

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 24th February, 2016

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

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

PRAYERS

PETITIONS

REPORT ON PETITION: CONSTITUTIONALLY PROTECTED RIGHTS AND FUNDAMENTAL FREEDOMS OF FISHERMEN AND RESIDENTS OF BUDALANGI AND FUNYULA CONSTITUENCIES

Sen. Adan: Mr. Temporary Speaker, Sir, I want to present the following report with regard to the Petition on the protection of the fishermen and residents of Budalangi and Funyula constituencies on the shores of Lake Victoria by Sen. Mbura.

REPORT ON PETITION: PROTECTION OF KENYAN DOMESTIC WORKERS IN SAUDI ARABIA AND THE MIDDLE EAST

Secondly, I want to present a report of the Petition on Kenyan domestic workers in Saudi Arabia.

(Sen. Adan laid the documents on the Table)

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the Standing Orders allow me to give you five or so minutes to make comment on these petitions. You can have 20 minutes to do so if you have an issue or comment to make. Each Member will have four minutes.

Sen. Adan: Mr. Temporary Speaker, Sir, unless Members have issues, I personally have no comments on the same.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. I see none.

(Sen. Karaba spoke off the record)

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Karaba! I have not seen your request.

Sen. Karaba: Mr. Temporary Speaker, Sir, I am not aware of what the Petition is about. However, all the same, if it is about the workers in Saudi Arabia and other Arabian nations, it is a pity what we read in the newspapers. The suffering of our young girls who have gone to work or who have sought jobs in Saudi Arabia, Kuwait, Abu Dhabi and so many other countries in the Middle East is unbearable.

We continue to receive very disturbing reports about the deplorable working conditions our girls are subjected to. Some of them have ceased to be domestic workers and forced to become wives of their employers contrary to their contract agreements.

It is also important for us to know how these girls are recruited. We would like to know who licenses the recruiting agents in this country. Some of these things are ambiguous.

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

Sen. (Dr.) Khalwale: I rise on a point of order, Mr. Temporary Speaker, Sir. Is Sen. Karaba in order to suggest that there is anything wrong in any of those girls becoming wives of their employers? Since time immemorial, employees have become wives to their employers. Is he in order?

The Temporary Speaker (Sen. (Dr.) Machage): Order, Senator! It is you who is out of order! You cannot dictate the opinion of Sen. Karaba.

Proceed, Sen. Karaba.

Sen. Karaba: Thank you, Mr. Temporary Speaker, Sir, for that protection. I was saying these girls go there as domestic workers, but they are forced to become wives to their employers or merchants. Those are the reports we are reading from the newspapers.

This Petition is important because it will assist us to do thorough investigations and know how these girls are recruited and how they get visas to work in those countries. We want to get proper information about the kind of jobs they do. Some of them are treated as slaves and do dirty jobs in a very dehumanizing conditions. We need to protect our people from being exploited by their employers in those countries. We are tired of burying our girls who are mercilessly killed in those countries. This is an issue that should attract a lot of attention from Members of the House.

Sen. Wangari: Mr. Temporary Speaker, Sir, this Petition is quite emotional. Sen. Mbura is very passionate about these issues. We cannot run away from labour export because we are not generating enough jobs for every Kenyan in this country. However, we need to regulate this industry because what we have seen from the Middle East are despicable issues.

Sen. (Dr.) Khalwale raised issues of employers marrying their secretaries and house girls. However, that is not the issue. The issue here is that she must agree to be married. She should not be coerced or forced. We have been seeing these Arabs confiscating passports of these girls and forcing them to marry them. This is unacceptable. We have seen our girls subjected to a lot of suffering. Sometimes they are burnt to death by their employers. Our people have died in those countries and we have had to receive bodies every day at the airport. It is quite a sad story. We, as a country, need regulations.

In the bi-lateral talks that the President engages in, this is one issue he should raise with them. It must be made crystal clear that we need to protect our citizens. We must be very clear that if this happens, then there should be consequences even with our

relationships; that they should suffer if this happens in their countries. We may stop doing businesses with them and so on.

We have unscrupulous agents who recruit our girls without following any regulations. We do not know who has gone where, we only know when there is a problem. When someone is being hanged or abused in Saudi Arabia or Lebanon, these agents switch off their phones and leave the victims to suffer alone. Therefore, it is quite important that this Petition be prosecuted and implemented in terms of policy.

We have Senators here who have served as Ministers of the Government in various capacities. For example, Sen. Munyes has served as a Minister for Labour and he is very passionate about this issue. The Government through the Ministry of Labour must ensure that there are proper regulations to know who exits the country and ensure that records are clear in both embassies. We should be able to know if Wanjiku or Njeri are working in Saudi Arabia, what agency she went through, when to expect her back and whether the living conditions are bearable.

I am not aware of the law used to confiscate passports whenever you are employed. One should be able to leave where they are working if they are not satisfied. Maybe due to the ignorance in the country and the desperate situation we are in, our girls are made to sign contracts with these agents.

I commend Sen. Mbura and urge every Senator in this House to take this issue very seriously. The Standing Committee on Labour and Social Welfare has started something on this. We must expedite it to make sure we regulate this industry. We must not kill export of labour because we do not generate enough job opportunities in this country. However, we must regulate to ensure safety of our Kenyan citizens.

Sen. Hassan: Mr. Temporary Speaker, Sir, this Petition is timely. We, as a country, require answers to what has really been happening in the Gulf country. This will help us respond to some of these issues which have brought a lot of anxiety about Saudi Arabia because it is a country that calls itself an Islamic State. We need to get to the heart of it.

In addition, what bothers me most about the treatment of domestic workers in Saudi Arabia is if someone is breaking the law, say, an employer has thrown a Kenyan domestic worker out of a window and she has passed on. If this person was violated or tortured in a manner that is against the Islamic *Sharia*, why is there no action being taken domestically in Saudi Arabia against those who perpetrate these types of crimes?

As we interrogate these issues to know who the unscrupulous agents are, we must also find ways and means to ensure that we compel the Government of Saudi Arabia to investigate instances of murder. In addition to the investigation, those people are punished as per the law in Saudi Arabia. In fact, those who have killed, Islamic law requires nothing else, but a beheading.

Therefore, we want to see action being taken on all those who have killed Kenyan citizens or any other citizens of this world on account of impunity.

I want to commend this Petition because it will help us to respond to some of the critical issues and seek clarity on some of the pertinent areas where domestic workers have felt humiliated. When I was in the Kenya National Commission for Human Rights (KNCHR) we were able to compile a comprehensive list of people who came back from Saudi Arabia with all sorts of allegations. That could be a good starting point in terms of the information base which can help facilitate the interrogation of this Petition.

Thank you.

Sen. Sijeny: Thank you, Mr. Temporary Speaker, Sir. I also want to commend the Committee for the good work and Sen. Mburu for presenting this Petition. We have always had many questions as to what really happens to Kenyans, particularly the ladies. I am sure there are also gentlemen somewhere who are domestic workers, but it is only that their plight has not come out.

When we have a clear foreign policy or legislation on domestic workers, we will know the way forward. We have had instances where domestic workers have suffered quietly in Saudi Arabia until someone shouts out help for them. As Sen. Wangari said, we should know for how long such workers go out of the country and when they are expected back. Cases of workers being held in foreign countries for a long time - like it happened in the United States - under pretext that they refuse to go back to their countries because of fear of being abused should be controlled. Once they finish their term they should be facilitated, so that they can bring back foreign exchange. Mahatma Gandhi once said that people should work abroad, but invest at home. If Kenyan workers in the diaspora come back to the country alive, they will increase foreign exchange.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. We are allowed only up to 20 minutes. How many minutes do we still have for this Petition?

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

(Sen. Murkomen walked into the Chamber)

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, allow me to congratulate the Senate Deputy Majority Leader for his business prowess.

(Laughter)

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

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir. I want to make a comment on this Petition as a Member of the Committee. The plight of Kenyan workers in the Middle East is very distressing. As you know, I have been a Minister for Foreign Affairs of this country. I engaged very deeply in trying to create an enabling environment for orderly legal---

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Munyes, do you have a point of order?

Sen. Munyes: Mr. Temporary Speaker, Sir, I wanted to contribute.

The Temporary Speaker (Sen. (Dr.) Machage): I will not allow you to contribute because Sen. Wetangula is on his feet and he will be the last to contribute on this issue.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, the Report of my Committee is not strong enough. We are "calling upon Saudi Arabia," yet we have a bilateral relationship with Saudi Arabia under the Geneva Conventions.

Our Committee visited Philippines - Sen. Fatuma can confirm - which has the best migrant policy in the world. They even have an association called "Filipino Workers Abroad" based on policy and law. I heard the Minister for Trade the other day

announcing that Kenya is about to export two million workers to the Middle East without telling us how those workers live. The young girls who go there are routinely sexually abused. Some are killed and very little happens.

I, therefore, urge that we should not just adopt this Report, but the Committee should bring to this House a Motion, so that we debate this Report extensively and formulate a position as the Senate - we represent counties where these workers come from - so that we pass it on to the Executive for implementation. We have so many third-rate labour contractors who are recruiting young girls and sending them to Saudi Arabia, on agreement that they will collect the first two months' salary. Once they get there, the employers impound their passports and they are never allowed to go anywhere. We must stop this. It is good to export labour, but it must be done in an organized manner, just like it is done in Cuba, Philippines and other countries which are probably even lesser in terms of empowerment than we are.

Mr. Temporary Speaker, Sir, I urge that you direct that this Report does not just get the "noting" and "commenting" by Members, but it moves on to a Motion, so that we can debate fully, adopt and turn it into national policy and legislation.

Thank you.

The Temporary Speaker (Sen. (Dr.) Machage): Whereas I appreciate your wishes, please refer to Standing Order 227, which gives the modalities of handling a Petition. As it is now, we can only have it tabled. In the next 15 days the Clerk will have to forward it. I will not close the doors for anybody who wants to bring a Motion on the same, but discussion on the Petition is not allowed by the Standing Orders.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. Following the debate that has been going on, my mind is provoked to the extent that maybe, in future, we should consider a provision where such a report is first tabled and then the 20 minutes given for discussion come at a later time when we have looked at the findings of the Committee and contents of the Report. This will enable us to make useful interventions.

The Temporary Speaker (Sen. (Dr.) Machage): Whereas I sympathize with you, please refer to Standing Order 248, which shows the modalities of changing the Standing Orders. Just look for 15 Members to support you and you will move to include whatever modalities you want on the Standing Orders. You are at liberty to do that and it will be very good for the next Parliament.

Next Order!

NOTICE OF MOTION

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

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

THAT, this House adopts the Report of the Standing Committee on National Security and Foreign Relations on the assessment of the security situation in Mandera County, Laikipia County and Kapedo (border town of Turkana and Baringo counties)

conducted between 19th January and 5th February, 2015 and laid on the Table of the House on Wednesday 29th July, 2015.

STATEMENTS

ISSUANCE OF NATIONAL IDS TO RESIDENTS OF NAIROBI WHO HAIL FROM OTHER REGIONS OF THE COUNTRY

Sen. Abdirahman: Mr. Temporary Speaker, Sir, I seek a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding the issuance of the national identity cards. In the statement, the Chairperson should state:-

1. The policy regarding the issuance of the identity cards for Nairobi residents who hail from other regions in the country.
2. Whether he is aware of the profiling of one ethnic community, the Somalis, at the National Bureau headquarters and being branded as aliens.
3. The measures being taken to ensure that all new persons registered in the North Eastern region receive their identity cards within the shortest time possible to enable them register as voters in the ongoing exercise.

Thank you.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, before the Chair undertakes to respond, the profiling and discrimination of Kenyans in issuance of identity cards has been meted on Kenyans of Somali origin and those from border counties in general. In Western Kenya where we come from with Sen. (Dr.) Khalwale, Sen. Khaniri, Sen. Ndiema amongst others, one cannot get an identification card until there is production of a host of documents including a title deed, a letter from the area chief, an ID of one's grandfather, ID of the father and if an applicant is a married woman, consent to get married and all manner of impediments that make it difficult to enjoy their rights.

The Chairperson must tell the House whether they appreciate that an ID is not a document to identify oneself. It is everything because it is required when looking for a job, accessing shopping malls, transacting on M-pesa services and accessing social safety net funds. There are also the usual questions by the police and if one does not have an ID, he or she is classified as a rogue and vagabond. Can this be addressed so that the Somalis in particular and Kenyans living along border counties including the Chair's on how IDs are going to be synchronized and given to people as a right.

The Temporary Speaker (Sen. (Dr.) Machage): When the Senate Minority Leader referred to the "Speaker's", he meant the Kuria community.

Sen. Billow: Mr. Temporary Speaker, Sir, when the Chairperson will be working on this - there was a directive by the President in Mombasa a couple of months ago that Kenyans should be issued with identity cards wherever they are - the Chairperson should ascertain whether that directive has been put in writing and communicated to all the registration centres across the country.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, border communities find themselves at a challenging geographical location in this country. We have people in our county whose wives are from Uganda. In our culture, a husband's home is a wife's home.

In our culture too, the wife's tribe is the husband's tribe. So, when women who are married in our area are asked to go back to Uganda to bring their parents' identification documents, how do such documents of Ugandan citizens help to register Kenyans?

There is a young man from Musoli Village in Ikolomani, Kakamega County whose wife is a Ugandan. He has been to registration offices for the last ten years but they have never registered the wife. The woman is our wife and she has given birth to our children. If my cousin dies, she will be inherited by us and if the wife dies, she will be buried in Kakamega. What is it that these registration officers want? It should be streamlined.

The Temporary Speaker (Sen. (Dr.) Machage): I have given enough latitude to those riding on this. It is not normal practice to ride on another Member's Statement request. You should be brief lest you test the Chair's patience.

Sen. Ndiema: Mr. Temporary Speaker, Sir, is the Chairperson aware that Criminal Investigation Department (CID) officers are participating in vetting of applicants while we know the work of the CID officers is to investigate a crime after occurrence. This is happening in Trans Nzoia County. The CID officers are scaring away the applicants. Criminals are also entitled to identification cards. What is the purpose of a CID officer sitting in the registration office to harass applicants?

The Temporary Speaker (Sen. (Dr.) Machage): Actually, criminals are more entitled to be identified.

(Laughter)

Sen. Khaniri: Mr. Temporary Speaker, Sir, this problem is not isolated to border counties and north eastern areas as stated but even areas where some of us come from and particularly counties perceived not to be supporting the Jubilee Government. This is disenfranchising our people and this is the reason for the low voter registration in Vihiga County.

It is the responsibility of the Government to issue identification documents and I am working on a Bill that will address the issue of IDs. There must be data from when the child is born and when one turns 18 years. The Government should be looking for them to issue the documents and not the other way round.

The Chairperson should give an assurance that all Kenyans will be treated equally when issuing identification documents.

Sen. Munyes: Mr. Temporary Speaker, Sir, there is a problem for Kenyans---

The Temporary Speaker (Sen. (Dr.) Machage): Kindly be explicit and say which intervention you want.

Sen. Munyes: Mr. Temporary Speaker, Sir, my intervention is that, I want to understand whether there is a policy for Kenyans residing anywhere in this country. For instance, Somalis living in Turkana are sent to North Eastern to get their ID cards. Is that fair? Unless there is a policy that requires, for example, Kikuyus or any other community to get back from Turkana to one's respective region, we cannot discriminate. Can that be factored in the response?

Sen. Sijeny: Mr. Temporary Speaker, Sir, there is a unique constituency called the women of this nation. I am talking particularly about Nairobi region. We have spouses whose parents were born in Nairobi and these children were also born in Nairobi.

Somehow, they do not have identity cards. Could the relevant Committee come up with ways of identifying how these residents can get identity cards? Does it mean these people will not be registered?

The Temporary Speaker (Sen. (Dr.) Machage): Are you seeking a Statement from the Chair? Kindly reframe your request because what you are giving her is a duty to perform which might not be easy. What do you want her to answer to this House?

Sen. Sijeny: Mr. Temporary Speaker, Sir, I want the Chairperson to include in her Statement how these particular constituencies suffering from this bracket can be assisted.

The Temporary Speaker (Sen. (Dr.) Machage): Very well, I close that.

Sen. Adan: Mr. Temporary Speaker, Sir, I know this is a very serious issue because it is a matter that affects the whole country. I request Sen. Hassan to give us about two weeks to respond to that. However, we could ride on an opportunity tomorrow morning when we will be meeting the Registrar of Persons in Continental House, 5th Floor at 7.00 a.m. Members who feel they want to ride on this are welcome and we shall respond to issues affecting various counties.

I thank you.

The Temporary Speaker (Sen. (Dr.) Machage): Very well, that is an opportunity that should not be missed. Two weeks is adequate time and it is acceptable.

Next Statement!

PENDING BILLS BY COUNTY GOVERNMENTS

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I rise under Standing Order No.45 (2)(b) to seek a Ministerial Statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget. The Chairperson should:-

(1) Table before the Senate pending bills of all the 47 counties as at the end of the Financial Year 2014/2015.

(2) Explain how the county governments incurred the pending bills.

(3) Inform the House when the respective governors will settle those pending bills.

(4) Given that money for projects is normally allocated to county governments against a budget presented to the Controller of Budget before the tenders are issued, could the respective governors confirm in writing if the money for those pending bills is still in their accounts and if the amounts mentioned are not in those accounts, where did the money that was allocated for those projects go?

Thank you.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Wetangula, do you want to ride on the Statement?

The Senate Minority Leader (Sen. Wetangula): Yes, Mr. Temporary Speaker, Sir.

The Chairman of the Committee, in responding to this, should take into account the fact that this is a matter that the Committee he chairs has been grappling with. You may recall that the former President of Kenya, President Kibaki - arguably the best president this country has ever had - decreed that no public procurement should be undertaken until and unless there is a budgetary provision to cover it.

Indeed, it was during his time that he set up a committee to sort out pending bills in the country. Today, without exception, almost each and every of the 47 counties is choking with a pending bill of not less than Kshs2 billion.

The Temporary Speaker (Sen. (Dr.) Machage): You will make this Chair very comfortable if you avoid debate and go to the clarification you want to seek.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, could the Chairman tell this House what the Senate, as the oversight House, will do to arrest the escalation of pending bills because at every county headquarters, contractors are picketing and demanding payment for services they have rendered to the counties?

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

Sen. Billow: Mr. Temporary Speaker, Sir, it is true that the issue of pending bills has become a major problem in many counties. It is a matter that has been raised by the Controller of Budget in her report.

(Loud consultations and laughter)

The Temporary Speaker (Sen. (Dr.) Machage): Order! Could we have some order and decorum in the House? You can laugh silently if you are able to do that.

Sen. Billow: Mr. Temporary Speaker, Sir, because of the importance of this matter, my Committee will invite the Controller of Budget and the Council of Governors (CoG), if possible, to get appropriate answers on this vexing issues. I require at least two weeks from today to come with the response.

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

Sen. Adan: On a point of information, Mr. Temporary Speaker, Sir.

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

Sen. Adan: The House.

The Temporary Speaker (Sen. (Dr.) Machage): Very well, inform the House.

Sen. Adan: Mr. Temporary Speaker, Sir, I am sorry I said that tomorrow's meeting will be on the 5th Floor of Continental House. The meeting will be held in Continental House on 7th Floor and there will be breakfast. We shall meet the Registrar of Persons tomorrow morning at 7.00 a.m. to discuss issues affecting registration of persons in the country.

Thank you.

The Temporary Speaker (Sen. (Dr.) Machage): Whatever the Floor, you will be guided when you arrive at Continental House. Just note the time and it will be a breakfast meeting.

Very well! Sen. Kanainza.

COLLECTION OF LEVIES FROM BUSINESSES FOR PLAYING MUSIC

Sen. Kanainza: Mr. Temporary Speaker, Sir, pursuant to Standing Order No.45(2)(b), I rise to seek a Statement from the Chairperson of the Standing Committee on Labour and Social Welfare regarding the collection of levies from businesses such as bars, kiosks, barber shops and public transport operators for playing music. In the Statement, the Chairperson should state:-

(1) The role of the Music Copyright Society of Kenya (MCSK) as well as the Kenya Association of Music Producers and Performers Rights Society of Kenya (KAMPPRISK) with regard to collection of performance levies.

(2) Who is entitled to collect the levies collected by the two bodies?

(3) How much the owners of such businesses are required to pay for playing music in their premises?

(4) Why the MCSK and the KAMPPRISK officials are always accompanied by uniformed police officers when collecting levies from the said businesses.

(5) The steps being taken by the Communications Authority of Kenya (CAK) to set up regulations for remitting such levies by business owners who own radios and television sets for public entertainment in their premises.

Thank you.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. I can see Sen. Obure wants to ride on the Statement.

(Laughter)

Today, Sen. Khaniri and his gods are so excited. Why can you not tell the House what it is?

Sen. Obure: Mr. Temporary Speaker, Sir, in the Statement, the Chairman should also explain why that particular aspect of the law gives these societies powers that are demystified. There are far too many people who are being harassed in their houses, buses, *matatus* and everywhere.

Could the Chairman explain if they will come up with a structure in which the operations of that law are understood by the general public?

The Temporary Speaker (Sen. (Dr.) Machage): Could you also explain to us whether these groups have powers to arrest immediately when they find you culpable?

Sen. Wangari: On a point of order, Mr. Temporary Speaker, Sir. I thank Sen. Kanainza for raising this issue. As the Chairman gives his response, I would like him to clarify the percentage of the monies collected by the MCSK that goes to the artists who are the owners of songs and the administration. We actually need to know the breakdown of how the money is used.

(Sen. Wetangula spoke off record)

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Wetangula! Whereas you have a pertinent point, it has been wrongly executed.

(Laughter)

Yes, Sen. Madzayo!

Sen. Madzayo: Mr. Temporary Speaker, Sir, I need about two weeks to respond to the statement.

The Temporary Speaker (Sen. (Dr.) Machage): As you respond in two weeks, include what Sen. Omondi will say.

Have a sit please.

Sen. Madzayo: Much obliged.

Sen. Omondi: Thank you, Mr. Temporary Speaker, Sir. I also request that as he answers, he puts into consideration if there is anybody who has been prosecuted since the Music Copyright laws started working on the issue of controlling music played in public places.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. Also, include what Sen. Ongoro wants to say.

Sen. Ongoro: Mr. Temporary Speaker, Sir, further to what has been said, when he is giving the answer, I just want to know if this revenue collected over the years has ever been injected back to the Ministry by way of supporting upcoming artists and developing the industry.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. I have no more requests for statements on my Table.

ISSUANCE OF IDENTITY CARDS TO RESIDENTS OF NAIROBI
WHO HAIL FROM OTHER REGIONS OF THE COUNTRY

The Chairperson of the Committee on National Security and Foreign Relations, do you have the response to that statement?

Sen. Adan: Mr. Temporary Speaker, Sir, I think that was prosecuted.

The Temporary Speaker (Sen. (Dr.) Machage): Did you say it was prosecuted?

Sen. Adan: Mr. Temporary Speaker, Sir, yes, it was by Sen. Hassan. He was seeking a statement.

An hon. Senator: It is covered.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. That has been prosecuted.

STATUS OF THE NATIONAL GOVERNMENT'S
PROJECT TO LEASE MEDICAL EQUIPMENT

Under (b), the Chairperson of the Committee on Health, do you have a response to issue?

Sen. Kittony: Mr. Temporary Speaker, Sir, we have not received the report. I will try to bring it next week.

The Temporary Speaker (Sen. (Dr.) Machage): Which particular day next week? Could you be precise?

Sen. Kittony: Mr. Temporary Speaker, Sir, next Wednesday.

Sen. Khaniri: Mr. Temporary Speaker, Sir, I guess that we have no choice but to wait for Wednesday. However, the Senator stood here and gave an undertaking that the statement would come in two weeks which elapse today. So, I have no problem. We will wait for next Wednesday. Let us hope that she will make a follow up so that the statement is delivered.

The Temporary Speaker (Sen. (Dr.) Machage): Very well. It is so ordered.

(Statement deferred)

STATUS OF POSSESSION OF LAND TITLE DEEDS
BY PUBLIC SCHOOLS IN KENYA

On Statement (c), where is the Chairperson of the Committee on Lands and Natural Resources?

Sen. Obure: Mr. Chairman, Sir, on behalf of the ---

The Temporary Speaker (Sen. (Dr.) Machage): Order! I am the Speaker today and I think my size so fits.

(Laughter)

Sen. Obure: Mr. Temporary Speaker, Sir, on behalf of the Chairman of the Committee on Land and Natural Resources, I wish to state that we received a letter from the Ministry of Land, Housing and Urban Development requesting for a further two weeks until next week. The letter is dated 18th February, 2016.

Sen. Khaniri: Mr. Temporary Speaker, Sir, yes, I happen to be a Member of that Committee and I am privy to the letter that the Committee received. So, I oblige to next week.

The Temporary Speaker (Sen. (Dr.) Machage): It is so, ordered. He said next two weeks, not next week.

An hon. Member: He said next week.

The Temporary Speaker (Sen. (Dr.) Machage): Could you clarify, Sen. Obure?

Sen. Obure: Mr. Temporary Speaker, Sir, yes. The letter was written on 18th February, 2016. So, two weeks elapse next week. We will be ready with the response next Thursday.

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

(Statement deferred)

CONTRAVENTION OF THE CONSTITUTION BY
CBK GOVERNOR ON CURRENCY PORTRAITS

Where is the Chairperson of the Committee on Finance, Commerce and Budget?

(Sen. Billow stood up in his place)

Sen. Billow: Mr. Temporary Speaker, Sir, I wish to give the statement requested by the Senator for Bungoma. The first question is what steps the governor of Central Bank ---

The Temporary Speaker (Sen. (Dr.) Machage): Well, it is normal practice that if you have to do that, you have to come to the Dispatch Box.

(Sen. Billow walked to the Dispatch Box)

Sen. Billow: Mr. Temporary Speaker, Sir, the first question is what steps the Governor of Central Bank of Kenya (CBK), Dr. Patrick Njoroge has taken to ensure that our notes and coins; our currencies, bear no portrait of an individual with compliance of the Constitution.

Article 231(4) of the Constitution requires that notes and coins issued by the Central Bank of Kenya (CBK) may bear images ---

(Sen Munyes stood up in his place)

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Munyes! The rules of this House are such that two Members cannot be on their feet. I think you are a seasoned politician and you know that.

(Sen. Munyes bowed to the Chair and left the Chamber)

Sen. Billow: Mr. Temporary Speaker, Sir, Article 231(4) of the Constitution requires that notes and coins issued by the Central Bank of Kenya (CBK) may bear images that depict or symbolize Kenya or an aspect of Kenya but not the portrait of an individual.

The Senate Minority Leader (Sen. Wetangula): Any individual. Not an individual.

Sen. Billow: Mr. Temporary Speaker, Sir, the Governor confirms that the Central Bank of Kenya (CBK) has embarked on a process of developing new currency as required by the Constitution. It will be appreciated that the process is very technical and complex and also involves public participation which the Governor confirms has already been undertaken. Further steps include preparation of the design and procurement of the currency in accordance with the law.

The second question sought by the Senator is: If this has happened, when will the Central Bank of Kenya (CBK) Governor roll out the currency that is in conformity with the Constitution?

The Governor is confident that the ongoing process will be concluded very soon.

(Laughter)

Given the sensitivity and the national security implications of currency designs, it is critical that due diligence be undertaken and legal steps be strictly observed. The Governor assures the Senate that a public announcement will be made by the Central Bank of Kenya (CBK) once all the processes are concluded and the new currency is ready to be rolled out.

The last question is if the Governor is aware that by continuing to print portraits of an individual on our currency, he is in breach of the Constitution and can lead to his impeachment.

Article 262 of the transitional and consequential provisions provides that the transitional and consequential provisions set out in the Sixth Schedule shall take effect on the effective date, to which Article 34 of the Sixth schedule provides that:-

“Nothing in Article 231(4) affects the validity of coins and notes before the effective date.”

So, as quoted above, the Constitution allows the circulation of the current generation of currencies which at all times remain valid legal tender and to be phased out

gradually by the Central Bank. The Central Bank as mandated by law continues to supply bank notes and coins to meet the national demand.

Thank you.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, you could see from the body language of the Chairperson and the bemused manner in which he was making the statement that he does not believe in what he saying.

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Wetangula! How do you know that?

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, it is an observation.

(Laughter)

The demeanor of an individual is an acceptable observation by any individual. In December, 2014, the distinguished Senator for Siaya raised a similar question in this House. The answer we were given is exactly the same one; work in progress, designs and so on. The consequential provisions of the Constitution and the process of implementation of the new Constitution gave a period of five years which is over. I have not in any way asked to determine the validity of the currency bearing an individual's portrait in circulation today because the world over, such currency will be given a period to phase out as it goes on in the market.

Mr. Temporary Speaker, Sir, five years now and this is the sixth year down the line - you can see Constitutional Implementation Commission (CIC) has left - is there any credible reason why the Central Bank of Kenya has not printed and minted notes and coins respectively, erasing or removing the portrait of an individual so that this country can move away from the philosophy that informed the passage of the new Constitution with this kind of Article for the simple reason that personality cults in Africa have led to problems? There was a dictator in Equatorial Guinea---

The Temporary Speaker (Sen. (Dr.) Machage): If you could strictly confine yourself to reaching---

The Senate Minority Leader (Sen. Wetangula): I am not dealing---

The Temporary Speaker (Sen. (Dr.) Machage): I will not allow that because there are other Members who want to contribute.

The Senate Minority Leader (Sen. Wetangula): One minute, Mr. Temporary Speaker, Sir. There was a dictator in Equatorial Guinea who every evening---

The Temporary Speaker (Sen. (Dr.) Machage): But it is me who was to give you the one minute. I have not given you the one minute.

The Senate Minority Leader (Sen. Wetangula): Allow me, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Yes, that is a better request.

The Senate Minority Leader (Sen. Wetangula): Thank you Mr. Temporary Speaker, Sir. When the national television was switched on, a cloud comes on the television then a man called Macias Nguema descends from the clouds and announces that "God's gift to Equatorial Guinea". That is a personality cult. Every time you pull out a bank note from your pocket and you see a head of an individual that is the

personification of personality cults and we have to stop this because that is what the Constitution says.

Is the Chairman satisfied that from December 2014 when a similar answer came here, and the answer that he has brought which is similar to that answer, anything has been done enough to change our currency and comply with the Constitution?

Mr. Temporary Speaker, Sir, as I end, may I congratulate my colleague from Nyeri---

The Temporary Speaker (Sen. (Dr.) Machage): If I heard Sen. Wetangula right, he is asking whether are you trying to propagate personality cults in Kenya.

The Senate Minority Leader (Sen. Wetangula): Yes Mr. Temporary Speaker, Sir. That is what I am asking and I congratulate the Nyeri Senator for arm-twisting the President to give them two dual carriageways at the expense of the rest of the country.

The Temporary Speaker (Sen. (Dr.) Machage): Order Senator.

Sen. Khaniri: Thank you Mr. Temporary Speaker, Sir. One of the gravest violations a constitutional office holder can do is to violate provisions of a country's Constitution. The Constitution was effected in 2010 and there was the transition period of five years which has elapsed. What the honourable Chairman is telling us is just excuse.

This Government is fond of violating the Constitution in very many occasions. We have all seen this. If it was not for the tyranny of numbers, I think this Government should be home for this particular offense of violating the Constitution.

Mr. Temporary Speaker, Sir, the provisions of Article 231 (4) of the Constitution is very clear. The Government is violating it. Can the Chairman give a firm undertaking of the timing when we will stop usage of these particular currencies with portraits of individuals and effect the provisions of Article 231 (4)?

Sen. (Dr.) Khalwale: Thank you Mr. Temporary Speaker, Sir. Five years ago when my Public Accounts Committee in the National Assembly was investigating a scandal involving printing of Kenya currency by *De la Rue*, we did extensive investigations and I want to reveal here that in the confidentiality of the investigations, the designs that the Chairman is talking about were given to me. If you were to ask me, I have seen the designs for Kshs100, Kshs500, Kshs1,000 and Kshs200,000. They are there and they are finished.

Mr. Temporary Speaker, Sir, what is missing are two things. May be the Chairman could tell us whether that is the reason. First is that, the lucrative tender of printing currency is the reason why there is competition and people do not want to miss out on that lucrative tender. Could he clarify?

Secondly, there is no goodwill on the part of one of the top leaders in the country because he and a group of people around him are priding in the fact that the photographs currently on the currency give them nostalgic moments when they look at it. Could he clarify if, indeed, these are not the reasons why our Constitution is being breached?

Sen. Ongoro: Thank you Mr. Temporary Speaker, Sir. A provision of the supreme law of this land is being violated and has been violated for five years. In spite of the fact that we have the Attorney-General who is the chief adviser of the President, we have institutions like the CIC and other institutions. This is a very serious matter. We have no reason taking anybody to court for minor offences when people who are violating the supreme law of the land are not taken to court.

This is serious and we need a substantive answer to know why the President is continuing to lead with impunity and violating the supreme law of the land. It states clearly that no institution and no person is above the law.

Sen. Ndiema: Mr. Temporary Speaker, Sir, I think the answer given to me is not satisfactory. First, we are told that the design is so scientific and technical that it takes five years to arrive at. I think there is nothing so technical in designing a currency. Public participation is something we have always done and it can be done within a week.

Instead of apologizing for the delay, matters are being made worse when it is said that it was because of technical reasons. I think we should be given enough reasons and not the reason they have given us.

Sen. Billow: Thank you Mr. Temporary Speaker, Sir. You know the sort of the problems you have heard in printing of currency in this country. It is well known to those who have been in the Grand Coalition, because that is the time when there were a lot of intrigues regarding the whole idea of the *De la Rue* complex with regard to ownership and all that. I think no one knows better than the Senator who is seeking this answer.

That is now water under the bridge. This Government has only raised two issues. One, there is no doubt that this is a very technical and complex matter because of the national security implications in trying to get all those kinds of things into place. I think Sen. Ndiema knows because he has worked in Identification Cards (ID) and he knows how long it takes to roll out a new generation ID because of the technical aspect, security features and the due diligence that has to go into it.

Mr. Temporary Speaker, Sir, I do agree with the Members that we need to have a timeframe. In that regard, I seek the indulgence of the House to consult further on this matter and get a timeframe within which this matter can be rolled out. But I want to assure the Members that, indeed, this Government has, by and large, been committed to implementing to a large extent the provisions of the Constitution.

(Loud consultations)

It has been committed.

Mr. Temporary Speaker, Sir, I need protection.

The Temporary Speaker (Sen. (Dr.) Machage): Order! Sen. Billow, be serious because I am tempted to believe what Sen. Wetangula first alleged that you do not believe in your own answer.

(Laughter)

Sen. Billow: Mr. Temporary Speaker, Sir, I have answered the questions that have been raised and given a commitment to get a timeframe from the Governor of the Central Bank on when this can be effected. But I want to assure the Members that we do not have a cultist situation. I am sure that the Senator for Kakamega will be more than pleased to have his own portrait on any currency, in the likely event that he ends up in that office. I can assure the House that we will get a timeframe.

The Temporary Speaker (Sen. (Dr.) Machage): Order! The matters raised in this House on this issue are very important; strongly put and worded. As the Chair, I am not satisfied with the Chairman's performance today on this answer, both in action and

demeanor. I order that the Governor of the Central Bank is invited to address the whole House in a *Kamukunji* in a week's time.

Sen. Billow: Most obliged, Mr. Temporary Speaker, Sir.

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

The Temporary Speaker (Sen. (Dr.) Machage): Are you on the same issue, Sen. Wetangula? That ruling could not have been better. Just leave it as it is.

Let us move to Statement No. (e).

Sen. Ndiema, do you have the Statement?

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

The Temporary Speaker (Sen. (Dr.) Machage): Move to the front Table. I am told that we should not call it a Dispatch Box, because that is the British system.

STATUS OF TEA FARMERS' MONEY HELD IN A KTDA
FIXED DEPOSIT ACCOUNT AT IMPERIAL BANK

Sen. Ndiema: Mr. Temporary Speaker, Sir, at the Senate sitting held on 10th February, 2016, Sen. Obure requested for a Statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding the status of tea farmer's money held in Kenya Tea Development Authority (KTDA) fixed account at the Imperial Bank.

The request sought the Statement to address the following:-

(1) State the amount of money that was put in the fixed deposit account at the Imperial Bank Limited by KTDA.

(2) State when the deposits were placed and explain the terms which they were placed.

(3) Explain measures that KTDA has taken to cushion the small-scale farmers against loss following the closure of the bank.

(4) Give details of any other monies deposited in any other banking institution by KTDA on behalf of small-scale farmers and state the measures that the agency has taken to minimize any risk exposure given the experience with the Imperial Bank Limited.

The response is as follows:-

(1) The amount of money that was put in the fixed deposit account at the Imperial Bank Limited by KTDA was Kshs2, 926,365,091. This was at the time the bank was placed under receivership. The deposits were placed by KTDA on the following dates and at the following interests rates:-

(a) On 29th May, 2015, the amount was Kshs1, 105, 000,000, at 13.1 per cent interest rate.

(b) On 4th June, 2015, the amount was Kshs800, 000,000, at 13.1 per cent interest rate;

(c) On 16th, June, 2015, the amount of Kshs500, 000,000, at 13.2 per cent interest rate; and,

(d) On 25th September, 2015, Kshs521, 365,091, at 23 per cent interest rate.

(2) The deposits were made based on the attractive interest rates offered by the bank as shown above.

(3) The other issue was with regard to the measures that KTDA had taken to cushion small-scale farmers against loss following the closure of the bank. The KTDA has a list of banks in their panels. The selection of the banks is made using various aspects that include:-

- (a) Bank assets;
- (b) NSE listing;
- (c) Reciprocal business;
- (d) Governance structures; and,
- (e) Geographical presence.

To limit exposure in any bank the board sets the limit for each of the banks. The Imperial Bank was introduced in the panel in July 2011 when its asset base, according to its audited accounts, was Kshs19.72 billion. The limit then was Kshs0.5 billion.

In order to consider continuation of a bank to remain on the panel of the listed banks, KTDA management services relies on:-

- (a) Audited accounts as published.
- (b) Licensing by Central Bank of Kenya (CBK) and the regulator.
- (c) Other information, for example, in the case of Capital Market Authority (CMA) and CBK which approved a public bond placement that was oversubscribed and issued in August 2015 by Imperial Bank. It was to start trading on 13th October, 2015 in the Nairobi Stock Exchange, the same day that the bank was placed under receivership.

(4) The other question was with regard to details of any other monies deposited in other banking institutions by KTDA on behalf of small-scale farmers and the measures that the agency has taken to minimize any risk exposure, given the experience with the Imperial Bank Limited. At the time the Imperial Bank was put under receivership, the following deposits were held in various banks: Kenya Commercial Bank (KCB), Kshs3,256,845,993; NIC Bank, Kshs887,630,000; co-operatives, Kshs3,996,000,000; CBA Bank, Kshs800,000,000; Equity Bank, Kshs817,000,000; Diamond Trust Bank, Kshs500,000,000; Eco Bank, Kshs2,415,541,260; Bank of Africa, Kshs1,086,942,146 and HFCK Bank, Kshs2,547,794,884.

The Imperial Bank---

The Temporary Speaker (Sen. (Dr.) Machage): How long is your statement?

Sen. Ndiema: I am almost through.

The Temporary Speaker (Sen. (Dr.) Machage): Proceed then.

Sen. Ndiema: Mr. Temporary Speaker, Sir, for Imperial Bank, it was Kshs2,926,365,091; Family Bank, Kshs3,905,389,153; and Chase Bank, Kshs4,475,289,153. The total is Kshs27,093,433,144.

Deposit placement is done as and when funds become available from the trading teas and interest rates offered by the banks determines which bank gets the deposit based on competitive. It was unfortunate that Imperial Bank was put under receivership when preparations to pay final payments to farmers were in top gear. The Kenya Tea Development Authority (KTDA) management services limited was able to release the farmers payment on 23rd October, 2015 and use money earmarked for other obligations to cover the deposit held at the Imperial Bank.

Going forward, KTDA management services limited will spread further the deposits and although this may reduce the interest earnings, the risk may be reduced although it may not be entirely eliminated.

Sen. Obure: Mr. Temporary Speaker, Sir, I want to thank the Chairman of the Committee for this effort. However, I want him to explain what would be the fate of this fixed deposit at the Imperial Bank after it was liquidated. Is the whole amount of Kshs2.9 billion farmers' money lost? What options do the farmers have? Do they just give up or what plans does KTDA, together with the Government, have to salvage farmers from this huge potential loss?

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Ndiema, just record the questions.

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir, I would like the Chairman to tell the House whether it is possible for KTDA to pay farmers twice per year instead of this money lying around hence risking it in the banks as has been shown in Imperial Bank.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, apart from the Imperial Bank issue where Kshs2.9 billion is likely to be lost, we know banks are holding Kshs27 billion of farmers' money at an interest rate of just 10 per cent per annum. It is earning Kshs2.7 billion for the banks per annum. Could the Chairman tell us whether the small-scale farmers have consented to their money being held and traded around in fixed deposits in various banks? Are they benefitting from the accrued and earned interest and at what intervals are those interests paid?

If you remember the Sugar Act that was passed in the last Parliament---

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Wetangula! You have already executed your question, which was very good and well put, do not spoil it.

The Senate Minority Leader (Sen. Wetangula): Let me finish, Mr. Temporary Speaker, Sir. Could the Chairperson tell this House, and if he does not have the answer now he can seek for it and bring, whether there is any privity of contract? The term "privity" means parties have agreed and there is a relationship between the small-scale farmer in Nyangores and KTDA that they will hold his money and put in a fixed deposit?

Sen. Karaba: Mr. Temporary Speaker, Sir, I wish to ask the Chairman whether the money he is alluding to has been deposited in such banks is owned by farmers all over the country. If it is so, could he give us a tabulation showing each county and the amount of money for each?

Sen. Ong'era: Mr. Temporary Speaker, Sir, under what authority did KTDA invest that money in Imperial Bank? Do they have an agreement or a memorandum of understanding? On whose authority are they investing such an amount of money? Who will pay the accrued interest of Kshs2.9 billion that Imperial Bank is under receivership?

Sen. Ongoro: Mr. Temporary Speaker, Sir, we all know that small-scale farmers are an important pillar of this economy. When they have their monies withheld for such long periods, I am interested in knowing what informed the rationale of holding these huge amounts for such long periods rather than injecting it back into a system that facilitates the farmers to grow. Were they part of the decision? What informed this rationale and how is it helping the agricultural and farming sector in this country?

Sen. Ndiema: Mr. Temporary Speaker, Sir, some of the information sought was not in the initial request and I may not be having answers. Therefore, I will ask for indulgence so that I can go back to get more information. The first issue is about what will happen to the money in Imperial Bank that is already under receivership. It is now

Central Bank of Kenya that is handling it and we do not know whether they will recover the money when they have done what they ought to do.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Ndiema, you have confessed that there are questions whose answers you do not have. Instead of turning to the Plenary to try and help you to answer, why can you not agree with the first observation and seek for more time? I will gladly grant you.

Sen. Ndiema: I will be able to do this in two weeks time.

Sen. Obure: It is okay, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Machage): Where is the Chairman, Standing Committee on Health? Sen. (Prof.) Lesan, do you have any information on this?

Sen. (Prof.) Lesan: I do not have information. My Chairman was here a few minutes ago.

The Temporary Speaker (Sen. (Dr.) Machage): Very well, tell the Chairman or the Vice Chairman that this is very important and very urgent and a response should be given to the House as soon as possible. We also have Kenyan citizens going to that country very soon.

Where is the Chairman, Standing Committee on Roads? I order that this statement must be given by Tuesday, next week.

STATUS OF THE KENOL-MAKUTANO-MARUA ROAD

The Chairperson of the Standing Committee on Roads and Transportation, you have a statement to issue on the upgrading of the Kenol-Makutano-Marua road.

Sen. Sijeny: Mr. Temporary Speaker, Sir, I seek your indulgence. I was informed that the statement is ready, but the Cabinet Secretary was not there to sign it. I request to issue it latest on Tuesday, next week. If it will be ready tomorrow, we will issue it.

The Temporary Speaker (Sen. (Dr.) Machage): I concur with you. In your own words, you have said it will be issued "latest Tuesday, next week." Let it be so.

What is it, Sen. Karaba?

Sen. Karaba: Mr. Temporary Speaker, Sir, the Chairperson has stated that if is ready by today, it will be issued tomorrow. It is very important that it is read as soon as possible.

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Karaba! You were a teacher and you heard exactly what I said. I said latest Tuesday; that includes today or tomorrow.

Sen. Karaba: Mr. Temporary Speaker, Sir, let it be tomorrow.

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Karaba! I will not give the order the way you want it. I maintain that it should be latest Tuesday. However, if it will be ready tomorrow, she can issue it.

(Statement deferred)

Looking at the Order Paper, Order Nos. 8, 9, 10, 11, 12, 13 and 14 require that the House has at least 24 Members. I am informed that we are less than that threshold.

(Sen. Obure moved to the door)

Sen. Obure, kindly point this way because we need you to fill our numbers. I order that the Division Bell be rang for two minutes. I also urge the Whips to do their work.

(The Division Bell was rung)

In the meantime, let the next Order be read.

MOTION

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

THAT, this House adopts the Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No. 1 of 2014) laid on the Table of the House on Wednesday, 18th November, 2015.

(Sen. (Dr.) Khalwale on 17.02.2016)

(Resumption of Debate interrupted on 17.02.2016)

The Temporary Speaker (Sen. (Dr.) Machage): We do not have the requisite numbers to Vote. The Division Bell is being rung.

(The Division Bell was rung)

The Temporary Speaker (Sen. (Dr.) Machage): Order! Can I have a report from the Whips? What is the position of the House? I am waiting for the report from the Whips. Can the Whips move forward, please?

Continue ringing the Division Bell for another five minutes.

(The Division Bell was rung)

Whips, please, confirm the position.

You can stop ringing the Division Bell now; we have the quorum.

(Loud consultations)

Order! The House is in Session. We are on Order No. 8; Motion. I will read out the terms of the Motion before I put the question.

Information and Technology (IT) experts, are you ready or we do it manually? Why are we not getting the display? I am seeing it on my computer, but there is no display on the main screen. Can you kindly display it? It is not working. Reset it and inform us accordingly.

Very well. We can now start voting.

Are we ready for the special voting? We do not talk of assisted voters here, but voting by special method. Kindly, move forward and vote? Do you want me to use the terminology “assisted voters”?

(Laughter)

Hon. Senators: No. Special voters!

The Temporary Speaker (Sen. (Dr.) Machage): If the secretariat is ready, I do not have to announce the results now. I can do so later.

We move on to Order No.9 on the Order Paper.

BILLS

Second Reading

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

(Sen. (Dr. Kuti) on 16.02.2016)

(Resumption of Debate interrupted 16.02.2016)

The Temporary Speaker (Sen. (Dr.) Machage): As we prepare to vote, I will announce the results of Order Nos.9, 10 and 11 together at the end.

DIVISION

ELECTRONIC VOTING

(Question, that the House adopts the Report of the Mediation Committee on the County Governments (Amendment Bill No. 1 of 2014) laid on the Table of the House on Wednesday, 18th November, 2015, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to 0)

(Question put and agreed to)

DIVISION

ELECTRONIC VOTING

*(Question, that the Cancer Prevention and Control
(Amendment) Bill (Senate Bill No.3 of 2015)
be read a Second Time, put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong’era, Kisii County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to nil)

Second Reading

**THE COUNTY OUTDOOR ADVERTISING BILL
(SENATE BILL NO. 11 OF 2015)**

(Sen. Mutula Kilonzo Jnr. On 15.2.2016)

(Resumption of Debate interrupted on 16.2.2015)

DIVISION

ELECTRONIC VOTING

*(Question, that the County Outdoor Advertising Control Bill
(Senate Bill No. 11 of 2015) be read a Second Time, put
and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to nil)

Second Reading

THE KENYA NATIONAL EXAMINATIONS COUNCIL (AMENDMENT)
BILL (SENATE BILL NO. 14 OF 2015)

(Sen. Musila on 16.2.2016)

(Resumption of Debate interrupted on 23.2.2016)

DIVISION

ELECTRONIC VOTING

*(Question, that the Kenya National Examinations Council (Amendment)(No.2)
Bill (Senate Bill No14 of 2015)
be read a Second Time, put and the Senate*

proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to nil)

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

The Temporary Speaker (Sen. (Dr.) Machage): What is it? Remember, if you look at your Standing Orders properly, no points of order are allowed during voting. So, have a sit!

(Laughter)

What is it, Sen. Wetangula?

(Sen. Wetangula spoke off record)

Could you put your microphone on?

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, for purposes of the HANSARD, we are doing something procedurally incorrect. After announcing the results of every Bill, the Clerk-at-the Table ought to have stood to read out what she is reading. The HANSARD will now record that she is reading pertaining to all Bills at the end and the flow of the HANSARD will be distorted. We need to follow the proper procedure.

(The Clerk-at-the Table read the Bills for the Second Time)

The Temporary Speaker (Sen. (Dr.) Machage): Order! It is a true procedural concern. I rule that the HANSARD reports as appropriate.

The Senate Minority Leader (Sen. Wetangula): What does that mean?

The Temporary Speaker (Sen. (Dr.) Machage): Although she is reading that at the end of the four votings, I rule that each is divided to ---

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, but the HANSARD is a verbatim report. It cannot be ---

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Machage): Very well. I note the discrepancy. I am concerned about it. It will not be repeated.

The Senate Minority Leader (Sen. Wetangula): No. Let us just repeat the process---

Sen. Kagwe: On a point of order, Mr. Temporary Speaker, Sir. Irrespective of the matters raised, surely, the Temporary Speaker and Sen. Wetangula cannot carry on a conversation as if he is your equal.

The Temporary Speaker (Sen. (Dr.) Machage): Sen. Kagwe is very much in order. With that, Sen. Wetangula should desist from making the direct conversation with the Chair without going through the normal process. However, with a rider, Sen. Wetangula has brought to the attention of the House on a very important procedural issue. I will, therefore, repeat.

The Senate Minority Leader (Sen. Wetangula): Yes!

The Temporary Speaker (Sen. (Dr.) Machage): If you noticed, I was sitting every time I announced the results. I did my part as your Speaker. Again, we cannot discuss the secretariat in the House.

The Senate Minority Leader (Sen. Wetangula): No. We cannot do that.

The Temporary Speaker (Sen. (Dr.) Machage): For the purposes of correction, let us repeat the process.

DIVISION

ELECTRONIC VOTING

(Question, that the Senate adopts the Report of the Mediation Committee on the County Governments (Amendment) Bill (Senate Bill No.1 of 2014), put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County;

Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to nil)

(Question put and agreed to)

DIVISION

ELECTRONIC VOTING

*(Question, that the Cancer Prevention and Control
(Amendment) Bill (Senate Bill No.3 of 2015)
be read a Second Time, put and the Senate
proceeded to vote by County Delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Order Senators, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to nil)

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

DIVISION**ELECTRONIC VOTING**

(Question, that the County Outdoor Advertising Control Bill (Senate Bill No.11 of 2015) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to 0)

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

DIVISION**ELECTRONIC VOTING**

(Question, that the Kenya National Examinations Council (Amendment) Bill (Senate Bill No.14 of 2015) be read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen.

Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Senators, the results of the Division are as follows:-

AYES: 24

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 24 votes to nil)

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

The Temporary Speaker (Sen. (Dr.) Machage): Hon. Members, as we proceed, all the other Committees of the Whole – Orders No.12, 13 and 14 – we had actually reached a decision. So, none of us should think that we will take too long. I beseech you to stay put and we finish them. They have been on the Order Paper for too long.

Next Order!

The Senate Minority Leader (Sen. Wetangula): Let me say that even when a madman speaks, it may be ---

The Temporary Speaker (Sen. (Dr.) Machage): Order, Sen. Wetangula! When I am on my feet, you know it is so good and so sweet to tower over your boss. For now, I am the boss.

An hon. Member: Power is sweet.

The Temporary Speaker (Sen. (Dr.) Machage): Power is sweet.

(Laughter)

Oh, yes!

An hon. Member: You did not bend on this side.

The Temporary Speaker (Sen. (Dr.) Machage): I did.

The Senate Minority Leader (Sen. Wetangula): You bent on that side and bowed on this side.

(Laughter)

The Temporary Speaker (Sen. (Dr.) Machage): Draw the bars. I did not say that.

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

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

(Resumption of debate interrupted on 16.2.2016)

(Some Senators withdrew from the Chamber)

The Temporary Chairperson (Sen. Ongoro): Order, Senators! We will still vote on this.

The Senate Minority Leader (Sen. Wetangula): May I beseech colleagues that these Committee of the Whole will necessitate voting. I plead with you, please, let us sit here and finish. I can see some Members leaving with their iPads and, probably, going away. Let us take matters seriously.

(Loud consultations)

The Temporary Chairperson (Sen. Ongoro): Order, Senators! Let me remind the House that we had done all the amendments and we are going straight to Division. So, Senators should not leave.

Can the Division Bell be rung for two minutes?

(The Division Bell was rung)

Hon. Senators, we are to go straight to Division because we already considered all the clauses on the Public Appointments (County Assembly Approval) Bill (Senate Bill No.20 of 2014). We will have Division on four clauses.

DIVISION**ELECTRONIC VOTING**

(Question, that the amendment by the Chairperson of the Committee to the First Schedule be amended as proposed by Sen. Mutula Kilonzo Jnr., by deleting part (c) of the amendment, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.)Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Ong'era, Kisii County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results of the Division are as follows;

AYES: 25

NOES: Nil

ABSENTIONS: Nil

(Question carried by 25 votes to nil)

(First Schedule as amended agreed to)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 2, 5, 6, 7, 8, 9, 10 and the First Schedule be amended as proposed and be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.)Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Ong'era, Kisii County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results of the Division are as follows;

AYES: 25

NOES: Nil

ABSENTIONS: Nil

(Question carried by 25 votes to nil)

*(Clauses 2, 5, 6, 7, 8, 9, 10 and the First
Schedule as amended agreed to)*

DIVISION

ELECTRONIC VOTING

*(Question, that Clauses 3, 4, 11, 12 and 13 be part of the
Bill put and the Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Ong'era, Kisii County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results of the Division are as follows;

AYES: 25

NOES: Nil

ABSENTIONS: Nil

(Question carried by 25 votes to nil)

(Clauses 3, 4, 11, 12 and 13 agreed to)

DIVISION

ELECTRONIC VOTING

*(Question, that the Second Schedule, the Title and Clause 1
be part of the Bill, put and the Senate proceeded
to vote by County Delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen.

Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County, Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr. , Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Orenge, Siaya County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results are as follows.

AYES: 25

NOES: 0

ABSTENTIONS: 0

(Question carried by 25 votes to nil)

(Second Schedule, Title and Clause I agreed to)

Hon. Senators, the Bars will remain closed. However, I will excuse one Senator to leave the Chamber, Sen. Omondi. Let us move on to the next Bill. Like the other Bill, we had already dispensed off all the amendments. Therefore we will move straight to Divisions which are only two.

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

(Resumption of debate interrupted on 16.2.2016)

DIVISION

ELECTRONIC VOTING

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

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembu-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County, Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr. , Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Orenge, Siaya County; Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results are as follows.

AYES: 24
NOES: 0
ABSTENTIONS: 0

(Question carried by 24 votes to nil)

(Clause 5 as amended agreed to)

DIVISION

ELECTRONIC VOTING

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

AYES: Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results of the Division are as follows:-

AYES: 24
NOES: 0
ABSTENTIONS: 0

(Question carried by 24 votes to nil)

(Clauses 3, 4, 5, 2, Title and Clause 1 agreed to)

We now move on to the next Bill; The County Industrial Development Bill (Senate Bill No.7 of 2014) by Sen. (Eng.) Muriuki. The first Division is on clauses with amendments.

THE COUNTY INDUSTRIAL DEVELOPMENT BILL (SENATE BILL NO. 7 OF 2014)

(Resumption of debate interrupted on 17.2.2016)

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 2, 4, 5,7, 10, 17, 18, 20, 21, 23, 24, 29, 32, 33, 34, 36, 38, 42 and 49 be amended as proposed put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County ; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results of the Division are as follows:-

AYES: 25

NOES: 0

ABSTENTIONS: 0

The Ayes have it.

(Question carried by 25 votes to nil)

We now move to the next one. These are clauses for deletion.

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 11, 12, 13, 14, 15, 16, 22 and 40 be deleted, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County ; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans

Nzoia County; Sen. Ong'era, Kisii County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results of the Division are as follows:-

AYES: 25

NOES: 0

ABSTENTIONS: 0

(Question carried by 25 votes to nil)

(Clauses 11, 12, 13, 14, 15, 16, 22 and 40 were deleted)

We now move to the third Division. Please undraw the Bars to allow Sen. Omondi to come back to the Chamber.

We move to Clauses without amendments.

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 2(as amended), 3, 4, 5 (as amended), 6, 7 (as amended), 8, 9, 10 (as amended), 17, 18 (as amended) 19, 20, 21, 23 24, (as amended), 25, 28,29(as amended), 39, 41, 42 (as amended), 43-48, 49 (as amended), 50, 51 and 52 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County ; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Orengo, Siaya County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results of the Division are as follows:-

AYES: 25

NOES: 0

ABSTENTIONS: 0

(Question carried by 25 votes to nil)

DIVISION**ELECTRONIC VOTING**

(Question, that the Schedule, Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Adan, Isiolo County; Sen. Billow, Mandera County; Sen. Chelule, Nakuru County; Sen. Chiaba, Lamu County; Sen. Elachi, Nairobi County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Lesan, Bomet County; Sen. Lesuuda, Samburu County ; Sen. (Dr.) Machage, Migori County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Ong'era, Kisii County; Sen. Oremo, Siaya County; Sen. Wamatangi, Kiambu County; and, Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. Ongoro): Hon. Senators, the results of the Division are as follows:-

AYES: 25

NOES: 0

ABSTENTIONS: 0

(Question carried by 25 votes to nil)

(Schedule, Title and Clause I agreed to)

The Chairperson (Sen. Ongoro): We are now reporting the Bills one by one.

REPORTS

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

Sen. (Eng.) Muriuki: Thank you Madam Temporary Chairperson. On behalf of the Chairperson of the Committee, I beg to move that the Committee reports to the Senate its consideration of The Public Appointments (County Assembly Approval Bill), Senate Bill No. 20 of 2014 and its approval thereof with amendments.

(Question put and agreed to)

THE HIV AND AIDS PREVENTION AND CONTROL
(AMENDMENT) BILL

(SENATE BILL NO. 4 OF 2015)

Sen. (Dr.) Machage: Madam Temporary Chairperson, I beg to move that the Committee reports to the Senate its considerations of the HIV/AIDS Prevention and Control Amendment Bill (Senate Bill No. 4 of 2015) and its approval thereof with amendments.

(Question put and agreed to)

THE COUNTY INDUSTRIAL DEVELOPMENT BILL
(SENATE BILL NO. 7 OF 2014)

The Temporary Chairperson (Sen. Ongoro): I now call upon the Mover, Sen. (Eng.) Muriuki.

Sen. (Eng.) Muriuki: Madam Temporary Chairperson, I beg to move that the Committee reports to the Senate its consideration of the County Industrial Development Bill (Senate Bill No.7 of 2014) and its approval, thereof, with amendments.

(Question put and agreed to)

The Temporary Chairperson (Sen. Ongoro): We will now move to reports and we will be done. The Bars can be opened now.

(The House resumed)

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

The Deputy Speaker (Sen. Kembi-Gitura): Order Members! Why are you standing yet I bowed long time ago before I sat?

(Loud consultations)

Order Members! Let us proceed.

*(The Deputy Speaker (Sen. Kembi-Gitura)
consulted with the Clerk-at-the-Table)*

Order Members! Hon. Senators, if you are withdrawing, do so quietly because we still have business to transact.

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

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

The Deputy Speaker (Sen. Kembi-Gitura): We are on The Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 of 2014).

Sen. Ongoro: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the Whole has considered The Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 of 2014) and its approval, thereof, with amendments.

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

Sen. Kagwe seconded.

(Question proposed)

(Question put and agreed to)

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I beg to move that The Public Appointments (County Assembly Approval) Bill (Senate Bill No. 20 of 2014) be now read a Third Time.

Sen. Kagwe seconded.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): This is not a “noise” vote and we have to go to Division. That is the reason we asked Senators to remain in the House so that we vote, so that the work you have done now is not in futility.

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I beg to move that the putting of the Question be postponed to another day in accordance with Standing Order No.54(3).

The Deputy Speaker (Sen. Kembi-Gitura): Could you do it according to Standing Orders?

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I am still looking for the appropriate words.

The Deputy Speaker (Sen. Kembi-Gitura): You should state that it be deferred to the following day.

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I beg to move that the putting of the question be deferred to tomorrow.

The Deputy Speaker (Sen. Kembi-Gitura): Very well. It is so ordered.

(Putting of the question on the Third Reading deferred)

Next Order!

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

The Deputy Speaker (Sen. Kembi-Gitura): We are now on reporting on The HIV and AIDS Prevention and Control (Amendment) Bill (Senate Bill No.4 of 2015).

Sen. Ongoro: Mr. Deputy Speaker, Sir, I beg to report that the Committee of Whole has considered The HIV and AIDS Prevention and Control (Amendment) Bill (Senate Bill No.4 of 2015) and its approval, thereof, with amendments.

The Deputy Speaker (Sen. Kembi-Gitura): The Mover of the Bill, Sen. (Dr.) Machage.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee on the said report.

Sen. Mutula Kilonzo Jnr. seconded.

(Question proposed)

(Question put and agreed to)

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

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I beg to move that The HIV and AIDS Prevention and Control (Amendment) Bill (Senate Bill No.4 of 2015) be now read a Third Time.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): We do not have the threshold.

Sen. (Dr.) Machage: Mr. Deputy Speaker, Sir, I stand under Standing Order No.54(3) to request that putting of the question be deferred to the following day.

The Deputy Speaker (Sen. Kembi-Gitura): It is so ordered.

(Putting of the question on the Third Reading deferred)

Now, let us move to the Report of the Committee of the Whole on the County Industrial Development Bill (Senate Bill No. 7 of 2014).

THE COUNTY INDUSTRIAL DEVELOPMENT BILL
(SENATE BILL NO.7 OF 2014)

Sen. Ongoro: Mr. Deputy Speaker, Sir, I beg to report that a Committee of the Whole has considered The County Industrial Development Bill (Senate Bill No. 7 of 2014) and its approval thereof with amendments.

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I beg to move that the House do agree with the Committee of Whole on the said report.

The Deputy Speaker (Sen. Kembi-Gitura): Who is seconding you?

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, Sen. Kagwe.

Sen. Kagwe: Mr. Deputy Speaker, Sir, I beg to second the Bill. In doing so, I wish to congratulate the Mover of the Bill, Sen. (Eng.) Muriuki. We, indeed, sat on this Bill in the relevant Committee. It is a very important Bill that we have passed today.

In my County of Nyeri, this Bill will have an impact because we are relying on value addition on our agricultural products to develop industries. Of particular importance is value addition in agricultural products particularly coffee, tea and milk as

well as horticultural exports to create industries. In the past, we have been exporting our jobs to Europe. This is because when we export in gunny bags and the packaging of that coffee is done in Europe by Europeans. That is why you hear of countries in Europe that are supposedly big coffee exporters when we know very well that there is no coffee that is grown in Europe. Therefore, the only way that we will create jobs for our people in agricultural areas is by value addition on those agricultural products.

A very good example of the impact that value addition can have is the Mukurweini Wakulima Dairy Ltd in Mukurweini Constituency. Through the efforts of the former Member of Parliament, Hon. Muhika Mutahi, the organisation has moved from a milk collection company to a processing company that now has a brand called Royal Milk. Through that effort, approximately 300 families are now benefitting with many young people in Mukurweini working in the factories. These people will not need to come to Nairobi or travel to other urban areas to look for jobs because they have jobs right there.

I once again reiterate that this is a very important Bill and we should congratulate the Mover for bringing it. I hope that impact will be felt even in Nyandarua County because of their value addition in potatoes and so on. Therefore, I have no hesitation whatsoever in seconding this Bill.

I beg to second.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Karaba, do you want to contribute to the Bill?

Sen. Karaba: Mr. Deputy Speaker, Sir, this is a Bill ---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Sen. Karaba!

(Question proposed)

Sen. Karaba: Mr. Deputy Speaker, Sir, thank you for allowing me to contribute towards this very important Bill. It is important in the sense that we are already implementing devolution in our counties and we are getting it well done. With all these, it will be very difficult for the counties to realise their industrial dream which can only be realised especially when the Senate has given the impetus to various counties to engage in industrial development. Industrial development of a county will only come through such initiatives which start from the Senate.

Since we are the oversighting body in the Republic, it is very important that a Bill like this one should be seen like it can really affect the country's economy. There are various infrastructural bodies that we can have and we are still waiting to hear what the Government is coming up with particularly in road development in areas where such commodities come from. You note that without good roads and rail network and other infrastructure like water connection, we cannot do what we think we can without providing good transport system. We have various commodities grown in Kenya and more so in wet areas. We have coffee, tea and rice in Kirinyaga, Embu and other areas which require quick transport because they are very perishable. Crops like tea will require very fast transport to factories before they go bad. So, we also encourage infrastructure alongside this idea of industrial development because it is the one which will hasten the rate at which industries will pick up.

Mr. Deputy Speaker, Sir you realise that Kenya mostly exports the raw materials which do not earn us a lot of money. We encourage that instead of exporting raw

materials or unprocessed products, it is better we add some value so that we can have finished products which can also be consumed by Kenyans. It is possible that some of the products that we have can easily be processed and sold in our country. We can provide enough domestic market for products like tea, coffee, maize, rice and French beans. What is required is a good transport system where such products either finished or unfinished can reach the market on time.

That is what the Bill is addressing. It is important to note that young countries like Kenya - young in the sense that we are still experiencing industrial take off - need to be careful because relying so much on importations from European countries and other developed countries will impede industrial development. We need protection from such industrial nations so that we are able to have our own industries producing the products that can be sold to fetch what is enough for our country later on.

I appeal to the Government to come forward and protect, particularly the rice farmers in Mwea and Kirinyaga where they grow a lot of rice which needs value addition whereas there is a lot of dumping of foreign rice from Pakistan, India and Malaysia.

The Government should help farmers to access markets because there is enough market in the country. We should develop irrigation schemes, for example, by creating the Thiba Dam where the Government is going to spend close to Kshs20 billion. The money should go towards development of regions.

Mr. Deputy Speaker, Sir, when we develop such regions, we are going to have food satisfaction in the country and the counties that we have. That is why we are encouraging counties with the capacity to save and develop their areas. Areas which have capacity to produce certain goods should be encouraged to do that. Areas which are dry and have dams should be encouraged to do irrigation so that they can be developed. The dams can also be used for fishing, navigation and so forth. That will encourage the residents of the neighboring areas to produce industrial products. That, to me, is what is called industrial inertia. That can help not only the county but the country.

Mr. Deputy Speaker, Sir, this is a Bill which is important and we should encourage counties to engage in agriculture. Agricultural economists should, therefore, be boosted by the Government by being given the relevant industrial support so that counties come up with industrial products for export and domestic consumption. When that happens, we will easily realize industrial development. So, I support and appeal to the Government to ensure that the Kenol-Makutano-Sagana Road becomes a dual carriage road so that people in Kirinyaga, Mwea, Embu and the surrounding regions in Mt. Kenya East find it easy to transport their produce. They should also be able to import industrial machinery so that we are able to produce what is important in our country.

The Deputy Speaker (Sen. Kembi-Gitura): Order Sen. Karaba. You are taking advantage of the fact that I am sitting at the Chair. Are you not?

Sen. Karaba: I am contributing to the industrial development of Mt. Kenya region.

Thank you and I support.

The Deputy Speaker (Sen. Kembi-Gitura): Order Senators. Let me just make a clarification, that when I proposed the question, it was to propose the question:-

THAT The County Industrial Development Bill (Senate Bill No. 7 of 2014) be read a third time.

That is the way I should have proposed it. I apologize for that oversight because it has been a long afternoon for all of us.

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I stand corrected but I thought we had not reached there because we were agreeing with the report, then we would vote on that and then I would move that it be read a third time.

(The Deputy Speaker consulted with the Clerks-at-the-Table)

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Eng.) Muriuki, I thought what you are saying is correct but the Clerks-at-the-Table advised me that we had moved to where I said we are now. Did we do the “as many as of that opinion?”

Sen. (Eng.) Muriuki: No, Mr. Deputy Speaker, Sir. We have skipped “to agree with the report”.

The Deputy Speaker (Sen. Kembi-Gitura): That is what I thought. I think it is the Clerk who misled me on that point but never mind. My view is that we were at the point where I was putting the question on the agreement to report.

So, hon. Senators, let us get this correct and correct the HANSARD completely so that we are not wrong on this one. The question I had proposed and put which has been debated was that:-

“The House do agree with the Committee on the said report”.

Am I right?

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

The Deputy Speaker (Sen. Kembi-Gitura): That is what I thought.

(Question put and agreed to)

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I beg to move:-

THAT The County Industrial Development Bill (Senate Bill No. 7 of 2014) be now read a third time.

Mr. Deputy Speaker, Sir, I will ask Sen. Karaba to second and before I do so, allow me to mention that when it comes to industrialization and export, tea as a product, Kenya as a country in terms of the amount of tea exported to the world and in quality. Countries in Europe including Britain do not feature because they do not have any tea. When you start statistics of who exports most, not so much in terms of quantity but the amount of money earned, then you find countries like Britain, in fact Britain is currently number two closely behind Kenya and the others because they add value to the tea we give them.

Mr. Deputy Speaker, Sir, I wish to ask Sen. Karaba to second.

Sen. Karaba seconded.

(Question proposed)

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I wish to request that putting of the question be deferred until another day.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): So ordered.

(Putting of the question on the Third Reading deferred)

Next Order!

MOTIONS

ADOPTION OF MEDIATION COMMITTEE REPORT ON THE
NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL
(NATIONAL ASSEMBLY BILL NO. 42 OF 2013)

Sen. Wangari: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, the Senate adopts the Report of the Mediation Committee on the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013), laid on the table of the House on Thursday, 3rd December, 2015.

This is a simple Motion. This Bill has gone through a long process. It originated from the National Assembly, was brought to the Senate for the first time in 2014 and has been pending. It is a Bill that seeks to establish an authority to deal with drought. We had amendments and according to Article 113 of the Constitution, the two Houses constituted a Mediation Committee whose membership was ten. The Members were: Hon. Joyce Emanika, Hon. (Dr.) Otichilo, Hon. Chachu Ganya, who is the Mover of the Bill, Hon. Juma Zulekha, Hon. Elmi Mohammed Ibrahim, Sen. Fatuma Dullo, Sen. (Prof.) John Lonyangapuo, Sen. Martha Wangari, Sen. Abdirahman Hassan and Sen. Danson Mwazo Mwakulegwa. It was an interesting Mediation Committee because we only met once and agreed on all the contentious issues.

I want to note that when this Bill went to the National Assembly, with recommendations and amendments from the Senate, we only had one sticking issue, which is the establishment of offices for the authority in the counties. When the Bill came to the Senate, it had no input at all from the county assemblies and the Senators felt that we needed to include membership from the Council of Governors (COG), so that we have representation especially in the board. Others felt that we needed to establish offices in the counties. We were able to hold a successful meeting on 2nd December, whose minutes we have attached to the Report. We ironed out the sticky issue of Clause 4 (a).

Mr. Deputy Speaker, Sir, this Motion is asking the House to agree with the Mediation Committee on the amended Bill, so that we can fast-track it and it goes through the remaining procedures and stages in terms of becoming law. It is quite commendable that we were able to agree within one session. We had hard-line positions but reached a compromise position for the two Houses. All of us agreed that this is the right way that the Bill should be processed to become law.

I beg to move that the Report be adopted by this House and request Sen. Karaba to second the Motion.

Sen. Karaba: Mr. Deputy Speaker, Sir, I beg to second.

(Question proposed)

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, thank you for giving me a chance to support this Report and thank the Members of both Houses; the National Assembly and the Senate who sat in this Mediation Committee. It is gratifying to note that the culture of mediating differences of legislative opinion, as anticipated in the Constitution, is taking root. When we started in 2013, it was not easy, but now it is common that either the two Houses will concur or where they do not concur, the Mediation Committee has worked harmoniously to resolve outstanding issues and table a report, which is adopted unanimously in most cases by both Houses. I want to commend colleagues who sat in this Committee for finding consensus. This Bill is extremely important and urgent for Kenya. It is expected that the passage of this law will unlock many of opportunities for this country.

I support and thank those who made this consensus possible.

The Deputy Speaker (Sen. Kembi-Gitura): This is a matter that obviously affects counties because it was on the consideration of the Bill. Therefore, let Sen. Wangari reply before we proceed.

Sen. Wangari: Mr. Deputy Speaker, Sir, I thank all the Members who made this possible and echo the words of the Senate Majority Leader in terms of building consensus. We should strive to see mediation as a good process because it enriches the Bills and makes it better. I hope that we will be more open-minded as we deal with other Bills.

I beg to reply and request that under Standing Orders No.54(3), that the Question be put to tomorrow.

(Putting of the Question on the Motion deferred)

The Deputy Speaker (Sen. Kembi-Gitura): Next order.

ADOPTION OF REPORT OF SELECT COMMITTEE
ON COUNTY HEADQUARTERS

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House adopts the Report of the Ad-Hoc Select Committee on County Headquarters laid on the Table of the House of the Senate on Thursday, 3rd December, 2015.

Mr. Deputy Speaker, Sir, many of the problems counties are facing on headquarters were discussed during the formation of this Committee. Therefore, I will not go into that. It will suffice to say that the Committee was formed and we looked into the headquarters of all the 47 counties. We talked to the stakeholders and visited many of them. We also talked with Government agencies like the Ministry of Works, Transition Authority (TA), Committee on Implementation of the Constitution (CIC) and many others. We eventually came up with a report. The gist of it was that we recommended 11 counties to be supported.

We classified all the counties. We have Class A which need a lot of support, Class B, which needed little support and Class C who did not have a problem. We also classified Class AA which really needed support immediately which included Nyandarua,

Isiolo, Tharaka-Nithi, Lamu and Tana River counties. We recommended that they be given conditional grant of Kshs800 million.

I am glad to mention that the Commission on Revenue Allocation (CRA), who were among the big public bodies we consulted, bought into our draft report and have factored in the Kshs800million per each of those counties. It is, therefore, very important for this report to be approved by the House because the Cabinet Secretary in charge of Treasury has agreed in principle to support it.

The Government had seen the need to support some of the counties and set aside a huge amount of money for that purpose. However, the CIC headed by Mr. Nyachae said that it was unconstitutional and that is why it was not implemented. We now hope that we can move forward.

I beg to move and ask Sen. (Prof.) Kinidiki to second.

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Deputy Speaker, Sir, I beg to second this Motion and thank Sen. (Eng.) Muriuki and the team that did a wonderful job. There are some counties that have no infrastructure at all but we also know that many counties, if not all, would require some form of support to improve the infrastructure at the county headquarters. So, the good thing that the report of this Committee has done is to categorize the needs so that progressively, each county, hopefully in the long term can be assisted.

Mr. Deputy Speaker, Sir, it is important to note the five most needy counties, namely; Tharaka-Nithi, Nyandarua, Tana River, Lamu and Isiolo; there is consensus even among other Government agencies like the Commission on Revenue Allocation (CRA) and even the National Treasury that these ones require urgent attention. We hope that through this budget, now that the Budget Policy Statement (BPS) will be tabled next week, both Houses will agree that these counties receive Kshs800 million each so that they can start the basic infrastructural development. I am sure that we will fight next year and the years ahead for the other counties that are in the next categories to ensure that at least every county is supported to improve their infrastructure at the county headquarters.

Mr. Deputy Speaker, Sir, with those remarks, I beg to second.

(Question proposed)

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, there is no request for the Floor. So, Sen. (Eng.) Muriuki, can I put the question?

Sen. (Eng.) Muriuki: Mr. Deputy Speaker, Sir, I only wish to reply to the hon. Senator who seconded. It is important for the House to adopt this Report, more so because we are now talking about five counties, there are other six which are in the second category and it has been agreed that they should be supported next time.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to request that you defer putting of the question to another day pursuant to Standing Order No. 54(3).

The Deputy Speaker (Sen. Kembi-Gitura): It is so ordered.

(Putting of the question on the Motion deferred)

Hon. Senators, we can move on to the next Order which is The Persons with Disabilities (Amendment) Bill (Senate Bill No. 13 of 2015) by Sen. Omondi. She will have one minute to contribute before adjournment time.

Next Order.

BILL

Second Reading

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

Sen. Omondi: Mr. Deputy Speaker, Sir, I beg to move The Persons with Disabilities (Amendment) Bill (Senate Bill No. 13 of 2015). The principal object of the Bill is to amend the Persons with Disabilities Act, No.14 of 2013, with a view to provide for the obligations of the national and county government in ensuring the wellbeing of persons with disabilities.

Mr. Deputy Speaker, Sir, Article 54(1) of the Constitution provides for the rights of persons with disabilities, including the right to access social amenities and the right to be treated with dignity and respect. The two levels of government have an obligation to ensure that persons with disabilities are protected and the requirements of Article 54(1) of the Constitution are met. Currently, matters relating to persons with disabilities are dealt with by the National Council for Persons with Disabilities (NCPD) established under Section 4 of Persons with Disabilities Act. However, there are no structures at the county level to ensure the well-being of persons with disabilities. This Bill, therefore, seeks to amend the Act to provide a legal framework for dealing with matters affecting persons with disabilities at the county level and to revise the composition of the Council to reflect the devolved system of government and parastatal reforms.

Mr. Deputy Speaker, Sir, the Bill, therefore, imposes general obligation on the national and county governments. In the first instance, the Bill obligates the national Government to:-

(1) Develop policies on the protection and promotion of the welfare of persons with disabilities---

The Deputy Speaker (Sen. Kembi-Gitura): Order, Senator.

Sen. Omondi, when we resume debate on the Bill, you will have 58 minutes to move it.

ADJOURNMENT

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, it is now 6.30 p.m., time to adjourn the Senate. The Senate is adjourned until tomorrow, Thursday, 25th February, 2016, at 2.30 p.m.

The Senate rose at 6.30 p.m.