sir, it is important that we support this Bill. That is why even if people were saying this Senate *ni nyumba ya wazee*, we have young brilliant minds coupled with sages like you to guide us on the way forward to entrench devolution. That is why I commend my colleague and learned friend, Sen. Sang and his other friends at the Committee on Legal Affairs and Human Rights for coming up with these instrumental pieces of legislation to empower devolution.

Three or four months ago, the President of the Republic of Kenya made an impromptu visit to the Government Press. He did not find the watchman at the gate or the receptionist. He just stumbled on some people idling. I do not know whether action was taken but the Government Printer as is constituted now, has been run down and become a way of corruption and a way of minting money in terms of who knows who.

Mr. Temporary Speaker, Sir, it is important that as we entrench devolution, other institutions in the county assemblies, for instance, the County Public Accounts and Investment Committee (CPAIC) at the county assemblies can have facilities to use in their work.

In the County Public Accounts and Investment Committee where I seat, governors come to Nairobi carrying documents which are not labeled and some photocopied poorly because they lack facilities like this.

This Bill is timely and we need to work on it so that we decentralize some of these functions which came with the new Constitution, so that we can realize and entrench the foundations of the new Constitution.

With those few remarks, I beg to support.

Sen. G.G Kariuki: Mr. Temporary Speaker, Sir, first of all, I want to congratulate my friend, the young politician, Sen. Sang, who is coming up very fast and very well. I am very impressed by the way he is doing his things. He has discovered some of the problems this country has, which most people do not know. We could only see people lining up in a certain place just like a supermarket to have their documentation cleared by a small office. We congratulate him for that and for providing this opportunity for Senators who have talked before me to air their views and to be heard in the manner that they wanted to be heard.

This problem appears to be minor, but it is very big to those who are concerned. For somebody from Mandera, Kisii or Laikipia counties to come to change their name, it has to be gazetted. Just imagine the kind of money the person has paid in the process in terms of transport and corruption.

Mr. Temporary Speaker, Sir, this country has created so many avenues for corruption. Even people who are not willing to be corrupted find a clear avenue to receive bribes. Therefore, this Bill is timely and overdue. The issue which I am a bit concerned about is the establishment of this office in a county, considering the politics that we have in every county. By the time it gets there, it will be a show down between the Speakers, governors, Members of the County Assembly (MCAs) and so many others. As far as I am concerned, this crowd is very unruly. For someone to be appointed an officer in a county government, they have to pay so that their name can appear in a meeting to be considered.

We do not have to talk so much about this Bill as if there is a problem. The problem is there and it has been heard. The Mover and the Seconder did very well in their contribution. We were all convinced and reminded of the problem that we already know.

Therefore, if it is not to demand too much, I think the Senate does not need more time on this Bill because it is normal, accepted and nobody will stand here to oppose it. We do not need to spend a lot of time on something that we will agree on. We could go ahead and start implementing this Bill.

Hopefully, this Bill will find its own way to the President for assent and that it will not stop somewhere in the National Assembly. My personal concern is that we have come up with a very good Bill but because our system is managed by human beings, there is the feeling that one House is more important than the other. When you put figures together, you will find where we are and where they are.

Mr. Temporary Speaker, Sir, consultation is very important. Let us agree that we will not be measured by the public of Kenya on how big we have been or how strong we have been as Senators, we shall be measured by the services we have delivered to these people. We should be expected to explain to the public that the money we receive on their behalf is being spent properly, because the public will be concerned. I want to tell the younger politicians that you are going to face a very serious challenge in the next general election, because people will ask, for example: "You brought Kshs10billion here and the money was misused. When it was being misused, where were you? Why did you bring it? Why did you not stop it? Were you not party to the wastage? All these things will come up.

Therefore, I think when we talk we must understand that we are walking on a very tight rope. That is why I suggested yesterday that this Senate should sacrifice so much to the point that we are prepared to lose anything, including the name or whatever, but keep the dignity of this House and manage it properly. Let us all agree we have not been Senators. We are working on a new Constitution which nobody is completely familiar with. The lawyers can make claims here and there but the Constitution is given life by politics. There is no Constitution which is produced by people except the population of a country to agree to live together and to surrender individual authority for the good of the nation.

I think time has come for you as the Speaker, your colleagues in the Speakers Panel, the Senate Leader of the Majority Leader and the Senate Minority Leader, Minority Whips, and Minority Whips; you need to sit down and assess whether we have done at least, what can be appreciated by the people. If we have got a long way to go, then we have time to repair our vehicle toward 2017. We have one year to repair. We can service it into almost a new vehicle in 2017. If one part of the vehicle falls down today and the other one falls down tomorrow and we keep on saying we will take it to the garage next week, it will stall.

Mr. Temporary Speaker, Sir, I want to thank you once again that I was able to catch your eye. I am quite happy that you are able to see me despite my height and everything else. I thank you very much and I feel great to be speaking in front of these ladies and men in the Senate.

The Temporary Speaker (Sen. (Dr.) Machage): very well I appreciate your appreciation. Sen. Ong'era Janet.

Sen. Ong'era: Thank you. Mr. Temporary Speaker, Sir, for giving me this opportunity so that I may also support and contribute to this Bill. Like my other colleagues let me also congratulate the distinguished Senator from Nandi Hills, Senator Sang and the "duke" of Makueni, Sen. Mutula Kilonzo Jnr. for moving and seconding,

respectively, this Bill. This is a very important and timely Bill in the history of this nation because it supports the principle of devolution. As you know this House is the guardian angel of devolution.

This Bill is in line with our mandate under Article 96(1) and (2), and as read with Article 110. Therefore, in devolving and centralizing services from the national Government, we as a Senate are going to do a very commendable thing by taking the services closer to the people. When I look at this bill it contains the necessary provisions. I can see that under Clause 4, Sen. Sang has proposed that there is need to establish the office off the county printer. Going further, I have seen that there is also a provision for what kind of criteria, education or experience that is necessary for this county printer. This has been illustrated and set out under Clause 9 of the Bill.

The functions and day to day responsibilities of the office of the county printer have been set out. One of the functions, if I could read, is the implementation of policies and programmes of the office and reporting on to the County Executive Committee (CEC). Under Clause 10 there are clear linkages between the office of the county printer and the county executive government. Under this section we note that the county public service board shall, in consultation with the County Secretary, appoint such members of staff as necessary for the running of that office.

Under miscellaneous provisions, the distinguished Senator has gone on to highlight that when the office of the county printer is actually set up it will not be a function that will be used for the raising of taxes, and imposition of charges of public funds. I think Clause 11 is very important, so that we do not misinterpret the role of the county printer; that the county printer will be printing private documents, or documentation, such as printing of T-shirts and other things. This will be purely matters that are related to the proper functioning of government in terms of documentation and bills for the county assembly.

Devolving services to the counties, and bringing particularly documentation and publications of these documentations, closer to the people becomes very important. As you have heard, my colleagues have actually highlighted incidents where people have had to travel from very far, for example from Kisii just to come here to Nairobi to get a deed plan. There are Widows, for example, who are seeking to get letters of administration. To get those letters published can take five or six years. With this Bill, I hope that these services will now be closer to our people and therefore, they will be able to enjoy the fruits of devolution.

Secondly, with the publishing of Bills, I am very sure that for the very first time, the county assembly will be able to deliberate on their Bills expeditiously so that they can turn them into law. Therefore this is a very important Bill and we give all the accolades to Sen. Sang and his colleagues for coming up with it.

One thing I wanted to speak about is the office of the Government Printer. There have been several incidences where this office colludes with unscrupulous public officers. When we have legislated on a law, and inducted what should be done, when the actual Act comes out, you will find that they have written their own things or they have vested interest, from other public officers. They have now written a different law that we had not legislated. This has happened before; you recall, in the Tenth Parliament, such incident did occur and it actually brought a lot of public outcry.

As we give opportunities for the opening up of the office of county printer, we hope that they will publish legislation that actually has been passed by the county assembly. We hope that this county printer's office will not be misused by unscrupulous governors, to use it for their own political gains, for example, to print T-shirts and posters for campaigns. We want it to be used for the right services and that is, to ensure that government publication and government documents and Bills or Acts of Parliament or Acts of the County Assembly that are passed, are properly printed out and the people get the necessary services.

With these remarks, I beg to support.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. I see no other interest to contribute to this Bill. I call upon the Mover to reply.

Sen. Sang: Mr. Temporary Speaker, Sir, I wish to take this opportunity to thank my fellow colleagues who have supported this Bill. I thank Sen. Mutula Kilonzo Jr., whom we have worked together with in the Committee on Legal Affairs and Human Rights, throughout the process of developing this Bill. The important point that he raised is that one of the challenges that we have with the national Government Printer right now, is that they do publications and print them in hard copies. However, if you went to the internet, you will have challenges trying to find information relating to happenings within the national Government Printer.

Therefore, in this Bill, the Office of the County Printer should also publish electronic versions of their publications. That way, if you talk about attracting investments into our counties, an investor who lands at the Jomo Kenyatta International Airport (JKIA) and takes time in Nairobi should be able to know the business environment, legislations and the requirements within Nandi County, electronically and not having to visit the county all the way. As we speak, we do not know what kind of legislations have been passed in Nandi County unless you go to the county assembly and ask for those publications in hard copy.

Mr. Temporary Speaker, Sir, it is very hard to know what Mandera, Kisii, Laikipia and Nyamira counties have published or the kind of legislation that they have enacted, because we do not have electronic versions of some of these publications. This will even provide an opportunity to market our counties and provide information not only to the residents of a county, but also to any other global citizen out there who wants to know what is going on within our counties.

We hope that once we establish the County Printers' Offices, they will not devolve the bad manners that we have seen in the national Government Printer in Nairobi. This is a message that has run through the presentations and the debate by most of my colleagues. We do not expect to see a lot of unexplained delays in the 47 county printers when they come into operation. The element of efficiency and effective service delivery to counties will be paramount.

I thank Sen. Wangari for pointing out that, surely, this is a Bill that should have been passed a long time ago. This is because the challenges that counties continue to face should have been dealt with by the provisions of this Bill. I think we need to fast-track the process of implementing this Bill, pass it in the Senate, send it to the National Assembly for concurrence and hope that the greater interest of our counties will be looked into, as the debate and process continues with regard to this Bill.

Mr. Temporary Speaker, Sir, I also thank Sen. Okong'o from Nyamira County and Sen. G.G. Kariuki. One of the critical roles of this House, as they pointed out, is to help establish mechanisms for our counties to carry out their mandate. The passing of this Bill is one such opportunity for us to ensure that counties can move faster and deliver services and their mandate in a manner that satisfies the public. Sen. G.G. Kariuki, you might be shocked if you went to the Office of the Government Printer in Nairobi today, and found that the same table and reception that you left when you were the Minister for Internal Security in this country are still there. Whereas that was under your docket, most likely nothing has changed in the Government Printer until now.

It is the same with the environment. We know that this country has gone through tremendous change but when you go to the same place, they are still using typewriters. The place is in a mess. We hope that as we establish County Printers, for this Senate to pass Bills and any legislation that we need here, we still need the Government Printer in Nairobi. There is need for us to modernize it so that as we have effectively working County Printers in the 47 counties, the Government Printer in Nairobi is also modernized. We need to remove the obsolete printing machinery that they still have and bring in modern equipment that meets the needs of the current generation. I, therefore, thank Sen. G.G. Kariuki for pointing out that these are issues that we need to address.

Mr. Temporary Speaker, Sir, Sen. Ong'era pointed out that we need to safeguard the County Printers that we are establishing against possible misuse by governors, county executives and county assemblies. It would really be unfortunate if tomorrow, you found that County Printers are being used to produce fliers that support governors in their campaigns instead of being used to produce score cards that will indicate to various counties on the performance of county governments. So, we must ensure that we insulate the Office of the County Printer against misuse by some of these county governors, whom we have seen misusing every facility available to them.

It will shock you and it is only in counties where you find that a county government vehicle is parked well past midnight outside a bar, while an officer of a county government is enjoying himself, taking his one, two or three beers. This kind of wastefulness is an issue that we think we ran away from within the centralized system of Government. Unfortunately, it appears to everyone now that we actually devolved these bad manners. We hope that as we institutionalize some of these offices within counties, they will look at Chapter 6 of the Constitution and ensure that they abide by integrity, accountability and being responsive to the needs of county residents that they represent and that they serve them.

Mr. Temporary Speaker, Sir, this Senate will not tire to support county governments and ensure that the issues that we need addressed are, indeed, addressed. We will also not tire to ask for accountability from them. I attended the International Day of Peace in my county last Monday and I took time to educate the people of Nandi County who attended the function on the role of the Senate, governors, county assemblies and even national Government institutions within the county. When you point out some of these issues like most of my colleagues continue to point out, you are labeled as fighting the governor. You are seen as if you are fighting the county government and they start branding you.

I want to say that when we are passing important useful Bills to the counties like we are doing today, like we have always done even with the Division of Revenue and

County Allocation of Revenue Bills, we are the darlings of the county governments and the governors. When we ask for accountability, we appear to be the ones fighting them. We want to tell the county governments that they cannot have their cake and eat it. They must be prepared to benefit from the services of the Senate, but they must be prepared to be held to account.

Every individual in this country who desires to serve in a public office must be prepared to be subjected to checks and balances. The resources that we continue to devote in this Senate to our county governments are not individual resources. These are resources that come from our own citizens. They are taxes and we cannot allow a situation where we have individuals running around, misusing resources in our counties as if they are individual and personal resources.

We cannot continue seeing complete misuse of resources, complete mis-prioritization of resources within our counties. The last two weeks have been exciting and interesting. You hear of a unique wheelbarrow as it was mentioned by colleagues; you hear of a contractor being given a contract to open a facebook account; you hear of a gate costing Kshs13 million in Nyamira; in my place, you hear of a gate costing Kshs14 million or whatever figure it is; curtains costing Kshs7.2 million. It is a shame that in the same counties where the county government has spent Kshs7 million or Kshs13 million to build a gate, a referral hospital has no drugs. They do not have essential facilities within the hospital. It begs the question; what makes up a healthy facility? Is it the gate? Why are we focused on aesthetics instead of looking at the real core business within our counties?

Mr. Temporary Speaker, Sir, when I hear that a county is building a gate including a petrol station, you ask yourself; has the county government turned into a businessman? Turning a petrol station, what will *wananchi* do? We need to be serious in the manner in which we run public affairs. When we raise some of these issues it is because we feel for our counties. We feel for the residents who voted for us and up to now their lives have not changed yet the counties have received a lot of resources.

I want to tell the governors on behalf of this Senate that they need to prepare. The next one and a half or two years, we will push them to ensure that they are accountable. In my county, one of the senior county government officers had the audacity to tell members of the public to forget about the misuse in the last one or two years and that they did not know what they were doing. Therefore starting this year they will start working for them. I want to tell them that there is no provision for not knowing what you were supposed to be doing.

The law is clear. They ought to have known. If they did not know what they were doing, then why did they ask for those seats? Ignorance is no excuse in law. I need to tell them that when the auditors go knocking, it will not be enough to tell them that they did not know what they were doing because they sought for whatever office they sought, knowing that their responsibility will include taking charge of the county and ensuring that resources are used in a prudent manner.

Mr. Temporary Speaker, Sir, we as the Senate will continue passing the Bills. If you look at the Order Paper, we have very good Bills; this means that we take our responsibilities seriously, by ensuring we have the necessary legislation. But our county governments, we will continue sending resources to them, we will continue enacting legislations that support their work and continue supporting and defending devolution

and the county governments, but we will equally ensure that we hold them accountable, so that the dream of devolution is achieved in this country.

I, therefore, want to thank the entire Senate, the Members who take their time to contribute and support the many Bills that this House is working on. I want to thank Sen. Janet Ong'era that a few hours ago, she was exercising her constitutional responsibility of supporting teachers in this country. But immediately after that, she changed because I saw her on television, and she looked like a Form Two student in the attire that she had. Now she had to change, dress smartly like the Senator she ought to be and come to this House to continue discharging her responsibility as a Senator to support counties.

These are the sacrifices Senators in this House continue to make for the good---

The Temporary Speaker (Sen. (Dr.) Machage): Are you implying that Sen. Ong'era's responsibilities include dressing up as a student?

Sen. Sang: Mr. Temporary Speaker, Sir, it includes participating in processes that are constitutional, dressed in a manner that the occasion dictates.

Therefore, we will continue to make these sacrifices, but we also need a little more sacrifices from our counties to ensure that things work in the manner that we expect. I thank everybody who supported this Bill and hope that we will be able to fast-track the process and ensure that this Bill becomes law within the shortest time so that our counties are able to enjoy the services of the Office of the County Printer.

I beg to move.

I wish to request that you defer the putting of the Question to tomorrow or a day that you shall direct as per the Standing Order No.54 (3) as there is no adequate number of Senators in the House now to vote.

The Temporary Speaker (Sen. (Dr.) Machage): It is so ordered.
Next Order!

BILL

Second Reading

THE SENIOR CITIZENS CARE AND PROTECTION BILL (SENATE BILL NO. 43 OF 2014)

The Temporary Speaker (Sen. (Dr.) Machage): This Order is deferred.

(Bill deferred)

Second Reading

THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2015)

The Temporary Speaker (Sen. (Dr.) Machage): This Order is deferred.

(Bill deferred)

*Second Reading*THE HIV AND AIDS PREVENTION AND CONTROL
(AMENDMENT) BILL (SENATE BILL NO. 4 OF 2015)

The Temporary Speaker (Sen. (Dr.): Machage: Since the mover of the Bill is also the current presiding Speaker, it cannot be done in both ways, so, the Bill is also deferred.

(Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. (Dr. Machage): Hon. Members of the Senate, there being no other business to transact in the House, the House stands adjourned until tomorrow, Thursday, 24th September, 2015, at 2:30 p.m.

The Senate rose at 5:45p.m.